

1985-86

Parliament of New South Wales

**Public Accounts Committee
of the
Forty-eighth Parliament**

Twenty-fourth Report

Follow-up inquiry pursuant to section 57 (1) of the Public
Finance and Audit Act 1983, into action taken on
recommendations in the Sixth Report (1983) of the Committee into overtime payments to Corrective
Services
Officers.

June 1986

Members of the Public Accounts Committee

The members of the Public Accounts Committee are:

Mr John Murray, M.P., Chairman

John Murray, formerly a teacher, was elected Member for Drummoyne in April, 1982. An Alderman on Drummoyne Council for three terms, John Murray was Mayor of the Council for five years and served four years as Councillor on Sydney County Council. He is currently a member of the Prostitution Committee and the House Committee.

Dr Andrew Refshauge, M.P., Vice-Chairman Andrew

Refshauge was elected as Member for Marrickville in October, 1983. He previously practised as a Medical Practitioner with the Aboriginal Medical Service and was a past President of the Doctors' Reform Society. He is currently a fellow of the Senate of the University of Sydney.

Mr Colin Fisher, M.P.

Colin Fisher was elected Member for Upper Hunter in February, 1970. Former Minister for Local Government (1975) and Minister for Lands and Forests (1976), in opposition Colin Fisher has served as National Party Spokesman on Local Government, on Planning and Environment, and on Energy.

Mr Phillip Smiles, M.P.

Phillip Smiles was elected Member for Mosman in March, 1984. A management and marketing consultant since 1974, Phillip Smiles has been involved with entrepreneurial business activities since his teens. Since entering Parliament he has been actively interested in the areas of small business, emergency services, welfare and financial analysis.

Mr Allan Walsh, M.P.

Allan Walsh was elected Member for Maitland in September, 1981. Following eight years as a Mirage Fighter pilot with the R.A.A.F., he was involved in business management. Allan Walsh has also taught industrial relations, management and history at technical colleges.



Committee Members. From left: Andrew Refshauge (Vice-Chairman), Phillip Smiles, Colin Fisher, John Murray (Chairman),
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CHAIRMAN' S FOREWORD

The Public Accounts Committee received a reference on 9 February, 1982 from the then Auditor General, Mr Jack O'Donnell to inquire into the incidence and nature of overtime payments to prison officers. The Committee's Sixth Report dealing with this issue was tabled in May 1983.

In 1985, the Committee commenced a program of reviewing the outcome of past inquiries and action taken on past recommendations. The first such follow-up report, into the N.S.W. Public Hospital System, was tabled in April, 1986. The Committee is currently reviewing action on overtime in the Police Force (Fifth Report) and expects to table this follow-up report in August, 1986.

In its review of prison officer overtime, the Committee has been pleased to find that a significant reduction has occurred in both the cost of overtime and hours of overtime worked. In fact, the Committee estimates that minimum savings of \$18.9 million have been made since 1982-3 as a direct result of the Committee's investigation of this area and subsequent positive action by the Corrective Services Commission. The Committee commends the Commission for its efforts to reduce overtime.

An area of continuing concern to the Committee, however, is the high level of prison officer sick leave. Far from improving, the average sick leave amongst prison officers has increased from 15 days per year to 21 days per year, since our last report. Some prisons have a far worse record. Officers at Parramatta Prison, in 1983-4 for example, had an average 48 days sick leave, representing a staggering average of 9½ working weeks off sick. In the Committee's view it defies belief that the prison officers concerned were genuinely ill for so much of the year.

The sick leave and overtime performance of employees is obviously a major determinant of public sector efficiency. The Committee places great importance on these issues, not only because of the direct strains they place on the public purse, but also because they are a

barometer to the level of efficiency to be found within an organisation.

The Committee believes that strong action is needed to combat the abuse of sick leave by prison officers. In this context I believe that the recently revised sick leave policy is a step in the right direction. The Committee foreshadows that it will review the implementation of this policy in the future.

I would like to acknowledge the co-operation given to the Committee during this inquiry by the Minister for Corrective Services, Mr John Akister and senior officers of the Corrective Services Commission, particularly the Commission's Senior Administrative Officer, Mr Wayne Ruckley.

On behalf of the Committee I would like to thank the Committee's staff for their work, in particular, Sue Chapple, our Senior Project Officer, for her excellent contribution to this review.

/

John Murray, M.P
Chairman

CONTENTS

<u>Section No.</u>		<u>Page</u>
1	Summary and Recommendations	1
2	Background	7
	· Reference from Auditor-General	
	· Major Findings of 1983 Report	
	· Recommendations of 1983 Report	
	· Follow-up Inquiry	
3	Action on Recommendations	11
4	Sick leave	23
 <u>Appendices</u>		
A	Response by Corrective Services Commission to Recommendations of the Committee's Sixth Report	33
B	Department of Corrective Services, Sick Leave Policy, 1983	38
C	Department of Corrective Services, Sick Leave Policy, 1986	41
D	Transcripts of Evidence	47
	· Corrective Services Commission Prison Officers Vocational Branch, P.S.A.	

1. SUMMARY AND RECOMMENDATIONS

- 1.1. The Committee's Sixth Report, tabled in May 1983, following a reference from the then Auditor-General, detailed overtime payments to Corrective Services Officers and made a number of recommendations aimed at reducing and controlling overtime. This report examines progress made since 1983 and implementation of the Committee's recommendations. (Refer Section 2.)
- 1.2. The Committee believes that its investigation of overtime and subsequent action by the Department have resulted in a minimum saving of \$18.9 million in overtime payments during the last three years, at a time when the staff : prisoner ratio has remained relatively constant. (Refer Section 3.7.)
- 1.3. The Committee believes that a significant reduction has been made in overtime levels as a result of positive action taken by the management of the Department of Corrective Services. The Committee commends the Department for its achievements in reducing overtime. (Refer Section 3.10.)
- 1.4. While a substantial reduction has occurred in overtime worked, overtime levels in Corrective Services remain high, compared with other parts of the public sector. The Committee believes that further measures are required to reduce overtime. (Refer Section 3.11.)
- 1.5. The Committee is also concerned that available figures for 1985-86 show that overtime is increasing. The Committee recommends that the Department of Corrective Services continue to set and enforce overtime quotas for individual prisons, aimed at achieving a reduction in overtime hours below 1984-85 figures, for 1986-87. (Refer Section 3.12.)
- 1.6. The Committee found that the number of prison officers earning in excess of 75% of their base salary in overtime and shift

allowances had been reduced from 573 in 1980-81 to 97 in 1984-5. (Refer Section 3.13.)

- 1.7, While the Committee commends the general reduction in the number of officers earning high percentages of base salary in overtime, it is the Committee's view that no officer should be working overtime to this extent. The detrimental effects of working excessive overtime in terms of efficiency and the health of individual officers have been well canvassed and are discussed further in Section 4. (Refer Section 3.16.)
- 1.8. The Committee recommends that action be taken by the Department against prison superintendents who allow staff to work excessive overtime. The Committee believes that control of overtime in general and control of individual prison officer's overtime is a management responsibility. The ability of superintendents to exercise this control is a measurement of their performance as managers and should be used as such by the Department. (Refer Section 3,19,)
- 1.9. The Committee is disturbed that approximately one-third of all prison officers earn more than 50% of their base salary in overtime and shift allowances. In the Committee's view this is excessive. The Committee considers that no officer should work overtime to the extent that overtime payments exceed 50% of base salary. The Committee recommends that measures be taken to reduce and then eliminate the incidence of those earning over 50% of base salary in overtime, over the next three years. (Refer Section 3.20.)
- 1.10. During this inquiry, it became apparent to the Committee that the calibre and performance of managers varied considerably from prison to prison. The Committee sees a need for improvement in the management structure of the prison system. The Committee also considers that greater emphasis should be given to developing staff with management skills to effectively run the State's prisons. It is the Committee's view that

superintendents of prisons should be given a clearer management role and be held accountable for their performance in the management of prisons. (Refer Section 3.21.)

- 1.11. Staffing deficiencies were cited by the Department as a major cause of overtime. The Committee did not see its role in this inquiry to investigate the validity of the purported staffing deficiency. It does however note that the ratio of prison officers to prisoners has improved from 1:3.3 in 1976 to 1:2.1 in 1986. (Refer Section 3.27.)
- 1.12. The Committee did not undertake a detailed review of the existing staffing formula in this inquiry. It appears to the Committee, however, that there is scope for a review of management practices and procedures in relation to areas not covered by the formula such as detached duty escorts and other leave. Following such a review, the staffing formula should be revised if appropriate. (Refer Section 3.35.)
- 1.13. Recreation leave in the prison services contributes to approximately 4% of overtime worked. In some prisons it is a major cause of overtime. The Committee believes that overtime as a result of recreation leave should be virtually eliminated by proper rostering practices, as recreation leave is allowed for within the staffing formula. (Refer Section 3.38.)
- 1.14. The Committee recommends that the implementation of progressive rostering techniques be monitored and controlled by the Department of Corrective Services to ensure that overtime as a result of recreation leave is reduced below 5,000 hours by June, 1987. (Refer Section 3.39.)
- 1.15. The Committee considers that the above recommendations will assist in further reducing overtime. Substantial improvements will however, only be possible if the continuing problem of sick leave is successfully addressed. (Refer Section 3.41.)

- 1.16. Sick leave is the major cause of overtime worked in the Corrective Services Commission, accounting for 38% of overtime or 197,250 hours in 1984-5. (Refer Section 4.1.)
- 1.17. Sick leave taken by prison officers averaged 15 days a year in 1981-82. In 1983-4 the average sick days was 19.27; in 1984-5, 19.52 and annualised for July 1985-January 1986, 20.97 days. (Refer Section 4.2.)
- 1.18. The Committee believes that this increase in sick leave reflects deliberate action by prison officers to take additional recreation leave, rather than deterioration in the health of prison officers. The Committee also considers that the increase in sick days may well be an attempt by prison officers to generate increased overtime in the face of the Department's attempts to significantly reduce prison officer overtime. (Refer Section 4.3.)
- 1.19. The Committee is dismayed to find 3 years after its last report that average annual sick leave has increased by 6 days. The Committee must reiterate its view that this level of sick leave is quite unjustifiable and represents a serious waste of taxpayers' money. (Refer Section 4.5.)
- 1.20. The Committee finds the levels of sick leave at many institutions unacceptable. Sick leave at Cessnock and Mulawa jails is consistently at a very high level. The average of 48 days in 1983-4 at Parramatta jail represents 9½ working weeks. The average of 26 and 30 at Parklea jail over the last two years is also excessive. (Refer Section 4.7.)
- 1.21. The Committee considers that sick leave is seen by many prison officers as part of their recreation leave entitlement for the year, to be used to take time off work, rather than solely for incidences of illness. The Committee disagrees strongly with this view and believes that sick leave is provided solely for

the purpose of providing paid leave in the case of illness. (Refer Section 4.20.)

- 1.22. Given the matters raised in this Report the Committee recommends that a survey into the health of prison officers be conducted by the Division of Occupational Health of the Department of Industrial Relations. (Refer Section 4.21.)
- 1.23. The Committee recommends that the Department apply to the Public Service Board to appoint its own medical officer to conduct medical assessments of prison officers with high levels of sick leave. (Refer Section 4.27.)
- 1.24. The Department of Corrective Services introduced a new sick leave policy in 1983, aimed at controlling the high incidence of prison officer sick leave. The Committee considers that the measures introduced by the Department in 1983 were clearly ineffective in controlling sick leave. The major reasons for the lack of success of the policy, appear to have been:
 - (i) the ability of prison officers to use loopholes in the policy to manipulate sick leave;
 - (if) departmental management's failure to enforce sanctions and penalties (in some cases due to reasons outside its control) for unsatisfactory sick leave. (Refer Section 4.30.)
- 1.25. A revised sick leave policy was introduced in May, 1986. The 1986 policy appears to be a step in the right direction, and the Committee foreshadows that it will review its effectiveness at a later date. (Refer Section 4.31).

2. BACKGROUND

Reference from Auditor-General

- 2.1. The Public Accounts Committee received a reference on 9 February, 1982 from the then Auditor-General to inquire into the incidence and nature of overtime payments in the Department of Corrective Services and the Police Force. In particular, the Auditor-General requested the Committee to investigate the following issues:

the causes of the high levels of overtime payments to Police and Corrective Services officers;

the causes and degree of relationship between payments for overtime and/or shift allowances and the base salaries of the officers concerned;

the extent to which the overtime payments result from defective or irregular management, rostering or other practices;

the extent to which an absence of or defects in management information systems and/or controls contribute to the high level of entitlement to overtime payments;

the likely effect on the general efficiency and overall productivity of officers who continually record lengthy periods of overtime;

whether the appointment of additional officers would produce a corresponding reduction in the overtime payments to existing staff.

- 2.2. In November 1982, the Committee tabled its report into police overtime (the Fifth Report) and in May 1983 its report into prison officers' overtime (the Sixth Report). This follow up

report concerns only the latter, 1983 report. A follow-up inquiry into police overtime is currently underway and a report is expected to be tabled by August 1986.

Major Findings of 1983 Report

2.3. The major findings of the 1983 Report are summarised below:

More than half of N.S.W. prison officers had received overtime payments in excess of 50% of their base salary; 10% of prison officers received more than 100% of their base salary in overtime payments; 17% earned between 75% and 100% and 26% earned between 50% and 75%.

In 1981-82 overtime payments for corrective services officers in N.S.W. had totalled almost \$14 million, over 21% of the total salaries bill.

In 1981-82, over 35,000 hours of overtime were being worked each fortnight, with 935,705 hours worked in the year. This was the equivalent of 508 additional officers.

Although an additional 609 prison officers had been employed in the previous six years, overtime payments had continued to soar.

By 1983, the Commission had taken steps to reduce overtime, to the extent that in early 1983 fortnightly overtime was down to 22,000 hours.

The Committee found that the main reasons for excessive overtime were:

- i) improved security measures;
- ii) implementation of the recommendations of the Nagle Royal Commission;

- iii) an inappropriate staffing formula and the creation of unauthorised posts;
- iv) excessive sick leave.

Sick leave was found to be one of the main causes of overtime. In 1981-82, Corrective Services Officers had on average 15 days sick leave per year. The Committee was strongly of the view that control over sick leave was an essential first step in reducing overtime costs. The Committee described the sick leave situation as "disgraceful" and stated: "the inescapable conclusion is that many of the officers are sponging on their fellow officers, the Department and the taxpayer".

Recommendations of the 1983 Report

2.4. The Sixth Report recommended that:

- "i) A suitable staffing formula be agreed upon by the Department, the Public Service Board, the Treasury and the Premier's Department which will allow a uniform calculation to be used in the staffing and establishment of a post and the staff number for the post.
- ii) The agreed staffing formula should contain a provision for contingencies, such as sick leave, escorts, detailed duty, etc.
- iii) The Department continue to introduce measures which will enable it to gain effective control over the incidence of sick leave taken by Prison Officers.
- iv) No Officer who takes more than two days sick leave in any two month period shall be permitted to work overtime in the following two month period, except in emergencies.
- v) For the sake of the health of its Officers and the security of the institution limits be placed on the amount of overtime which an Officer may be permitted or required to work".

Follow-up Inquiry

- 2.5. In 1985 the Committee commenced a program of following-up past reports. As part of this process visits of inspection were made by the Committee to Maitland, Cessnock and Parklea Jails.
- 2.6. On 6 May, 1986 public hearings were held at which representatives of the Department of corrective Services and the Prison Officers Vocational Branch of the Public Service Association were called to give evidence. A written submission was also received from the Department of Corrective Services.
- 2.7. This report contains the Committee's comments on action taken in respect of the recommendations in its Sixth Report, outlines the current position with regard to overtime, and discusses the continuing problem of sick leave.

3. ACTION TAKEN ON RECOMMENDATIONS

- 3.1. A written submission from the Department of Corrective Services setting out action taken in response to the recommendations of the Committee's Sixth Report is attached Appendix 1.

- 3.2. In summary, the Department argues that it has taken action on all the recommendations contained in the Committee's Report, although not all this action has been effective. The main area of continuing concern, in the Department's view, is the high incidence of sick leave. This issue is discussed in detail in section 4.

- 3.3. The Committee's summary of action taken on specific recommendations in its Sixth Report is shown in the table below.

TABLE 3.1: Summary of Action Taken on Sixth Report Recommendations

Rec'tion No.	Subject	Comment
1, 2	Revision of staffing formula	Implemented with regard to sick leave, other contingencies not provided for. (Refer Sections 3.28 - 3.35.)
3	Control of sick leave	No effective action taken (Refer Section 4)
4	Restricted availability of overtime to officers who take sick leave	Not effectively implemented (Refer Section 4.25.)
5	Limit overtime for individuals.	Partially implemented (Refer Section 3.13 - 3.20.)

Cost of Overtime

3.4. The cost of overtime has been significantly reduced since 1981-82. In that year overtime payments reached \$13,751,000. Since then, overtime payments have been reduced in each financial year. Table 3.2, below, shows overtime payments since 1975-76.

TABLE 3.2: Overtime Payments As a Percentage of Salary Payments Ten Years Ended 30 June, 1985 and 1985/86 to 30 April, 1986. (Data supplied by Corrective Services Commission)

Year	Total Salaries,*		(2) as % of (1)
	Overtime and	Overtime**	
	Allowance Payments		
	(1)	(2)	
	\$	\$	
1975/76	20,690,000	3,200,000	15.47
1976/77	24,410,000	4,040,000	16.55
1977/78	28,290 000	4,870,000	17.21
1978/79	32,550,000	6,590,000	20.25
1979/80	42,550 000	9,350,000	21.97
1980/81	52,790 000	11,830,000	22.41
1981/82	65,160 000	13,751,000	21.10
1982/83	67,140 000	11,060,000	16.50
1983/84	70,560,000	9,920,000	14.05
1984/85	77,240,000	9,670,000	12.52
1985/86			
(to 30 Apr.'86)	73,225,000	9,935,000	13.56

* Represents payments to all employees including Custodial Officers.

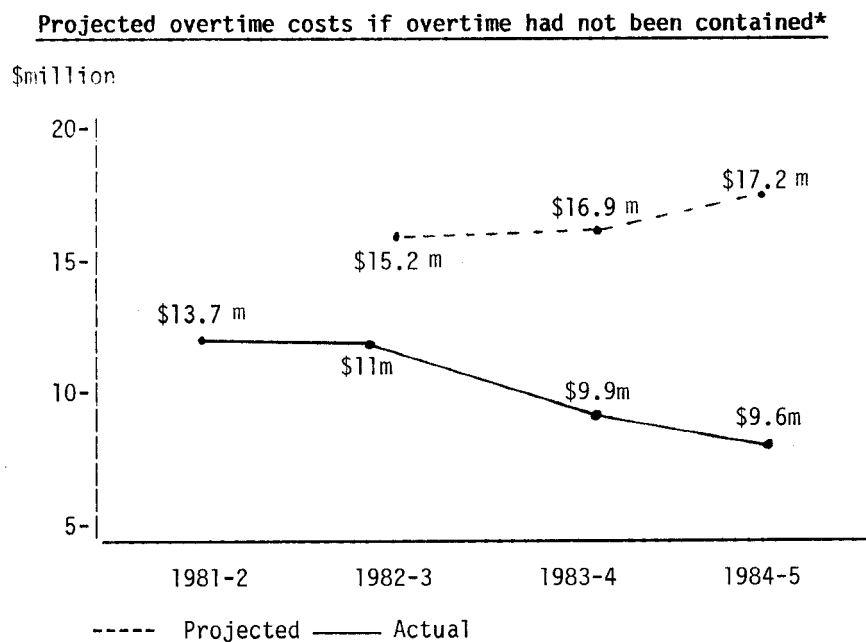
** These figures are free of shift allowances which are included in total salary and allowance payments.

3.5. The year-to-date figures for 1985-86 indicate that the progressive decrease in payments each year will not continue this year.

The Department estimates 1985-86 overtime costs at \$11,175,000. According to the Department the major reasons for this increase are increased sick leave and staff shortages in some prisons.

3.6 Overtime payments as a percentage of salary payments show a similar trend. Table 3.2 indicates that overtime payments as a percentage of total salary costs declined from 22.41% in 1980-1 to 12.52% in 1984-5. As with the cost of overtime, the percentage of overtime payments to total salary payments had risen in 1985-6, to 13.56% by 30 April, 1986.

3.7 The graph below shows projected overtime costs if 1981-82 overtime levels had continued. The Committee believes that its investigation of overtime and subsequent action by the Department have resulted in a minimum saving of \$18.9 million in overtime payments during the last three years, during a period when the staff:prisoner ratio remained relatively constant. (Refer Table 3.7)



*Assumes 1981-2 level of overtime based on figures supplied by the Department

Overtime Hours

- 3.8. A more meaningful way of looking at overtime, is to examine the actual hours worked each year. Table 3.3 shows overtime hours from 1981-82 to 1984-85, with estimated figures for 1985-86.

TABLE 3.3: Table of Overtime Hours Worked in Corrective Services. (Data supplied by Corrective Services Commission)

Financial Year	Hours
1981/82	935,705
1982/83	664,446
1983/84	523,689
1984/85	518,041
1985/86 (estimated)	580,000

- 3.9. As the table indicates, overtime hours were reduced by 45% from 935,705 hours in 1981-82 to 518,041 hours in 1984-85. Figures available for 1985-86 indicate that overtime hours for the year will show an increase over 1984-85. The Department estimates that for the full year 580,000 hours of overtime will be worked, an increase of 12% over the previous year.
- 3.10. The Committee believes that the significant reduction in overtime demonstrated by the above tables is the result of positive action taken by the Department's management since the Committee's Inquiry in 1983. The Committee commends the Department for its achievements in reducing overtime.
- 3.11. While a substantial reduction has occurred in overtime worked, overtime levels in Corrective Services remain high, compared with other parts of the public sector. The Committee believes that further measures should be implemented to reduce overtime. These measures are discussed, together with contributory causes of high overtime in Section 3.22 and Section 4.
- 3.12. The Committee is concerned that available figures for 1985-86 show that overtime is increasing. The Committee recommends that

the Department of Corrective Services continue to set and enforce overtime quotas for individual prisons, aimed at achieving a reduction in overtime hours below 1984-85 figures, for 1986-87.

Patterns of Overtime Payments

3.13. Since the Committee's Report in 1983, the Department of Corrective Services has introduced a policy whereby officers may not earn over 75% of their base salary in overtime and penalty payments, during any one year. The Committee's 1983 Report showed that in the year ended 30 June, 1981, 573 prison officers earned overtime in excess of 75% of their base salaries. For the year ended 30 June, 1985, the equivalent number was 97. The table below shows figures since 1980-81.

TABLE 3.4: Overtime/Shift Earnings as a Percentage of Base Salary. (Data supplied by Corrective Services Commission)

Year Ended				Over	Total
30 June	0-50%	50-75%	75-100%	100%	
1981	490	547	363	210	1610
1982	Figures not obtained by Committee				
1983	970	588	186	43	1787
1984	1137	496	87	14	1734
1985	1206	525	90	7	1828

3.14. The table indicates that the number of prison officers earning in excess of 75% of base salary in overtime and shift allowances has been substantially reduced. As the table shows, however, the total numbers earning over 50% started to climb back again in 1984-85, rising from 597 in 1983-84 to 622 in 1984-85. This trend causes the Committee some concern.

- 3.15. In terms of weekly hours worked in overtime, figures for 1984-85 indicate that prison officers averaged 7 hours or nearly one additional shift in overtime each week. One third of prison officers fall into the category of earning 50% or more of their base salary in overtime and shift allowances. These officers, in the Committee's estimation, are working at least 2 extra shifts each week of the year, with some working 3-4 extra shifts every week.
- 3.16. It is the Committee's view that no officer should be working overtime to this extent. The detrimental effects of working excessive overtime in terms of efficiency and the health of individual officers have been well canvassed and are discussed further in Section 4.
- 3.17. The Committee is particularly concerned at the increase in the number of officers earning high percentages of their base salaries in overtime and shift allowances at Parklea and Bathurst Prisons. The table below shows officers earning overtime and shift allowances at 75% or greater than their base salary, by prison.

TABLE 3.5: Institutions with Officers Earning Shift/Overtime Allowances at 75% or More of Base Salary

Institution	1982-3	1983-4	1984-5
Long Bay Complex	103	44	41
Mulawa	15	12	4
Parramatta	51	7	5
Bathurst	14	12	19
Parklea	-	6	19
Emu Plains	1	1	1
Silverwater	5	4	4
Cessnock	18	4	1
Norma Parker	7	2	
Special Response Unit	-	4	-
Oberon	3	2	1
Cooma	1	2	
Maitland	-	1	
Mannus	7	-	1
Parramatta Linen Svce	2	-	
Tomago	2	-	1
Total	229	101	97

- 3.18. The Committee commends the improvements made by some prison administrators in this area, but draws attention to continuing problems at Parklea and Bathurst Gaols and at the Long Bay Complex.
- 3.19. The Committee recommends that action be taken by the Department against prison superintendents who allow staff to work excessive overtime. The Committee believes that control of overtime in general and control of individual prison officer's overtime is a management responsibility. The ability of superintendents to exercise this control is a measurement of their performance as managers and should be used as such by the Department.
- 3.20. The Committee is disturbed that approximately one-third of all prison officers earn more than 50% of their base salary in overtime and shift allowances. In the Committee's view this is excessive. The Committee considers that no officer should work overtime to the extent that overtime payments exceed 50% of base salary. The Committee recommends that measures be taken to reduce and then eliminate the incidence of those earning over 50% of base salary in overtime, over the next three years.
- 3.21. During this inquiry, it became apparent to the Committee that the calibre and performance of managers varied considerably from prison to prison. The Committee sees a need for improvements in the management structure of the prison system. The Committee also considers that greater emphasis should be given to developing staff with management skills to effectively run the State's prisons. It is the Committee's view that superintendents of prisons should be given a clearer management role and be held accountable for their performance in the management of prisons.

Causes of Overtime

- 3.22. The Committee's Sixth Report found that overtime was caused pre dominantly by staff constraints and sick leave. The table below shows causes of overtime for 1981-82 and 1984-85.

TABLE 3.6: Causes of Overtime (Data supplied by Corrective Services Commission)

Reason	Hours	1981/82	Hours	1984/5
		% of Total Overtime		1% of Total Overtime
Staffing Deficiency	276,222	30	88,752	17
[Sick Leave	250,277	27	1197,250	38
[Detached Duty	109,274	12	59,547	11
Escorts	73,184	8	28,671	6
Recreation Leave	41,582	4	19,011	4
Other Leave	28,937	3	31,937	6
Maintenance	32,860	4	32,619	6
Prisoner Activities	14,883	2	4,188	1
Security			35,575	7
Miscellaneous	<u>108,486</u>	10	<u>20,491</u>	<u>4</u>
	935,705	100%	518,041	100

3.23. "Staffing deficiency" in the above table could arise from overall staff shortages in the prison system; from management problems such as poor allocation of staff resources between prisons; or from lags in recruiting new staff.

3.24. Since 1981-2, according to data supplied by the Department, a major shift has occurred in the causes of overtime. In 1984-85, sick leave accounted for 38% of overtime worked, while staff deficiencies accounted for 17%.

3.25. While the contribution of sick leave to overtime has increased, the actual hours overtime worked due to sick leave has declined from 250,277 in 1981-82 to 197,250 in 1984-5. Sick leave is discussed in detail in Section 4.

Staff Deficiency

3.26. Staff shortages accounted for 88,752 hours of overtime in 1984-5. Table 3.7 below shows comparative staff numbers from 1981 to 1985, together with the average daily number of prisoners for those years.

TABLE 3.7: Number of Prison Officers Employed in Institutions
and Daily Average Number of Prisoners

June	Auth'sd Staff no. Prisoners	Actual Staff	% to Auth.	Daily Average No. of	No. of Prisoners per Prison Officer
1976	1305	1125	86.2	2688	3.3
1977	1294	1149	88.8	3662	3.2
1978	1367	1199	87.7	3638	3.0
1979	1424	1286	90.3	3896	3.0
1980	1562	1490	95.3	3836	2.6
1981	1679	1728	102.9	3417	2.0
1982	1810	1734	95.8	3612	2.1
1983	1919	1778	92.6	3577	2.0
1984	1950	1738	89.1	3493	2.0
1985	1994	1726	86.5	3551	2.1
April 1986	2189	1984	90.6	4181	2.1

3.27. The Committee did not see its role in this inquiry to investigate the validity of the purported staffing deficiency. It does however note that the ratio of prison officers to prisoners has improved from 1:3.3 in 1976 to 1:2.1 in 1986. The following discussion is therefore based on the assumption that all existing posts and shifts are necessary.

3.28. The Committee's Sixth Report recommended that the existing staff formula, based on 230 shifts per officer per year be revised to take account of sick leave, long service leave, detached duty, escorts and other contingencies.

2.29. The Department gave evidence that an interdepartmental committee consisting of senior officers from the Premier's Department, Treasury, Public Service Board and the Department of Corrective Services was established in March 1984. In late 1984, the Committee produced an interim report recommending that the custodial staffing formula be revised to take in ten days per year per officer for time lost because of sick leave. Based on the revised formula of 220 shifts, eighty new relief positions were created and filled during 1985.

- 3.30. The Department has advised that the interdepartmental committee was reconvened in November, 1985 to look at other causes of overtime and expects to report on a further revision of the formula later this year.
- 3.31. The Committee notes that an additional 247 positions were approved by the Premier in November 1985 and approved for establishment by the Public Service Board in February, 1986. The Department of Corrective Services informed the Committee that it expects recruitment and training for these positions to be completed by 30 September, 1986.
- 3.32. The lead time in gaining approval for these additional posts was estimated by the Department to be twelve months. During this time, the positions were unauthorised posts, manned on overtime. The Department gave evidence that 109 unauthorised posts were in existence in October, 1985 and that by May 1986 this had been reduced to approximately twenty-eight. The cost of staffing these posts on overtime is estimated by the Department to have been \$2,615,000 in 1984-5.
- 3.33. The Committee would expect that with the filling of the additional 247 positions, overtime as a result of staff shortages will be reduced significantly.
- 3.34. In the context of staffing constraints, the Committee notes the need for the Department to maintain a vacancy gap between the staff establishment (as approved by the Public Service Board) and the staff number (as approved by the Premier's Department). Maintenance of the vacancy gap results in 7% of custodial established positions remaining unfilled.
- 3.35. The Committee did not undertake a detailed review of the existing staffing formula in this inquiry. It appears to the Committee, however, that there is scope for a review of management practices and procedures in relation to areas not covered by the formula

such as detached duty escorts and other leave. Following such a review, the staffing formula should be revised if appropriate.

Recreation Leave

3.36. Recreation leave in the prison service contributed to approximately 4% of overtime in both 1981-2 and 1984-5. At individual prisons however, there was considerable variation in the contribution of recreation leave to overtime. Figures supplied by the Department for July 1985 - February 1986 indicate the following:

TABLE 3.8: Overtime due to Recreation Leave 1985-86. (Data supplied by Corrective Services Commission)

Institution	% of Overtime	
	Caused by Recreation Leave	Hours
Metropolitan Remand Centre	0	128
Cessnock	22	3976
Silverwater	13	2320
Parklea	8	3735

3.37. In 1984-5 recreation leave was given as the cause of 19,011 hours of overtime. For the first seven months of 1985-6, it contributed to 19,887 hours of overtime.

3.38. The Committee believes that overtime as a result of recreation leave can be virtually eliminated by proper rostering practices as recreation leave is allowed for within the staffing formula. During the Committee's inquiry, it was apparent that unnecessary rigidity in rostering techniques in some institutions resulted in overtime being worked to cover recreation leave. On the other hand, the Committee recognises that other institutions have introduced progressive rostering systems for recreation leave. The Committee believes that all institutions should be able to manage this area and almost remove recreation leave as a cause of overtime.

- 3.39. The Committee recommends that the implementation of progressive rostering techniques be monitored and controlled by the Department of Corrective Services to ensure that overtime as a result of recreation leave is reduced below 5,000 hours by June, 1987.

Conclusion

- 3.40. The Committee concludes that positive action by the management of the Department of Corrective Services has substantially reduced overtime since the Committee reported on this area in 1983. The Committee believes that further reductions in overtime can be made by implementation of the recommendations contained in the preceding section.
- 3.41. Substantial improvement in overtime will, however, only be possible if the continuing problem of sick leave, addressed in Section 4, is resolved.

4. SICK LEAVE

- 4.1. Sick leave is the major cause of overtime worked in the Corrective Services Commission, accounting for 38% or 197,250 hours of overtime in 1984-5.
- 4.2. Sick leave taken by prison officers averaged 15 days a year in 1981-82. In 1983-4 the average sick days was 19.27; in 1984-5, 19.52 and for July 1985-January 1986, 20.97 days.
- 4.3. The Committee believes that this increase in sick leave reflects deliberate action by prison officers to take additional leave, rather than deterioration in the health of prison officers. The Committee also considers that the increase in sick days may well be an attempt by prison officers to generate increased overtime in the face of the Department's attempts to significantly reduce prison officer overtime.
- 4.4. In its 1983 Report, the Committee commented on Corrective Services sick leave as follows:

"The Committee believes this situation is disgraceful. It defies belief that one out of every nine Prison Officers could be genuinely sick on eight different occasions, each if up to three days, during any one year. The inescapable conclusion is that many of the Officers are sponging on their fellow officers, the Department and the taxpayer."
- 4.5. The above comments were made in the context of an average 15 days per officer per year of sick leave. The Committee is dismayed to find 3 years later that average sick leave has increased by 6 days. The Committee must reiterate its view that this level of sick leave is quite unjustifiable and represents a serious waste of taxpayers' money.
- 4.6. The Committee's investigations have shown that the level of sick leave varies considerably from one prison to another. The

following table shows sick leave over the last three years, in a number of the larger institutions.

TABLE 4.1: Average Annual Days Sick Leave Per Officer

Institution	1983-4 Average Days	1984-5 Average Days	1985-6 Average Days (annualised)
Cessnock	26	27	27
Mulawa	40	32	31
Parramatta	48	26	18
Parklea	14	26	30
Maitland	18	17	21

4.7. The Committee finds the levels of sick leave at many institutions unacceptable.

Sick leave at Cessnock and Mulawa jails is consistently at a very high level. The average of 48 days in 1983-4 at Parramatta jail represents an average of 9½ working weeks for each prison officer. The average of 26 and 30 at Parklea jail over the last two years is also excessive.

4.8. The Committee considered the views of representatives of the Department and the Prison Officers Vocational Branch (POVB) of the Public Service Association (PSA). The Chairman of the Corrective Services Commission stated:

Mr Dalton: "There is an internal view generally that sick leave is there for whatever maximum number of days to be used each year... The relationship between overtime and sick leave and the capacity for that to be manipulated has required a fairly harsh new policy agreed to by the union in an attempt to bring about some change."

Public Accounts Committee: "Could the Committee interpret your comments as officers deliberately taking sick leave to provide overtime for others?"

Mr Dalton: "I believe that is so in a number of cases, yes."

4.9. The Committee requested the Department to carry out a sample survey of sick leave taken by officers in their first, second and third years of service. The results of the survey of prison officers at the Metropolitan Reception Centre and at Mulawa, support the Committee's view that sick leave is seen as ~~additional~~ recreation leave by many officers and that the amount of sick leave taken is closely tied to the level of entitlements.

TABLE 4.2: Average Sick Leave X Years of Service

Institution	Average Days of Sick Leave			Average Annual Sick Leave For all Prison Officers
	1st year	2nd year	3rd year	
Metropolitan Reception Centre	8.1	9.3	25.1	22.5
Mulawa	13.8	14.0	18.5	31.0

4.10. Sick leave entitlements in New South Wales are 10 days in the first year of service; 15 days in the second year and 30 days thereafter. Information supplied to the Committee indicates that compared with prison officers in some other states, N.S.W. officers have a generous sick leave entitlement.

4.11. The following table shows sick leave entitlements and average sick leave taken in other Australian States:

TABLE 4.3: Comparative Table of Sick Leave Entitlements and Annual Average Sick Leave for Prison Officers by State

State	Annual Average Sick Days Taken (1984-85)	Sick Leave Entitlements
N.S.W. (1985-6) annualised	21	10 days in 1st year of service 15 days in 2nd year of service 30 days in 3rd year of service and thereafter.
Vic.	18	10 full days and 10 ½ days each 12 months.
S.A.	9	12 days per annum
QLD.	13	10 days per annum
W.A.	12	66 days on full pay and 66 days on half pay each three (3) years
Tasmania	13	22 working days in 1st 3 years 66 working days after 5 years service
	13	2 working days after 10 years service

4.12. Based on the above tables, the Committee recommends that the Department conduct a survey of all prisons to ascertain more clearly the extent to which sick leave entitlements impact on sick leave taken.

4.13. The Prison Officers Vocational Branch of the Public Service Association, in evidence before the Committee, expressed the view that high levels of sick leave were essentially the result of the stressful environment in which prison officers worked. A document tendered in evidence to the Committee, entitled "Prison Officers Sick Leave and Overtime - A View of the Problem in Respect of Occupational Health", by Ian Stanaway, First Class Prison Officer, who gave evidence to the Committee, is revealing of prison officer views. (In the extracts quoted below, highlighting has been added by the Committee.)

- 4.14. The paper classifies sick leave as Bona Fide (Physical), Bona Fide (Mental) and Bogus. The following extracts relate to "Bogus" sick leave.

"This form of sick leave is utilised where an officer is perhaps fit for duty but precipitating factors generate a sick leave day. This is probably the most common form of single day or double day sickness."

- 4.15. The paper states that "bogus" sick days are taken for a number of reasons. One reason is poor rostering procedures, such as deviations from set rosters.

"It is not uncommon for deviations to be made ~~wi~~th the consent of the officer and few officers are willing to complain for fear of punitive measures being taken in respect to missing out on overtime for upsetting the Deputy or Roster Clerk. Such deviations may cause personal hardship to those affected so they resort to taking a sick day."

- 4.16. Further on the rostering issue, the paper states:

"Instances of preferential rostering of staff on particular shifts causes other staff to do an excessive number of different shifts to fulfil manning levels. There are also great variations in the amount of overtime worked in the various ranks or areas of an institution. Affected staff resort to protest action in the form of sick leave as it is their only manner of seeking self justice."

"There are incidents where staff have been refused the right to exchange shifts. This invariably causes the officer to take a sick day as his/her only method of fulfilling any commitment that brought about the original request for a change of shift."

- 4.17. The paper also considers that disappointment by officers can result in sick leave:

"Occasions arise where junior officers are given preference above senior officers within the same rank and they in fact work up. Often, the experience is needed by both parties, particularly for promotional opportunities and the overlooked officer

feels some resentment for not being given the higher capacity. This in turn generates a lack of incentive which precipitates a sick day as a sign of disapproval."

4.18. Management practices are also cited as a cause of overtime. To quote:

"In some areas management serves to generate sick leave as a result of;

- (a) Vexatious decision making
- (b) Victimisation of staff
- (c) Severe treatment for minor indiscretions"

"Some officers are not permitted to use carry bags to transport their food or other requirements to their work areas yet inmates can. This has an attacking effect on morale and serves to dampen enthusiasm, even loyalty. The result is ultimately a sick day as a form of recompense."

"There is apparent, a number of officers who are the recipients of reports for various minor breaches of prison rules. The same breaches go unreported for other staff. Other staff do not get reported for serious breaches including negligently permitting an escape. This form of victimisation destroys any credibility the officers have with the management and they register their protest in the form of sick leave."

"It is common for staff to be late for duty for a variety of reasons. Most staff telephone to advise of their lateness. Even if the time taken to make this call makes them only three minutes late they are still put on report. Most staff are of the attitude that they would prefer to take a sick day next time they are late so as to avoid spoiling their good record with a report."

4.19. The paper sums up:

"As staff become more aware of their entitlement to workers compensation for stress there will be a reduction in sick leave however this will not serve to resolve the problem as absences are absences regardless of the leave designated upon them. No criticism should be levelled at Prison Officers as a group for sick leave or overtime. These problems are born much higher up the scale and it must be the

responsibility of the bureaucrats to come to terms with the matter in a viable manner."

- 4.20. The Committee has quoted at length from this document as it believes that the views expressed represent the attitude of many officers in the prison system towards sick leave. The Committee considers that sick leave is seen by many prison officers as part of their recreation leave entitlement for the year, to be used to take time off work, rather than solely for incidences of illness. The Committee disagrees strongly with this view and believes that sick leave is provided solely for the purpose of providing paid leave in the case of illness.
- 4.21. Given the matters raised in this Report the Committee recommends that a survey into the health of prison officers be conducted by the Division of Occupational Health of the Department of Industrial Relations.

Action Taken By the Department on Sick Leave

- 4.22. The Department introduced a new sick leave policy in January, 1983. A copy of the policy is attached, Appendix B. In brief, the policy sought to define unsatisfactory sick leave and to require medical certificates from all officers with unsatisfactory records. An unsatisfactory record was defined as more than ten days in any one year, unsupported by medical certificates.
- 4.23. In a submission tabled at the Committee hearing of 6 May, 1986, the Department commented on the results of the 1983 policy:

"Although unforeseen at the time of implementation, the policy has contributed to an increase in sick leave taken by custodial officers. Before its introduction, the experience was for officers to take one or two days unsupported sick leave. The recent trend is for officers to take on average 3 to 4 days sick leave on each occasion, supported by a medical certificate."

"The turn of events reflect the ease by which medical certificates may be obtained with little

inconvenience to officers. This is highlighted by comparing the number of officers on medical certificate requirement, by institution, at the 31st of December, 1982 to the 31st of March, 1986 ... The comparison illustrates that officers have circumvented the criteria for an unsatisfactory sick leave record by ensuring that absences are supported by medical certificate."

4.24. The comparison mentioned by the Department is shown in the following table:

TABLE 4.4: Comparative Table of Prison Officers on Medical Certificate Requirement* by Institution

Institution	31.12.82		31.3.86	
	No of Staff	No. on M/C Requirement	No of Staff	No. on M/C Requirement
Parramatta	260	67	91	3
Bathurst	177	15	135	25
Glen Innes	17	2	14	1
Mannus	29	1	18	0
Broken Hill	9	1	9	0
M.R.P.	155	18	144	2
M.T.C.	95	10	76	4
M.R.C.	158	21	147	4
M.E.U. & S.C.U.	95	6	109	2
C.I.P.	200	24	172	6
Cessnock	135	22	127	6
Cooma	37	1	30	2
Goulburn	166	12	143	2
Maitland	99	14	89	6
Mulawa	94	29	83	1
Norma Parker	21	2	19	1
Silverwater	76	8	64	0
Parklea		-	177	17
Emu Plains		-	32	2
Total		253		84

* Officers who have had more than 10 days sick leave in a year, unsupported by medical certificates, were required to produce a medical certificate for any further sick leave.

4.25. The Committee's Sixth Report recommended that "no officer who takes more than two days sick leave in any two month period shall

be permitted to work overtime in the following two month period, except in emergencies". The Department submitted to the Committee that it had not been possible to effectively implement this recommendation "because the number of officers disqualified from working overtime has meant that superintendents have not been able to adequately staff their institutions having regard to even the most basic levels of security". In the Committee's view this is a telling indictment on the state of sick leave amongst prison officers.

- 4.26. A further problem associated with the introduction of the policy was delays in arranging medical examinations and obtaining medical assessments from the Government Medical and Immunisation Centre. The Department told the Committee that on average it took 13-17 weeks to arrange examinations and a further 4-6 weeks to obtain the results. The Centre's Director, Dr Orr, has informed the Committee that waiting times currently range from 9-14 weeks and that a delay of 6 weeks in obtaining results would be exceptional, with most results sent the day after the examination.
- 4.27. The Committee considers either delay period cited to be unacceptable and recommends that the Department apply to the Public Service Board to appoint its own medical officer to conduct medical assessments of prison officers with high levels of sick leave.
- 4.28. A revised sick leave policy was introduced by the Department in May, 1986. On paper, the policy appears much tougher than its predecessor. (Copy attached, Appendix C)
- 4.29. Unsatisfactory sick leave is redefined as "an absence because of illness on 5 or more occasions or 10 or more days in any period of 12 months unsupported or supported by medical certificate." Other aspects of the policy are:

- (i) officers having an unsatisfactory sick leave record to be interviewed
- (ii) officers having an unsatisfactory sick leave record to be offered overtime only if officers with satisfactory records are either unwilling or unable to work,
- (iii) certain absences to be regarded as unauthorised leave involving deduction from officers' salaries.

4.30. The Committee considers that the measures introduced by the Department in 1983 were clearly ineffective in controlling sick leave. The major reasons for the lack of success of the policy, appear to have been:

- (i) the ability of prisonofficers to use loopholes in the policy to manipulate sick leave;
- (ii) departmental management's failure to enforce sanctions and penalties (in some cases due to reasons outside its control) for unsatisfactory sick leave.

4.31. The Committee believes that strong and determined action is needed to gain control over prison officer sick leave. The 1986 policy appears to be a step in the right direction, and the Committee foreshadows that it will review the effectiveness of this policy at a later date.

APPENDIX A

New South Wales Government

Department of Corrective Services

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Mr J Murray, M.P.,
Chairman,
Public Accounts Committee,
Parliament House,
SYDNEY, NSW 2000 00

Telex: 176658 CORSEV

Our reference: 85/572

Your reference:

Dear Mr Murray

PUBLIC ACCOUNTS COMMITTEE INQUIRY
CONCERNING OVERTIME PAYMENTS TO CUSTODIAL OFFICERS

I refer to your letter of 11 February, 1986 concerning recommendations contained in the 6th Report of the Public Accounts Committee of the 47th Parliament. The Committee made recommendations on the following areas:-

Review of custodial staffing formula and provision be made therein for sick leave, escorts, detached duty, etc.

The introduction of measures to control sick leave.

Restrict the availability of overtime to officers who take sick leave.

Restrict the level of overtime that officers may work.

A) Review Staffing Formula

Senior officers from the Premier's Department, Treasury, Public Service Board and the Department of Corrective Services, were represented on an interdepartmental committee established to review the custodial staffing formula.

AS an initial step, consideration was given by the committee to a number of alternate strategies which would achieve appropriate staffing levels without unduly compromising the security of institutions.

The replacement of the 'post' concept with a more flexible staff establishment and staff numbers policy was examined. However, the potency of the argument advanced by senior custodial officers for the retention of post structures was accepted on the basis that it represented the best means of clearly identifying the staffing needs of institutions with different security classifications, i.e. maximum, medium and minimum security.

The formula was based on the premise that a custodial officer is available to perform 230 shifts in a 12month period, that is, 365 days less 104 days rostered rest days per annum, 30 days per

annum recreation leave and one day compensatory leave (Bank Holiday). The formula did not provide for days lost due to sick, military, study and extended leave, detached duty, escorts, emergency maintenance and prisoner activities.

The committee accepted that the inadequacy of the formula had resulted in recourse to inordinately high levels of overtime and that officer sick leave, in particular, accounted for over one-third of all overtime performed in the prison service. The committee therefore recommended as an interim measure that the staffing formula be amended to include allowance for 10 days per annum lost due to sick leave, in line with the Department's sick leave policy.

The recommendation was subsequently adopted and an increase in the Department's authorised staff establishment and approved staff number, of 80 custodial officers, was approved by the Public Service Board and Premier's Department. Approval was subject to funding being provided by financial offsets from overtime savings. The positions have been designated as "relief positions" and have been allocated to institutions to fill essential security positions that would otherwise be filled by rostering officers on overtime.

The impact of these positions upon overtime is currently being monitored and the interdepartmental committee has recently been reconvened to assess the effect of the additional staff referred to above upon overtime, sick leave and efficiency. A further revision of the existing 220 formula will be considered by the Committee after a complete assessment of the 80 additional staff, in terms of effecting reduced levels of overtime and sick leave, has been made.

B) Control of Sick Leave

A comprehensive sick leave policy was introduced in 1983 as a basis of monitoring, reviewing and controlling the incidence of sick leave. A copy of the policy is included as Annexure 'A'. The policy defines a sick leave record as unsatisfactory if 10 days sick leave, unsupported by medical certificate, are taken on any five (5) occasions in a 12 month period. Above this figure the officer's record is considered unsatisfactory and medical certificates are required for any additional sick leave taken.

Although unforeseen at time of implementation, the policy has contributed to an increase in sick leave taken by custodial officers. Before its introduction, the experience was for officers to take one or two days unsupported sick leave. The recent trend is for officers to take an average three to four days sick leave on each occasion, supported by a medical certificate.

The trend is verified by the comparison of the average sick leave absences taken by officers prior to and after the implementation of the Department's sick leave policy. In June 1983, the average sick leave taken by custodial officers was 15 days per annum. The average has risen to over 21 days at 23 January, 1986.

Detailed aspects of the policy together With management difficulties experienced with this implementation are comprehensively dealt with in Section (b) (i) to (vi) in the letter from the Minister for Corrective Services to the Premier dated 10 September, 1985. AS requested, a copy of the letter is attached as Annexure 'B'.

The Commission recognises that the policy has had limited success despite concerted efforts by gaol management to implement all aspects of the document. This is largely due to the widespread interpretation by officers that conditions of employment covering sick leave is an award entitlement. The Commission is concerned that there is no sanction in this regard.

Moreover, there have been difficulties in establishing excessive sick leave absences as a basis for disciplinary action under the Public Service Act.

These difficulties have been subject to considerable review and in liaison with officers of the Public Service Board. A revised Occupational Health Programme has now been endorsed by the Corrective Services Commission for introduction from 1 March, 1986. A copy of that policy is attached as Annexure 'C'. Salient features of the policy are:

- i) The Department's obligations under the Occupational Health and Safety Act are addressed. Provision is made for officers with health difficulties, evidenced by regular patterns of sick leave, to receive counselling, independent medical examination and, where necessary, rehabilitative treatment.
- ii) The programme is designed to systematically signal sick leave records reflecting concern for officer's health and fitness for service. The criteria being 10 days absence in any period of 12 months whether supported by medical certificate or not. The qualification is to be applied to all staff service reviews, i.e. confirmation of permanent appointment, payment of increments, promotion or transfer.
- iii) A section dealing with unauthorised absences is introduced to provide a more effective mechanism of proceeding with disciplinary action against officers with sick leave records that fall into the category mentioned in (ii) above.
- (iv) The programme calls for mandatory monthly reports from Managers detailing interviews conducted, details of warning letters issued, number of officers on medical certificate requirements and any recommendations for further disciplinary action.

Restricted Availability of Overtime to Officers who take Sick Leave

The principles of the Public Accounts Committee's recommendation was embodied in the Department's sick leave policy introduced in October, 1983. However, it has not been effective because of the number of officers disqualified from working overtime has meant

that Superintendents have not been able to adequately staff their institutions having regard for even the most basic levels of security.

Implementation of the recommendation to some extent has been counter-productive since officers with good sick leave records have been required to work higher levels of overtime which in turn has compounded the sick leave problem.

The occupational health programme, to be introduced from 1 March, 1986 (Section 4[C], page 4) establishes an overtime eligibility list which places officers with unsatisfactory sick leave records at the bottom of the list. These officers would only be called for overtime if officers appearing higher on the list are unavailable or unwilling to work overtime.

C) Restrict the Level of Overtime that Officers may Work

A policy has been implemented whereby officers may not earn in excess of 75% of their base salary in overtime and penalty rates in a financial year.

Superintendents are issued with a list of all prison officers assigned to their institution with the percentage of overtime and penalty rates each officer has earned in excess of the basic salary on a year-to-date basis each fortnight. It is the responsibility of each Superintendent to ensure that the policy is fully implemented.

Since introduction of the policy in 1983 there has been a progressive decline in the number of officers receiving overtime and penalty rates in excess of 75% of base salary. A summary is attached as Annexure 'D'.

In relation to the further information sought in your letter, the following is provided:

1. Payroll Statistics

A progressive reduction in overtime expenditure expressed in both financial terms and in number of hours worked has occurred in each of the financial years 1982/83, 1983/84 and 1984/85. Whilst it is true that a resurgence occurred late in the 1984/85 financial year due to prison overcrowding, the performance of the full year represented an improvement over that in 1983/84. For further details please refer to the letter forwarded to the Premier dated 10 September, 1985 attached.

2. Awards, Agreements and Staff Numbers

There were no new Awards during the financial years 1983/84 and 1984/85 outside of the wages and income accord. Payroll costs have moved in line with national wage variations. The actual staff numbers of the Department have varied from 2560 at 30 June, 1983, 2622 at 30 June, 1984 and 2745 at 30 June, 1985.

3. Shift Allowances

Shift allowances were last included within overtime expenditure for the financial year 1979/80. Therefore no movement of shift or other allowances between overtime and salary classifications has occurred which would affect year-to-year comparisons after 1979/80.

4. Minister's Letter to the Premier

As already mentioned a copy of the letter forwarded to the Premier on 10 September, 1985 is attached as Annexure 'B'. A further letter was forwarded to the Premier on 18 December, 1985 appears as Annexure 'E'

The Corrective Services Commission has for some time now through sound management practices attempted to draw down the incidence of sick leave, workers compensation claims and indirectly custodial overtime. To this end the Commission is committed to resolving the following matters:-

- i) the Department's exemption from the requirement to maintain a vacancy gap prescribed by Section 37, Public Service Act, in respect of custodial staffing;
- ii) acceptance of regular attendance at work as a pre-requisite for efficiency when disciplinary action under Section 85 of the Public Service Act is taken;
- iii) ensuring that penalties imposed as a result of action instigated in terms of (ii) is an effective deterrent;
- iv) developing those mechanisms to ensure that independent medical examination of officers with poor attendance records is carried out promptly;
- v) development of positive incentives for prison officers to improve sick leave records rather than pursue punitive and deterrent policies;
- vi) where practicable, and as resources permit, the establishment of rehabilitative facilities to ensure that officers suffering from work induced illness return to duty without delay.

Corrective Services Commission

APPENDIX B

DEPARTMENT OF CORRECTIVE SERVICES, SICKLEAVE POLICY, 1983

SUPERVISION OF INSTITUTIONAL SICK LEAVE

Notes for Suggested Procedure and Practices

Sick Leave Policy

Unsatisfactory Sick Leave

More than 10 days sick leave taken without the production of a medical certificate. (In any period of 12 months.)

Approaching Unsatisfactory Level

Category 1

5 days without a medical certificate (in any period of 12 months) - warning required - to be given by Superintendent/Supervisor.

8 to 10 days - warning letter to be issued.

Category 2

5 or more separate instances and exceeds twenty (20) days in any period of 12 months whether supported with medical certificate or not - warning letter to be issued. (In such cases the Superintendent should stress that promotion and transfer may be jeopardised and ultimately disciplinary act[on taken if excessive amounts of sick leave continue.)

Sick Leave Patterns

Sick leave will also be regarded as unsatisfactory if regular sick leave patterns emerge casting doubts as to whether an officer is genuinely ill.

Implementation of Policy by Superintendents

Approaching an Unsatisfactory Sick Leave Record

Superintendent to warn officer that an unsatisfactory sick leave record is imminent.

Superintendent to complete and hand the officer a letter confirming the warning if the officer does not respond and reaches 8 days sick. (Letters for this purpose will be made available.)

APPENDIX B

A copy of this letter is to be sent to the Staff Officer for record purpose Unsatisfactory Sick Leave Record

Superintendent to interview and inform the officer that an unsatisfactory sick leave record has been reached.

Superintendent to inform the officer in writing that a medical certificate is to be produced For all future absences on sick leave. (Letters for this purpose will be made available.)

A copy of the letter to be submitted to the Staff Officer for record purposes and to assist the Staff Officer in implementing and reviewing the Superintendants decision.

Superintendent is to review the decision after 3 months. If during that 3 months the officer does not take any unsupported sick leave absences, the medical certificate requirements should be lifted.

General {Implementation by Superintendent - To be stressed at the interview }

An unsatisfactory sick leave record is taken into account when assessing an officers's conduct and services for the purpose of confirmation of permanent appointment and payment of increment. These aspects are usually deferred until a sustained improvement in conduct and services is forthcoming and Superintendents should recommend accordingly.

An unsatisfactory sick leave record is alstaken into account when determining an officer's reliability and efficiency to carry out his/her respective duties, and as such could jeopardise the officer from being considered suitable for promotion or transfer. This provision applies specifically to those officers whose sick leave record totals five (5) or more separate instances and exceeds twenty (20) says in any period of 12 months.

An officer who is informed that he or she is required to produce medical certificates for future absences on sick leave and who has further absences on sick leave (unsupported by medical certificates) may only be offered overtime on rostered days, as set out below:

2 or more sick leave (unsupported by a medical certificate) in a period of one week.	The officer will not be considered to work overtime on either rest day For that week.
* 1 day sick leave (unsupported by a medical certificate) in a period of one week.	The officer will be considered to work overtime on only one (1) rest day for that week.
i day sick leave {unsupported by a medical certificate) in a period of one week followed by one day sick leave (unsupported by a medical certificate) in the next week.	The officer will not be considered to work overtime on either rest day for that second week, based upon a pattern of sick leave being taken.

Where an officer is on the medical certificate requirement and does not produce medical certificates, the absence is to be regarded as unauthorised and charged as leave without pay.

APPENDIX B

If during the review period the officer's sick leave record does not improve or deteriorates further, Superintendents should draw this to the notice of the Staff Officer and a review will be undertaken to determine whether:

- 1) the officer is to be medically examined by the Medical Examination Centre;
or
- 2) disciplinary action is to be taken against the officer in terms of the Public Service Act.

Procedure

1. The Superintendent is given the authority to implement the sick leave policy as stated above. A record of officers sick leave is to be maintained.
2. The Superintendent must ensure the staff are properly interviewed and all circumstances considered before implementing the policy. If the Superintendent believes that circumstances are such that the officer should not be regarded as having an unsatisfactory sick leave record, these circumstances are to be submitted to the Staff Officer with an appropriate recommendation.
3. Once a decision is made to either warn the officer or impose a medical certificate requirement, the officer is to be interviewed and told of the decision and the decision is to be confirmed in writing.

A copy of the letter confirming the Superintendent's decision is to be sent to the Staff officer for record purposes to effect the decision of the Superintendent.

5. The decision is to be reviewed by the Superintendent every 3 months and the result of the review reported to the Staff Officer.
6. The Staff Officer will be required to monitor the policy to ensure that it is properly implemented within institutions.

Effects on Overtime

In accordance with the Chairman's letter to all Superintendents dated 12th July 1984 Superintendents are to forward a return on the 15th of each month detailing those officers on sick leave who are likely to be absent from duty for lengthy periods (including officers on leave prior to retirement). Action can then be taken, in respect of officers who are likely to be absent in excess of 3 months, to fill these positions in order that the overtime impact on rosters can be minimised. The Commission has endorsed a policy of filling positions where the normal occupant is seconded or has been placed on detached duty to another location for a period in excess of 3 months.

APPENDIX C

New South Wales Government

Department of Corrective Services

Roden Cutler House
24 Campbell Street
Sydney 2000
Phone: 2178333
telex: 176658 CORSEV

TO ALL SUPERINTENDENTS

EXHIBIT 21

Our reference:

Your reference:

10.APR.96

DEPARTMENTAL SICK LEAVE POLICY

Please find enclosed a copy of the Department's new sick leave policy approved of by the Corrective Services Commission. The policy is to be implemented on and after 1st May, 1986.

Superintendents are advised that in implementing the new policy consideration should be given, initially, to the most serious cases of abuse by officers in respect of their sick leave benefits.

During the transitional periods, of 6 months and 12 months referred to in 2(a) and 2(b) of the document, respectively, the criteria adopted to determine whether or not an officer has an unsatisfactory sick leave record is to remain the same as that that applies under the existing policy.

The provisions of the policy shall therefore apply to officers who in the last twelve months of service have taken 20 or more days sick leave irrespective of whether the absences have been supported by medical certificate.

It should be stressed that it is the Department's responsibility not to jeopardise those officers genuinely ill or in any way be seen to be taking any action which could be construed as adding to their condition. In this connection your attention is drawn to the discretionary powers referred to in provisions 2(b)(ii) and 4(b).

Whilst the P.O.V.B. has not supported the Department's new sick leave policy a number of matters in the policy have been included to take account of the Union's view. The decision to apply the terms of the policy to officers with adverse sick leave records under the old policy i.e. 20 days and to introduce the new criteria over the next 12 months, has been taken at the request of the Association, to allow all officers to fully appreciate and understand the Department's inception, and, where necessary, to allow officers the opportunity to improve their attendance record. It is expected that the P.O.V.B. will closely monitor the administration of the policy.

the absence/s are to be deemed as unauthorised. Leave is not to be approved and the officer is informed in writing by the Superintendent/OIC. A copy of that advice is forwarded to the Staff Officer for an appropriate deduction from salary and for consideration regarding appropriate disciplinary action. In such circumstances the use of other forms of leave, e.g. recreation leave, is unacceptable.

Unauthorised absences defers for an equivalent period the payment of increments and accrual of entitlements in respect of recreation, sick and long service leave.

7. MISCELLANEOUS

- (a) Recreation Leave may be approved on application at short notice in emergent circumstances having proper regard for the implications in respect of the officer's replacement on overtime, alternatively,
- (b) the practice of officers "swapping" shifts by mutual agreement has the approval of the Commission provided the arrangements in each case are agreed to by the Superintendent or Deputy Superintendent.

8. REVIEW

Where an officer is of the opinion that he or she has been genuinely disadvantaged because of the provisions of the sick leave policy, a full report outlining the circumstances of any alleged inequity should be submitted:

- i) To the Superintendent for further review. The Superintendent may also refer the matter for Departmental consideration.
- ii) Where the officer does not accept the decision under (i) the report should be referred through the Superintendent to the Personnel Manager for review and decision.
- iii) Where the decision under (ii) is still in dispute the report should then be referred to the Director, Custodial Services.
- iv) In the event that the above review by the Administration is still disputed the matter may be referred to the Public Service Association and reference should be made to the Procedures for the Settlement of Prison Officer Grievances.

P.W. CROSSLEY,
Chief Administrative Officer.

25th March, 1986.

- (b) If during the review period the officer's sick leave record does not improve or deteriorates further, Superintendents should draw this, along with details of any mitigating factors, to the notice of the Staff Officer who will determine whether disciplinary action is necessary.

4. PROCEDURES

- (a) The Superintendent/OIC has the authority to implement the sick leave policy as stated above. A record of officers sick leave is to be maintained.
- (b) If the Superintendent/OIC believes that circumstances are such that an officer should not be regarded as having an unsatisfactory sick leave record (i.e. five or more occasions or in excess of ten (10) days in any twelve (12) month period), these circumstances are to be submitted to the Staff Officer with an appropriate recommendation, otherwise all aspects of this programme are to be applied. For example, the attendance record for the whole of an officers career may be considered satisfactory and the absences in the period under review were abnormal and not the beginning of an undesirable pattern. Additionally, the associated medical factors may fully justify the absence pattern.
- (c) Superintendents/OIC's are to provide to the Staff Officer a summary of action taken in implementing the sick leave policy by 15th of each month covering the preceding month. The summary should include a list of officers cases under review together with copies of warning letters issued, number of officers on medical certificate requirements and any recommendations for further action, including medical examinations or disciplinary action.

5. EFFECTS ON OVERTIME

Superintendents are to forward a return on 15th of each month to the Personnel Manager detailing those officers on sick leave who are likely to be absent from duty for lengthy periods (including officers on leave prior to retirement). Action can then be taken, in respect of officers who are likely to be absent in excess of three (3) months, to fill these positions.

6. UNAUTHORISED ABSENCES'

Where an officer:

- (a) fails to provide a medical certificate or a legitimate reason to the satisfaction of the Department for an absence after being requested to do so;
- (b) has exhausted entitlement to further sick leave absences and has not been granted any other approved leave;

claims to be sick but the Department Head determines the absence claim not to be genuine

The following steps should be taken:

- i) Superintendent/OIC to interview and inform the officer that his/her unsatisfactory sick leave record gives cause for concern.
- ii) Subject to 4(b), inform the officer in writing that his/her sick leave record is unsatisfactory and that a medical certificate is to be produced for all future sick leave and that the officer may be required to submit to independent medical assessment.
- iii) If the action prescribed in (ii) proceeds:
 - (a) Submit to the Staff Officer a copy of the letter with the results of the medical examination and a recommendation regarding appropriate action to be taken e.g. counselling, disciplinary action, etc.
 - (b) Officers concerned are to be made aware that an (un)satisfactory sick leave record will be taken into account when assessing an officer's conduct and services for the purpose of confirmation of permanent appointment/ payment of increment/suitability for promotion or transfer.
 - (c) Superintendents through their Deputy Superintendents are to ensure, to the maximum extent possible, that officers with unsatisfactory sick leave records are not rostered on overtime shifts. In determining an officer's eligibility for overtime in regard to the above, due consideration should be given to the extent of the officer's sick leave record. The officer's record should be reviewed every 3 months and where a significant improvement has been sustained an officer should be reconsidered for overtime.
- iv) Superintendent is to review the decision in regard to the unsatisfactory sick leave record after twelve (12) months. The Superintendent should consider:
 - (a) whether a significant improvement has occurred in the officer's attendance;
 - (b) any further mitigating circumstances have arisen e.g. chronic or extended illnesses.

3. GENERAL

- (a) Where an officer on a medical certificate requirement does not produce one, the absence is to be regarded as unauthorised leave. In these circumstances other forms of leave are not approved, The officer is informed in writing by the Superintendent/OIC and a copy of that advice is forwarded to the Staff Officer for an appropriate deduction from salary. The Staff Officer should also be informed of the ~~teach~~ of discipline and appropriate action will be considered.

DEPARTMENT OF CORRECTIVE SERVICES

SICK LEAVE POLICY

1. BACKGROUND

The provisions of the following sick leave policy are to apply to all employees (permanent/temporary appointments) of the Department of Corrective Services. The document reflects the Corrective Services Commission's unwavering commitment to reducing the high levels of sick leave taken by custodial staff.

A recent review of the situation indicates that an average of twenty-one (21) officer days per year are lost due to illness. The following policy is designed to ameliorate the attendance of officers and eliminate wasteful, unnecessary and possible fraudulent claims on the Department, without prejudicing the entitlements of those officers genuinely absent due to illness.

The Corrective Services Commission is determined in its resolve to bring to account any malingerers who manipulate their sick leave entitlements.

Based on the trend to date, an estimated \$4.2 million will be incurred this financial year, by way of overtime expenditure, because of the need to replace officers, absent from duty through illness, by calling on other officers to work overtime.

Expressed another way, 250,000 overtime hours will be worked in 1985/86 to cover those shifts lost due to officers' sickness - or 31,250 shifts.

The Department's sick leave policy has been drafted against this background, as well as the implications in terms of additional costs associated with the implementation of a 38 hour week for custodial officers from 1 July 1986.

2. CRITERIA

(a) any officer approaching a situation where his/her capacity to carry out the duties of prison officer may be in question reflected by three (3) or more absences due to illness in any period of six (6) months or a total of six (6) or more days, is to be identified.

The Superintendent/Officer-in-Charge must complete and hand the officer a letter confirming the Department's concern about the officer's health. A copy of this letter is to be forwarded to the Staff Officer, Head Office for attachment to the Officer's personal file.

(b) any officer who has been absent because of illness on five (5) or more occasions or ten (10) or more days in any twelve (12) months is regarded, prima facie, as having an unsatisfactory attendance record.

APPENDIX C

Notwithstanding, the Department has very real responsibility to effectively contain the incidence of sick leave and take action where appropriate against those officers who manipulate the system.

Your attention is also drawn to the provision included under Section 8 of the document entitled Review. In particular, it should be noted that officers through the Superintendent can seek review of his/her sick leave record by the Personnel Manager.

Should there be any misunderstanding about the application of the provisions of the document or further information required please contact the Chief Administrative Officer on 217-8160.

V.J, DALTON,
Chairman,
Corrective Services Commission.

APPENDIX D

Transcripts of Evidence

<u>Organisation Represented and Witnesses</u>	<u>Page</u>
Corrective Services Commission	1
* Mr V. J. Dalton	
* Mr J. C. Horton	
* Mr P. W. Crossley	
* Mr W. A. Ruckley	
Prison Officers Vocational Branch (PSA)	75
* Mr P. T. Armstrong	
* Mr P. C. Smith	
* Mr I. B. Stannaway	

MINUTES OF EVIDENCE

TAKEN BEFORE

THE PUBLIC ACCOUNTS COMMITTEE

At Sydney on Tuesday, 6th May, 1986

The Committee met at 10 a.m.

PRESENT

Mr J.H. MURRAY (Chairman)

Dr A.J. REFSHAUGE

Mr A.P. WALSH

Mr P.M. SMILES

VERNON JOHN DALTON, Chairman of the Corrective Services Commission,
JOHN CLIVE HORTON, Acting Director, Custodial Services Division, Department of
Corrective Services,
PHILLIP WILLIAM CROSSLEY, Chief Administrative Officer, Department of
Corrective Services,

and

WAYNE ALAN RUCKLEY, Senior Administrative Officer, Department of Corrective
Services, sworn and examined:

CHAIRMAN: As you realize the Committee has visited in the last two or three
weeks three of the institutions under your control. Do you have any further submissions
that you would like to put before the Committee before questioning commences? ---A. (Mr
Dalton) I do not think so, but there is a set of documents that we would be happy to leave
with the Committee, which I imagine covers most of the new areas. They comprise a lot
of financial data and general information.

Q. Do you wish to table those documents?---A. Yes.

I am happy to table a set of the documents.

They read:

(Not Reproduced in this Report)

Dr REFSHAUGE: As you will be aware, the Committee's

May 1983 report into corrective services overtime, recommended that a suitable staffing formula be agreed upon which will allow a uniform calculation to be used in the staffing establishment of a post and the staff number for the post. The Committee recommended also that the agreed staff formula should contain a provision for contingencies, such as sick leave, escorts, detailed duty et cetera. In your letter of 28th February you referred to an interdepartmental committee which was established to review the staffing formula. Would you tell me when that committee was established?---A.

(Mr Crossley) The committee was established in approximately 1984 to review the recommendations of the Public Accounts Committee in respect of that particular matter.

Q. How often has that committee met?---A. Initially it met on approximately half a dozen occasions. It has submitted one interim report regarding the revision of the custodial staffing formula to take in ten days per year per officer in respect of time lost because of sick leave.

It has been reconvened to look at the other causes of overtime and make appropriate recommendations about modifying the custodial staffing formula to take in such things as escorts, detached duty and the like.

Q. When did that interim report come down?---A. It was submitted in late 1984.

Q. Was that report on one aspect only?---A. It was initially. The committee decided that it would be best to address the sick leave situation immediately and monitor the effect of the additional eighty officers appointed as

a result and then move on to the revision of the formula for these other causes of overtime, if it could be demonstrated that the additional eighty officers did save at least a corresponding amount in overtime.

Q. When do you expect an interim report on these matters?---A. Within the next three or four months.

Q. Do you see the committee continuing after that report?---A. No.

Q. The letter of 28th February also notes that eighty new relief positions were approved based on a revised staffing formula. When were these positions approved?---A. In late 1984.

Q. When were the positions filled?---A. Progressively in 1985.

Q. What has been the impact of the relief positions on overtime and, more generally, on efficiency?---A. It has reduced overtime by \$2.33 million on an annual basis and it has increased efficiency substantially and the capacity to fill vacant posts by avoiding overtime.

Q. Do you consider that the 220 staffing formula is now adequate?---A. No, because it does not take account of other causes of overtime, for example, escort duty, some extra security, hospital guards, that sort of thing.

Q. Would you like to make a guess at what the formula should be?---A. Yes, based on comparisons with other States, it would be around about, realistically, 205.

Q. Do you have agreement with the union on that figure? ---A. It has not been canvassed with the union, but I am sure they would agree to it, yes.

Q. Do you think it is better than what you have got? ---A. It would be more realistic, yes, with the time that is lost by officers.

Q. Do you have an estimate of the expected increased cost of using a 205 formula?---A. I have calculated it, but I do not have it at my fingertips. I will get it for you.

Q. You will provide it to us later?---A. Yes.

CHAIRMAN: What would the cost be of the eighty additional staff?---A. It would be \$1.5 million in terms of basic salaries.

Dr REFSHAUGE: I understand that an additional 247 positions have been approved also. Have these positions been filled?---A. No, not in total. They were approved by the Public Service Board for establishment in February of this year.

Q. When do you expect to have them filled?---A. Bearing in mind there are a number of other dynamics in the situation, that is, the extra 113 officers we require for the implementation of the 38-hour week, approximately another one hundred officers we will need early next year to open the prison hospital; we are currently carrying vacancies in the order of 170 in the custodial ranks. It has been extremely difficult to recruit and train officers at the rate necessary to replace vacancies and also to fill these additional 247 positions.

Q. What types of positions are these 247?---A. General duty prison officers.

Q. Will you explain briefly how the staffing formula fits into the concept of authorized posts?---A. The authorized positions reflect the number of posts in each institution.

Q. t understand it reflects it, but how does that relate directly; is it a one to one?---A. It is a one to one. In other words, every position or post that is established in an institution in aggregate is the authorized staff number for the custodial service.

Q. How many positions does it take to staff a post?

.... A. It depends on whether it is a five-day or a seven-day post. For a five-day post it is approximately 1.4 positions. In respect of a seven-day post, it is approximately 1.65 positions.

Q. The five-day posts are posts that are related to activities that happen Monday to Friday?---That is correct.

Q. Like laundry services?---A. Yes, prisoner activities generally.

Q. Recruitment of sufficient prison officers was a problem in 1982-83. You have suggested that it may still be a problem. Do you have any problems recruiting sufficient staff to fill those authorized positions?---A. We do not really I must say that we have gained a bit of a windfall from the suspension of the recruitment of police. Our recruitment numbers are increasing, but this is only a recent phenomenon.

Q. You would see that the people you are trying to recruit would be the same sort of people that the police try to recruit?---A. Definitely we are competing with the police in some form.

Q. Are there any other major employers with whom you would be competing?---A. To some extent I suppose security organizations.

(Mr Dalton) It is important to point out that since the last Public Accounts Committee hearing we have opened two gaols; we have had an increase in addition to that of something in excess of 500 in the prison population. So the fluctuations and the difficulties in recruiting large numbers of staff have to take into account those factors and also the new staffing formula. We are now facing the 38-hour week. This means that it is a major problem logistically in training as well as the recruitment. There is a lot of work involved in the initial training of prison officers. So it is a combination of the opening of new gaols, the continuing increase in the prison population, the implications of the 38-hour week, the implications of the revised staffing formula that has meant that a heavy load of new staff is required.

Q. Apart from the requirement to get a large number of new staff and the competition between other jobs that you have mentioned, are there any other main problems with recruitment? As an advertiser for staff, why are people not applying? ---A. (Mr Crossley) We do get quite a number of people applying; in any given twelve months I think we see somewhere about 5 000 people. Of those about 14 per cent get through the screening and are taken on as prisoner officer trainees.

CHAIRMAN: What is the impediment that prevents the other 80-odd per cent from being appointed?---A. There are a number

of factors. The base salary must have something to do with it.

(Mr Dalton) You are talking about the large number that are culled out?

Q. Yes?---A. It is related very much to educational standards, to overall assessment in terms of suitability. There have been some significant changes, that is, a lowering of the physical requirements - the height requirements particularly - and we have also lowered the age requirements in respect of prison officers. That has had some impact also. We have found a dramatic increase in the number of people of ethnic origin applying and being successful for recruitment as prison officers as well.

Q. What is the basic educational requirement?---A. About the School Certificate level.

Q. I noticed over the weekend that there were some classy advertisements in the newspapers seeking prison officers?---A. The significance of that is that we have also tried to identify that employment for women in the prison service is available. That was a deliberate attempt to try to identify to women generally that there is a career in the prison service. In that advertisement and in that process and as well as some of the other things that we have done, we have tried to promote a high profile in respect of the career prospects in the prison service. There is a turnover in what is happening in that area.

Q. We noticed that in Maitland a lass was on the wall.

Has it worked having women in gaols?---(Mr Crossley)
it has.

Yes,

Dr REFSHAUGE: What is the new age requirement?---A. It is twenty.

Q. What was it before?---A. It was twenty-one.

Q. Apart from lowering the age, what other steps have you taken to resolve the problems of recruitment?---A. (Mr Dalton) The style of advertisement, targeting at people and the change in physical requirements, that is height and weight requirements. That has made a big difference to people of ethnic origin who cannot achieve the height and size requirements that were traditional in the prison service.

Q. When you say targeting of people, do you go to particular groups that may be likely to provide staff?---A. We are doing that in the Aboriginal community. We are looking further afield than the ethnic community, although there has been a good response from the ethnic community generally.

Q. What is the current authorized staff number for prison officers?---A. In the vicinity of 1 900, I think it is 1 960.

Q. How does this compare with the actual numbers?---A. That is the actual number.

Q. What is the authorized number?---A. The actual number is 1 984 and the authorized number is 2 189.

Q. Apart from all of the problems that you have indicated is there any other reason why there is a shortfall?---A. Yes, we are required to keep a 7 per cent difference between the actual and the approved numbers. That is not peculiar to our organizations. The commission has sought an exemption from

that to try to recruit up to the authorized number because the majority of positions in the custodial division are posts that need to be filled all the time. There is not usually the luxury available of being able to abandon a number of positions and leave the work for the next day. That is certainly true of security and a whole range of other positions in gaols. So we have sought an exemption from that. Being fair, as we have explained, we are not sure whether we would be able to fill at any one time up to the approved number anyway. But we have also been conscious of the fact that we have had to maintain at least a 7 per cent gap.

Q. That 7 per cent is imposed upon you by whom?---A. The Premier's Department.
(Mr Crossley) It is a requirement of section 37 of the Public Service Act.

Q. The Committee noted in its 1983 report that the creation of unauthorized posts which were manned on overtime had become normal practice. Were all unauthorized posts eliminated as proposed by the 1982 prisons staffing review? ---A. (Mr Dalton) Yes, they were, but then gradually they built up again, more so in the last twelve months. That was brought about by the need to open an extra wing at Bathurst for women prisoners; the need to bring Kirkconnell back on line, the need to open Parramatta Gaol and expand the use of that gaol. All of the unauthorized posts that were established, including the high security annexe wing at Goulburn, were positions that were equally necessary to keep pace with the fairly sharp increase in prison population and

it is necessary certainly to reduce the very unacceptable levels of overcrowding and also simply to manage prisoners sensibly and effectively. The staffing which was predicted and which was approved in February this year has substantially eliminated most of those positions. It is a convoluted way of saying that we were ahead of the prisoner growth rate, the fact that we had to open institutions, but the process of budgeting, finance and staff numbers meant there was some lead time in getting approval to fill the positions formally -though there was tacit agreement at ministerial level and management level, having regard to the need to make these provisions. Since the last Public Accounts Committee hearing there have been a substantial number of unauthorized positions which have grown up either through industrial demands or a local view that additional security and other arrangements were necessary. They were never formalized. We have avoided moving back towards establishing unauthorized posts so far as possible. Certainly sixty-three of the positions that were authorized have been posts that have been established again during the year as a result of decisions by the Industrial Commission. As distinct from a fairly routine arrangement with, if you like, non-substantial argument, and posts running up and being established, we have tried to ensure that there is a far more formal and a far closer monitoring of the needs for those positions. Now probably unequivocally the only time an unauthorized post is established is as a result of a strong recommendation of the Industrial Commission or a decision of the commission to open a new facility and therefore other staff have to be brought along.

Q. How many unauthorized posts are there now?

---A. (Mr Crossley) Approximately twenty-eight.

Q. From what you said I thought there were a lot more than that until these unauthorized posts were authorized. What was the maximum number in the last year?---A. There were 109 in October 1985, of which sixty-three or sixty-four were ratified by the Industrial Commission.

Q. The October 1985 number would have been the maximum? ---A. That is right.

Q. Could you provide us with a list of where all those unauthorized posts were in October and also where the unauthorized posts are now?---A. (Mr Dalton) We can do that. We do not have that information now.

Q. Are the unauthorized posts manned or staffed exclusively on overtime?---A. One of the most contentious issues, which I should like to talk about more generally later on, is that we have introduced state-wide a system whereby the superintendent of the gaol or the officer in charge of the unit is required to satisfy us that overtime is used only as a last resort. We had introduced an arrangement whereby the superintendent would have to determine or make a decision or judgment between essential and what we were calling non-essential posts. It became common practice that officers employed in industry, in activities such as the general education area or other areas that did not involve face to face security responsibilities, would be removed from those posts where there were vacancies in security positions and those posts would-be left unmanned. Of course that had an adverse effect on our production in

industries, interrupted production, and was beginning to interrupt fairly substantially our undertakings to suppliers and were likely to affect the longer term contractual arrangements. So we had to pull back on that to some extent.

Also, we had to pull back on what would be defined as non-essential posts in the activities area. But we still leave with the superintendent - and superintendents are operating effectively - determinations day by day and shift by shift whether posts, authorized or unauthorized, can first be filled by transferring staff from elsewhere in the institution. It is only when that is not achievable that overtime is used. Now that is, again, a fairly cumbersome way of saying that in some institutions, say for instance Kirkconnell, when we began the reopening of Kirkconnell and introducing prisoners there, all those staff were employed - with the exception of one, I think - on overtime.

So that where there were discreet separate facilities including the high security unit at Goulburn, X wing at Bathurst, Kirkconnell, and a section of Parramatta gaol, fairly routinely until the posts were formalized, they were being paid for from the overtime allocation.

CHAIRMAN: How can you staff a gaol entirely on overtime?---A. Well, a large gaol cannot be, obviously.

We are only talking about a very small number of staff there initially. We have I think four.

(Mr Crossley) And there are twelve prisoners there. (Mr Dalton) We are in the position at Kirkconnell now where the staffing has been approved, so that by the time that the rest of the physical arrangements, including the erection of the fence, is completed and the staff come on

line, they will all be paid from consolidated revenue.

They will not be paid out of overtime. In the redevelopment and reopening of some of those smaller facilities that has resulted in unauthorized posts and the payment of overtime.

Dr REFSHAUGE: What was the time difference between your decision to set up unauthorized posts and the authorization of those posts?---A. Approximately twelve months.

Q. Do you have any idea of how costly overtime was in that twelve months alone?--A. No, but we could calculate it.

Q. In the overtime statistics that you produce, which section does overtime for unauthorized posts fit into? Does it fit into normal overtime, or is it separately calculated?---A. If I could run through that process quickly. Of any issue in the management of the department, overtime is the one that consumes the greatest time and greatest amount of energy. We have set up a process where overtime is monitored each fortnight. We do break down overtime in order to work out the causes of it - whether that is staff deficiencies, sick leave, staff development, and all other factors and we review that overtime very carefully in terms of the placement of staff, and the utilization of our resources. We take those matters into account. So that we do try to examine every cause of overtime by institutions. Certainly, we obtain data on a fortnightly basis and try to monitor it. As you would realize, we are a little bit behind, but we try to monitor the actual causes and reasons for overtime at each place.

So it does take into account the incidence of sick leave, staff deficiencies, the number of persons who may be engaged in staff training, the sort of emergencies that might have occurred in that fortnight, and the positions that are being filled that are unauthorized.

Q. Just to be 100 per cent clear, when you talk about overtime you are not including penalty time, are you? ---A. No.

Q. Overtime is effectively doing an extra shift on top of the normal rostered shift that one has. If you employ someone to do overtime, does that person ever do less than

a full overtime shift, say half a shift? ---A. Not often. (Mr Crossley) It does happen, but not very often. Q. That would be the superintendent's decision? ---A. (Mr Dalton) I go back to the fact that there are a number of positions that are not automatically filled.

So that whereas at one time positions were being automatically filled, if there was an absentee - and frequently the position was filled for the whole of the shift - the superintendents have exercised, and are exercising, their responsibilities in determining how necessary the position is. So we have gone from automatic filling of positions to a very careful shift by shift monitoring of staffing of each post to determine which position should be filled. That is not unusual. It is not unusual for some positions, some in respect of which the association vehemently argues are security positions, not to be filled. So that I am confident, generally speaking, that the filling of positions by way of overtime for the whole shift is in respect of

positions that are absolutely essential. The likelihood is that the shift would not be filled at all or filled for the whole of the shift.

Q. Going back to authorized and unauthorized posts.

At what level is the decision made to actually create an unauthorized post?---A. At the commission level.

Q. At which level?---A. Usually at my level.

Q. Do you need the approval of your other commissioners to do that?---A. No. It is usually as a result of recommendations from the other commissioners, or discussions with the other commissioners.

Q. Do you need the Minister's approval for it?---A.No. Q. Do you get the Minister's approval?---A. Well, the Minister has always been notified of what is happening. Certainly, as I mentioned, unauthorized posts are predominantly as a result of Industrial Commission decisions, or pressures on the organization to provide more beds. The Minister is certainly made aware of those factors and of the consequences. Might I also add that the lead time - that is submitting estimates, making recommendations to the Premier's Department for our staffing forecasts for the following year - has generally been ahead of the longer term consequences. We were aware we needed to open Bathurst X-wing: We were aware when we needed to bring Kirkconnell on line; and we were aware we needed to increase utilization of Parramatta Gaol. In the process, as I mentioned, last January-February, we were predicting and seeking for our 1985-86 staffing estimates and financial estimates the number of positions

required. The due process of those then being established, and approved in February 1986, we started well behind. Fortunately, we have not been in the position of finding ourselves having to open a gaol, not planning for it, not gearing up for it, not knowing what the resource implications would be, and the time necessary to get the resources into place.

Q. On the one hand you are predicting what your needs will be and you are going along with decisions that have been made outside the arbitration system, and that has led to you creating unauthorized posts and the Government being slow to authorize them. On the other hand, one might say that you create unauthorized posts and the Government is therefore forced later on, because possibly of the overtime bill, to agree to your unauthorized posts. Do you see a potential conflict in that?---A. I do not see any potential conflict at all. If a decision is made at government level or some other level to opt for sentencing or having more people confined to prison, the immediate consequences are well known. We do not manipulate unauthorized posts or those positions. All we are reflecting is that if there is a major shift, whatever the cause, we are obliged to provide the beds. We certainly never have been in a situation where we have created an unauthorized position hoping that that would require the Government, the Public Service Board or the Premier's Department subsequently to authorize it. We are certain that any job we have created has been the barest number of positions required for a particular service. We have not created

in advance - for example, if we used Kirkconnell a position of a welfare officer or school teacher or industrial officer and employed somebody in that position either with no prisoners or only a few prisoners there. Generally speaking, unauthorized posts are those security positions that are absolutely critical and vital to allow us to cope with the prison population, without allowing us, if you like, the benefits of any ancillary or additional services that may equally be as vital in the life of a prison or the management of a prison. We confine them generally to essential security positions. I think that is true of the positions arising as a result of recommendations from the Industrial Commission; it is usually taken back either to a safety or security issue.

Q. So you do not have any plans to fully eliminate unauthorized posts?---A. I think it is a matter of record that we have very effectively, to all intents and purposes, eliminated unauthorized posts within the concept that was prevalent before 1981-82; that is, administratively making decisions to create additional positions. If we are seeking additional positions in any year for general operations purposes, we are obliged to go through the due process of seeking proper approval for that. We only create those positions if and when they are approved. Of the positions that Mr Crossley was talking about, all of those were essential direct service positions for managing the prison's population. We do not go about setting up jobs hoping that they will be agreed

to subsequently. They are only essential positions, critical to the management of the prison population.

Q. During the Committee's recent inspection of Maitland and Cessnock gaols we were talking about the concept of security posts; you also mentioned security and non-security posts, as well as essential and non-essential posts. Could you define the difference between security and non-security, and also essential and non-essential?---A. I suppose that is a distinct difference. People would regard what we call our essential positions as those positions where the safety of officers and prisoners and the security of the gaol would be likely to be affected if the positions are not filled. We refer to them as essential. Non-essential posts are those positions that could be shown not to affect the security of the gaol, prisoners or prison officers if they remained unfilled. We left the discretion of that to the individual superintendent, because it is the individual superintendent who has statutory responsibility for the safety and security of his gaol.

CHAIRMAN: Does it vary from gaol to gaol in terms of the superintendent's interpretation?---A. I do not think it varies much as far as the interpretation of the positions. I think there is some variation, be it moderate or whatever, or as to how hard-nosed a superintendent wants to be. Bear in mind we have, since the last Public Accounts Committee hearing, set quotas of overtime for gaols, and superintendents are obliged to meet those quotas month by month or fortnight by fortnight. There has been an enormous amount of weight

put on the management of a gaol to implement arrangements to actively, positively, and realistically reduce the level of overtime.

Dr REFSHAUGE: You have given a broad definition of what a security post is. You say you leave it to the superintendents to pinpoint which post is a security post. Is that correct?---A. That is right.

Q. Does the Prison Officers' Association differ from the superintendents as to which post they would class as security posts?---A. Dramatically, yes.

Q. Could you give us a rough percentage difference?

---A. No, I cannot. I am not being obtuse or difficult about that. But we do know that in some maximum security gaols, for example, where prisoners are locked up in very secure individual accommodation or otherwise, a superintendent may choose to man only diagonal towers. He may not have the level of security at the time prisoners are locked in cells that he would have out of those hours. That fluctuates according to the level of physical security that a particular gaol has available anyway. It can fluctuate according to the general population or the type of prisoner contained there. But, generally and I would not expect otherwise - superintendents are conscious of the fact that they are not likely to put themselves at risk by not filling positions whereby they could be held responsible for reducing the level of security or for increasing the level of danger to prisoners or prison officers by not filling those posts. That is all nice and vague but, as I say, that is the reason that we leave

it that way. Most people, in a common-sense and realistic way, try to meet those requirements.

Q. How many of the authorized prison officer posts would be classed as security posts?---A. It would depend whether you are talking to me or the association.

Q. From the commissioner's point of view?---A. I would say probably half to two-thirds. It is a difficult question in the sense that in low security and medium security institutions the function of officers whilst security is part of it is more than in a maximum security gaol being on the towers and solely responsible for security of the prison; there is a more removed area of responsibility, depending on the nature and type of gaol.

Q. You say that the day-to-day staffing of posts is very much left to the superintendent, as to which post and who is on the post. If a staff member reports in sick, and he is rostered for a security post, is there a departmental policy about how that person will be replaced? Will he always get replaced on overtime, or does the superintendent look for someone else who might replace that person?--
-A. First of all the superintendent is required to - and again does in fact - have a look at what other posts in the gaol are manned and whether the removal of a person from another rostered post would enable that person to be utilized. In some instances the post would not be filled.

Q. Would that apply to a security post?---A. Depending on the time of day, and whether the prisoners are locked in or not, and depending on whether there are activities not going on in that area, it could apply to a security post, yes.

Q. Is there a different departmental policy as opposed to a superintendent's decision about a non-security post when someone calls in sick; say the person is rostered for a non-security post, does the department have a policy of filling or not filling that post?---A. The superintendent again has to be convinced that the filling of it is necessary for the efficient operation of the gaol. I mentioned earlier that our initial instructions were that people were to be taken off non-essential posts. We were thinking of industries, workshops and activity areas. But the industries in prisons in New South Wales in the past few years in terms of production and financial returns have shown a dramatic improvement. The income that is derived from prison industries is rising very markedly. The industries people put to us that if we are going to continue to authorize superintendents to rob revenue producing industries by using those officers in security positions, and therefore requiring a shutdown of the workshop and interfering drastically with production schedules, we would be defeating our purposes. That is not to say that we then go over the agreement or to say that we have been misinterpreted in any way. With revenue producing industries, generally, the positions are replaced -perhaps not to the maximum number in the workshop. That

again depends on the number of prisoners, the production schedule, et cetera. So there is flexibility allowed, and the flexibility is exercised by superintendents in that non-essential area.

Q. Does the revenue that these industries produce go straight to the Corrective Services Commission?---A. It goes to consolidated revenue. We do not get the benefit of it. Well, we do, in the efficiency and effectiveness of prison industries. It has meant that progressively we have had a far better allocation each year for products, materials, and the escalation of the industry has been worthwhile. So we have got a pay-off in that over the past few years the Treasury has regularly given us greater scope to get into industries on a larger scale.

(Mr Crossley) There is a relationship between the revenue and expenditure, or the department's allocation for re-expenditure on industries.

Q. But you could be paying out of your overtime bill for an industry producing revenue?---A. It could happen, but it would be very rare.

CHAIRMAN: Before moving on there are one or two matters I would draw your attention to. First of all, what percentage of overtime is worked on non-essential posts?---A. (Mr Dalton) I have no idea.

Q. You do work overtime on non-essential posts?

---A. Yes.

Q. Would you be able to get some figures on that? ---A. Retrospectively?

Q. What, it does not happen now?---A. It would be a fairly expensive job to extract that.

Q. I would indicate that the figures you presented to the Committee showed that in 1981-82 21 per cent of total salaries was the overtime worked; that has now dropped to 12 per cent. That is a pleasing feature that has come to the Committee's attention. But when we were at Parklea the superintendent indicated that there were problems with the Bandidos who are housed there; part of the wing was causing difficulty in terms of overtime. Could you give us more detail of the impact of the Bandidos on the prison system?---A. I would have thought that the impact was primarily more related to costs associated with their movement to and from court. As they are remand prisoners, there is a fair degree of interruption of their prison life for involvement in outside medical treatment, appearances at court, visits by legal people, and so on - more so than problems in the gaol management.

Q. Has the Department of Corrective Services recognized the difficulties that the Bandidos have created in terms of Parklea?---A. Certainly.

Q. What has the department done to alleviate the problems in that area?---A. In which way, I am sorry?

Q. In terms of staffing to overcome some of the[overtime difficulties that have accrued from having the Bandidos housed in one group?---A. I would turn it back the other way, not by way of rationalizing the situation, but there are a number of contingencies that occur from time to time. I think that group and their counterparts. at Long Bay represent the sorts of contingencies that cannot be budgeted for predictably. There are certain

costs, whether they be coping with specific issues associated with management of those people until their trials are completed, the movement of them, the large cost because of the numbers of people, that are the sorts of overriding costs that are always going to be with us.

We have the general problem of continual overcrowding. We have the specific intermittent problems, although that one has been going and has been with us for some time.

Those problems are in a sense not the sorts of contingencies one can budget for and build into the long-term resources of the department to provide funds to satisfy them.

If I can take up a few minutes I would give the Committee a general overview.

Overtime expenditure in 1981-82 was \$13,751,000. In 1984-85 it was \$9,670,000.

If that were translated into the overtime cost by hour of the 1982 figure to equate to the \$13 million, it is \$7,610,000. We managed to reduce overtime from 22.4 per cent of salaries in 1980-81 to 12.5 per cent in 1984-85. That is certainly the lowest in the past ten years.

The more significant factor is that overtime in 1981-82 was 935 705 hours. In 1984-85 it was 518 041 hours. If the rate at which overtime was escalating had not been controlled or checked, the additional expenditure incurred without the controls or practices put into place would be an extra \$17,915,000. The average income for a prison officer has been reduced from well over \$30,000 to \$27,864.

Q. What do they think of that?---A. What I am trying to say is that in real terms that is a far more significant drop. In real terms there has been a significant improvement achieved in the overall overtime expenditure. This has resulted from a continuing close monitoring of all reasons for overtime.

When the Public Accounts Committee examined the overtime issue in August 1982 staff deficiencies accounted for 30 per cent of the cause of overtime. That has been reduced to 17 per cent. The concept of unauthorized posts has been changed dramatically. I speculate, but I think it could be substantiated, that without the additional push for more beds and an increase in the prison population, the number of unauthorized positions, be they temporary, would probably be eliminated altogether. Given some capacity to hold the prison population at existing levels, with the present very few unauthorized positions now, I would expect that realistically

they will be absorbed within the next financial year's allocation.

I think it is important to point out that in New South Wales, where our overtime as a percentage of salaries is 12.5 per cent, that in Victoria it is 29 per cent, South Australia 18 per cent. From our interstate comparisons, which is in the material available to the Public Accounts Committee, there is a lot of evidence to show that this has been the only State in Australia that has been able to do anything as effective and as dramatic as the reduction of overtime for prison

officers in New South Wales.

New South Wales operates with a prison officer to prisoner ratio of 2.05 prisoners to an officer; Victoria 1.33, South Australia 1.21, Western Australia 1.43 and Queensland 1.57. The prison officer rates in New South Wales are the lowest of all States other than Tasmania.

In Victoria overtime represents 29 per cent of the salaries of custodial people, and the base rate for prison officers there is something like 3 000 more than the base rate for New South Wales prison officers.

So what has happened in New South Wales is that there has been a very effective reduction of overtime. At the same time there has been a substantial reduction in the average income of prison officers. There has been a fair loss by New South Wales prison officers in terms of salary parity. But the reduction of the overtime has not come about by other than stringent and sometimes punitive practices to try to address the issue. One of our concerns is that some conditions in some gaols for prison officers are pretty intolerable. Some of the physical environments in which they work, and some of the physical limitations, make it fairly difficult.

All in all, I am trying to point out what is documented in some detail as the precise costing and staffing details, and that is, that the continuing drop in cost of overtime in the prison service has been fairly dramatic in real terms. I think it is half what it was in 1982. That is not to say that we have not maintained our momentum. I do think that in many areas we have been too harsh.

It is a matter of record that the level of industrial disputation within the Department of Corrective Services in New South Wales in the past two years has been unprecedented. But it is also a fact that every issue before the Industrial Commission has been translated back to what it means for impact on overtime or for salaries of officers, and usually related to overtime. Notwithstanding all of those sorts of pressures, we have continued to try to maintain a very close monitoring arrangement where there have been arrangements involving the calling out of emergency units, having people on standby, and perhaps having the situation very thoroughly monitored.

Overtime in the administrative and other areas of the department is at about \$220,000, or 0.03 of our salary level. So that most of the overtime expenditure, or all of the overtime expenditure, is in the custodial area. Whilst undertaking to try to differentiate between essential and non-essential overtime costs, I am fairly confident, from being intimately involved in the decisions of individual superintendents, and decisions in individual places, that predominantly overtime expenditure is confined to those positions that could be argued realistically to be likely to affect the security of the gaol or the security or safety of prisoners or prison officers.

CHAIRMAN: I am sure the Committee appreciates the information you have given it and, more important, the fact that some of your measures have been successful. I now ask Mr Walsh to look at some of the sick leave difficulties.

Mr WALSH: Mr Dalton, the Committee found that sick leave was one of the major causes for excessive overtime levels. It recommended that the department institute measures that would enable it to gain effective control over the incidence of sick leave taken by prison officers. I note from the material sent to the Committee that the average sick leave for prison officers increased from fifteen days in June 1983 to 22.9 days in June 1985. I am sure you would agree that is a startling increase. Do you consider that almost 23 days a year is a reasonable level of sick leave and what would you, as chairman, consider to be a reasonable level of sick leave?---A. The issue of sick leave is very much related to the whole question of overtime and the management of the staff resources and the resources generally. As I mentioned, the level of sick leave as a cause of overtime in 1982 was 27 per cent.

It has now reached 37 per cent. The deficiencies of staff in 1982 contributed to 30 per cent of overtime costs; that has been reduced to 17 per cent. Without being flippant or funny about it, I think there is some correlation there. I am sorry to take so long to answer the real substance of your question, but it is also important to point out that prison officers in New South Wales are entitled to six weeks or thirty days sick leave after their third year of service.

Generally, most prison officers are entitled to thirty days sick leave. By comparison it is ten days and ten half days in Victoria; twelve days in South Australia and ten days in Queensland. We have looked at all aspects involving sick leave. In a generalized way we have been concerned about sick leave and that incidence of sick leave, I hold the view strongly that sick leave is manipulated to compensate for overtime losses through other reasons. I think we do have to set - as we have done - new maximums and new targets so we can monitor the situation. A couple of years ago we introduced what we thought was a fairly dramatic sick leave policy aimed at overcoming the incidence of single day absences.

The way around that was for prison officers to produce medical certificates for multiple absences. I think there has been a significant shift from single day absences to multiple absences supported by medical certificates. Because of the commission's very strong view about the level of sick leave we negotiated all of last year as part of the 38-hour week package some agreement on the part of the Public Service Association and the prison officers' vocational branch to set new maximums, new policies for sick leave aimed at reducing the average sick leave taken by prison officers. During those negotiations, which went on intensively during 1985, there was finally agreement as part of the offset for the 38-hour week that the union would co-operate with the commission in negotiating new guidelines and a new sick leave policy.

I am happy to answer other questions, but to try to short-circuit, we have implemented from 1st May a fairly outrageous sick leave arrangement which puts prison officers who take more than ten days sick leave a year or sick leave on more than five occasions in a year in the category of unsatisfactory. The consequence of that is that those with an unsatisfactory sick leave record will not be entitled to be rostered for overtime. In addition to that, instructions to superintendents and management of gaols, so far as individual counselling, individual warnings of people, followed later by independent medical examinations and then followed by disciplinary action are all part of a fairly tight arrangement, with initially the agreement of the association, which I cannot say was ratified by the Industrial Commission although it was before the Industrial Commission; the Industrial Commission did not rule one way or another.

However, this means that there is now the potential for a significant reduction in sick leave. We are arguing that ten days a year is what we would regard as reasonable. For the record, we are - and we have been criticized for it - not aiming to disadvantage those people who are genuinely ill for long periods. One of the dilemmas is, of course, making sure that those people who deserve proper access to leave entitlements are not disadvantaged.

We do not believe our policy will do that. However we believe it will produce the capacity for people to think again about the level of leave that is used. The number of days sick leave to which people are eligible has been regarded as an entitlement.

If I was direct and straightforward I think that until this new policy there is an internal view generally that sick leave is there for whatever maximum number of days to be used each year. We have tried to erode that. Certainly we have had a significant number of prison officers before the Public Service Board charged with misconduct because of level of sickness. Quite a substantial number of those resigned as a consequence of being charged. Others were fined. A number of them were successful in appeals before the Government and Related Employees Appeals Tribunal in having the decision reversed. Nevertheless, we went down a deliberate path of identifying within the organization the excessive use of sick leave. Sick leave has been used as a bench mark in determining recommendations for promotion. That has effectively prevented some people from promotion and has indicated the commission's view about it and has prompted some change. We still have a number of difficulties ahead of us. The relationship between overtime and sick leave and the capacity for that to be manipulated has required what we believe to be a fairly harsh new policy to be agreed to by the union in an attempt to bring about some change.

CHAIRMAN: Could the Committee interpret your comments as officers deliberately taking sick leave to provide overtime for others?---A. I believe that is so in a number of cases, yes. It is more than coincidental that by accelerating our recruitment, our selection, trying to stabilize

the deficiency level and reduce that from 30 per cent to 17 per cent, has to be related to some extent to that.

Mr WALSH: In your general response you mentioned State comparisons and highlighted how successful New South Wales was in relation to overtime compared to other States. Do you have comparative figures for sick leave with the other States you mentioned?---A. Yes. In Victoria the annual entitlement is ten days plus ten half-days. The latest average figure they could give us was eighteen days a year, up to May 1985. South Australia is twelve days a year and their average is 9.1. Western Australia's entitlement - and we have not been able to clarify it - is 56 days in three years. Their average is twelve days a year. Queensland is 12.2 days and they have an annual entitlement of ten days.

Q. Again in response to your general overview of the sick leave problem, would it be fair to say that all we have seen even though you have reduced the general overtime bill is that you have merely transposed the dollar cost from one sector to another? That is, from the overtime area to the cost in sick days lost?---A. No, I am not saying that. What I am saying is that the difference in hours in 1982 - and I am exaggerating in my favour of course - is something like 400 000.

Q. That is an increase of 400 000?---A. It is a reduction of 400 000 hours overtime, since 1982.

Q. In day terms your sick leave cost has increased from fifteen days in 1983 to 23 days in 1985. Apart from the

overtime factor there is still a dollar cost of those officers taking their sick leave?---

A. Yes, but we have substantially less hours used in overtime. Of the nett number of hours still being worked there is that increase, yes.

Q. Would you be able to supply the Committee with those comparative figures?---

A. They are in this document.

(Mr Crossley) It is included on page 8 of the exhibit. (Mr Ruckley) The total number of hours overtime created by sick leave in 1981-82 was 250 277 hours and in 1984-85 it was 197 250. That is a reduction of 53 000 hours. Again, that supports the contention indicated earlier that superintendents have been quite selective in whether or not an officer should be replaced on overtime when he or she was absent on sick leave.

(Mr Dalton) That answers the earlier question about the transposition. We have tried to counteract it to some extent by reducing the automatic filling of positions.

Q. Do you have a breakdown on the incidence of sick leave in relation to the years of service?---A. No.

Q. If those figures were available one could see where the highest incidence of sick leave was coming from; whether the officer after the third year, who is into his thirty days was taking more leave than the first or second year officer?

---A. (Mr Ruckley) The sick leave entitlements are staggered in the first and second years. It is ten in the first year

and fifteen in the second. Both of these are under the average.

(Mr Dalton) The other factor is that in the first year they are on probation. Sick leave and their attendance is one of the aspects taken into account to determine permanency so generally in the first year it is pretty light.

Q. If you could supply the Committee with those figures for the officers with one year's service, those with two year's service, and so on. Looking again at the statistics you have supplied, there is a fair variation between the sick leave component of total overtime between prisons. At Parklea it is 48 per cent up until March this year. At Cessnock it is 62 per cent, Maitland 46 per cent, Mulawa 60 per cent. That is sick leave as a percentage of the total overtime figure. Could you explain why there is such a variance and is it related to the nature of the gaol or its classification?---A. I cannot answer that question. I think the level of staff deficiencies at Mulawa will mean the amount of overtime required of officers on duty may be having some effect. Some would argue that the nature of the gaol, the nature of the population, the pressures generated by working in that environment exacerbates the amount of sick leave. My guess though - and it is only a guess - Parklea and Mulawa are concerning and my guess would be more that they are two places where sick leave is very excessively manipulated. I do know that the level of unsatisfactory sick leave by officers at Parklea is being monitored and is a

matter on which the legal people are preparing legal briefs on individual officers. It shows a very disproportionate number of absentees. I suspect it is endemic rather than attributable to other specific causes.

CHAIRMAN: Do they all have the same health problem when they go off?---A. (Mr Crossley) There is commonality in the symptoms, yes.

Q. What is the main symptom?---A. Stress, gastroenteritis, that sort of thing, stomach disorders.

Q. Not physical injury?---A. In what way?

Q. They fall over and - ?---A. No, there is a very low accident rate.

(Mr Dalton) I think it should be said, and probably other people would make stronger representations, I suppose the only concern I have is that though we fulfil effectively our management responsibilities in trying to address these issues, we have concentrated even punitively on structural management and organization, arrangements that are going to bring about this high level reduction in expenditure. What we have not addressed, I do not think, is the conditions in some prisons. I can understand, for example, in the Central Industrial Prison, if I had the choice of staying home or going to work, because of the very nature of the gaol, the population, the stultifying nature of a lot of the work, I would probably find it easier to stay at home. I cannot explain Parklea in the same way. However, it is true that prison officers are progressively being subjected

to greater levels of personal abuse, if not assault, to an inability to develop any potency in a sense of a sensible proper disciplinary arrangement and that frequently they are expected to tolerate behaviour, interaction, factors affecting their day-to-day working life that I am sure I could not tolerate.

Q. What has caused this change?---A. I think an unwillingness to face up to the fact that if somebody in a gaol who is undergoing a sentence is expected to keep his cell tidy, to keep himself tidy, to do a number of other things, that there should not be some sensible practical way in which a straightforward disciplinary process takes the health of that person into account. But now, with the appeal process, the representation of prisoners before the visiting justice, the capacity for them to appeal to an external district court, get time out of gaol, and all other sorts of things, makes it a very complex area. I think prison officers would have an argument in one of the areas that we have not adequately addressed to show what life in gaol means for them, what their working conditions are. With the health and safety requirements the commission will have to look to what it is in a prison officer's life in gaol that we need to pay more attention to. I am simply trying to make the point that a lot of our energy has been consumed by the responsibility of managing resources as effectively as possible. We have not had the luxury of being able to improve the conditions of prison officers in gaol. In any of

our unauthorized posts, we have not talked about any changes made to staff ratios. We have not talked about addressing what it is in the life of prison officers that may be contributing in some places. I am only putting that into some perspective; we may be required to do some further work in that area. I do not think all the answers lie in the outcome of that. In a couple of places - and we are aware of them, Parklea, Mulawa and Cessnock - there has been some progressive improvement and they are the places we are focussing on particularly.

Mr WALSH: I would like to come back to the question of stress and the reasons for sick leave later. However, you mentioned the 1983 sick leave policy. What were the actual drawbacks with that policy?---A. Simply that we opened the gate for people when we spoke about the number of days absences. Whereas people were only having a single day regularly, they then said well, go and jump in the lake, we will go to the doctor and get a medical certificate. Single day absences were then replaced by a series of multiple day absences covered by a medical certificate. The correlation was quite marked.

Q. What sanctions were imposed under the 1983 policy for an unsatisfactory level of sick leave?---A. We took into account the sick leave level for promotion purposes. It was substantially lower than the level we have now set in our new policy. We embarked on a fairly extensive individual identification basis and we took those people before the

public service board on disciplinary charges.

Q. Could you indicate how many officers have been affected by that policy?---A.

(Mr Crossley) Some appreciation of the numbers can be gained from the exhibits.

(Mr Dalton) I will just identify the exhibit for you.

It is exhibit 20 and it identifies the individual people and the outcome of matters. I think there were something like 35 people.

(Mr Crossley) It is an ongoing process.

(Mr Dalton) One of the other aspects I should just mention about that, Mr Walsh, is that in the negotiations for offsets on the 38-hour week, because we had focussed on the sick leave issue, and because of the contentious nature of it, last year again saw us in continual, fairly ongoing, concerted efforts with the association to come to some agreement about defining new sick leave policy, establishing one that would be likely to work and would be acceptable.

Q. Has the commission considered prioritizing the barriers for being able to control sick leave and overtime? In other words, have you looked at the worst problem you have in gaining control and then working down?--- A. Yes, that is precisely what I mean.

Q. Can you give some indication?---A. There is the process of requiring superintendents to identify those people and each month tell us what they have done about it; also the stages or levels of their seriousness of absenteeism which will require either referral for independent medical examination, local counselling or perhaps a recommendation through our legal section for the person to be charged before the Public Service Board and for the superintendents to account to the commission each month with the actual details of those people who have an unsatisfactory sick leave record and what they have done about it, and what stage the appropriate steps, which have been defined, have reached. We have indicated also that again the promotion of officers will be within the new sick leave policy; and where recommendations are made for the promotion of people, details of their absenteeism will need to be available to myself as chairman when recommendations are being submitted.

There is also a requirement that those with the worst level of sick leave above the unsatisfactory level are not to be rostered for sick leave. I am quite certain that the association will be bringing it to the attention of the commission and having in place some monitoring system of their own to make sure that the worst absentees are being penalized, if you like, in that respect. So it is a combination of those sorts of processes.

Q. Do a significant number of prison officers continue to retire early on medical grounds?---A. what we know is that during the past twelve months - I cannot answer that, I am sorry.

Q. would you be able to provide the Committee with the numbers for the past three years together with the reasons for early retirement?---A. (Mr Crossley) Early retirement as distinct from the option of exercising the election to take early retirement, or those that are medically retired?

Q. Medically retired; and an additional question: what is the cost to the commission of these retirements on medical grounds? Mr Dalton, in your early response to some questions from Dr Refshauge, you talked about the induction procedures for new recruits and that screening process. Do you actually give the candidates a stress capacity test if, as you have identified, stress is one of the major problems associated with sick leave?---A. (Mr Dalton) AS part of their general psychological assessment, yes. I hope I am not conveying, though, any impression of the level of importance to that which you have placed on it in your question. I think in the general psychological assessment of prison officers the people involved in the selection try to determine that as one of the aspects of their suitability.

(Short adjournment)

Q. Mr Crossley, have you analysed the incidence of sick leave by shift, that is, according to day shift, afternoon shift and night shift, et cetera?---A. (Mr Crossley) we have done some very limited research into that and we find that there is a relatively high incidence of sick leave taken amongst officers who are regularly rostered for night duty.

we took Parklea and examined the statistics there. There was a very high correlation.

Dr REFSHAUGE: Is it the same for other gaols? It has been indicated that Parklea should be better than many others. It might be thought of as an attractive place to go and work. Is it worse at other places?---A. parklea, in terms of general levels of overtime, is the highest in the State. The overtime hours there per fortnight are approximately 3 500. The next group of gaols would be approximately half that in terms of fortnightly overtime hours. To answer your question, I think the conditions at Parklea are very reasonable since it is our most modern gaol. But in terms of staff conditions and the environment issues, it would be better to work there than most other gaols. But I really cannot explain the high incidence of overtime other than for these causes that have been referred to by the Chairman, namely, the Bandidos, the supervision of them, and that sort of thing.

(Mr Dalton) It has a fairly tough population.

Q. Did all prison officers who work at Parklea come from any other particular prison?---A. (Mr Crossley) Yes, the majority of them, I think it is fair to say, came from Parramatta when Parramatta was closed several years ago.

Q. Did Parramatta have a very high level of overtime? ----A. It did, yes.

Q. So, that may be something to do with it?---A. Yes, you can draw certain conclusions from that.

Mr WALSH: From your response, Mr Crossley, about the shift sick leave factor, would you agree this is evidence of the phoney nature of much of the sick leave taken by prison officers?---A. Phoney nature?

Q. Yes, of sick leave taken by prison officers, taking sick leave to gain the maximum shift allowance?---A. (Mr Dalton) If I can interrupt and answer that question, I think one other figures that we have not given you, and some of my colleagues might have it off the top of their heads, I think what we should provide is the proportion of officers among the custodial ranks 'Who incur the highest percentage of sick leave. In other words I think I am probably cautious about saying publicly that prison officers manipulate sick leave. I think some prison officers do. One of the things that we can and should give the Committee is the percentage of officers among the prison officer population who are primarily responsible for the inflated levels of sick leave. what we are trying to do, and one of the reasons that we argued with the association about having this very tight policy, was that our aim was not to prejudice the majority of prison officers but it was to give us the armoury so that we could address the individual cases more effectively. I think what I am undertaking to do is to give to the Committee better details, which I am sure were done recently, on how many prison officers over the whole prison officer staffing numbers are responsible for the high level of sick leave.

CHAIRMAN: And their level within the establishment, whether they are in the superintendant area or whether they are just prison officer grade 1?---A. Yes.

Q. Would you have those figures?---A. Yes, we certainly have distinguished between executive officer and non-- commissioned officer levels.

Mr WALSH: Mr Dalton, what programme does the commission have for the general health improvement or welfare of officers,

say, separate from occupational health and safety considerations which you have alluded to? What is the programme of the commission to improve the health or maintain the health of officers? Do you have an established format?---A. The prison medical service, which is the direct responsibility of the Health Department, has tried to provide, in a voluntary capacity, services and resources to individuals and groups of officers. The commission itself has tried to strike a balance in terms of the provision of amenities and facilities at each gaol, involving weight lifting equipment, exercise equipment and activity equipment. We are bound by industrial conditions in the shift arrangements and the movement of people off various shifts to give them the maximum time intervals between their rostered arrangements.

We have been seeking since the year before last to set up our own health and medical unit, not designed specifically and not in any way aimed only at trying to get our own medical examination of prison officers, but to be the focus of an improved overall health service for prison officers. The Committee might be aware of a study carried out a couple of years ago about the health of prison officers generally. We have offered at Long Bay and other places, through the prison medical service, to provide access to that service individually and as a group. We have some emphasis on the general physical health and wellbeing of people during various modular courses that are run at various stages of a person's development. We have a heavy emphasis on those at primary training level. But, in summary, other than being sure that the rostering arrangements are O.K., providing reasonable amenities, making sure that people have access, as far as it is possible and where the services are

of the scale, that they have access to both our drug and alcohol counsellors internally, and the Health Department people, there is some further work to be done there, particularly if we can ever get our own medical and health unit established.

Q. The other related question you mentioned is that you are looking at the implications of the Occupational Health and Safety Act. How are you going to formalize the requirements of that Act and its implementation within the service? --

-A. (Mr Ruckley)The department is in the process at the present time of actually establishing an occupational health and safety unit, and appointments to the positions of manager and co-ordinator are expected to take place within the next four to five weeks. The intention of that unit is to not take operational responsibility over occupational health and safety issues, but really to act to facilitate the department meeting its obligations under that Act through the relevant superintendents and branch heads. A whole range of material is available to the department, including that review done by the university some years ago. More recently we have had a team of consultants, representing each of the State Government Insurance Offices, conduct a survey of a number of our institutions. A number of recommendations have been made. It will be the responsibility of this unit to bring those recommendations to fruition. The broad intention of those recommendations is to enable the department to take a much more pro-active stance on occupational health and safety issues, as distinct from reactive, which we have perhaps tended to be in many cases to date.

Q. Just a final question, Mr Dalton, more a philosophic one than anything. It is obvious that the commission is of a paramilitary nature and probably of a more authoritarian

management model. Would you consider this sort of management model contributes to some of the stress factor problems of the officers and, if so, is there a better management model than one which has people calling each other sir and saluting, or are you aware of any other model which is perhaps more free in its relationship between the people at the top of the hierarchy and those at the bottom? The department seems very paramilitary in its organization. Would you like to comment on that?---A. (Mr Dalton) Probably only briefly. I do not see a great deal of problem in one respect with a paramilitary structure. However, I think there is confusion, and I would agree that there are also some barriers presented by that, or that can be presented. There can be some artificial barriers presented by that. I think we have spent a lot of time and are embarking upon another programme this year with superintendent and deputy superintendents to look at their personal development and personal capacity to manage, and I mean in the wider sense, within that framework. There would be a variation across the system. I think the trappings of a paramilitary model, including uniform, formal dress, saluting, have a useful purpose. I do not think that in quite a number of institutions, even in the larger ones, that intrudes. I think the executive officers have developed, in quite a number of places, the capacities for those trappings in no way to impede, and in fact to enhance, the relationships between executive and prison officers. I think it has to be said very clearly that we had a very major industrial dispute in 1984 which went on for a long while and did an enormous amount of damage. whatever anybody believes to be the reason for that, it was predominantly related to the restructuring of the department, and to the

abandonment of unauthorized posts, to the closing down of gaols, to the transfer of staff, and to a very concerted, deliberate attempt to reduce expenditure. It was manifested in another way. Although it could be argued by some theorists to have been proper and to have been well done in terms of consultation or negotiation, we were operating in an environment where the financial constraints that were on us, the Government and everybody else were not peculiar to prisons. The prison officers branch of the PSA were aware of that.

The timing of that allowed us to be supported generally by the external constraints. Having regard to what is happening in other States, to conditions for prison officers generally, and what had been the conditions here, it severely eroded their income levels. We have persisted with that.

I have asked for and have received from the management of gaols an unusually high level of support in trying to focus on sick leave and overtime. But what that is doing and will continue to do is simply irritate people so much. Really, all that officers are concerned about - and I do not mean it to be as bland as this -but their primary concern about their income level, be it by overtime or whatever, is just so important that every issue in gaols in the past few years hinges totally around what these people in the commission are doing. The people who are doing the work are the people at executive rank in institutions. They are the ones who have to account each fortnight about why levels of overtime are such. They are the ones who virtually have to come cap in hand asking for additional overtime for a very obvious and explainable reason. But they are also the ones who on the job are continually eroding the income earning potential of prison officers.

I see that as a very major cause of dissension.

So I am saying there are very real issues involved in the organization and management of the gaols where the poor prison officer frequently is the bloke being cold, "We will roster you according to what our needs are. we will impose all of these constraints to avoid you being able to earn the same high level of income". So there are those very real barriers. If I was to be more succinct I would simply say that in some places the trappings of office are an impediment, but I think overall it can be demonstrated by a vast number of executive officers, certainly at superintendent rank, that they have managed to balance that official paramilitary hierarchical position with a far more up to date, realistic, relative approach to what management ought to be. If you would like to hear from Mr Horton I am sure he could expand on that quite specifically.

(Mr Horton) I think that the paramilitary style is essential, particularly because we are required from time to time to deal with emergent circumstances where absolute obedience to a command is important. At the same time

I agree with the words of the Chairman that it is possible to have personal relationships with officers at all ranks, and that that uniform level, that rank structure, does not get in the way right down to the newest recruit of a matter of a number of days. I think it is quite simple to lay Chat aside and to deal with those people as individuals and with their problems as individuals. I suspect that one of the major causes of the lessening of disruption industrially in the past few years has been that in spite of the constraints that have been placed upon people, in spite of the fact that their overtime levels have been eroded, and in spite of the

fact that their income levels are down, there has been a conscious effort to build better relationships across ranks.

I think that is fairly general. That has been shown in many areas too in terms of the feel within institutions that in my view there tends to have been, with some exceptions, a great reduction in the tension levels between various ranks.

The sorts of problems that have been alluded to earlier, particularly the one mentioned by Dr Refshauge, was very briefly touched on by the Chairman. In my view, critical now to producing a better environment for prison officers to work in and lessening the tension and the stress under which they work, is the need to get a fairly comprehensive disciplinary package whereby the local management, the superintendent of the institution, can deal with routine disciplinary matters quickly, fairly, fairly efficiently, so that the punishment in fact is relevant and very timely. At the moment that is not so. From my own experience I would say that it leads to a great deal of frustration and anger, and ultimately obviously to some level of stress among young officers who feel that they are really seriously impeded in doing their job. I think that is a more important factor than the way that we are structured.

Mr SMILES: Mr Dalton, notwithstanding the close monitoring undertaken by the commission to reduce overtime payments, as you admitted earlier to the Committee, they still constitute something like 518 041 hours in 1984-85. On the information you have given to the Committee, that runs out at a cost somewhere in the area of \$9.7 million, on my calculations a little over 280 hours and around \$5,200 per prison officer. Does the commission still regard that as an excessively high amount of overtime?---A. (Mr Dalton) Yes, the snort answer to

that is yes. I do not think in any way we have suggested that, despite the fact that we are getting close to bringing it down to half what it was a couple of years ago, we are not working and aiming substantially to reduce it to less than that.

Q. Mr Crossley, in 1984-85 sick leave was responsible for 38 per cent of all overtime worked by custodial staff. Referring to custodial staff, what other factors contributed to the total sick leave? Could you rank them in broad order of importance?---A. (Mr Crossley) The other factors in respect of sick leave? How do you mean?

Q. NO, in terms of overtime?---A. I see what you mean.

Q. On the information you have given us, some 38 per cent of overtime for custodial staff was contributed by sick leave. what are the other factors?---A. Seventeen per cent re staff deficiency; recreational leave, 4 per cent; other leave, which is military and study leave, 6 per cent; detached duty, 11 per cent; escorts, 6 per cent; maintenance in industry, 6 per cent; security, 7 per cent; prisoner activities, 1 per cent; and miscellaneous overtime, 4 per cent.

Q. Mr Dalton, you mentioned earlier that there has been a reduction of overtime over the past four years. You said that that was due to the commission approaching the issue with sometimes drastic and punitive steps. what were those drastic and punitive steps taken?---A. (Mr Dalton) Simply setting limits on the level of activities - well, simply to arbitrarily require the non-filling of the non-essential posts that we spoke about; the imposition of a sick leave limit for promotional purposes; an arbitrary allocation of hours and quotas to superintendents and units; and requiring them, issue by issue, to explain the reason for those absences; that sort of arrangement.

Q. The Public Accounts Committee recommended that overtime worked by prison officers should be restricted in the interests of the health of the officers and the security of prisons. It is noted that the commission now has a policy whereby officers may earn more than 75 per cent of their base salary in overtime. I think that was alluded to earlier. However, the figures for 1984-85 show that 97 officers earned more than this amount, with seven officers actually earning more than 100 per cent of their base salary in overtime. Would you like to comment on this?---A. (Mr Crossley) Perhaps I could answer that question. Generally there has been quite a significant reduction in the number of officers earning more than 100 per cent to 125 per cent of their base salary, to such an extent that there are none in that category now. I think it is fair to say that with a more equitable distribution of overtime and more proper rostering a greater number of officers are having access to overtime, thereby reducing the percentages to 50 per cent to 75 per cent.

Q. Are the historical expectations of the prison officers such that they seek high levels of overtime, or do prison officers regard their base salary as being inappropriate or less than what they need to maintain their lifestyles, and therefore it is built into the management system that those officers bolster their salaries to levels that they would regard as acceptable?---A. I think that salary maintenance has a lot to do with it. Historically, prior to 1982, prison officers could look forward to earning reasonable amounts

of overtime to supplement their incomes. That expectation has certainly flowed through and certainly exists to some extent today. I would have to agree with your statement, yes.

(Mr Dalton) I think it is a combination of both. One of the exhibits that was tendered this morning shows the relationship between the salaries of prison officers in New South Wales with those of prison officers in other States. I think at the last inquiry that was held it was shown that prison officers in New South Wales were earning generally higher salaries than prison officers in other States. They have dropped back substantially in relative terms. As I mentioned, the salaries of prison officers in New South Wales have dropped by as much as \$3,000 to \$4,000, if not more, compared with what they were earning previously. So they are falling behind. I guess this is one way of trying at least to maintain their income levels.

Q. My visits to the three institutions at which the Committee spent some time - maybe that is the wrong terminology to use - left me with the impression that the quality of executive rank management was essentially not of the quality that one could expect but rather those positions were filled by middle management talent that had been promoted through the system to the senior levels they occupy now. Do you think that that suspicion in my mind of lack of quality is substantiated by the number of superintendents who have not been able to maintain the overtime level of 75 per cent

above base salary?---A. (Mr Crossley) I think the mechanisms are in place to enforce that very thing by the active supervision of the rostering. That is done per medium of the deputy superintendent in all institutions. In answer to your question about the calibre of executive staff, I think it is fair to say that there has been a significant improvement in this area over a period, and the commission is very conscious of the need for development in this area, of providing them with all the necessary management skills to meet the very demanding job that they have.

Q. What opportunity is provided for training at that senior level?---A. As far as the executive staff are concerned?

Q. Yes, very senior executive staff?---A. The Chairman alluded to the number of workshops that the commission has sponsored. That involves engaging a consultant to provide some limited exposure, I suppose, to the executive staff in order to provide them with these managerial skills to which we referred earlier. Basically I do not think there is anything outside the department, but we encourage executive staff to obtain tertiary qualifications. In fact, the commission has moved that as from 1st January, 1990, those aspirants to the positions of deputy superintendent and superintendent shall have completed or partly completed a degree course or diploma course in The behavioural or social sciences.

Q. I wish to clarify a point with regard to those

workshops. As I understand from my visits to the prisons, those workshops were for most of the prison officers associated with management, or have some of them been specifically designed for superintendents?---A. Primarily for superintendents, with some emphasis given to deputy superintendents.

Q. What action has the commission taken to remind superintendents who have failed to follow the laid down policy concerning 75 per cent of base salary being worked in overtime of that policy?---A. I think it is fair to say that no definitive action has been taken against the superintendents, other than that the matter has been followed up from time to time in correspondence. Certainly no disciplinary action is taken against the superintendents. I think you will see from the exhibit that was produced earlier that there has been a considerable improvement in the distribution of overtime since the last review by the Public Accounts Committee.

Q. I accept that but I wonder if I might raise another query. I direct this question to you, Mr Dalton. You mentioned overtime averages. When one determines the specific groups or categories of officers, some questions arise. For instance, while the category of officers earning more than 100 per cent of their base salary in overtime has dropped dramatically, the group earning 50 per cent to 100 per cent of their base salary in overtime has rebounded in 1984-85 and those earning 10 per cent to 15 per cent have fallen slightly in number. There seems to be a resurgence, therefore,

in the number of officers earning high levels of overtime. Is that so? Would you care to comment?---A. (Mr Dalton) My understanding of it was that it was being pushed back, that as you cut out access to overtime and as you distribute it more equally, you are going to have a larger number of people in that income level.

Q. It seems to me that your push has been somewhat successful in that as you are pushing down you bunch the larger number in the 50 per cent to 100 per cent category, as it were; you are pushing those officers down to the middle level of earners of overtime rather than bringing them all down to an average low?---A. One of the other aspects of the matter is that, because of the level of recruitment and development, a high number of newly recruited inexperienced officers are in the prison population. In those early stages they are not likely to be getting high levels of overtime.

We are pushing down from the top end. I think you will always end up then with a fair bunch of the more experienced direct service delivery people. It depends again on the sorts

of figures produced and how well you understand them. I can see that it would be quite reasonable for a number of people in the higher salary level, depending on the size of the institution and the deficiencies in certain ranks, to be still represented in that category. You will always have some in that category, even though you ask the superintendents to account for the overtime worked, even though we examine these matters, even though we satisfy ourselves that the

overtime worked is legitimate. Whether it is this aspect or another aspect you are talking about, in a small institution where you have a limited number of senior executive people, one or two of those people will be off on extended leave or away for some other reason. As you try to push it down, the new recruits, who are fairly substantial in number, will be underrepresented. Progressively the senior people will be underrepresented and you will have middle level people.

(Mr Ruckley) If you look at exhibit 15, I do not know that you can say that there has been bunching necessarily, anyhow. There has been a dramatic reduction in overtime worked above 75 per cent of base salary. There has been a fairly constant proportion attributable to 10 per cent to 50 per cent and 50 per cent to 70 per cent, and there has been a fairly dramatic increase in those in the 0 per cent to 10 per cent category. Rather than bunching, the whole lot has been pushed right back. I think exhibit 15 shows that.

(Mr Horton) There are two other matters that you might like re rake into account in terms of individuals who work overtime. One is the willingness to work overtime. It is one of the unfortunate practicalities of life that certain people become recognized as being willing to work overtime and are more prone to be called first in emergency situations. It is a question of availability, particularly in the Long Bay complex which has substantial numbers of staff, the vast majority

of whom live in the western suburbs. If you require an officer an 6.30 in the morning, again the tendency is to call on the one who lives closest so that you can get use out of him as quickly as possible. That would also have an effect in the space of a year on these sorts of things.

Q. Mr Horton, I wonder whether I might clarify the issue of administrative as opposed to custodial overtime.

In 1984-85, 40 staff in administrative as opposed to custodial positions earned 50 per cent to 100 per cent of their base salary in overtime. What would be the justification for such high levels of overtime in non-custodial staff?---A. (Mr Crossley) May I ask where we get the figures from?

Q. I am informed that the figures are supplied by the Auditor-General. In those same figures you will find that there are 19 administrative staff at Long Bay earning 50 per cent to 100 per cent of their base salary in overtime, with 45 administrative staff earning 10 per cent to 50 per cent?---A.(Mr Horton) If it refers to executive officers then it is quite understandable. If it refers to pure administrative clerical staff, then --

(Mr Dalton) I can help you there. It does not refer to administrative staff; it would be executive officers.

CHAIRMAN: Let us take it to be executive officers?---

A. (Mr Horton) Commissioned officers, executive officers are in the same position essentially as prison officers, and that is that there is a need from time to time to fill those positions. I suppose it becomes a local question of what degree

it is essential, but I would regard the filling of commissioned officer positions as pretty critical in that they have the oversight of the general staff and also the responsibility of accounting for the prisoners and the security of prisons.

Q. What is the procedure followed when an officer goes off work and somebody comes in to take his place on higher duties? Is there a time lag before that person goes on to the higher salary?---A. No.

Q. It is immediate, is it?---A. It occurs on one day. Q. Why would you work overtime? If somebody were to go off on leave, the other person would be working at the higher salary in the higher position?---A. (Mr Crossley) If you bring someone up, you just keep doing that at the base level, and you will create overtime.

Q. So it is a cumulative result? If one person moves up, six or seven others will move up in the gaol?---A. (Mr Dalton) Unless you have some process whereby that is not done automatically.

Q. You do not have a system whereby a deputy superintendent could relieve deputy superintendents in all gaols?---A. No.

Q. Why not?---A. We just simply do not have the manpower resources to do it.

Q. But if you are filling those positions from within the establishment, why would you not fill them from a pool of casuals who could undertake the same duties?---A. I do not think we would ever be in the position of having casuals at

executive rank who we could put in to run a gaol. Are you talking about retired people and the like?

Q. You could call on retreads; you could call on a pool of people from within the organization. Have you thought of bringing in retired officers to undertake that work?---A. (Mr Ruckley) Part of the concept of the eighty relief positions that we spoke of earlier was to backfill positions made vacant at base level. So the relief concept is not in train throughout the prison system, but in those institutions where the eighty positions have been allocated, the relief concept is certainly available and is used.

Q. It is cheaper than providing overtime, is it not?--- A. (Mr Dalton) I suppose it is cheaper in monetary terms;

I am not sure whether it is cheaper in efficiency terms.

Q. They are experienced officers if they are retired, are they not? A. If they wanted to come back to work for us, yes. I think the other important issue that should be remembered about overtime worked by executive staff is that one of the biggest single factors that affects such overtime is industrial disputes and stoppages. It is only the executive staff that man the gaols, whether it is for a day, two days, three days or twenty days, and that can have a fairly dramatic impact on the levels of overtime worked by executive staff, because all the people employed at the institution involved are called on duty.

(Mr Horton) The difficulty is that the executive officer component of most institutions is comprised of a very small group.

Regardless of how well you manage leave and so forth, it is a fairly tight situation. It only requires one officer to go off sick, and that does happen. We are talking about people in the main who are probably getting on in years; they are in their late forties, mid-fifties. Sickness is not unusual.

That can then generate enormous amounts of overtime, proportionate to the numbers of officers involved.

Q. In most organizations executive officers are offered overtime; they will take time off in lieu of overtime. No overtime is then paid. If a person is a salaried officer an overtime component is built into his salary. Would you like to comment on that?---A. Again the problem is the need to maintain and man these positions on a continuous basis for seven days a week, 52 weeks of the year. We would need a fairly substantial component built in to provide that sort of relief.

(Mr Dalton) We are not talking about people staying on a bit longer or working a longer day; we are talking about people filling a full shift.

Q. So they work for sixteen hours straight?---A. In some cases it may be that; in other cases it may be simply that they are rostered days off, which could occur on any one of the seven days. They may be required to come in to take the shift of somebody who is not there.

Mr SMILES: I wish to return to a comment you made in an answer you gave me earlier. I refer to the matter of locality and that having some contribution to overtime worked

by administrative staff. How many commissioned officers are employed at Long Bay?---A. I cannot answer that with any certainty. The best I could do would be to give you an estimate. At Long Bay my guess is that it would be in the region of fifty or sixty.

Q. If we accept that guesstimate - I accept the parameters there - we are still looking at a situation where in 1984-85, 19 of those administrative staff earned 50 per cent to 100 per cent of their base salary in overtime and 45 of those administrative staff earned 10 per cent to 50 per cent of their base salary in overtime. The question I pose is this: why did so many of those administrative staff earn that amount of overtime, obviously a high proportion?---A. The executive worked throughout the 35-day strike in 1984. They worked twenty hours a day in many cases; certainly close to that. The overtime worked in that period was simply enormous, obviously.

CHAIRMAN: There would be no overtime for the troops?--- A. That is right, and there wasn't during that very brief period.

(Mr Crossley) Yes, the department had to pay overtime for the police for the surveillance of the perimeters of gaols; that was quite a sizeable sum.

Q. So that is included in the figures you have presented?---A. No, it would not be.
(Mr Dalton) The overtime worked by our executives was included, but not police overtime.

MR SMILES: Mr Ruckley, what efforts have been made to

involve the union and the employees in the decision-making process with regard to changes in sick leave and overtime policies?---A. (Mr Ruckley) I think the supporting papers we presented give the sequence of the negotiations that took place, certainly in relation to the sick leave policy which is to be introduced from 1st May. Those negotiations in relation to the 38-hour week, as the Chairman indicated, took place over most of last year, but the formal aspect of implementing the sick leave policy commenced on 8th November and consisted of very frequent negotiations which ultimately ended up before the Industrial Commission. The complete sequence of those events are included in the exhibits that have been presented.

(Mr Crossley) If I could be a little more specific, the negotiations were protracted and certainly desultory. There was strong opposition from the union to accept such a package.

Q. When the Committee visited Parklea I was somewhat disturbed at the numbers of prison officers who seemed to be congregated around the central control module. of the prison, if I could call it that; that is the area where there should be automatic gates but, due to a design problem, there are nor automatic gates. I am mindful that some of the officers were assigned to escort members of the Committee, and I am grateful for that. Nevertheless, my observations were that there was no change of shift involved. However, relative to the number of officers who were in the prison, there seemed an inordinately high or concentrated number in that central area?

---A. I will ask Mr Horton to answer that question, but it does involve the concept of unit management.

(Mr Horton) I think Mr Smiles is talking about the concentration of people in the central control part of Parklea. What time was the visit?

Q. It was about 11 o'clock?---A. I don't think we can answer that question specifically.

Q. As a matter of courtesy, my inquiries revealed that there was no change of shift at the time, I have one final question with regard to industrial relations practices. What changes have occurred in industrial relations practices since 1982?---A. (Mr Crossley) Certainly the most significant one would be the agreement between the Public Service Association, the Public Service Board and the prison officers vocational branch and the department as to the procedures in the settlement of disputes, whereby there is this consultation at the local level before the matter is referred up the line.

I think that has been successful in providing a common ground for the union and the officers to air their grievances and to get some reaction from the local staff, namely the superintendent. I think singly that would be the most important initiative in our industrial relations programme.

Mr WALSH: In answer to a question asked by Mr Smiles, you talked about industrial relations. Do you have any formalized way of conducting negotiations between those at the top and those at the bottom? Is there any method employed by which people can make suggestions for improvements? In

other words, can an individual officer get his message through to the chairman if he had a suggestion to make in regard to changes in procedures, or if he had a comment to make about sick leave or whatever?---A. (Mr Dalton) If I could add to what Mr Crossley was saying, in addition to the dispute settlement procedure which requires a certain process to be followed and a certain level of negotiation up to the level of chairman, over recent years I have met with the prison officers vocational branch, as well as the associations, at least once a month on a consultation basis. The agenda on those occasions is determined by the prison officers vocational branch and the sub-branches. Through that process we deal with general matters, including those involving information, recommendations, the seeking of changes. There is that very direct consultation. Invariably I am involved in individual issues that arise. Consultation takes place twice a year. The next meeting is to be held next week. We allow the sub-branch executives from each branch in New South Wales to meet - I do not want to sound patronizing. They have a day with the Public Service Association officials during which they can discuss a whole range of matters affecting the prison service generally, as well as each gaol in particular, because the delegates are there. I then meet with them on the second day to deal with any resolutions, any issues that came out of that meeting. As I said, those meetings occur twice a year.

(Mr Horton) There are two other avenues whereby officers

can make sure that their thoughts about the place are known. One of those is directly through the superintendent to the chairman. An officer may have some idea that is not able to be implemented locally. If it could be, invariably it would be. Certainly it would be passed on. The other avenue is that as a group or as individuals they are able to raise those issues through staff meetings held in institutions, usually on a monthly basis. So there are a fair number of ways to raise these matters.

Dr REFSHAUGE: Mr Dalton, you mentioned in answer to an earlier question that the newer and perhaps younger prison officers would not be the most likely persons to be rostered for overtime as a general rule, that perhaps the more experienced officers would be rostered. Is that correct?---A. (Mr Dalton) I was talking about the people acting up in promotional positions, which would generate a lot of overtime. Some of them do it at the lower levels. What I was trying to say was that a high proportion of new recruits, new inexperienced officers those who have just finished their primary training, those who were going back into training, some at the latter end of their twelve months ~ might be getting some benefit. I suspect that even though there has been some shift in the overtime category, those who had been in the service for, say, twelve months would be getting less of a bite than those who have been in prison work for a while.

Q. Why would you think that is so?---A. Because of the use of experience and seniority for acting up in senior positions.

Q. I presume by "acting up", you mean acting in a higher grade?---A. That is right.

Q. Looking at that study to which you alluded of Professor Webster about the fitness of prison officers, it did seem that they were incredibly unfit, overweight, hypertensive, and that they smoked too much. Presumably your assessment of new people coming in would not allow them to be in quite the same physical condition when they arrived.

I would have thought that perhaps it would be less advisable, from a health point of view to subject these less fit people to the added stress of an extra eight-hour shift than it would be for those who are fit and healthy and keen and do not take so much sick leave?---A. I suppose that is one way of looking at it. I think in fairness to prison officers generally, many prison officers do have a strong interest in their personal health. Another matter I did not refer to earlier was that to some extent we support by way of subsidy intergaol, interstate rivalry in significant sporting events. Many people in the prison service are very active. I guess people at the top end do not demonstrate the same level of fitness as the others.

Q. AS far as obtaining medical certificates for sick leave you explained that consequent upon the changed system of requiring medical certificates, your experience is that doctors would give more sick leave than the prison officer off his own bat would have requested?---A. I am suggesting that instead of taking a single day off the prison officer goes along to the doctor and says that he has gastroenteritis or influenza or whatever and obtains a certificate for three days.

Q. Do you find that prison officers from one gaol attend the one doctor to provide certificates?---A. Yes.

Q. Did your department take any action about that?---A. We have investigated ways of doing something about it, but it is a complex issue. I do not know how to overcome that.

CHAIRMAN: Do you have your own prison doctor?---A. No, we do not. That is another area about which I spoke to Mr Walsh. We have been advocating that for two years to partly overcome that problem. But what does it mean? That is an area I would rather not move into. It certainly is an area that we are aware of and which we have looked at. We have no evidence to suggest that there is any level of malpractice, even to the point of being able to say to the health authorities or a medical board that that is so. The practice may be perfectly innocent.

(Mr Crossley) The health authorities are telling us that the biggest problem in both the private and public sector is the access that employees enjoy to obtaining medical certification.

Dr REFSHAUGE: Who has said that?---A. The Government Medical Centre and the immunization centre.

Q. Mr Horton, I understand that recently you have spent three years in a particular gaol, at which gaol the atmosphere

is much more supportive of prison officers and executive officers and presumably the prisoners themselves as well. Has less overtime been worked in that gaol?---A.

(Mr Horton) No, it is difficult to say that there has been less overtime.

CHAIRMAN: Which was the gaol?---A. The Metropolitan Remand Centre. A significant proportion of the overtime can be directly attributable to, and in that institution the overtime is grossly excessive, industrial action taken in the Industrial Commission. Though the average range of overtime is between 1 800 and 2 400 hours a fortnight, approximately 1 000 to 1 200 hours of that overtime can be attributed directly to additional staffing wrung out of the Industrial Commission because of overtime.

Dr REFSHAUGE: Did you make any changes to decrease the trappings of this paramilitary performance between officers? ---A. Not in the sense that a uniform was not worn or in not acknowledging rank differences. Certainly I have made it my business to be available to staff at all levels and I have encouraged other senior staff to do that. Equally, though it is perhaps not as relevant to the Committee, I have also made myself available to inmates. I believe that contributes significantly to the reduction of tension in an institution. In turn that reduces stress, which has a direct influence on sick leave. My own experience over that time is that there was some reduction in sick leave. I believe that reduction resulted directly from those sorts of initiatives. Equally, and I cannot remember which of the Committee members raised the question of who has contributed to significant portions of sick leave, in fact I have found that the sick leave taken by some officers will be equivalent to that taken by another six officers on average Those officers need to have drastic attention directed to them.

The problem, as outlined in the papers made available to the Committee, is that having followed all the avenues of counselling to ascertain the cause of sick leave and at that level offer assistance to overcome problems, having gone that route and having arranged medical examinations with the General Medical Officer, having been advised that there is absolutely no reason for those officers to take sick leave, having proceeded to charge the officers with being absent without reasonable cause, the procedure then breaks down. If the Public Service Board is prepared to take some action, that action is limited. I have known of officers whose attitude toward \$300 or \$400 fines is to laugh and say that they will make that up in two or three days' overtime. Even then there is no guarantee that the officers will pay the fines, as in some cases the tribunal will overrule that decision imposing the fine. That is another issue that badly needs addressing, in order to tackle the small proportion, but nonetheless a fairly significant proportion, of officers who do take vast amounts of sick leave.

Q. Mr Dalton, you suggested there was a problem with developing discipline in prisons because of changes such as prisoners being able to have representation before visiting justices, and being able to appeal those decisions to the District Court. Does that put extra stress on management, and prison officers?--A.(Mr Dalton) It does place considerable strain. Philosophically I do not disagree with that practice.

However, clearly the situation is that a prisoner can be charged with a minor, straightforward matter that should be capable of resolution by the superintendent. However, the matter goes before a visiting justice, the prisoner is represented, the justice makes a decision, the prisoner appeals. In all that

process the penalty that may have been imposed is not imposed. Then, for other good and sufficient reasons the prisoner may be transferred from Goulburn to Grafton. The prisoner may then choose to proceed with his appeal to the District Court. That requires the expenditure of a considerable amount of money to transport the prisoner to Sydney. That is a convoluted arrangement Philosophically I have no difficulty with it at all, but in the practicality of common sense management of prisoners, requiring discipline in straightforward, routine matters, prisoners often may be released before a matter is finalized. In other circumstances people will give up because they see no point in going through the whole process. Overall it is a costly, wasteful exercise that is one factor in the prison system that affects morale and creates the impression among officers that maybe they should not worry about imposing discipline if there will be so much that is involved in a straightforward matter, and, instead, the officer should not worry about it. That is the perspective I was trying to place that problem in.

Q. Have you thought of any alternative to that system?

---A. Yes. For some time we have been in the process, with the Department of the Attorney General and others, to develop a common sense prison disciplinary package, which we hope will be taken before Cabinet in the near future. We are seeking a sensible approach that will not necessarily disadvantage prisoners or prison officers from the due process. The prison officers' job is a difficult one. With the best will in the world, both in terms of management, encouragement, development and support of personal development and on-the-job development, many of the tasks that officers are required to perform day by day are somewhat unpleasant.

Q. Yet, they want to do another eight hour shift every day, if possible?---A. I do not think so. That is part of the problem. I return to the fact that our primary approach has been on a fairly management oriented, punitive management of issues. We must still address seriously what other factors are involved. Frequently prison officers as a group are discredited. I believe on the whole they conduct themselves admirably. They have an extremely unpleasant job to do. They try to do that professionally and expertly. However, by comparison with other public vocations, they are subjected to all sorts of internal and external abuse. It is seldom that agencies outside the Department of Corrective Services will in any way recognize the important and significant contribution made by prison officers. We must look at the whole combination of significant factors. I refer to management practices, some of the services that we provide, the encouragement that we provide and the support that we give in an overt way. I repeat that we have embarked on an effort to reduce expenditure to a more acceptable level. I do not want to apologize for this or over-emphasize, but many of the things we have had to do in order to achieve economies have been negative. In time some of those actions will have to be reversed in order to be more positive, and some of the consequences will require additional expenditure, both in prisons in terms of physical environment and the conditions of prison officers.

Another critical area is that there is a very fine line in issues affecting the safety of officers and of prisoners. There is a fine line in who is right in the assessment of proper security arrangements in prisons. Some members of the

Committee will be aware that at some gaols, in a common sense way - and I do not want to be misinterpreted as promoting this - it would be possible to reduce many security posts at certain times of the day. At some gaols, because of the level of security, it might be possible not to man watch towers when one prisoners have been locked in their cells. However, if we did that, as has been postulated in some places, the public outcry - generated from within, admittedly - about our irresponsibility in putting the community at tremendous risk would leave us no room to move. It is difficult to argue if the external trappings of security are not in place, who is right.

Similarly, we have enjoyed a remarkable period of stability in prisons, for which the department often is not given credit. When times are good the temptation is for many to say that there is no need for the huge expenditure that we incur, proportionately, on maintaining emergency unit officers. But one reason we do not need emergency officers, or that level of expenditure, is because they are there and the prisoners are aware that they are there. That is another service we provide. The safety of officers and of prisoners is another crucial matter. We are obliged, on consequence of an industrial decision, at the prison that Mr Horton is responsible for to roster an additional officer on each wing landing when the population of that landing reaches more than fifty. Although in management and financial terms some might ask why is another officer needed, I am more than convinced that one officer for more than fifty prisoners on a landing is insufficient. A back-up officer is required for at least the original officer's personal feeling of wellbeing. In addition, frequently there is a confused public conception that when prisons are going well, when there is

not the level of disturbance, and major disturbance, that has occurred in other States, including South Australia, the tendency is to say that much of the expenditure is not required.

I emphasize that the security of gaols always is an important issue. It is a difficult issue for management to argue industrially what constitutes reasonable security. However, I know what would happen if we were seen to remove security posts and if the public became alarmed I know where the decision would lie. From my point of view, if there is argument as to whether a decision is unreasonable, even if a decision is not fully sustainable, on arguments about the safety of prisoners or prison officers, one must err on the side of not being seen as adopting an unrealistic or an unreasonable stance. Further, together with levels of overcrowding and the general potential for volatility in gaols, management cannot altogether discard what might be some of the traditional practices and some of the traditional views. Although those traditions may have been eroded, we must be aware that usually the situation is under control, although those overriding issues are very important.

CHAIRMAN: On the question of payment of overtime for superintendents and others in that category, there seems to be a conflict whereby the superintendent's position is to monitor overtime and reduce it, yet at the same time the superintendent will offer overtime to himself or herself?---A. Only in exceptional circumstances. Usually superintendents are rostered off on Saturdays and Sundays. It would only be in exceptional circumstance that they would work overtime. Some unusual examples would be at times of acute staff shortages, in emergency situations and in situations resulting from industrial strikes. Generally, a high level of overtime is not paid to superintendents for any other reason.

(Mr Crossley) I think it is also fair to say that the superintendent's overtime is authorized by someone other than the superintendent; normally the director of custodial services.

Q. What sort of salary would a superintendent receive? ---A. The rates are in the documentation. It varies between \$32,000 and \$36,000.

(Mr Horton) A grade 3 superintendent commences on \$30,637 per annum. It ranges up to, at grade one, \$36,549 per annum.

(The witnesses withdrew)

MINUTES OF EVIDENCE

TAKEN BEFORE

THE PUBLIC ACCOUNTS COMMITTEE

At Sydney on Tuesday, 6th May, 1986

The Committee met at 3.00 p.m.

PRESENT

Mr J.H. MURRAY (Chairman)

Dr A.J. REFSHAUGE

Mr A.P. WALSH

Mr P.M. SMILES

PATRICK THOMAS ARMSTRONG, Principal Prison Officer, Long Bay Gaol,
PETER CHARLES SMITH, Industrial Officer, Public Service Association of New
South Wales,

IAN BRUCE STANNAWAY, First Class Prison Officer, Long Bay Gaol,
sworn and examined:

CHAIRMAN: Did you receive a summons issued under my hand to attend before
this Committee?---A. (All witnesses) I did.

Q. Have you any additional submissions that you would like to present to the
Committee or statements that you would like to make?---A. (Mr Armstrong) There
are a number of documents that I would seek to submit, a total of six altogether. It
is really a question of whether I should submit them, because obviously you are not
going to be able to read them, but maybe I can tell you what they are. Would that
be appropriate?

Q. That is perfect?---A. The first relates to the occupational health and stress of
prison officers. That is a report from Professor Webster of 1983, following a
survey he took of prison officers at the Long Bay complex, Silverwater and
Goulburn gaols. It is something on which we would be seeking to rely, particularly
on some of the aspects. That reads:

(Not reproduced in this Report)

(Mr Armstrong) The next document is entitled Parramatta Gaol Dispute. It is addressed to me from the Occupational Health and Safety Organisers of the Public Service Association. It relates to a strike at Parramatta Gaol and an inspection carried out at that gaol, particularly in regard to amenities. I looked at that in regard to the Nagle Royal commission. That reads:

(Not reproduced in this Report)

(Mr Armstrong) The next document is also from the Occupational Health and Safety Organisers of the Public Service Association. It deals with an inspection of the Central Industrial Prison at Long Bay in regard to lack of amenities and facilities for prison officers at that institution. All these documents are recent. They have nothing to do with this hearing, which has just been sprung on me, but with amenities as such. However I would seek to submit them to you.

CHAIRMAN: If you believe that they will give the Committee additional information about overtime, sick leave or other matters, the Committee would appreciate you tendering them?---A. The document reads:

(Not reproduced in this Report)

(Mr Armstrong) The next document was addressed to the Prison: Reform Committee of the Public Service Association, of which i am a member, in regard to the Mulawa prison and the lack of facilities and conditions that exist at that prison. I believe that prison was mentioned this morning as having a high incidence of sick leave. That reads:

(Not reproduced in this Report)

(Mr Armstrong) The next document is a letter addressed to the Minister for Corrective Services, John Akister, regarding the occupational health programme for custodial staff. It is our submission to the Minister of how we see the possibility of reducing sick leave within this department. That reads:

(Not reproduced in this Report)

(Mr Armstrong) Their figures are a source of concern aisc.] heard these proposals on the radio this morning, Originally they said there were fifteen days in the last agreement. It increased from fifteen

Q, Just tender your documents. You will have time to tell us about that later?---A. We would seek to, submit these as well.

Q. Who compiled those figures?---A. The department. We rely heavily on the department's figures. We do not accept them, but we have no choice other than to rely

on them. That schedule reads:

Not reproduced in this Report)

(Mr Armstrong) The next document is a submission from Mr Stannaway about sick leave and half sheets, which are commonly used by prison officers. There are examples of half sheets in the submission. Part of it relates to an advertisement that the department put in the newspaper on Sunday, which we would seek to address. It is a misleading statement, particularly about the salaries that prison officers get.

CHAIRMAN: We will come to that?---A. That document reads:

(Not reproduced in this Report)

(Mr Armstrong) Mr Chairman, those are the documents I seek to submit.

CHAIRMAN: The term half sheets is a term I am not familiar with?---A. The term half sheet is a report form on a prison officer. It is detailed out and he is given what is known as a half sheet. He is then required to answer it. He is generally given it within 24 hours of the incident and then he is required to answer it within 24 hours. That is basically what it is. It is a charge.

We would seek to submit the details of that to show the attitude of the management in the prison system towards prison officers and the fact that management probably is as much to blame for sick leave, or sick leave that may or may not be sick leave. We would say that part of the sick leave and part of the problem is the management's attitude towards prison officers and the way it handles things. We would seek to say to you that the majority of the management in the prisons has not got a clue about handling men, and a lot of the problems are caused by these people specifically themselves.

Q. You are alluding then to the Department of Corrective Services, or are you alluding to the executive officers within the gaols?---A. The executive officers.

Q. Within the gaols?---Yes.

Dr REFSHAUGE: Mr Armstrong, since the inquiry into corrective services' overtime in 1983, I understand that the staffing formula has been revised to include a ten-day a year sick leave component in the formula. The revised formula states that a prison officer will be available for 220 shifts a year. Do you consider that this formula is satisfactory?---(Mr Smith) My belief is that this formula

i.s not satisfactory, that 220 shifts per prison officer allows for the prison officer's recreation leave and for another ten days' leave and then the post would have to be manned by some other method. Ten days' leave does not take into consideration workers' compensation, long service leave, special leave, staff training and many other reasons why a prison officer may be away from his establishment.

Q. Can you suggest a better figure or better formula that would be useful, or is there one that the union has put up?---A. I consider that ten days above recreation leave is insufficient for coping with the staffing situation in the gaols. The lack of staff in the gaols has created a lot of the overtime. My personal feeling would be 190 shifts, or something to that effect, but that is my personal belief and not that of the Public Service Association or the Prison Officers Vocational Branch.

Q. Has either the Public Service Association or the Prison Officers Vocational Branch determined a suitable figure?---A. No, to my knowledge they have not.

Q. Is there any reason for that?---A. These gentlemen may be able to answer that. (Mr Stannaway) I am told the figure has been reduced already to 208 or 212 shifts to accommodate the 38-hour week. The 190 shifts that Mr Smith suggested would be perhaps a wee bit too high to allow for study leave, because promotional progression now requires some form of tertiary qualifications. The staff attending technical colleges, health and safety courses and other associated

courses, require time off for study leave to attend courses. The figure at present of 220 shifts is far too high. As a result, a colossal amount of overtime is generated.

Q. When you say that tertiary qualifications are required for promotion, obviously there are some areas of promotion that do not require that. What levels of promotion do require tertiary qualification?---A. Essentially from assistant superintendent above. We know that it is a desirable feature in relation to a promotional prospect, but to be guaranteed a promotion, it is advisable, and the department does encourage officers to participate in courses of various disciplines. I am doing psychology and a number of others are doing personnel management courses, which relate back to the professional duties of an officer.

Q. I note 80 additional positions on the basis of the revised formula and that a further 247 positions have been approved recently. Do you consider that the prison system now has a sufficient staffing establishment to carry out its functions?---A. No. That figure takes us back to the figures that we had prior to the prison plan B cuts back in September 1982 when the department saw fit to remove more than 200 positions.

The Prison Officers Association battled through the industrial court and some positions were won back, but in view of the expensive nature and the overcrowding problems in prisons, the restoration of previous figures would fall short of what is required.

Q. Do you have a figure you would see as being the required number of additional positions for the prison system effectively to carry out its function?---A. I cannot, because we are moving into a 38-hour week era, and that will require additional positions to offset overtime and to allow for the other matters I have raised.

Q. Before the 38-hour week was granted did you have a figure from the Prison Officers Vocational Branch that might have indicated how many additional positions were required, from your point of view?---A. From my point of view it would require in excess of 200 to offset the amount of positions that were determined non-essential and deleted. I cannot give a figure on that.

(Mr Smith) Since the last inquiry Parramatta Gaol has been re-established to take a lot more inmates than it did then. It was closing down and had something like 60. Now it has well over 200, with additional officers and more officers to be placed in there. Kirkconnell afforestation camp has been re-opened; the new hospital is to be manned, and additional officers will be required for the 38-hour week. My understanding is 95 additional officers for Parramatta, 19 for Kirkconnell, 105 for the hospital and 98 for the 38-hour week.

Q. So without the 38-hour week you would see an extra 200 plus?---A. No, that is what has been used without help in the manning of the additional gaols. That has simply been to expand the system. Many of the gaols are not up to full manning and the attrition rate is quite high

Mr Armstrong told me something like 22 per cent at the moment.

As fast as officers are being recruited they are resigning. We are just marking time.

Q. What do you think is the major reason for officers resigning?

CHAIRMAN: First of all, how many have resigned?

Have you any figures on that?---A. (Mr Armstrong) I got some figures from the department, Mr Chairman. From June 1984 to June 1985 it was 12.1 per cent, and from June 1985 to December 1985 it was up just a few percentage points short of 22 per cent. That compares with round about 2 per cent in the police force. There appears to be a very high attrition rate of people. None of the figures were given to me for this inquiry; they were given to me by way of information on other matters.

Dr REFSHAUGE: What do you think are the major reasons why people are resigning?---A. I think people come into the job with a fixed idea of what it is all about and they are given certain training by people who simply have not spent very much time in prisons at all. They are told what to expect when they get into the system and when they get there they find it is nothing like what they have been told. They are given misleading information.

I have spent eighteen years in the department and for many years the carrot dangled in front of people was the amount of overtime they could earn. Now the gaols are flooded to the degree that overtime has been cut back substantially. I do not know what your figures are, but overtime has been cut back, because there are complaints now that there simply is no overtime. If you look at the

basic salary of the job, which is about \$17,600, the question is whether it is worth putting up with what you have to put up with in the system for that sort of money. Mr Justice Nagle alluded in the Royal commission to the low esteem of prison officers. I do not think much has been done to lift that. I shall quote what Mr Justice Nagle said in 1976:

The community attitude to prison officers varied from absolute ignorance and indifference to contempt. This is quite unfair to prison officers, and I certainly believe that an attempt must be made to correct this situation immediately by an active public relations campaign. This campaign should try to instruct the public in the vital protection role by prison officers and should aim to lift the status of prison officers to the place it deserves. There is no question that we do not argue with that. We do not believe that it is happening. Mr Stannaway would probably like to say something also if I have not covered it, but I would say that prison officers resigned because of the training and the fact that when they go into the system the conditions are appalling. I have given you the evidence from major gaols. I have not given you Goulburn, which is an appalling turnout as well, because I have not got Goulburn, but there was an inquiry into conditions at Goulburn. Maitland would not be much better.

You should look at the physical conditions in which people are working, the environment in which they

are required to work with prisoners and the lack of discipline or controls. We have lost control of the prison system. Prisoners virtually do what they like. When you charge them, you expect something to be done. The prisoner fronts up to the superintendent and the next day is just walking around as if nothing had happened. If we go back again to what Mr Justice Nagle said, he recommended the closure of Katingal as an intractable area, which was duly done; he recommended also dispersal of units in each gaol, which, of course, the Government refused to do. Prison officers are now trying to do a job and being assaulted and the prisoners who have assaulted them are simply walking around the system the next day. Years ago that would not have happened. The prisoner would have been isolated, segregated, charged, or whatever.

At Long Bay we have not got anywhere to put someone who assaults a prison officer, because the section that was set aside for that is being used for protection prisoners. Those are the aspects as I see it, but Mr Stannaway might like to add some that I have overlooked.

CHAIRMAN: Is it the superintendent who determines the charges or a visiting magistrate?---A. The superintendent looks at the rules and regulations to see what is broken and then he can decide what to do, but I cannot criticize superintendents. I believe their hands are tied, to a degree, as to what they can and cannot do.

A prisoner simply says, "I am not guilty of this charge and I want to go before the visiting justice" Of course, once it goes before the visiting justice, nine times out of ten the case is thrown out. You could blame the prison officers for not presenting proper evidence, because it is the onus of proof that is required, but about nine out of ten cases now going before visiting magistrates are discharged, the prisoners are discharged, and a lot of work goes into putting reports in, et cetera.

Q. So it is the visiting magistrate who is at fault?---A. One cannot say that they are at fault, because they are applying the law. There are those who say that the law in prisons should be different from that which applies in the general community because the people in the prisons are in prison because they break the law. It may be that someone should look at whether the same law should be applied to those in this room who break the law as opposed to prisoners who break the law within institutions. People are committing offences and know they are committing offences, and they go before a magistrate and the onus of proof is applied strictly in that case as it would be if he was appearing before a magistrate at Castlereagh Street or wherever. There are those aspects.

(Mr Stannaway) Mr Armstrong has highlighted

the frustration and stress aspects. I could perhaps add to that. One could examine management's vexatious policies that are implemented on a routine basis and the problems associated with rostering. Officers finish work at 10.30 at night and have to travel to Campbelltown and report back for duty at 6.30 in the morning. These officers are not seeing their families, their wives - someone else is doing that, perhaps. The reason for officers living at Campbelltown is because of accommodation problems near the respective institutions. Long Bay is a particularly bad area. For one to get suitable accommodation in that area one has to pay in excess of his basic take-home 40-hour week pay. The net pay plus extra pays the rent only without putting food on the table or clothes on children. A big drug problem exists in

prisons. The attitude of officers is that the department accepts the drug problem and condones it to the degree that it keeps the population quiet. There is an overcrowding problem in gaols.

Q. But officers have been charged with drug offences within gaols, have they not?-

--A. They have.

Q. Who charges those officers?---A. The police.

Q. Not the administration?---A. You mean charging prisoners?

Q. Prison officers have been charged with drug offences

that have been committed within the gaol system?---A. Yes.

Q. Who charges them?---A. The police.

Q. Who brings that information to the attention of the police?---A. The fellow staff or inmates of the gaol.

Q. It would not be the executive that would bring that information to the attention of the police?---(Mr Armstrong) If I may answer that, Mr Chairman. Certain procedures are laid down by the department in regard to the Public Service Board. If allegations are made, generally a special squad within the gaol interviews the officers concerned. If it becomes apparent at some stage that a criminal charge is to be laid, they generally buy out of it. There are, from memory, four police officers from the New South Wales police force attached to the service and they attend to conduct a formal police interview. We do not deny that prison officers over the years have been involved in illicit drug trafficking. We concede that. We put it down to a very small number of prison officers out of the 2 000 or so prison officers,

including executive officers. That figure we would put at around ten, which is a minute percentage of those involved in the system. As I say, we cannot deny that people do it, and we do not deny it, because there are people before the courts charged with these offences.

Q. The point I wanted to clear up was whether the corrective services administration was condoning the use of drugs within gaols. That was the statement that was made, ---A. That refers back to the statement that was made some time ago by a particular superintendent who, it has been alleged, said that he was happy with the amount of drugs in his institution because it kept the prisoners quiet.

Q. Which superintendent was that?---A. I would prefer not to say. The evidence that came to me concerning that was hearsay evidence; it came to me from a member of the dog squad. That squad was required to search cells. The particular superintendent is still in the department but is no longer in the position of superintendent. I believe that there is a feeling that drugs within the gaol system do keep prisoners quiet. There is a major drug problem within the prison system and I believe that if drugs were eradicated from the system tomorrow there may well be a lot of trouble within institutions. I am not condoning it; I am violently opposed to it, because of the damage that drugs do to the community. There is no question that a huge amount of drugs is in the prison system. Prison officers do bring drugs in to the system as do others. Others are involved in the prison system who have as much access to prisons as prison officers.

Q. Who would they be?---A. Let us run through them. There are parole officers, probation officers, nurses, welfare officers, social workers, legal people from the Prisoners Aid and the Aboriginal legal service - and I do not refer particularly to Aboriginal people in the service.

I am referring to solicitors and barristers who have access to prisons. Recently reference has been made in the newspapers to a police officer who has been accused of bringing drugs into a gaol. If you were to visit the visiting sections of the gaol, you would see that police officers are given a fair amount of freedom and are considered trustworthy - as are barristers and solicitors. It would be simple for such persons to hand any amount of drugs to prisoners because a prisoner is not searched after speaking to these people. Searches are carried out after contact visits. I am not referring to when a prisoner would get changed into overalls. When legal visits are carried out, the prisoner sits across the table from his barrister and on occasions such people have been charged with drug offences.

There are more people involved in the prison system than prison officers. Prisoners also go out on day leave and return to institutions at night. It is virtually impossible to properly screen those prisoners, short of stripping them naked and searching every inch of clothing and the baggage that they have with them. It would be almost impossible to detect a small amount of heroin on that prisoner. Though we do concede that prison officers work

hard, we know also that over the years people have been pulled to one side and have been told that their past activities are known and it has been suggested that they leave, otherwise certain action will be taken.

Q. Mr Armstrong, you are under oath. You cannot supply hearsay evidence. You have made certain allegations?

---A. Mr Chairman, let me return to what you said to me.

You said that I could say what I wanted. Are you now saying that I cannot?

Q. No. I am saying that if you do make an allegation or a statement, I would like some facts to back up those allegations?---A. May I return to what I said? I said that there are more people involved in the prison system than prison officers. You raised the question about prison officers working hard because the question has been raised as to whether officers were involved with drug trafficking.

I have conceded that that happens. However, I make the point that there are more people involved in the prison system than prison officers. I said that at present a police officer has been accused of bringing drugs into prisons and has been suspended as a result. I say that to you to make it clear that prison officers are not the only ones involved in drug trafficking in prisons.

(Mr Stannaway) May I resume from where I left off? Dr REFSHAUGE: Please do.---A. I refer again to the problem associated with accommodation. A problem exists finding accommodation round Long Bay. There are about 700 officers living in that vicinity. The department has

twenty-four cottages that are fully occupied. Any rental accommodation in that area would amount to about 110 per cent of an officer's take-home pay, an officer on the basic salary. These types of problems cause people to live away from the area and to move to a cheaper or less expensive area. As a result officers have to travel large distances. Because of the turn-around time between shifts they may have four hours

sleep only. They are physically unfit for work. They come to work and are tired and perhaps they are on medication to help them to sleep because of the stress involved with the job. When they come to the institution they are met with short-staffing difficulties and have to engage in work that is done normally by perhaps two members of the staff. They put up with this for so long to the stage where they become fed up and look for alternative employment. They tender their resignations as a result. On a resignation form the reasons for such resignation are not always evident, despite commissior procedures that can be adopted to interview prison officers who wish to resign. Most officers will not put down the reason in case they experience problems finding other employment and wish to return to the position of prison officer. Many officers have returned to this employment if not once, twice and three times. Basically they leave because of job dissatisfaction.

CHAIRMAN: Why do they return?---A. Perhaps desperation They need money. They have left the employment because of reasons peculiar to themselves and have settled down in an effort to re-establish their lives with their families

if they still have a family. There is a high incidence of marriage breakdown among prison officers. I have been married and divorced and have had two de facto relationships. I cannot attribute those breakdowns to the work I have been doing always, but I am of the belief that the shifts I have to work have an effect on my personal life, as it would on other officers. Rostering is a major problem. The policies laid down by the Public Service Board in 1961 concerning the distribution of shifts and overtime are not being adhered to. Where I am working I have initiated, through the commission, three separate in-depth inquiries into rostering. There have been no changes. The system comes up smelling of roses. Auditors have examined the records.

This has created great stress among the staff. They get jack of it and they pack it in. That perhaps qualifies what Mr Armstrong has said.

Dr REFSHAUGE: If I may take up what has been said about prison officers being on medication. Do you have any information about what percentage of prison officers is on drugs? I have examined Mr Webster's papers but I cannot see any suggestion that those figures were taken into account. Do you have any information on that?---(Mr Armstrong) It is mentioned in those papers. I can also refer to two other massive volumes of reports. I have supplied to the Committee the summing up of Mr Webster, but he did supply two major reports about the Long Bay complex as well as institutions at Goulburn and Silverwater. He detailed what you have just referred to. He did not do that in these papers but

CHAIRMAN: We have access to the original documents. Dr REFSHAUGE: If I may follow up one other point: Mr Stannaway, you said that you believed that the Corrective Services Commission condones drugs in prisons. Is that a personal view or a view of the Prison Officers Vocational Branch?---A. Mr Chairman, I made mention of that.

[Mr Stannaway) I supported that statement. I said it by way of a personal view that has been supplemented -

CHAIRMAN: Perhaps the question should be answered by your chairman.---(Mr Armstrong) I do not think I said the Corrective services Commission. I think I said that those at the administrative level, those who have the responsibility of the day-to-day running of institutions, condoned the presence of drugs. Yes, that would be a personal view. However, I take your point - and I realize I am under oath -but I would say that the majority of prison officers would support that. view. I say that with my knowledge of the Prison Officers Vocational Branch. But you should understand

Dr REFSHAUGE:

I am not sure as to who you say condones drugs in prisons. Is it one person in particular who has said he condones drugs in prisons? You have said that there are bad prison officers or is it that there is a general feeling amongst a group of people that they condone drugs in prisons? ---A. I think there is a general group of people across the system who have this problem of trying to administer the gaol system with the policies they have and the powers they have at the present time as compared with what existed ten years ago. They look to drugs as keeping prisoners

quiet, and providing prisoners receive drugs they are generally quiet. I would say that that would be the feeling among the senior officers in the department. I am not speaking specifically about the commission or the hierarchy in the head office. I would say that I would be supported in that by the majority of prison officers.

Q. There was another suggestion that overtime was not as plentiful as had been promised. One of the reasons offered was your statement about flooding the system. I am not sure what the system is being flooded with. Are you saying that the system is being flooded with more prison officers, or what is your point?---

A. My understanding is that between now and January next year the department intends to recruit 600 prison officers to fill 300 positions. I do not know what the thinking for that is. However, I do know that gaols are carrying over and above their actual quotas. They are using them as reserves. To cut back on the overtime they are saying to use this officer and that officer and then go to overtime. At Long Bay, for example, in the Central Industrial Prison, they are over and above what their issue should be.

Mr Stannaway has just informed me that that is not the case now. However, as I understand it, the position is that the department is recruiting as many officers as they can. There is no question that recruitment has increased. It may well be that the 600 recruits too fill 300 positions will mean that a further 300 positions will be lost. I do not know what the thinking is. I know there has been a cutback in the amount of overtime. Of that there is no question.

Q. Are you opposed to the increased recruitment of prison officers in that way?---

A. No, I am concerned about the type of prison officers being recruited and the reduction in the standard of prison officer. I have no objection to extra staff provided the right staff is obtained. The problem is that the standard has been reduced. The height requirement has been done away with. The department is bending over to accommodate people with ethnic backgrounds as opposed to others, particularly with regard to the ten-week training school.

Q. I would suggest that you might have an ethnic background?---A. Yes. I do not like to name specific people; if I am pressed I refer to Aboriginal people. I should not say they are ethnic people, maybe I should say Aboriginal people.

When I interviewed people, when I was a principal prison officer, anyone with an Aboriginal background was made allowance for in that it was conceded that their standard of education was not the same as the European or Australian standard.

I have no objection to Aborigines coming into the job. What does concern me is that because of the way the job has been advertised and because of this carrot that has been dangled before prospective recruits about the availability of overtime, people come into the job and are prepared to put up with the rubbish and abuse that is thrown at them on a day-to-day basis provided they receive a bit of overtime to compensate them. Generally speaking the new recruits are young officers who are not particularly interested in overtime in any case and those who have been in the position for

some time are beginning to feel that the job is not worth it any more and they might decide to pull the pin - they think that when they took on the position they were promised everything but now they are receiving absolutely nothing. At the Central Industrial Prison it is virtually nothing.

I suppose the Committee has visited Parklea and Maitland and other institutions, but at Parklea the officers receive a certain amount of overtime, which may stop. At Maitland the level of overtime is not as high as it was. At Cessnock the overtime has been cut back quite substantially. I am suggesting that if overtime is cut back too much, we could lose a lot of good people.

(Mr Stannaway) If I may quote from an advertisement that appeared in the Sun-Herald on 4th May. The question was put rhetorically, "How does \$25,000 a year sound? With shift allowance and penalty rates you will earn that easily". This is for a first-year prison officer. If a prison officer worked the maximum penalty rates and worked very weekend, on night shift, every shift, every public holiday - which is impossible because of the policy of equal distribution - the maximum one could gross would be \$23,800 a year. The pre-recruiting tactics of the commission are luring people into the job, saying that prison officers can receive \$25,000 a year easily.

CHAIRMAN: Figures have been presented to the Committee that show that the average income was \$30,000 but since the drop in overtime it has now decreased to \$27,000. This advertisement says that an officer can earn \$25,000 when

in effect the average overtime worked by prison officers is \$27,000?---A. Perhaps we may be a little pedantic about this. The advertisement does say that one could earn that easily. That is nonsense.

(Mr Armstrong) Mr Chairman, it refers to shift allowance and penalty rates. It does not refer to overtime. It suggest that the figure you are quoting does take into account overtime. What is being said is that without overtime, and without penalty rates, an officer will earn \$18,000. That is not the correct figure. The correct figure is \$17,697. We shall not quibble about \$300. The advertisement goes on to say that an officer can earn an additional \$7,000 a year through penalty rates and shift work. Our figures would not bring an officer up to that amount. The income would be brought up to \$23,840. But they dangle this carrot before recruits about what can be earned.

Q. But they are able to earn that amount. The figures show that the average wage is \$27,000?---A. But Mr Chairman, do you not concede that if the department gets its way, no overtime will be worked. The goals will be overfilled.

An officer has to rely on penalty rates and shift allowance as part of his salary. As I understand it, the department is cutting out overtime. The department is saying that an officer can earn \$25,000 with shift allowance and penalty rates but without overtime. Overtime is not mentioned.

The department has changed its way of thinking. With overtime one could earn double one's salary.

Q. I did not read it that way. I read it that if I got a job I could earn up to \$25,000. The figures show that on an average an officer can earn \$27,000.

---A. (Mr Smith) Mr Chairman, the rank of the officer that has been quoted is very important to that salary level. I represent the members of the Prison Officers Vocational Branch, which members range from principal prison officer down to the base rate prison officer. The salary range is from \$17,600 to \$28,000 for a principal prison officer. A senior prisoner officer earns \$22,000 and a first-class prison officer earns \$21,600. If one were to look at the \$27,000 on top of the \$17,000, it would give one a false impression.

Q. Mr Stannaway, could you inform the Committee what salary you earned last year? Do you come within that category of \$18,000 or are you in the \$27,000 category?---A.

(Mr Stannaway) I am on maximum salary for a first-class officer with eight years' service. Last year I think I earned \$24,000, but I did thirty-five overtime shifts for the whole year. Some officers, in particular my roster clerk, grossed I think \$43,000. But he was rostering himself on overtime with a double shift every Thursday and working seven days a week instead of five as is the policy of the commission. He was working his days off also. An officer cannot earn \$25,000 a year easily. He cannot earn his basic salary easily. He cannot earn, in the present environment, \$18,000 a year easily. We are \$2,000 a year behind Victoria and we work thirteen days a year more. This is where

the problem lies - with recruiting. This has passed on down through the system. That is what precipitates the problem.

Dr REFSHAUGE: Mr Armstrong, it seems there is a definite effort on the part of your union to maintain the level of overtime. Is that solely because of the money that attaches to it or would you prefer a better wages structure?

(Mr Armstrong) From my point of view I would like to see overtime cut out altogether. I shall quote to the Committee some figures to demonstrate how we have fallen behind since the Naval report in 1976. In New South Wales the basic commencement salary is \$17,647. In Victoria the figure is \$20,247; in South Australia it is \$18,281; in Queensland it is \$18,542 and in Western Australia it is \$18,195.

The basic commencement salary in Tasmania is \$17,133. The only State we are ahead of is Tasmania. The Tasmanian officers recently rejected a pay rise because of some demarcation dispute. I spoke to the president of the Trades and Labour Council when he was in Sydney and I asked him about Tasmania. He said a substantial pay rise was granted to them but because of some demarcation dispute the offer was rejected. That increase would have put them above our salary level here.

CHAIRMAN: Mr Armstrong, we have had those figures presented this morning. What you say verifies those figures. ---A, I did not know that. However, I believe that

Mr Justice Nagle was specific. I shall quote to the Committee the last paragraph of this particular report, if I may:

Staff should be brought up to strength immediately. In addition there should be a complete investigation and overhaul of overtime. This is not to suggest that the wages of prison officers should be reduced. At present it is only by overtime that prison officers can earn a wage commensurate with their skills it is suggested they should possess.

The normal salary for prison officers should be raised and overtime reduced.

The Government has had two bob each way with that. The Government has implemented the recommendations that would not cost it a great deal. However, when it came to anything for prison officers, nothing was given. When the report was published, prison officers in New South Wales were at the top of the tree, now we are at the bottom of the heap. That was not what Mr Justice Nagle had in mind. I believe that prison officers should be paid a salary that will attract the best type of applicant. Mr Justice Nagle said repeatedly that if the department wants the right type of person they should be paid a decent salary and not paid peanuts. The salary level has dropped back. I do not want to argue about this, but the standard of staff should be brought up and a decent wage should be paid to the officers. At present the wage is not good enough. If something is not done, problems will be experienced with maintaining what the department has at present. In the long run it will cost the department money because as people are recruited others will be lost.

Dr REFSHAUGE: Mr Stannaway, you made a suggestion that the commission had vexatious policies. Have you any examples of vexatious policies in the Corrective Services Commission? A. (Mr Stannaway) I will correct that. It was local management rather than the commission. The commission's policies are not in issue. Let me give you one example that I am still trying to battle out. I work in a minimum security prison. The inmates go out to tech. The department provides them with bags to carry their requirements in, or they can have briefcases brought in by visitors. Some institutions allow staff to take bags in; for example, Parklea. You allowed to take bags and briefcases into Parklea, which is a maximum security gaol. In the special care unit at Silverwater there are no problems. You can virtually drive your car to work there with the way it is set out, bearing in that it is a minimum security prison. In my particular mind is a circumstances I am in a wing. I am chairman of the health and safety committee. By law I am entitled to take time off to perform my functions. I am also the representative for prison officers on a commission committee. To save incurring expense" for the department I carry with me at all times to work the health and safety documents, regulations and rules, the prison regulations and rules staff reports inmate reports for day leave. I also carry correspondence that I have with the Department of Industrial Relations and the Minister and with the Corrective Services Commission. Also I have correspondence between the Public Service Association and my own sub-branch.

I carry these documents in my briefcase but I am not allowed to carry that to my office. I can take the contents out and put them into a plastic bag. I can even put my briefcase into a plastic bag and carry it up, but I cannot take my briefcase into my office. The ruling on that particular issue is designed to do nothing less than cause me irritation, and subjects me to stress that I do not need and which is unnecessary. These things are common sense. They are trivial little things. An officer may move ten feet from point A to point B and forget to put his hat on because he is leaving the office to move to an open area and come back momentarily. The issue about wearing hats is that you do not have to wear a hat inside an office. It is etiquette anyway. They are little things like that.

CHAIRMAN: Can I ask you to hurry up with your answer because we really want you to look at the subject of sick leave and overtime?---A. I was asked a question about vexatious policies and I was asked to give an example. This is my briefcase here. I have offered it for examination and for search, but they will not search it. My deputy, my superintendent and my assistant superintendent carry briefcases to their desks, but I cannot take mine to my desk. This is what I call vexatious.

Q. Is there anything in relation to overtime and sick leave -

Dr REFSHAUGE: - or rostering?---A. Right. If I am asked a question about rostering, I will get on to it.

1.07

Q. What are the vexatious policies you have been finding with rostering problems? Can you give us an example of a rostering problem?---A. Yes. I arranged to swap shifts with another officer in accordance with Public Service Board policy from 1961 which allows officers to change shifts with officers of similar rank. I did. I made a request in writing. I put down my reason. I wanted to spend some time with my daughter. I am a sole parent. I had not seen her for a week. She had not seen me for a week. When she was asleep I saw her for about half an hour in the morning. The deputy superintendent refused to allow me to swap shifts so that I could see her.

Q. Was there any reason given?---A. No reason, absolutely no reason. The following day he allowed other staff to swap shifts. This is bastardry, if you will excuse the language.

Q. Do you think this is vexatious policy or personal victimization?A. A combination.

Q. Changing the subject: we have heard about unauthorized posts at prisons. What is the unions view on this?

A. (Mr Armstrong) Generally speaking, in the Vinson era there were a number of posts. If you could put up a good enough reason for having them there were a number, but under prison plans of 1983 most of those unauthorized posts were wiped. I do not believe there would be too many unauthorized posts now. In fact, the policy is to work with a minimum staffing level. In certain gaols they simply do not fill posts.

CHAIRMAN: We know that. What is your association's view

about that?---A. What was the question exactly: was it a question as to whether there are any unauthorized posts?

Dr REFSHAUGE: We were told that there were something like 109 unauthorized posts in October last year and now there is something in the order of 123 unauthorized posts.---A. Two things could have happened there. Number one, the board, through representations from the department, may have authorized it. Alternatively, the department may have said that post was unauthorized and they were taking it off us. Those are the two things that probably happened. We accept that as a fait accompli. We argue that there is not sufficient staffing in some particular institutions, particularly the maximum security gaols where they -

Q. Do you think there is insufficient staffing or there are insufficient posts?---A. It is really up to the administration to decide what posts they fill. If they feel that a post is nor necessary, and someone has gone sick on it, they simply do not fill it. That is their policy. We argue about it. We say that such posts should be manned. The management says that it is management prerogative: I say that it should not be.

Q. Let me come on to that a little later. I am talking now about unauthorized posts, ones that have not been actually authorized.---A. There would not be many left. If there were 109 on last year's figures, reduced to 23, that is because of the things I have suggested - they have gone to the board and the board has okayed them.

Would you be suggesting that the commission should increase the number of unauthorized posts at your suggestion?---A. No. We suggest that the posts should be authorized and manned properly. We do not say that they should have unauthorized posts.

Q. We have heard also today about security posts. Can you tell us what you see as a security post?---A. To me a security post would be, for example, rows which are generally -

Q. Can you give us, in broad language, what a security post would be?---A. A security post would be an iron post in a maximum security gaol. A security post would be a post where officers are required to supervise prisoners. That is where they would actually and physically watch prisoners and ensure there were no escapes from that particular section. That would be -

Q. We have had a definition that these are the minimum number of posts that were required to maintain security for prisoners and prison officers?---A. That would be the department's definition.

Q. Would you see that as a reasonable definition or do you differ from the department's view?---A. We differ in what they term minimum. They term minimum as the bare minimum. In maximum security gaols we have a sire policy. We do not always get that but we always argue, continually argue, about staffing levels. We argue with the department about what we consider to be safe and what they consider to be safe and for everything we consider to be safe they say it will cost too much money.

Q. Would it be reasonable to say that both of you think broadly of it in the same way, but you would actually argue about which one of those posts should be required for security?---A. Yes.

(Mr Smith) We are very concerned about posts being manned when the safety of another officer is very much at issue. Many sub-branches feel strongly about that. We run disputes in the Industrial Commission on that, and have done. That has been our issue. We would not like to see the safety of our-members put at risk by posts being nor manned. That is the way we look at the manning of posts, it is a safety issue.

Q. One might think, if someone is reporting sick and would be rostered for a security post that that position should be immediately filled by somebody else, and that that person falling sick on a non-security post would not present such great urgency or necessity. Would that be your policy?---A. (Mr Armstrong) The only post you could classify as non-security in an institution Would probably be that of the position of overseer.

Q. The ones to get rid of?---A. Well overseers, provided they are prepared to cope with the area - if they are prepared to do that - at Silverwater

Q. Perhaps I can put that question to you again. You say that there is no post, apart from that of overseer, that is not a security post?---A. If the post is recognized by the Public Service Board as a proper post we would argue that if it

is there to be manned then it should be manned. We would say that the administration in their wisdom might close down, for example, a workshop, and could utilize the people in the workshop, such as the overseers, to do that security post. Management has the right to do that. We cannot argue with that. Unfortunately, management do not necessarily do that. They say they will leave it open, that they will work it short. In fact, this has happened in the Central Industrial Prison where posts, including gates, have simply been left open. They have been left open rather than man the gate. We argue that they should not do that, because if anything goes wrong - well, it has been proved now with the department whenever it fronts the Public Service Board, always asking for the dismissal of everyone if anything goes wrong. Somewhere along the line a prison officer is going to have to work. There is no question that the people who have made the decision will run for cover as soon as anything goes wrong.

CHAIRMAN: I will draw a response from you in terms of overtime. In your earlier statement you indicated your membership were dismayed at the reduction in overtime being offered and then later, in response to a question from Dr Refshauge, you indicated that your association would be in favour of reducing overtime. Is that right?---A. Yes.

Q. We have figures that show that last year, in 1984-85, there was \$9.6 million worked in overtime. What are you really saying? Do you mean that the public purse should offer \$9.6million in overtime to your members?---A. I thought I had made absolutely

crystal clear what my position was. I referred you back to the Nagle Royal commission in 1976 and I read to you the relevant paragraph. I believe that overtime should be cut but, at the same time, that the people in the prison system should be paid a proper wage. In that way you will get people to do the job. If you are going to cut overtime and pay them only the same salary you are going to lose people.

People will argue that it is not worth it to continue on the basis of the salary they are getting. If they want to cut the overtime, and I have no doubt that they will do that, they will lose people. I do not believe that people necessarily come into this job for a career. I believe they come in because they are told that they can earn all this money

Q. Right: so your association believes that overtime should be granted to the prison officers?---A. Yes to supplement a low salary. You have to work overtime to bring your salary up to a decent wage

Q. Right: yet in 1981-82 the overtime payments were \$13.7 million?---A. What are, you saying to me, Mr Chairman?

Are you saying

Q. I am saying to you that as long as overtime is offered the prison officers believe it is a justifiable part of their wage whereas we can run the prisons - or the Corrective Services can run the prisons - with a reduction in overtime of something like \$5 million, the saving of \$5 million that you will get from that?---A But don't you see that they have cut it back because they are bringing the additional staff on

to fill the positions? You cannot condemn prison officers because over the years they have been required to work overtime. They have been required to work overtime to man and staff gaols because of Corrective Service's policy of not recruiting a sufficient number of prison officers to man the institutions in the first place. Now we are being condemned by the department and other people because we have manned the gaols through public awareness, through being concerned about public security and the public generally. If we do not man the gaols and we say, "We are not going to work any more of your overtime; stick your overtime" things will happen here like they did in England where last week the prisoners burned down half the gaols in England because prison officers there put on an overtime ban. When they have been asked to work overtime, prison officers have always worked overtime. You cannot simply come along now and condemn them because they worked \$13 million worth of overtime in 1981 or last year. That is not our fault. That is the fault of the administration of the Corrective Services. It is because they never put in the proper manning levels in the gaols in the first place. Overtime is not created simply because of the occurrence of sick leave. It is created because of insufficient manning levels in the gaols.

Mr WALSH: Mr Armstrong, given your previous comments about sick leave the figures before us show a significant sick leave component of overtime for Cessnock prison at 46 per cent, at Parklea 60 per cent and at Mulawa also 60 per cent.

Being aware that the Public Accounts Committee in its previous report said that sick leave was a major cause of the high level of overtime, and being aware that since that report official figures supplied to us by Corrective Services concerning sick leave although in your preamble you may challenge those figures we are told that since 1985 the average sick leave has gone up from 15 days to round about 23 days. Have you any comment on that, the supposed 50 per cent increase over that period?---A. First, when we raised this issue with the Public Service Board when they first decided to implement their new sick leave policy, when we went before the Public Service Board they said that the average amount of sick leave worked by prison officers was 29 days but I challenged them on that figure. I said, "How did you get the figure? Would you mind supplying some evidence of that figure?" When we went before Justice Bauer on it the figure had been reduced from 29 to 21 days. In the original negotiations with the employer, the board, it was 29 days.

I believe that they told lies. I told them that they told lies. They said, "Oh, it was a mistake." Okay. They now say it is 15 days.

My understanding of the original agreement we entered into in 1982 was that the total amount of sick leave taken right across the board was 18 days, not 15 days but 18 days in 1982. I am told, and we were told as late as the previous case before Justice Bauer that the figure was 21 days. So, you know, I would be a bit wary about figures supplied by

Corrective Services and about how they got their figures. They told lies to us once. You now say it is shown there as 22 or 23 days.

In the Arbitration Court they admitted that it is 21. The figure of 15 was not IS but was 18. So how has there been an increase from 1982 to 1986 of about three days. Those are their figures.

For example, take my sick leave. I checked my sick leave from April last year to April this year. I have not had any sick leave. I have spoken to other people and they have said, "I had a couple of days off." Across the board they are saying it is 21 days. Does that include workers' compensation? If it does include workers' compensation that is also another lie. That is another lie they have presented in their statistics. If they are lumping in workers' compensation, that is another lie. If workers' compensation is agreed to, it is later on recredited to you. So when you cut off on workers' compensation, and more and more persons are going off on it, it is credited against your sick leave. If the Government Insurance Office accepts the liability, you get it back. I suggest to you that that figure of 21 days includes workers' compensation. I do not believe that it is an honest approach to say that those figures should include workers' compensation. The workers' compensation should be deleted. I say to you that sick leave has only increased by about three days since 19827 and I further suggest that there has been an increase in. the number of prison officers

since 1982.

CHAIRMAN: Where did you get your figure?---A. Which figure?

Q. The figure of 18 which includes? ---A. That is the figure they admitted in the Arbitration Court.

Dr REFSHAUGE: In 1982?---A. Yes.

CHAIRMAN: You are saying there is an increase of three: where did you get your figures from?---A. Their figures. None of those figures I am quoting are mine. Except to say that the actual proven ones were 18 in the Arbitration Court. They admitted through their barrister to 21. When they first confronted us they said 29. Now 29 was a barefaced lie. I do not accept that people can say, "Oh, well, we made a mistake" later because, when they implemented that new sick leave policy, in my view it was drawn up on the basis of 29 days.

Mr WALSH: Mr Smith, in relation to the tabled documents, how did you insert those documents in relation to sick leave?---A. (Mr Smith) Which ones?

Q. You tabled documents. You said you worked out a comment on sick leave. How did you interpret those?---A. This was a document that was handed up as an exhibit in the Industrial Commission before Justice Bauer. When questioned, the department admitted that workers' compensation was included in these numbers. Also included in these numbers were officers who were being retired for medical reasons, and who had been off for long periods of time. Justice Bauer happened to

ask a question, and I know they are badly printed but that was the document given to us by the department. I apologise for it. The Glen Innes average figure was 33 days Off. When the association contacted Glen Innes the average of the officers was something like eight, but the superintendent had been off for some considerable time before being medically retired. Thus, those figures give a very false impression. In the Industrial Commission the only establishments that the department did supply figures for, where workers' compensation was separate, were Cessnock, Mulawa and Parklea. We have not seen any other figures where workers' compensation has been separated from sick leave; that is, only workers' compensation that has been accepted by the Government Insurance Office. As Mr Armstrong said, when an officer for example is assaulted and goes off on workers' compensation, until the Government Insurance Office accepts that liability that leave is put down as sick leave. The figures can be misleading when looked at in that aspect.

Q. If you accept 21 days as being the average, that is an increase of 18 to 21, do you think that is a reasonable average figure? And, following from that, would you agree in any way that the sick leave is being manipulated by some officers to gain overtime?--A. (Mr Armstrong) I will take the second part of your question. A number of years ago it was alleged that at Parramatta Gaol there was a sickle roster whereby prison officers would go off and have a sickle or whatever. Parramatta was said to be the main gaol where

this was done, Since they closed Parramatta and opened Parklea, Parramatta has been dragged back and there is not the same number of staff there. But I would say that there is no manipulation anywhere in this system of prison officers manipulating the roster to give some people a day's overtime.

CHAIRMAN: But those officers from Parramatta have gone to Parklea now?---A. Come off it; there have been all sorts of things that have happened. Those Parramatta officers not only went to Parklea but also to other places, and since then there has been an increase in the number of prison officers. I would suggest to you that there might be about half the officers who were at Parramatta who would be now at Parklea; the other half would be new recruits or people from Long Bay. I do not accept it. I do not know how you can manipulate the roster to give a certain individual a day's overtime. You can certainly say, if there are ten guys on and one guy goes sick that one of those ten will get a day's overtime, but which one will it be? The deputy superintendent, theoretically, is supposed to decide who gets what. I cannot accept that whilst I accept that there were allegations about Parramatta towards the end of the 1970's and the early part of the 1980's that there was a sickie list or a sickie roster or something like that in that regard, I do not believe that it exists today. I do not believe that prison officers are manipulating that to get overtime.

Mr WALSH: In answer to a question from Dr Refshauge you

commented on the work environment and its possible impact on sick leave. Would you like to elaborate and be more specific?---A. Professor Webster approached me about 1979.

I relied very heavily on him. I invited him out to Long Bay because I was the chairman there at the time. He did go into quite a detailed survey of prison officers. They volunteered. I am not going to go through everything here, but it does say that a voluntary health survey of 262 shows very high levels of psychological stress coming from job pressures. I could go through it all. I have earmarked some of the things Webster has said. I understand that there is a time factor on me, but I am referring to the types of stress reported as low self-esteem in the job, interference in family life, a number of different people that they have to deal with, poor physical working conditions, low prestige in the community and the inability to influence departmental policy. It goes on to say that this distress was related to reported job stress and dissatisfaction and was also correlated with low self-esteem, and reported health and physical health problems in the sample. More important was his conclusion:

"We conclude that the psychological distress is high in prison officers and that it is correlated with job pressure, with personality, and to a lesser extent with the lack of job rewards. It seems reasonable to conclude that the nature of the work and the role of prison officers engenders stress and distress." Webster went through a very detailed report on officers. I would rely very heavily on what he said. I have

not quoted it all to you because obviously I could go on all night if I wanted to, but I have marked some of the things he said. I believe that sick leave and stress are probably related. If you take the guy who goes sick with flu, or whatever, and who puts down flu on his medical certificate, it might be that it was not flu but that it was going back to what Webster said was a stress-related factor in the job. Webster said these things four years ago, but I have since spoken to him on the telephone. I understand that this is second-hand information, but Webster said it is probably worse now than it was when he did his original survey.

Q. Has your union attempted to quantify the incidence of stress among those members?---A. (Mr Stannaway) As health and safety officer I am about to embark upon a survey statewide to find out how much of the sick leave is in fact job-related stress, because that is not sick leave but workers' compensation. Last year, my superintendent had 56 days off because of stress. His sick leave increased our average from 17 to 18 days a year sick leave. That includes three days' workers' compensation per officer. So our sick leave is 15 days, and if you take the superintendent off the roster it comes down to 14, and if you rake away from that the fact that realistically 90 per cent of sick leave is stress rather than flu, headache or PMT or whatever, you reduce that sick leave figure perhaps by 50 per cent which is bona fide sickness. I have covered that in my submission.

Q. Two related questions. In your answers you said that management is to blame in part for the high incidence of sick leave. You were talking about executive officer management. Second, you related the incidence of sick leave to rostering. Briefly, would you like to comment on those two areas?---A. (Mr Armstrong) Yes. I know that Ian probably wants to talk to you about the rostering because he has been heavily involved in it. I refer to Webster again. I do not rely heavily on him but he does say that the location of their duty is at least a serious cause of stress and actions by superiors were also identified as major causes of stress and actions of other officers as a moderately important source. The main types of stress were recorded as low self-esteem in the job, interference with family life, and so on. Webster did quite clearly say, after doing this four years ago, that a lot of the problem was involved with management. The Minister brought in an outside firm of consultants. The department released a health and safety report recently. They would not give me a copy of it, but if you look at it to see what it says - although I do not have access to it - one of the commissioners quoted from it and this report was carried out by this mob of -

CHAIRMAN: Management consultants ?---A. - management consultants. They went very heavily along the lines of what I am talking about in regard to the management areas and the fact that that caused a lot of the problems, the particular type of management and the way people managed to delay the

running of the institutions because of interrelationships between them and prison officers.

Q. But the reality is that overtime has gone down and sick leave has increased, and in that period the numbers employed in the institution have risen from 1 700 to 2 000. Sitting here, I cannot reconcile those figures you keep giving me with the increase on sick leave because of a number of other factors. I am informed all those factors would have been there, and were there, in the early 1980's, and are still there. Yet you have an increase in the number of staff working in the institution and there has been an increase in the amount of sick leave taken?---A. Yes, but if you are going to have an increase in the number of officers you are going to have an increase in the number of people who are going to go sick, aren't you? If you increase your numbers, it stands to sense

Q. Not only the total, but the average sick leave taken has risen as well?

A. Well, that probably goes right back to the Webster report, does it not? The last one was done in 1982. The report was handed down. I suggest to you that a lot of the sick leave is stress related.

Mr WALSH: You are saying that things are getting worse in the prison system since the Webster report? ---A. Of course. The number of prisoners has increased. A number of our institutions have been closed down, such as Kirkconnell and Parramatta, which they now have to try to re-open. If you are going to increase the number of prisoners, then it stands to reason that pressure will be brought to bear on those people looking after them.

CHAIRMAN: But there is less overtime worked now. Therefore the stress is less because they are working less hours per week. Obviously the stress would be minimized? ---A. (Mr Stannaway) But each hour contains more stress. Management has a different attitude to what it had eight years ago. Prison officers had authority; now they have none. Superintendents have voiced their concern about being deprived of their authority. There were moves afoot six years ago to do without VJ appeals. For a minor prison breach of discipline a prisoner can end up in a District Court and have a matter dealt with by a judge, for perhaps having a bomb in his cell. It costs the taxpayer \$10,000. The superintendent should have the authority to deal with that. These problems now are much more magnified than they were eight years ago. In my capacity as health and safety chairman I can see it around me. You get a lot of correspondence and have many conversations with people

who say that stress is a big problem.

Q. That is a recommendation in the Nagle report that you have been quoting from?---A. No, this is my own belief.

Q. But the VJ's taking the role that they take is a direct recommendation of the Nagle report?---A. (Mr Armstrong) It goes back to the selective parts of the Nagle report that they have implemented. Although he has bought out of it and does not want to know any more, Nagle went through this Royal commission and I would have thought that he might have looked to his Royal commission to see what was being implemented and what was not. I believe that he presented it as a complete document to be implemented. Of course parts of it were and parts were not. We again have to say that the overcrowding is getting worse and therefore the pressure on the officer on the ground is getting worse within the institution, to a degree that they have now got to re-open Parramatta fully and have to re-open Kirkconnell to alleviate some of the problems, particularly in the major maximum security goals.

Mr WALSH: In that letter you tabled to the Minister in response to the proposed occupational health programme, you obviously indicate the union's attitude in regard to sanctions as a measure for reducing sick leave. You said "Any health programme which includes punitive measures without addressing natural causes of alleged high incidence of sick leave among custodial staff is counterproductive". As a union, have you formulated a policy yet -apart from that brief comment about how you could reduce the incidence of sick leave?---A. We had a policy that

Judge Bauer threw out. We believe that it would have alleviated some of the problems if they had listened to us. They fought us all the way on it, and in the end they told Judge Bauer that it was up to him - it was management prerogative - and to implement it. Bauer in the final wash-up said, "Okay, that is it, management prerogative" and he ruled their way. I do not know whether it is going to work. I am a little bit concerned that they did not go along with what we put, but it is a fait accompli now. I know that a motion has come down from the Maitland sub-branch to go back to the register on a 25-hour dispute -and to go back again with the document. But we did negotiate with them.

What they are saying to us now is that they no longer recognize a doctor's certificate in regard to sick leave. That is virtually what they are saying and they asked us to agree to that. But how can we say that we do not recognize a certificate presented by a doctor. They said, "Anybody can get a doctor's certificate. You can go to a doctor and he can give you three days off anytime". To me that is a disgraceful attitude, but that is what we have to put up with.

Q. Could you supply the Committee with a copy of that submission in regard to sick leave?---A. (Mr Smith) We do not have a formulated policy. What we are asking the department for is to sit down with us. We put it to the Public Service Board to look at the causes of sick leave and then address that. The department and the Public Service Board refused to do that and throughout long

negotiations our tack had to be to try to prevent that policy that they were attempting to put in. That started on 1st May and the ramifications are just starting to come through now.

Q. If it is in writing would you submit that?---A. Yes. Q. I think Mr Stannaway mentioned probably the lack of realism associated with his exit forms that departing officers fill out when they are leaving the service to try to find out the true causes why they are leaving. You mentioned that they may want to come back into the service. Does the union conduct an exit interview to find out the real cause why officers are leaving, and which you keep confidential within your organization?---A.

(Mr Armstrong) The union as such does not do it. We do not employ these people; they are employed by the board. We have lost a lot of good people over the years through stupid things. I do not know whether they even bother to interview people any more when they resign. They just give them a card and say, "Put your reasons", and they stick down any reason at all. Generally people do not want to burn their bridges and generally say, "Oh well, I have personal problems", and that is accepted.

Some people might want to come back in. We are not the employer. All we can do is look after the people who are there on the job. If people decide to call the pin and get out, there is nothing much we can do about it. We have put to the department on a number of occasions, why not sit down with these people and talk to them and find out why they are getting out so that we can figure out what is wrong.

Mr SMILES: We have touched on this matter a number of times this afternoon but I should like your clarification on why there has been a reduction in the overtime worked annually by prison officers?---A. There has been a reduction in overtime because they have increased the numbers of people in the job.

Q. Are there any other reasons?---A. (Mr Stannaway) Yes, there is. purely for financial reasons from the Government's point of view. I shall quote the Central Industrial Prison figures, and bear in mind they were working up to thirty officers under authorized strength.

CHAIRMAN: Out of a total number of what?---A. Out of a total number of 184. They have been working predominantly for the last twelve months with 155 to 165. The number has been brought up to 182 on Saturday just past, because they got ten more from the training school. Eight officers are still on leave from sickness. That has been so for the last four months. An executive officer has just suffered a nervous breakdown; he is off. Their absence generates some sort of overtime. Apart from that, their overtime has been reduced from 2 300 hours a fortnight down to 1 000 hours a fortnight. Bearing in mind that because of the overcrowding they require

32 hours a day - and that is 1 000 hours roughly a month -to fill four positions, and that is solely due to overcrowding.

The population in the CIP last week reached 560. It is designed for 320. That is the sort of reason behind the reduction in overtime hours. Where I am working

we are 13 short. To keep our hours up to fully man the gaol per annum we need 24 000 hours overtime just to bring us up before any sick leave is taken. We are allocated 24 650 hours; we exceeded that by 1 000, solely because we were 13 men short. Our figures have been reduced by 50 per cent. That is why the overtime is down. Sick leave is up and overtime is down, not because of any improvement in rostering or staffing as such but because of the financial restriction placed on the gaols by the commission.

Q. Financial restraints would not have caused sick leave to have increased?---A. No. It is an offsetting factor. If an officer is taking home \$500 a week and suddenly he is taking home \$350, his lifestyle changes dramatically.

Q. Does that make him sick?---A. It sure does. For example, if I was to take 20 per cent out of your salary and lowered your standard of living, the effects would be stressful That goes for anybody, not just prison officers.

Dr REFSHAUGE: If they are sick, is not their less pay than when they are working. They would not get any penalty rates at all?---A. (Mr Armstrong) You get a day's salary at the basic rate. You do not get penalty rates.

(Mr Stannaway) For that day. The big problem is single and two incidents of sick leave- not the long periods of sick leave through operations. These are one and two days of which the guys got jack of. They are under stress. An officer has got the flu, headache, earache, or whatever, he goes on sick leave for a day. Maybe something

did not go right at work and he has had a fight with a prisoner, the prisoner has been let off, so the officer does not want to go to work. That happens every day. Ten officers a day in the Central Industrial Prisons are sick. They should look at the cause of the problem.

Q. Do you think there is any problem in training whereby prison officers are not able to cope with having fights with prisoners and I do not mean physical fights?---A. The stress management factor gets one hour of the ten week training course. I did a three-day programme, which was a condensed 35-hour programme of the silver method. The department footed the bill for that. Personally I would like to see every public service employee not just prison officers - undergo that training.

Q. For how long was that training?---A. Three days.

Q. Do you think that would make a significant difference to sick leave?---A. It would halve it, if not do better.

My sick leave is five days off for the last year as opposed to 20 or 25.

CHAIRMAN: How many days off for educational purposes?

You said you attended a course for three days?---A. That was special leave. They are attached duties; that is all it was, but I think it was worth it.

Q. You got paid?---A. I got paid overtime actually.

Mr SMILES: The Committee has been told that the commission's attempts to reduce overtime required punitive and drastic steps. Do you agree that the commission had to introduce punitive and drastic steps to reduce overtime

in the last few years?---A. (Mr Smith) I do not know anything about the reduction of overtime. My understanding was that the punitive measure was to reduce sick leave. It was the commission's summation that sick leave caused the overtime. I understand that about one-third of the overtime is caused by sick leave. The new policy is very punitive. After ten days sick leave an officer be the sick leave supported or unsupported by a doctor's certificate - will have no overtime for the next three months.

Dr REFSHAUGE: Would you not say that that is reasonable? If somebody has taken that amount of time off sick, presumably stress being a major factor, to give him two shifts in one day or seven shifts in a week would be putting more stress upon him. One would think it would be in their interests not to do overtime?---A. I think that can add to the stress as well. Many of these officers, as you have seen, have worked quite a lot of overtime for quite a few years. Their personal situations and wages probably have been adapted to that salary. Lending institutions have lent them money based on that overtime. That may not be a good practice but it has happened. And since overtime has been cut down the department has told me that they have had to garnishee some of the officers' wages. That must be a stress factor on those officers. What the association wanted the department to do ~ and we are willing to join in this was to look at the causes of the sick leave and try to solve it and not hit it on the head with the hammer. What will happen is that now officers will leave. There will be

a higher attrition rate. Also officers will not be worked overtime because they are classed as having an unsatisfactory sick leave record. That will put more overtime onto other officers. I think it is a vicious circle. The department says it is a vicious circle. That overtime creates stress. But now it is limiting the number of people who will get overtime. We have to look at the cause.

Q. They are possibly limiting the overtime to the ones who have not shown any signs of stress, such as those who have not been off sick?---A. If you look at the Mulawa situation, you would have seen that two senior officers, an assistant superintendent and a superintendent, would have been the only ones who did not fit into that classification. Therefore my personal opinion was taken with a lack of foresight.

Mr SMILES: You were commenting in response to a question from Dr Refshauge that a number of officers you represent have got used to a certain standard of living, which was threatened or impaired by a reduction in overtime. But the 1984-85 figures show that the average overtime income of officers is \$5,200 - and I repeat average. Would you regard that as a necessary increment on the base salary for those officers to maintain their accepted standard of living and lifestyle?--
-At Yes, I believe it is. I believe that \$17,600 for a base rate prison officer is pathetic, for the stress these officers are putting up with and also their working conditions. Their shift penalties are not fantastic. It is 17 per cent loading for a night shift, et cetera, and the stress that that causes to one's

family is involved. It certainly does not alleviate that.

I think that the salaries must be increased to get a standard of officer who is desirable for the system and also to maintain a level of officer who is desirable. With the high attrition rate the older officers are using one eye to watch the inmates and the other eye to watch the new prison officer. This adds stress. Many officers have said to me that if the overtime cuts down so dramatically then they will have no choice but to leave. They will be the firstclass and senior officers; and I think the system will end up in a mess.

Q. I note that 97 officers in 1984-85 earned more than 75 per cent of their salary in overtime payments. Do you think that that is an appropriate way to organize an industrial relations and payment system?---No.

(Mr Stannaway) I might say that that reflects on poor management rather than on fat cat prison officers. Perhaps to clarify a point from the Chairman, no relationship has been established between the number of hours worked as normal hours and or overtime and stress. If you work forty hours a week on nightshift, you are perhaps not under the same stress as working forty hours-on day shift. Alternatively, you may work sixty hours on nightshift. No relationship has been scientifically established among prison officers in regard to overtime hours worked as a contributing factor towards stress. The punitive actions with respect to the sick leave policy are not justified. The commission is of the attitude that it will stop prison officers working overtime. They will only work forty hours a week and they

think their health will improve. That is a childish attitude, but that is the policy. Eventually the stage will be reached where the 21 sick leave days per year per officer policy will not be able to be implemented, because no one will be able to do overtime. Then perhaps fifty prisoners will escape when gaols are burned down. Then there will be a more severe overcrowding problem for the people who are left to work in the system. It is a vicious circle.

CHAIRMAN: An extra 300 people are coming into the system? ---A. Yes. And 28 officers resigned the week before last.

Q. But that intake will reduce the overtime hours worked. Obviously stress will be reduced to those working overtime. You cannot put to this Committee that you are opposed to that set of circumstances?---A. No, I am not.

Q. But are you putting that? A. No, I am not putting that. But the 300 staff are only as good as when they are fully implemented and are fully manning the prisons. When you are not fully manning a prison you are placing each person under stress beyond what they should be subjected to.

(Mr Smith) It is not just overtime that adds stress; it is 40 hours in prison. That is stress enough without any more hours. Forty hours with lack of staff creates more stress; and so does overcrowding, two prisoners to a cell, three prisoners to a cell, assaults, situations where prison officers are a paramilitary type organization and the prison officer has to maintain a standard in such an organization; he has to wear a hat, et cetera, and he could be charged

for a very minor offence that, for the rest of the public service, would be brushed aside. There is low morale. I will give an example of two officers who were sacked from the MTC after a prisoner escaped. They said he was on a muster, but he said he was not on a muster but escaped. Two officers were sacked. That has affected the morale of the officers greatly. There are other situations like that.

Q. They should not be promoted?---A. They are not promoted; they are sacked. I am saying that they do not feel that they were given a fair trial. They were tried before the Public Service Board. The matter is on appeal. But there are other situations like that. More officers are being suspended and spend a considerable time out of the system before they face a charge. Then maybe the charge is quashed. The post of the officer suspended under the Public Service Act is taken up in overtime or is covered by overtime. These other considerations must be looked at.

Mr SMILES: I should like to refer to some of the submissions you presented to the Committee. I refer first to Professor Webster's report on public and community health studies. His report is on the health, lifestyle and occupational stress caused to prison officers. He makes a couple of important points. Is there a significant lack of job rewards for a prison officer?---A. Substantially.

Q. Officers at one of the prisons we visited reported that at least in the initial time they served their greatest irritant was boredom. Is that a significant factor in a professional prison officer's lifestyle?---A. (Mr Armstrong) Nagle alluded to that. Nothing much has changed since then,

with the boredom and then the 'standing around and the abuse, et cetera - for three and four hours at a post. He said the time has long since past for limiting the task of a prison officer to that of a turnkey. He said that in the future the prison officer should be called upon to do much more than merely unlock cell doors and gates. That was a recommendation and like most of the things that Nagle related to prison officers - and I cannot say there has been no action taken - very little action has been taken. I cannot see how there has been any improvement.

Q. In Professor Webster's report there is mention of the high use of sedatives and tranquillizers by prison officers, some 10 per cent at least once per month. In your experience what do you put that high usage down to?

---(Mr Stannaway) Incompatible rostering, deviation from a 28-day roster, job related stress and domestic incidental stress, could effectively contribute to the bulk of that. Surely there is no other justification for taking sedatives.

(Mr Armstrong) Am I going to be able to sum up what I would like this Committee -

CHAIRMAN: As long as you do not read out the full recommendations of the Nagle report?---A. What I am going to say to you quite seriously -

Q. The answer is that you may but let us finish the questioning. We will come back to that.

Mr SMILES: I should be very pleased to hear a summary. On page 274 of Professor Webster's report there is a

statement - and I would like a yes or no whether this is still compatible with your thinking: "It appeared from our informal discussions with officers that the contact with prisoners was stressful more because of psychological and social factors (conflict between prisoners' demands and rights, lack of appropriate responses, and ambiguity of standards) than because of any threat or physical danger". Would you still be comfortable with that statement?---A. I would be comfortable with it up to the words "physical danger". The physical danger aspect of it has increased. Although the prison officer who was murdered was murdered in 1970 by the prisoner, that report. was certainly after then. I presented statistics to the Minister on assault. Unfortunately I have not got them with me, but I have produced statistics of assaults in gaols over the past couple of years. There has been a dramatic increase in the number of assaults on prison officers. The Chairman of the Corrective Services Commission says that that is not correct, but I say that it is. There is this problem with assaults because prisoners are getting away with more.

CHAIRMAN: Could you furnish those statistics to the Committee? A.: I can certainly try to get them for you.

I did quote them to the Minister and I believe I have still got them on record. But that was up until the Minister had attended our management meeting back in November.

Mr SMILES: Mr Stannaway, alluding to your report, "Prison Officers: Sick Leave and Overtime - A View of the Problem", could I explore with you the issue of overtime and shift changes and in a documentation you provided at

least one example of a prison officer getting caught with one of those half-page reports. When the Committee visited gaols we were informed there were some 20 minutes or more allowed as an overlap for overtime for a change of shift.

Is that overlap recognized by any of the prison authorities, thereby introducing a small margin for prison officers unavoidably and genuinely detained to commence their shift? ---A. (Mr Stannaway) I have never heard of a 20 minute overlap. We do not have overlaps.

CHAIRMAN: You mean one shift goes off and the other comes on and they do not see each other?---A. No, they do but they are in their own time. They do it gratis. If they are paid from 2.30, they will start at 2.15. They have that loyalty. If they are two minutes late they are on report.

(Mr Smith) It is one of the offsets for the 38-hour week that we will not claim overtime for that.

(Mr Stannaway) Where I have been working for eight years we have not done overtime for it. It has been a loyalty aspect and camaraderie more than anything else. Referring to the report at page 274, there is a slight change, from my observations in three years in that the prisons are now more overcrowded and there is a greater percentage of illicit use of drugs by prisoners. That sort of produces the stress causation factor. That is something that will have to be explored a bit further in the process of making & survey about that and other stress related matters. Sick leave is in fact workers compensation.

Q. My question relates to the letter to Mr John Akister, Minister for Corrective Services, dated 18th February 1986, which you gave a copy of to the Committee. I refer in particular to the proposed occupational health programme and medical examinations of officers. There is mention of the writer's concern for positions that are completely impartial. I certainly gained the impression on my visits to at least two of the three gaols that senior management in those establishments were of the suspicion or opinion that, from time to time, there was a rort that prison officers get medical certificates to justify sick leave. In regard to the medical officer proposed in this letter, would he or she be the officer to examine a prison officer with regard to an application for sick leave?---A. (Mr Smith) No. That position would be there to draw up and instigate a programme of occupational health to try to solve the problems of sick leave and, as Professor Webster outlined, unhealthy lifestyle of prison officers. The superintendent now has the power to send that officer to the Government Medical Officer for examination, and he would maintain that role. That is what we see the role of the Government Medical Officer as being, not this position. There should be privacy between that officer and the medical officer because there could be reference to unhealthy lifestyle, drug use, alcoholism, et cetera. He would have to go to that position feeling fully confident in him, knowing that he is not a departmental stooge.

Q. With regard to your question about departmental stooges, the issue that seems to concern prison management -particularly in the more regional centres is that there

appears to be one or two doctors in the community who are perhaps more lenient than is considered appropriate in regard to sick leave notification and the like. With that in mind, how do we look to an addition to the system proposed here to allay the suspicions of senior prison management that professional prison officers are not continuing to exploit the generosity of private medical practitioners?---A. I think there are two questions. That position is not there for that purpose .at all. What you are saying is that some doctors give certificates when officers are not sick.The department has the ground to question that now. The departmental head has the right under the new policy to determine that that officer is not sick when he says he is sick and to question that doctor's certificate.

Q. I understand that that can involve an appeal and an appointment process going over many months, up to about four months, from the time of the matter being dealt with by prison management and the department considering the matter, and then a further four or five months for an appeal to be determined?---A. I cannot help it if the Government Medical Officer has a waiting list. Many of our members would like to see that decreased. A prison officer being under great stress and cannot get back into the system and being told he has to wait four months before he can be medically retired - and he could threaten suicide, as one did at Parramatta this week; he killed himself. I would like to see the Government Medical Officer be much quicker and that this problem of four months waiting list be dealt with. The Public Service Association proposal for that was to

employ professionals to look at a proper occupational health programme, because this area desperately needs it, to run stress courses, to run health lifestyle courses and to advise officers how to deal with that.

Dr REFSHAUGE: In relation to the health and safety position, that would be for prison officers who were already working in the system?---A. Yes.

Q. In answer to an earlier question asked of Mr Stannaway you suggested that before they even start there should be some training that would be helpful to them in coping with some of the stresses that they will come under. Would you see that the induction process of new prison officers would be part of the operation of the occupational health and safety division? ---A. I see it as one. It has to be a specialized person and there is no one in the department at this stage, to my knowledge, who has gnat expertise, be it an employee or a consultant who is brought in to prepare this programme. There is a dire need for a programme to look at the problems and the causes of why officers take too much sick leave, why officers have mental breakdowns, and their unhealthy lifestyle and to guide them. That is the role I see it as. It is a new innovation in lots of work areas. I have spoken to a Dr Robin Mitchell, an occupational health physician, and he has run programmes in other places along those lines. That matter should be investigated I believe that the department is starting to commence an occupational health programme and has advertised for some sort of officers for that.

Q. Would you have any concern that that officer would be a direct employee of the commission?----A. I would probably prefer Chat it was not, but that is my own feeling only. I would hope that that person who is employed, even if employed by the commission, would have the ethics to do that job properly.

Q. Do you say that the union should be on the selection committee?---A. I believe that the union should be on the selection

committee and I see a greater role as Mr Justice Nangle suggested for prison officers in the management of many situations such as that and in other aspects of working in the gaols. They have little say and this is one of their frustrations.

Q. It seems the major reason for maintaining the overtime, from your position, is that it increases the take-home pay of officers, but, on the other hand, there is so much stress going on that is detrimental to the health of your officers and you obviously have an obligation to fight against those. If you are successful in improving the health of your officers, the overtime will decrease and, therefore, you have a problem. Do you find this conflict means you are unable to fight for the health and safety of officers?---A. No. I believe that health and safety should be improved.

Q. Even if it results in less overtime?---A. Yes. Many officers may disagree with me.

(Mr Stannaway) We not only have a moral obligation, but also it is a statutory requirement. We have legal commitments towards health and safety as employees, as do the employers in this particular role.

Q. You do not have legal goals that must be achieved, though? ---A. Only in so far as to ensure that the legislation is adhered to and that it is not breached, as it is at present. Every day you understaff a prison you are breaching the Health and Safety Act

CHAIRMAN: Mr Armstrong, you indicated that you wanted to give some additional information to the Committee. Due to the lateness of the hour you might restrict that to matters that we have not addressed at this stage?---A. (Mr Armstrong) I shall be brief.

Q. I did not say that you had to be brief?---A. I would like before you hand down your final report and publish it and release it to the media to consider these matters. This morning I heard a statement on radio station 2WS by the chairman saying that prison officers are manipulating the overtime. That causes a great deal of concern to my members and it concerns me because it gets out and it does a lot of damage. Before you hand down your findings I would like you to look at the Royal commission's report at chapter 14 starting at page 222 dealing with community attitudes and then go right on reading. I would say that very little has been done in regard to this. I see it as being related to what we are about here today, that no one gives a damn.

Q. Might I suggest that you put in a written submission in relation to that matter?-

--A. To look at this or to give you the lot?

Q. I am asking that you put down your thoughts in terms of the implementation of the Nagle Commission's attitudes as they affect overtime and as they affect sick leave. If you put them down in a written submission the Committee will accept that document?---A. I will do that.

(The witnesses withdrew)

(The Committee adjourned at 5.10 p.m.)