

**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, 27 November 1992  
Continued from 20/11/92

**TRANSCRIPT OF PROCEEDINGS**

Unedited

**GARY JOHN VIRIEUX, sworn:**

**MRS W. BURGESS:** Before we start, Mr Commissioner, WENDY BURGESS appearing for the Minister administering the State Service Act in place of Mr Willingham.

COMMISSIONER IMLACH: Thanks, Mrs Burgess. I think we'll remain seated during the course of the proceedings. Thank you. No one else?

**MR C. SHIRLEY:** Yes, sir, if I can indicate that for the Tasmanian Prison Officers' Association, **P.L. NIELSEN** as well as **C. HUGHES** and **C. SHIRLEY**.

COMMISSIONER IMLACH: Thanks, Mr Shirley.

MRS BURGESS: I appear also with **MR BEN MARRIS**.

COMMISSIONER IMLACH: Right. Mr Shirley?

MR SHIRLEY: Thank you, sir. If I can indicate, as I did at the last set of witnesses that were presented by the Tasmanian Prison Officers' Association, that in accordance with the agreement that witness statements were faxed to all the parties on Wednesday morning. The statements are from - in relation to the two witnesses we intend to call this morning. Prison Officer Gary Virieux and Prison Officer Elizabeth Barratt. They were faxed to Mr Clive Willingham for the Office of Industrial Relations, to the commission, to yourself, sir, and also to the Tasmanian Public Service Association. If we could follow the same procedure as last time, sir, I'll present those as a formal exhibit so they can be marked.

COMMISSIONER IMLACH: And what do you suggest the number be, Mr Shirley?

MR SHIRLEY: If I can just clarify with you, sir, the last formal exhibit was TPOA.7, which was an exhibit from the Hayes Prison Farm in relation to daily work sheets. Then there was a witness statement which was marked For Information. I'm not sure if that was marked in any particular form. So I'm not sure if that was given a number. The next exhibit number will therefore be this one for Prison Officer Virieux.

COMMISSIONER IMLACH: TPOA.8.

MR SHIRLEY: Sir, perhaps at the same time you could mark the witness statement for Elizabeth Barratt.

COMMISSIONER IMLACH: TPOA.9.

MR SHIRLEY: Thank you very much. Sir, in relation to the inspections that were carried out this morning at the

Launceston Prison you would have observed areas not too dissimilar to the Risdon Prison, the general lockups, the visit areas, the interview areas whether it be legal officers, welfare officers or for contact visits. There is a separate visit area for inmates and also separate areas for reception, control room and escorts or escort activities.

And you will observe - you will also hear from the witnesses that these activities insofar as the control room especially and the escort activities are undertaken by specialist units in other areas of the prison, specifically Risdon Prison, and the distinction that you'll hear reinforced both with Prison Officer Virieux and also Prison Officer Barratt is that these are activities that are undertaken by all prison officers at Launceston.

So they're not designated to specialist units, as it were, but they're activities that go on quite frequently up here and that officers have to take on those duties by necessity. They don't get inmates processed through those areas as a matter of course; they're also done by the prison officers. I'll reinforce that with the evidence of our witnesses and I'll proceed to our first witness. Thank you, sir.

Mr Virieux, could you indicate to the commission your full name?... Gary John Virieux.

And what is your rank?... I'm a prison officer.

And can you indicate to the commission your experience as an officer in the Tasmanian Prison Service?... Well I first started on 31 August '79 as a cook at Hayes Prison Farm until 1987, 7 December. I transferred to a prison officer and I spent 4 years at Hayes Prison Farm and I've had nearly 12 months up here at Launceston Prison.

Can I get you, if you're able, Mr Virieux, to indicate the number of inmates that - the maximum number of inmates that can be housed or located at the Launceston Prison?... I'd say 33 all-up.

Thirty three?... Yes.

And are you aware of any average that may be .... ?... I'd say at the moment the average would be about 15.

Right, okay, thank you. Are you aware of the staffing complement of the prison and it's make-up? How many officers go to make up the Launceston Prison?... We've got 13 altogether. We've got the superintendent, deputy superintendent and 12 officers.

Right. Did you say - ?... Well 11 officers, I mean.

Eleven officers. Are you aware when this establishment was first taken over by the prison authorities?... We came into it on 23 December last year.

Right. And was that in conjunction with the Tasmania Police Force?... Yes, up until January.

So from January you've operated it as a separate prison?... Yes.

Right. This institution caters for both male and female inmates?... That's right.

Thank you. And what's the nature of the stay in the prison - for want of a better term?... Well, generally it is short term, because we have escorts Monday, Wednesday and Friday, so we have a fairly quick turnover.

Some inmates on remand, some serving sentences?... Some are on remand and some are serving sentences, yes.

Good; thank you. And is there a special capacity that prison officers have at this institution, as opposed to other institutions, to your knowledge?... Well, I think the capacity here is you handle the whole area from go to whoa, whereas if I can compare with Hayes Prison Farm, that was sort of the finishing off sort of thing, whereas here you have got them off the streets and things like that, and that's a different ball game altogether. The people who have gone through - or went through Hayes - were virtually the pick of the other institutions, I guess you could say - generally, that is.

Good?... Whereas here there are unknown quantities and it is a very unpredictable sort of area.

I was referring more particularly to being sworn in in a particular capacity. All the prison officers here, as I understand it, have an additional -

MRS BURGESS: Excuse me, Mr Commissioner? I think Mr Shirley is leading the witness. He's to ask a question.

COMMISSIONER IMLACH: You must have been warned, Mrs Burgess.

MRS BURGESS: Sorry?

COMMISSIONER IMLACH: You must have been warned.

MRS BURGESS: No, I thought he was to ask questions of the witness to gather information from the witness.

COMMISSIONER IMLACH: Yes, well I will take note of that, Mr Shirley.

MR SHIRLEY: Yes. I've tried to be as delicate as I can, commissioner. There is a special activity undertaken by these prison officers, and I haven't alluded to it specifically as yet, but I am attempting to indicate that there is a capacity undertaken by these prison officers - they are sworn in in a particular capacity - that is not the case at other institutions. It's a fact, and -

MRS BURGESS: Mr Commissioner, the witness is to answer.

COMMISSIONER IMLACH: Well, put it to the witness, yes?... Well, we are sworn in as special constables to deal with the lockups, the police lockups.

MR SHIRLEY: Does that confer specific responsibilities? Why is that done at Launceston and it is not done in other institutions, is what I am trying to - ?... Well, I think the main reason is the lockups are the police responsibility, but that gives us the authority to deal with the lockups while they are in the gaol.

Good. Thank you. Now there are a number of standing orders that govern the activity of prison officers. I would like to show you Standing Order No. 2.

COMMISSIONER IMLACH: TPOA.10.

MR SHIRLEY: It's a standing order, is it not, Mr Virieux, for the general responsibilities of officers - to be undertaken by prison officers at the Launceston Prison?... Yes.

I was wondering if you could just quickly take us through that document and highlight the responsibilities of officers as outlined by that standing order?... Well, I think probably in this day and age the main thing is the welfare of the inmate is regarded more highly than what it used to be in the past, and so therefore as far as the areas of being safe and humane in a secure manner, and cleanliness and all those sorts of items, they are more highly regarded these days than what they used to be in the past. And I think the inmate is sort of - whereas years ago they were locked away and forgotten about - these days they are sort of looked upon as being human beings, sort of thing. That is one area. And I think the idea is where probably in the training and that more so these days we are able to sort of recognise problems with inmates that years ago they wouldn't have done - in welfare, and all other areas, I guess.

Right. Is there more interaction between prison officers and inmates, to your - is it your experience that that is the case?... Yes I think so more these days, yes, to what it used to be.

And indeed the standing order indicates that it is your responsibility to undertake and ensure that these matters are adhered to; is it not?... Yes. I think that's - when time permits to, sort of, you know, cover all - depends on the number you have got at the time and the people and the different situations they are in - and what your capacity is to be able to handle it, I guess, and what resources you have got at the time to deal with it.

Now at dot point six it reads:

Officers are to bring to the attention of the Superintendent any complaints from the inmates that he/she is unable to resolve.

So, is it the case that you are required to, in the first instance, receive the complaints and deal with them and address the matters that are concerning the inmates as the first port of call, and then forward them on if you are unable to service the complaint?... Yes, I think it depends on the degree of the matter and that, but if you can't deal with it, then you have got to take it further.

Right?... I mean, some situations to speak to the individual inmate will fix the situation, but with a lot of situations they need to go to somebody who is experienced and trained to deal with it.

Yes. And are you aware previously that that was not a requirement of prison officers; that sort of interaction?... Yes, I tend to think so, yes. Like, again compared with Hayes Prison Farm, it's a different situation. Like, there most of those were contented, whereas here you have got a lot of people off the street and they have probably never been in gaol, and things like that. And they have got more problems to deal with, yes.

Right. And so that impacts on you as a prison officer?... Yes, I think more so, yes.

Right. The notice at dot point four:

Officers are responsible for all keys in their charge.

Is that a specialist activity that, are you aware, is undertaken by other prison areas that is undertaken by all prison officers in this institution?... Probably more so here because we are a smaller operation, say, compared to Risdon where they wouldn't all be involved as much.

Right. Thank you, Mr Virieux. I will ask you to have a look now at another document. It's Standing Order No. 3, and it deals with the prison daily routine.

COMMISSIONER IMLACH: TPOA.11.

MR SHIRLEY: That standing order relates to the prison daily routine, does it not?... That's right.

I was wondering if you could take the commission through this document and indicate the daily routine that you are expected to follow?... All right. Well, at 6.30 it's lights on and check the inmates are awake, and then at 7 o'clock we shower the inmates two at a time, 3 minute duration, and then put them back into the cells and lock them in, and then they make up their bedding and toilet themselves. From there they go two at a time to the exercise yard, and at 8 o'clock they have breakfast. And in those time periods if there are requests, things like nature or phone calls, or whatever is necessary, that's conducted at the same time. And, say, the time period between 8 and 12 are with court appearances and solicitors to interview them, welfare officers, whatever is necessary. And then lunch at 12 o'clock. And then the same thing through the afternoon because there is court in the afternoon. And also there are escorts Monday to Friday to the north west coast so there is that to deal with as well. And 5 o'clock is dinner and lockup at 6 o'clock, and generally the wardsmen at 7 o'clock for their lockup. And then we have a cell muster to complete and to check every half hour.

Right. It says there the officer-in-charge, is that a prison officer or is that an officer of a higher classification?... Well, generally to date it has been a prison officer, yes.

So one of the officers is deemed to be the officer in charge?... Yes.

Right. So it is their responsibility to ensure that the numbers equals the muster register and everyone is locked away?... That's right.

Is that also the case - at 6.30 it says: Conduct cell muster. Is that to ensure that the registered number of inmates equals the head count?... That's right.

Okay.

COMMISSIONER IMLACH: Mr Shirley, that question on the prison officers in charge - of what?

MR SHIRLEY: One is deemed to be the senior officer in charge of that shift, as I understand it, sir, would have the responsibility of ensuring that these activities are carried out as per the standing order. The point being that the complement as it stands at the moment is there is a superintendent, a deputy superintendent, under the guise of a chief prison officer, and a number of prison officers. And

the officer in charge on a number of those shifts is more than likely going to be a prison officer, but deemed to be the senior prison officer.

COMMISSIONER IMLACH: And you're saying in the absence of the superintendent or the deputy, or whatever?

MR SHIRLEY: That's right. There are going to be occasions at night, afternoon shifts, other absences of those senior officers, where the officer in charge is a peer, but internally seen to be the senior officer.

COMMISSIONER IMLACH: Now you heard all that, Mr Virieux, do you - is that your understanding of it?... Yes.

COMMISSIONER IMLACH: Right. Thanks, Mr Shirley.

MR SHIRLEY: I notice that down at the bottom, the last entry, is:

8.00 pm to 6.00 pm. All cells whether occupied or not are to be inspected at 30 minute intervals unless the Superintendent has ordered more frequent observations.

That's conducted by the night prison officer, is that the case?... Yes. Well actually now we have got different shift times to what we did have. Whereas it was 2 to 10, 10 to 6, so now we have got 8 to 4, 4 to 12 and 12 to -8. So, between those times we go to different shifts and do those checks, and in addition to that if we have got a suicidal it may be every 15 minutes.

Good?... And that would be within the two observation cells now.

Yes. But what you are saying is there is a 10 pm to 6 am shift and that's a night prison officer, for want of a - ?... Now it is a 12.00 to 8.00.

Twelve to eight?... Yes.

Is that one prison officer?... Yes, well with the exception - if we have a lockup in then there's a prison officer on duty. But if there is not a prison officer on duty there is only one, yes.

Right. And that night officer is expected to carry out those inspections that you just talked about?... Yes.

Right. Actually between now, with these shift times they've changed. At 6 o'clock now you've got another one that comes on at 6 o'clock now - 6 to 2.

Right. And the last paragraph refers to: Late lights for study purposes may be permitted ... Is that a request that comes through prison officers?... Well, generally we find that at 10 o'clock the lights are out, and most of them pack it in fairly early.

Right. Okay. I think if I can get you to have a look at another document, Standing Order No. 4.

COMMISSIONER IMLACH: TPOA.12.

MR SHIRLEY: Is this a standing order that relates to the showering of inmates, Mr Virieux?... Yes.

I wonder if you would just take the commission through and explain the showering activities that are required of the inmates and supervised and conducted by the prison officers?... Well, at 7 o'clock in the morning the inmates are showered, and we have one officer that's in the control room that can monitor the cameras, and the other officer let's out two inmates at a time to be showered of a 3 minute duration, and once that's carried out they are locked back in their cells and then the others are carried out the same way. And once they are all showered and their cells are all tidied up they are moved to the exercise yard.

Good. Are you aware if this activity is undertaken by specialist areas at Risdon?... Yes, I know they have showering areas where they are all showered at the same time.

Yes.

MRS BURGESS: Excuse me, Mr Commissioner? Is the witness giving evidence for Risdon?

MR SHIRLEY: I asked him, as to his knowledge, he can answer he's unaware. He said he was aware. Thank you.

Insofar as point four is concerned:

Strict economy is to be exercised in the use of hot water during showering. Maximum time allowed in the shower - three (3) minutes.

As I understand the operation of this standing order there is one prison officer in the control room and there is one officer observing the showering process; is that right?... Yes.

Is there some difficulty in ensuring that that standing order - that part of the standing order, is adhered to?... Well, I guess there is if everything goes all right, but if anything goes amuck it might be a different ball game.

Right. I want you to have a look at Standing Order No. 7.

COMMISSIONER IMLACH: TPOA. 13.

MR SHIRLEY: Is this a standing order that refers to prison diary and prison daily muster sheet, Mr Virieux?... Yes.

Once again, I wonder if you could just quickly take the commission through this document and explain your role, your responsibility in relation to this standing order?... Well we maintain a daily diary with such entries as when a prison officer comes on duty, an inmate goes to court, welfare officer/solicitor comes to interview inmates, visitors to the prison, people who make deliveries. Anybody who comes through the door are entered into this diary for record purposes.

And insofar as dot point one is concerned: names of visitors, staff personnel and inmate movements, and what have you, that is all recorded by the prison officer in a register, a muster register?... Yes, we have got a diary.

Good. And I think we observed in the control room that it actually goes on the muster board as well; is that correct?... That's with the inmate numbers, yes.

Right. So is there some sort of check and balance between the two, is there; the muster book and the muster board must tally?... Yes. You have got a record then of the movements in and out of the prison of the inmates, yes.

And once again, are you aware that this activity is undertaken by a specialist area at Risdon?... Well, I guess it is, yes.

COMMISSIONER IMLACH: You don't really know?

MR SHIRLEY: If you know - ?... I am not sure.

I mean, it is only asking if you know if it is undertaken by a specialist area. If you're not, if you don't know, well -

COMMISSIONER IMLACH: No harm in saying you don't know?... Oh, well I will leave that one then.

MR SHIRLEY: Okay. It's also used at dot point two as a form of communication to oncoming officers on different shifts, is it not, all oncoming staff?... That's right, yes.

Good. And where it refers in dot point one to duty officers, once again is it correct to say that the duty officer would be one of your peers, would be a prison officer, or is that a senior position?... No, a lot of the time it would be a prison officer.

Right. Okay. And at dot point four:

A copy of the Muster Sheet will be forwarded to the Chief Superintendent on the following day.

Is it the responsibility of one or more than one officer to ensure its accuracy before it is forwarded to the superintendent?... Yes, I think it is the responsibility of the officer-in-charge, but also both the officers to make sure it is correct before it is forwarded.

Right. But what you are saying is, as I understand it, the officer-in-charge is a prison officer?... Right.

Well, is that correct; that is the situation?... Yes.

Right. So, is that done at a particular time in the day?... Yes, and the muster sheet at 6 o'clock - 6 pm, yes.

Right. So it would be the 2 to 10 - somebody on the 2 to 10 shift to ensure that it is correct?... Yes; and the 4 to 12.

The 4 to 12, right. I will get you to have a look at Standing Order No. 12.

COMMISSIONER IMLACH: TPOA.14.

MR SHIRLEY: This standing order -

MRS BURGESS: Excuse me, could we have a copy too?

MR SHIRLEY: Oh, I apologise.

Yes, this standing order that relates to procedure on admission of inmates?... Yes.

Once again, I wonder if you would take the commission through this document and explain your responsibilities, your duties, insofar as this standing order is concerned?... When the inmates come into the prison they are processed and they are strip searched, and items such as belts, neck ties, anything that could be used in a suicide attempt is taken from them. The property is taken from them and documented, and valuables placed in the safe. Photographs are taken of the inmate, when they are processed. When we go through that, we can sometimes determine if they are suicidal or if they have got problems, health problems, whatever, and the details of next of kin so that they can be contacted to inform them that the person is in prison. Any other problems that they have got, such as welfare officer, doctor, whatever they need, can be arranged. And once that's carried out, if need be they are put into an observation cell if they are suicidal, and otherwise they are placed in a cell.

Right. What rank of officer conducts these activities? What is the rank of the officer involved in these activities?... Well, a prison officer, yes.

Right. Does it also apply to lockup prisoners?... No, not with the lockup, because there again they are the police responsibility. They do searches on them in their area, and we're there to, sort of, keep a check on them, and that's about our area. I mean, we feed them if they are in during mealtimes and that, and to lock them up and unlock them is the main thing.

Good. At point three of that standing order:

A Prison Officer who has custody of the property of a inmate shall -

. Make an inventory of that property in a Register Book kept for that purpose.

. Ensure that an inmate signs the Register Book against the inventory in that book in respect of his property when his property is given up on his admission to Prison, or when any property is returned to that inmate.

So that's the procedure that you are required to follow for each inmate?... That's right.

And that's conducted by a prison officer?... Yes.

Good. Are you aware that there is a special, or a specialised area within Risdon that looks after that activity?... Well, at Risdon the reception area deals with that.

Good. And are you aware of the rank of officers within the reception area?... Well they have a chief in charge of it, and a senior.

A chief and a senior? Okay. Thank you. And the officers that undertake that activity here are prison officers, is that correct?... That's right, yes.

Thank you. At point four it says:

Inmates may be ordered to take a shower after being searched.

Who makes that determination?... Oh, I guess we, depending on what the situation is, or if we feel that we need to, go through the superintendent.

Right. But what you are saying is that if you believe there is a need you'll ask the inmate to take the shower?... Yes.

And therefore that may fall outside the other standing order that deals with showers - having showers at a particular time?... Yes.

So, .... will interrupt that? It will happen at some time during the day?... It's generally when they are admitted. There's no guarantee that they are going to be in their best. A lot of time, more than enough, they are in their worst.

Are you intimating that they may be under the weather?... Oh, under the weather, and everything else that's possible.

Right. Okay. At point five it says:

If an inmate needs to be taken to Hospital for medical treatment, they will be handcuffed at all times, unless authorised not to do so by the Superintendent or on medical advice.

Who makes the determination about whether they need to go to hospital? Is it the prison officer, or is it - do you refer that to another officer?... We generally refer that to the superintendent.

Fine. And your activity, you would be required to escort the inmate to the hospital? Is that the - ?... Well, that's right, unless we have to call somebody in to do that, so that the prison is covered.

Right. And when you say call in, are you saying another prison officer would be called in to cover the shortfall, or are you saying some other - ?... Or for the escort to the hospital.

Right. Okay. But it would be a prison officer?... Yes.

Okay. Thank you. Right, if we can turn to Standing Order No. 13.

COMMISSIONER IMLACH: TPOA.15.

MR SHIRLEY: This standing order refers to Transfer - Launceston to Hobart; is that correct, Mr Virieux?... That's right.

Once again, I wonder if you would take the commission through the activities required here of a prison officer?... Well, when the inmates are transferred to Risdon the paperwork has to be - their transfer is fixed up - or if they come in on a warrant they go out on a warrant. So that's all conducted usually first thing of a morning, and the property is organised and documented, and when the escort van comes in the same

thing happens from the ones from Risdon, and then they are searched and placed in the van three at a time.

Good. The transfer that comes from Hobart to Launceston, I take it the inmates there would have been searched, you search again on receipt?... Yes.

You then search the vehicle, the escorting vehicle?... That's right.

And is it that same vehicle that is used to escort - is it the same officers that are used in that vehicle to escort back to Hobart?... Yes. The ones that come on the escort do that, yes.

Right. So it is Hobart officers that - ?... Yes; that's right.

Are you aware who conducted this activity prior to the prison taking it over, the transfers Launceston to Hobart?... It would be the police.

The police undertook the activity before?... Yes.

Thank you. With the searching of the inmates and the vehicle, and what have you, is there any recording that needs to go on for this activity; is it recorded in a register anywhere?... No. If anything was found -

You'd just make an entry then?... - well, then, it would be recorded.

Okay. At point four:

Ensure that a Polaroid photograph is taken before leaving Launceston Prison of those newly sentenced or remanded in custody, ensuring that it is attached to the Warrant to provide positive identification of those transported to Risdon Prison.

How is that polaroid photograph taken?... The photograph is usually taken when they are admitted to the prison through the processing. That's done at that stage.

So it is done by a prison officer?... Yes.

Thank you. And, insofar as the warrant is concerned, is that a court warrant or is it a warrant produced by prison officers within the prison system?... No, it's a court warrant.

A court warrant. Is there any other paperwork that goes with that court warrant from a prison officer's point of view?... Well, there is, like I say, with a transfer for a prisoner or a detainee there's those two.

Any records of property or possessions? Do they go down with the warrant?... Yes.

Right?... Yes, there is a transfer book for those.

In fact I think it's covered at point three, is it not: A list of all property belonging to the inmate is to be made to the escorting officer together with such items as are not authorised to be in the possession of the inmate. The escorting officer is to sign the property book accepting responsibility for that property?... That's right.

So that's done by prison officers?... That's right.

And that paper work would go down with the transferred prisoner?... Yes, it goes with the property.

Okay, thank you. Are you aware of the photographing activity being undertaken at Risdon Prison and which area that's done in?... It's done in the reception area.

The reception area - and once again I think you said that in reception the classification of the officer there was chief prison officer and senior prison officer?... Yes.

Thank you. I'll get you to have a look at Standing Order No.14.

COMMISSIONER IMLACH: TPOA.16.

MR SHIRLEY: Is this a standing order that deals with discharge of inmates, Mr Virieux?... Yes.

Thank you. Once again, could you take the commission through the activities that you're required to undertake?... When the inmate is discharged all his property is collected and he checks that off and he signs the property book to the effect that everything that's there is correct and basically that's - that's it and then he's released at a time that .... What classification of officer undertakes these duties?... Oh, a prison officer normally.

A prison officer - thank you. And previously the entries regarding the property book would have been conducted by a prison officer, and are you saying it's signed by this discharging officer and the person being discharged?... That's right, yes.

So it all appears in a register of some sort?... That's right.

Property register - thank you. Are you aware that - of this activity being undertaken by a special area - or another area in the Risdon Prison?... No, again I'd say it would be the reception area that would do that.

Right. And you've already talked about the classification of officers - the - now your work is not just purely these matters, it's other matters to do with the welfare and - I think it says in Standing Order No.2 you've got other responsibilities other than these activities that may be seen to be reception duties; is that correct?... That's right.

Okay, thank you. I'll get you to have a look at Standing Order No.15.

COMMISSIONER IMLACH: TPOA.17.

MR SHIRLEY: This is entitled, is it not, Mr Virieux: Inmates Property Officer?... Yes.

Is that correct?... That's right.

Once again, could you just quickly take the commission - the commissioner through your activities in relation to this standing order?... Oh that's related to the, as far as property goes, with valuables, money, et cetera. These are locked in a safe and the superintendent generally has the key to that, or, say, in this case it would be the senior officer.

Right?... And we also have another safe that's - that we can use if that's - because we don't have access to that - if we have valuables and that.

Right. And there is reference there to senior officer; what rank is that?... Well it's a - from senior prison officer and above.

And so prison officers don't undertake those duties?... Well not as far as the safe goes, in that respect, yes.

So you hand - you hand the - ?... We don't handle the keys to the safe for the valuables, money, et cetera.

Right. So anything done in that regard you hand over to the senior prison officer; is that what you're saying?... That's right, yes.

Is there a senior prison officer on duty all the time?... No, we now have a deputy superintendent -

Right?... - but's he's 8 to 4.

Right. He's - ?... So outside those hours he's not available.

Okay. So what happens after 8 to 4?... Well if the superintendent - the superintendent is there well he'd be used, but otherwise there's no one.

Right. And what - what hours generally speaking does the superintendent work?... Well, they vary.

Ballpark; 9 to 5?... Oh, well say, 9 to 5.

So what you're saying to me that after 8 am in the morning and after 5 pm at night, this activity isn't undertaken?... Well we haven't got access to that so we can't carry that out. But if we have any valuables or money they go in the other safe that's in the control room.

Right. And - so there is a second safe; is what you're saying?... That's right, and that's where the keys and that are held now.

Right. So the activities - these activities are - are in effect placed in another safe; is that correct?... That's right, yes.

And which officers do that?... Well the prison officers on the shift, yes.

Okay, thank you. The - once again are you aware that this activity is conducted at the Risdon Prison, and if so, which area?... I'm not really sure, but I know that they'd have - they'd have a separate area to look after that.

Okay, yes. I appreciate that.

COMMISSIONER IMLACH: Mr Shirley, could you just explain all that to me - what you're - I'm a little bit confused. It seems to me that some of the duties mentioned here don't actually devolve or whatever the word is, to a prison officer; is that right?

MR SHIRLEY: Insofar as Standing Order No. 15?

COMMISSIONER IMLACH: Yes.

MR SHIRLEY: I believe the witness was saying that between the hours of 8 to 4, when you would have the deputy superintendent on duty and 9 to 5 when you'd have the superintendent on duty - the activities of the inmates property officer are - are in effect conducted in a No.1 safe, if you like, for the safekeeping of it, by those officers. Now after those hours that activity may go on, except the

prison officers use another safe that they have access to. So in effect -

COMMISSIONER IMLACH: There's a sort of a senior safe and a junior safe?

MR SHIRLEY: Correct.

COMMISSIONER IMLACH: The prison officers are responsible for the junior safe?

MR SHIRLEY: A junior - not in any other - not in the sense of less responsibility, it's just that they haven't got access to it - they haven't got the keys to it, whereas the deputy superintendent and superintendent have access to this particular safe between those hours. There will be like matters, like property items, that will be received after 8 am - after 5 pm and before 8 am, but the prison officers put them in another safe - a safe they have access to.

COMMISSIONER IMLACH: Yes, I presume you'll address me as to the significance of that in due course.

MR SHIRLEY: Well -

COMMISSIONER IMLACH: They're just facts aren't they at the moment?

MR SHIRLEY: Yes. The - as I understand the import of it, the activity between those hours is carried out with the overseeing capacity of those senior officers. But that's not to say that the activity ceases after those hours. So the that I'd seek to draw to the commission's attention at the moment is that activity doesn't stop, but somebody else has to pick up the responsibility and all we're talking about is a different safe keeping between different hours.

COMMISSIONER IMLACH: Yes, I understand that. Thank you.

MR SHIRLEY: Excuse me, sir, I was wondering if it's possible just to have a short adjournment for about 10 minutes?

COMMISSIONER IMLACH: Yes. We'll adjourn for 10 minutes.

SHORT ADJOURNMENT

MR SHIRLEY: Thank you very much, Mr Commissioner, for that 10 minute adjournment.

Mr Virieux, I'll show you Standing Order No.16.

COMMISSIONER IMLACH: TPOA.18.

MR SHIRLEY: Mr Virieux, I - this standing order relates to the procedure for escapes, does it not?... That's right.

And - and it's a general procedure regarding escapes that may occur from the prison; is that right?... That's right.

Yes. Now are there any specifics that you wish to make about that? I don't have anything that essentially I need to ask you. I don't believe there have been any escapes so far, but it is a standing order - it is a standing order that you need to be aware of?... That's right, yes.

And be familiar with the requirements should an escape occur?... That's right.

Okay. I'll get you to have a look at Standing Order No.17.

COMMISSIONER IMLACH: TPOA.19.

MR SHIRLEY: This standing order refers to fire emergency procedures - procedure; is that correct, Mr Virieux?... That's right.

And once again I don't think this has been enforced as yet, but you need to be aware of the procedures and any requirements of you as a prison officer. There is reference once again to senior officers in this and I'm just wondering if you could indicate who you believe the senior officer would be on the shifts?... Oh well, on the shifts I guess apart from looking at the OIC, you'd have deputy superintendent who's on call or then the superintendent.

And there are times, you just indicated, they're shift times - or approximate shift times and outside that there would be an officer designated as the senior officer; is that correct?... Yes, on the shift, yes.

Right. And that officer's rank, in the normal course would be what rank?... Well, I'd say generally it would be a prison officer.

Prison officer. Okay, thank you. And so at 3, sub (d), where it talks about: commence firefighting if required, and then the last sentence: make sure all doors and gates are locked to avoid any escapes - that would be the role of the senior officer and maybe the role of a prison officer who is designated as the senior officer on that shift; is that correct?... That's right.

Okay, thank you. And also over the page, on page 2, it's still section 3, but in this case subsection (f): conduct and muster and account for all staff and inmates - that would also

be the duty of the prison officer if they were the nominated senior officer?... Yes, that's right.

Okay, thank you. I will get you to now look at Standing Order No.19.

COMMISSIONER IMLACH: TPOA.20.

MR SHIRLEY: And this in fact relates to a defects book - a defects book; is that correct?... That's correct.

And officers are required to make certain entries into the defects book or register; is that the case?... That's right.

And then make a report to the superintendent about any action taken by the prison officer?... That's right, yes.

Okay, thank you. Thank you, I'll get you to have a look at Standing Order No.20.

COMMISSIONER IMLACH: TPOA.21.

MR SHIRLEY: This standing order refers to inmate visits; is that correct?... Right.

Thank you. Could I quickly get you to outline the procedures that would be adopted for inmate visits, for the commissioner please?... Well, they first have to book in for a visit, and then when they come for a visit it's recorded and their address and details.

Good?... And the visit is 30 minutes, unless they have a special visit for, say, perhaps an hour.

Right?... And the only ones that have contact visits generally are the wardsmen - and they're minimum security.

Right?... And no more than two adults and two children under the age of 16 for the visit. They don't have ex-inmates visiting other inmates .... Special visits can be granted to - depending on the circumstances.

Good?... And whilst the visits are in progress the officers keep a surveillance of the visiting box area.

Right. With - with 8 in the standing order: weekend and special visits are normally granted by the superintendent only, or in the absence, the senior officer on duty providing he/she is satisfied that such a visit is justified. Once again that senior officer on a weekend visit would, in the normal course, be an officer of what rank?... Well a prison officer has been in the past but now with deputy superintendent well there's a fair possibility he'll be on of a weekend.

But he hasn't been working weekends as yet?... Yes, he has, yes.

He has?... Yes. But he's not available all weekends.

Yes. So they're sometimes, even through the week or these week visits, Monday to Friday, 1 till 3, so you're saying that that's encompassed by an officer other than a prison officer; is that correct?... Yes, that could be, yes, through those times, yes.

And at the weekend there are occasions when the deputy superintendent works, but there are occasions when he doesn't?... Yes, that's right.

And visits would be approved by the designated senior officer?... No, they'd go through - if he was on call, the deputy superintendent or the superintendent.

Right, okay. So they're still processed through - ?... Yes.

- the deputy or the superintendent?... Yes.

Okay. With 13, about police access, the last sentence says: However, an order from the court or direction from the director of corrective services is required before an inmate can move from the precinct of the prison. Is that practice ever varied?... No, not to my knowledge. They have got to have the paper work through before they can carry it out.

Okay, thank you. In relation to probation and parole officers - 14 - the middle of the first sentence, it says:

Of the senior officer on duty or prison officer,  
for the purpose of the Probation of Offenders Act  
and the Parole Act.

So visits by probation and parole officers may be given by a prison officer; is that the case?... That's right, yes.

And are you aware that that has occurred in the time that you've been at the prison?... Yes.

It has occurred - okay, thank you. It is also the case that it occurs with the welfare officers - 15 - and chaplain's visits - is that also - that's approved by prison officers as well?... Yes.

COMMISSIONER IMLACH: Are you saying, Mr Shirley, that these things are approved by a prison officer even though a senior - or the superintendent or the deputy are on the premises?

MR SHIRLEY: No, it - the -

COMMISSIONER IMLACH: If they were not, you're saying?

MR SHIRLEY: Yes - that's my understanding of what the witness has said.

COMMISSIONER IMLACH: Is that right?... Sure, yes.

Thanks, Mr Virieux.

MR SHIRLEY: Thank you, sir.

Mr Virieux, I'll show you a document dated August 1992 - escort routine - it's a document signed by the superintendent, John Howlin.

COMMISSIONER IMLACH: TPOA.22.

MR SHIRLEY: This document refers to escort routine, does it not?... That's right.

And - and it relates specifically to escorts between Launceston and Devonport and Burnie; is that correct?... That's correct.

Okay. Could you quickly indicate to the commissioner the duties, responsibilities, undertaken by a prison officer when they are conducting these - this function?... Well, when inmates are escorted to the coast, it's the same as for Launceston to Risdon - they go through the same procedures: (a) in this situation the prison officers - one's - one drives, one is escort, I guess and we carry out all the procedures whereas normally we just - once they leave Launceston it's not our - their responsibility then, as far as the Risdon one goes, but with the Launceston to the north west coast, we're responsible from when they leave here to when they get back again. And we carry out the same functions at Devonport and Burnie that we do here as far as strip searching, property recording and just the general security of everything.

Good, thank you. Are you aware who undertook this activity prior to the prison officers taking it over?... The police did.

Police. Thank you. And the second last dot on page 2: the escort must always travel directly to their destination.

Should the escort have an unscheduled stop for an emergency, one of the escort officers must make radio contact and report their position, the reason for stopping, assistance required and any other relevant information.

Are you - can you indicate to the commission the reason for - for that paragraph being inserted?... Oh I guess with the business we're involved in, so that people are aware of where you're at and if you need assistance that it can be given and in the shortest possible time, I guess, to avoid escapes and any other associated problems.

Yes. But it's normally the practice that you would travel directly; is that correct?... Yes, right.

Between the transfers?... Yes.

But have there been occasions when you've needed to stop for any reason?... Oh, I guess in the case of a breakdown. We had one instance where a tyre blew out and in those situations well it can't be avoided then.

Yes. All right. And you take the necessary steps to contact - ?... That's right.

- Launceston Prison as to your whereabouts? All right. If you - I'll get you to have a look at another document dated 5 March 1992, to staff members.

COMMISSIONER IMLACH: TPOA.23.

MR SHIRLEY: The - on the last page of that document - and there may even be a number on the top right hand corner of page 4, it has been signed - can you indicate whose signature that is?... ....

Yes, that's it?... That's John Howlin, superintendent.

That's the superintendent's signature, is it? So this is a document from him to all officers?... Yes.

Dated 5 March 1992; is that correct?... That's right.

And it relates to escort officers, warrant book, prisoners' property, to visits, telephone calls, superintendent request forms and to property allowed in cells, and suicide cells; is that correct?... Yes.

Have there been any changes to standing orders affected by this document, therefore changing your duties and the responsibilities as a result of this document coming out?... Yes, I'd say, taking it overall, there has been changes to the standing orders from day one.

Right?... Fairly regular basis.

So on page - what would be page 2, where it talks about staff do not accept the property from visitors for inmates,

newspapers, magazines, books, these items may be supplied from an approved newsagency direct through the prison and then tobacco, toilet requisites, chocolates, sweets (lollies) - these items are issued through the canteen system - do you need to take particular vigilance to ensure that these items are not coming into the prison for security purposes or security breaches?... Yes, well I guess the fact there is that as far as toilet requisites and certain things like that go, they can purchase on the canteen system, and the only area they really need to be provided, that is the ones that come off the - or the new intakes, sort of thing -

Right?... - because they don't have the availability to - to purchase those items.

Right. Mr Virieux, could you indicate if there's anything else that you'd like to tell the commissioner by way of changes to your duties or responsibilities that may assist the commissioner in understanding work value changes?... I think the big factor with Launceston is that compared to the other institutions it's very unpredictable. There's no set pattern. You never know what to expect and I think that's, sort of, a thing that causes more pressure on everybody from time to time. I mean sometimes it - there seems to be a lull period and everything goes well and then there seems to be a real onslaught - but that's just the way it is, I think.

Right?... But I think it's a factor that when we were first here with the building and all other associated things going on, there was a fair bit of a stress, sort of, situation for everyone and I think that's actually settled down now to what it was. But you've still got that unpredictable situation and a lot of unknown quantities.

When you talk about unpredictability - is that - does that relate to just the working environment or inmate behaviour or - what do you - ?... Yes, I guess the inmate behaviour would be the main thing.

And why is that?... Well, I think it's because a lot of the people that come through are, you know, it's sort of first time and - oh merely, some of them are first time, but it's a different sort of environment and a lot of them aren't used to it and they don't adapt to it, I guess.

Right?... And probably a lot of them never will. So you'll always have that problem.

Is it brought about by the - the - the inmates moving in and out of the prison?... Yes, I think that's one thing. You haven't got a steady population so therefore with the turnover and that, you - you don't get a chance to sort of - or nobody gets a chance to really settle in as such.

Right?... Or very few do.

And I'll just get you to concentrate on - your mind on the welfare aspect and interaction between inmates and prison officers. Could you just - if you're able to, the - the changes that have occurred in that area?... Well, I think initially that things were, like I say, going to the building and that, things were very up in the air because - well because of that situation happened and that probably caused a few problems because you just couldn't deal with everything at once sort of thing and - but I think that we don't - the way the building is designed - interaction - you don't have that much interaction and probably that causes a problem with inmate/officer sort of relationship, but that's just part of how it's set up, I guess.

Right?... And - but that probably does cause a problem because you're - you're - well not isolated but you don't have as much contact as what you would in other areas.

Are you saying there is no contact between yourself and inmates?... There is contact, but not on the basis - well, if I wanted to compare it with, say, the prison farm - there is a lot more contact there. And you had a continuity of a person being there, sort of thing. That was another thing there. Here, like they are here for a couple of days and then they are gone, so they are not really here with enough time to really establish anything.

Thank you, Mr Commissioner, that's all the questions I have. Thank you.

COMMISSIONER IMLACH: Thanks, Mr Shirley. Mrs Burgess?

MRS BURGESS: I would like to adjourn for about 10 minutes.

COMMISSIONER IMLACH: All right, we'll adjourn for 10 minutes.

SHORT ADJOURNMENT

MRS BURGESS: Mr Virieux, when you said about the special constable, you are sworn in as a special constable, I understand that it is only for the lockups, and is it a fact that the police are there on nightshift for the lockups?... Yes, the police are there when we have a lockup in there.

And going on to - are you also aware of the staff structure of Risdon reception; do you know what that consists of?... I know they have a chief in the reception.

Would it surprise you to know they have got two prison officers and a clerk as well in reception?... No, it wouldn't surprise me.

Now, is it true that the superintendent and the deputy superintendent manage the storing of the prisoners' property? Your function is storing the property in the control room safe until the superintendent or the deputy superintendent takes control of it; is that how it works?... Yes, that's the valuables and the money, yes.

And I will just refer you to the Standing Order No. 2. Do you have that with you? Standing Order No. 2, reference was made to the senior officer. Is it true that if a prison officer acts as a senior officer he gets an allowance for that?... Yes, that's right.

He does get an allowance?... Yes.

Right. Was that true when you were at Hayes also?... That's right.

You got an allowance for that as well?... Yes.

Now I refer you to Standing Order No. 20.

COMMISSIONER IMLACH: Exhibit number?

MRS BURGESS: Exhibit No. TPOA.21.

COMMISSIONER IMLACH: Thank you.

MRS BURGESS: If we just go down to 15. Would you agree that the senior officer authorises the visits - or the standing orders, sorry - authorises the visits of the welfare officers and the probation and parole officers?... Yes.

They do? So you agree that prison officers are not making decisions about that?... Well, how I see it, they are able to come in and visit inmates, there's no reason why they shouldn't.

No, but you don't actually authorise it, the standing order authorises it. Prison officers don't authorise it, is that right or not?... Yes.

Okay. Thanks. The final question, are you saying - and I am not really clear on this, although it is not a worry - are you saying that because of the design of the building that you are not able to interact with the prisoners as much as you'd like to?... Well, I think that's basically it, yes.

So, does it make it more difficult for your job?... Well I think it does, because if you can't interact they tend to sort

of - their anxieties or whatever build up - and then you're confronted with it.

Right. Okay, thank you very much. That's all the questions I have, thank you.

COMMISSIONER IMLACH: Thanks, Mrs Burgess.

Mr Virieux, that last , I understood you were saying that - I mean the design, yes, that causes problems - but the main , your main thrust was, the nature of the inmates causes - unpredictability - causes the prison officers here some concern?... Yes, well I guess it is an interaction of both, really. They sort of both go together, I'd say.

And would you say there is any proportion between the two? Like, does one affect you more than the other?... Oh, well probably the unpredictability I think, that would be the main factor, yes.

Of the inmates?... Yes.

Not the building; but they both have an effect?... Yes.

And that effect, can you quantify that as compared, say, with the life of a prison officer at Hayes or at - you haven't even been at Risdon, have you?... No, I did the school there, but I haven't actually been there for any period of time.

Spent time, no?... But, I mean, I can gather what the sort of situation is there, but sort of speaking as far as the farm goes, there where they work they have got a lot more space, they are only actually locked up of a night. It's a totally different sort of environment.

Yes, but my submission, if I can interrupt, Mr Virieux, is that if we say - we're talking really about the pressure that the conditions put back on the officer, aren't we?... Yes; right, yes.

Right. If we say that the pressure down at Hayes was 10, what - I mean, it is only really an assessment which, after all only each one of us can make - but what is your assessment as to the - if it was 10 at Hayes, what would it be here, caused by these factors?... Well at times I would say it could be 20.

Double?... Yes.

Depending on the circumstances?... Yes, that's right. I mean, not every case is the same.

No. What about these - it has been the main theme of your evidence that the unpredictability and so on, which I don't doubt because of the nature of the inmates. How often do you

have, shall we say, incidents?... That would be hard to put a figure on it really but there has been some and one that really surprised me was that I saw a person - well this will give you an example - that had been to the prison farm and he had been a fellow that I'd have been quite happy to tackle in any place, in any situation, at any time. But when he came through the door here from the police and he was intoxicated and drugged up and whatever he was a different person and like a one to one person wasn't on. It was a two or three to one person to contain him, so that's the sort of different situation we've got. And that's the different people you deal with, as an example.

Right. Now I heard, if I remember it correctly, that there have been no escapes from this prison here?... Well not since we've been here anyway.

No, there was one just prior to, was there not?... I do believe so, yes.

So it doesn't come into this, no. So how does one become a senior officer here?... Well as far as senior officers go you've got to do 5 years as a prison officer and then complete a prison officer course and then be - I guess apply for the position.

How many senior officer positions in this prison?... Well at the moment - there was envisaged when it first started there was going to be three but I don't know what the situation is now.

So you wouldn't know whether there is two or three at the moment?... No, or any for that matter.

Also at some time - perhaps I should have interrupted at the time, but in the morning with the - getting the prisoners out of the cells and the showering and so on, it starts early?... Right.

If my understanding of your description of the shift times there'd be only one officer here at 7 am?... No, there's the night shift and then there's one that comes in at 6 to 2, so there's actually - there's an overlap of 2 hours on the shift.

Oh, the overlap of shifts. I see. I thought - yes, I misunderstood your evidence. I thought that the shifts are being completely replaced?... Well, whereas before we used to have two on 6 to 2 and two 2 to 10 and one on night shift, well now that's changed because they're different shifts.

So there are overlaps?... Yes.

Yes, all right. Mr Shirley?

MR SHIRLEY: Thank you, sir.

Mr Virieux, you were asked about the special constable role. Can you outline for the commission the role of the prison officer on night duty? Sorry, the role of the police officer on night duty?... Well the role of the police officer, he's responsible as is one lockup or however many there are. As soon as they come in they put a police officer in the prison.

So they escort an inmate or a lockup in and place them in the cell and then what do they do? What does the police officer do?... Well they're on duty to keep checks on them and whatever else is necessary, I guess.

In the prison or then do they leave?... No, they stay in the prison.

Right. So they're there all the time?... Yes, well -

Or are there times when they have to go?... Well I guess there's situations where if there was - they may have to be pulled out for some reason or other.

Yes. Has that happened - do you work night shift?... Yes.

Has that happened when you've been on night shift?... Well, it has happened at one stage where they had some emergency thing on and they've pulled them out, yes.

Right. So you're left by yourself?... Yes.

Right. Now with the discussion regarding valuables and the superintendent, the superintendent is there from 9 to 5 in the main, the deputy is there from 8 to 4 and for the rest of the time the receipt of valuables and their security is left up to the prison officer?... That's right.

Is that fair?... Yes.

And then is there some formal handing over process, is there, or do they stay in a safe as opposed to another safe?... Well the next morning they'd be - whatever is in the safe would be placed in the other safe, in the property room.

So there'd be a handing over?... Yes.

Right. But for that time, from 5 pm at night through to 8 o'clock in the morning, if any were received, it would be the responsibility, it would be the role of the prison officer to receive those, account for those, secure those?... Yes.

Okay, thank you. Excuse me, sir. And there was reference made to Standing Order No. 2 and the senior officer and the

fact that you're paid an allowance. Are you paid at the rate of a senior prison officer?... I'd say not.

Is it the case, you're paid as a senior prison officer or aren't you?... Well how I see it the figure we're paid I don't think it would be the same as a senior prison officer.

Right, okay, thank you. Now in relation to TPOA.21, which is standing order No. 20 regarding inmate visits, the standing order gives authority to the senior officer under 14 or 15, it gives authority to the senior officer to allow those visits, does it not?... Yes.

Yes. So if the senior officer happens to be a prison officer you're given that authority because of the standing order. So if you said there should be no visit for whatever reason, you weren't comfortable with it or it didn't comply or whatever, you're given the authority under the standing order; is that correct?... Yes.

To approve it or deny it?... Yes.

Okay, thank you very much. So in that sense you approve the visit?... Yes.

Thank you very much. Now I just want to clarify - you were asked by the commissioner as to senior prison officers and their qualification requirements. You said that there was 5 years as a prison officer and then I thought you said they then undertook a prison officers course?... Yes.

So is it a prison officer or a senior prison officer?... Senior prison officer.

Okay, thank you very much. And I also understood at the very commencement of your evidence that you gave for staff complement as one superintendent, one deputy with the equivalent pay designation of a chief prison officer and 11 prison officers?... Yes.

So when the commissioner asked you a question, of the number of prison officers that are currently within - the number of senior prison officers that are currently on the establishment for Launceston, have you not accounted for them or have you overlooked them or are there any senior prison officers?... No

MRS BURGESS: I think the witness, Mr Commissioner, has already answered that question.

COMMISSIONER IMLACH: Yes, well Mr Shirley can ask it again.

MR SHIRLEY: There seems to be some confusion. I thought there was some confusion as to the answer that was given to the commission.

COMMISSIONER IMLACH: Well my impression was that Mr Virieux wasn't too sure how many there were.

MR SHIRLEY: Senior prison officers?

COMMISSIONER IMLACH: Yes.

MR SHIRLEY: Yes, that was my understanding also?... No, I mean, there is none at the moment.

There are none?... But there was envisaged when the thing was first set up three senior prison officers.

Yes?... That's what I said before.

COMMISSIONER IMLACH: To your knowledge there are none at the moment?... No.

MR SHIRLEY: There was an agreement. There may have been some other discussions at another time as to what the establishment should be but the actual establishment and the working establishment for the last 12 months has been a superintendent, until recently there was no deputy or a chief, there is now a chief prison officer and there are 11 prison officers. There are no senior prison officers?... That's right.

Is that correct?... Yes, that's right.

COMMISSIONER IMLACH: Yes, well that's fair enough. Such information, Mr Shirley, would need to be confirmed, wouldn't it?

MR SHIRLEY: Yes, I -

COMMISSIONER IMLACH: I make the - that Mr Virieux may well be correct but it's not for him to say how many there will be, in truth.

MR SHIRLEY: Exactly.

COMMISSIONER IMLACH: He only knows what it is.

MR SHIRLEY: Excuse me, sir. Yes, sir, I'll endeavour to confirm that. I understand that's the situation. We may have to confer with management as to the actual establishment, but that's my understanding of it.

COMMISSIONER IMLACH: Yes, well -

MR SHIRLEY: But we'll certainly confirm it and give you an exhibit if necessary.

COMMISSIONER IMLACH: Yes, like a lot of things it seems to me in this matter and probably in many other matters, these things ought to be by agreement, these facts. Right, now is that all, Mr Shirley?

MR SHIRLEY: That is all the questions I have, Mr Commissioner.

COMMISSIONER IMLACH: Yes -

MR NIELSEN: Mr Commissioner, if I may interrupt. I believe the parties will give you an agreed document as to what the complement is.

COMMISSIONER IMLACH: Yes. Yes, just before we let you go, Mr Virieux, I didn't quite follow myself as to the senior officer pay. If I remember and - Mr Shirley, you might be involved in this - as I understood it Mr Shirley wanted to know whether - well let us get it clear.

Were you asking, Mr Shirley, does Mr Virieux get paid as a senior officer or what? What was it?

MR SHIRLEY: It was to establish, sir, that the rate of pay in the allowance doesn't equate to that of a senior prison officer and I believe the witness said -

COMMISSIONER IMLACH: And do you know anything about that, Mr Virieux?... I'd say it wouldn't because with the OIC on shifts you only do so many days in a shift or nights or afternoons or whatever and where the senior prison officer had been paid per week it wouldn't equate to the same, I don't think.

No, but you would get paid, presumably, his rate for the hours that you worked. Do you really know that? It doesn't matter if you don't?... No, I don't know the exact figures or anything but I'd say it wouldn't equate.

Even on the hourly rate? Do you see what I mean?... Yes.

So really can I put to you, you don't really know for sure?... No, not for sure, no.

Right, that's fair enough. Did you want to have another go, Mr Shirley?

MR SHIRLEY: Well, no, sir, I understand the situation is that the rate doesn't equate.

COMMISSIONER IMLACH: Even on an hourly basis.

MR SHIRLEY: Absolutely.

COMMISSIONER IMLACH: Oh, well.

MR SHIRLEY: And -

COMMISSIONER IMLACH: Well that's a matter to - look, I just intervene here. That's a matter really for the parties and - because Mr Virieux has indicated that he's not absolutely certain about it.

MR SHIRLEY: Exactly.

MR NIELSEN: Mr Commissioner, again to interrupt, .... the agreed submissions ....

COMMISSIONER IMLACH: All right. Well with that rough edged ending, Mr Virieux, thank you very much. You may stay or go whichever you wish?... All right.

MR SHIRLEY: Sir, I'm in your hands as to the remainder. It may be appropriate to have a short adjournment so that the physical changeover could occur because I think Mr Virieux will be going back to work and Prison Officer Barrett is our next witness and she is currently working.

COMMISSIONER IMLACH: Well, we'll adjourn until you're ready. But we will proceed.

MR SHIRLEY: Good.

COMMISSIONER IMLACH: Okay, we'll adjourn.

SHORT ADJOURNMENT

**ELIZABETH BARRETT, sworn:**

MR SHIRLEY: Thank you, sir.

Mrs Barrett, could you tell the commissioner your full name?... Elizabeth Barrett.

And your current rank?... Prison officer on probation.

And have you had experience as a prison officer in other institutions?... I've had 2 years experience in Victoria.

Good. And how long have you been a prison officer or prison officer on probation at the Launceston Prison?... Just 12 months.

Right. And is that your only service in the state?... Yes, it is.

You'd be aware that this is a work value case and we're looking at the changes in work value that have occurred since 1984. And the Launceston Prison, we've heard from the previous witness, Mr Virieux, was taken over in January of this year and we're looking at the practices that occur for prison officers and their duties and responsibilities as they relate to prison officers in the Launceston Prison. I was wondering if you are able to comment as to the environment of the Launceston Prison as opposed to, say, other prisons that you've worked in, in relation to the nature of the work that you do and interaction with inmates, those sorts of things?... Well it varies considerably to anything I've previously had anything to do with because normally - well I speak mostly of Victoria, I guess, and the brief glimpse I've had of Risdon - a lot of areas we cover are actually specialised areas in other prisons, such as reception. There are generally officers that actually do reception as a 5 day a week type thing in most institutions. We tend to do reception daily, hourly, 24 hours a day, it can be. We issue medication which is in Risdon done by the hospital, I believe. On the mainland we had what they call .... which were trained officers that actually issued the medication.

Well rather than go into detail, because I do want to ask some specific questions about those a little later, perhaps if I could just get you to refer to the inmates demeanour and how you found inmates, say, in the Launceston experience to your experience in other institutions?... Yes, Launceston I found a lot different to handle in that they are probably a little more volatile. They're out of their natural environment whether it be Risdon or straight off the streets, depending how we get them. In places like Risdon they tend to settle in and get their own sort of pecking order whereas up here they're all sort of mixed up again and you can get a lot of different interaction with the staff, in particular. I think I've been abused more times since I've been here than anywhere else because they're just at that . They don't know where they're going.

Is that a verbal abuse or a physical abuse or both?... Verbal and I've been threatened, yes.

Right. Perhaps I should have painted a more fuller picture for the commission and I might just stop you there so you could reflect on the areas that you worked in Victoria, the prisons, their classification I suppose and the areas within the prison, just to give some sort of background for the

commission?... I worked some months at Pentridge which was maximum security. How do you mean the areas?

Do they have - are there different posts within Pentridge? Have you worked through different posts?... Oh, yes, you work through different posts. There's a definite differences between what a PO does, a prison officer and a senior and a chief prison officer. Prison officers generally were just key turners. You open the gate, you let them out, you count them, you keep a log book of when they go, when they come back in again. Anything else was done either by senior prison officers or by chief prison officers, and in a lot of instances governors had to give their permission for different sorts of movements.

I think that's - yes?... So, yes.

It gives an idea for the commissioner because we need to concentrate on the changes here but it just helps the commissioner to give him some sort of background as to where you've worked. Are you aware of the classification of the Launceston Prison?... We're classified maximum, I believe.

Maximum, thank you. I'll show you an exhibit, it's Standing Order No. 22.

Excuse me, sir, for a moment.

COMMISSIONER IMLACH: What number exhibit was that, Mr Shirley?

MR SHIRLEY: I believe, sir, it is TPOA.24.

Mrs Barrett, is that standing order titled Suicide Attempts and Potential Suicide Risks?... It is.

Good, thank you. We'll get you to, if you wouldn't mind, just to quickly go through that and explain to the commissioner the role, the duties of a prison officer if there was a suicide attempt or potential suicide?... If we receive prisoners from Risdon we're told as to whether they're a potential risk or not in which case we put them in the observation cells you saw down the bottom of the corridors. They are classified and, depending on the classification, it depends on what they're allowed in the cells and whatever else. If we receive them in off the street via the police or the courts, we have to - given information the police may be able to give us or what we can ascertain from the paperwork we do on their reception, we decide then whether they are a risk or not and - I don't know -

Observe?... I'm no good at this.

You're right?... And we observe, pop them in the cell and observe them, generally sort of half hour observations unless it appears a critical situation where we'd observe them as often as we were directed or considered necessary. When you're not down there you're watching the cameras fairly well anyway.

COMMISSIONER IMLACH: Have you had experience?... We have had quite a few - I hadn't - no-one, thank heavens, in the remand section ever attempt anything but there has been a couple of attempts in Launceston since we've taken over. I had not so long ago a lockup was allowed in with a knife and he was, sort of, cutting his throat and - well he wasn't making a very serious attempt but he was certainly making a lot of mess. That's the closest I've, sort of, been but he was in a normal cell. We weren't aware he had the knife, of course, when we put him in there.

Now the one you've just referred to was a - a slashing attempt - ?... Yes.

- if - an attempted suicide by slashing wrists or neck or what have you - ?... Yes, yes.

- and you said there had been others - are they hangings - are they also - ?... They have actually been attempted or, you know, slightly attempted hangings I believe. I actually haven't been on duty at those times.

Yes. Right. If I can just get you to have a look at No. 2 and the first dot , it says:

The following action is to be taken by the reporting officer.

. immediately notify the duty senior officer and provide essential details about the inmate's behaviour.

The duty senior officer - is that another officer on duty?... The duty senior officer on most shifts would be another officer on duty, namely Mr Howlin, and - or Mr Burgess, when he's there. Failing that it would be a person who is holding the senior keys, but not the senior officer - it would be one of us basically.

So one of the other officers would be designated as the duty senior officer?... Yes - although in a case like that, you actually call the officer on call which would be Mr Howlin.

Right. Okay, so the duty senior would do that or the officer finding the - ?... The officer finding himself in the position of senior on that particular day would do that were there not anyone else in the gaol of a senior capacity.

And - and that duty - senior person, the person finding themselves in that capacity, is that another prison officer?... It is another prison officer.

Right, okay. And at dot 3, it says:

Keep the inmate under close observation until advice on appropriate treatment has been received.

Is that - do you have some difficulty with that on night shifts especially?... With the observation part, no, but it is, it can - can be hard to get - until somebody has actually spoken to the inmate if they are in a serious frame of mind - it's probably a little hard to get the information quickly you require.

Yes. And did I understand you to say that as the person is brought in and processed, they are asked questions about this sort of behaviour?... Yes, yes. There is a set questionnaire we give them which generally brings out what we require.

Right - and are you aware that that activity is conducted at Risdon Prison, and by whom? If you're not aware you don't need to answer the question?... No, I can only presume that, but I think it's conducted by reception.

Right?... And if there's a problem they go through the hospitals with that of course anyway.

So you believe that to be the case?... I believe that to be the case.

Yes. I'll just get you to have a look at another standing order - Standing Order No.23.

COMMISSIONER IMLACH: TPOA.25.

MR SHIRLEY: Is this standing order titled Launceston Prison Standing Orders 20th December 1991 - the Night Shift Officer, 10 pm till 6 am?... It is.

Good, thank you. Could you just quickly indicate the duties, the functions of the night officer as per this standing order for the commissioner, thank you?... The night shift officer is responsible by himself for whatever inmates that are in the gaol at that period. He's got to ensure - when you take over you ensure that the cell muster is correct - that's by going around and actually physically checking with a torch in the window that you have a body alive in the cell. Then you - oh, you check your keys and whatever when you take over and then from thereon in you - you check your cells half hourly through the night until your actually 6.00 to 2.00 officer takes over in the morning. You have the - you're there by yourself

unless there is any police lockups brought in, in which case you're more or less duly responsible for them with the police.

COMMISSIONER IMLACH: Would there be many night time lock-ups, what would you say, in 7 days?... It can vary quite a lot, commissioner. It's - in the last few days I think it averaged about three a night, but I mean there's nights when they've had 10, I think, or so. We haven't had that for a while, but I guess coming onto Christmas, yes, it varies.

MR SHIRLEY: With - once again with reference to a 2 pm till 10 pm shift, I understand that has now changed - that those times are not necessarily correct?... No, those do - have been varied.

Yes. And there's reference to a senior officer. The night officer is what rank - what - is that a - ?... The night shift officer is just PO.

And - and not designated as a senior officer on that shift?... No, not at this .

Right. And are you aware in Risdon of the same night function being performed in the maximum security at the rank of the officer in charge for the night shift? If you have no knowledge - ?... I believe senior, but I could be wrong there.

Yes, okay, thank you. At two in that standing order:

ensure the inmate muster and cell musters are correct during - during the cell muster ensure all cells are securely locked.

Once the inmates are locked away, you conduct checks as to the number of inmates and ensure that the muster equates with the inmates?... Yes, we do.

Right. And is that done - I think it says at 3 - half hourly?... That's done -

That's correct?... - yes.

Okay. Then at four, with the assistance of the police, lock and secure in a cell any inmate being held in police custody and record the time of admittance in the daily diary and update the muster book. You've just indicated to the commissioner that there may be an increase of inmates during the night - from the three - ?... Yes.

- to a number higher than that, depending on the level of activity. What assistance does the police officer give you after that to - on the night shift?... They do conduct their own - they give no assistance as regards the - our own remandees or sentenced prisoners -

Right?... - although some will walk around with you, just for something to do. But they basically do a double check or a second check on the lockups.

Right?... They - they - that is their prime concern.

Yes?... They conduct their own observations on those and - well I do it as a matter of course as well.

Right. Have there been occasions where a police officer has been required to leave for any reason and you've been left by yourselves - or are you aware of occasions like that?... Strictly rumour.

Right, no, that's okay then. Okay, thank you. I'll show you another standing order - Standing Order 24.

COMMISSIONER IMLACH: TPOA.26.

MR SHIRLEY: This is a standing order on 20th December 1991 - for senior officer on escort duty will take charge and be responsible for escort - is that the standing order that you have before you?... That is.

Thank you. Could you just outline to the commission the role of the prison officer - the role and duties of the prison officer insofar as the escorts are concerned?... Well initially you make sure that you have the right person to take on escort. You generally have a photograph of them and the necessary paper work, some of which is prepared by the superintendent as regards a travel warrant. And if you've got several you make sure that if there's any under protection that they're certainly in a different area, if you've got a female she again is in a different area in the van.

Good. I'll ask you some specific questions, but insofar as you've just mentioned the travel warrants - is that a court warrant or is that a warrant that you process internally?... That is actually an internal warrant.

Right?... Travel document.

Right. So do you record details in a register of some sort and then produce a warrant?... There is an escort book that is filled out with the officer's name, the inmates - the amount of inmates, the name of the inmates, the actual officer who despatched them from Launceston and their destination.

Right. And you'll see at six:

ensure that a photograph is taken before leaving the holding centre of the new inmates that have been sentenced or remanded in custody. This will

be attached to the warrant to provide positive identification.

Who - who takes the photograph in that instance?... The - either one of the prison officers that are with the escort van. There are two go with the vans all the time.

Good. Are you aware that that activity is completed in Hobart at the Risdon Prison and where that activity is undertaken?... That, I believe, is undertaken by the reception area at Risdon.

Right, thank you. Now is this an escort for inmates, detainees, between here and the north west coast only - between Devonport and Burnie?... We generally only go between Launceston, Devonport and Burnie.

Right?... We have had occasion to go to Hobart, but that's infrequent.

Yes. And are you aware who conducted this activity before prison officers took it on?... The police, I believe.

Right, okay. And you'll see reference at the commencement of the document to senior officer - once again, is that - or what rank is that?... There isn't a senior officer on escort duty.

Right. But does the senior officer refer to a particular person in the escort party?... No.

So - ?... It's - in the beginning it was normally the driver but now we take it in turns in driving so basically it's a shared responsibility between the two officers on duty as escort drivers.

Yes. So is one nominated as a senior officer or - ?... No.

No. And the rank of those people?... Prison officers.

Are prison officers - okay, thank you. I'll just ask you to address your mind again to travel warrants and if you go through the procedure of producing a travel warrant if you wouldn't mind?... The travel warrant is actually produced generally even before by the superintendent. It's - we sort of check it in the morning to make sure that again we've got the right bodies to take with us.

Is there any recording capacity that you need to do? Do you - is it placed in a register?... It isn't numbered or anything. The only recording we do is actually of the inmates in the daily - there's a day - day book in which the movements of the escort van are logged and then the escort drivers themselves - it's in the book I spoke of previously. But it's actually recorded twice - the movement of the prison van.

Right. And it covers the person involved, their offence, duration, those sorts of things; is that fair to say?... No, the warrant itself - well only the travel document itself will only give us the person's name and whether they must return after they've been to their court appearance or not.

Okay, thank you. Have you needed to fill out incident reports in relation to occurrences that have occurred in the Launceston Prison?... I'm trying to think.

Or are you aware of reports being completed?... Yes, there are - there are several reports have been - or a lot of reports have been completed regarding incidents, and yes, I have written some.

Right. Is that logged in a particular way? Is it placed in a register - does it - ?... Oh, there is an incident register, yes. I haven't had need to use that - no -

Right?... - I've only done actual reports.

All right. And what sort of things does that address? What's the impact of the incident report or the incident register? What's its function?... I've got to be perfectly honest and say I've never really looked at it. I can't help you a great deal there.

Right. I'll show you Standing Order 25.

COMMISSIONER IMLACH: TPOA.27.

MR SHIRLEY: Is that a standing order relating to the issue of medication?... It is.

Right. I'll just get you to quickly go through that and indicate the activities that you'd undertake for medication within the Launceston Prison, for the commissioner?... Right. If the inmate comes up from Risdon, they generally come up with - if they need medication they come up with the medication or a script to get it. Also a sheet where we log when they have it, what times they have it, how often and the amount.

So is that in a - ?... Yes, well -

- particular register somewhere you record all that information?... It's actually a register in the form of a sheet, that once it's finished or once the inmate goes back to Risdon that sheet is returned to Risdon for their records.

Right. Good. And do you have a cabinet or a security box somewhere for medication?... We have a security box for medication, yes.

Right. You'll see at five, the standing order says:

The senior officer will make medication available to the inmate at the appropriate time and record his/her consumption of it.

Once again the senior officer is - is an officer with what rank?... Generally the prison officers do it. We're called senior officer on duty, I think it is. But in actual fact it's still only a prison officer rank.

Prison officer, right, good. Are you aware that this function is carried out in Hobart at the Risdon Prison, and if so, what type of person, officer, undertakes this activity?... I could only presume there.

Right, okay, I won't pursue it then. I'll get you to have a look at Standing Order 26.

COMMISSIONER IMLACH: TPOA.28.

MR SHIRLEY: Is this a standing order that is titled: Use of Tear Gas?... It is.

Thank you. And I take it at this stage there has been no necessity to use tear gas at Launceston Prison?... We haven't had the necessity to use tear gas at Launceston Prison, though we have had the necessity one night to think of using mace, which is actually all what we have in hand.

Right?... We don't have tear gas on hand.

Right. And at 3, you see once again a reference to senior officer in the second - in the beginning of the third lines:

Under no circumstances is tear gas to be used in the control - in the control of individual inmates unless the senior officer on duty has been authorised to do so.

Once again that senior officer - what rank would that person be?... Depending on the shift, quite often it would be a prison officer.

Right. So do I understand that you mean by that, that if the deputy superintendent or superintendent is on duty, they'd be the senior officer, if not, it would be the prison officer; is that correct?... That - that would be correct, yes.

Yes. I'm wondering if you could turn your mind to final lock-up certificates and what happens with final lockup certificates and just give the commissioner an outline of what needs to be done with those certificates?... Right. A final

lockup certificate is actually when the inmates are all locked away and we have a total then which is called our final lock-up total. The time frame is between 6 o'clock and 8. The main .... of the prisoners are actually locked away at 6 o'clock or 1800, the only ones that would not be locked away then generally are the wardsmen who have until 8 o'clock, because of their duties, to be locked away, and often our escorts haven't come back so they're more people that actually aren't locked away at that time, so you have a series of events to give you your final lockup at 8 o'clock or 2000. That is - is for your own and for Risdon's information to, you know, correlate or tally the amount of prisoners.

So is that checked against, say, something like the muster board or the muster register to give some sort of check and balance as to the number of inmates?... That is checked, yes.

Good. And do you also complete certificates in relation to inmates that have been received - I suspect after the transfer back to Hobart has been completed - who have actually been sentenced and you need to fill out a certificate for that class of inmate also?... Could you repeat that one please?

Is there a certificate also required to be completed for inmates who have - who are not on remand or lockup - they've actually been sentenced - ?... Yes.

- and they're probably outside the time of the last transfer back to Hobart?... Right, when we send our muster to Hobart - muster sheet to Hobart at 4 o'clock by the fax, any - anyone we have in - as regards sentenced or remanded in custody are actually listed on there. If Risdon already has the detail, we don't list the details other than they're sentenced or remanded in custody. But if we get people after 4 o'clock, we then list on that particular sheet the fact that they're remanded in custody until such and such a date, or they've been sentenced for non payment of fines for so many days or whatever - that is actually for the next shift -

Yes?... - to do on the next day or -

Right?... - or to refer to on the next day. No, they stay with us until we have the next escort. We have the escorts three days a week and -

Are you aware of a laundry book or a laundry register and its function?... There is a book where we register the amount of laundry that goes to Hobart so that we get the equivalent amount, hopefully, returned.

Right. And is this for inmates in just Launceston or north west coast?... No, we only actually move laundry out of Launceston. The north west coast I believe is taken care of by the police.

Right. Okay. Thank you. Do prison officers have any function in relation to mail, both incoming and outgoing for inmates at Launceston?... Yes, we actually censor or vet the mail, both ways. If there's anything that is a little bit suspicious or worrying regarding the outlook of the prisoner in his mail and whatever, we draw it to the attention of the superintendent as soon as possible.

Right?... Anything regarding trafficking or anything else. Just general oddities we sort of pick out and sometimes some letters don't even get moved out.

Right. So if there's something untoward you take action?... Yes.

Right. Do you have a diary to deal with court dates and court appearances?... Yes, there is a diary. We keep - we keep actually two books, the court diary and a warrant book. The warrant book is actually just a listing of the warrants that we actually see against each person we process and the court dates from that particular or that are put in that book are also put in the court diary so that we can check that we're getting the right people up from Risdon and - yes, basically that we've got them ready for court on the day specified.

Right. Are you aware that that function is conducted in Hobart at the Risdon Prison?... I would believe it was, yes.

And do you know where that's conducted. If you have no knowledge, then you don't need to answer, but if you are aware?... I would imagine reception.

Right. Thank you. With regard to first aid, and you mentioned suicide attempts and what have you, do officers have specific functions in relation to that?... We have done a first aid course including CPR. Yes, we have a responsibility to the inmate to help as much as possible in a situation of either - well, just general medical or a slash .... hanging or whatever.

Sure. Yes. So does that include - you were talking about CPR, does that include resuscitation attempts in the first instance?... It does include that, yes.

Right. What about where there is blood or something like that? I mean, do you attempt to stem the flow in some way?... We would attempt that, yes.

Right. And are you aware that that's - I mean, that's the practice of officers up here, that's the general practice?... Yes, were it is called on, it would be, yes.

Yes. And what happens where that occurs. After you've made this first aid attempt, what is the next course of action that you take?... If it were a serious problem and our superintendent or our deputy was on duty of course they would have been informed quickly, therefore have been involved in it but if they were not there we'd then get somebody else in, namely a hospital - if it was a hospital case or whatever as well as getting in touch with the superintendent or the officer on duty.

Good. Okay. Thank you. Could you explain to the commissioner the function of key register?... The key register is to log in and out. The keys that are required to do our - or to have on our particular position, each bunch of keys has several different keys on it, obviously, getting into the areas you need to be able to get into for your particular duty of that day. It also logs the keys that come and go with the police. They have keys to get into the courts - the Supreme Court and the Court of Petty Sessions, they're logged. It also has the van keys, the Burnie cell keys logged in and out through it. Basically any key that we require for our duty is put into that log book.

Good. Thank you. Now has there been changes to the issuing of tobacco and the amount of tobacco that certain inmates or class of inmates are allowed to have in their possession and what procedure is adopted for tobacco use?... Well tobacco use now, as I understand it, sentenced prisoners are responsible for their own tobacco. They can buy it with their own private monies. Prisoners remanded in custody that are actually working - if they've taken the chance to work - they are actually in possession of money and they buy their own. Any prisoners who are unsentenced or remanded in custody that are not working, we provide tobacco to at approximately a third of a packet a day for their stay. That's actually logged in a tobacco register book.

Good. Right. Thank you. Insofar as the issue of radios and TVs, can you explain to the commissioner the practice there?... Right. With TVs at the moment, it's generally only the wardsmen that have TVs, although in the last fortnight or so, a lot of the cells have been fitted with aerial provisions. We have four radios that we allow out on loan to the inmates. They are numbered and the inmate makes a request which we pass by the superintendent and if it is granted, we then enter it into a log book as to its number and the inmate it is issued to. Then when he actually has finished with it, generally when he goes back to Risdon that radio is checked to make sure it's in good condition and nothing has happened to it and it's returned back into our reception area.

Right. So are some - did I understand you to say that there are four prison radios?... There are four prison radios, yes.

So any other radios and other TVs come from outside the prison?... Yes, they come from outside and they actually have to go to Risdon to be checked before we can issue them up here.

For security purposes?... For security purposes, yes.

Right. Are you aware that the issuing and recording, and what have you, of radios and TVs is performed at the Risdon Prison and in which area?... I know it's performed there but I'm not sure of the area, no.

Right, okay, thank you. What function or what duties need to be performed by prison officers in relation to non payment of fine people?... Non payment of fine people. Well we generally receive them and have to process them straight from the police. They're made aware that they can pay their fines out. If they request a call to somebody we do make that call. If there has to be money - if someone comes in to pay the fine we collect the money. The superintendent generally has it worked out as to what - depending on how many days they've had and how many days they've been in the amount varies. He generally has that worked out for us. But we do collect the money. I had an instance yesterday, I only had the lass in for about 10 minutes and someone turned up with the money just after I finished processing her and I collected it and put it in the safe. But that's collected and receipted, the person who's actually brought the money in and the person who it's for.

Okay. So you had to receive this money, handle the money. You receipted it, accounted for it in some way, did you?... Yes, there is a receipt book that, of course, has all the details in it. We retain a copy of that plus the fact that we have the warrants as a back reference. And, yes, details written on - or with the envelope that it's put away in the safe with.

And with the receipting of money and the handling of money, is it cash, cheques, money orders?... Cash only.

Cash only. And what sort of amounts are we talking about?... You can be looking at almost anything. I guess, the main ones we deal with are a few hundred dollars. The one I had yesterday was just over \$200.00, but I think we have had them well and truly over the thousand dollar mark but not necessarily paid out. You know, but that was the amount on the warrants.

Right. But insofar as handling the money, in excess of \$200.00?... Well if it's paid out - it doesn't matter what the amount is as long as we've got it in cash we take it.

Yes. What I'm trying to ascertain is the level of money that you'd handle. What have been the amounts?... I'm only trying

to remember now but I'd say they'd generally be between about \$80.00 and somewhere under \$500.00, the general ones.

Right, okay. Is there anything else that you want to present to the commissioner by way of indicating the change in work or responsibilities that have occurred and affect prison officers in the day to day running of the Launceston Prison?... Oh -

No, that's all right. No, there wasn't anything specific but just in case you remembered something from before?... No.

I'll just show you a statement.

COMMISSIONER IMLACH: TPOA.29.

MR SHIRLEY: Mrs Barrett, that's a statement regarding Launceston maximum security - continued, it says, at the top of that document. It refers to a number of matters pertaining to change and activities that have occurred in the Launceston Prison, that you've just been speaking about. Have you seen that document before?... I have, yes.

Have you had some input into the development of that document?... I have had some discussion, yes.

Sir, I tender that as an exhibit. You've marked it as 29 on the basis that it's a statement of matters just raised with the witness and she has had some input into the production of it.

COMMISSIONER IMLACH: You've read it and you agree with it, do you, Mrs Barrett?... Yes.

Thank you.

MRS BURGESS: Excuse me, Mr Commissioner. Is this then a summary of the witness evidence?

COMMISSIONER IMLACH: It could be. It may well be.

MRS BURGESS: It's just the first time we've seen it also.

COMMISSIONER IMLACH: Yes, but Mr Shirley had a problem with one such as this last time and Mr Willingham objected. It seems to me that that particular occasion the witness laid no claim to it on the record, you see. So it was a document whereas in this case the witness says that she's read it and she agrees with it.

MRS BURGESS: Is the witness author of the document?... No.

It just doesn't indicate who's the author, where it's just Launceston maximum security, that's all.

MR NIELSEN: If I may assist the commission. As I understand it the witness has had some input into it with Mr Shirley and what the TPOA is endeavouring to do is to present to the commission a resume as they see of the Launceston maximum security.

MRS BURGESS: So it's Mr Shirley's document.

MR SHIRLEY: .... not, no.

COMMISSIONER IMLACH: But I'm prepared to accept it as a document recording matters that occur at this prison, that's all. Now -

MR SHIRLEY: Thank you, Mr Commissioner. They're all the questions I have.

COMMISSIONER IMLACH: Right. Mrs Burgess?

MRS BURGESS: First of all, Mr Commissioner, Mr Marris would like an opportunity to explain to you the make-up of the staff which was in some dispute earlier - or not dispute but just merely clarification.

COMMISSIONER IMLACH: Some confusion. Yes, all right then. Mr Marris?

MR MARRIS: If I may, for clarification, Mr Commissioner, the original intention was that the staff would be one superintendent, three senior prison officers and seven prison officers and that represents a total of 11 officers. Due to some difficulty in recruiting people qualified to be senior prison officers, in fact, when we opened the prison on 6 January, we had one superintendent, one senior prison officer and nine prison officers, still resulting in a total of 11.

In September, after a review of the staffing, we changed the establishment and there is now one superintendent, one person who has the function of deputy superintendent but is paid at the rank of chief prison officer, and 10 prison officers, giving a total of 12.

COMMISSIONER IMLACH: Thanks, Mr Marris. Mrs Burgess?

MRS BURGESS: Mrs Barrett, it's only just for information, but how long were you at Risdon Prison?... I haven't actually worked at Risdon. I have only been there on the training course.

And how long was that training course?... The training course was .... 5 weeks.

Okay, thanks for that. Now how would you compare working in Launceston Prison in January with working in the prison today?

Would you say it's become more difficult or is it less difficult?... If I was to walk in it now, as I walked into it in January very green, it would be more difficult. When we started in January it was - we had our standing orders but you could say that we were just learning. We had to learn as we went because none of us had ever struck the situation before, that's including the superintendent and the senior prison officer. It was very new to all of us. But as I say if I was to come into it now, just out of a training school, it would be a little bit horrific for a while, I think.

Okay. All right, can you tell us what significant changes occurred since you commenced in January, what significant ones have occurred?... It's very hard to put a finger on it for the simple reason they've occurred slowly and probably in degrees. For a long time there we didn't have a senior prison officer or a chief prison officer. There were quite some months there where we did everything other than what we referred to the superintendent for. The changes, I think, have been mostly in the amount of paperwork we do. It gradually increases just as a matter of course as different things are happening. You end up, unfortunately, having more log books to fill in and, you know, I think that would cover it. It's mainly the responsibility of paperwork.

Is it the practice that in the event of any serious incident, like an attempted suicide or a suicide gesture, that you call in the superintendent and if he's off duty do you page him?... Yes.

And is the gas held in the superintendent's safe?... Yes.

And who has access to that safe?... The superintendent only.

Only the superintendent, right. Okay, there's just one thing and it's not a question. It's just a statement probably from me. It's just that for the interstate comparisons that were made relating to your experience in Victoria, we would say, are irrelevant to matters before the commission?... Yes.

Okay. That's all the questions I have.

COMMISSIONER IMLACH: None. Mr Shirley?

MR SHIRLEY: Thank you, sir.

With the functions that you've been performing and the structure of the prison as it is, given your involvement since January, are you able to comment as to the nature of duties being performed by prison officers here to other institutions within Tasmania, and as you understand them?... Well as I understand them from discussion with prison officers at Risdon, we have a lot more involvement with paperwork and we touch on what would be considered specialist areas down

there, like reception, even sort of treatment as far as people requiring medication. That would be a specialist area. The payment or handling of monies again would be an area not handled generally by prison officers, as I understand it.

Right. So the responsibilities of prison officers here - what you appear to be saying is that the level of responsibility for prison officers here may be undertaken by other senior officers at other prisons within Tasmania?... Yes.

Right, thank you. With the suicide attempts, with their very nature, do you respond to those and then call the superintendent or deputy superintendent or do you call the superintendent first?... We'd - if there were two of you on, one would stay with the particular inmate, the other would call the superintendent and then the hospital or whatever, if necessary. If you were by yourself you would have to judge it the best you can but - I mean, you can't unlock the cell by yourself anyway so the obvious thing would be to ring the superintendent after you've knocked on the door or done something to get the police in to give you a hand. They're generally very helpful.

Yes. So is it fair to say that in summary you'd respond to the situation first and then there's a mechanical requirement to inform the superintendent of what's just preceded?... You'd respond to the situation in that if you had help on the premises they would probably do the phone calls while you were trying to talk or whatever to the inmate. If you were by yourself your response would be firstly to get the police in to give you a hand and then to call the superintendent.

Right?... Because your responsibility has got to be to the inmate.

Yes. And you mentioned - in the standing order that referred to gas that you've had an occasion where mace was being considered to be used. Where's that kept?... That is actually kept in the superintendent's safe. He only has the key.

Right, okay, thank you.

Thank you, sir.

COMMISSIONER IMLACH: Thanks, Mr Shirley.

Thanks, Mrs Barrett. You may stay or go, whichever you wish?... I'll be quite happy to go, thank you.

You're off, are you?... Shortly.

Good, thanks very much?... I had a dry throat before I started; I've got a really dry one now.

MR SHIRLEY: Thank you, Mr Commissioner. They are our witnesses that we intend to call, sir, and in keeping with the program developed, ask that the work value case, the special case be adjourned till Friday 4 December at -

COMMISSIONER IMLACH: 9.30 am.

MR SHIRLEY: - 9.30 at the Risdon Prison for the hearing and examination of witnesses at Risdon.

COMMISSIONER IMLACH: Right. Anything else? All right, thank you. This matter is adjourned till next Friday, 4 December at 9.30 am. at Risdon Prison.

HEARING ADJOURNED