

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, 20 November 1992

Continued from 4/11/92

TRANSCRIPT OF PROCEEDINGS

Unedited

COMMISSIONER IMLACH: Any changes in appearances?

MR C. SHIRLEY: If it please the commission, CLEM SHIRLEY for the Tasmanian Prison Officers Association, together with **MR HUGHES, C.** Mr Nielsen, the formal principal advocate in this matter, has been detained in Hobart on another issue and planned to be here this afternoon and for the inspections this morning, but unfortunately that hasn't been the case. Thank you, sir.

MR C. WILLINGHAM: Good afternoon, commissioner. CLIVE WILLINGHAM, together with **MR BEN MARRIS** appearing for the Minister administering the State Service Act.

COMMISSIONER IMLACH: Thanks, Mr Willingham. Right, Mr Shirley?

MR SHIRLEY: Thank you, sir. This morning, Mr Commissioner, you were taken on foot around the various areas of Hayes Prison Farm to highlight the typical working environment within which prison officers perform their duties. You will recall areas like the house visit, down the lower of the farm, the different farm divisions where the officers supervise inmates in their activities throughout the day, the produce areas of the farm, the piggery, and the patrol areas by foot and vehicle that officers are asked to man on a daily basis.

These activities constitute the general working environment for prison officers working in this locality and there have also been a number of significant changes to the work practices of prison officers as to their skill and responsibility and it's to these that we wish to focus greater attention this afternoon.

If I may just allude to witness statements on the last occasion that we met. There was some discussion as to witness statements and how they were to be treated. I'd like to place on record to the commission this afternoon that the witness insofar as our principal witness, Prison Officer Willey Kraemers, this afternoon was faxed to all the parties yesterday, to yourself, Mr Commissioner, to the government representative, Mr Willingham in the Office of Industrial Relations, and to the TPSA, so all parties have a copy of that fax. I haven't heard to the contrary, so I suspect the fax was received by those parties.

For the purpose of addressing you as to the areas of change, it's the TPOA's submission that we will be adducing evidence from at least one witness. We would like to take a short adjournment after the cross-examination and re-examination process just to see whether or not it's appropriate that we call another witness and we'd ask for the commission's indulgence in that matter.

It's our intention to highlight certain areas; areas of change that we maintain have occurred since the work-value period - or during the work-value period and since the last work-value was conducted and you were addressed earlier as to those dates, Mr Commissioner.

Things like the introduction of two-way radios; the monitoring of prisoner phone calls; the need and the operation of video equipment by prison officers; the dispensing of medication; the - now the increased role of maintenance and supervision of prisoner files formerly an activity undertaken by the superintendent; first aid courses undertaken by prison officers; prisoner privileges, how they are assessed and the impact of changes to prisoner privileges by the relationship now between prison officers and inmates.

There will be submission as to the family house and how that's run; changes to practices like the muster book; half-hourly checks; daily work sheets; the changed practice insofar as the officer in charge for afternoons and nights and the impact for prison officers; the inspections of buildings; the wait room; the increased role and responsibility brought about by the handling of money and changes in work practices there; the inspection of areas of the prison farm by vehicle and driving lessons, accidents that occur and the like, and there will be some other matters relating to welfare aspects and some other changes. So, with the commission's consent, I'd now call our first witness, Prison Officer Willey Kraemers.

COMMISSIONER IMLACH: Mr Shirley, do you propose to put - the document that you sent to us yesterday, put that in as an exhibit or what?

MR SHIRLEY: We can do, Mr Commissioner, if you want that as an exhibit. It gives background as to the matters to be outlined insofar as the work-value changes. They may not be exhaustive; it may not be an entire list, but it gives at least a broad outline.

COMMISSIONER IMLACH: Will you be operating from this?

MR SHIRLEY: Yes.

COMMISSIONER IMLACH: Yes. All right.

MR SHIRLEY: There may be some other matters raised but in general terms they are those. It -

COMMISSIONER IMLACH: Yes, I think it's better if we put a tag on it.

MR SHIRLEY: Good.

COMMISSIONER IMLACH: So, is that the first one we've had?

MR SHIRLEY: As an exhibit -

COMMISSIONER IMLACH: Yes.

MR SHIRLEY: - or the first witness statement? It's - I think it's actually the fifth exhibit.

COMMISSIONER IMLACH: Right. TPOA.5.

MR SHIRLEY: Yes, I believe that's the case.

COMMISSIONER IMLACH: Okay.

MR SHIRLEY: Thank you, sir.

WILHELM KRAEMERS, sworn:

MR SHIRLEY: Mr Kraemers, could you indicate to the commission your full name?... Wilhelm Eric Kraemers.

Good. Thank you. And your rank?... I am what they call a qualified - not a rank of senior, but I'm a qualified -

Senior prison officer?... - to take the position of senior prison officer.

And have you acted as a senior prison officer?... I have done so.

In the farm or other areas?... On the farm.

Good. How long have you been a prison officer?... Since - I think it was the 7th of February 1972.

Right. And have you served in all areas of the Hayes Prison Farm and has your service been - ?... I have served all my time here at Hayes Prison Farm.

Right. Okay. Thank you. Mr Kraemers, I'll get you to concentrate your attention on this case, it's a work-value case and it relates to the changes in work practices that have occurred since - if we use a general date - 1984, so we're concentrating on the changes that have occurred at that time. Perhaps just by way of background for the commissioner, if you could indicate the maximum number of inmates that the Hayes Prison Farm can hold?... Seventy, at the moment. We used to have up to 98 at one stage.

Right?... I think that was in about '72, '73.

Right. And so the change from 1984 would be.?... Well in 1984 I think we were down roundabout - I would say, average about 48 or less than that even. We've been down to - on occasions, down to 29 prisoners.

Right. And as a general average you'd say that the average number of inmates - ?... Well the average lately seems to be roundabout 55 possibly 60.

Right?... This is only over the last - well I would say, 8, 9 months or so.

Good?... I can't give you the exact time -

No?... - but it was in the last 12 months period I would say.

So the maximum is 70, the average is in the mid to low 50s?... That would be correct now.

Good. Thank you. Can you just give an indication of the compliment of officers used to run the Hayes Prison Farm?... Used to be a superintendent, who was a civilian, in '72.

Right?... Then you had a chief officer; You had two senior officers. I think there was 10 - 8 or 10 rank officers but it has been - I think that has been reduced somehow.

Good. And since 1984?... Since '84 we got one superintendent, chief officer, one senior officer and I think there's 10 -

Prison officers?... - 10 prison officers. I think that's correct.

Good. Thank you. And can you give - can you explain to the commissioner the range of prisoners that are likely to be housed at Hayes - the - when I say the range of prisoners, the types of offences that they have committed?... All offences.

Ranging from - ?... Well you could -

- life sentences?... - start with the minor offender, traffic offender, non-payment of fines and you can go right up to murderer, whatever.

Yes. Good. Now, can you explain to the commission the role and the nature of the responsibilities and duties of a prison officer prior to 1984?... Well, more or less security only and you used to spend most of your time down in the garden. Just stand around with a gang, you know, making sure a gang was working. That use to be the principal -

Right?... - what's-his-name, and general security mostly.

Yes. Okay. Was there much interaction between a prison officer and an inmate?... I think there was more interaction at that time than there is at the present.

prior to 1984.

Right. Okay. Now, perhaps if we can just go through some of the areas of change. If you'd like to address - if I can get you to address your mind to introduction of two-way radios, if you can tell me when that was introduced and - ?... I can't give you the exact date, but it was introduced - we had a prisoner got bit by a spider and the only thing we could do was point him in the general direction and say, 'Well you walk up to the compound' because we had a first aid - not a first aid, we had a medical orderly and we had no way of communicating between this area and down the garden or - as it happened at that time, the incident happened over - elsewhere which is further over still.

Right. And you're saying that once that incident occurred it became apparent that there was a lack of communication between officers and home base, or headquarters, or - ?... This is right.

Right. And would you say that was after 1984?... I think it would be. We didn't get the radios till - I would say -

Just a rough - ?... - before Superintendent Smith came up here or just before he came up here. I'm not quite sure of the date, but -

And was it - ?... - we haven't had them that long.

No?... We had two sets - the first set was no good so they got another set.

Right. But it was after 1984?... Oh, definitely.

Right. Thank you. Can you tell me what has changed; how have practices changed now that there are two-way radios?... Well, you are in constant communications with the office up here. If you have any problem in the garden, like, for instance, you - couple of inmates come to fisticuffs, well you've only got to go on the radio and there's usually an officer comes straight down with a vehicle and got assistance or - same thing as with the visiting house if there's a problem there, you communicate directly to the office - chief's office up here. If there's something unusual down the road, well same thing applies.

Good.

Excuse me, commissioner. Thank you, sir.

The introduction of prisoner phone calls or changes to practice with prisoner phone calls. Can you - ?... That only occurred here - would it be 12 months ago or 18 months ago. It wouldn't be any longer I don't think.

But certainly after 1984?... Oh, definitely.

Right. Can you explain to the commissioner what has happened or what changed practices have occurred?... Well, you are - every prisoner here on the farm is entitled to two phone calls per week. Now, the phone calls have got to be entered in a book provided. You've got to dial the number, get a reply and then you've got to time the prisoner. He's only entitled to 5 minute calls, and he's entitled to two calls a week. The same thing applies to incoming phone calls.

So the first two that you talked about are outgoing phone calls?... Outgoing ones, yes.

Right. And two incoming phone calls?... No, the thing is if he accepts an incoming phone call it's counted as a phone call. Some prisoners well they ring up from a phone box, they don't have a phone.

Yes. Now insofar as recording do you have to do anything else; are you required to supervise the phone call as to its content?... No. That used to be the case but there is no need to monitor it now unless you've got some reason for doing so.

Right?... But you can do so if it is required. All you've got to do is pick up the phone and the line goes straight through to you.

Right. Is it a practice of officers that they do do that, supervise the phone calls? Some do, some don't?... Not -

MR WILLINGHAM: Oh, please, commissioner. Commissioner, excuse me, but can we have Mr Shirley not lead his witness quite so badly?... Our directive is a prisoner is allowed to have his 5 minute phone call. Unless there is a specific reason why you should monitor the call we don't do so. We monitor the time, we've got to enter it in the book provided, date and so forth.

MR SHIRLEY: Is there a particular time that these phone calls are scheduled between?... Well, usually local calls start any time after 4 o'clock.

Right?... Well, actually as far as that goes some prisoners have their phone calls during the dinner half hour. But they are only local calls.

Right?... The long distance calls like Launceston or Burnie and that, after 6 o'clock.

Right, okay. Insofar as changes to video operation?... Well the video operation started here just after the arrival of Superintendent Smith.

Right?... Previous to that they used to have a film. They used to show a film once a week or twice a week, I'm not quite sure on that. But videos are - now every night you put one on at 7 o'clock, you run it through, then repeat again at 9 or half past nine, whenever the video finishes.

Are you saying that that occurred after 1984, the introduction of that - ?... Oh, definitely.

Yes?... It occurred - well I would say about 2 years ago, a bit over.

Yes?... When Superintendent Smith came up here because that's when he came here.

Okay. Insofar as medication, has there been a change to the dispensing/administration of medical items?... Medication is usually issued - if it's non-prescription drugs, the prisoners usually get issued with tablets. If it is prescription drugs they are kept in the office and issued by an officer.

And are those recorded?... Even APCs are supposed to be recorded.

I'm sorry, A?... Aspirins or APCs, Panadol, Panadeine.

Right. Okay. Are there any doctors' prescriptions involved?... We do take doctors' prescriptions into New Norfolk and get the medication for them. But that is up to the doctor if they get issued with the tablets there or they go in the medical box.

Right. So do you supervise the administration or the administering of - ?... Prescription -

- prescription drugs?... Yes.

Right. And you take the same procedures as non-prescription items; you record them, the frequency?... No, you just record them.

Right, okay, thank you. Prisoner files, has there been a change to those practices?... Well, prisoner files were being kept - previously were kept in the superintendent's office upstairs. We had no access to them at all. But due to a couple of escapes, prisoners absconding, I should say, it was decided that the files should be downstairs where we have access to them and the police can have access to them straightaway in case the superintendent is away or anyone.

And what change in practice has occurred as a result of the files; have they been relocated?... They've been relocated in the duty office instead of the superintendent's office.

Right. So it's now the responsibility of the duty officer?... This is right.

And when did that commence or did it commence after 1984?... Oh, yes, definitely.

Okay. First aid courses, can you tell me if there's been any change to - ?... Well, we used to do a first aid course for which the department used to pay. That practice was discontinued. There's a - what do you call it - when they done the -

MR WILLINGHAM: Second tier. Second tier, Clem?... When they gave away a lot of things, that was included in your salary more or less. But previous to that you done the first aid course and the department used to pay for the course and we used to get an allowance. What they called offsets, wasn't it? Yes.

MR SHIRLEY: I believe it was a second-tier offset, was it?... Yes.

Right. Have there been changes to prisoner privileges?... In what way?

Are you required to -

MR WILLINGHAM: Clem, be careful, please.

MR SHIRLEY: I'm sure you'll intervene, Clive, if I overstep the mark.

MR WILLINGHAM: You're right, you're right.

MR SHIRLEY: Are you required to take any greater role in assessing the demeanour of a prisoner?... It all depends what you call a greater role. We assess it - well, if I think there is something wrong with a prisoner or he's got a problem I usually refer that to the superintendent or the chief officer. We're sort of the go-between, between the prisoner and the -

Are inmates entitled to privileges?... Inmates have got - well most of the things, the privileges, they regard as a right now, so.

And are you able to make any report about a prisoner's attitude and therefore is action taken in relation to his privileges?... If there is any problem with a prisoner, say

for instance, he's got dirty cells or something like that or even a major thing like he gets into a fight or anything, you submit a report to the superintendent and the superintendent deals with that.

Right. And what sort of privileges are we talking about?... Well, you take a phone call, that's a privilege. Visits are privileges.

Yes. So, what you are saying -?... They are a right but they are still a privilege. A house visit is a privilege.

So, is -?...Late nights, well we don't have late nights on TV now so - that used to be a privilege but now we've got videos.

So do you take any greater steps - is the action that you take in relation to making a report in any way affect a prisoner's privileges?... It does. When you put a prisoner on report it could affect anything. He could lose remission. That's entirely up to the chief superintendent. He can get early lock ups, he can be transferred back to Risdon. He can go into 'C' division or 'D' division, whichever.

And this is reliant on your report?... Well, it is reliant on your report.

Right. And did you undertake that activity before 1984?... Oh, yes.

Right?... That activity you always had to submit reports and they're usually acted on.

Okay. Have there been any changes to family house visits since 1984?... Family house visits only come in since Superintendent Smith came up here.

Is that since 1984?... Oh, yes.

Right. Can you indicate to me the procedure for family house visits insofar as it affects prison officer duties?... Well, there was agreement between the association and the department that there always would be an officer in the garden area to supervise that house visit. That hasn't occurred lately.

Right. Is there a standing order that covers this?... There is agreement, I believe, that covers a house visit. If you are on duty down on the house visit you're supposed to check them once in the morning and once in the afternoon to see that everything's all right, just on appearance. That's on the standing order but it hasn't been done lately.

Right. Muster books, has there been any change to muster book procedure?... No, muster books, we always had a muster book.

You enter all prisoners accounted for after you do a check or if you're -

And the checks, what sort of frequency do they occur?... Well that varies. When Superintendent Smith came up it started on the farm, it was half hourly. Superintendent Harris was half hourly. We have gone hourly now, hour and a half. It all depends what the superintendent's directive is on that.

Right. And is that only recorded at a particular time in the day?... No, you vary your times. You have - the main parade is at 5 o'clock. After that you don't have parades, you have checks whereas since - well in 1984 you didn't do checks you had parades.

Right. So since 1984 there's been the introduction of this muster book to - ?... No, the muster book has always been here on the farm. There's always been a muster book since I've been here.

Right, okay. And you account for the prisoner's location. Is that - ?... Well you've got to know where the prisoners are. If you find that you've got - say, for instance, you've got nearly all prisoners here and there's four out, you've got to know where they are.

Right?...If they're working in the dairy, well you know they're at the dairy. We usually go up and check on them. If they're - well we haven't got a piggery at the moment - or up at the piggery or down the front on the irrigation or harvesting like at the moment, well you've to know where they are.

Is there an activity called half hourly checks?... Yes. That used to be under Superintendent Smith and Harris.

And when you say 'used to be', has that practice changed?... That practice has changed like I stated before. It's now at the discretion of the officer more or less as long as they've done a - we do a check at 6.30 now and one at 8.00 or 8.30.

I'll get you to have a look at this document. Is that a form that's filled out by prison officers -?... Yes.

- insofar as half hourly checks are concerned?... Yes, as far as half hourly checks were concerned -

Right?... - we still filled the same form out. And on an hour and a half, whatever checks we do, weekends and that.

Right. Perhaps if I could tender that as an exhibit, thank you, commissioner.

COMMISSIONER IMLACH: That's the one, 'Prisoners Location'.

MR SHIRLEY: Yes?... Yes, well previously we either put down 'compound' or 'labour' - well they could be fishing, so we put 'F'. Labour we would just put 'L' in. At least we know where the location is or where he should be, put it that way.

COMMISSIONER IMLACH: TPOA.6.

MR SHIRLEY: And are you saying that that was introduced after 1984?... Definitely.

Right. Well, if you can just take that document and explain what entries you'd make to that, for the commissioner, say, if you were doing it on a daily basis, say, like today?... Well you write the prisoners names down. We've usually got three of these.

Yes?... Actually we've got a later model to this where we've got 60-odd cells or 70-odd cells on it. This one was the first one they introduced years ago but we've got a later addition to this. We put the prisoner's name down, when you sight him you put his location down. They could be in the recreation room. That's how we first started but as prisoners move around the compound we just put 'compound' down because you might sight the prisoner in the recreation room here and then 5 minutes after when you are going around he might be down in his cell and that. When you lock a prisoner up you put - mark him down as cell. He's locked up, he is secure, that is the end of that.

Yes. So you're saying that when that was first introduced it was a half hourly check?... Half hourly checks.

Now it's done at least at 6.30 and 8.00?... That's right. Five o'clock you have a parade, 6.30 you have a check and 8 o'clock. Whatever, that is more or less the checks are - there's no set time, like, but that is -

MR LACEY: Random?... I beg your pardon?

Random, is the word?... Random checks, yes.

MR SHIRLEY: Right?... As far as in hour and a half.

Right. Perhaps if I can get you to turn your attention to daily work sheets. If you can tell me if it was introduced after 1984?... Yes, that was introduced prior - or was it introduced prior to Mr Smith's arrival on the farm or shortly after. You filled that up, that sheet in every afternoon shift.

Well, I'll just get you to have a look at that?... Yes. And you put the prisoners' names, say, for instance, dairy, you

put the prisoners that are working at the dairy. Piggery, you put those at the piggery and so forth.

COMMISSIONER IMLACH: TPOA.7.

MR SHIRLEY: Thank you. That's the one titled 'HM Prison Farm - Daily Work Sheet'.

I'm sorry, Mr Kraemers, I interrupted you. If you could just go through that?... Like, I said you put the prisoners names down where they're supposed to be working. This, of course, can be changed on day shift. Usually the superintendent or chief prison officer, if they want a prisoner somewhere else, well they change location. You take - if you're on patrol down front you should know how many blokes there are working in the garden. You should know who is working, say, for instance, on maintenance who is in the glasshouses and such forth.

Right, okay. And that's been introduced since 1984?... Definitely, yes.

Have there been any changes in practice to afternoon and night shift for prison officers?... What do you mean, in practice?

Have they assumed a higher status or a higher position for afternoon and night shifts?... Well afternoon shift always has been worse - well if there's going to be any trouble it is always on afternoon shift or weekends. It's definitely afternoon shift. If you're going to have a problem, if you're going to have an escape I would say 99.9 per cent will go on the afternoon shift.

Right?... The time I've been on the farm I think we had three escapes on day shift or three absconding on day shift, two of them went one day and the one went another day.

Right. Can I ask you if there is either a senior prison officer or a chief prison officer on an afternoon or night shift?... There's not.

So who is on for the afternoon and night shift?... Two officers.

Two prison officers?... Two prison officers.

So what happens to the duties and responsibilities of a senior prison officer or a chief prison officer insofar as the activities of a prison officer are concerned on those shifts? Does the prison officer assume those activities?... Well, one prison officer, usually the senior prison officer on duty, he's responsible for the - well he's in charge of the gaol in the absence of the superintendent or chief prison officer.

Right. So what duties does he assume? He takes on additional duties?... He's just the gaoler in charge more or less.

Right. Can you outline some of those duties that he's required to perform?... Well, he's responsible for the whole security and the running of the establishment from 4 o'clock until midnight.

Right. In the absence of those senior officers?... That's right.

Okay, thank you. Have there been any changes to practices insofar as building inspections are concerned for prison officers since 1984?... Well, there was the introduction of security locks on the dairy, piggery, workshops, shearing sheds, fowl sheds - what do you call it - maintenance workshop. They've all been introduced since then. Some of them have been done away with, like the piggery is still locked but the shearing shed sometimes has got a security lock on it, sometimes it doesn't. The fowl houses still - they don't have a security lock now but they used to have a security lock before. I think when the locks just froze up they just, you know, took one from there and put it on there and that's it, don't worry about it.

So what change in responsibilities has occurred for a prison officer - ?... Change in responsibilities. Well you're responsible more or less - on afternoon shift you're responsible for the lot.

So for the security of the prison?... Security. You're responsible for the phone calls. You handle all incoming calls. You deal with the general public which previously - well, you hardly had anything to do with it. You were just in charge of security and that used to be - as long as you accounted for the prisoners here and the whole camp, that was part of your job, kept them in line more or less.

And do building inspections occur between certain times?... Random checks, we had quite a few break-ins. Well quite a few. I suppose, over the years, we had chain saws being stolen. We even had a chain saw stolen just here where the wait room is now. We used to have chain saws up here. We come in and they go missing. But since we had this random control, we used to do at least two checks on afternoon shift and two on night shift. I don't think we have had any break-ins. We might have had one. I'm not sure about that.

Right. So they occur randomly, two on afternoon and two on night, so they can -?... Well a minimum of two. Like, you drive around at least two times.

Right. So they commence at what time?... Well you'll only be away for about 15 minutes.

But what time do they start from? Do they occur all day or do they only occur - ?... No, it's only on afternoon and night shifts.

Right. So what time does it start? What time does it commence?... Well you go around and you do the first one after the dairy is finished.

And what time is that?... Well it could be anything up to a quarter to ten sometimes. Normal time is around about 7, half past 7.

Okay?... Because you've got to put the security locks on, on the dairy and then you do the whole round.

So, 7 -?... But usually it's when the prisoners are locked up.

Right, 7 pm?... When we used to have a 7 pm lock up, yes. But we don't have a 7 pm lock up now.

Right. So what time does it start, roughly?... Well 9 o'clock is our first lock up.

So from 9 pm - ?... No, I'll correct that now. It's 10 o'clock.

Is that because of daylight saving?... That's just a more open approach to the what's-a-name.

So from 10 pm through until - what time would it - ?... Midnight. You do one check.

Right. And then do you do any more at night?... From midnight you do one usually about 10 past 12 because you've got to shut the gate down there so you inspect all the buildings. Then you do another one, well, you might leave it till 3, 4 or 5 o'clock in the morning prior to getting the prisoners out.

Right, okay. And what time would the prisoners come out?... The dairy usually starts at 6 o'clock. They come - they start work at 6 o'clock but we unlock at half past 5.

Right. So the last inspection would be conducted prior to that?... I beg your pardon?

Would be conducted prior to 5.30?... Yes.

So about 5 am?... No. Well, it could be 4 am, it could be 3 am.

Yes, right. So -?... There's no set time.

So between the hours of 10 pm and 5 am, is that fair?... Yes, there's about three checks in that time.

Okay. Two in the afternoon and two at night?... One in the afternoon - see, you do your first lock up down the front at 5 o'clock when everyone leaves. You check all the buildings down the front and make sure they're locked up.

Yes?... Then when the dairy finishes you do the back and then you go back down the front again and check that again.

Right. So one at 5 o'clock and three between 10 pm and 5 am?... I would say after 5 o'clock.

Right. One after 5 o'clock and three between 10 pm and 5 am, roughly?... Yes, roughly.

Okay?... Some officers go more times but it was requested that we only do it twice, minimum of twice a night. But if you've got any suspicions about anything you -

Good?... - right.

These inspections are conducted by foot or vehicle?... No, our previous director made it quite plain that he didn't want any officer to be outside of a vehicle in case there is any problem at all. They're done from inside the vehicle, a visual inspection of the doors and that.

Right. So it's done by vehicle?... By vehicle, yes.

Right, okay. And this practice was commenced after 1984?... Oh, definitely. We never had a vehicle to do this type of running around. Oh, we did have vehicles -

Not for that purpose?... - but officers were not allowed to do that type of thing.

Okay. These inspections include the wait room, the inmates wait room?... Well the wait room you usually walk around.

Right?... You do that when you do your check, your normal check sheet, you go down there and you check on the prisoners that are down there, make sure they're there, not somewhere else where they're not supposed to be.

Yes. So, that is - is that a random inspection conducted?... Well, if you call it a random check, after 5 o'clock it is a random inspection more or less. That's all we do. There are no parades or anything. We just do random checks.

Yes, okay. Have there been any changeing practices insofar as handling of money, since 1984?... Well previous to the - well I'd even - I'd say about 2 or 3 years ago we never handled any

money at all. The only money we handled was when a prisoner was being discharged. Say, for instance, he was being discharged at 6 o'clock in the morning, his money used to come up here in the safe.

Right?... So at 6 o'clock in the morning when he got changed and he was ready to go you searched him and you released him and he signed the receipts for the money.

Yes. Now that money for discharge purposes, did it take the form of cash or cheque or - ?... From - no, it depended on the amount. Sometimes it was cash, sometimes it was cheques.

Right. So have there been any other practices in relation to money handling that - outside discharges?... Well, we are required to go into New Norfolk to cash dole cheques sometimes. When the canteen was going - I don't know if you're familiar with it or not, where they used to purchase goods from Purity or what's-a-name you used to handle quite a large amount of money at different times.

Right. That canteen facility is now ceased, is that what you're saying?... That has ceased.

Right?... Now the canteen is being done from Risdon but as far as handling money we still handle money.

Right. So in what sense do you handle money?... Well, if a prisoner wants, say, buy an article - well, say, cassettes, if it's approved by the superintendent we go into New Norfolk with a prisoner and he buys cassettes so we handle money.

Right. So where would they get the access to that money from? Do they have - ?... They don't have access to the money, we have access - money is usually sent up from Risdon, it's handed to a prison officer for a specific purpose and you go - well you could be - buy a bunch of flowers for his wife or order a bunch of flowers for his wife, and that. You go in and you pay for them, the bunch of flowers, and if there's any change you've got to account for it when you bring it back. Everything's got to be accounted for.

Right, sure. Do inmates have access to banking facilities at New Norfolk? Have you accompanied - ?... I don't know about banking. I know - know some inmates have access to credit union.

Right. And what would happen on those occasions?... Well I had occasion where I had to take a prisoner in myself. I just went in with him; he withdrew 'X' amount of money from the credit union, which I handled, and he purchased what he was allowed to purchase. I brought the change back up here and put it in his property.

Right. Is there any exchange of money or property for the purposes of family visits?... Well that is with approval of the superintendent. If a prisoner puts in a request for some money to be sent up for his family and it's approved, naturally it goes down on - officer on visits or house visit will take it down and get the person who the money is going to to sign a receipt for that amount.

Right. Are there any other practices in relation to the inspections - is there only vehicular inspections of property now or - ?... I beg your pardon?

Inspections of buildings around - around the Hayes Farm area, that is only done by vehicle now it's not done by foot?... Oh yes, it always has been done by vehicle.

Right?... Because previous - the Director, Mr Patmore, always maintained that after dark it should be done by vehicle so you got constant two-way contact with an officer in case there was any problem.

Right. And that includes areas like the vegetable shed, the piggery, glass house, those areas?... That's all - that's all part of the checks we do every afternoon and night shift.

Right, okay. Insofar as driving lessons are concerned, are you - as a prison officer function, do you conduct those with inmates?... I've only had to take one inmate, you know, myself, but there have been officers that have been asked to take an inmate in a vehicle around the farm to familiarise himself with the vehicle prior to going to a driver test.

Right. Are there any other activities that are associated with driving lessons? Are licences concerned in any way?... Oh well, you've got to take a prisoner in to get his licence down New Norfolk. Also on occasions you would have to, when a prisoner is due for renewal of a licence if he has got the money, and the money has been approved, you take him down to New Norfolk to get his driver's licence, right. Right now you've got to take a prisoner down for - see you've got to have the photo on the licence.

Yes. Right. And has that activity commenced since 1984?... Oh, definitely.

Right. Has there been a change to practices for prison officers insofar as accidents of inmates or other officers are concerned since 1984?... Well in 1984 I believe we did have a medical officer up here.

Right?... Right now we haven't got anyone, just the officer - it's up to the officer, if an inmate hurts himself, say he's got a cut in his hand, it's up to you to assess if he needs

stitching or doesn't need stitching, and if he does need stitches then you've got to make arrangements to get him down to a doctor or hospital to get stitched.

Right. Has that activity commenced since 1984?... Well it has, yes, because previous to that we had a medical -

Medical officer?... - medical officer up here and all you had to do was pick up the phone, ring through and he'd come up and he'd make the decision what - whatever he'd want to do and -

Are you required or - are you required to administer any first aid?... Just - I beg your pardon?

No, go ahead you were going to -?... No, no, I just - going back, I think Mr Ballard left here about 3 year ago. He was a storeman and medical officer. So this activity has only commenced since he's - he left - left -

About 3 years ago?... About 3 year ago - round about.

Right. Are you required to administer first aid or to any - ?... Well you request - well, if you know how to do it, you do it.

Right. And are there other occasions that prison officers receive cuts or - ?... Well I've had - I lost the tip of my fingernail - that part split the finger open while taking a stop plate off.

Right?... But these things happen. But we don't do that now.

No, no. Sorry, perhaps I might have asked of prison officers - of inmates, are you required to assist them with first aid in any way?... Oh yes, definitely.

Right. Because you're the - we've got a first aid box up there. If he wants bandaging up you bandage him up. If he wants stitching well you refer him to a doctor.

Right?... Sometimes it's only a bandaid case but you've still got to give them the bandaid.

Yes. Are there - and that's for accidental cuts. Are there any occasions of self-inflicted cuts?... All the years I've been here, to my knowledge there's only been one incident and that happened where he - well, I'd say about 15 year ago.

Right, okay. Are there any rehabilitative type programs that occur for inmates?... Well Alcoholics Anonymous comes up here.

Right?... School teachers come in. Well, different people, like church people, come in; Salvation Army comes in.

And are there changed skills and responsibility for prison officers insofar as those activities are concerned?... Well I suppose while you're - you are responsible, regardless - anything happens here, you will be held responsible. If you're on afternoon shift and some incident happens here, you are responsible for.

Has there been any change to the arrangements for mailing and - ?... For what?

The changes for arrangements for mail, either incoming or outgoing mail?... Well '84 I think they was allowed a letter - a letter a week or was it a letter a month? I know when I first started here it was only a letter a month. Now they're allowed more or less a letter a day, and there's no an actual limit on it.

Right. And what role does a prison officer take insofar as the vetting of mail?... Well, you are now required to censor the mail.

Right. Is that both ingoing and outgoing mail?... Both, yes.

Right. Are there any other matter that you'd like to bring to the commissioner's attention that have been changes to work practices for prison officers since 1984?... Well you've got fax machines. Well you've got to learn how to operate that. You've got a photocopier now which we never had. You've got a Commander phone system now - previously we only had one black phone and that was it. They're all changes.

Since 19 - ?... All the better I might add.

Since 1984?... Oh yes, definitely.

Right. Have there been any other changes in roles of the officers that you're aware of?... In what respect?

Is there greater interaction between an officer and -

MR WILLINGHAM: Oh, Mr - Mr Commissioner, please - ?... Well there's a whole -

Excuse me, witness, please, Mr Commissioner, that is too much of a leading question. Now I think it's fair that the question can be asked as often as Mr Shirley likes, but I really think it's inappropriate to be putting words into the witness's mouth of that nature.

COMMISSIONER IMLACH: We have to take that, Mr Shirley.

MR SHIRLEY: The witness is free to either accept or deny the proposition if there's greater interaction or not.

MR WILLINGHAM: No, my point, commissioner, is that Mr Shirley is asking if there are any other changes which the witness would be able to bring to the attention of the commission. Quite clearly the witness had seemingly exhausted the fund of changes that he was able to do so. Mr Shirley equally clearly is prompting.

COMMISSIONER IMLACH: Yes, I accept that, Mr Shirley. We were trying to get the information from the witness, not from you.

You have to tell Mr Shirley, Mr Kraemers, he doesn't have to ask you. It's your job to tell him the facts?... The changes always have been - up here you are more or less a direct line. It's not like at Risdon where you stand in the yard and - not close to the prisoner, whereas here, if a prisoner has any problem he'll come to you. Now if you can't solve or try to solve his problem for him or give him some advice, you'll get in touch with the superintendent or you get in touch with welfare or whoever, but you are the - more or less you've got to act - act in some - some way immediately. If a bloke's got a problem, well you've got to sort of either try to calm him down. We've had blokes, say, for instance, get off the phone and they'd be up in there, you know, and you've sort of got to settle them down a bit. Like you are a go between - you're more or less in the middle. If they've got a problem, you'll be the first person that's got to handle it.

Right?... It's put in your lap every time. It mightn't be big, it might be just - my wife's sick, could I have an extra phone call? Well, it's no good looking in the what's-a-name, and saying, oh, you've had two phone calls, you can't have this one. You've got to make a decision. If she's sick, if she's in hospital, you ring the hospital - there's no problem there.

Right. Are there any other matters you want to bring to the attention of the commissioner?... Well there's plenty of other matters I'd probably be able to tell the commissioner if I could think of them after I left his office.

Right.

COMMISSIONER IMLACH: Well now's the time Mr Kraemers. If you can think of any, that's what Mr Shirley is saying - come out with them now?... Well the whole - whole position of a prison officer at Hayes has changed - changed completely. Whereas once - well you didn't have much to do with prisoners - it was an offence even to speak to a prisoner except in the execution of your duties and such for, now you're more or less required by the job to - well you're sort of halfway a welfare officer or a social worker or whatever, you call - like to call yourself - you're the go between.

Okay, thank you, Mr - thank you very much, commissioner.

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

MR WILLINGHAM: I have no questions of the witness, commissioner.

COMMISSIONER IMLACH: Well, just one from me, Mr Kraemers. I think I must have misunderstood what you said very early in the piece, and now just this last minute, as I understood it - I might have had it wrong - you seem to have reversed - ?... I know what you're referring to - interaction, you mean.

Yes?... Yes.

I think - ?... Well interaction - I'm afraid I wasn't familiar with the word as such. Interaction the way I put it, we didn't have much interaction before but we do have interaction. How can I explain it - I'm a foreigner - I wasn't born here and it is a word I didn't quite understand.

So what you said first, was really completely wrong?... That's right.

What you said this last few minutes is more the case?... That is correct.

Prior - as I remember, what you said a few minutes ago, that it was almost an offence on the part of the officer - ?... It is an offence - I can bring you -

- to speak to prisoners before - ?... I can you bring you up the prison regulations of 1966 or '67 and it was an offence for an officer to have any - any dealings with the prisoner whatsoever.

And you're saying now that's completely changed?... Oh gawd, yes.

COMMISSIONER IMLACH: And -?... It's even getting to the stage now where some prisoners refer to officers by their first names and that.

And the two things, Mr Kraemers, is that a good thing or a bad thing. What do you think?... To what?

Is that good or bad. What do you think?... Well I myself think in one way it's a good thing; in other ways a bad thing.

Why is that?... Well, in one way it brings you closer together. In another way they're pulling you down to their level. If you got to have any authority at all it's - well how shall I put it? You got the authority of the badge and the hat, more or less, but I myself feel respect is something

a prisoner must have to a certain degree, and if you're going to go buddy buddy, Joe, Tom, Dick and Harry, what is going to happen sooner or later, you're going to be put in a position where you might have to put a report in about that bloke. Now they're not going to be very impressed with that.

So do you say it's easier or harder now for an officer?... I think the stress on an officer is much more now than what it use to be.

Because of the - ?... No, it's because of the whole change - how shall I put it? You're carrying out more duties that are not defined as - you see, up here we still haven't got such thing as standing orders. We're more or less working word to mouth, like, more or less. We've got a routine which we stick by but there's no standing orders as such - not at the moment, anyway.

All right. Thanks, Mr Kraemers. Anymore, Mr Shirley?

MR SHIRLEY: I would be grateful if we could have a 5-minute adjournment and it would be as to whether or not we need to call another witness, so I would be grateful.

COMMISSIONER IMLACH: Right. Well, who is going to go outside, you or I?

MR SHIRLEY: I think it would probably be easier if we do, sir.

COMMISSIONER IMLACH: Good. All right.

SHORT ADJOURNMENT

MR SHIRLEY: Thank you, Mr Commissioner. We will call one more witness just to clarify a particular issue. Before I do that, if I could indicate that I have a document which may assist as an overall perspective of the evidence given just then by Mr Kraemers as to the changes for prison officers since 1984 for the Hayes Prison Farm, and offer that as an exhibit.

MR WILLINGHAM: Mr Commissioner, before you accept that, that's got to be the fastest bit of stenography I've ever witnessed in my life. Could I be sure exactly what it is that the association purports this to be because it could not, by definition, be a transcript of the evidence that has just been adduced.

COMMISSIONER IMLACH: I think Mr Shirley is saying it's an attempted resume of the facts elicited. Would that be fair enough, Mr Shirley?

MR SHIRLEY: Yes, it -

MR WILLINGHAM: Well as I say, commissioner, -

COMMISSIONER IMLACH: Well come on, Mr Willingham, we're in your hands, yes or no?

MR WILLINGHAM: I'm saying that it could not be - it could not be a resume of evidence elicited from the previous witness because it's clearly prepared before the evidence was given. So, the extent that this overview may differ from the transcript of these proceedings as it shows the evidence to have been adduced, I'm interested to know, for my own information, what weight the commission will place upon this document in contrast to the evidence that was actually adduced. And in that context what purpose does this particular document serve when the transcript of the proceedings must surely stand as the record of the evidence.

COMMISSIONER IMLACH: Yes. Again, Mr Shirley, I have to accept that. This - if I can picture myself going over the evidence, I'd either have to take the evidence or this, if you know what I mean. I really wouldn't like to take this as the evidence where in fact it is what Mr Kraemers' said really is the evidence.

MR SHIRLEY: Absolutely. The document is a resume and I don't think Mr Willingham is saying that it's not a resume.

MR WILLINGHAM: Oh, I'm

MR SHIRLEY: What he's saying is, it's not a transcript.

MR WILLINGHAM: I'm certainly saying it - unless Mr Shirley has powers of clairvoyancy which are hitherto unknown in human beings, it could not purport to be even a resume of what the evidence was because it was prepared before the evidence was given.

COMMISSIONER IMLACH: I have to accept that, Mr Shirley.

MR SHIRLEY: Well it - perhaps we have different terminological of resume. It's - it covers those matters raised by Mr Kraemers.

COMMISSIONER IMLACH: Yes, well if you just go -

MR SHIRLEY: But it's not a transcript of -

COMMISSIONER IMLACH: No. Mr - I think, Mr Willingham is objecting, and I tend to agree with him, but if we go to item number 89 on the last page or 1989, I don't know - driving lessons. Now, I'll read that: Prison officers are also

required to instruct inmates and tutor them in driving lessons in government vehicles. Now, it's a technicality, but I don't believe Mr Kraemers said 'in government vehicles', and on the Hayes property. Again I don't think that was mentioned. We take it for granted, et cetera, et cetera, but it wasn't mentioned. I think he did mention going to the police station, didn't he?

MR SHIRLEY: Correct.

COMMISSIONER IMLACH: So, Mr Willingham is correct in what he is saying technically again, but I have to still stick with what he is saying.

MR SHIRLEY: Perhaps, if you are not prepared, and if Mr Willingham takes violent objection for it to be marked as an exhibit, it may be marked 'For information'.

COMMISSIONER IMLACH: That's fair enough, I think.

MR WILLINGHAM: I think, commissioner, what I would say is that if the association has a document of this nature which is more perhaps by way of witness statement, then if Mr Shirley or the association's advocate wants to present this to the commission to be read in conjunction with evidence which is being adduced, I don't have any difficulty with that at all because it gives us the opportunity to test the comments that are outlined in this document, but with the witness has been discharged and it is not now possible, other than by recalling Mr Kraemers, for me to go through this in finer detail and hence, my question to you, commissioner, as to how it should be regarded by the commission in relation to the evidence that's on the transcript as distinct from any variation that might occur between the transcript and this document. It's unusual - I think even the commission would concede it's an unusual procedure to have prepared a resume in such an amazingly small period of time.

MR SHIRLEY: It - will it -

COMMISSIONER IMLACH: Yes. Well I think it's an objection, Mr Shirley, and must uphold it.

MR SHIRLEY: All right. If that's case, then I ask for it to be marked 'For Information Only'.

COMMISSIONER IMLACH: All right.

MR SHIRLEY: Good. Sir, if I could pass to our next witness and we'd be seeking to ask questions of Prison Officer Greg Chaplain and do you require that he be sworn in?

COMMISSIONER IMLACH: Yes.

MR SHIRLEY: Thank you.

GREG CHAPLAIN, sworn:

MR SHIRLEY: Thank you, Mr Chaplain. If you could give your full name to the commission?... Gregory Royal Chaplain.

And what is your rank?... A prison officer.

Prison officer. Have you acted in any senior positions - ?... No.

- and do you hold other qualifications. Thank you. How long have you been a prison officer?... Six years.

Six years. And has all that time been served at the Hayes Prison Farm?... Apart from initial training, yes.

Right. And do you hold any other qualifications?... Auxiliary nurse.

Right. Thank you. The work-value period that we're looking at is from 1984 up until today and I'd like you to indicate to the commissioner the roles and responsibilities that you undertook when you first became a prison officer and the changes that have occurred since that time, particularly insofar as the welfare aspects and any interaction that you have with prison officers - with inmates and how that has changed?... Right. When I first came here in 1986 I was virtually just - well I was told that I was the prison officer and the prisoners the prisoner and I did that accordingly. I just use to lock them up and unlock them and tell them what they had to do and that was virtually it. But over the years that have gone by with a few superintendents it's got very informal now as far as the prisoners go.

Right?... We're always sort of more welfare orientated now - well very much so because we're always - because they come to us direct here and we've got the telephone systems and they - I mean, we put out that - . calls of a night every night and the family tells us what is going on and asks us what's going on. We have a lot to do with them now, their relatives.

Right. So there's increased family activity between the inmate, yourself, and the families?... Yes. Well we had no contact at all with them when I first came, none at all, except for a couple of hours on the house visit, but they - sort of - but the inmates changed too. They've sort of - since we've started to be, I suppose you could say more friendly to them, they've become more friendly to us so they tell us more and we get to know what happens with their families and things, yes.

Right. Do any problems occur of a personal nature between inmates relating to family that you're aware of?... Oh, well, that happens all the time.

Right?... I mean, they're always having trouble with their girl friends or wives, or mothers-in-law or sons-in-law or whatever.

Have you any examples that might illustrate it to the commissioner?... Gee, off hand - Oh, well recently we've had a few people, their mother's have been really sick.

Right. And what - how did that affect you. What sort of role did you take in addressing the inmates concerned?... Well we're allowed to - our superintendent gives us a lot scope as far as using the phones and if we think it's necessary we give them virtually as many phone calls and any time they want it, if it's to help the family situation.

Right?... And we do that pretty regularly, all of us and with the particular case, the lady in hospital, we let him make as many calls as he wanted and whenever he wanted them.

Right?... We made a note of it of course, but we just - that's - we do that now.

Do you need to supervise those calls or monitor them in any way?... We know where they're happening and we don't really - we monitor them as in time -

Right?... - but we don't listen unless we really think we have to.

Fine?... I mean, when somebody's mother is sick or in hospital I don't think there's any need -

Yes, that's right?... - to censor it.

And do you make that initial contact, do you make the phone call, establish that it's the mother and then hand over or do you allow them - ?... No. Well, we sort of - well, a lot of us - well, I think that - you know, we don't sort of say, 'Is such and such a prisoner in goal?' We just sort of put it through, if we get the hospital, as soon as the hospital answers and we ask for a certain ward -

Yes?... - well we give it straight to the inmate and then - as far as the hospital is concerned he could be any where.

Right. Has there been change in welfare-type activities from when you first started in 1986 involving greater interaction between yourselves and inmates?... Well, when I first came here we never left the property and now we're always going to

Hobart and take them to different places. We take them to New Norfolk two or three times a week. What else do we do? We take them - we go down and watch them fish. They go fishing and we go down and watch them fish of a night and tell them where they are going wrong or they tell us where we are going wrong, or whatever. So we, sort of, mix with them a lot. It's not really - see, they even - when I first came to this you wasn't even allowed to - well, sort of do anything. You had to sort of stand over them all the time. That's all changed now. We don't do that at all.

Right. And when you say: take them to New Norfolk and take them to Hobart, are they for specific activities?... Oh, well if an inmate wants to buy a radio or a - we take him in to buy one. If he wants to cash a cheque we take him in to cash the cheque or - and every - well nearly every day of the week they go in and buy - rent videos -

Right?... - so, we go in with them and let them pick out what video they want.

And - ?... And if we - even if we go to New Norfolk to get some petrol for their ute, we take them for a ride. I mean, we would never have done that once.

Right. And the role insofar - you mentioned fishing, how has that been established or why was that introduced to the, best of your knowledge?... Why was it introduced?

Yes?... Just another activity for the inmates to keep them happy.

Right. And apart from taking them to the dam and perhaps supervising and being involved there, are there any other aspects to that that need to be fulfilled, licenses or - ?... Fishing licenses?

Yes?... Yes, they have to have a fishing license before they can go fishing.

Right?... But they usually organise that through the superintendent.

Right. Have you had any training insofar as the welfare aspect for dealing with inmates' problems and - ?... No, you just sort of pick it up.

Right?... We're pretty diplomatic. We don't have any - we handle every situation as it arises.

Okay. Are there any other aspects that you think are important in this or any other areas that you'd like the commission to know about insofar as changes since 1984 in the responsibility of prison officers?... I think we've got far

more responsibility because, you know, we're with them all the time. We know - if we think, you know, they're sort of uneasy or they're unhappy in their environment or anything's happening, they tell us now. They never would tell us once and we usually tell the superintendent and they sort it out or we can sort out. John leaves a lot of it up to us -

Right?... - to - different things. If he's got a suspicion that somebody's ill of their wives or whatever, he lets us know and we go from there.

Right?... We used to go to Purity and go shopping with them a fair bit. We did that for a long time when they had a canteen system here.

That was when the canteen was operating?... Yes, we used to go and - some of us used to wheel a shopping trolley around. I didn't, but some did.

Thanks, Mr Chaplain. Thank you, commissioner.

COMMISSIONER IMLACH: Thanks, Mr Shirley. Mr Willingham?

MR WILLINGHAM: No, I have no questions, commissioner. Thank you.

COMMISSIONER IMLACH: No. Do you think - thanks, Mr Willingham.

Mr Chaplain, do you think all this new or this latest interaction and welfare type activity you are involved in, has that made it harder or easier?... Easier. It's easier as far as the environment is concerned, but it's harder as you've got more to do. You've got to be careful what you say and think and everything, you're not just a key person. But it's a better environment, yes.

Do you think it's an improvement for the prisoners themselves so far as - obviously it's an improvement for them in conditions, is there any other sort of improvement for them, do you think?... No, it just makes them happier, and if they're happy the camp runs better.

Thank you. Mr Shirley?

MR SHIRLEY: No, thank you, sir.

COMMISSIONER IMLACH: Good. Thanks, Mr Chaplain?... Thank you.

MR SHIRLEY: Sir, we don't intend to call any additional witnesses, and in keeping with the program that's already been identified at earlier hearings, it would be our submission that the matter be adjourned until 9 am on Friday the 27th

inspections and witnesses at the Launceston Prison. I can indicate to the commission that there will be two witnesses - we'll be calling two witnesses on that morning/afternoon.

COMMISSIONER IMLACH: Right. All right. Well thank you very much everyone. Nothing else, Mr Willingham?

MR WILLINGHAM: No, commissioner. Thank you.

COMMISSIONER IMLACH: Right. Thank you. This matter is adjourned till 9 am Friday, 27 November in Launceston.

HEARING ADJOURNED