

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, 4 December 1992
Continued from 27/11/92

TRANSCRIPT OF PROCEEDINGS

Unedited

MR SHIRLEY: No changes in appearances from the TPOA, thank you, sir.

MR C. WILLINGHAM: Good morning, Mr Commissioner. CLIVE WILLINGHAM, appearing with **MRS WENDY BURGESS** for the Minister administering the State Service Act.

COMMISSIONER IMLACH: Thanks, Mr Willingham. No other changes? Right. Mr Shirley?

MR SHIRLEY: No, sir. Thank you, sir. I'd like to indicate again as for the previous hearings that in accordance with the procedure established that witness statements were faxed to the parties - to the Office of Industrial Relations, to yourself, sir, and to the TPSA outlining the witnesses intended to be called today and a range of the matters that will be considered in the work value period, that by way of assisting the commission a schedule of witnesses has been developed - I believe you have a copy of that - indicating the name of the witness and the area in which they intend to give evidence, and unfortunately haven't been able to put times to that. In discussions with Mr Willingham on a previous occasion we indicated that three witnesses will probably be a day's work. We've listed a fourth on the basis of a stand-by witness and if we get that far. So it's a schedule of tentative witnesses and if we get to four well and good. If not, well I could be adjourned till the next hearing. Thank you, sir.

If there are no other matters, then I'd like call our witness for the reception area, Prison Officer George Tims.

GEORGE TIMS, sworn:

MR SHIRLEY: Thank you, Prison Officer Tims. Is your name George Tims?... It is.

And is your rank Prison Officer?... It is.

And is it the case that you have 26 years as a prison officer in the Risdon Prison?... It is.

With 17 years rostered in reception and 9 years rostered in the other areas of the Risdon complex?... That is correct.

Thank you. Just by way of background for the commission are you able to indicate to the commissioner the number of inmates processed, say, over the last 12 months, those coming into the prison and those going out?... Those inmates received new or

on transfer from Launceston we processed 1,647 in 12 months. Those being discharged and on transfer to Launceston farms, et cetera, 1,674. Processed from division to division, 1,527. A total of over four and a half thousand.

Good. Thank you. And also by way of background information, are you able to indicate the number of staff that worked in the reception area in 1978?... There was a total of four -

Right?... - four day workers, 8.00 to 5.00; two on of a weekend.

Good. And the numbers of staff employed there as at this year?... Only two.

Two staff. Are they day workers?... Yes.

Good. Thank you. Prison Officer Tims, you'd be aware that this is a work value case and in general terms we're looking at changes to your duties, your responsibilities occurring after 1984, and so I'll ask you some questions in relation to work practices that have occurred from that time or changes that have occurred since 1984?... Right.

Thank you. Can you indicate if there have been introduction to - introduction of computers into the reception area and what impact that has on your duties?... MAPPER was introduced 1890 - sorry, 1986. No training has been given on the computer. It was the idea that the computer would then cut down our work load but unfortunately due to the unreliability of the computer, we also have to manually keep lists - write lists.

Do you keep a manual backup of all matters processed through reception?... All matters - handwritten documents are kept. Extra printouts are kept in case the computer has gone down and we can't get the info that we require urgently.

Right. What sorts of items - matters are recorded both on the computer and in these backup ledgers?... Description, next of kin, property.

Good. Thank you. Was a filing system introduced in the work value period?... Yes, we found it necessary to compile a file on each inmate containing property, next of kin, description, sentence, et cetera, therefore - again, in case the computer broke down. The personal file is extremely handy in cases of escape. We have access to descriptions straight off.

Good. I'll get you to have a look at a document and perhaps if I can just pause for a moment, Mr Commissioner. I believe on the last occasion we marked the witness statements that were faxed to the parties as exhibits. Perhaps if they could

be done for the four witnesses that have been circulated to the parties. I believe the next exhibit number is TPOA.30.

COMMISSIONER IMLACH: Now, what are you saying there? Those ones that we received, do you want to number them?

MR SHIRLEY: Please. I believe that has been the procedure for the previous witness statements that have been faxed to the parties.

COMMISSIONER IMLACH: Right. Well, which one will we start with?

MR SHIRLEY: Reception, if that's convenient, sir.

COMMISSIONER IMLACH: Yes. And, what was it again?

MR SHIRLEY: TPOA.30, I believe.

COMMISSIONER IMLACH: And does that mean the next one, Prison Officer Brassington-Bell is going to be 31, or do you want -

MR SHIRLEY: Yes.

COMMISSIONER IMLACH: Right. TPOA.31. Prison Officer Van Kastell, 32, and Prison Officer Jan Shaw, 33.

MR SHIRLEY: Thirty three. Thank you. Prison Officer Tims, I will get you to look at this document.

COMMISSIONER IMLACH: Thirty four.

MR SHIRLEY: Thank you.

The title of that document is Description Sheet, is it not?... Yes.

Could you explain to the commissioner when this was introduced and the function of this document?... Well, actually the Description Sheet, Next of Kin, has always been in use, but the new part is that we have to enter all info on the sheet into the computer.

Good. Thank you. Do inmates bring property into the prison?... They do. All clothing, valuables, monies, are recorded on a property sheet and when time permits that is also entered into the MAPPER computer system.

I'll get you to have a look at this next document.

COMMISSIONER IMLACH: TPOA. 35.

MR SHIRLEY: Is that document titled, Prisoners Property?... It is.

And is that a new activity commencing after 1984?... We've always had to have a property sheet, but the new part is it has to be entered into MAPPER.

Good. Thank you. Have there been items that inmates are now allowed to receive that prior to 1984 they weren't allowed to receive?... Radios, electric shavers, and computer games such as Atari and Seiko.

Good. Thank you. Now, is there a form required for the processing of these items?... All items are entered up into ledgers, and also an indemnity form is signed by the inmate who accepts the responsibility in the case of any loss of damage.

Good. Can I get you to have a look at this document.

COMMISSIONER IMLACH: You had better tell me what they are as we go, Mr Shirley.

MR SHIRLEY: The next document hasn't a title, as such, sir, but the first sentence reads:

I, prisonerrequest that the articles listed below be issued to me from my private property held by the Prison Department.

Is that the form that you have in front of you, Prison Officer Tims ?... It is.

COMMISSIONER IMLACH: TPOA.36.

MR SHIRLEY: Thank you, sir.

Is this form the one that is filled out by yourself when there's transfer of property between the inmate's property and them taking it into their own custody?... It is. A duplicate copy is made which is held in his personal file. He takes the original to the cell as proof that he does own that article.

Good. Thank you. Are you able to indicate whether there was some change in practices introduced by administration regarding inmate identity introduced in the work value period?... In 1984 photographs were introduced. We take two of each new arrival, one is kept on his prison record in the records section, one is retained in reception and used when that inmate goes on a transfer, to court, hospital, or whatever, in case of escape.

Good. And did I understand you to say that the photographs are taken by officers in reception?... This is true.

Right. And it was introduced after 1984, did you say?... It was.

Right. Thank you. Are inmates required to answer particular questions when they are received into custody?... They are.

And, is this a new practice that has been introduced, and if so when was that introduced?... It was introduced I think in 1986. It was a questionnaire drawn up mostly by the medical staff at the prison hospital. It is an assessment sheet which we have to ask the inmate various questions to determine whether he is okay to go up to the yards, whether he is suicidal, etc.

Depending on the responses to these questions by the inmate, what action do you take in relation to the inmate?... If he is okay and shows no sign of fear he's processed, sent to the divisions. If we are in doubt, he could be suicidal or whatever, the hospital is notified and we send him to the hospital.

And you find that information out by asking the inmate, is that correct?... This is true. A series of questions: Are you worried about your own personal safety?; Have you recently thought about taking your own life? And, if I could add, that when the hospital staff were employed at the hospital they received a week's training into the insight of mentally handicapped, or whatever. Reception has had no training whatsoever in dealing with the mentally handicapped.

Right. So, is it fair to summarise by saying that you classify or allocate inmates, depending on the questions - the answer to the questions - into different areas of the prison?... This true. If they are on remand we send them to the remand yard; the sentenced, we allocate a yard and work area.

Good. Thank you. I will get you to have a look at this document. Is that document, titled Corrective Services Tasmania and then the next line: Personal Data for Reception into Custody?... It is.

COMMISSIONER IMLACH: TPOA.37.

MR SHIRLEY: Thank you, sir.

And is that the document you have just referred to?... It is.

Good. Thank you. Is it the case that inmates receive rations as they come into prison?... It is. Every inmate receives a ration of either tobacco or chocolate, and we now have to record the issues that we make. Also record rations that are drawn from the store. This is kept in a separate book, one for chocolate one for tobacco.

Is that because inmates are given a certain amounts of items in a week or a fortnight, or whatever period?... I think it is mostly because there was never any record of any issue kept. So it was decided by administration that records should be kept.

Right. And are you expected to account for the stocks coming in?... We are.

Right - of both chocolates and tobacco?... Yes.

Right. At any stage do you take responsibility for the release of prisoners?... We now take responsibility for release of all inmates. It was the responsibility of the 6.00 to 2.00 duty chief, but it was found that releasing at 6.00 am transport problems, shops weren't open, plus the 6.00 to 2.00 chiefs didn't like to handle money and property. So it has turned over to reception to release inmates between the hours of 10.00 and 11.00 am each morning.

Right. And what functions do you have in relation to inmates being discharged at that time?... The night previous to, or prior, the discharge diary is checked for inmates going out the next morning, gate passes are typed and rechecked. These are also checked against a computer read-out of discharges. The following morning the inmate is called to reception at approximately 9.45, he is changed into his own clothing, he checks his property, we get a signature stating that everything is his and are correct. A photograph of the inmate is then attached to the gate pass which has been signed by the deputy chief superintendent, and he is escorted to the main gate and released.

Good. Thank you. And I am not sure I specifically asked you, but with - going back to the provisions and the ledger - when was that introduced, or when did you assume those duties?... I am not quite sure of the date there.

Was it during the period, was it after 1984?... After 1984, yes.

Good. Thank you. And, insofar as the evidence you've just given for inmates and the procedure for release, when did you take over that activity?... After '84.

After '84. Thank you. Has there been a change to your duties and responsibilities insofar as weekend and public holiday work is concerned?... Yes, well now that reception has a chief in charge of reception on public holidays - for example, Christmas and Easter - we have to take over the responsibility of the chief in charge of reception. Such duties as the court books, diaries, release diaries, all other work that the duty chief normally does on a weekday. Muster boards, everything.

Good. Do you also have the function of discharging inmates on weekends and public holidays?... We do. We also receive weekends and public holidays new inmates either on remand or on sentence.

And this activity was introduced or taken over by officers commencing after 1984?... After '84.

Good. Thank you. And did I understand you to say that that was also weekend work as well as public holidays?... Yes, as well.

Good. Thank you. Do you have any functions in relation to Commonwealth Employment Service cheques?... We do. CES cheques were handled by welfare, but then this duty was handed over to reception. Roughly a fortnight prior to release the inmates attend welfare. Particulars are taken then and this info is sent to CES who in turn send the cheques back to welfare. The welfare ladies then bring the cheques to reception where we issue to inmates on release.

And do you need to produce any documentation in relation to those cheques when the cheques are handed over?... Yes, we have to fill out an application form for a CES cheque for the inmate, upon his release he has to sign that one. We retain that one. He also signs for the cheque, we keep that slip, those slips are returned to welfare who in turn return the sheets to CES.

Good. Thank you. You have already talked about passes, movement passes, do you require - are you required - to take any further action on movement passes?... Any inmate attending reception has to do so on a movement pass, or a green slip. His departure time from the yard or workshop is noted, and any discrepancy is noted, reported to the duty chief or security for investigation.

Do you conduct that investigation?... We do.

Right. Thank you. Perhaps -

I have just got a little bit ahead of myself, sir. If I can just hand Prison Officer Tims a document in relation to the CES matter that we have just talked about.

COMMISSIONER IMLACH: TPOA.38, Introduction of Applicant.

MR SHIRLEY: Thank you, sir.

That is the form, is it not, Prison Officer Tims?... Yes.

Thank you. And if you could just take the commissioner through that document and indicate, or confirm that they are the activities that you perform in relation to the handing over of cheques?... This is the form that we have to fill out. The inmate's full name, his date of birth and address, when his sentence started and his date of release. We then get the inmate to sign the application.

Good. Thank you. Can I ask you whether or not you have any role insofar as travel expenses for inmates are concerned?... Yes, we were receiving - especially over holidays - those on non-payment of fine for one or 2 days, 3 days, and on release found that they didn't have any money for travel to Hobart or whatever, so a system was introduced. Those going out without any money to Hobart received an amount of \$4.00 that enabled them to reach town and have a cup of coffee, or whatever. \$6.00 to Launceston, \$8.00 for the north west coast.

Good. Thank you?... This is also recorded in a ledger, a new ledger, and a cash receipt obtained which are handed back to the main office - because we have to keep a float of \$40.

Is that a cash float?... Yes, cash float.

Thank you. And are you required to balance and reconcile that amount?... We are.

Good. Thank you. And can you indicate when that was a duty and responsibility that you were required to undertake?... After '84.

After '84. Thank you. And have you any role insofar as the replacement of inmate's clothes in relation to showering activities?... The inmates used to shower Mondays, Wednesdays and Fridays, but now it is 7 days a week, so the two officers have to supervise the showering, the cleaning of the showers, the return of dirty clothing to the laundry, and the clean clothing from the laundry to be issued to the inmates on shower days.

Good. Thank you. And when you say officers, these are officers from reception?... Yes.

Thank you. And when was that introduced?... After '84.

After '84. Thank you. I'll get you to have a look at another document. Is this document titled Reception?... It is.

And who prepared this document?... It was prepared by myself.

Right. And what's it relate to?... All the duties of reception officers, am, pm, weekends, in fact all duties carried out by reception.

Right.

COMMISSIONER IMLACH: TPOA.39.

MR SHIRLEY: And these are the functions that you carry out insofar as the day to day activities in the reception area?... Yes, it is.

Okay. I'll show you another document. Does this document refer to the Procedures of Reception in the morning shift, the am shift?... It does.

And who prepared this document?... It was prepared by myself.

Right.

COMMISSIONER IMLACH: TPOA.40.

MR SHIRLEY: And once again this relates to your duties, your activities in reception in the morning shift. Is that correct?... It does.

Thank you. I will show you a further document. Now this document commences at page 8, and in the top left hand corner has PM on that?... Yes, that's right.

Can you explain what that document is about?... All the duties carried out by reception officers after midday.

Right. And is it an extension of the previous document that I handed to you which was titled Procedures of Reception, TPOA.40?... Yes.

Good. Thank you.

COMMISSIONER IMLACH: TPOA.41.

MR SHIRLEY: And who prepared that document?... I did.

Good. Thank you. I'll show you a further document. Is this one titled Reception: Weekends?... It is.

And who prepared this?... I did.

Right. And what's it relate to?... The duties of reception officers at weekends.

Right. Thank you.

COMMISSIONER IMLACH: TPOA.42.

MR SHIRLEY: Thank you, sir.

And I will show you one further document. Is this document entitled Reception?... It is.

And have you had any input into preparing this document?... Yes, I put all the input.

You provided all the information for this document?... I did.

Good. And does your name appear on the last page of that document?... It does.

And is it a summary of the activities conducted in the reception area in the work value period?... It does.

Good. Thank you.

COMMISSIONER IMLACH: TPOA.43.

MR SHIRLEY: Thank you, sir. If you could just excuse me for a moment, please, Mr Commissioner?

Thank you, Mr Commissioner, no further questions.

COMMISSIONER IMLACH: Right. Mr Willingham?

MR WILLINGHAM: Mr Commissioner, I wonder prior to commencing what will likely be a very extensive and long cross-examination of Mr Tims, if with your indulgence, Mr Tims could be excused from the courtroom at the moment while I address the commission on a number of procedural matters.

COMMISSIONER IMLACH: Yes; sure. Will you excuse us for a minute please, Mr Tims? Some technicality is going to be raised - I presume. Thank you.

MR WILLINGHAM: Well, commissioner, thank you for that. I noted your continued use of the word technicalities with matters that I tend to raise with the commission which give rise of concern to the minister's representative. Technical or otherwise, I'll continue to raise them, and you'll continue to make rulings according to how you see my submissions.

However, I want to draw to your attention, commissioner, exhibits 39 through to 43, which were tendered to the commission at the end of evidence-in-chief.

Questioning on those exhibits was limited only to asking the witness if he was able to recognise and validate the documentation and its source.

Now I haven't even had time to count the pages, but there must be something like 30 pages which you will have noted are absolutely chock full of facts.

For instance, if I could take you to exhibit TPOA.41. Now the very first page of that purports to be what would read as an exceptionally detailed piece by piece description of the duties carried out by Prison Officer Tims - bearing in mind that Prison Officer Tims as I understood it said that he not only prepared this document but also that it applied directly to him.

Now, the purpose of my raising this question with you, commissioner, is I don't have any problem with not being provided with documentation ahead of the event; that's a matter for the applicants to conduct their case as they see fit. But it presents me with a problem.

I either need now to take a 2 hour adjournment to read this and consult with my colleagues about the veracity of what's put there, or I can sit the witness down there for the rest of the day and go through every single line, every single word of those six documents and examine him on that, and then I'll get back to the evidence that was adduced prior to their tendering.

Now if that's going to be seen as technical, if that's going to be seen as being difficult, I am sorry, but when you're presented with a document upon which the witness was not in any way examined, the commission is entitled to - not only entitled to, will - will accept as best evidence these documents unless we go to them.

So my problem is, if indeed it is a problem at all for me, is that the process of today I am afraid is going to be incredibly prolonged unless we recall Mr Tims at a later date when I've had sufficient opportunity to go through this material and find out exactly what it is I need to examine him upon.

But it is not, in my view, it is not in my view common, and it certainly is not in my view common courtesy for this preponderance of material of this detailed nature to be tendered under such circumstances when the anticipation is that we will try and expedite the questioning of witnesses in an efficacious manner as possible.

Now I just don't think this is conducive to that sort of process.

Those are the comments that I wanted to raise with you, commissioner, and I am quite happy to sit here for the rest of the day and do what I need to do with Mr Tims, and it will be a very extensive process, because I'll have to work it through as I go.

COMMISSIONER IMLACH: Mr Willingham, first of all as to the taking of technicalities, or the use of that word by me in

particular, whilst I may have used it with some feeling in previous hearings, today in particular I was using it as a fact, and as a legitimate point for you to raise, because it seems to me there is definitely substance in what you're saying. I just want to make that point before we go any further - that I don't use the term technicality this morning in any negative sense at all. It's just - I think you're quite within your rights in raising this point now as you have. And, as I said, I think there's some substance in what you are saying, and it seems to me without hearing what the other party is saying and without hearing what you yourself say as a result of this, that it may be advisable to adjourn Mr Tims as a witness so you can canvass what's in these documents - I think that would be fair and reasonable. In other words, I accept the - the technicality that you've raised.

On the other hand, it seems to me that the details in these documents are great - greater detail on the points that were - that Mr Tims has been led through by Mr Shirley. In other words, I would expect or presume that if you read through these documents that there may be very few that are going to change my perception of what Mr Tims put to me.

MR WILLINGHAM: I understand that, commissioner, and it may well be that my perception would - would be as yours once I'd finished the examination. But again, if I might, just by way of discussion, refer you back to exhibit TPOA.41, if you have a look at, say, the first page, the second page and the third page which are actually number 8, 9, and 10 on the exhibit, you'll see something like about 50 or 60 dot points there. If you go to the next page there's probably about another 20.

My point is this, commissioner, for instance, I might say because this is a work value case and the evidence that has been adduced by Mr Shirley purports to go to changes that have occurred in the duties of a prison officer. Now I would want to say to Mr Tims for instance, that dot point 1 on the first page of exhibit 41 - check classifications book - well is that a new duty? Did it happen before 1984 or didn't it? Ring divisions for those required for classification - I mean what part of this is purported to be evidence of change and by extension perhaps contributin to work value change and which part of it is just an iteration of the duties of a prison officer that may have been there from time immemorial? I don't know what the differentiation is and I can't afford to let it go through to the keeper. And Mr - Mr Shirley and certainly the association have made no attempt to distinguish on these documents that part which is no more than a statement of unchanged fact and that part which is pertinent to their case before the commission. Now if they don't do it and the commission doesn't get any sort of challenge or examination from me, the commission will, under the rules of evidence and

the procedures of the case, accept that at its face value as best evidence.

COMMISSIONER IMLACH: Well I would accept these as the duties of reception and only those items that Mr Shirley has specifically elicited from Mr Tims as being changes. That's how I see it on the face of it.

MR WILLINGHAM: Well, yes, look I would not necessarily disagree with your construction of that, commissioner, but even that much hasn't been put before you.

COMMISSIONER IMLACH: Well perhaps if we go off the record for a minute.

OFF THE RECORD

MR WILLINGHAM: Thank you, commissioner for the short adjournment. If it pleases the commission, and obviously with the consent of the commission, it would be my intention to examine witness Tims in relation to the evidence led by the association this morning, but to reserve further re-examination in relation to the principal cross-examination until sufficient opportunity has been afforded to both myself and my colleagues to go through the somewhat voluminous exhibits that were introduced as part of the evidence-in-chief. It may not be necessary for us to seek leave of the commission to recall witness Tims on the next day of hearing - that is today week - but providing the commission has no difficulty with that and my colleagues have indicated that they don't, we would reserve a right to continue with cross-examination if our perusal of the documents indicated there is a necessity to do so. If the commission pleases.

COMMISSIONER IMLACH: Yes - and have the parties, Mr Willingham, do you think, reached some sort of a consensus as to procedure?

MR WILLINGHAM: Yes, I believe we have, Mr Commissioner, and I make the point as strongly as I can that, particularly Mr Nielsen and myself have been around for quite a long time - Mr Nielsen, as I always acknowledge, probably one of the most experienced and well-versed operators in the state - and I'll continue to run my case as best I can and so will Mr Nielsen, and I would never have any intention of impeding or interfering or even attempting to influence the way that another party runs their case. My prime concern is only to safeguard the way that I run mine, but Mr Nielsen and Mr Shirley have made some suggestions with which I have no difficulty and those suggestions don't compromise the capacity of either the association or the minister to represent their respective cases in the best proper manner.

But I'm sure Mr Shirley will, or Mr Nielsen will put their side of the story.

COMMISSIONER IMLACH: Yes, and I'm pleased about that. Before we call - or recall - the witness, anything else, gentlemen?

MR SHIRLEY: Sir, just to place on record that the association has no objection to Mr Willingham reserving the right to either examine the witness now or adjourn it and have him recalled, and that insofar as the procedure, I think there's some understanding about how we'll proceed and I suppose if there are any more objections you'll find out about them as they arise. Thank you.

MR NIELSEN: I only want to endorse that and I think we have a fairly - fairly clear understanding between the parties, Mr Commissioner, as to how we should proceed.

COMMISSIONER IMLACH: Well I hope that's reflected in the proceedings. All right, well we'll call the next witness - or recall Mr Tims. If he wasn't a nervous case before he will be now.

MR:

MR: That shouldn't have gone on transcript.

MR: Not the time to wear a black hood.

GEORGE TIMS, RECALLED:

COMMISSIONER IMLACH: That was a long time for a technicality wasn't it, Mr Tims?... Too long, too cold.

COMMISSIONER IMLACH: Right, thanks, Mr Willingham.

MR WILLINGHAM: Thank you, commissioner.

Mr Tims, I'm sorry that other matters that I wished to raise with the commission have kept you waiting like this. It wasn't my intention - I hope it hasn't inconvenienced you in any way. Mr Tims, in early evidence in response to a question from Mr Shirley you gave a number of statistics relating to processing of inmates both inwards and outwards and division to division?... Right.

Are you in a position to indicate to the commission whether numerically those figures have varied over the years?... I would say on average we would average at least a thousand over years coming in, but I went through the diary recently and checked up exactly how many came in in the last 12 months.

Well let me ask you, Mr Tims, do you say that the figures, for instance, of prisoners being admitted varies from today - let's say with comparison to 1984?... Most probably it would be roughly the same, but what I was trying to get over was that four handled that many men.

I understand the point that you've raised here, I just wanted to deal with the numbers of inmates being processed at this moment?... Right.

If I could come back to your answer, am I to understand that your view is that the numbers of prisoners being received is approximately the same between now and 1984?... It's hard to answer but I would have to say yes.

Would it then follow that the number of prisoners being discharged and into the divisional transfers would, approximately speaking, be the same?... Yes.

Thank you. In your evidence in relation to staffing, could you just tell me the staffing of the reception area as it is at the moment? You did give this in your evidence and I've just lost track of my notes?... There are only two on reception each day.

When you say only two on each day, do you mean two officers for the 24 hour period?... Yes. Well - well the 8 hour period. We operate from 8 am till 5.00 or until the courts have returned.

So what are you saying, Mr Tims, that there are two officers on at any one time?... Yes.

Thank you. Who's in charge of the reception area, Mr Tims?... Well we have a chief in charge of reception.

Has there always been a chief in charge of reception?... Not always, sir.

Who used to be in charge?... We did have a senior prison officer who was in charge in reception, and that was upgraded to a chief in charge of reception.

Thank you. Now I just turn to the question of computerisation: I think you referred in your evidence to the introduction of the MAPPER system - the MAPPER terminal, I think it is that you have, isn't it?... Yes.

You don't actually have an in-house computer do you?... No.

So you're just linked to the main MAPPER terminal - ?... In town.

- in town. How many - how many visual display terminals do we have in the prison?... In the prison?

Yes - linked to MAPPER?... There are two in reception, one in lower reception where I am, one upstairs in the chief's office and I think there's one over here - I'm not sure.

Right. So in the area that you directly work in, there's one terminal?... Yes.

How many officers operate that?... Two.

That's yourself?... Myself and another reception officer.

What about when you're not there; the other officers don't operate it?... No.

Why is that?... Well they're not trained.

Not trained in what - keyboard work?... In keyboard work and we - we have a password - only authorised officers are allowed into the MAPPER system.

So these - these other officers are officers stationed in the reception area?... Mm.

Was that yes?... Sorry?

These other officers to whom you've just referred that don't operate MAPPER, they are stationed in the reception area?... No.

I'm sorry, I may not have made myself clear - you only work 8 hours a day - ?... Right.

- Mr Tims. When you go off shift another person replaces you?... No, no, no.

You replace another person?... No.

At all - so no-one's in reception at all?... Reception only operates from 8 am until approximately 5.00 each day.

Right - so while ever reception is operating you're there?... Yes.

Seven days a week?... Seven days a week.

You're there? You personally?... Not personally - we are on a rostered system where I have days off.

Okay, well what I'm trying to come to is, when you are not there - when you are not there, who operates the MAPPER terminal?... Oh, I see, I'm sorry, there - there is another

reception officer who is off duty and when he came - when he assumes work, I'm rostered off duty.

So how many officers in total - how many officers in total are rostered to work in your area? How many officers altogether are we talking about?... Three are rostered in reception, but only two are rostered on each day.

At any given time?... At any given time.

Now - and all three of those rostered officers operate the MAPPER terminal?... Yes.

Thank you. Thank you. Now you made - I'm sorry about that - I didn't phrase my question terribly clearly, obviously. Now you made mention of the fact that because of some shortcomings in the MAPPER terminal you have to maintain a manual record system as well?... This is true.

The manual record system that you maintain - is that new?... No, I wouldn't say that's new - we've always had to retain records - manual records.

So would it be correct to say that in terms of the MAPPER terminal that what is processed by the three officers is in fact pretty well a translation of what is currently recorded and always has been manually?... It is.

Thank you. In terms of the - the MAPPER terminal itself there is no requirement for officers to program the MAPPER?... No.

It is confined to keyboard skills alone?... Yes.

Thank you. Now if I could take you please, Mr Tims, to exhibit TPOA.34 - I think you've got a copy of that - that's the one headed Description Sheet and then Prisoner's Name. Do have that before you?...

Oh right, okay. Now I think I understood you to say, Mr Tims, that this - either this form or something closely approximating it has been around for a very long time?... Always has been.

Yes. So in terms of compiling information, nothing has changed?... Nothing has changed that way.

Thank you. Now similarly, if I could take you to what was listed at TPOA exhibit 35 - it is the form headed Prisoners Property?... Right.

And it starts off, I think, commissioner: Item: jacket, trousers, shirts - and so forth. Do you have that, commissioner?

COMMISSIONER IMLACH: Yes.

MR WILLINGHAM: Thank you.

Did I understand you to say that similarly this document or something closely approximating it has been around for a very long time?... Not actually the sheet. We did have a ledger that contained all this information in it.

So in one method or another by manual means the information which is - ?... Still the same.

- contained there has been - there is no change - ?... No.

- the same type of information is required - ?... Same type.

- and is still recorded manually as well as being transposed over to the MAPPER system. Thank you. Now just as a matter of interest, on that question of prisoner's property, I think I understood you to say that some personal property of inmates is now allowed, such as radios - ?... Radios.

- that wasn't allowed in 1984?... That's right.

I don't want to put you on the spot here, but certainly in the 1984 work value case - ?... Right.

- evidence was led by some of your then colleagues - maybe still your colleagues - that in fact radios - prisoner - inmates' radios were permitted?... Right.

Do you have anything to - and you must accept my - ?... Oh yes.

- word that that was the case. Do you think there's a possibility you may have your date wrong?... No, because I looked at the ledger that we write the radios in to make sure it was that date.

Oh?... I'm unaware of that coming up at any other time.

It was raised as - in the context of - I don't want to go too far in this because it's not relevant to your own evidence - but it was raised in the context of the sorts of items that officers were then claiming they had to take custody of and be responsible for the safe keeping of and they referred to things such as radios, sporting shoes, and a variety of other objects and it actually forms part of one of the witness statements. Is it possible that radios in a limited form were permitted prior to 1984 whereas perhaps radios are now widely and in an unlimited fashion available?... Well the only fair answer I could give, maybe a few were allowed in as a trial period.

Okay, well look, nothing too much turns on it, Mr Tims, I just noted that in running. I won't take that one any further at this stage. Just let's go a bit further with this prisoners' property - once you've completed this form - ?... Right.

- that is, exhibit TPOA.35 - ?... Mm.

- it's your personal responsibility as an officer on duty to complete this, is it not?... Yes.

Then what happens to the form from there?... It is kept in the prisoner's personal file that we have in reception. It is necessary when an inmate arrives to obtain a signature for his property straightaway.

Yes?... Normally, under certain circumstances, this would have been done into the MAPPER system but if it's unavailable, this is the only way we have of obtaining a signature straightaway that the property is correct.

Sure, but the prisoner would have to sign - I mean he couldn't sign on MAPPER anyway, could he?... No, but there is a space there for a signature.

What - on MAPPER?... Mm.

How do you sign on MAPPER?... Well that's what we'd like to know.

I understand what you're saying, yes, but I mean the practicalities are that if a prisoner has to sign for a true record of his property, or her property, they have got to do it manually at this stage - ?... Yes.

- to the best of our knowledge - ?... He signs this check.

- about technical innovation - ?... Yes.

- it still has to be done manually?... Mm.

Yes, right. Now once this has been compiled, that is, the property on this form, and has been signed as correct, and the officer has countersigned it, what happens to the property?... His property?

The property?... Each inmate is allocated a locker where his clothing is stored. His valuables are kept in another room, a corresponding number to his locker number. We have sort of a valuables drawer with the same locker number on it and that's locked at all times and kept in there.

And where are these - where are these properties kept?... Actual property?

Yes, where is it kept?... In reception.

It's in reception?... Mm.

And so the responsibility for the safe keeping of the property - ?... Mm.

- lies with those officers manning the reception area?... Yes.

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

Thank you. If we could take you then to - very briefly - to exhibit 36, which is just the acknowledgment form by the prisoner - ?... Right.

- of the articles listed below be issued to me by my private property - so this is, I guess, his requisition slip for his own property, is a way of putting it isn't it?... That's right.

I didn't understand clearly from your evidence how you suggested this particular piece of documentation and the processes that go with it are different - could you just run that past me again please?... Well - excuse me - in the earlier years we had an incoming property book and an outgoing property book. These details were recorded. If an inmate was sent in something and he could have it in his cell he signed the book. So to try to do away with ledgers we now have a property sheet, which is this one here -

Yes?... - that he signs for articles which he can have in his cell.

Would it be then - thank you for that - would it then be fair to say that the process - ?... Is still the same.

- is the same but it's just transferred essentially to single slips from a - from a ledger here?... Yes.

Thank you. You mentioned in your - you mentioned in your evidence that numbered amongst the changes of officers in the reception area was the taking of photographs?... Yes.

Taking photographs of inmates, that is?... Of inmates.

Of inmates. Is it a fact that prison officers have been taking photographs as such prior to 1984?... It is. That was only done by the records officer, not reception.

We talk here of officers in their general sense?... Mm.

Could you describe for the commission the kind of photographic equipment you use for the taking of these photographs?... It's simply a Polaroid camera.

Do you receive any special training or any kind of training in how to use the Polaroid camera?... No, none.

Do you think you would need any?... Not really.

Now the - if I could now take you please, Mr Tims, to exhibit 37, which is the one titled Corrective Services Tasmania - Personal Data for Reception into Custody - this is the questionnaire of incoming inmates?... Incoming.

I'm never really sure what the correct title of - but you know what I mean - incoming inmates?... Yes.

Could you just explain for the commission's benefit and mine, once the inmate has come into your - your area of responsibility, what - what happens? For instance, do you sit the person down and say, right, fill this form in?... No, we ask the inmate all the questions on the sheet personally.

Who fills the answers in?... We do - reception staff do.

Right, okay, that answers my question. In fact I've - so, just to be perfectly clear on that then, if it were you were interviewing me - and I pray to God you never do in these circumstances - you would - you would - you would say to me: Do you wish a relative notified, and - ?... That's correct.

- I would give you information and you would complete the form and tick the yes/no box?... Mm - yes/no.

Thank you. Thank you. In - in what, if any, circumstances is the inmate able to refuse to answer questions, as a matter of passing interest - I mean can an inmate say: I'm not going to give you that information?... Ye, it has been done, yes.

Yes, right?... Yes.

Is it explained to the inmates that in fact it - it is as much for their - in their best interest as it is for the operation of the prison system?... Yes, we always ask that the inmates if they're worried about their own safety, if we can help in any way to avoid any arguments in other yards or whatever, and they're always reminded if they have any problems come back and see us.

I must just take you a bit further with this, because it certainly interests me and I hope would be of value to the commissioner. If, for instance, with this example, a response to one of your questions was: I'm concerned about male rape in the prison - ?... Right.

- I want to be separated, I don't want to run the risk, I've heard all these dreadful stories. What would the reception officer's attitude - what would their approach be under those circumstances?... Well we can ring the hospital and ask if the inmate can be sent down there and be admitted to the hospital or we can ask the duty chief if it's possible for him to be locked in the cell, in the yard, or in N Division for his own safety.

If - if - I mean I suppose I'm drawing to how much discretion you're supposed to exercise, Mr Tims. I mean if - are you sort of - are you allowed to exercise discretion to the extent that you can say, look, I think this person isn't really worried or there isn't really a danger and not have regard for the fears that are expressed or do you have act on the answers?... We have to act, yes, we have to act.

If - if the prisoner believes that your actions in response to the questionnaire are not appropriate, what right of recourse does the - the prisoner have, for instance to the chief or to someone even above the chief? For instance, just to make myself perfectly clear, supposing he says, I'm suicidal - ?... Right.

- and you say, no - perhaps your judgment - perhaps your judgment is this person's trying it on - we know them from old, they're no more suicidal than is the commissioner, we're going to do nothing about it. Does that person have an automatic right to say, well look, I'm sorry Officer Tims, I don't think that's a correct approach, I want to see the duty chief?... Well if the inmate says that he is suicidal we take that seriously and we contact the nursing officer in charge of the hospital for his advice. Now if he says to us he has to go to the hospital under category 'A' or whatever, whichever is the suicidal, that's where he goes.

Yes. I'm just trying to find - and it certainly doesn't impact on your specific duties, Mr Tims, I was just trying to find - okay, let's take that a bit further - if the officer in the hospital says, no, it's a scam, or, no, there's not a problem - ?... Mm.

- and the prisoner - the inmate continues to protest that it is a problem, I'm just trying to find out what - what is available to the prisoner. I mean how do they go over your head? Is it - ?... Well I - I myself would take the matter further to the deputy chief superintendent.

Yes, right. Thank you. Either because of your own concern or the prisoner's or both?... Own concern, yes.

Fine, thank you. And if we could then go to the form which is TPOA.38 which is the one that commences 'To the Manager, CES and Social Security' - and I guess that's the - could be

described as the document which introduces an inmate in relation to payments arising from the Department of Social Security, commissioner. As I understood you to - to put the evidence, that relates to cheques that an inmate might have an entitlement to from either the Commonwealth Employment Service or the Department of Social Security - is that correct?... That's right, yes.

In what circumstances would Commonwealth Employment Service benefits occur for inmates?... Sorry, I'm not quite sure -

Well the - the - the form is - is addressed to the Manager, CES - ?... Right.

- which is Commonwealth Employment Service and Social Security. I'm just trying to distinguish what sort of benefits - it may not be that I'm asking the right person - but what I'm trying to get at is, is it the moment of - or some stage prior to release of an inmate, is there a process by which they can literally register for unemployment benefits?... Yes, that's done through welfare.

When you say welfare, do you mean the Department of Community Welfare or the welfare division of - ?... No, no, our welfare officer in the prison itself.

So the process is that upon gaining knowledge of an imminent release of the prisoner someone activates the process of going through the various federal departments for unemployment benefits?... Well the welfare officers have a printout of who is going out -

Yes?... - and - excuse me - roughly a fortnight before their release, the welfare officers call up that inmate, they fill out the necessary forms that they have - I'm not sure what sort - those forms are then returned to the CES and the cheques come back to welfare who in turn hand us the cheques. We then have to get the inmate to fill out this form - excuse me - and then we have to return this slip to the welfare, who in turn return it to the manager of the CES.

I see, yes. So in terms of what you actually do, it's just - it's just collecting the appropriate - or the relevant prisoner - ?... Yes.

- and just making sure he signs it?... Mm.

Do you need to do anything further than that? You don't have to verify the person's signature - you know - ?... No.

- who he is don't you - or she is?... Yes.

Okay. Now, Mr Tims, in your absence - in your absence the - the commission and myself and your representatives from the

association had a number of discussions relating to the exhibits which are marked 39, 40, 41, 42, and 43. I'm not going to go into detail on them, but they're the ones that commence off 'Description' and they go to duties and so forth, and I think you'd indicated you'd prepared most if not all of them. You should know, Mr Tims, that it may be necessary for you to be recalled at another day of hearing subject to the convenience of the commission by which time we would have had sufficient opportunity to study these matters more carefully - or more carefully than is able for us to be capable of doing now and we may wish to ask you further questions in relation to those. On the other hand, we may not. But could I just ask you the simple question, because it may avoid a lot of subsequent trauma, and - and again I'll just make sure you know the documents I'm talking about. It's - it's exhibit 39 which is headed up Reception and starts off: In the days B.C. (before computer) - it's that document?... Mm. Yes.

Exhibit 40, which says Procedures of Reception and the first lettering is: AM - Court sheets checked for the days - et cetera?... Mm - right.

Exhibit 41, which is headed up page 8, and then goes to PM Mondays Thursdays?... Right.

Exhibit 42, which is headed reception weekends to church services Saturday?... Right.

And the last one - it's exhibit 43 - which I think you indicated you had had input to and your name appears on the bottom of the page 3?... Right.

But that I assume that you didn't personally prepare - that is, you didn't personally write it?... Oh

No. Those documents, are they simply a statement of the duties that you and your like colleagues perform?... It is.

Do any of these documents, apart from the last exhibit - exhibit 43 - do any of these documents in any way purport to go to changes which would affect the work value nature of the association's claim?... The only thing -

Let me ask you a further question - do you say - do you say as the witness, Mr Tims, that the matters which Mr Shirley questioned you on today, and which are contained in this document - Clem, I wonder if you could pass that so Mr Tims can be perfectly clear which document I'm talking about that's all - in your - in your opinion, Mr Tims, are the changes in the duties of a prison officer as they relate to you and your colleagues in reception - are they all enumerated - are they all included - in that document?... In that one there?

Yes. If I were looking, and my colleagues were looking to find the extent and the nature of change in the duties of a prison officer over the period in question, I would need to look no further than that document - is that correct?... No further.

Thank you very much, Mr Tims., Mr Commissioner, I'll seek to address you on that matter at the end of my examination of Mr - Mr Tims.

Now if we could - oh, we've almost finished you'll be glad to know, Mr Tims, I would imagine. If we could just go to the question of travel expenses - or the travel expenses float which I understand is in the custody of your officers. How often do you use that?... Could be once a week, once a month.

Thank you. And I had to ask you the question, and I'm probably going to regret doing it, but I recall you saying that for the purposes of illustration, \$4 was advanced to people being released who lived in the Hobart area, \$6 for Launceston and \$8 for the north west coast. What is the amount of money intended to cover? You said - ?... Travelling expenses from -

Travelling expenses and perhaps a cup of coffee - ?... - from Risdon to Hobart.

How do they get to Launceston on \$6?... Well we issue a travel warrant for those going north. The \$6 and \$8 is just for the fare to reach Hobart to catch the bus and maybe for a coffee or a pie or whatever.

So that the transportation component, no matter where the prisoner being released lives is only the bit that gets them to Hobart on the Redline coach or - ?... To Hobart, yes.

Fine, okay. Now you also dealt with the fact that prisoners now shower - and I guess everyone must be quite grateful for it - more regularly than they used to. I think you said that prisoners used to shower on Mondays, Wednesdays and Fridays and now they shower 7 days a week?... Seven days a week.

Again I think your words suggested that changes had occurred because now there was a - and these are my words - a greater turnaround in dirty and clean clothing?... That's right.

Yes. Would it be correct to summarise your evidence by saying that the change is in fact that there is just more dirty washing and more clean clothing than there used to be?... That would be true, but it means more - more supervising of that operation, that's all.

Yes, Mr Tims, you understand that this is a work value case. In respect of this particular part of your evidence, the

commission would want to be satisfied that the intrinsic skills necessary to do the work have increased to such a significant effect that he should award you a wage increase?... Mm.

What I'm trying to identify with you is that the skills involved in that particular function - ?... They're still the same.

- haven't altered - ?... Same skills.

- merely the volume of work - ?... Oh yes, has increased.

- has changed. Yes, thank you. Now if we could just go to the provisions ledger which I think you explained as including such items as tobacco and chocolate?... Tobacco and chocolates, yes.

For the purposes of completeness, what other items might be included?... That's all.

It is. That's just tobacco and chocolate, is it?... Yes.

And is that record which is kept essentially a stores record, a requisition type record?... Stores record, yes.

And I think you also said - well, in fact, the evidence suggests it's a single ledger?... Yes.

Each inmate has a page?... Oh, no. No, we just record how many chocolates are issued on a certain day.

Okay, look, I'm sorry, not a lot turns on this but again because it helps the commissioner, particularly, and myself, just explain to me the process, let's say, for chocolates. What happens?... Well if an inmate doesn't smoke he can have chocolates. On a Wednesday he's entitled to a full ration which is two chocolates. The date is recorded in the book of issue, two chocolates, new inmate and then the total is left.

So, in fact, there is a store of chocolate or tobacco or whatever is actually kept and then it's just a question of issuing - ?... Issuing to an inmate.

Who arranges for the replenishment of the stores?... We do, reception.

Right. Thank you. And that's done by - what, a requisition to the - to whom?... The deputy chief superintendent.

The name of whom is?... Mr Harris.

Oh, Mr Harris. Right, thank you. Now you also talked about - and, indeed, it's part of your witness statement, Mr Tims, about the release of prisoners and also the terminology has be used as discharge. Is there any difference between release and discharge that we ought to know?... No.

They're the same words basically?... Yes.

Yes, right, okay. I just wasn't sure of that. In what way has the procedure for releasing inmates/prisoners changed in the last 10 years? In what way has it changed?... Well the actual releasing of an inmate used to be done by the 6.00 to 2.00 chief. They were released at 6.00 a.m.

I'm sorry, Mr Tims, I'm leading you astray. I beg your pardon, you made quite clear that whereas they used to be released at 6 o'clock, it's now later in the day and you also indicated that the officer responsible has also changed. But in terms of the processes and the procedures?... It's the same procedure as always but now it's the responsibility of reception to release the inmate and not the chief.

When you say it's not the responsibility of the chief, you actually have a chief in reception anyway, don't you?... Yes.

So it must be assumed, must it not, that if the chief is on duty the chief must accept ultimate responsibility for the officers that he supervises?... True.

That is true?... Mm.

Sorry, you'll have to say 'Yes' or 'No'. It won't pick up a 'Mm'?... If I could try and rephrase, you'll have to excuse me. It was the responsibility of the duty chief to release inmates, not the responsibility of the reception chief to release inmates.

Yes, yes, I understand what you're saying?... The chief in charge of reception -

Let me help if I can. All I'm trying to establish is whether irrespective of who the chief was - ?... Right.

- the chief officer, the procedures and processes relating to discharge were - firstly, I need to know whether they have essentially stayed the same or whether they haven't, and I think you've indicated - well not I think, you have indicated that the procedures are basically the same?... The same, yes.

Now the next thing I want to draw to is who had the hands-on responsibility of giving effect to those processes and procedures? Was it officers at your level or was it the chief?... Officers at my level.

So is it fair to say that the procedures and processes haven't changed and that the officers carrying those processes and procedures out are unchanged?... Unchanged.

Yes, I misled you with the chief because I was - now also, and if we just go back to the question that I was asking. The chief prison officer who is responsible for the reception area ultimately has or must accept the responsibility for the discharge of prisoners. Is that correct?... Well the chief in charge of reception is responsible for the sentences and release dates.

Yes?... So we have to rely on the chief for release dates and all that sort of thing, but it's up to the deputy chief superintendent to actually sign the gate pass for the release of a prisoner.

Fine, thank you very much. That's what I needed. That's - I'm sorry, I'm still not quite familiar with all of the titles?... Mr Harris.

That's Mr Harris again. Yes, thank you. Now just one more to go. It's really - you have to understand everything I do is entirely related to what your association does. If they don't ask you any questions I won't either. If we just go to the issue of weekend and public holiday matters. Now, I was writing furiously at that stage trying to keep up with Mr Shirley's exhibits and I missed detailing the sorts of duties that you and your fellow officers carried out over weekends. Now, first of all, as I would understand it, that is when the chief officer is not on duty?... Is not on duty.

And so the next line of command falls to the prison officers?... In reception.

Yes?... That's right.

What sort of duties would you or your fellow officers in reception carry out on weekends that you would not carry out Monday through to Friday?... We carry out the same duties.

Okay. Fine. Thank you very much, Mr Tims.

Mr Commissioner, it might be appropriate if I indicate to you that based on the answers that Mr Tims was able to give me, quite clearly I don't think there will be a need to recall him either at the next day of sitting or otherwise. He's clearly established a position of the material that was put forward. Unless my colleagues have any difficulty with what fell from Mr Tims in relation to those particular matters, I think we can safely assume that Mr Tims is finished during today's proceedings.

COMMISSIONER IMLACH: Yes. Good, that's good to hear that, Mr Willingham, except you have got one or two more questions yet, Mr Tims. Only one from me. As I understand it, what you have said in answer Mr Tims to the questions is that mainly you're saying to us that there were four operating in reception and now there are only two. Is that right?... Right.

And, again, you are doing the same duties but there have been some changes?... Yes. That's true.

Now when you say there were four and now two, in your evidence you said there were two but three rostered, altogether three, were there four actually working and others rostered, or what, before?... Four actually working Monday to Friday.

Before?... Before. Yes.

All right, thanks, Mr Tims. Mr Shirley?

MR SHIRLEY: Thank you, Mr Commissioner.

Insofar as the change of duties, Mr Willingham asked you whether the figures between 1984 and 1992 had changed for the processing of inmates, and you agreed that there would probably be very little change?... Yes.

Has there been a change in duties in the corresponding period?... There has.

In the reception area?... In the reception area.

Okay. Thank you. You also indicated in response to questions relating to exhibits TPOA.34 and 35 - those exhibits being the description sheet for inmates, 35 Prisoner Property, there hadn't been any change; has there been no change to your duties whatsoever in relation to those two documents?... The sheets are virtually the same, but now our extra duties are transferring this to the MAPPER system.

Right. Okay. Thank you. Insofar as the question relating to radios and whether or not it was raised in the 1984 work value case, I was wondering if you could have a look at - it is document TPOA.1, commissioner. I am not sure if there is a copy to show Mr Tims or not.

COMMISSIONER IMLACH: Technically speaking, that's for you to produce that, Mr Shirley.

MR SHIRLEY: Well I can do that. I'll hand up a copy. It presented to the commission on the first day. I will show you that document. Can I get you to turn to page 7 of that document and perhaps if I can identify the document, Mr Commissioner. It relates to the reasons for decision in this work value case, the previous work value case, by Commissioner

J.G. King on 11 February 1985 in Hobart. Page 7, at the bottom of that, the last paragraph says: A summary of the main changes relied on is as follows, and goes over to page 8 and the second point there says: increased responsibility associated with the recording and security of TV sets allocated to prisoners?... Right.

Do you agree there is no reference there to radios?... I do.

And I think - ?... Radios aren't mentioned.

Good. Thank you. And I believe you said you consulted the ledger, or the register, for radios and you started to give a date. Can you - ?... I was unsure of the date.

Right. Do you believe it to be after 1984?... Eighty-four onwards, yes.

Right. And that was together with some other personal items, was it not?... It was.

Okay. Thank you. You were asked questions about inmate property, where it was located and the like; has it always been the case that you've been responsible for inmate property?... Always.

Okay. Thank you. And you were asked questions about exhibit 36 - TPOA.36 - which refers to the property items, and I believe in response to a question you indicated that the form or a form like this was always about. Is that correct?... Not actually a form, we had two ledgers.

Right?... One for incoming property, one for outgoing property. So to replace the ledgers we now have a sheet.

Right. And does this form relate specifically to inmate personal items?... Yes. To radios, sunglasses, etc.

Good. And when did those items become - or when did administration allow those items to be received by inmates?... After '84.

After '84. Thank you. With reference to the photographs taken, you'll see a reference at the top of page 8 of TPOA.1?... Right.

In the previous work value case photographs taken at the request of prisoners for private use, are the photographs that you referred to and was questioned by Mr Willingham about photos for prisoners' private use, or are they of another kind?

MR WILLINGHAM: Mr Commissioner, if I might, I think that is probably a question - if Mr Shirley is going to ask the

witness what I was referring to - it might be better to ask me rather than the witness. If it is unclear to Mr Shirley perhaps I could assist by re-examining on that point when Mr Shirley has completed.

My question - the reason I ask it - mention it, commissioner - is I merely asked the witness - I am quite explicit on this - was photography - was the taking of photographs - carried out by officers prior to this particular matter, and his answer was 'Yes', and I left it at that.

So, if Mr Shirley is trying to find out what's in my mind, he's asking the wrong person I suspect.

MR SHIRLEY: All right, well I will ask Prison Officer Tims, are you aware of the photographs taken prior to the work value period being undertaken by officers and, if so, what sort of photographs they were, or what was the nature of the photographs?... New inmates were required to have a photograph taken, but this was done by the records officer not by reception. Now it's the task of reception to take photographs of inmates coming in, two copies, one stays in reception, one is attached to his record in the records section. Prisoners have been granted though permission to have private photos taken of them to be sent out to friends, relatives or whoever.

And that request, is that the one that is referred to in page 8 of TPOA.1, to the best of your knowledge?... It is. Yes.

Thank you. So the duty of taking photographs for inmates is a new duty and responsibility of reception officers?... That's right.

From what date?... After '84.

Okay. Thank you.

MR WILLINGHAM: Mr Commissioner, in the break I might still seek the indulgence of the commission to ask one further question as a result of that.

MR SHIRLEY: Insofar as the exhibits TPOA.39 through to 42, they're the statements prepared by yourself, typed by yourself - ?... Yes.

- and do those documents cover both items of change in the work value period?... They do.

And duty statements, statements of duties carried out by reception officers?... They do. They do.

Thank you. Insofar as travelling expense float is concerned, you were asked about the frequency and your response was one per week, one per month; is that fairly typical?... Well, one

week it could be four, then we could not have another one for a month or more.

Right?... It varies from week to week.

Okay. Thank you. Insofar as the showering procedure, have you always undertaken the showering procedure for inmates?... No, that was the duty - when we had four officers on Monday to Friday - that was the duty of the clothing officer, who no longer exists.

What classification or rank was the clothing officer?... Just a prison officer attached to reception.

Right. So one officer was given this particular task?... That's right.

And it is now shared amongst the other officers in reception?... Yes.

Insofar as your responsibilities regarding activities at weekends, public holidays, when the chief prison officer is not present in reception, if you could just explain again the activities you're required to do at those times?... It's up to us on weekends to continue the duties of the chief in charge of reception as far as court diaries, the diary, admissions, discharges. In other words, the normal paper work that the chief would normally do Monday to Friday we take over and continue his work on weekends and public holidays.

The chief prison officer works, what hours in reception?... 8.00 to 5.00, Monday to Friday.

Does the chief have any absences during Monday to Friday?... Quite a few absences: attending meetings, classification, etc.

Okay. And are there release of prisoners, inmates, during that time?... There are.

There are. And you don't wait for the chief prison officer to return?... No.

The inmate is released?... The inmate is released.

Okay. Thank you. Do you have - is it part of the chief's responsibility when he's on - to search the inmates prior to their release?... No.

It's not. Do you conduct that activity?... We do.

Right. Okay.

Excuse me, Mr Commissioner.

You were asked a question about the differences relating to 6.00 to 2.00 duty chief as to now in relation to release of inmates; was it not the case -

MR WILLINGHAM: Objection.

COMMISSIONER IMLACH: What's the objection, Mr Willingham?

MR WILLINGHAM: 'Was it not the case'. I mean, if that's not a lead I don't know what is. I mean, I'll withdraw it, and just wait and see what happens.

COMMISSIONER IMLACH: Have you got a good illustration there?

MR WILLINGHAM: Well, the illustration will come. Mark my words, Mr Commissioner.

MR SHIRLEY: I am not quite sure what the - the objection has been raised as to the question.

MR WILLINGHAM: I said it is withdrawn. I said it is withdrawn.

MR SHIRLEY: I don't believe there is any issue as to relevance. Prison Officer Tims has already indicated that the duties of the 6.00 to 2.00 chief were conducted insofar as releases were concerned, were conducted by the 6.00 to 2.00 chief. That was brought up in examination-in-chief and cross-examination. Mr Willingham asked Officer Tims whether there were any changes to those duties.

MR WILLINGHAM: I am sorry, to what duties, the chief officer's?

MR SHIRLEY: Yes.

MR WILLINGHAM: No, I did not.

MR SHIRLEY: The deputy chief's.

MR WILLINGHAM: No, I didn't. I didn't mention it. And that's the objection. It's not raised in your evidence or mine. We are not here taking evidence -

MR SHIRLEY: About the 6.00 to 2.00 chief? Well, that's raised in evidence-in-chief.

MR WILLINGHAM: The only thing that Mr Tims went to was that the deputy chief was not 8.00 to 5.00.

MR SHIRLEY: And he is now called the chief prison officer.

MR WILLINGHAM: Yes. That's nothing to do with the change of duties of the chief officer. Mr Tims is not competent to talk on it.

MR SHIRLEY: The question relates to the duties of the deputy chief who used to release inmates, and that role has now gone to the - is absorbed by - the chief prison officer in reception and prison officers in reception, as you have already heard Prison Officer Tims talks about, and the question relates to the change in duties.

MR WILLINGHAM: Go on.

MR SHIRLEY: With the 6.00 to 2.00 duty chief responsibilities insofar as the release of prisoners, were prisoner items kept in the duty chief's safe?... Safe. It was.

Right. Has that function transferred to the prison officers in reception or the chief prison officer in reception?... To the staff in reception, not the chief.

Right. So the chief hasn't that responsibility any more?... No.

Okay. Thank you.

Thank you, Mr Commissioner.

COMMISSIONER IMLACH: Yes, you had one question, Mr Willingham.

MR WILLINGHAM: Well, two now, because that was new evidence in relation to the change in the chief's duties - with your permission, commissioner.

But I just want to go to the photographs, and ask Mr Tims if it is a fact that prison officers were required to take photographs both of inmates and for inmates prior to 1984?... No.

Well, can I take you to TPOA.1, which I think on page 7 - that's the document that Mr Shirley handed to you a short while ago?... Page 7?

Is it page 7 or page 8?

MR SHIRLEY: Eight.

MR WILLINGHAM: Does it say there that - a short way down the page - that photography at inmates' request was - ?... At the top.

At the top, is it? You see, I am not reading it, I am just relying on memory. What does it say there, Mr Tims, read it

for me please?... Photographs taken at the request of prisoners for private use.

Right, so that's included in the reasons for decision issued by Commissioner King in 1985 which deals with the work value case up to and including 1984. So, let me ask you this: do you accept that prison officers were required, or could be asked, to take photographs for prisoners prior to 1984?... There was no record of it in reception.

No, I am not asking about whether there is a record in reception, I am asking you if you accept as a fact, as Commissioner King found, that that was something which was carried out by prison officers prior to 1984. I mean, if you don't accept that, then perhaps I should ask you whether you accept any of the other matters that Mr Shirley raised with you that come from that document.

MR SHIRLEY: Prison Officer Tims may not have that knowledge, Mr Commissioner.

MR WILLINGHAM: Well -

COMMISSIONER IMLACH: He just has to say so, that's all.

MR WILLINGHAM: He just has to say so.

MR SHIRLEY: He may not be aware?... Not to my knowledge. Our records start in 1984 of taking photos for prisoners for private use.

MR WILLINGHAM: No, you may be trying to read more into the question than I am asking, Officer Tims. I am asking not whether reception took photographs on behalf of prisoners, I am asking whether prison officers could have been asked to take pictures of prisoners in '84 and prior, as seems to be fairly evident from the decision of Commissioner King. Now if you feel that you're unable to answer it, given the documentation in front of you, as Commissioner Imlach has suggested to you, please say so?... Well, not to my knowledge then.

So, the material that was advanced in that case was defective on that point, to your knowledge, was it?

MR SHIRLEY: Mr Commissioner, Prison Officer Tims hasn't said that. He said to his knowledge he's unaware of that point. He said it two or three times.

COMMISSIONER IMLACH: I understand that, and in answering Mr Willingham he could say that.

MR SHIRLEY: And he said it, 'to my knowledge that hasn't occurred'. But now Mr Willingham is asking him to verify -

COMMISSIONER IMLACH: Yes, well, look, I understand that, Mr Shirley. Mr Willingham can ask the same question 20 times if he wishes, or change it around. It's for the witness to stick to his story, and if I may say, it is not for you to help him stick to his story. Mr Willingham?

MR WILLINGHAM: Thank you, commissioner.

Officer Tims, now my interest has been aroused, let's have a look at that page 8 of Commissioner King's decision a bit more closely. You said in an answer in re-examination from Mr Shirley that - Mr Shirley in fact asked you - did radios appear on that listing, and you said no. Do you recall that part of the - ?... No.

It only happened a few minutes ago?... Yes, but I -

Given your lack of relevant knowledge in relation to photography, do you agree with my assertion that I am just about to put to you that the fact that radios doesn't appear there may not indicate that radios weren't discussed in that case?... I'd have to say yes, it does.

Thank you. Now let's just get to the photography question as it relates to photography of inmates, as distinct from 'for inmates'. You said in an answer to my question in cross-examination that prison officers used to photograph inmates prior to 1984. Was that a correct statement, or was it not?... Yes.

Thank you, Mr Tims. That does conclude my questions.

COMMISSIONER IMLACH: Right. Anything else, Mr Shirley?

MR SHIRLEY: No, thank you, Mr Commissioner.

COMMISSIONER IMLACH: All right. Thanks, Mr Tims. You may go now, if you wish.

MR WILLINGHAM: Excuse me, commissioner, if we could go off record for a moment?

COMMISSIONER IMLACH: Yes.

OFF THE RECORD

MR SHIRLEY: The next witness, Prison Officer Brassington-Bell.

GRAHAM CHARLES BRASSINGTON-BELL, sworn:

MR SHIRLEY: Mr Commissioner, I'll hand the witness a document.

COMMISSIONER IMLACH: Is that TPOA.44?

MR SHIRLEY: It may be, commissioner. Oh, apparently it is.

Prison Officer Brassington-Bell, can I get you to have a look at that document and read that, if you wouldn't mind. Have you seen that document before?... I have.

And have you provided the information?... I did.

For that statement, and is that your name on the second page of that document?... Yes.

Do the matters that are contained within that two page document refer to changes in duties and responsibilities occurring in the hospital for prison officers since 1984?... Yes, they do.

They do? Thank you.

Once again I have got ahead of myself, Mr Commissioner.

Perhaps, Prison Officer Brassington-Bell, if you could give to the commission your full name?... Graham Charles Brassington-Bell.

And your rank is?... Prison Officer.

Right. And would you be able to explain to the commissioner your years of service and experience as a prison officer?... Certainly. I have just not long completed 6 years as a prison officer - 2.1/2 years in the main gaol and about 3.1/2 in the hospital full time.

Okay. Thank you, Mr Brassington-Bell. Can you indicate the occupancy of inmates, the maximum number of inmates that can be housed in the hospital?... Yes, 29.

Good. And are you aware of any average figure that may be appropriate for the hospital?... I could guess at an average of about 22.

And could you quickly indicate for the commissioner the staffing complement at the hospital?... We have nine POs, one senior prison officer, and one chief prison officer.

Right. Now I'll get you to - we'll go through this document - just by way of presenting it to the commission. Can you indicate some of the features of the hospital in relation to,

say, other areas of the prison insofar as inmates are concerned?... Well we have, as far as inmates in particular, we have variations, more variation, or greater variations in the type of inmate in relation to the degrees of security, minimum, medium or maximum. Mental state, they can be mentally ill, physically ill, or not ill at all. We deal with a full-on situation, full contact situation, day to day with no relief post to have time out, as opposed to other posts around the gaol where you have got lots of time out, or in some cases some time out, a little bit of time. We have none of that, it is just a full-on contact all the time. It causes a different stress level for us than it does elsewhere, whereas you might have a constant level in the main gaol, we have that plus extremes of stress because of the containment of various types of inmates in the one institution, and the restricted area they have to move in. We have a lot more situations where there's aggression against each other and against ourselves, so we have to deal with a different - what would you call it - a different working situation than the average prison officer elsewhere in the gaol.

Prison Officer Brassington-Bell, can you indicate the sorts of duties that you are expected to perform, in general terms, whilst working in the hospital?... Yes. Apart from the general security job which we are primarily there for, we do work as sort of an extension to the nurses to some degree where we assist them in any way possible - not so much with the medical side of it - dispensing with pills which we don't do at all, but the psychiatric, psychology - some of the skills we've picked up along the way because we don't have enough medical staff to attend so the first line, you might say, of that sort of work comes from us. We assess the situation and it moves from there. It could go straight to the doctors or stick down to a lower level with the psychiatric nurses, but we adopt those roles. Also other medical roles I suppose, cleaning up messes in cells, blood spills, et cetera, still maintaining the basic job requirement of security.

Has there been a change to security for - or the level of security for prison officers working in the hospital?... Yes, it's changed in that some years ago the area where the prisoners were housed from day to day, the building as such, the area we use was far easier to maintain security over. It's a central corridor with rooms coming off it. More staff to attend to that, less prisoners around. The officers had time in and full contact and they were removed for time out in non-contact post, but the general area was more lock everything up and there wasn't a great deal of programs for the prisoners to do. As it is now they've moved to an area where there's a greater area for the prisoners to move around in, far more activities and far more inmates, so therefore - and less staff - less prison officers anyway. So we have to be more aware of activities in areas where we can't actually

see. We have to move ourselves around from place to place. We have to hone our skills - our observation skills, I suppose, to be much sharper than what they were before - far sharper - greater degree of danger exists.

Is that because inmates have access to other areas of the hospital they didn't have access to previously?... Yes, they have access to activity rooms and yards which were not available before, or available less frequently and as a consequence we can't keep up with a lot of the movements all the time. We just have to move about and leave some areas unobserved for short periods of time.

Those changes, are you able to say when those changes occurred?... It occurred gradually over the last 4 years I would say - 3 or 4 years.

Right. Have there been any changes to practices for prison officers in relation to first aid practices?... The practices are that we supply, I suppose, a first hand - a first on the job situation. If we have an attempted suicide or something we're usually the first there or in most cases we are the first, so if immediate first aid has to come about we have to supply that, whether it be just resuscitation or blood spills or pressure bandage on a cut - there is usually a nurse with us - if not with immediately, the nurse is not far behind us, but we assist. It usually takes more than one person to lift the body down or lift the body up.

What are the nature of first aid responses for prison officers attending to inmates?... What do you mean by 'nature' as such?

What have you found - when you've responded to a situation having to administer first aid? What have been the circumstances that you found the inmate in?... Suicide, slashings perhaps or hangings. They're generally it. Sometimes they've just cut themselves by accident. Only minor things. Usually they don't require an immediate response. In an emergency situation it's something that a nurse can come and fix up at a more leisurely pace, so to speak, but generally speaking it's the suicide precaution where we have to show an immediate response.

Do you - if it is a suicide or - I think you've said there have been cases of hanging - what is your response? How do you respond to that situation?... When someone is found in the process of trying to commit suicide or they've already hung themselves or slashed themselves or whatever, because we do our regular checks on a given time on suicide precaution charts we keep as close an eye as possible, but as soon as someone is spotted there's an emergency - we immediately contact the nurses. We get the emergency key. We make a contact with the main gaol or the chief officer or whoever the senior person in charge is. We get as many officers -

available staff down there and if it's safe enough we'll enter the cell if a person's not going to be a danger to anybody else. If they are we wait till we've got enough staff to handle, if not, we'll go in straightaway and deal with the person if they are perhaps bleeding to death or just about suffocated and we'll act from there.

And when you say you respond to bleeds and suffocation, what do you actually do? What do you physically do?... Physically - stop the bleeding, bandage - apply the bandage, assist the nurse in doing that if the nurse is - there might be more than one cut. They can't handle them all at the one time.

What about a hanging? Are some of the hangings - people have - inmates have been unconscious?... Some cases they are unconscious and you have to - in which case you'll have to get the respirator, set the patient up while the nurse goes to get the respirating equipment. Perhaps if they're not even in that condition, they might be in the process of trying to hang themselves and are reluctant to be stopped - they're quite aggressive, so they might have to be manhandled in some way as to restrain them from further damage to themselves or to us.

And those changes to first aid practices, when were they introduced, or when did they occur?... They've occurred with the general change at the hospital - in the last 3 or 4 years, as I said, there has been a change in staff numbers - as there's been an increase in inmates. That's occurred roughly at the same time. Coincided.

Has there been a change to the status of the hospital?... As a special institution, yes. I think it has always been a special institution, but all I know of personally is that there's been that emphasis on programs, and such, which have occurred to some degree, which were not available before - programs for the prisoners. So I am not really able to say too much more on that.

Right. Has there been changes outside the environment that have caused an impact to the prison hospital?... I believe that with a lack of available institutions for a lot of people outside of the prison it would seem to me that if they don't have these places to go to they tend to find themselves committing - well, I don't know about committing crime - but they tend to find themselves landing in gaol rather than a more appropriate institution.

Are you aware of any situations where that has caused a change to hospital numbers or practices?... Well, to me it's indicated by the greater amount of prisoners with mental illness than what we had before - schizophrenia, stuff like that.

Right. And would you say that has increased since 1984?... Yes.

Insofar as your interaction with inmates, has there been a change in your duties, your responsibilities by interrelating with inmates?... Yes. I found that before we had the larger number of inmates the staff didn't have to have - or never had a great deal of contact - there wasn't any need. The nurses seemed to be able to handle what was necessary, what sort of help the inmates needed, whereas now we find that it's more convenient for us to be able to do a better job ourselves. Be more aware of what various inmates might need. So we've adopted an attitude that the more we know about nursing requirements as regard to counselling, or just offering sound information or encouragement. We've discussed with psychiatric nursing staff and doctors the best way to go about that, so we have improved our own working skills I suppose by our own desire to do a better job.

Are you aware of the classification of the hospital?... In regards to what?

How is it viewed within the prison context as to its security ranking?... As far as I know it is all maximum security.

The hospital is all maximum security?... As far as I am aware, yes.

Okay. I'll get you to have a look at a document. Is that document headed, 8.00 to 4.00 Relief?... Yes.

COMMISSIONER IMLACH: TPOA. 45.

MR SHIRLEY: Can you explain to the commissioner what that document is, and perhaps just take the commissioner through that document?... Well, before I do I will explain I don't often do this particular task, this 8.00 to 4.00. It is usually a senior officer's job, although I have done it from time to time. Basically it's the daily routine for the escort officer down there at the prison. He's responsible for escorting prisoners to and fro from the main gaol down to the hospital for treatment, medication. He supplies a bit of a backup for us, if necessary, if he is available. Relief for meals, if possible, and to assist the chief officer.

Are you aware that this is a special case, and part of the special case is regarding work value, and in general terms we are looking at changes since 1984? Now are any of these tasks here tasks which have changed since 1984?... I think the mail situation. There is a great deal of mail in and out of the hospital. We left that, prior to this paper coming out, mainly to the main gaol to scrutinise, but now due to the increase in prisoners and a lot of the oddities that come in and out we do a double check ourselves of whatever comes in

and out. So that can take a considerable amount of time in trying to decipher what they are trying to say.

That change -

COMMISSIONER IMLACH: Just excuse me a minute, Mr Shirley. What are we talking about there?

MR SHIRLEY: I'm just about to identify it. I believe it's the 12.30, and it says: Relieve 8.00 to 5.00 PO meal break in conjunction with the collection of outgoing mail, censor, or mail.

Is that the point which was your answer?... Yes.

Right. Are there any other changes that you are aware have occurred to these duties since 1984?... Only that there is a greater number of prisoners. There are quite a greater number of prisoners coming down to be escorted to and from the hospital far more than there was before.

When you say escorted, can you just explain that function to the commissioner, please?... Yes. There is a doctor's list that goes around the main gaol earlier in the day. Prisoners who wish to see the doctor put their name down for that. There is also a list of prisoners on medication after they have seen the doctors. And the 8.00 to 4.00 relief escorts to and from the gaol. He goes to the main gaol, collects them from their division, their place of work, takes them down to the hospital and returns to the main gaol to wherever these people came from in the first place and he will pick up as many groups as possible to get them all done as soon as possible. But it depends on how many there are, of course. There are far more than what there used to be.

Right. And, perhaps just before I show you another document, is there a series of inmate classifications that exists in the hospital?... For suicide precautions.

For any inmates?... For any inmate down in the hospital there is a suicide precaution grading we have. People can be - or inmates, rather - can be admitted to the hospital with suicide tendencies, or they can be already housed in the hospital and come in and out of depressions, or whatever condition, and we have a categorisation of these suicide precautions. We colour it green, yellow and red, so if someone is on a green precaution he is a slight risk of suicide, up to red where he is in extreme danger of suicide or harm to himself.

And have you been given any training to deal with these inmate classifications?... The only training we've had so much is before - when it was decided to put a permanent staff on the hospital - we were given I think about 4 or 5 days, and we were shown around some institutions around Hobart, alcoholic

and drug rehabilitation, and the Royal Derwent, and we were given an insight into how to deal just by conversation and a number of lectures. But, generally it has been hands on, I would say, how to deal with these people.

Learnt on the job?... Yes.

Yes?... And close working relationship with the medical staff, I might say. They have been a great help.

Right. We will discuss that later.

Mr Commissioner, I have some other documents. I was just about to go on to another. Shall I proceed, or shall we -

COMMISSIONER IMLACH: Well, we've said 1 o'clock, we'll go to 1.00.

MR SHIRLEY: To 1.00? Good.

I'll show you another document, Prison Officer Brassington-Bell. Is the heading on that, Central Control Area - (Guidelines for Unfamiliar Officers) and Staff?... It is.

COMMISSIONER IMLACH: TPOA.46.

MR SHIRLEY: Can you explain the impact of this document and how it affects prison officers and their duties as they operate and work in the hospital prison?... Yes. We found that the existing standing orders, or procedures used down there, and in the hospital as a general rule didn't adequately explain the tasks required. So as their workload increased and our skills acquired increased we took it upon ourselves to work out an instruction. This is not to be confused with standing orders but so that we could get some continuity between the different officers that came there, especially officers who weren't full time. And the only way we could maintain a higher standard, a more efficient working relationship with the inmates and with other staff, was to have something like this that we continually upgrade from time to time. Everybody has an input. We review it from time to time and we find that it does work. We have a far more professional finished product, you might say, because we have continuity.

So are these guidelines as to how prison officers will operate with other prison officers and interrelate with other professional staff?... Yes. And inmates too.

And inmates?... Yes.

Once again, can I get you to go through that document, and if you would like to highlight areas of change that have occurred since 1984?... Well I could say the whole thing is really,

right from the first paragraph, because as I said earlier, we found that the standing orders really gave us little indication of what was required of us. So from the whole, from No. 1, we found that a lot of staff officers - prison officers - weren't flexible enough when dealing with people who were housed in the hospital, and we found that some people didn't get enough breaks, we found that some didn't get any from time to time. So we had to formalise our procedures but keep ourselves still flexible to be able to deal with anything that may crop up at any time.

If I can just get you to concentrate, say for example, on point 2, Officers posted 6.00 to 2.00, 2.00 to 10.00, and 10.00 to 6.00 were responsible for the central control (book-keeping, shower gear, etc.) but are not confined to that post. Are you saying that that's a new activity that wasn't performed prior to 1984?... It was performed differently, in that the post - the central control post - was the post where an officer was locked in there. He was locked - well, it was a non-contact post. There were no prisoners in that general area during the day - or the night, for that matter - apart from being locked in the cells. The officer maintained the post to keep control of the books, share books or visitors books or activities within that end of the hospital. He also kept a security post by being able to look up to the other end of the hospital up the main central corridor where at that time earlier on all the inmates spent their day. As it is now, the inmates are down around that central control area. To be confined to that post would restrict the activities the officer could perform. He wouldn't be able to maintain a presence in other areas - the yard, which is open, and the various rooms coming off that area. So it's a roving post, you might say, so we can still maintain the books and other items that are kept in there for security reasons, and we can be able to be mobile, get around to the other areas there which need constant patrolling.

If you can just cast your eye down that document, is that true then - is it true - that the changes in these procedures have all occurred since 1984?... Yes.

Right. I might just get you to quickly go through that and highlight some of the main areas for the commissioner?... Right. I'll have to say that the whole procedures in the gaol has changed. I can't really highlight any individual thing. There are so many changes that have occurred from time to time, and we are forever improving on improvements we make. We try systems out. The showering system, they showered - at some stage we've had them shower at the one time - we've restricted that to smaller times, we've had it spread over larger areas. We've tried to restrict the activities in the various areas of the gaol at various times. We have found it unable to work sometimes so we have changed the system. Officers breaks have been a never ending source of change

trying to make sure that everyone gets a suitable break away from the full contact all the time, also trying to maintain staff presence in the area without reducing numbers and endangering anybody.

Has this had an impact on your level of responsibility, and if so, how?... Our responsibility as in how? Can you explain this?

Have there been - has the changes to this document, which from what you are saying are changes to procedure, is that giving you more responsibility or less responsibility than tasks you had to perform previously?... Previously it was far more responsibility but as we alter this to suit our day to day routine, we do not look at it as trying to reduce any responsibility. If there is a greater need for more responsibility we just adapt to it rather than try and reduce any responsibility; the job is at hand and it is done as best as we can do it. So if there is a greater responsibility there to be responsible for, but we do it. We just alter this to suit the situation to get the best out of us.

Are there any tasks in here that were done by senior officers that have now been devolved to, say, junior officers, prison officers?... Well, because we never had any - we had a senior officer before with no chief and the senior did the administration at the top end so I - most of these activities now having not been done before, I suppose it is a first, and we just adapted to them.

Right. Okay.

Mr Commissioner, I was going to go onto another document, is it -

COMMISSIONER IMLACH: I think it is time now, Mr Shirley.

MR SHIRLEY: Thank you.

COMMISSIONER IMLACH: We will adjourn, Mr Brassington-Bell and I do not know what - how you are going to get on for lunch but we are going to have lunch.

MR SHIRLEY: Right.

LUNCHEON ADJOURNMENT

COMMISSIONER IMLACH: Thanks, Mr Shirley.

MR SHIRLEY: Thank you, Mr Commissioner. Does the witness need to be resworn?

COMMISSIONER IMLACH: No. We are just proceeding.

MR SHIRLEY: No. Thank you.

Prison Officer Brassington-Bell, I will show you another document.

COMMISSIONER IMLACH: TPOA - Information for inmates on admission to prison hospital - TOPA.47.

MR SHIRLEY: Thanks, Mr Commissioner.

Prison Officer Brassington-Bell, can you explain this document and why it was drafted and how it was drafted?... Yes. It is information taken out of a general handy book, I believe issued to all prisoners when they come into the gaol, or the system, being any gaol. And we found that a lot of the basic rules and regulations were ignored or misunderstood. So because we have an intense situation there now we felt the need to emphasise the basic points, the more important points so that we could have a more fluid movement to and fro to meals, to lockup time. That there be no misunderstanding these are put up all around the areas where the inmates move during the day. Any questions needed to be asked they are up there for them to point out and ask any - expansion on any item on that. So we make it clearly available to them, we point it out, we give them to them to take to their cells. It just helps us and them understand exactly what is required of them.

Good. Are any of these items 1 to 11 changed practices that affect prison officers since 1984?... Yes. There is - number 5, for instance, it is - well, number 4, I beg your pardon, I will go back to number 4 - we have a medication procedure which changes from time to time depending on the work requirements of the nurses. Now, at the present time, it takes staff more time to organise the dispensing of medication. We have to split our numbers, we may have up to 29 prisoners, we will have to find, with the two officers available, we will have to have one of those officers available to escort any inmate requiring morning medication up to the dispensary. The other officer has got to remain back down the other end of the hospital with the remainder of the inmates. So that stretches our security right down to the bottom line. But we find that at least we can have inmates better controlled. Before this the nurse just used to come down to the bottom end of the hospital or into the mess room when they were having breakfast and just dispense pills and what have you in a rather haphazard manner. But we have smartened that act up and made it more efficient and safer, and within all the regulations, but it does stretch our resources. Number 5, Razors: due to the fact that we have got a lot of people on suicide precautions we maintain that all razors or sharps of any type

that are in the hospital, and we keep that down to just razors alone. When they are used they are not to be dispensed in the rubbish bins around the place but to us and we put them in a sharps container and we make sure that that is secure and well out of the road. We keep a good eye to make sure that they are not broken, for suicide reasons. A lot of them are found in the rubbish bins; a lot of people just do not take any notice of these rules. They are broken apart, the blades are used for slashing and for any type of thing. So we are - we maintain a strict rule on that so we can keep the instance of slashing now -

Just on that point -?... Yes.

- if I may, do you have to account for those items; the sharp items?... We can only account for those that are on suicide precautions. I beg your pardon, yes, for them and also inmates on remand because they - we issue these items to them until they are sentenced. When they get a canteen they buy whatever number they want. We just have to hope that we can instil in them that if they have these razors here and they are going to use them and dispose of them they do it through us.

Yes?... Otherwise they could suffer charges, or whatever.

Is that an activity that has commenced since 1984?... Yes.

Right, thank you. Yes, I will get you to go on, if you do not mind, about changes?... Yes, books and magazines, the amount of books and magazines kept by the prisoners was minimal if not none at all, if I can recall, but now there is a lot of newspapers available in the library area and books. They tend to keep too many in their cells. They have a habit of hoarding these things. One likes to make one's little kingdom and they like to think that they are in charge of all the good magazines and they tend to take - have a bit of a monopoly in handing them out to the other prisoners. So we have to try and stop that before the little kingdoms and the pecking order gets too far out of control. So a simple thing like magazines and newspapers do cause a few problems from time to time, to the point of physical problems trying to restrain prisoners from getting too over - well, yes, physically dangerous. I have been prodded a few times over simple magazines myself and managed by negotiating skills to avoid a serious situation. So something simple like books and magazines can be quite serious with us - for us down there.

Are you saying that that causes - right - that causes problems amongst the inmates?... Yes

Right, thank you. And if -?... We - over - item number 10: Staff may, at their discretion, inspect any cell, is something we take very seriously again because as just mentioned,

magazines and before that razors, someone - any prisoner may accumulate their old razors in their cell. These can be distributed out to other inmates without us knowing about it. They can accumulate all types of things in their cell. We have to make sure that we can keep a good eye on what they are doing. Toothbrushes can be made into weapons, they have been made into weapons. They can be made into little tools for hobbies, but we have to stress the point that only tools that we have - our chief officer has okayed can be used and not home-made items. All types of little things get made down there, so we make a lot of detailed inspections of cells. We move a lot of stuff, far more than we ever did before, far more inspections than we ever did before. So we keep an intensive eye on that sort of thing. Also discharge and cells. Because we have a large turnover of prisoners in the cells down there we are forever trying to maintain a high standard of cleanliness. Hygiene is important, we think, because we have a lot of prisoners with social diseases and things like that, so we have got to stress the point of cleanliness in cells.

Right, thank you. And if I can just confirm, you are saying that those items are changes since 1984; is that correct?... Yes.

Right. Okay, thank you. I will show you two other documents that I have.

COMMISSIONER IMLACH: Which one first, Mr Shirley?

MR SHIRLEY: One is a handwritten note on the second page you will see is from a Dr W. Lopez, Role of Prison Officers in the Special Institution. And the second document is the typed interpretation of that.

COMMISSIONER IMLACH: Right. Well, that is TPOA.48A, the typed one.

MR SHIRLEY: The typed one?

COMMISSIONER IMLACH: Yes. We will take it from that. And TPOA.48B is the original or handwritten one.

MR SHIRLEY: Handwritten. If I can explain, Mr Commissioner, I took the liberty of typing up, for ease of reading, the handwritten statement of Dr Lopez. So, if there are any amendments to that - and I have taken the liberty on one occasion, if you have a look at the typed document at point 4 in brackets is the word 'patients' that does not appear on the handwritten - it is at the bottom of the first page, point 4, 'we have many more' and the abbreviation is 'pts' which is taken to be patients. Now, if there is an objection to that then that can be amended and discussed.

Prison officer Brassington-Bell, can you tell me who Dr W. Lopez is, if you are able to?... He is the forensic psychiatrist at the hospital, I believe, for the whole State of Tasmania.

Right. And how did you obtain this document, the handwritten document, from Dr Lopez?... Well, I was asked to provide some information regarding the changes in prison officers or the changes that prison officers are required to work at the hospital now as opposed to some years ago. I thought that Dr Lopez having been here for a number of years, longer than myself, would probably be in a better position than me to describe the number of changes that he has seen in prison officers, from his point of view and from all the nursing staff point of view. From my point of view I could see it as initially security only but we have gained other skills along the way, but the doctor I believed, and he agreed with me, has been able to gain a lot from our increased activities. So he was quite willing to write anything that he thought was relevant to explain our change of work practice.

Right. How long has Dr Lopez been at the prison, or in the prison system, to your knowledge?... I do not know.

You do not know?... No.

Thank you. I believe you indicated that you had been three and a half years full time rostered in the hospital?... That is right.

Has Dr Lopez been there for that length of time?... He has.

Right.

Mr Commissioner, do you want that read onto transcript or are you happy that -

COMMISSIONER IMLACH: Well, not particularly, but it is up to you, Mr Shirley.

MR SHIRLEY: No, all right then I will not read it. I will ask the witness - sorry -

MR WILLINGHAM:

MR SHIRLEY: - reading that into transcript?

MR WILLINGHAM:

MR SHIRLEY: Yes.

MR WILLINGHAM: Well, I will be challenging its validity anyway.

MR SHIRLEY: Yes.

MR WILLINGHAM: But I will do that when my turn comes.

MR SHIRLEY: Yes, sure.

With the typed document, it is a situation that I have tried - I transcribed that, Mr Commissioner, so if there are some amendments to it or objections they can be discussed later.

MR WILLINGHAM: It can be incorporated, cannot it? You do not have to read it.

MR SHIRLEY: No, I am not going to read it, I am just going to question on it.

MR WILLINGHAM: Okay. Sorry.

MR SHIRLEY: Dr Lopez has made a number of comments, Prison Officer Brassington-Bell, I was wondering if you would comment on those and perhaps if you would like to start with point 1 on his document?... Yes. The first point, he says there is a lot more input into the treatment of patients. Prior to the changes in the last 3 to 4 years - 5 or 6 years - we were only required to maintain a presence for the security aspect. With the greater increase of patients and the greater increase of psychiatric patients we found that it was to our advantage if we learnt more about the behaviour patterns so that we could perhaps be one step ahead of a suicide or suicide attempts or patients that had aggressive traits. The best way to deal with that was to be able to observe and know these things before they occur. So, constant, I suppose - constant talking to the nurses and the doctors and informal talks and lectures on how - what are the obvious traits to pick up, we managed to be able to sit there through a lot of observing, see what obscure behaviour patterns are occurring, what things are said that are out of the ordinary, normal, seeing as though we are the first contact that most of the prisoners have, we report these things directly to the doctor. Whereas before we had nothing at all to do with him, just a 'good morning', that was it. Now, it is a lot of talk. He asks our opinions on things, we offer that opinion for nothing if we see something out of the ordinary we contact him and discuss a patient, an inmate.

With Point No. 1 it says: Officers observe the patient's behaviour and report it to the nurses and often to the forensic staff directly. Is that a verbal report, a written report?... Verbal. Any written reports go to our chief officer.

And with Point 2: The officers are sometimes involved in the case management discussion?... Quite often Dr Lopez rather than take the patients up to his own office he will come down

to the central control area and interview his patients down in our central control office, or in one of the adjoining rooms. We're often asked to sit in, especially if we have had a lot to do with a specific patient at the time. We therefore have a bit of running knowledge of what's - we're even invited to ask questions and to partake directly with the patient himself. The doctor will ask questions, he'll explain details to us along the way. We have quite a lot to do with the questions and answers with these patients.

In Point 3, Dr Lopez writes at the third last line of Point 3: Thus they have acted as a front line of staff in critical situations of stress, aggressive outbursts, etc. Have any of those situation occurred before you?... Yes, they have occurred quite often. We manage - by acquiring these skills - we've managed to avoid a lot of those problems. Prior to, we didn't avoid them they just occurred, and we had to deal with them on the spot. Now we've learnt to be able to recognise these things before they occur - in some cases - it is not possible to do it all the time. However, now when these situations do occur we have a greater understanding of why they occur, so we are able to deal with them better.

Good. At Point 4, Dr Lopez indicates there has been an increase in patients. Do you agree with that contention?... Yes. I have got some statistics here.

All right, we might deal with those in a moment. Point 6: The prison officer's interest in taking an active part in the management of hospital inpatients. What happens there, in the management of hospital inpatients?... Well, I can't recall the term they use in the medium gaol, but I believe certain officers are responsible for a number of prisoners down there - case management, I think, or something of that nature. Now we don't have that as such in the hospital but we adopt a quasi form as such. We find that some officers are able to have a better relationship with certain prisoners. Nothing too intimate, it is too dangerous, but we do find that some inmates will respond better to certain officers. And, as a consequence of that, if the nursing staff or doctors wish to know some more intimate details of certain prisoners, well they go to the officer who is more likely to be able to obtain that.

Right. Mr Commissioner, if I can just indicate that there appears to be a transcribing error. That should read: The prison officers have shown interest. If you go to the original you'll see 'have shown' has been left out of that.

Prison Officer Brassington-Bell, you indicated that you had some statistics about inmate numbers, would you care to read those to the commission - unless you have got copies for everybody?... No, I have only got one copy - or two, I believe - but I have got statistics made up by the nursing staff down

here. There are a couple of graphs and some figures and numbers, but it deals with the numbers of admissions under the suicide categories, and the increases from 1990-91 to 1991-92 years. It is not a complete list I suppose because the year wasn't completed when they made up these, but it does show a significant increase in numbers without ever completing one whole year. These numbers are nowhere near accurate, as I say. For admissions under suicide categories it only shows an increase in actual admissions, it doesn't include people placed under categories after they have been taken off them and been re-categorised suicide. We could perhaps double the numbers if we included those people in the suicide categories. Several years there would be few, if any, on any suicide category. Now there is a vast number.

Are there any particular figures that you want to highlight to the commissioner as change?... As change, I have a graph here that shows the occupancy rate - bed occupancy rate - and the projected admissions to the hospital for the full year. It shows a marked increase of about 20-odd percent I believe from the 1991 year to 1992. And, again, an incomplete year, 1991-92 when this graph was made up.

So, what are the figures?... For bed occupancy rate, from the year 1990-91 to 1991-92 incomplete. There was at the time this graph was made an increase of about 20 to 25 per cent.

What are the figures? In 1990 to 91 - ?... It just gives the percentage, I am afraid, it doesn't give figures.

Right. What's the percentage in 1990-91?... The bed occupancy rate rose from a 1980 figure of 20 per cent to 1990 of about 58 per cent. It's not a very clear graph. And it has risen from 1990-91 from that 58 per cent to about 84 per cent, or so I can gather by this graph, with an incomplete year 1991-92.

Right. If I can just take you back to Dr Lopez's statement. Can you indicate if there was any conversation between yourself and Dr Lopez about the drafting of this document?... The only conversation was that I asked Dr Lopez if he could draft a letter or some information about how it had changed, but he never asked me any details about what I thought and I never asked him any details. I left it completely up to him. He wrote this of his own accord, gave it to me, I had no input into it at all.

So he handed - ?... A finished document to me.

To you. Okay. And then from there you handed the document - ?... To yourself.

Right. Okay. Thank you. Is there any other matters that you wanted to bring to the commission's attention highlighting the

changes of duties or responsibilities of prison officers in the prison since 1984?... I could only say that we ourselves have decided that if we are to achieve a higher standard, a much more professional approach to our work, we ourselves have gone out to educate ourselves by whatever was available to us. Disregarding the increase in numbers for bed occupancy rate, or any of those things, or the amount of physical assaults that have increased - have occurred - the increase in those, we have found that if we are to provide a more professional service we have to train ourselves to cope with the increase. If we're to learn more about the sort of people that we deal with, if we're able to work with them we should know more about them, so we have sought professional guidance to provide a better service, I suppose.

Okay. Thank you.

Thank you, Mr Commissioner.

COMMISSIONER IMLACH: Yes. Mr Willingham?

MR WILLINGHAM: Thank you, commissioner.

Officer Brassington-Bell, it's correct that you started in the prison service 6 years ago?... That's right.

How then are you in a position to accurately inform the commission of changes which have taken place in the prison hospital since 1984?... The practices in the hospital from 1984 to when I began in 1986 I believe through conversation were no different. There was a standard practice.

I am not terribly concerned with what you believe at this stage, although I accept your integrity. I want to know what you know?... What I know is what I experienced in 1986.

Right, so your experience prior to 1986 being non-existent you are not in a position to accurately inform the commission of what took place when you weren't there; is that correct?... That's correct.

Good. You talked both at the beginning of your evidence and more towards the end of it to the numbers of inmates in the prison hospital, and you quoted graphs. I wonder if you could just take that document that you were referring to and bring it out because we might need it again, I think?... Certainly.

MR SHIRLEY: Do you want it?

MR WILLINGHAM: No, no, no. I only wanted the officer to refer to it.

You spoke about percentage increases in, I understood it, from the year 1990-91 through to the year 1991-92, is that correct?... Correct.

Is it correct that you also said that the increase was somewhere between 20 and 25 per cent between those 2 years?... That's correct.

When you talk about 'inmates' what do you mean? Do you mean the total resident population of the hospital at any given moment, or is that an average figure?... That is - the graph here indicates the bed occupancy rate.

No, I am not asking what the graph says, I am asking you what's meant by bed occupancy then. Is it the number of people who are housed in the prison hospital at any given moment, is it the number of people that fly to the moon? What does it mean?... It means people that are resident in the hospital between those dates given.

Right. So is that an average figure then? So, if we said there were 22 people in the hospital on average in any given year, that would of necessity be reflected in the figures you have just quoted on that graph, would it?... I'm unable to answer that.

Well what's the point of quoting the figures from a graph if you can't tell me? I mean, an increase of 25 per cent tells me nothing. I mean, if there are two people in the hospital and a third arrives, that's an increase of 50 per cent?... Indeed.

Although I'd scarcely expect you or me to try to persuade the commission that that had imposed an onerous burden on anyone, so we need to have more than the prison officer staff have prepared a graph which gives inaccurate percentage increases and has no relevance to the numbers. Are you in a position, are you in a position to tell me what you know is the average number of inmates in the prison hospital in, say, the last 12 months? Now, you work there, you should have a pretty good idea?... I stated earlier on that there was an average, an estimated average, of about 22.

Right. So what was the estimated average in the preceding 12 months?... I could estimate that it was much the same.

Well then, how does that translate to the hospital staff saying that there's a 25 per cent increase?... I am not the author of the graph.

No, but you're the witness?... Yes.

And it is from you that we are looking for factual information?... Indeed.

How do I reconcile you producing a document which is untendered, unsubstantiated, saying that there is a 25 per cent increase when you sit there, officer, and say that the figures from the 2 years in question haven't altered?... I didn't say that.

You certainly did. You said that the figure was 22 for this previous 12 months and I asked you what the figure was for the previous 12 months and you said about the same. And yet in your evidence to Mr Shirley - ?... An estimated -

- in response to a question you said that it's an estimated - it has gone up 25 per cent?... The bed occupancy rate.

Well, we're trying to establish what that means. You told me that it meant the number of inmates in the prison hospital at any given moment?... Inmates can come down to the hospital for a day and not maintain a bed.

Well, I don't know, officer, I will come back to this question when I have tried to sort through the problems that you have posed, but at this precise moment I wouldn't have thought that what you have told us is going to be very helpful for the commission, so I will have to try a little harder a little later. Apart from security staff, prison officers, how many other people work in the prison hospital?... I am unable to tell you - an exact number.

What is the function of a prison officer? Is it essentially and primarily custodial?... Security, I believe.

Would you believe that custodial is security, or would you say that there is a difference between the two expressions?... I am not in a position to determine the meaning of the word.

Well, if I said that the prison officer's function - if I said the prison officer's function was essentially custodial - would you disagree?... I'm not able to answer that.

Okay. I am going to have a talk to you about Dr Lopez's statement, which is TPOA.48A, the typed version of it. Would you explain to me again the circumstances please of how this document came into being?... I asked the doctor if he would give me some information for this hearing that would describe from the professional point of view, professional medical staff point of view, what changes he had seen in the hospital generally, and with regard to prison officers, how he viewed it, and this is the result.

Why didn't you choose to call Dr Lopez to give evidence?... Why didn't I?

Mm?... I'm not in a position to answer that.

Would it occur to you that it might be just as sensible if you wanted to get statements made in relation to the changes to a prison officer's work, rather than getting someone to cobble together a statement like that, simply ask them to appear in the case?... To be quite frank, I didn't know - having never been in one of these commissions before - I wasn't fully aware of the procedures. I merely asked the doctor if he was willing to write something, which he acknowledged he would do.

Well, my difficulty - ?... It didn't occur to me, because I have never done this before.

My difficulty, Officer Brassington-Bell, is that I can't really ask you questions on this because you are not the author. It's signed by Dr Lopez. The only way I can test the evidence, such as it is, that's purported to be contained in that statement is not by asking you because they are not your views?... Indeed.

So its relevance in its present form escapes me, which is why I asked you the question as to why you bothered to do it in the first place rather than just calling Dr Lopez. However, I will take that up with the commission at another time. Let's go back to the first exhibit presented - I am sorry, the second exhibit - which is the one marked TPOA.45. It is headed up, I think, B - 4 Relief.

MR SHIRLEY: Eight.

MR WILLINGHAM: Oh, that is 8, is it? I am sorry. 8 - 4 Relief - of course it is. Do you have that? Officer, have you got that in front of you?... Yes, yes.

Did I understand you to say that this was essentially a pattern of work applying to a senior prison officer?... The relief officer can be a senior prison officer or a prison officer - a PO. The reason why it can be both is because the two officers - the senior prison officer and a prison officer - share the duties, and when one is rostered off the other one fills in his place.

Let me ask you then - just from your own perspective - what is the purpose of this exhibit?... This indicates the work related to the officer 8.00 to 4.00 relief, his duties.

Yes. All right. How do you claim that anything contained on this particular exhibit goes to increased work value?... The duties prior to the last - since 1986 - were as an escort officer, in my experience, at the hospital full time. The officer who has 8.00 to 4.00 relief, his duties have expanded inasmuch as due to increased numbers of prisoners and the need for a chief prison officer to handle the excess of administrative papers -

Look, can we just hold on a moment? Do you understand, officer, what a work value case is?... Not entirely, no.

What do you understand a work value case to be?... It's indicative of the change of work practices, I believe. What an officer used to do to what he is doing now. The increased workload.

May I just draw to your attention a couple of matters. I think Mr Shirley in his examination of you in relation to this particular exhibit mentioned the item which appears at the time line of 12.30 in relation to the collection of mail, as an illustration. I think in response to your - in response to Mr Shirley's question - you said there was more mail now. Is that correct?... I don't recall.

Well let me ask you the question. What's the difference - why do you - do you say there is any difference at all in the function and the process and the procedures associated with collecting the mail?... The item reads: censor all mail. This never occurred before. It was just a matter of collecting the mail. The mail is now censored.

So the volume of mail is the same, is it?... The volume has increased.

So you did say that it had increased?... I don't recall what I said before.

Can I suggest to you that you pay a little more attention to what you are saying, and it is going to be much easier for us to finish this off. If you can't remember what you actually responded to your own advocate, I have got real difficulties about how much you are going to remember about what you respond to me. But, having established that there is more mail, right, do you then tell me that the significant difference is that you now censor the mail, whereas previously you did not?... Yes.

Well, by whom was mail censored?... The administration staff, I believe, outside of the hospital.

So prison officers have never censored mail?... I don't know. I can't answer that.

Do you think the extent of change which in your judgment has occurred in relation to officers in the prison hospital is greater than the rate of change which has occurred for prison officers elsewhere in the complex?... I can't answer that.

So you are really unaware of what happens outside of the hospital in terms of change then?... I can't answer that accurately either.

Have you ever worked outside of a prison hospital?... Yes.

For how long?... Two and a half years.

Where were you in those 2.1/2 years?... All over the gaol.

Did you in that time notice marked evidence, or experience change in those functions?... No.

`No' did you say?... Mm.

A bit disappointing for some of your colleagues to hear. Well, I want to talk to you about work value a bit more, officer, because work value generally speaking is a difficult concept for a lot of people to understand, not the least of which are practitioners like me. But, in general terms, work value related wage increases don't really mean more work, as such. They don't really mean that. I mean, you can advance great numbers of things which may have changed, practices which may have altered, that doesn't by itself mean that there is justification for a work value increase; which is why I asked you what you understood it to mean. Can we just go through a few examples - still on the same exhibit, TPOA.45 - and you say that all of these things have changed, all of these things are changes. So you say: Draw keys from Main Gate, and you say that that has changed?... I don't recall saying that.

Well, I am sorry, I thought you said twice now that all of these things are different from 1984?... I didn't say all these things have changed.

Okay, well let's go through the list and we'll find out what you do say is different. Draw keys from main gate, is that a change or is it not?... I didn't do the job in 1984. On a permanent basis I did the job in 1986 on a permanent basis. I did it on a rotational basis, as all officers did, and when I did work in the hospital on a rotational basis I did this job occasionally; and it is difficult for me to recall exact procedures in 1986 as to now.

Then you will appreciate, officer, that it is absolutely impossible for me to know, and that's why you are here. You are giving evidence on questions of change. Now, if you keep responding to me that you don't know or that you are unable to say, that's fine, and I appreciate your honesty, but do you see the difficulty it presents to me and perhaps to the commission when, as I understood it - as I understood it, you said that this document was a total change since 1984 and you correct my misunderstanding and say that that's not what you said. So can I go back to my original question to you, when we first introduced this document, we just say to you, what is the purpose of this document? What do you ask me and you ask

the commission to take from it?... I don't recall - I don't recall making any statement about it being a complete change from work practices before.

I'm quite happy for you to at any stage correct anything that you wish to or make clear anything you wish to, and we'll just start again. In relation to this exhibit, what is it - are you - your organisation has introduced it and you've spoken to it. What is the commission supposed to read from that document? What impression are you attempting to convey to the commission from this document?... There is more than - there is more than a - the prison officer doing his duty as security based which it was in 1986.

Yes. I'm - ?... I don't -

Do you know when the prison hospital actually started operation?... No.

Let me take you to exhibit 47, please, which is the one headed Information for Inmates on Admission to Her Majesty's Prison Hospital. So that I don't run the risk of misunderstanding your previous answers, would you please tell me what the purpose of this exhibit is. I understand that the exhibit itself is an instruction to inmates, but would you tell me - particularly the commission - what the purpose of the exhibit is in the context of this case?... This is drawn from a book - a pamphlet - a leaflet, whatever, issued to prisoners giving them instructions of what is expected of them whilst they are in prison. We've found that many of them couldn't comprehend it. Many others refused to read it at all. Because of the environment we work in we found it necessary to emphasise points that were being overlooked or ignored or misunderstood. We chose a select number of issues there - 11 in this case which we review from time to time. We have them on display throughout the area of the hospital where the prisoners are more likely to congregate. We issue these sheets to inmates when they are admitted to the hospital. We encourage them to read it so there is no misunderstanding. If there is we hope to be able to explain any difficulty. That is the significance in that.

Yes. Yes, I understand that. So, in terms of this case and the fact that it is an exhibit before the commission and that you have and are giving evidence to it, the purpose of this exhibit is, what?... The purpose is that before a prison officer didn't take -

No, I'm sorry, the purpose before this commission. What is the purpose of introducing this exhibit to the commission?... It wasn't the prison officer's duty to emphasise any of these facts. They were give to the prisoner. The prisoner is expected to comply with the orders in the book and the prison officer was a security officer. We spent a lot of time

pushing these points across explaining in detail - we have a lot of people with mental processes that cannot simply comprehend this. It's very easy to say to someone who is of average intelligence to read that, comprehend it and follow it. It takes a lot more for people with mental illness to do exactly that. It takes days, weeks, months for some of these people to even get one or two of these items right. It's something that the psychiatric staff, the nurses, would probably have handled and because we are there more often than they, we'd take it upon ourselves if we wish to have an efficient running system. It takes a lot of our time away from other duties to press one or two of those points across. A lot of skill without getting people aggressive over, for instance, number two, washed and dressed, bed made. A simple task written in less than three lines. A lot different when you put it into action when you have inmates - the first thing they want to do when they come out of a cell door is punch you - refuse to make beds, refuse to wash, refuse to dress correctly.

Please talk to me about those aspects later. I'm happy that you do so at any length you feel is appropriate. I'm just wanting to deal at the moment with the purpose of this exhibit. I - it seems to be that you are saying that one of the things you've done is take an extract from an existing set of instructions - ?... Yes.

- and reduced it to a shortened and simplified form and posted it at relevant places around the prison hospital. Is that a fair summary of what you are say this document is about?... It is a more important - we felt for the present time the more important points that we like to get across initially, we can build on the others that are in the prisoners' handbook later. We feel that these are points that are simple daily routine, one that the prisoners can handle and one that assists us in our work practices.

The prisoners handbook is prepared by whom?... I beg your pardon?

Who is the prisoners handbook prepared by?... I don't know.

Is it an official publication?... I believe so.

Well, officer, with respect you ought to know so. I mean, for instance, what is the authority for you to issue such instructions if it's not under official guidance?... I believe the handbook made available through - by the chief's office to the prisoners would be a prison approved document.

What I am trying to identify is, that in terms of the instructions - because that's what they are - or rules and regulations that are contained in exhibit 47, they do no more

than state in somewhat an abridged form what is already a rule or a regulation. Is that true?... Yes.

Okay. And let us be just clear that the preparation of that master document, the official or the approved handbook, the responsibility for the preparation of that is not yours, is it?... No.

No. Let me get back to this question which confused me so much a little earlier in relation to bed occupancy rates, or inmate rates, and what, if any, difference there was between the two terms. Now I am just an industrial practitioner, officer, I use the expression 'inmates', it has a clear meaning to me. And when I say inmates in relation to the prison hospital I mean those people who are in there at any given time at any given moment who are likely to be there for more than an aspro or a cut finger. Now, what statistics can you give me, what figures can you give me which relates to any meaningful measure, whether it's bed occupancy, admissions, overnight inmate stays, that would give the commission or me a comparison between those figures as they were in 1984 and as they are now?... 1984?

Well that's when this case started from?... I have no document for 1984.

So how can we assess then on your evidence whether the occupancy rate or the admission rate, or whatever other descriptive mode you care to choose has increased, decreased, or stayed much about the same since 1984?... I can only say what I did before, that these graphs shown here begin from 1988 and 1989, and there is an increase from that point on. I made no statement it was from before that time.

Well, look, just assuming that the graph is correct, and assuming that you can explain the significance of the graph, which you have been unable to so far, but I will give you another chance, even assuming that that is correct, that it had increased in the last 12 months, what do you say, that it is increasing 25 per cent a year, every year since 1984?... I didn't say that.

Okay, you don't say that. Do you say that?... No.

Right. What about the other way around? Do you say that there was a 25 per cent decrease let's say in the year 1988 to 1989?... I didn't say that.

So what relevance - other than the obvious - are we to take from the fact that the figure increased in the last 12 months from the immediate preceding 12 months? What relevance is the commission supposed to take from that, that you select one 12 month period out of eight and show an increase in percentage terms which you can't quantify and, indeed, neither can you

identify? What are we supposed to take from it? And you can't tell me what the average number of people are in the prison either at the start or the finish of the period of review in question. It makes it very difficult for me, officer, to know which way I am supposed to take my cross-examination?... I can't give you an estimate of the average number of prisoners in the prison because I work in the hospital, and as for the number of prisoners' average in the hospital I don't keep the record myself. My records are at home.

I understand that, officer - ?... You mentioned the prison.

- it was you who raised the numbers, not me. It was you who raised the figure of 22, it was you who raised the percentage increases, not me. If I want the figures I know where I can go and get them from, I can get them with clinical precision. I don't need to sit here and have this conversation with you. But you raised the figures. You see my problem is that you're here giving evidence and the commission will take the things you say as fact. As fact. Unless they are tested or challenged. So when you say something which I think is incorrect, or which I think is prejudicial to a proper construction of the facts, I have to ask you questions. I don't do it because I like to, or I just like to be unpleasant, or I just like to hear myself think, or you give answers which aren't very helpful. You're the one who gave the figures. Now if I accept what you say, that you believe that the average number of inmates at the moment is 22, are you able to say to me and to the commission that apart from that there has been any change in the number of inmates in the prison hospital between 1984 and now?... I can't talk for 1984.

Okay, that's a - ?... From 1986 I worked in the hospital enough to know that there was an estimated number of prisoners in the hospital of about 10.

Whose estimate?... My estimate from my working experience.

So this is the sort of information that I am trying to get you to give us. So are you saying then that the average number of inmates in 1986 was about ten, and it is now 22?... My estimate from the bookwork I kept.

Okay. That's fine. That's fine. You see, it is really easy when you do it that way. It's not so difficult at all. Now, in terms of the figures that you produced from the nursing staff, the graphs which show a 25 per cent increase, if the figure is currently 22, if the figure is currently 22, for there to have been a 25 per cent increase that means that we should be able to identify what the figure was for the 12 months immediately preceding the last year?... I am not in a position to answer this or that.

Well it is pretty simple mathematics, isn't it?... Perhaps.

Well, no, no, no, it is not 'perhaps', and if there's been a 25 per cent increase and the figure is now 22, it is very simple to work out what the figure you started with was, isn't it?... Perhaps.

So the figures should show that approximately in the last 12 months there has been an increase of five people, so the figure would have been somewhere around about 17 in the 1990-91 period?... Perhaps.

Well, it's your evidence not mine, and you saying 'perhaps' doesn't help us?... I can only give an estimate figure.

Well, I can give my own estimate, I don't need yours. You see, what I want from you is facts?... I can't give exact figures.

Well - ?... I have no documented evidence in front of me to give exact figures.

Oh, no, look, I'm - ?... I can't recall exact figures, I can only estimate.

I'm very aware of that. Very aware of the fact that you can't. That's been proven over the last half an hour quite demonstrably. But, as I keep repeating, you see it wasn't me that chose to introduce the figures in the first place, it was you who called them, and when I choose to question you on them you go into your 'perhaps' mode. So it just sort of makes me wonder why you raised them in the first place when you are so unsure of their value and their authority. Now, you also made the point, too, in relation to exhibit 47, which was this extract from the Prisoners Handbook. You're exact quote was, you're exact quote was: 'Lots of people don't take notice of these rules'. So, in your view, is that because they are wilfully disobedient or because of the fact that many of them maybe they're under the Mental Health Act or might be there because they have emotional or mental disorders of either a temporary or permanent nature, that they are incapable of following them?... Both.

Well, in relation to the former, that is those people who wilfully disobey, there would be nothing unusual about an inmate from time to time wilfully disobeying an officer, would there?... In what respect?

Well, do inmates always obey every instruction given to them by a prison officer?... No.

Thank you, you have answered my question.

I think, Mr Commissioner, in terms of most of the other information, I will need to get hold of in relation to what has fallen from this witness, I'll do it by statistics that are available through the prison management. We could probably go on like this all day, but I don't think it is going to be very helpful to the witness and probably not to you, sir, so I will end my questions there.

COMMISSIONER IMLACH: Thank you, Mr Willingham. Mr Shirley?

MR SHIRLEY: Thank you, sir.

Prison Officer Brassington-Bell, you were asked about changes that occurred prior to 1984, or from '84 to '86 when you started in the hospital, and you indicated quite rightly that you weren't there prior to 1986 and so therefore you weren't aware of the changes. Has any of your evidence today related to change prior to 1986, or has it been from '86 through to today?... I've given evidence on changes in my time, since 1986. Prior to 1986 I've always maintained in my work to find out what practices were before my period of employment here, so as to get a gauge, I suppose. I would call it an insight into practices that may be still - that may have been dropped or out of use by officers and staff - that may still be useful to us now to improve our working standards. And so all the staff I work with have numerous conversations over ways which we can improve. We have the members that have been here prior to my time recalling older practices. We may be able to reintroduce some of them if they are relevant to us. So work practices from before my time are often discussed, although I have no personal experience working with them.

But you understand Mr Willingham's point - what he is saying is it is very difficult for you to give evidence prior to '86 - ?... Indeed I do.

- if you have got no direct knowledge of it. So if I can draw your attention to your statement, TPOA 44, the dates given in that statement range from 1986 through to 1989 - ?... They do.

- the changes in different areas of the hospital. Is that correct?... Yes, they do.

And - no, that's Mr Lopez's - your statement, two pages, have you got that now?... Yes.

So the range in - ?... Yes, 1986 to 1992.

Right. Well there is no reference there to 1992, is there, it says '89 on two occasions and then '86, '86 and '86. Is that right?... That's right, yes.

So have any of the other documents that you've referred to or I've brought your attention to refer to change prior to 1986?... Yes.

Right. Which matters are they?... I beg your pardon, I -

You don't need to worry about the statistics, just the documents were tendered?... No, quite frankly, I can't recall.

Right. Perhaps if we take you through the documents. There was the next one, TPOA.45, which is the 8 - 4 Relief. As I understood your evidence there that when I asked you to identify the change you said there were two matters - change in '84 as to the - change after '84 - as to the censorship of mail, and then down at 2.30, Escort inmates to Reception. So are you saying that that occurred after 1986 when you were a prison officer in the hospital, or did that occur before your time?... The first part of that question was the mail, what was the second part?

The next duty that I think you identified at 2.30, Escort inmates to Reception?... I don't recall mentioning that one.

All right?... But the first part, yes, certainly.

What about the first one, censorship of mail?... Yes.

Right. And when do you say that that changed?... It changed when there was a permanent staff put on at the hospital. Some time after. I don't recall the exact date.

Right. After the time that you started there in 1986?... It would coincide with permanent staff being established.

What I am after is a year?... 19 ...

Roughly?... 1989-90.

Right. So, after 1986?... Yes.

Okay. And you can't remember the other reference to the 2.20, Escort Inmates to Reception?... No, I can't recall.

Okay. Well, I'll leave that. I won't push that. The next document is TPOA.46 which is the Central Control Area - Guidelines for Unfamiliar Officers and Staff?... Yes.

There again, are these changes in your time, or are some of them before your time?... They are all in my time. I would point out No. 2, bookkeeping, there was always bookkeeping in that post. The bookkeeping has altered considerably, though, but the document as is is new. It was initiated by us for our own -

Yes. So, is it fair to say you're talking about your knowledge of change, about these documents?... That's true.

I understood you to say insofar as the next document, TPOA.47, which is this - items taken from a pamphlet or a book, or whatever - that there were changes that affected your duties and responsibilities insofar as - especially insofar as - point 4, 5, 6, 10 and 11. Is that correct?... Yes.

Right. And are they changes that occurred in your time?... Yes.

So, once again after 1986?... Yes.

Okay. Good. Is there anything in the document you referred to with the statistics, you talked about the graph. Are there any - I think the point that Mr Willingham was trying to elicit from you - is that you had a graph and it talked about percentage increases, and that can be misleading. Is there anything else in that document which quantifies the number of inmates that moved in and out or formed part of, or is it purely a document about graphs?... Sorry?

Or purely a document about graphs?... The document I have here is a description and delivery of services that the hospital is supposed to deliver, or is trying to deliver to the inmates. Attached is a list of statistics, not totally accurate. It doesn't pretend to be totally accurate. It can only be taken from what - as I tried to explain earlier on - have admissions under suicide categories. It only gives the numbers of people on suicide categories a,b,c, that were admitted or put directly on a category. It fails to show the number of people on a suicide categories after they had been reduced down from them. They could spend a considerable time in hospital and go on off, on off, depending on their condition. Also attached are two other pages, two graphs. The one in question and another which also shows movements to and from the hospital for non-resident inmates.

Right. But there are no figures, bar two graphs that you have just referred to?... Just two graphs, no actual figures.

Right. And the page before that are figures but are figures that may be misleading?... They are figures that underestimate not over-estimate. They are under-estimation.

So are there any figures there that talk about inpatient or inmate movements?... There is average daily bed occupancy with figures.

Right, and what does that say, and for what year are we looking at?... 1988 and '89, 11.87.

11.87?... Yes. 1989-90: 14.2.

'89-90 was that?... '89-90, 14.2; 1990-91: 15.5; '91-92, which is the incomplete year, 21.9.

21.9. Are there any other figures there that may - ?... Yes, there are figures for total patient days, average inpatient stays - in days, deaths in custody.

So are there any figures in the total inpatient days and stays that indicate changes, increases, decreases?... Yes. From 1988-89 inpatient stays in days 24.7; '89-90: 16.8; '90-91: 17.5; '91-92: 22.8. Total patient days 1988-89: 4,304; '89-90: 5,186; '90-91: 5,656; '91-92 incomplete: 7,991. Deaths in custody, '88 -

I don't think we really need to bother about that one?... It's real, though.

MR WILLINGHAM: Commissioner, I will seek the opportunity to ask a couple of questions about these figures that have now been revealed.

MR SHIRLEY: Thank you, Mr Commissioner.

COMMISSIONER IMLACH: Yes, Mr Willingham.

MR WILLINGHAM: Yes, just a couple of quick ones.

Officer, the inpatient days figures you quoted, that was the second set of figures which I recorded as 24.7, 16.8, 17.5 and 22.8. What are they? What do they represent?... I believe my interpretation, average inpatients stays in days is a patient resident at the hospital.

I am sorry, could you simplify that for me, please?... I haven't completed. I am trying to - could you give me time, please? To be quite frank, I have studied this document and discussed it, I am just unable to recall.

Oh, I am sorry. Well if you don't know what it means, there is no point in asking you any questions. I mean, I'll just remain unaware of it, too.

Yes, on that basis, commissioner, no further questions.

COMMISSIONER IMLACH: Right.

MR SHIRLEY: I don't know whether it is worth pursuing, but -

COMMISSIONER IMLACH: No, I don't think so, Mr Shirley.

MR SHIRLEY: No? Okay.

COMMISSIONER IMLACH: Mr Brassington-Bell, that's all. Thank you very much?... Thank you.

Now, is that all for the day?

MR SHIRLEY: If it please you, sir, if I can just put on record that we had two other witnesses. It's taken a little longer to get to this point than I'd anticipated.

Both the other witnesses had commitments at 3 o'clock and now since it is quarter past 3.00 they would be - the two witnesses that we intended to call for today - and that we'll develop another schedule of four witnesses, one on stand-by for next Friday.

MR WILLINGHAM: Commissioner, is it a 9.30 start next Friday? I haven't got my diary with me.

MR SHIRLEY: It was.

COMMISSIONER IMLACH: Yes, I think it is. It can certainly be if the parties - yes, I have got down 9.30.

MR WILLINGHAM: I would have thought Mr Shirley's suggestion was fine; yes.

MR SHIRLEY: Four witnesses.

MR WILLINGHAM: Three witnesses now.

MR SHIRLEY: Three, and one on stand-by.

MR WILLINGHAM: On stand-by, yes.

MR SHIRLEY: Therefore, Mr Commissioner, I would ask that the special case be adjourned until next Friday the 11th of December in accordance with the program that has already been developed for a 9.30 commencement.

COMMISSIONER IMLACH: Yes. All right, Mr Willingham?

MR WILLINGHAM: That's fine by us, thank you, commissioner.

COMMISSIONER IMLACH: Good. We'll adjourn until 9.30 next Friday the 11th of December. Thank you.

HEARING ADJOURNED