STATEMENT BY MR P. PETERS

MANAGER, PERSONNEL AND STAFF SERVICES

NEW SOUTH WALES DEPARTMENT OF CORRECTIVE SERVICES

IN RELATION TO AN INQUIRY CONCERNING

CUSTODIAL OFFICERS, PURSUANT TO SECTION 33 (1)(c) OF

THE INDUSTRIAL ARBITRATION ACT 1940

SALARIES, CAREER STRUCTURE, ROSTERING,

CONDITIONS OF EMPLOYMENT AND STAFF AMENITIES

VOLUME II PART A - ANNEXURES
PREFACE

In this volume a series of Annexures are provided in support of the Statement. These Annexures include a number of studies and reports. Where a document has been relied upon in the context of the Statement, the full document will be tabled in supporting material.
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<td>Current Uniform Issue. 281</td>
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</table>
The Board has had a series of discussions with the Public Service Association in regard to—

(a) Penalty rates for Prison Officers; and

(b) Adjustment of rates of pay of such officers where positions have a nexus with certain trade Award classifications.

Following agreement being reached with the Association, the Board has approved, in regard to (a) above, of the following:

1. Payment for ordinary time worked on all Saturdays and Sundays, other than those worked as overtime, at the rate of quarter-time and half-time extra respectively.

   Such payment is to be in lieu of the existing additional payments made including allowances for "B" and "C" watches so that penalty rates and watch allowances will not both be payable in respect of Saturday and Sunday work.

2. Such penalty payments are to be made on the basis of existing salary rates notwithstanding the Board's view that existing salary rates contain a penalty loading for weekend work.

3. Watch allowances are to be paid only in respect of shifts worked as part of ordinary hours and not in respect of overtime shifts.

4. "B" and "C" watch allowances are increased to 85 cents and 65 cents respectively, such allowances to apply on week-days only.

5. The above approvals are to be implemented from the beginning of the first roster period to commence on or after 10th April, 1969.

In regard to (b) above, the Board has approved of officers of the classifications referred to hereunder being paid allowances to make salary equivalent to the salary classes shown as effective from 2nd February, 1968 and 30th August, 1968.
<table>
<thead>
<tr>
<th>Position</th>
<th>Present</th>
<th>Effective on &amp; from 2.2.68</th>
<th>Effective on &amp; from 30.8.68</th>
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<tbody>
<tr>
<td>Overseer</td>
<td>41, 41, 41, 41</td>
<td>49, 50, 50, 52, 52, 52, 52</td>
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<tr>
<td>Senior Overseer</td>
<td>45, 47, 47, 47</td>
<td>54, 56, 56, 56, 58, 58, 58</td>
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<td>60, 61, 61, 61, 61, 61, 61</td>
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<td>Assistant Superintendent of Industries, State Penitentiary</td>
<td>66, 69, 72, 72</td>
<td>75, 78, 81, 81, 84, 84, 84</td>
<td>79, 82, 85, 85, 88, 88, 88</td>
</tr>
<tr>
<td>Principal Industries Officer, Parramatta, Bathurst, Goulburn</td>
<td>56, 59, 62, 62</td>
<td>65, 68, 71, 71, 75, 75, 75</td>
<td>69, 72, 75, 75, 79, 79, 79</td>
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<td>Engineers (other than the State Penitentiary)</td>
<td>41, 41, 41, 41</td>
<td>50, 50, 50, 50, 52, 52, 52</td>
<td>53, 54, 54, 54, 56, 56, 56</td>
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<tr>
<td>Engineer, State Penitentiary (one position)</td>
<td>48, 48, 48, 48</td>
<td>57, 57, 57, 57, 61, 61, 61</td>
<td>61, 61, 61, 61, 61, 61, 61</td>
</tr>
</tbody>
</table>

The Board desires that the new penalty payments in (a) and increased rates in (b) be paid as soon as possible.
The Classification Committee unanimously recommends that the following position(s) should be classified as indicated in the column "Suggestion of Board's representatives" hereunder:

<table>
<thead>
<tr>
<th>Position</th>
<th>Department</th>
<th>Present</th>
<th>Suggestion of Board's representatives</th>
</tr>
</thead>
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<tr>
<td>Overseer</td>
<td>Prisons</td>
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<td>48,50,50</td>
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<td></td>
<td>41,43</td>
<td>50,52</td>
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<td>Senior Overseer</td>
<td></td>
<td>45,47,47,</td>
<td>54,56,56</td>
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<td></td>
<td>47,49</td>
<td>56,58</td>
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<tr>
<td>Chief Overseer</td>
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<td>51,52,52,</td>
<td>60,61,61</td>
</tr>
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<td></td>
<td></td>
<td>52,56</td>
<td>61,65</td>
</tr>
<tr>
<td>Assistant Superintendent</td>
<td>of Industries State</td>
<td>66,69,72,</td>
<td>75,78,81</td>
</tr>
<tr>
<td>Penitentiary</td>
<td></td>
<td>73,79</td>
<td>88,98</td>
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<tr>
<td>Principal Industries</td>
<td></td>
<td>56,59,62,</td>
<td>65,68,71</td>
</tr>
<tr>
<td>Officer, Parramatta, Bathurst,</td>
<td></td>
<td>66</td>
<td>75</td>
</tr>
<tr>
<td>Goulburn</td>
<td></td>
<td></td>
<td>79</td>
</tr>
<tr>
<td>Engineers (other than the State Penitentiary)</td>
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<td>40,41,41,</td>
<td>49,50,50</td>
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<td></td>
<td></td>
<td>41,43</td>
<td>50,52</td>
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<tr>
<td>Engineer State Penitentiary</td>
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<td>48</td>
<td>57</td>
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<tr>
<td>(one position)</td>
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<td></td>
<td>61</td>
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</table>

Approved Schedule

For and on behalf of the Grading Committee
Pursuant to Section 14-A of the Public Service Act, 1902, as amended, the Board has determined that the salaries and allowances of Prisons Officers, Department of Prisons shall be as hereinafter mentioned:

### SALARIES

#### MALE STAFF

<table>
<thead>
<tr>
<th>Position</th>
<th>1st year</th>
<th>2nd year</th>
<th>3rd year</th>
<th>4th year</th>
<th>5th year</th>
</tr>
</thead>
<tbody>
<tr>
<td>Probationary Prison Officer</td>
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<td>Prison Officer</td>
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<td>$3210</td>
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<td>3rd year</td>
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<td>4th year</td>
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<td>5th year</td>
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<tr>
<td>Prison Officer, First Class</td>
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<td>$3590</td>
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<tr>
<td>1st year</td>
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<td>Senior Prison Officer</td>
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<tr>
<td>1st year</td>
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<td>5th year</td>
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<tr>
<td>Chief Prison Officer</td>
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<td>Principal Prison Officer</td>
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#### FEMALE STAFF

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<tr>
<th>Position</th>
<th>1st year</th>
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<th>3rd year</th>
<th>4th year</th>
<th>5th year</th>
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<tbody>
<tr>
<td>Probationary Prison Officer</td>
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<td>5th year</td>
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<td>Prison Officer, First Class</td>
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<td>1st year</td>
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<td>5th year</td>
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2.

WATCH ALLOWANCES

Officers who actually work "B" or "C" watches shall be paid -

(a) for each "B" Watch worked

Male and Female

(b) for each "C" Watch worked

$1.00 per watch

75 cents per watch

For the purpose of this Determination "B" Watch shall cover the period between 11:55 p.m. and 7:55 a.m. approximately and "C" Watch 4 p.m. to 12 midnight approximately.

Such allowances shall not apply to hours of duty other than those specified in this Determination unless specially approved by the Board, or to watches worked on Saturdays and Sundays or as overtime shifts.

WEEKEND ALLOWANCES

Time worked on Saturdays and Sundays, other than those worked as overtime, shall be paid for at the rate of quarter-time and half-time respectively.

2) The salaries prescribed by this Determination shall be payable, subject -

(a) to the provisions of the Public Service Act, 1902, and the Regulations made thereunder;

(b) to the provisions of this Determination; and

(c) to the satisfaction of any examination requirements prescribed by the Board.

Provided that an officer temporarily employed under the provisions of the Public Service Act, 1902, in any position covered by this Determination shall, unless otherwise determined by the Board, be paid the weekly equivalent of the annual salary prescribed.

3) Subject to the provisions of this Determination, the salaries of officers covered hereby shall be adjusted to the appropriate scale prescribed by this Determination on the basis of service in position or grade - for the purpose of this sub-clause officers shall be deemed to have the years of service represented by the salary received under the appropriate scale in force immediately prior to the date of operation hereof.

4) Payment of the increased rates prescribed by this Determination in any case where seniority is affected is to be by way of allowance for the time being and an appropriate recommendation forwarded for the Board's consideration.
5) (i) The payment of increments under the scales of salaries prescribed by this Determination shall be subject to approval by the Board.

(ii) One month prior to the date on which an officer will become eligible for an increment of salary, the Permanent Head shall report to the Board as to conduct and the manner in which the duties of the officer have been performed.

(iii) In cases where the recommendation of the Permanent Head is adverse to the granting of an increment, and such recommendation has been approved by the Board, the officer affected shall have the right of appeal to the Board.

6) For the purpose of this Determination, "service" means continuous service. Future appointees shall be deemed to have the years of service indicated by the salaries at which they are appointed.

In calculating years of service for the purpose of this Determination, the following periods shall not be taken into account, viz.:-

(a) any period during which an officer is not eligible to proceed by reason of failure to satisfy any required examination test;
(b) any period in respect of which an increment is refused under paragraph (5) hereof;
(c) any leave of absence without pay exceeding five days in any incremental year;
(d) any period necessary to give full effect to a reduction in salary imposed by the Board by virtue of Sections 56, 58 or 61 of the Public Service Act, 1902, as amended.

7) The salaries prescribed by this Determination are based on a basic wage for adult males of $35.85 per week for Sydney.

The annual equivalent of such basic wage ($35.85 multiplied by 52 1/7th) calculated to the nearest dollar is $1869. Upon each variation of such weekly basic wage the rates prescribed by this Determination shall be adjusted by deducting therefrom the sum of $1869 and by adding to the result the annual equivalent of the new basic wage calculated as aforesaid to the nearest dollar.

8) This Determination shall take effect on and from 1st July, 1969. It shall apply to all officers (which term shall include employees) who, on 1st July, 1969, were occupying a position covered by this Determination or who, after that date, are appointed to such a position but does not apply to any person who resigned or whose services were terminated prior to the date of this Determination.

E.H. CAMERON,
Secretary,
Public Service Board.
INDUSTRIAL ARBITRATION ACT, 1940 .(a) AMENDED

CROWN EMPLOYEES (GENERAL) CONCILIATION COMMITTEE.

IN THE MATTER of an application by the Public Service Association of New South Wales for a Crown Employees (Prison Officers) Award No. 183 of 1970.

RESOLVED MR. CONCILIATION COMMISSIONER BURNT.

Wednesday the 4th day of August, 1971.

DECISION

This is an application by the Public Service Association of New South Wales for a Crown Employees (Prison Officers) Award.

After the completion of the case the members of the conciliation committee met to consider the issues falling for decision. The only matter upon which the members of the conciliation committee could agree was that of the allowances to be paid for certain watches worked by prison officers. The members of the conciliation committee agree:

(1) For each "C" watch worked (4 p.m. to 12.00 midnight) the allowance shall be $1.00.

(2) For each "B" watch worked (11.55 p.m. to 7.55 a.m.) the allowance shall be $1.40.

During the course of the hearing the parties agreed that in respect of shifts that do not coincide with the hours worked on "C" watch and "B" watch, leave be reserved to the parties to apply as they may be advised.

The parties also agreed to an overtime provision of time and one half for the first three hours and double time thereafter.

In respect of the claim for a housing allowance, the conciliation committee was not addressed at length on this matter and the parties have agreed to discuss it amongst themselves, and to also discuss week-end penalty rates.

The matters still in dispute and upon which the members of the conciliation committee have been unable to agree and which fall to me for decision are as follows:-
1. Salaries.
2. Equal pay.
3. Trade Qualification allowance.
4. Operative date of the award.
5. Duration of the award.

The application seeks one award to cover the industrial staff and the disciplinary staff employed by the Department of Corrective Services in institutions throughout the state. No formal counter claim was lodged by the Public Service Board but, in exhibit (D.1) sets out the salaries, watch allowances and overtime provisions which the Public Service Board submitted were appropriate and would constitute the award to be made by the conciliation committee.

The last award made for prison officers, and known as the Crown Employees (Penal Establishment Staff) award was in 1951 (1951 a.R. p.405). Since that time the industrial regulation has been by agreement or determination of the Public Service Board.

The association called evidence from twenty-three witnesses in the following categories:

- Principal Prison Officer.
- Chief Prison Officer.
- Senior Prison Officer.
- Prison Officer 1st Class.
- Prison Officer.
- Probationary Prison Officer.
- Principal Industries Officer.
- Chief Overseer.
- Senior Overseer.
- Overseer.
- Storekeeper.

The witnesses came from eight institutions, and also gave evidence relating to other institutions including Grafton.

Inspections were conducted at Long Bay (three institutions), Silverwater (three institutions), Parramatta (one institution), Bathurst (one institution) and Kirkconnell (one institution). These ranged from Prison camps and the Work Release Centre at one end of the security scale, to Bathurst (a recidivists' gaol) at the other. During the course of the inspections the work of both male and female prison officers was viewed.
The Board did not call any evidence but relied on cross-examination of the Association's witnesses. The evidence given of the duties performed is not really disputed by the Board, and the only point at issue was whether some aspect of the duties was overstated. In my view the evidence given was very helpful, straightforward and honest. The inspections and evidence appear to present a representative picture of the range of institutions in which the work is performed, the nature of the work and the conditions under which it is performed.

In 1951 a Full Bench of the Commission stated:-

"Disciplinary officers employed in the prisons are engaged in work which bears no resemblance whatever to an ordinary trade, business or industry, and in our opinion the methods of wage fixation adopted in industry generally are not necessarily applicable." (1951 A.R. p.506).

I think the passage quoted is even more applicable in the industrial climate of today and the fixation of the salaries must be looked at in that light.

Officers in this service have had previous experience in such occupations as train driver, army instructor, special constable, bus driver and in the trade qualification field of carpenter, tailor, baker, sheet metal worker and motor mechanic.

Documents were tendered at the hearing setting out the pre-service and in-service training. After the recruit is given a three weeks' course of training in the "A" school, he is posted to a prison for one year as a probationary, and returns for a further course of training in the "B" school. In the generality of things these courses include such topics as prison practice and procedure, human relations and aspects of prison life. The Association submit that these classes are designed to produce a higher level of theoretical training of officers and better equip them for their task, and this should be taken into account in fixing wage rates. The Association further submit that to gain promotion to Senior and Chief Prison Officer rank further attendance at classes is necessary, and because these classes have been recast this has resulted in a raising of the standards of the officers who attend these classes, and the evidence shows a marked advance in the quality of prison officers.
The basic duties of prison officers in gaols are referred to as post, tower and escort duties. The duties are primarily concerned with the security of the institution. On this aspect of the work of disciplinary prison officers the Industrial Commission noted in 1951:

"Disciplinary officers main duties are concerned with keeping prisoners in confinement in accordance with the orders of Courts of Justice. This, of course, involves not only the guarding of prisoners inside the gaols, but escorting prisoners from gaol to gaol and to and from the courts to the gaols. During the day time, whilst the prisoners are out of their cells, no weapons of any kind are carried by the disciplinary officers inside the gaol, but certain of the officers carry out an armed patrol of the towers and walls. At night time, the majority of the prisoners are locked in their cells and the disciplinary officers on night duty are armed." (1951 A.D. p.507).

Officers of the industrial branch instruct prisoners in various manufacturing trades and some forms of primary produce. Their job is to teach the prisoners to produce goods of merchantable quality.

As a general rule, overseers in the industrial branch are recruited from the disciplinary branch, but some have been appointed directly to the industrial branch.

Officers in the industrial branch are also concerned with disciplinary duties and maintenance of security.

The various activities in which officers of this branch are engaged include:

- Preparation of sketch plans and lists of quantities.
- Acquisition and ordering of materials.
- Supervision of the operations connected with the manufacturing of articles and construction of buildings.
- Trades with which they are associated include, bricklaying, plastering, printing, bookbinding, machine shop, motor mechanics.
- They are also concerned with hat making and manufacturing of dust pans, buckets and other metal items.
- They also programme the work, keep records of orders and bonuses earned, and are responsible for quality control.

The numbers in the groups of prisoners under their control vary from 10 to 40.
It was further submitted that the officers of the industrial branch must teach a trade to the prisoner if possible and as he is unarmed he must rely on his personality and experience to maintain control. In some cases the officer assists prisoners with technical courses.

This is an industry with no counterpart in this State and is an industry in which the award rate is the paid rate, and in accordance with the provisions of the Industrial Arbitration Act I must fix just and reasonable rates of pay.

The work of prison officers is demaeting and difficult and is not made less so as there is a shortage in the establishment strength.

Through the policy adopted by the Department of Corrective Services I think various aspects of change have occurred in the work of prison officers. It is difficult to pinpoint when this change really began to occur but, it is apparent from the evidence that the emphasis is now placed on the need to rehabilitate prisoners; a lessening of the formerly strict standards of discipline; and the need for prison officers to have an individual approach and act as a counsellor to prisoners.

Other factors to be considered when fixing rates of pay is the increase in specialisation at institutions such as the Work Release Centre at the Silverwater complex, and introduction of positions such as activities officer.

Other factors for consideration are the need for alertness and judgment; sometimes isolation when on watch and resultant apprehension; and exposure to the elements.

During the course of the hearing as set out in exhibit D.1, the Board suggested the proper rates of pay should be the current salaries plus the addition of the amounts resulting from what is commonly called the Public Service Board's 9.5 per cent to 12.00 per cent offer for persons in the Administrative and Clerical Division of the Board's activities.

The reason for the offer for the administrative and Clerical Division is not known but was apparently acceptable to the Association to settle their differences as at that time and bring about an agreement between the parties.
The offer of the increases made in the prison officers case perhaps could be classed as an offer of convenience because this case was proceeding when the Administrative and Clerical Division salary agreement was finalized. In any event I would regard the offer by the Board for prison officers as a bad rock proposition.

For the first time for twenty years prison officers have sought an arbitrated review of their salaries and, I think they are entitled to have the discretion of the arbitrator exercised in their favour divorced from the influence of increases for administrative and Clerical officers as given in 1971.

The industry we are concerned with here stands alone and must be looked at in that light. The Board could fairly view the whole spectrum of its activities in that setting, but a tribunal is in the position of being only able to deal with the matter instantly before it, and to rivet its attention on that problem with all its complexities of duties, responsibilities and conditions under which the work is performed.

Intermingled with the matter of salaries is the question of $200 per year allowance proposed by the Board for officers of the industrial branch who hold a recognised trade qualification. I am not attracted to such a proposition as I am of the view that the strict application of such a provision could disqualify good and competent industrial branch officers who do not hold trade qualifications. Further, it could be possible, if one were not careful to have some inbuilt safeguard against it, to have a prison officer who is the "receiver of orders" on an equal or better basis than the prison officer who is the "receiver of orders" in the industrial branch.

On my thinking of the structure of salaries it is not to restrict interchangeability of officers as between the disciplinary branch and the industrial branch. If one were to concede the allowance as proposed it would lead to a worsening of the salaries problem and could lead to more disputes than it would settle. It follows therefore that in my view an allowance of the sort proposed is not appropriate in the award to be made although I would agree it could be a suitable proposition in other situations.

During the hearing exhibits were tendered setting out rules, regulations, and post procedures and so forth. Extracts
from those documents could be reproduced in this decision, but in this disciplined service the prison officers and senior officers of the Department of Corrective Service know all of those things and I see little point in setting them out in this decision. I would state, however, that I have read these documents and paid particular attention to what I consider to be the more relevant aspects and this has formed a part of my overall thinking in endeavouring to reach a fair conclusion.

Both the Association in its amended claim and in the proposals put forward by the Board sought the same salary levels by alignment of certain classifications in the disciplinary branch and the industrial branch. As salary differentials exist at the present time the end result of the approach submitted by the parties must be greater increases for some than others when there is a matching of classifications in the two branches. An example of this would be the position of Principal Industries Officer for which position the Association seeks an increase of 69 per cent to give a new salary of $7676 and the Principal Prison Officer where the Association seeks an increase of 56 per cent to give a new salary of $7676. In the case of the proposals put forward by the Board the increase for the Principal Industries Officer would have been 38.90 per annum to give a new first year salary of $5404 and an increase of 44.91 per annum for the Principal Prison Officer to give a new salary of $5404.

The object of the parties is clear enough in that they require this levelling up to occur and that is what I propose to do by this decision.

The parties are on common ground in agreeing that the alignment of some of the classifications should be as follows:

<table>
<thead>
<tr>
<th>Industrial Branch</th>
<th>Disciplinary Branch</th>
</tr>
</thead>
<tbody>
<tr>
<td>Overseer</td>
<td>Prison Officer 1st Class</td>
</tr>
<tr>
<td>Senior Overseer</td>
<td>Senior Prison Officer</td>
</tr>
<tr>
<td>Chief Overseer</td>
<td>Chief Prison Officer</td>
</tr>
<tr>
<td>Principal Industries Officer</td>
<td>Principal Prison Officer</td>
</tr>
</tbody>
</table>

The alignments on which the parties are at variance are Engineer (Long Bay) and Engineer (other), and I decide as follows:

<table>
<thead>
<tr>
<th>Engineer (Long Bay)</th>
<th>Senior Prison Officer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Engineer (Other)</td>
<td>Prison Officer 1st Class</td>
</tr>
</tbody>
</table>
Except in the case of the Probationary Prison Officer, Chief Prison Officer and Principal Prison Officer where there are no incremental scales, I have used the first year of the scale to demonstrate the salary increases awarded.

Because of the classification alignment there emerges incremental scales of differing lengths when the classifications are put side by side. To overcome this situation the parties are to discuss the order of the incremental scales on the basis that the longer scales are to be shortened to be made more computable to the aligned classification.

<table>
<thead>
<tr>
<th>Position</th>
<th>Present Salary Per Annum</th>
<th>Increase Per Annum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Probationary Prison Officer</td>
<td>$3275</td>
<td>$740</td>
</tr>
<tr>
<td>Prison Officer</td>
<td>$3385</td>
<td>$750</td>
</tr>
<tr>
<td>1st. year</td>
<td>$3920</td>
<td>$950</td>
</tr>
<tr>
<td>Overseer</td>
<td>$3917</td>
<td>$953</td>
</tr>
<tr>
<td>1st. year</td>
<td>$4215</td>
<td>$1050</td>
</tr>
<tr>
<td>Senior Prison Officer</td>
<td>$4212</td>
<td>$1050</td>
</tr>
<tr>
<td>1st. year</td>
<td>$4553</td>
<td>$1175</td>
</tr>
<tr>
<td>Chief Prison Officer</td>
<td>$4554</td>
<td>$1384</td>
</tr>
<tr>
<td>1st. year</td>
<td>$4913</td>
<td>$1350</td>
</tr>
<tr>
<td>Chief Overseer</td>
<td>$4912</td>
<td>$1350</td>
</tr>
<tr>
<td>1st. year</td>
<td>$5324</td>
<td>$1759</td>
</tr>
<tr>
<td>Principal Prison Officer</td>
<td>$5325</td>
<td>$1759</td>
</tr>
<tr>
<td>1st. year</td>
<td>$6229</td>
<td>$2050</td>
</tr>
<tr>
<td>Principal Industries Officer</td>
<td>$6229</td>
<td>$2050</td>
</tr>
<tr>
<td>1st. year</td>
<td>$4215</td>
<td>$1050</td>
</tr>
<tr>
<td>Engineer - Long Bay</td>
<td>$4215</td>
<td>$1050</td>
</tr>
<tr>
<td>1st. year</td>
<td>$3950</td>
<td>$950</td>
</tr>
<tr>
<td>Engineer - Other</td>
<td>$3950</td>
<td>$950</td>
</tr>
<tr>
<td>1st. year</td>
<td>$3920</td>
<td>$950</td>
</tr>
</tbody>
</table>
I turn now to consider the claim relating to equal pay as made by the Association as opposed to the proposals by the Board for retention of the 90 per cent of the male rate presently obtaining.

It appears that when the female prison officers were transferred to the Silverwater Training and Detention Centre for women their rates were increased as a percentage of the male rate from approximately 85 per cent to 90 per cent. Apart from observations on the inspections, evidence was called by the Association from three female prison officers from that Centre.

One of the witnesses gave evidence to compare the routine at Silverwater with the routine at the women's reformatory at Long Bay, and in my opinion the routine at Silverwater is precisely the same for female officers as was the routine for female officers when situated at Long Bay. The only difference appears to be that at Long Bay the female prisoners were locked in their cells at half past four in the afternoon, whereas at Silverwater they are permitted (or some of them are permitted) to stay in the recreation room until seven o'clock in the evening. It would appear to me that the extended time permitted in the recreation room would be in line with the rehabilitation policy of the Department of Corrective Services.

The striking aspect of the evidence regarding the routine of male officers in their dealings with male prisoners, and that of the routine of female officers dealing with female prisoners is the procedural similarity of rousing of prisoners, work musters, the break for lunch and the securing of the prisoners in the evening.

It is true that female prisoners at Silverwater are housed in dormitories as distinct from cells at Long Bay or Bathurst, but at an institution such as Kirkconnell (which was seen on the inspections and is situated some 20 miles from Bathurst and manned by male officers) there were single cabins which involved a somewhat fresh concept. Again at the Work Release Centre, manned by a male officer, we saw the development of the concept of male prisoners accommodated in first class bedrooms, but still accountable to the male officer for their comings and goings. The Association put it that "to the extent that there is any difference between being housed or imprisoned
in a cell or being housed or imprisoned in a wing, it is one of degree rather than kind, and not such a difference which goes to distinguish the nature and content of the work and its value in the relevant sense. (transcript p.47?).

The regulations under the Prisons Act are equally applicable to male and female officers; they have the same manual of instruction; and like male officers are required to carry out post duties.

It appears to me from the evidence that the work of female prison officers is also demanding and difficult and has its times of apprehension. Female officers are also involved in this work of rehabilitation and guidance to prisoners, and perhaps in a female approach look with more compassion and tenderness on those whom they seek to assist with guidance and good counsel.

Female prison officers have under their charge female prisoners who have transgressed the law in similar ways to male prisoners.

One female prison officer gave evidence that she had completed the standard "A" and "B" School at Long Bay and, at that time, been the only female doing the course.

It also seems to be clear enough that the examinations for movement to the senior positions are the same in relation to male and female officers.

It might be argued that there is no interchangeability but as I understand the matter this is not a condition of employment and never has been.

It should also be stated that female prison officers would have to contend with the same sorts of reactions from prisoners as would male prison officers by way of differing temperaments, strains, and frustrations which would tax them in an equal way.

All in all I have reached the conclusion that the only real difference in the situation is the matter of the sex of the prisoners.
Over the years the percentage rate of pay for female officers has been increased to the point where today they are within striking distance of equal pay, and if an award had not been sought would probably, with the advent of time, receive equal pay by agreement or determination. As, be that as it may, I have reached the conclusion that in the relevant sense the female prison officers qualify, and should now receive equal pay, and to delay it further would only be temporising with the matter. I award the claim for equal pay.

I turn now to the operative date and the duration of the award.

The application was lodged on the 15th April, 1970, and was listed for mention on a number of occasions thereafter, and the hearing commenced on the 23rd November, 1970. As this was the first arbitrated award for many years it was natural enough that the tribunal should see as much of the work and take evidence concerning such work as could fairly be said to be representative of the whole.

I am aware of the general rules concerning retrospectivity but I think this is a case where a measure of retrospectivity should be granted, and I determine that the award shall be operative as from the beginning of the first pay period that commenced on or after the 1st day of March, 1971. I further determine that the award shall be for a period of two years.

F. DUNN,  
Conciliation Commissioner,  
Chairman, Conciliation Committee.
INDUSTRIAL ARBITRATION ACT, 1940, AS AMENDED

CROWN EMPLOYEES (GENERAL) CONCILIATION COMMITTEE

Application by the Public Service Association of New South Wales, Industrial Union of Employees, No. 183 of 1970

Pursuant to the provisions of the Industrial Arbitration Act, 1940, as amended, the following award is made:

CROWN EMPLOYEES (PRISON OFFICERS) AWARD

Basic Wage for Adult Males: $39.10 per week.

1. BASIC WAGE

This variation, in so far as it fixes rates of wages for adult males, is made by reference and in relation to a basic wage for adult males of $39.10 per week.

The said basic wage for adult males is the basic wage notified in the Industrial Gazette on 23rd December, 1970, pursuant to subsection (3) of section 58 of the Industrial Arbitration Act, 1940, as amended.

Subject to this clause the said basic wage is subject to alteration in accordance with the provisions of subsection (2) of section 57 of the said Act.

The amount of the basic wage for adult males, applied in clause 3, salaries, of this award (namely $39.10 per week) converted to an annual amount (namely, $39.10 multiplied by 52 1/7 and calculated to the nearest dollar) is $2,039. On each adjustment of the basic wage for adult males, pursuant to the provisions of subsection (2) of section 57 of the said Act, after this date, the amount of the said basic wage, as aforesaid, be calculated to the nearest dollar, and thereupon the sum by which the said amount, so calculated, differs from $2,039 shall be the amount by which the salaries for adult males, set forth in the said clause 3, shall be adjusted.

The provisions of subsection (2) of section 57 of the said Act, to the extent to which they are inconsistent with the provisions of this clause, are hereby expressly excluded.

2. DEFINITIONS

"Officer" means and includes any person permanently or temporarily employed under the provisions of the Public Service Act, 1902, and who on the date of commencement of this award were occupying a position covered by this award or who after that date are appointed to such a position.

"Board" means the Public Service Board of New South Wales.

"Service" means continuous service. Future appointees shall be deemed to have the years of service indicated by the salaries at which they are appointed.
3. SALARIES

(a) Salaries (Male and Female Officers)

<table>
<thead>
<tr>
<th>Rank</th>
<th>1st year</th>
<th>2nd year</th>
<th>3rd year</th>
<th>4th year</th>
<th>5th year</th>
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<tbody>
<tr>
<td>Probationary Prison Officer</td>
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<td>Prison Officer</td>
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<td>5th year</td>
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<td>Prison Officer - 1st Class</td>
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<td>Overseer</td>
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<td>Senior Prison Officer</td>
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<td>Senior Overseer</td>
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<td>1st year</td>
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<tr>
<td>Chief Prison Officer</td>
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<td>Chief Overseer</td>
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<td>Principal Prison Officer</td>
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<td>Principal Industries Officer</td>
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<tr>
<td>On appointment</td>
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<tr>
<td>Engineer - Long Bay</td>
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<td>1st year</td>
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<td>5th year</td>
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<td>Engineer - Other</td>
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<td>1st year</td>
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<tr>
<td>5th year</td>
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</tbody>
</table>

(b) Penalty Rates

(i) For all "C" watches worked (4.00 p.m. to 12.00 midnight) the allowance shall be $1.00.

(ii) For each "B" watch worked (11.55 p.m. to 7.55 a.m.) the allowance shall be $1.40.
4. ADJUSTMENT OF SALARIES OF OFFICERS AT PRESENT EMPLOYED

Subject to the provisions of this Award, the salaries of officers covered by this Award shall be adjusted to the appropriate scale prescribed by this Award on the basis of years of service in position - for the purpose of this subclause officers shall be deemed to have the years of service represented by the salary received under the appropriate scale in force immediately prior to the date of operation of this Award.

5. OVERTIME

Overtime shall be paid at the rate of time and one half for the first three hours and double time thereafter in respect of each overtime shift worked or in respect of overtime worked at the conclusion of a normal shift.

This provision to take effect from the beginning of the first pay period to commence on or after the 4th of August, 1971.

6. LEAVE RESERVED

Leave is reserved to the parties to apply as they may be advised in respect of penalty rates payable for shifts that do not coincide with the hours worked on "C" watch (4.00 p.m. to 12.00 midnight) and "B" watch (11.55 p.m. to 7.55 a.m.)

7. AREA, INCIDENCE AND DURATION

This Award shall apply to all officers as defined herein within the jurisdiction of the Crown Employees (General) Conciliation Committee.

It shall take effect on and from the beginning of the first pay period that commenced on or after the first day of March, 1971, and shall remain in force for a period of two years.

F. DUNN,
CHAIRMAN,
CONCILIATION COMMITTEE.
In the light of recent events and advice of Counsel, Board has decided not to appeal against the Committee’s Award for Prison Officers.
CROWN EMPLOYEES (PRISON OFFICERS) AWARD


The following award of the Industrial Commission is published in accordance with the provisions of the Industrial Arbitration Act, 1940, as amended.

K. R. FETHERSTON, Industrial Registrar.

INDUSTRIAL ARBITRATION ACT, 1940, AS AMENDED

Tuesday, the 16th day of July, 1975
Appeal by the Public Service Board
No. 237 of 1975
The Industrial Commission of New South Wales
Before the Honourable Mr Justice Mucken
Crown Employees (Prison Officers) Award

Basic Wage for Adult Males: $47.80 per week.

1. Basic Wage

(i) This award, in so far as it fixes rates of wages for adults, is made by reference and in relation to a basic wage for adult males of $47.80 per week.

(ii) For the purposes of this clause "annual equivalent of the basic wage for adult males" means the sum ascertained by multiplying the basic wage for adult males from time to time in force by $2.17/7 and rounding off the product to the nearest dollar.

(iii) The annual equivalent of the basic wage for adult males of $47.80 per week is $2,492.

(iv) When, pursuant to section 58 (3) of the Industrial Arbitration Act, 1940, any notification of a basic wage for adult males as varied pursuant to a direction of the Industrial Commission is notified in the Industrial Gazette, the amount of the difference between the annual equivalent of the basic wage for adult males as so notified and $2,492 shall be ascertained.

(v) Thereupon, and with effect from the day specified in the notification published in the Industrial Gazette relating to that direction, clause 3. Salaries, of this award shall be varied by substituting for the salaries prescribed immediately before the said day new salaries calculated by adding or subtracting, as the case may require, to or from the salaries as originally fixed by the said clause 3, the amount of the difference so ascertained.

(vi) The provisions of subsection (5) of section 58 of the said Act, to the extent to which they are inconsistent with the provisions of this clause, are hereby expressly excluded.

2. Definitions

"Officer" means and includes all adult persons employed in the General Division under the provisions of the Public Service Act, 1902, as amended, permanently or temporarily, who on the 6th day of March, 1975, were occupying one of the positions covered by this award or who, after such date, are appointed to one of such positions.

"Service" means continuous service in a position covered by this award. Future appointees shall be deemed to have the years of service indicated by the salaries at which they are appointed.

"Board" means the Public Service Board.

"Association" means the Public Service Association of New South Wales.
3. Salaries

Officers shall be paid the following salaries: Effective on and from 6th March, 1975 per annum

<table>
<thead>
<tr>
<th>Salary</th>
<th>Effective</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prison Officer</td>
<td>1st year</td>
<td>7,103</td>
</tr>
<tr>
<td></td>
<td>2nd year</td>
<td>7,273</td>
</tr>
<tr>
<td></td>
<td>3rd year</td>
<td>7,443</td>
</tr>
<tr>
<td></td>
<td>4th year</td>
<td>7,615</td>
</tr>
<tr>
<td></td>
<td>5th year</td>
<td>7,788</td>
</tr>
<tr>
<td></td>
<td>And thereafter</td>
<td>7,962</td>
</tr>
<tr>
<td>Prison Officer—1st Class Engineer (other than Long Bay) (Overseer)</td>
<td>1st year</td>
<td>8,318</td>
</tr>
<tr>
<td></td>
<td>2nd year and thereafter</td>
<td>8,519</td>
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<tr>
<td>Senior Prison Officer</td>
<td>1st year</td>
<td>8,879</td>
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<td></td>
<td>2nd year and thereafter</td>
<td>9,083</td>
</tr>
<tr>
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<td></td>
<td>9,537</td>
</tr>
<tr>
<td>Chief Overseer</td>
<td></td>
<td>9,537</td>
</tr>
<tr>
<td>Engineer, Long Bay</td>
<td></td>
<td>9,537</td>
</tr>
<tr>
<td>On appointment</td>
<td></td>
<td>10,296</td>
</tr>
</tbody>
</table>

4. Adjustment of Salaries of Officers covered by Award

Subject to the provisions of this award, the salaries of officers employed at the operative date of this award shall be adjusted to the appropriate rates of the scale prescribed by this award on the basis of years of service in position—for the purpose of this clause officers shall be deemed to have the years of service represented by the salary received under the appropriate scale in force immediately prior to the operative date of this award.

5. Increments

(i) The payment of increments under the scales of salaries prescribed by this award shall be subject to approval by the Board.

(ii) One month prior to the date on which an officer will become eligible for an annual increment of salary, the Permanent Head shall report to the Board as to the conduct and manner in which the duties of the officer have been performed.

(iii) In cases where the recommendation of the Permanent Head is adverse to the granting of an increment, and such recommendation has been approved by the Board, the officer affected shall have the right of appeal to the Public Service Board.

6. Calculation of Service

In calculating years of service for the purpose of this award, the following periods shall not be taken into account, viz:

(a) Any period during which an officer is not eligible to proceed by reason of failure to satisfy any required examination or test.
(b) Any period in respect of which an increment is refused under clause 5 hereof,
(c) Any leave of absence without pay exceeding five days in any incremental year,
(d) Any period necessary to give full effect to a reduction in salary imposed by the Board by virtue of sections 56 and 61 of the Public Service Act, 1902.

7. Preference of Employment

(1) (a) Subject to the provisions of this clause absolute preference of employment shall be given to members of the Public Service Association of New South Wales who are qualified and competent to carry out the duties of the positions covered by this award.
(b) Such preference shall be limited to the point where a member of such union and a person who is not such a member are offering for service or employment at the same time, and in the case of retrenchment, to the point where either such a member or such a person is to be dismissed from service or employment.
(c) The employment to which this subclause applied is employment in an industry or calling in respect of which the said union is entitled to enrol members pursuant to its rules.
(d) The provisions for preference made by this clause shall not apply to or in respect of the employment in any industry or calling of a person who has been issued by the Industrial Registrar with a certificate of exemption, pursuant to subsection (2) of section 129a of the Industrial Arbitration Act, 1940, as amended, covering that industry or calling if the period specified in such certificate or any renewal thereof has not expired.

(2) (a) A like absolute preference of employment shall be given to persons who are competent for the work required and who have been members of the forces during the war.
(b) In this subclause:
"Auxiliary Service" means Army Medical Corps, Nursing Service of the Crown, Australian Army Medical Nursing Service, Australian Women's Army Service, Women's Australian Auxiliary Air Force, or such other organization as the Governor may, by proclamation from time to time, declare to be an auxiliary service for the purpose of subsection (4) of section 20 of the Industrial Arbitration Act, 1940, as amended.
"Combat Area" means an area prescribed as such for the purpose of the Australian Repatriation Act 1920-1943 of the Commonwealth of Australia.
"Enlistment" means an engagement whether by appointment, enlistment or otherwise rendering a person liable to be employed on active service abroad or in a combat area as a member of the Forces or of an auxiliary Service.
"Member of the Forces" means any person who was at any time of his enlistment a resident in the Commonwealth of Australia or in a mandated territory of the Commonwealth or in any territory under the jurisdiction of the Commonwealth or who was domiciled in any State of the Commonwealth or in any such territory and who, during the war, served abroad or within a combat area as a member of any Australian Military Force or of the Royal Australian Naval Forces or as a member of an auxiliary service and who had been duly discharged from such service.
"War" means the war against Germany which commenced on the third day of September, one thousand nine hundred and thirty-nine and the subsequent war against Italy and other allies of Germany, and the war against Japan.

(3) This clause shall be subject to—
(a) the Returned Soldiers and Sailors Employment Act, 1919, as amended; and
(b) any law relating to preference in employment to persons who have served as members of the Naval, Military or Air Forces of the Commonwealth.

8. Leave Reserved

Leave is reserved to the association to re-open the question of salaries and structure in the light of the next judgment to be given by the Commission in Court Session following the further consideration by the Australian Conciliation and Arbitration Commission of wage indexation and the principles that should govern work value cases.

4526-4 3
9. Area, Incidence and Duration

This award rescinds and replaces the Crown Employees (Prison Officers) Award published 19th November, 1975. It shall apply to all officers as defined in clause 2, Definitions, of this award, within the jurisdiction of the Crown Employees (General) Conciliation Committee, and shall have effect from 6th March, 1975, and shall remain in force for a period of one year thereafter.

(L.S.) J. J. MACKEN, J.
Changes in Conditions for Progression of Prison Officers

I refer to my letter of 10th June, 1976, in which you were advised that the Board had approved of the training and probationary requirements for custodial officers. At that time, I foreshadowed that, pending specific objections from the Public Service Association, the Board proposed to implement certain conditions for progression beyond the rank of 1st Class Prison Officer.

The Board has carefully considered the views advanced by both the Public Service Association and the Department and has approved of the conditions for progression of Prison Officers set out in my letter of 10th June, 1976, subject to:

1. In-Service staff training and development, being a prerequisite for promotion, or
2. the acceptance of the Personnel Administration and the Public Administration courses or units in these courses as being equivalent to the Management Certificate and the Supervision Certificate respectively;
3. officers being eligible for study time under the normal rules;
4. efficiency allowances for completion of courses not to be granted.

Full details of the conditions, as now approved, are set out on the attached Schedules.

Secretary.
SCHEDULE 1

Changes in Conditions for Progression of Prison Officers

1. The Board approved, on 10th June, 1976, of the introduction of the training and probationary service requirements for custodial officers as set out in Schedule "A" attached. This decision to be implemented on and from 1st July, 1976.

2. The Board has approved of the following conditions for progression beyond the rank of Prison Officer:-

(A) Eligibility for progression beyond the rank of 1st Class Prison Officer is to require completion of the Supervision Certificate of the Department of Technical and Further Education or such other course of courses as the Board shall, from time to time, deem to be equivalent. (Schedule "C")

(B) Eligibility for progression beyond the rank of Chief Prison Officer is to require the completion of the Associate Diploma in Justice Administration or such other course or combination of courses as the Board shall, from time to time, deem to be equivalent. (Schedule "D")

These progression requirements are to apply to all officers who are employed for the first time on or after 1st November, 1976, In the case of existing staff, it is intended that:-

1. Existing staff may elect to, on or before January, 1977, qualify for progression by either the existing or the new regulations.

2. The last examination for progression to Senior Prison Officer level under the pre-existing scheme to be held by 1st July, 1980.

3. The last examination for progression to Chief Prison Officer under the pre-existing scheme to be held by 1st July, 1980.

4. The Board does not approve of In-Service training seminars as a specific requirement for promotion. The Board considers that staff training and development should be ongoing throughout the total service of custodial officers.

Existing officers who have qualified or who qualify in the future under the pre-existing examination requirements will be considered equally with those who complete the new requirements.

The attached Schedules "A", "B", "C" and "D" are to be read in conjunction with the above.
I. Probationary Prison Officer (in training)

A preliminary training period of up to six months will be required.

1. The initial training period of six to twelve weeks will consist of:-

   (A) Lectures, seminars and on-the-job training.

   Subject to the successful completion of 1(A)-

   (B) One week of special training at Silverwater to consist of:-

       Unarmed combat techniques, the use and maintenance of firearms, riot control, the use of handcuffs and restraining belts, etc., fire fighting techniques and First Aid.

During this period officers will be unrostered.

2. This will be followed by a period of rostered duty under supervision arranged in consultation with the Regional Training Officer to provide experience over a range of security postings. During the whole of this period of training, officers are to be employed in terms of Section 44 of the Public Service Act.

Within the first twelve weeks of training, officers who have commenced supervised rostered duty may, at the discretion of the Regional Training Officer, be recalled for further initial training.

II. Probationary Prison Officer

Upon the successful completion of the preliminary training period, officers will be appointed as Probationary Prison Officers for a period of twelve months which shall include a seven day secondment to the special Operations Division for training in escort duty. On the completion of twelve months' preliminary and probationary service, officers will be eligible to progress by way of allowance to the 1st year rate for Prison Officers, subject to satisfactory conduct and services.

III. Prison Officers

Subject to the satisfactory completion of these requirements, and of a satisfactory service record, officers will be confirmed in their appointment as Prison Officers with salary at the 1st year rate for Prison Officer.
SCHEDULE "B"

PROMOTION ELIGIBILITY REQUIREMENTS

IV. **Senior Prison Officer**

   Eligibility.
   1. Subject to completion of the Supervision Certificate or equivalent.
   2. Relevant experience.
   3. Occurrence of a vacancy.

V. **Chief Prison Officer**

   Eligibility.
   1. Qualifications as a Senior Prison Officer.
   2. Relevant experience.
   3. Occurrence of a vacancy.

VI. **Principal Prison Officer**

   Eligibility.
   1. Subject to completion of the Associate Diploma in Justice Administration or such other qualifications as the Board may, from time to time, deem as equivalent.
   2. Relevant experience.
   3. Occurrence of a vacancy.
COURSES EQUIVALENT TO THE SUPERVISION CERTIFICATE

1. Stage I of the Management Certificate, Department of Technical and Further Education.

2. One semester (part-time) of the Associate Diploma in Justice Administration, of Mitchell College of Advanced Education.

3. Completion of two appropriate units of this Diploma, e.g., Behaviour Modification
   Group Dynamics
   Social Structure of Prisons
   Organisation Studies
   Introduction to Psychology.

4. Personnel Administration I and Psychology I of the Personnel Administration Certificate of the Department of Technical and Further Education.
SCHEDULE "D"

COURSES EQUIVALENT TO THE ASSOCIATE DIPLOMA
IN JUSTICE ADMINISTRATION

1. The completion of the Management Certificate of the Department of Technical and Further Education plus completion of the Diploma of Criminology of the University of Sydney.

2. Completion of the Personnel Administration Certificate of the Department of Technical and Further Education plus completion of the Diploma of Criminology of the University of Sydney.

3. Completion of the Public Administration Certificate plus completion of the Diploma of Criminology of the University of Sydney.
INDUSTRIAL COMMISSION OF NEW SOUTH WALES

CORAM: DEY, J.

No. 524 of 1978

CROWN EMPLOYEES (PRISON OFFICERS) AWARD

Application by Public Service Association of New South Wales for a new award.

JUDGMENT

FRIDAY, 30th NOVEMBER, 1979
No. 524 of 1978
CROWN EMPLOYEES (PRISON OFFICERS) AWARD

Application by Public Service Association of New South Wales for a new award.

JUDGMENT

On 28th June, 1976 Mr Justice Nagle (the Royal Commissioner) a judge of the Supreme Court of New South Wales, was appointed a Royal Commissioner with the following terms of reference:

"...to inquire into and report upon the general working of the Department of Corrective Services of New South Wales, its policies, facilities and practices in the light of contemporary penal practice and knowledge of crime and its causes, and, without restricting the generality of the foregoing, to inquire into and report upon:

(a) the custody, care and control of prisoners and the relationship between staff and prisoners;
(b) the selection and training of prison officers and of other staff engaged in training, correctional and rehabilitative programmes for prisoners;

and to recommend any legislative and other changes necessary or desirable in consequence of your findings.

Analysing these terms of reference his Honour said:

An examination of the Terms of Reference indicate the wide scope of the inquiry. They clearly enjoin the Commission to make an inquiry into:

'......... the general working of the Department of Corrective Services in New South Wales, its policies, facilities and practices....'

and the investigation was to be made:

'......... in the light of contemporary penal practice and knowledge of crime and its causes.'

This latter phrase presented a yardstick for critical analysis, comparison and judgment of the Department's activities.

There followed several specific areas to which inquiry was to be directed without restricting the generality of the direction to inquire. They were as follows:

(i) the custody, care and control of prisoners;
(ii) the relationship between staff and prisoners;
(iii) the selection and training of prison officers;
(iv) the selection and training of other staff engaged in training, correction and rehabilitative programme for prisoners.
After such an inquiry, it was then incumbent upon the Commission in consequence of its findings to recommend any:

(a) legislative, and
(b) other changes

thought necessary or desirable.

The Commission dealt with a number of specific instances in which clear issues presented themselves and also with issues of a general nature arising from the terms of reference. In this regard his Honour said:

A different procedure was adopted in relation to issues of a general nature which arose from the Terms of Reference. Once again, conscious of the time involved, the Commission made a selection of most of the more important topics. The Commission, with the assistance of the parties represented before it, drew up a series of General Issues. Submissions were invited on them and the Department was requested to furnish reports on special matters. In addition, the Commission had discussions on these subjects with prisoners, prison officers and those experienced in prison administration and allied fields. Finally, it relied upon the extensive literature on the subjects and on an extensive tour of prisons both in Australia and overseas.

The Report of the Commissioner (the Nagle Report) was presented to the Governor on 31st March, 1978, after a most "extensive inquiry".

As a result of the changes which the Royal Commissioner recommended the Prisons (Amendment) Act, 1978, was assented to on 29th December, 1978. The provisions relating to the establishment of the Corrective Services Commission of New South Wales in place of the Commissioner of Corrective Services commenced on 19th March, 1979, on which date the members of the new Commission took up office.

The present application, seeking increased rates of pay for prison officers, was filed by the Public Service Association of New South Wales, (the Association) on 26th September, 1978, with grounds and reasons in support thereof being stated as follows:

1. The rates of pay and conditions of employment presently prescribed for Prison Officers are not just and reasonable.
2. The present rates of Prison Officers are anomalous.
3. The said rates of pay and conditions of employment are not in accordance with the findings and recommendations of Mr Justice Nagle in his report as Royal Commissioner into New South Wales Prisons.
3.

After the matter had been twice mentioned, the Association on 17th November, 1978, requested that it should be referred to the Commission in Court Session on the grounds that there existed a special and extraordinary problem within the meaning of principle 7(c) of the Wage Indexation Guidelines as enunciated in the State Wage Case June, 1976\(^{(1)}\). An announcement in connection with that application was deferred on 1st December because of the resort to direct action by the members of the Malabar Sub-Branch of the Prison Officers' Vocational Branch of the Association.

On 6th December, 1978 the Commission made a Statement in which it indicated the conclusion that it was premature, at that stage, for the matter to be removed as requested. A copy of that Statement is appended to this judgment.

On 12th December, 1978, counsel for the Association indicated its desire, in the light of that Statement to address further argument and adduce evidence, and a date was set for that purpose. On 19th February, 1979, the Association announced that, in the light of total consideration of the matter, a decision had been reached to adduce evidence demonstrating real changes in the work and role of prison officers which occurred during the course of and subsequent to the Royal Commission, in order to demonstrate a case within principle 7(a) of the Wage Indexation Guidelines. Counsel added that it would also be sought to rely upon the consequent reorganization which it was anticipated would flow from the establishment of the Corrective Services Commission although it was, he said, too early at that stage to know what precise impact the formation of that Commission would have.

### Wage Indexation Guidelines

Principle 7(a) of the Principles of Wage Determination adopted by this Commission in the State Wage Case, June and September Quarters 1978\(^{(2)}\) require that, in order to justify an increase in salaries, there should have been changes in the nature of the work, skill and responsibility required or the conditions under which the work is performed and that such change should constitute "a significant net addition to work requirements".
It has been constantly emphasised that changes in work by themselves may not lead to changes in the value of the work and it is only when such an addition to work requirements occurs that an increase in wages is warranted.

**HISTORY OF SALARY FIXATION.**

An award for penal establishments in New South Wales was made by the Commission (Taylor, De Baun & Richards JJ.) on 2nd August, 1951(3) after a review of the industry. In the course of their judgment in that case, their Honours observed that disciplinary officers employed in the prisons are engaged in work which "bears no resemblance whatever to an ordinary trade, business, or industry". The award made by the Commission was published on 18th January, 1952. Subsequent to the expiry of that award, industrial regulation of prison officers was by Determination or Agreement made under the Public Service Act, ss. 14A and 14B, until 4th August, 1971, when Mr Conciliation Commissioner Dunn, as Chairman of the Crown Employees (General) Conciliation Committee, made an award which was published on 22nd December, 1971(5). In the course of his decision in that case, the Commissioner said:

The work of prison officers is demanding and difficult and is not made less so as there is a shortage in the establishment strength.

Through the policy adopted by the Department of Corrective Services, I think aspects of change have occurred in the work of prison officers. It is difficult to pinpoint when this change really began to occur, but, it is apparent from the evidence that the emphasis is now placed on the need to rehabilitate the prisoners; a lessening of the formerly strict standards of discipline; and the need for prison officers to have an individual approach and act as counsellor to prisoners.

Other factors to be considered when fixing rates of pay are the increase in specialisation at institutions such as the Work Release Centre at the Silverwater complex and the introduction of positions such as Activities Officer. Other factors are the need for alertness and judgment; sometimes isolation when on watch and resultant apprehension; and exposure to the elements.

Apart from the Crown Employees (Prison Officers) Interim Award made by Mr Conciliation Commissioner Dunn, published on 19th November, 1975(6) the rates of pay for prison officers had, since the expiry of the 1971 award, again been regulated by way of
agreement between the Association and the Board until the making of a further award by Mr Conciliation Commissioner Dunn on 13th May, 1975 and published on 19th November, 1975(7). In the course of his decision in the latter matter, the Conciliation Commissioner said:

The Department of Corrective Services is engaged in a policy of assistance, correction and rehabilitation of prisoners who are adaptable to this approach through the use of rehabilitative techniques. On the information before the Conciliation Committee I have formed the view that the continuing implementation and success of this policy will depend to a large measure on the proper day to day attention by prison officers to the policy, and the furtherance of the policy in their dealings with prisoners.

General duties of prison officers, depending on rank and location, can, in general, be conveniently placed under the following duty headings:

- Security duty
- Disciplinary duty
- Industrial trade instruction duty
- Counselling and guidance duty
- Organised activities duty

My approach is to consider all of these duties as mentioned in evidence and as viewed on the inspections and take them all into account in assessing just and reasonable rates of pay. The position is that a prison officer may transfer, or be transferred from section to section within a prison or between prisons, and can be required to perform one or more of the above-stated duties. Therefore, I look at the duties as a whole and the conditions under which the duties are performed in this work value review. The work cannot be said to be carried out in a pleasant work environment; there is some exposure to the elements; and strain attaching to constant alertness.

An appeal against that decision was lodged by the Board.

The decision of the Conciliation Commissioner was given between the date of the decision of the Australian Conciliation & Arbitration Commission in the National Wage Case, April, 1975(8) laying down wage indexation principles and the adoption of those principles in the State Wage Case, 1975(9). In his judgment on the appeal, Macken J.(10) varied the amounts which had been awarded by the Conciliation Commissioner. The amounts awarded took account of the increases necessary to reflect the catch-up of community movements in accordance with principle 7(b) of the wage indexation guidelines and a further amount to compensate for changes in work value in accordance with principle 7(a) of those guidelines. In this regard his Honour referred to "the dimensional changes which have taken place in their work over recent years" which he described as having been of a significant order. His Honour
quoted from two statements in connection with the management of prisons in New South Wales as follows:

Statement 3

The philosophy for the Department of Corrective Services is to develop within a contemporary crime control plan, an agency with particular emphasis on individual diagnostic techniques. The essential characteristics of an effective crime control system are:

- crime prevention;
- community attitudes supporting respect for the law.

The aims of this policy contrast with earlier penological doctrines and conventions focussing, as they did, on retribution with a strong element of physical punishment either directly induced or, alternatively, by denial or deprivation.

The policy will be achieved through constantly refined programmes of supervised liberty, custody and conditional liberty.

Not all areas of future endeavour need have as a commencing point the legal fact of a conviction.

Statement 5

The major aims and objectives are:

- to assist in maintaining and developing social order;
- to apply appropriate empirical-founded corrective and remedial measures to individual offenders;
- to strive for stronger community support and understanding with particular emphasis in areas of supervision and to assist in avoiding the phenomena of the economic survival crime;
- to optimise efforts in levels of supervised and condition liberty;
- to further consolidate the areas of custody, conditional liberty and supervised liberty, in function and aesthetics by integrating the management and functions of these areas as part of an overall programme; thus offering to the community a cohesive and unified programme for law enforcement and crime control.

Commenting on these his Honour said:

These extracts are sufficient to illustrate the philosophy which has given rise to the changes which have occurred since the industry was last reviewed in 1971.

Referring to what his Honour considered to be "important changes in work value" his Honour said:

This undoubtedly desirable social trend has had a double-barrelled effect on the work of prison officers. Those who are working in the maximum security prisons now find that they have an increasing proportion of prisoners who are hard-core and recalcitrant.

The evidence disclosed that permissive attitudes in society have permeated the prisons and this includes a rejection of authority by prisoners. Where the prison population was, to some extent, softened by being mixed, having both hard-core and more amenable prisoners, now the maximum security prisons are composed largely of prisoners who are "hardened".
Evidence was given by witnesses that the destruction of the Bathurst gaol by prisoners has led to an attitude of mind amongst hard-core prisoners that they can act jointly against the prison administrations and do so successfully. Evidence was given that this has made the work of prison officers in the maximum security prisons more difficult, more tense and more dangerous. The evidence disclosed that this has led to uncertainty and fear amongst some prison officers and the temptation to a more rigorous approach by other prison officers. Prison officers clearly now have greater difficulty in balancing firmness with understanding in their treatment of prisoners remaining in the maximum security sections of the prison institutions.

This is not to say, however, that the work of prison officers in the open institutions is any the less demanding because of the change in the character of the prisoners for whom they are responsible. It is in the open institutions that the prison officers are required to exercise to a greater extent their skills in counselling and guidance and in organizing activities and general rehabilitation work amongst their prisoners.

Mr Commissioner Dunn in his decision formed the view "that the continuing implementation and success of this policy will depend to a large measure on the proper day to day attention by prison officers to the policy, and the furtherance of the policy in their dealings with prisoners" and I perfectly agree with this statement.

The dedication of prison officers to their difficult task was apparent to me on the inspection and the emphasis on rehabilitation emerged clearly from the material that was before the committee. The dimensional changes in the nature of the work of prison officers since 1971 has been, in my opinion, most marked, but particularly so in 1974.

A feature of regulation by this award is the free transferability of prison officers among institutions. All prison officers have to be equipped to work with equal ease in an open institution as they are in a maximum security institution. No distinction is drawn in the rates of pay attaching to the work in the different institutions, nor is any distinction sought to be made in these proceedings.

The award made by his Honour was published on 17th March, 1976(11) and was expressed to have the same operative date as that named in the award of the conciliation committee, namely 6th March, 1975, which is the relevant datum point for the purpose of considering changes in work value for the purpose of the wage indexation guidelines.

As a result of increases flowing from national wage decisions since the fixation by Macken J. the current rates of salary on a basic wage of $76.20 are, so far as is relevant, as follows:
<table>
<thead>
<tr>
<th>Position</th>
<th>Salary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Probationary Prison Officer</td>
<td>$10,370</td>
</tr>
<tr>
<td>Prison Officer -</td>
<td></td>
</tr>
<tr>
<td>1st year</td>
<td>$10,598</td>
</tr>
<tr>
<td>2nd year</td>
<td>$10,854</td>
</tr>
<tr>
<td>3rd year</td>
<td>$11,057</td>
</tr>
<tr>
<td>4th year</td>
<td>$11,227</td>
</tr>
<tr>
<td>5th year and thereafter</td>
<td>$11,394</td>
</tr>
<tr>
<td>Prison Officer - 1st Class</td>
<td></td>
</tr>
<tr>
<td>Engineer (other than Long Bay) - Overseer -</td>
<td></td>
</tr>
<tr>
<td>1st year</td>
<td>$12,012</td>
</tr>
<tr>
<td>2nd year and thereafter</td>
<td>$12,283</td>
</tr>
<tr>
<td>Senior Prison Officer -</td>
<td></td>
</tr>
<tr>
<td>Senior Overseer -</td>
<td></td>
</tr>
<tr>
<td>1st year</td>
<td>$12,762</td>
</tr>
<tr>
<td>2nd year and thereafter</td>
<td>$13,032</td>
</tr>
</tbody>
</table>
THE ROYAL COMMISSION REPORT

It was inevitable and understandable that considerable reliance was placed by the prison officers on the Nagle Report. That Report and its 252 recommendations occupies nearly 500 pages and therefore, it is only possible in the course of this judgment to make broad reference to it, though it obviously has had far-reaching implications for the operation of the Department of Corrective Services and for the work of prison officers. The Commissioner's own summary was in these terms:

The Royal Commission's specific recommendations will be found at the end of this Report but the more important and more general of these are as follows:

1. The present Commissioner of Corrective Services should be relieved of his office. It has been demonstrated to the Commission that he has proved himself incapable of carrying out the admittedly difficult task with which he has been faced. Unfortunately, when appointed, he lacked the necessary custodial experience and his knowledge of penological theories and practices was then, and still is, superficial. He has made little attempt to weld the officers of the Department into an efficient team. Any changes he has made in the system were correctly described by others as cosmetic only. He has knowingly presided over a system which condoned the illegal use of force on prisoners. In the main, he has been responsible for the poor morale and inefficiency of the Department. His administration has been a contributing factor to the undoubted prison unrest and disturbance during his time in office.

2. A Board of Commissioners, comprising a Chairman and two full-time and two part-time Commissioners, should be appointed to replace the single Commissioner.

3. The selection and training of all ranks within the Department should be improved. This includes the initial selection and training and advanced training. Every attempt should be made to improve the status of prison officers. As Lord Mountbatten put it:

"...the public only gets the Prison Service it deserves. Unless prison officers are recognized as men and women fulfilling an essential task for the safety and well-being of the law-abiding public, no amount of leadership can give them that sense of pride and responsibility without which a really high morale cannot be built up."

A proportion of officers should be recruited from outside the Service to occupy executive rank (Assistant Superintendent and above). They should receive an intensive course of theoretical training followed by on-the-job training attached to a serving officer.

4. Superintendents should have primary responsibility for the order, good management and administration of their own gaols. The Department should only exercise an over-riding control in order that its general policy guidelines are implemented.

5. The Department should, as a matter of routine, hold frequent consultations with the Public Service Association, Prison Officers' Vocational Branch, and the Branch should be consulted on any changes proposed by the Department which could affect conditions of employment. The Department should also consult with employers' representatives and trade unions about the existing prison industries, or those to be introduced, and the marketing of any products.
6. At all times, the public should be kept fully and properly informed of the activities of the Department and its prisons. Community organizations should be encouraged to take an active interest in prisons, prisoners and the Department.

7. A building plan should be drawn up until the year 2000. The aim of this plan should be to replace old gaols which cannot immediately be satisfactorily altered by new facilities. All planners should bear in mind the possibility of using present and future prisons for other purposes — for example, as hospitals.

Any replaced gaol should be handed over for other public use or destroyed. The plan should be flexible, as it can legitimately be hoped that the prison population will not necessarily continue to increase proportionately to any population increase because of, inter alia, the adoption of alternative modes of punishment and improvements in the organization of society.

These general suggestions indicate the main areas where action must be initiated, to rid our prisons of practices as degrading as the lock-step: as pointless as the treadmill; and as cruel as the cat-o'-nine-tails. The changes are considered to be within practical bounds.

It is not suggested that they will provide a complete cure — perhaps none exists. But the Commission hopes that action along the general lines recommended (and discussed in greater detail in later pages of this Report) will introduce into New South Wales a system of imprisonment which notwithstanding the tragedies — a necessary concomitant of any form of imprisonment will demonstrate to prisoners and the public that those whom society decrees should be punished will lose only their liberty and the law will not desert them when the prison gates have clanged shut behind them.

Dealing with the recommendation for the establishment of a Commission to replace the previous Commissioner for Corrective Services, his Honour said:

The Commission has already indicated that the administration and control of the Department of Corrective Services is too great a task for any one man. The area of prisons is difficult and not popular. Those in prison administration must be peculiarly sensitive to and able to adapt readily to changing social attitudes. A Commission of people with a variety of backgrounds, skills and experience would fare much better than one man. The appointment of people of standing and influence in the community as part-time members would provide a measure of outside independence and community involvement which, at present, a Department Head lacks. It is unlikely that the events of Bathurst and Grafton would have continued to be suppressed if people of independence and high standing in the community equal in rank and status to Mr McGeechan had been involved in the administration of the Department. Further, a Commission would provide some degree of continuity of policy. Of even more importance, its decisions would be corporate decisions and not those of one man.

With only one exception, the views expressed to the Royal Commission favoured the creation of a Commission. The Department alone opposed the idea. Its answer to the deficiencies of the present system was the creation of more Assistant Commissioners and the extension of the powers of delegation. It was critical of the proposal of a Prisons Commission on the basis that it would lead to increased costs. No attempt was made to support this bald statement. The Royal Commission does not consider that the increase in costs, if any, would be such as to outweigh the benefits from the creation of a Commission.
As to the aims and objectives of the Department, the Report summarises the position as follows:

1. It is essential that the Department formulate a clear statement of its aims and objectives.

2. The policy recommended is spelt out in this Report. It accepts the aims of imprisonment as punishment, retribution, deterrence and the protection of society, but emphasises that the loss of liberty is the extent of the punishment. Whilst in prison a prisoner should be treated justly and humanely and an attempt should be made at rehabilitation. Imprisonment should be a last resort and those imprisoned should be kept in the lowest appropriate security.

The Royal Commissioner dealt specifically with the Katingal Special Security Unit and recommended that its present use should cease.

A dispersal system whereby dangerous prisoners should be contained in specified dispersal prisons was proposed as opposed to the system of concentration. Furthermore, it was recommended that a special unit should be maintained at each dispersal prison to hold dangerous prisoners who cannot temporarily or permanently be restrained.

The proposal with regard to the closure of Katingal was one of the first recommendations which the Government indicated it proposed to adopt. That decision led to industrial action by prison officers throughout the gaols, who claimed that there was then no other place at which prisoners who had assaulted prison officers could be held with safety. The dispute was ultimately settled on 9th May, 1978 as the result of compulsory conferences before the Commission in Court Session and Katingal was closed on 3rd June, 1978.

Following the tragic death in August last of a prison officer who had been assaulted by a prisoner, there was a State-wide strike by prison officers in support of a demand for the re-opening of Katingal, and in the course of a compulsory conference before the Commission in Court Session on 20th August last, it was agreed that it would be re-opened forthwith on a temporary basis, with a modified routine, pending the opening of a new security unit at Goulburn and that during this temporary period it would house a maximum of four prisoners.

The Royal Commissioner, while not wishing "to under-estimate the difficult circumstances facing ordinary custodial officers"
in the execution of their duty", strongly criticised the way in which recalcitrant intractable prisoners had been treated at Grafton gaol from 1943 until May, 1976 (the Royal Commission's first day of hearing having been 14th April, 1976). His Honour described some of the factors contributing to the riot at the Bathurst gaol in February, 1974, as being "the actions of a limited number of difficult prisoners; the procedures adopted in the day-to-day running of the gaol which were oppressive, unjust, and unnecessarily preoccupied with trivia; a staff with a large proportion of untrained, unsuitable and incompetent prison officers; the failure of the superintendent and, ultimately, the senior administration of the Department, to give any clear and effective leadership either before or during the riot.". He went on to observe, "The Bathurst riot illustrated the general and continuing workings of the Department of Corrective Services; idle inmates; unsuitable and badly trained superintendents and staff; poor morale, arrogant enforcement of petty restrictions; the unfair application of disciplinary rules; and, finally, an unsympathetic Commissioner with an administration of selected senior officers remote from their charges."

The recommendation for the disbandment of the Special Operations Division and in lieu thereof the formation of and training of special security units in appropriate gaols has been implemented.

The Report devotes a separate chapter to the subject of prison officers in which his Honour said:

Public safety depends on the efficiency of its prison officers. It is unfortunate that the New South Wales public is so unmindful of their importance. They are the very foundation of any prison system, which is as good or as bad as they are.

The role of the prison officer is a difficult one. He is as much a captive of the system as the prisoner. Gresham Sykes, in "The Society of Captives", described the prison officer thus:

"The prison officer is the 'pivotal figure' in the prison system. This expected role is a complicated compound of policeman and foreman, of cadi, counsellor and boss all rolled into one. He has to supervise and control the inmate population in concrete and detailed terms and he has to see to the translation of the custodial regime from blueprint to reality."
His Honour quoted that "in the absence of the stability and self-assurance that come from good training and a sense of professionalism, this behaviour has become reciprocal, with the staff and inmates locked into what amounts to an endless and mutually destructive low level, verbal and psychological warfare...." and added, "In the ultimate, no matter how effective the Department's buildings and plant, the most important single factor in ensuring the proper containment of prisoners and the safety of the community is the quality of the Superintendent and prison officers of a gaol. But there can be no question that they are bound by the dictates of proper human behaviour. Too often in the evidence was it apparent that many Superintendents and custodial officers lacked the training and skills to carry out their responsibilities."

He also observed that prison officers who are serving the public in the name of justice are too often accorded low status by inmates and the public alike and advocated a campaign which would try to instruct the public in the vital probation role played by prison officers and would aim to lift the status of the prison officer to the place it deserves.

He made suggestions as to improvements which might be made in a prison officer's training throughout his career. Running through the Report is the necessity for the prison staff to achieve a sympathetic approach to the problems faced by the prison population. The recommendations which were particularly pertinent to the work of prison officers, included the following:

1. the introduction in all institutions of -

   (1) contact visits, expansion of visiting hours and length of visits and elimination of monitoring of conversations between prisoners and visitors;
   (2) a reduction of the time during which prisoners are locked in their cells to a maximum of 10 hours per day;
   (3) communal dining facilities to be introduced in all prisons unless security problems dictate otherwise.

2. the provision of regular and gainful employment to as many prisoners as possible (including the inmates of Parramatta maximum security prison)

3. the "buy-ups" by prisoners should be reviewed including a review of the wages structure to ensure that the money is sufficient to keep pace with inflation.
4. All prisoners should be entitled to send and receive as many letters as they wish; correspondence between prisoners and their legal advisers and members of Parliament in all cases should be privileged and private, and while prison authorities should retain the right to inspect incoming mail for contraband, the reading and censorship of prisoners' mail should be made an offence under the Prison Regulations. Prisoners' complaints to the ombudsman must be sent unopened by an officer or other servant of the Department.

5. Prisoners' names should be used instead of numbers.

6. Subject to the requirements of security, prisoners should be permitted to retain their possessions in their cells and restrictions should not be placed on the nature and quantity of cell decorations.

7. Searches of prisoners should be conducted with the minimum of disturbance to the prisoner and his belongings.

8. The Department's educational organization should be drastically overhauled so that education should not be merely an adjunct to the prime function of containment, but should be an integral part of the whole system.

9. Prison rules should be revised in order to state clearly and explicitly the circumstances in which it is permissible for prison officers to use force, the use of batons or other forms of physical violence never being permissible except in self-defence.

10. Prisoners should be categorised as long-term or short-term and should be assessed by a permanent Classification Committee according to three categories of security risk, and in the light of that rating, should be accorded the programme and placement which suits the prisoner's needs.

11. Prisoner discipline procedures and punishment should be revised.

12. New approach to prisoners' rights and grievances, including the establishment of prisoner committees.
INSPECTIONS AND EVIDENCE.

Inspections were made at the following establishments:

- Bathurst Gaol
- Berrima Training Centre
- Cessnock Corrective Centre
- Cooma Prison
- Emu Plains Training Centre
- Goulburn Training Centre
- Grafton Gaol
- Kirkconnell Afforestation Camp
- Maitland Gaol
- Malabar (Long Bay) Complex of Prisons:
  - Central Industrial Prison
  - Metropolitan Reception Prison
  - Metropolitan Remand Centre
  - Malabar Training Centre
- Newnes Afforestation Camp
- Parramatta Gaol
- Parramatta Linen Service
- Silverwater Prison Complex, including
  - Silverwater Work Release Centre
  - Mulawa Training and Detention Centre for women
  - Tomago Women's Detention Centre

This has resulted in the Commission inspecting all the institutions under the Commission of Corrective Services, with the exception of Glen Innes, Mannus and Oberon Afforestation Camps, Narrabri and Broken Hill Gaols, some periodic detention centres and Milson Island Place of Detention, which it was stated, it was intended to close down at an early date.

During the inspections which covered maximum, medium and minimum security institutions, I was able, not only to observe at first hand the work of prison officers and the conditions under which it is performed in the various establishments, but also to have pointed out by officers of the local Sub-branches of the Prison Officers Vocational Branch of the Association, the various aspects of their work, including the areas in which changes had taken place. I have treated this as useful background material, enabling the Commission to obtain a better understanding of the formal evidence in the case.

The Association took the unorthodox course of calling under subpoena, Dr Philip Anthony Vinson, the Chairman of the Corrective Services Commission of New South Wales and Mr Noel Stanley Day, Deputy Chairman of that Commission and who had been Acting Commissioner of Corrective Services since June, 1978 until the formation of the Corrective Services Commission in March, 1979, and previously had been
the Director of the Cessnock Corrective Centre from 1973, when the centre was established and who had followed a clerical and administrative career in the Department of Corrective Services (and its predecessor) since 1947, being Assistant Commissioner between 1967 and 1973, when he was involved in overseeing the day to day management of prison establishments throughout the State, providing advice and support to Superintendents at the individual institutions.

It is not possible to do justice in a summary to the comprehensive and valuable evidence given by Dr Vinson, a person with a broad experience and background and who is obviously dedicated to the task of improving the prison system in the interests of the community; conscious of the criticisms made by reforms advocated in the Nagle Report; alive to society's responsibility to those committed to prison, and aware of and concerned for the difficulties of the prison officers and the problems which they face, but hampered by an enlarged prison population and buildings many of which were designed and constructed for an era when the approach to imprisonment was quite different from today and faced with the need to achieve the support of prison officers to the innovations which were being introduced and which are by their nature challenging to the traditional role of prison officers. Dr Vinson said that certain changes in the basic training programme had been made in July, 1976, but that the Commission had set about reviewing the whole structure of training of prison officers in recognition of many of the recommendations of the Royal Commission and the necessity of putting more emphasis on the preparation of the individual for the human relations challenges which increasingly have to be faced by the prison officers and the necessity for greater self-perception, because of the reduction in the use of force, in bringing about the requisite behaviour in prisons, requiring better management of people in custody, resting on powers of persuasion, influence and the use of authority, without resort to the kind of physical measures which were deplored in the Nagle Report. The Report of the task force which reviewed the training of prison officers had
been adopted as the declared policy of the Commission and endorsed by the Minister. There are ten modular units covering not only the basic recruits, but including the training of prison officers during the first five years of their service and extending to those seeking to progress to the various more senior levels. The brief training programme (three weeks) for new recruits had been extended in time and content to a twelve weeks course and is to be expanded further. Initially the new training will be limited to recruits, but will cover in due course those already working in the system.

The Commission envisaged that prison officers would be involved quite explicitly in areas of welfare, as well as safe custody of prisoners, necessitating development of ways of relating to and dealing with other human beings who happen to be prisoners and of establishing empathy with them. Promotion to Chief Prison Officer will require, in addition to the completion of those modules, the attainment of an Associate Diploma of Justice Administration, or other equivalent qualification. There will be on-going training rather than sporadic instruction at particular points in an officer's career. This will be designed to give an enhanced skill in inter-personal relationships and an ability to deal in a more effective way with the human problems in a prison as an alternative to the previous techniques. While the use of force can still be required, the emphasis will be upon restricting that force to the amount required to maintain order within the institution, but in a way requiring greater skill and confidence in the use of riot control techniques and disciplinary measures than previously. Dr Vinson stressed enhanced self-awareness as the cornerstone of improvement in the prison system, followed by augmented skill in identifying the motivations and emotions of other people and recognising signs of abnormality in behaviour. In addition, greater skill was to be developed in compiling accurate, detailed and convincing reports of misbehaviour which can be processed more effectively in accordance with the requirements of legal procedures. Dr Vinson saw limitations arising from the absence of proper professional and vocational training of prison officers.
and emphasised the necessity for them to enter enthusiastically into the spirit of the new training programmes which were intended better to equip people to deal with "the very difficult job situation".

The climate in prisons today, for better or for worse was one, he said, where prisoners feel that they are justified in challenging the day to day decisions made with regard to their management, supported in the knowledge that the weaknesses of the prison system had been exposed and that there were agencies to which they could now refer their displeasure. Although accepted and not criticised by Dr Vinson, this greater "sophistication" of the prisoners had had the effect of putting the staff on edge and had made them conscious of the fact that they had to be extremely careful and knowledgeable in the handling of prisoners' complaints. Even the new rules with regard to the use of force opened up the fear of allegations by violent prisoners that they had been assaulted. Similarly, a much greater awareness in the public as to what was transpiring in the prison system (the de-mystifying of the prison system) and an enlarged media coverage of prison affairs, had emerged in the light of the recommendation, on this aspect, by the Royal Commission.

More frequent "contact visits" for prisoners were seen by Dr Vinson as reducing tension within the institution, but at the same time adding additional responsibilities, particularly with regard to ensuring that contraband is not brought into the prison and the consequent necessity of body-searching of prisoners after visits.

Drug-related misbehaviour was also in his view a problem calling for insight by prison officers and leading to irrational and other situations which were extremely challenging and could be bewildering.

Dealing with the use of force where necessary, Dr Vinson said that one of the major sources of stress within the job at the moment in his view, was the fear by prison officers of some reaction by prisoners, including legal proceedings, even when the minimum force required was used to put a prisoner in a cell or as
some necessary measure of control.

Referring to the closure of Katingal, and the earlier discontinuance of the segregation of intractables at Grafton, he said that although there was no longer within the system a feared institution with practices which had the reputation of being frightening, with consequent removal of that fear as a restraint on misbehaviour within prisons, the Commission balanced that loss against other human values, including the civilising influence of the new policies on the community. However, a complete analysis of the situation would also have to include the beneficial effects to the prison officers of the removal of a symbol which was very provocative to prisoners, which of itself could produce unwarranted behaviour. The fact that prisoners now know that Grafton no longer exists in its old form had led them to be more open to other approaches. There was, however, a definite change in the role of the prison officer in which the handling of the prisoner depended much more on the presentation by the prison officer of himself or herself as a reasoning agent of authority rather than as one who simply commanded in a totally anonymous way and expected compliance with those instructions upon the basis of fear.

The implementation of the proposal to extend the time which prisoners were allowed to spend outside their cells, was partially dependent upon resources being available, but in a situation in which there would be a limited number of prison officers relating to a large number of prisoners, personal qualities of resource and skill would be needed. This would involve an extension of present challenges and would be "quite difficult" for the prison officers.

Dr Vinson saw the new policies being adopted by the Corrective Services Commission in conformity with the recommendation of the Nagle Report involving a shift from a concentration on containing the individual and barring access to the outside community, to a greater emphasis on allowing prisoners the maximum possible degree of freedom and the exercise of their human capacities to the limit within the restrictions imposed by the necessary deprivation of their liberty, coupled with the policy of affording the
fullest opportunity for prisoners to develop powers of critical thinking and organising for themselves and for the group, as posing major problems for the staff. The safest way of discharging the function of guarding prisoners was to lock them up for the maximum number of hours, whereas the new policy necessitated the prisoner being allowed to work and take part in activities which kept his or her mind alert and his or her decision-making powers in full swing. This meant that the prison officer had to become someone who was a participant in a range of activities, rather than someone who merely suppresses an individual and keeps him or her under lock and key. This, he saw as unquestionably a more difficult activity, taxing a much wider range of talents, but as meeting at the same time some of the criticism expressed in the Nagle Report that the work of prison officers over the years had become more and more trivial, depriving a prison officer of the opportunity of fulfilling a satisfying role. There had also been a greater emphasis on sporting and social activities.

Discussing the changes, Dr Vinson said that some specific programmes had not affected all prisons, but those changes which are implicit in the granting of greater freedoms and more varied programmes and similar developments in prisoner treatment, affected the generality of prison officers. He said that the role of the prison officer had not changed so much as the result of the introduction of new policies and objectives, as the consequence of specific innovations, such as the inhibition on the use of force and the modification of restrictions upon prisoner activities. With regard to the more varied programmes available to prisoners, he expressed the opinion that even prior to the Commission, these were beginning to be introduced. This was a progressive move and had now reached "a fairly advanced stage in most institutions". The restrictions on the use of force had, in his view, a greater impact in maximum security institutions and less effect in the case of minimum security institutions, because in the latter case a process of selection had preceded the placement of the prisoner and there remained the threat that the prisoner would be transferred to a more secure institution in the event of threatened misbehaviour.
21.

The implementation of the new policy with regard to the management of the prisons was made more difficult by the physical condition of the existing gaols, the average age of the maximum security prisons in New South Wales being 103 years, the architecture being inappropriate for modern concepts of imprisonment.

Mr Vinson said that it was not possible to say particular changes had occurred at any specified date. In certain areas of policy matters were still in the stage of development. Moreover, the mere declaration of intent had of itself, little effect. Furthermore, while some prison officers, through their own flexible response, and without direction from higher authority, had responded well to the innovations which had been introduced in the post-Royal Commission era, others had "clammed up". Nevertheless, he believed that the changes which had been made had imposed extra demands on prison officers as a group across the service.

Mr Day referred to the developments in the area of prisoner discipline, particularly since 1975 and the decision of the Court of Criminal Appeal that a prisoner had the right, pursuant to the Justices Act, 1902, s.122 (1), to appeal to the District Court from a penalty imposed by a Visiting Justice. This had led to increased concern on the part of officers when they reported an alleged breach of discipline, that they would be required not only to give evidence before the Visiting Justice, but in all probability there would be a rehearing of the matter before the District Court where the officer could be subjected to rigorous cross-examination by the prisoner's legal representative. He believed that the closure of the intractable section at Grafton gaol and later of Katingal had removed what the prison officers firmly believed was an effective deterrent to the majority of prisoners from serious misconduct while imprisoned and that this, coupled with the general situation in society where there was a lessening of respect for authority, contributed to a lowering of prisoner discipline. This led to a position where prisoners were much more difficult to control, with an impact upon the day to day work of prison officers. He believed that the broader community awareness and the greater amount of public interest and media coverage concerning prisons and the
conditions of the prisoners had made prison officers extremely sensitive to public criticism, at a time when they were being required to adapt quickly to new policies, while at the same time having to relinquish, to some extent, the traditional sanctions and methods of controlling prisoners. This had discouraged officers from maintaining previous standards of discipline for fear of adverse publicity. He said that the Commission's policy was to encourage officers to control the prisoners by means of persuasion rather than coercion and that the objective was to provide an environment of humane containment with a range of privileges which could and would be withdrawn if a prisoner did not comply with the requirements of the institution. The greater range of items which prisoners were allowed to retain in their cells had added to the difficulties of the officers in making periodic searches of cells for contraband and such like material.

In a period of less than eighteen months, the prison population had increased by 200, which, in addition to placing strains on basic facilities, more importantly, made it impossible to provide gainful employment or occupation for a large number of prisoners within the system, and the very fact that prisoners had little or nothing with which to occupy their time, made it more difficult to control them.

Under the system of decentralisation which is taking place, there have arisen inconsistencies in interpretation by different Superintendents of policy decisions taken by the Commission. This can lead to situations in which a prisoner, transferred from one institution to another, complains about the divergence in his treatment in the new institution compared with the old and these complaints are directed in the first instance to prison officers. There has been an increase in recent times in the number of prisoners refusing to leave their cells and barricading themselves in them and also in the laying of information by prisoners against individual prison officers alleging assault. The latter development in his view, inhibited the officer in the performance of his duty of controlling the prisoners. There had been a trend over a number of years for the prison population to be more aggressive, more
violent to one another and more belligerent in their attitude towards prison officers, but this trend was intensifying, adding to the difficulties of the prison officers.

Mr Day emphasised that since the opening of Cessnock in 1972 as an open institution there had been an emphasis on prisoner/prison officers interaction and a humane and fairly unrestrictive approach to prisoner activities, the gates there being open and a communal dining being a feature of the institution and there being a marked absence of restrictions on things which might be held in cells, the opportunity being taken at Cessnock to develop and expand experiments in approaches which had been applied for some years in other open institutions such as prison camps. There was an emphasis on counselling, guidance and the techniques of persuasion rather than coercion and there had been full contact visits as had been the situation in other open institutions for many years.

The volume of clerical work for some of the custodial officers has increased as the result of policies which have been introduced. However, the implementation of the new goals was much more difficult in a maximum security prison than in a minimum or low security institution because the sanction of being able to move a prisoner who misbehaves into a tighter security institution is not available.

During the course of the proceedings discussions took place between the parties as the result of which a document (Exhibit 10) was tendered to record a statement as to the changes which had taken place in the prison service since 1975. When the document was tendered, Mr Buchanan counsel for the Public Service Board (the Board) emphasised that the agreement did not extend to any concession by the Board as to the effect of those changes in terms of the wage indexation guidelines. However, in his final submissions he conceded that changes of work value within the meaning of Principle 7(a) had occurred and that those changes were of such a nature as to justify an increase in salaries for all prison officer covered by the application.
That statement was in the following cryptic terms:

1. Unit concept for housing of prisoners - Laurel Hill - operative. Partly operated at Kirkconnell - being extended to Oberon.

2. Cessnock - Towers now manned (16 hours per day) "B" and "C" category prisoners - variable security prison.

3. Maitland towers - manned 24 hours a day.

4. Grafton - intractable section not operative.

5. Parramatta - Long Bay - towers manned 24 hours.

6. Goulburn - Special Security Unit constructed

7. Tomago - minimum security new detention centre for females.

8. Introduction of contact visits - Parramatta, Metropolitan Reception Prison, Metropolitan Remand Centre.


10. Buy ups increased - additional gear in cells

11. Amended regulations - visits, correspondence and classification.

12. Ombudsman's letters and Ministers of Parliament letters privileged - no censorship of prisoner mail - only inspection of letters as considered necessary on grounds of security.


15. Right of prisoners to lay information before a Justice


17. Control measures for disciplining prisoners are less effective - prisoners have become more arrogant.

18. Setting up of Inspectorate Division

19. Disturbances and prisoner unrest in prisons have increased

20. Recruitment/training - entrance requirements raised - 12 weeks primary training course - changes in requirement for progression.

21. No segregation of homosexual prisoners.

The nature of these changes can be appreciated by reference to what has already been said with regard to the Nagle Report and also the matters concerning which Dr Vinson and Mr Day gave evidence.

In addition, evidence was called from Robert John Downes and William Noel Lanham, Chairman and Secretary respectively of the Prison Officers Vocational Branch of the Association. Mr Downes commenced his
employment as a prison officer in September, 1975 and had worked in all prisons at Long Bay, including the Periodic Detention Centre and at the Silverwater Complex of Prisons for approximately the last four months. He became Secretary of the Long Bay sub-branch of the Prison Officers Vocational Branch within nine months of commencing his employment and the Chairman of that branch about the middle of 1977. He amplified the statement as followed:

1. Under the unit concept, eight prisoners live together at a time in an eight man unit in separate rooms, but having common communal cooking and dining areas. This required not only the careful selection of compatible groups of prisoners for each unit, but also the necessity for close scrutiny to ensure that a disruptive situation is not developing.

2. Manning of the towers at Cessnock for a further eight hours resulted from approaches by the Prison Officers Vocational Branch that a wing at Cessnock vacated when the women prisoners were moved from that centre, should be used to house maximum security prisoners in order to relieve the over-population at Malabar and Parramatta, resulting in a changed security risk at Cessnock.

3. The manning at Maitland of towers for 24 hours came from a long-standing request by the Prison Officers Vocational Branch that manning posts on the ground should be moved to the towers during the hours of darkness.

4. The effect of the closure of the intractible section at Grafton was that prisoners, who would have been contained there are now in normal security and discipline dispersed throughout the State.

5. The changes at Parramatta and Long Bay were similar to those discussed under item 3. with regard to the Maitland towers.

6. The prison officers regarded the Goulburn Security Unit as being merely a series of very secure yards for prisoners who were housed in a section of a wing adjacent to the yards but populated by normal disciplined prisoners, whereas a special security unit in their view should be completely separate from the population of the gaol, both during the day and at night. Mr Downes believed the prison officers were "at great risk" because of the close contact necessary with prisoners each time they were brought from their cells to the
yard and returned.

7. Tomago Centre was commended by Mr Downes as being "a very good prison indeed in which prison officers were involved with prisoners much more extensively than normal duty required."

8. While contact visits are accepted, they called for vigilance on the part of prison officers and resulted in an increased work load.

9. The employment in the Parramatta Linen Service of "A classification" prisoners from Parramatta Gaol, created problems because such prisoners mix at work with prisoners from Mulawa and Silverwater, providing a route for the movement of contraband, particularly drugs.

10. Increased "buy-ups" added to the work load of individual officers involved in purchasing; this could be overcome by adequate staff and he saw the additional gear in cells as the item which caused more problems for prison officers than buy-ups. The array of items assembled in cells made the searching of them in a restricted time most difficult, and the concealment of articles by a prisoner was thereby facilitated.

11. Contact visits created a demand for increased manning.

12. The absence of censorship of mail deprives prison officers of an opportunity of becoming aware of planned activities and therefore of being able to thwart illegal conduct. The greater involvement of the Ombudsman put prison officers in jeopardy by the making of unfounded complaints and allegations. Provision for the proper investigation of legitimate complaints by prisoners against prison officers leaves prison officers open to the "blizzards of malevolent and mischievous complaints" by ill-intentioned prisoners, in a manner similar to the police, as discussed in the Report of the Australian Law Reform Commission into Complaints Against Police. The fear of groundless charges is an added pressure operating upon prison officers and makes the performance of their duties more difficult.

13. A number of the 163 recommendations of the Royal Commissioner had been adopted before the necessary positions had been created, adding to the number of positions which had to be manned on an
27. Overtime basis, though there were areas in which prison officers themselves had contributed to this difficulty because they had "demanded extra positions". Still under consideration were 84 recommendations, while five had been "not adopted".

14. Following the decision of the Court of Criminal Appeal in R. v Fraser (13) it was established that a prisoner who had been dealt with by a Visiting Justice pursuant to the Prisons Act, 1952 following a complaint of an offence against prison discipline, had a right of appeal to the District Court pursuant to the Justices Act, s.122 (1). There had developed the practice of prisoners extensively appealing against almost any punishment imposed by a Visiting Justice. In many cases the appeals were withdrawn on the day when they came before the court. Commenting on this development, the Royal Commissioner commented:

This has opened the Visiting Justice's hearing to public scrutiny, and forced the Department to drop the secrecy with which such proceedings had previously been so jealously cloaked.

15. Although the right of prisoners to lay information before a Justice alleging assault by a prison officer had existed prior to 1975, it was a right which was being exercised much more extensively since that date.

16. The closure of Katingal and the dispersment throughout the normal discipline of prisoners who would previously have been contained there has already been discussed, but it not only posed problems in the handling of violent and disruptive prisoners without the same degree of segregation as previously, but also the determent of misbehaviour which the fear of segregation in Katingal previously provided, has been removed. With the replacement of the special operations division by emergency units at Malabar and at other regions, there was a change in the training provided for officers and a shift in the preventative security measures performed by prison officers.

17. The changing attitudes of prisoners generally produced a definite arrogance and the greater leniency of prisoners sentenced to cellular confinement for misconduct has led to a position in which the measures for controlling prisoners and maintaining discipline have become less effective.
18. The Inspectorate Division which was recommended by the Royal Commission was described by Mr Downes as "almost an internal investigation division". Although viewed with suspicion by the prison officers when it was first formed, he said that "all in all" prison officers were very happy with the creation and the work of the Inspectorate.

19. A combination of circumstances has led to an increase in the disturbances and unrest in prisons and the control of such behaviour has become much more difficult than it was in 1975.

20. The new policy for recruitment and training was designed to produce a more educated and more flexible prison officer, able to cope with the new situation which had emerged in the prison system. The existing officers had had to adapt in order to handle prisoners in the manner which the new policy required.

21. The mixing freely, particularly of boys and young offenders, of the total prison population created the need for greater supervision by prison officers to minimise cases of homosexual assault and rape.

Contrasting the position today with that in 1975, Mr Downes said the feeding and mustering of prisoners was then simple and straightforward and thereafter supervision was uncomplicated because limited numbers of prisoners were contained in relatively small areas and they required a reason and permission for moving from one area to another. Today the movement of prisoners from their cells to musters is haphazard and disorderly with a lack of willingness on the part of prisoners to abide by even the most basic rules. There is greater unrestricted movement of prisoners and the discontinuance of the wearing of numbers has removed a means of easy identification. He said that the big factor making the prison officer's role more difficult compared with 1975 was the relationship between the prison officer and the prisoner and the manner in which he has to achieve a degree of co-operation from the prisoner.
Mr Lanham, who is a First Class Prison Officer stationed at Long Bay, commenced his service with the Department on 4th March, 1974. Until his recent election as Secretary of the Prison Officers Vocational Branch of the Association, he had been secretary of the Long Bay Sub-Branch. The two factors to which he pointed particularly as reflecting change in the demands on prison officers were, the necessity for academic qualifications in order to achieve promotion, and the change from being merely the opener and closer of doors and locks to a person required to assist and advise prisoners. He had worked in all gaols at Long Bay, but since August, 1978 he had been almost exclusively at the Metropolitan Remand Centre. He saw the new twelve weeks training course before placement in an institution as better fitting an officer to deal with job situations than the previous Stage A course of two weeks, with four days orientation, and the Stage B course approximately twelve months later. He referred to the greater problems of maintaining security, the changed mustering procedure and the extended hours during which the prisoner were allowed to remain out of their cells as all placing additional strain on the prison officers. Overcrowding, the absence of identification, extended visiting times and selective contact visits also affected the prison officers' duties, as did the increase of drug abuse in gaols and the problems and difficulties of disciplining prisoners and the necessity of coercing prisoners into co-operating. The searching of cells was made more difficult because of the increased number of items the prisoners were allowed to hold there and the extension of time for communal activities until 10.30 p.m. placed greater strain on the prison officers in patrolling to keep prisoners under surveillance.
words, the assessment will take account of all changes which have occurred to this date or which can reasonably be said to be associated with the Report. There is a further problem that all the changes do not have equal application to all officers, and broadly it can be said that the greatest impact is in maximum security gaols. However, prison officers are recruited and work for the total service and are liable from time to time to be placed in different institutions. Moreover, past fixations have been made for prison officers as a class, even although the nature of the work performed in different institutions has obvious variations.

Finally, while the Nagle Report was the genesis of many of the changes, others had been emerging at an earlier era. The lessening of the formerly strict standards of discipline and the need for prison officers to have an individual approach and to exercise skills in counselling and guidance as well as problems of discipline and the balancing of firmness with understanding in their treatment of prisoners were all included as matters to which regard was paid as relevant factors in making previous assessments.

Perhaps the most complicating factor arises from the comments made by the Royal Commissioner in the paragraph of his Report dealing with prison officers' pay, in which he said:

The present working hours of prison officers fall into three shifts—midnight to 8 a.m., 8 a.m. to 4 p.m. and 4 p.m. to midnight. Additional watches start at irregular hours. However, overtime is worked to such an extent that it has become accepted as a necessary component in the officer's wage. The average amount of overtime any officer will expect to work in a year is twenty-six eight-hour shifts.

Such a use of overtime has produced some extraordinary anomalies. At Narrabri, with four officers and thirty-nine prisoners, overtime cost $28,000 in the financial year ended June, 1976. On the other hand, at Broken Hill with three officers and twenty-two prisoners overtime cost only $5,000. In many cases, overtime results in prison officers earning considerably more than Superintendents. According to Mr McGeechan, the main reason for overtime was the need to man posts and the usual situation of not enough staff.

The 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 wages of prison officers should be reduced. At present it is only by overtime that prison officers can earn a wage commensurate with the skills it is suggested they should possess. The normal salary for prison officers should be raised and overtime reduced.
In answer to a question from Mr Cullen with regard to an issue arising from this paragraph, Dr Vinson said that the passage "would be the most oft-cited section of the Royal Commissioner's Report in discussions I have with prison officers".

With all due respect to his Honour, the approach which he made to salary fixation is too simple. It may well be that it was never contemplated that the comments would attain the significance which has apparently been attached to them in the minds of prison officers. It is the only discussion in the Report of the question of prison officers' pay and occupies less than half a page compared with the much more extensive discussion of other aspects of their role and responsibilities, including improved selectivity in recruitment and more adequate training of prison officers, both initially and throughout their career.

If, by reason of increases which have occurred in skill and responsibility or by reason of changes in the conditions under which the work is performed, or other factors customarily taken into consideration in determining wage rates, an increase in the salary of prison officers can be shown to be justified, or if it were shown that past fixations were erroneous, there can be no cavil with his Honour's proposal. However, to grant wage increases in the abstract would be destructive of the whole system of orderly wage fixation in this State. This broad proposition is fortified by the requirements to establish changes in work value or an anomaly or extraordinary problem in order to justify increases in accordance with the wage indexation guidelines, which were an established feature of industrial relations in this State at the time of the Nagle Report, but with which his Honour was understandably not concerned in the context of his Inquiry.

Widespread complaint with regard to the amount of overtime which they are required to work was expressed by Prison Officers during the inspections. This has continued to be due to a shortage of staff and the necessity to roster staff in the context of it not being possible to leave posts unmanned, including additional posts set up to satisfy claims by the prison officers.
Dr Vinson indicated that there had been an increased staff establishment within the Department and that the situation had been reached where, for the first time, the establishment for prison officers, (either employed or in training) had actually been met and that steps were being taken to "wipe the slate clean" with regard to unauthorised posts. It had been indicated to the Association that in future unauthorised posts would not be created "to provide a quick solution to industrial relations problems arising from demands for extra posts to be manned".

The purpose of fixing penalty rates for overtime worked beyond the prescribed limits on any day or shift or in any week is to act as a deterrent against the working of continuous and prolonged periods of overtime and to compensate employees for the extra disabilities and inconveniences thereby incurred. (see Milk Treatment &c. and Distribution (Cumberland) and Other Awards(14)). The policy of the legislature is that the standard hours of work shall be 40 per week and salaries are fixed upon that basis. Additional payment is made for extra hours worked beyond that standard. A prison officer gave evidence in the Shift Workers' Case, 1972(15), a test case with regard to shift workers' allowances and penalty rates. It would be as logical to suggest that a shift worker transferred to day work should maintain the same earnings as he received while on shift work as to suggest that a reduction of wages should not follow a reduction in the working of regular overtime for which penalty payments have been received as compensation for the inroads into the officer's leisure time.

There is no warrant for this Commission granting wage increases which are outside the wage indexation guidelines which apply to prison officers as to all other workers. It is therefore unfortunate that the unjustifiable expectations of the prison officers may have been built up by the comments which have been quoted, but it is beyond the power of the Commission to meet them.

The parties agreed that the increases to be awarded should operate from "the closest roster period to the 1st July, 1979 whether that period commenced in late June or early July".
Changes in work value normally apply to some classifications only, although the guidelines contemplate that in rare cases they might apply to all classifications. There have been instances where this has happened. An example is the decision of Mr Commissioner Neil in the Oil Industry Case\(^{(16)}\) in which he referred to the "levelling precedent" established by the cases which he cited. More recently, a Full Bench of the Australian Conciliation and Arbitration Commission (Moore P. Williams J. and Commissioner Brack) in the Metal Industry Case\(^{(17)}\) adopted the "averaging concept" Mr Cullen referred to the decision of Isaacs D.P. in the recent Shipping Officers' Case\(^{(18)}\) in which the Deputy President accepted that under recent decisions increases might be granted to all classifications covered by an award where changes had affected, though to varying extents, a substantial proportion of the classifications under consideration.

In the Ambulance Superintendents' Case\(^{(19)}\) the Commission in Court Session awarded increases to five classifications in that award to cover changes in work value.

There is therefore ample precedent for adopting a percentage approach "across the board" in the circumstances of this case where the changes affect all classifications, though in varying degrees. Both parties accepted that all classifications should receive increases and that a percentage approach, which would not erode existing differentials, was the appropriate course. This does involve an averaging or levelling approach so that some officers may not receive increases to the extent which might have been justified in their particular circumstances.

This brings me to what Mr Clelland J. in the Hospital Employees' Medical Technologists (State) Award \(^{(20)}\) described as "fine tuning the quantification of increase". Taking all the relevant factors into account and allowing for the averaging which is necessary, and the increases being related only to changes in work value which have occurred since 1975 when the salaries were increased for changes enumerated in the judgment of Macken J., but giving due weight to the repercussions of the Nagle Report on the vital work of prison officers, I consider that the rates
should from the beginning of the roster period for the employee concerned which commenced on the nearest date to 1st July, 1979, be as follows:

<table>
<thead>
<tr>
<th>Probationary Prison Officer</th>
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<tbody>
<tr>
<td>Prison Officer - 1st year</td>
<td>11,096</td>
</tr>
<tr>
<td>2nd year</td>
<td>11,340</td>
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<tr>
<td>3rd year</td>
<td>11,614</td>
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<tr>
<td>4th year</td>
<td>11,831</td>
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<tr>
<td>5th year and thereafter</td>
<td>12,013</td>
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<table>
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<tr>
<th>Prison Officer - 1st Class</th>
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</thead>
<tbody>
<tr>
<td>1st year</td>
<td>12,553</td>
</tr>
<tr>
<td>2nd year and thereafter</td>
<td>13,143</td>
</tr>
</tbody>
</table>

<table>
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<tr>
<th>Senior Prison Officer</th>
<th>$</th>
</tr>
</thead>
<tbody>
<tr>
<td>1st year</td>
<td>13,655</td>
</tr>
<tr>
<td>2nd year and thereafter</td>
<td>13,944</td>
</tr>
</tbody>
</table>

I make an award accordingly to operate for twelve months from 1st July, 1979.
REFERENCES


(3) 1951 A.R. 403

(4) 104 I.G. 177

(5) 183 I.G. 2026

(6) 199 I.G. 1428

(7) 199 I.G. 1259

(8) 167 C.A.R. 18

(9) 1975 A.R. (23rd May, 1975 No. 170 of 1975)


(11) 200 I.G. 1921

(12) A.L.R.C. Report No. 1 pp 30 and 31

(13) 1977 2 N.S.W.L.R. 867

(14) 1960 A.R. 119 at 158

(15) 1972 A.R. 633 at 643

(16) Print D 8711 (Oil Industry- Commissioner Neil)

(17) Print E 1277 (Metal Industry Case)

(18) Print E 1356 (Shipping Officers Case)

(19) 1979 A.R. (17th September, 1979 No. 638 of 1979)

(20) 1979 A.R. (27th March, 1979, No. 11 of 1979)
Appendix (1)

INDUSTRIAL COMMISSION OF NEW SOUTH WALES

CORAM: DEY, J.

6th December, 1978

No. 524 of 1978

CROWN EMPLOYEES (PRISON OFFICERS) AWARD

Application by Public Service Association of New South Wales for new award.

STATEMENT

In connection with the application which has been filed by the Public Service Association of New South Wales (the Association) for a Crown Employees (Prison Officers) Award, I am asked to remove the matter to the Commission in Court Session pursuant to s.30B (1)(i) of the Industrial Arbitration Act upon the ground that there are special and extraordinary problems within the meaning of principle 7(c) of the Principles of Wage Determination established by the State Wage Cases and as set forth in the Appendix to the judgment of the Commission in Court Session in the State Wage Case, June, 1976. In accordance with the statement on anomalies procedure made by the President and Cahill on 12th Feb., 1976, for the matter to be removed it is necessary for the Commission to be satisfied that there is "an arguable case that there are special and extraordinary problems in the matter.

Mr. Shaw counsel for the Association relied upon the following passage concerning prison officers' pay, which appears in the report of the Royal Commission into N.S.W. Prisons conducted by Nagle J., which says:

The present working hours of prison officers fall into three shifts - midnight to 8 a.m., 8 a.m. to 4 p.m. and 4 p.m. to midnight. Additional watches start at irregular hours. However, overtime is worked to such an extent that it has become accepted as a necessary component in the officer's wage. The average amount of overtime any officer will expect to work in a year is twenty-six eight-hour shift

Such a use of overtime has produced some extraordinary anomalies. At Narrabri, with four officers and thirty-nine prisoners, overtime cost $24,000 in the financial year ended June, 1976. On the other hand, at Broken Hill with three officers and twenty-two prisoners overtime cost only $5,000. In many cases, overtime results in prison officers earning considerably more than Superintendents. According to Mr. McGeechan, the main reason for overtime was the need to man posts and the usual situation of not enough staff.

The s. off 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 wages of
prison officers should be reduced. At present it is only by overtime that prison officers can earn a wage commensurate with the skills it is suggested they should possess. The normal salary for prison officers should be raised and overtime reduced.

This passage appears in Chapter 14, which deals with the subject of prison officers and in which his Honour earlier discusses the question of the recruitment and training of prison officers and suggests the skills which his Honour considers the prison officers should possess.

Mr Shaw also referred to a series of tables which were tendered early in the proceedings before the Royal Commission indicating the earnings by way of overtime and penalty rates and gross earnings for prison officers of different ranks at all corrective services establishments.

Mr Shaw contended that the Government had been implementing various recommendations arising from the Report, including the one for the closure of Katingal Special Security Unit, which was opposed by the prison officers.

The essence of Mr Shaw's case as to the existence of special and extraordinary problems was that it would be neither fair nor consistent to implement those proposals in the Report which are unpalatable to the prison officers concerned and to neglect to implement one recommendation which is clearly and indisputably designed to improve the lot of the prison officers both by the attempted reduction of overtime and by an increase in the base rate of payment. Although the recommendation can only be implemented, if at all, through the processes of the Industrial Commission, the fact of a recommendation by the Royal Commission, it was submitted, clearly placed the salaries of prison officers in a special and extraordinary position vis-a-vis every other salary group in the community.

While indicating that in the long run there were hurdles which confronted the Association in establishing its case for increased salaries, Mr Buchanan, counsel for the Board, was concerned that prison officers should not feel that they had been denied the facility of some investigation of the implications of the Report.
Appendix 3.

Having taken the opportunity of consulting with the President about the matter, as, under the Anomalies and Special and Extraordinary Problems Procedures, I would be bound to do before removing the matter to the Commission in Court Session, I have come to the conclusion that it is premature at this stage for the matter to be removed. In order that the Commission in Court Session could properly apply its mind to the determination of the crucial issue of whether there are special and extraordinary problems calling for remedy by way of award, in my view, it would be necessary for the matter to be investigated at much greater depth than has been done in the proceedings before me to date. Indeed, Mr Shaw said that the Association would "certainly be seeking to develop it in greater depth and certainly with greater sophistication than I have this morning", but he indicated that the Association would prefer to obtain from the Commission in Court Session a decision in principle that there are special and extraordinary problems and then to leave for separate consideration the issue of quantification. That seems to me to be an unsatisfactory approach, particularly as discussions between the parties failed to produce any broad consensus on the matter.

In expressing the view that a reference to the Commission in Court Session at this stage would be premature, I am doing no more than indicating that there are a number of aspects of the matter about which the Commission in Court Session would need to be more fully informed before being able to reach a conclusion on the important matter arising for consideration under the Principles of Wage Determination. His Honour's recommendation suggests that there should be a complete investigation and overhaul on overtime, and seems to envisage that the raising of the normal salary of prison officers was inter-related with the reduction of overtime. Accordingly it would be important to consider what is transpiring in regard to this aspect of the prison officers' earnings. The Report appears to indicate that his Honour's prime concern was that the prison officers should earn a wage commensurate with the skills which it is suggested they should possess. In this respect
Appendix 4.

it would seem reasonable to infer that his Honour was alluding to the recruitment and training of prison officers and their conditions of employment and accordingly it would seem material to know what moves are occurring in this area of the prison officers' employment.

The matter will now be adjourned to a date convenient to the parties in order that an investigation at greater depth can take place initially before me preparatory to the consideration of the issues by the Commission in Court Session, if I am ultimately persuaded that there is an arguable case that a special and extraordinary problem exists.

REFERENCES

(1) 1976 A.R.

(2) 1976 A.R.

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INDUSTRIAL COMMISSION OF NEW SOUTH WALES

IN COURT SESSION

CORAM: FRATIELE P.
        WATSON J.
        MACKEN J.

Friday, 29 February 1980

No. 777 of 1979

CROWN EMPLOYEES (PRISON OFFICERS) AWARD - 
Appeal by Public Service Association of New South Wales from 
award made by Dey J. on 30 November 1979.

JUDGMENT OF THE COMMISSION

The Public Service Association of New South Wales (the 
P.S.A.) sought leave to appeal from the Crown Employees (Prison 
Officers) Award made by the Commission (Dey J.) on 30 November 
1979. (1) At the request of the applicant, we heard full 
submissions on the matters raised on appeal on behalf of the 
applicant and the respondent employer, the Public Service Board 
of New South Wales (the Board) as if leave had been given. We 
now announce our reserved decision.

We are satisfied that the matters raised on appeal 
are of such importance that an appeal should lie.

The award dealt only with salaries. It was made on 
the application of the P.S.A., which had claimed that increased 
salaries for prison officers should be awarded on the ground that, 
since the last assessment by a tribunal of those salaries, changes 
had occurred in the nature of the prison officers' work or in the 
skill and responsibility involved in it and that such changes 
constituted a "significant net addition to work requirements", 
within the meaning of principle 7(a) of the Commission's principles 
of wage determination under indexation. That last assessment 
had been made by the Commission (Macken J.) and had operated from 
6 March 1975, (2) and it was common ground in the proceedings before
The appeal by the P.S.A. is based on the ground that the increases awarded by Pay J. were inadequate to compensate for the changes which, by common assent, had occurred in the nature of the work and the responsibilities of the prison officers since the last fixation of their salaries by award of the tribunal.

Those changes had resulted from events connected with the Royal Commission into New South Wales Prisons. On 28 June 1976 the Honourable Mr Justice Nagle had been appointed as a Royal Commissioner with the following terms of reference:

To inquire into and report upon the general working of the Department of Corrective Services of New South Wales, its policies, facilities and practices in the light of contemporary penal practice and knowledge of crime and its causes and, without restricting the generality of the foregoing to inquire into and report upon:

(a) The custody, care and control of prisoners and the relationship between staff and prisoners;

(b) The selection and training of prison officers and of other staff engaged in training, correctional and rehabilitative programmes for prisoners;

and to recommend any legislative and other changes necessary or desirable in consequence of my findings.

The inquiry by the Royal Commissioner extended over a considerable period of time and it was not until 31 March 1978 that a final report was made to the Governor. During the inquiry much evidence of a startling character was given and was widely publicised in the media. The circumstances in which the Royal Commission was appointed are referred to in the Report (p.28):

There had been a growing unease in the community about prisons for some years before the disturbance at Bathurst Gaol, on Sunday, 3rd February, 1976. This had been evident both in the media and in Parliament for some time prior to that date, but it might well be said that the final precipitating factor which prompted the setting up of the Royal Commission occurred on that day. It was then that a prisoner at the gaol threw a home-made bomb into the crowded chapel where inmates were watching a film. A riot followed, during which many prisoners were injured and the gaol was wrecked.
The Report went on to say (p.29):

Although the terms did not specifically refer to the disturbance at Bathurst Gaol, or for that matter any other of the State's gaols, the clamour for the Royal Commission had concentrated on the allegations of ill-treatment of prisoners and mismanagement, specifically at Bathurst and Grafton. Later, the criticism had extended more generally to other gaols in the State. Accordingly, the Royal Commission felt impelled to consider first the allegations of ill-treatment and mismanagement at Bathurst and Grafton.

and again at p.33:

Questions of time prevented the Commission from examining other grave allegations of the illegal use of force against prisoners at certain other gaols, notably long Bay and Maitland. Having decided that there were clear illustrations that illegal force was being used both officially and unofficially within the Department, the Commission considered that, having regard to the dictates of time, it should direct its attention to matters of a more general nature rather than pursue further individual allegations of the illegal use of force.

The findings of the Royal Commissioner concerning brutality by prison officers at the two institutions, Bathurst and Grafton, where allegations were investigated in detail, made sombre reading. Thus at p.76 the Commissioner said:

The Commission has no doubt that a systematic flogging of prisoners took place on the Tuesday morning at Bathurst Gaol.

and at p.134:

It became abundantly clear during the Commission's hearings that the "arduous" duties required of these officers largely consisted of inflicting brutal, savage, and sometimes sadistic physical violence on the hapless group of intractables who were sent to Grafton.

and at p.146:

It is impossible to believe that senior officers in the Department were not aware of the regime of brutality at Grafton.
5.

The public exposure in the Royal Commission's proceedings of the abuses which had been perpetrated in the gaols with the connivance of the authorities was bound to have the result that fundamentally different and more civilised procedures for controlling the prison population would come to be adopted and that prison officers would thereafter have to eschew violence and learn and apply more sophisticated methods of control. The public exposure of abuses was not lost on the prison population and prisoners were bound to become aware that, despite their incarceration, they had rights and that there were means open to them to enforce those rights.

A summary of the relevant recommendations made in the Report of the Royal Commission appears in the judgment of Hoy J., which will be reported in association with these reasons and it is unnecessary for us to recapitulate them. It is sufficient to say that some 252 separate recommendations were made in light of the Commission's findings which involved most drastic criticism not only of the conduct of prison officers in relation to prisoners but of the whole administration of prisons by the Department of Corrective Services. The Government gave urgent consideration to the Report and by the time when Hoy J. came to consider the claims of the P.S.A. about 108 of the recommendations had been given effect to, including a recommendation for the creation of a new administrative body, the Corrective Services Commission of New South Wales, which was achieved by the passage of the Prisons (Amendment) Act, 1978, the Commission taking office on 19 March 1979.
Dr P.A. Vinson, who was appointed Chairman of the new Commission, was called as a witness in the P.S.A. case before Day J. A portion of his evidence, summarised by his Honour, gives a good account, we think, of a very significant change in the prison system which resulted from the findings of the Royal Commission and the implementation of the Commission's recommendations. It is this:

The climate in prisons today, for better or for worse was one, he said, where prisoners feel that they are justified in challenging the day to day decisions made with regard to their management, supported in the knowledge that the weaknesses of the prison system had been exposed and that there were agencies to which they could now refer their displeasure. Although accepted and not criticised by Dr Vinson, this greater "sophistication" of the prisoners had had the effect of putting the staff on edge and had made them conscious of the fact that they had to be extremely careful and knowledgeable in the handling of prisoners' complaints. Even the new rules with regard to the use of force opened up the fear of allegations by violent prisoners that they had been assaulted. Similarly, a much greater awareness in the public as to what was transpiring in the prison system (the de-mystifying of the prison system) and an enlarged media coverage of prison affairs, had emerged in the light of the recommendation, on this aspect, by the Royal Commission.

There is another passage, too, in the judgment of Day J. summarising evidence given by Dr Vinson which gives some indication of the nature of the new demands upon prison officers which the new "climate" in prisons has made. It reads:
Dr Vinson said that certain changes in the basic training programme had been made in July 1976, but that the Commission had set about reviewing the whole structure of training of prison officers in recognition of many of the recommendations of the Royal Commission and the necessity of putting more emphasis on the preparation of the individual for the human relations challenges which increasingly have to be faced by the prison officers and the necessity for greater self-perception, because of the reduction in the use of force, in bringing about the requisite behaviour in prisons, requiring better management of people in custody, resting on powers of persuasion, influence and the use of authority, without resort to the kind of physical measures which were deplored in the Nagle Report. The Report of the task force which reviewed the training of prison officers had been adopted as the declared policy of the Commission and endorsed by the Minister. There are ten modular units covering not only the basic recruits, but including the training of prison officers during the first five years of their service and extending to those seeking to progress to the various more senior levels. The brief training programme (three weeks) for new recruits had been extended in time and content to a twelve weeks' course and is to be expanded further. Initially the new training will be limited to recruits, but will cover in due course those already working in the system.

The Commission envisaged that prison officers would be involved quite explicitly in areas of welfare, as well as safe custody of prisoners, necessitating development of ways of relating to and dealing with other human beings who happen to be prisoners and of establishing empathy with them. Promotion to Chief Prison Officer will require, in addition to the completion of those modules, the attainment of an Associate Diploma in Justice Administration, or other equivalent qualification. There will be on-going training rather than sporadic instruction at particular points in an officer's career. This will be designed to give an enhanced skill in inter-personal relationships and an ability to deal in a more effective way with the human problems in a prison as an alternative to the previous techniques. While the use of force will still be required, the emphasis will be upon restricting that force to the amount required to maintain order within the institution, but in a way requiring greater skill and confidence in the use of riot control techniques and disciplinary measures than previously. Dr Vinson stressed enhanced self-awareness as the cornerstone of improvement in the prison system, followed by improved skill in identifying the motivations and reactions of other people and recognising signs of abnormality in behaviour. In addition, greater skill was to be developed in compiling accurate, detailed and convincing reports of misbehaviour which can be processed more effectively in accordance with the requirements of legal procedures. Dr Vinson saw limitations arising from the absence of proper professional and vocational training of prison officers and emphasised the necessity for them to enter enthusiastically into the spirit of the new training programmes which were intended better to equip people to deal with 'the very difficult job situation'.
Evidence in support of the P.S.A. case was also given before Day J. by Mr N.S. Day, Deputy Chairman of the Corrective Services Commission, and by Mr R.J. Downes and Mr W.N. Lanham, Chairman and Secretary respectively of the Prison Officers' Vocational Branch of the P.S.A. An account which Day J. gave of their evidence was accepted by both sides at the hearing of the appeal as being accurate and adequate. We have given it our careful consideration but find it unnecessary to recapitulate it.

The task which fell to Day J. of assessing what increases in the salaries of prison officers should be awarded to compensate for the changes which their employer, the Board, and the Chairman and Deputy Chairman of the Corrective Services Commission agreed had occurred, was a difficult one. The changes, apart from those affecting the training of prison officers (which were definable and clearly stated), were difficult to define with any precision. Dr Vinson spoke of factors such as these:

- greater sophistication of the prisoners putting the staff on edge;
- the need for prison officers to be entirely careful and knowledgeable in the handling of prisoners' complaints;
- the fear of allegations by violent prisoners that they had been assaulted;
- the de-mystifying of the prison system;
- the need for prison officers increasingly to face human relations challenges;
- better management of people in custody, resting on powers of persuasion, influence and the use of authority without resort to physical measures;
- the involvement of prison officers in areas of welfare;
- enhanced skill in inter-personal relationships;
- greater skill and confidence in the use of riot control techniques;
- enhanced self-awareness;
- augmented skill in identifying the motivation and emotions of other people and recognising signs of abnormality of behaviour.
The value of such intangible factors cannot be assessed by an arbitrator with any precision. Our task is no less difficult than that which confronted Dey J. However, it is our duty, in determining this appeal, to make up our own minds not disregarding the decision of the judge of first instance but with full liberty to form our own opinion and with an obligation, if that opinion differs from that of the judge, to vary the award appealed from by substituting our own view of what is proper — Association of Employers of Waterside Labour Case (3) applying Male Hairdressers Case (4)

We have derived particular assistance in carrying out our task from the submissions made on behalf of the Board, which have left us in no doubt that it is the Board's view that the increases awarded by Dey J. were inadequate to compensate for the changes in work value which have occurred. Where a responsible employer is of the view that the salaries of his employees need to be increased if they are to provide just and reasonable remuneration and makes that fact known to the tribunal, it must always carry a good deal of weight in an arbitration concerning those salaries, and, when the employer is itself a statutory wage and salary fixing authority, as the Board is, the grounds for giving weight to the employer's view are very strong.

In the course of his address, Mr Plunkett, who appeared for the Board, said:

The Board feels that there have been major and substantial changes in the way in which prison officers are required to perform their duties. It is conceded that Dey J. properly took into consideration three major factors in determining that an increase in the rates of pay of prison officers was justified. Firstly, the implementation of many of the recommendations of the Royal Commission Report have affected the way in which prison officers perform their duties and the attitudes they must adopt and this in my submission refers equally to prison officers in all establishments, maximum security, minimum security and medium security and not only in those establishments where there might be hard core or recalcitrant prisoners.

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Secondly the evidence of Dr. Vinson shows that he expects all prison officers to come under his administration. He is clearly fully committed to the implementation not only of the stated aims of the recommendations of the Royal Commission Report but also to the spirit behind such recommendations.

Thirdly, the training course for prison officers has been expanded and the requirements for external study for promotion beyond the rank of first-class prison officer has been introduced. This involves the prison officer in study in his own time. The Board agrees that the changes that have taken place completely justify the level of increase awarded by Dey J.

As to whether these changes justify a larger increase and, if so, how much, is a matter requested by the Association to be determined by the Industrial Commission and the Board concurs in this proposal.

Thus the basic attitude of the Board was that it wished the Commission in Court Session to determine whether any increases beyond those awarded by Dey J. were justified. But, having made that clear, Mr. Plunkett went on to refer to various considerations which would have supported a finding that some further increases were justified.

He dealt first with one matter which, he said, had not been given a great deal of emphasis in the argument before Dey J. This concerned the classification Prison Officer - 1st Class, a classification embracing two distinct classes of officers, one "custodial" and the other "industrial"; but who for a number of years had been rated on the same salary level, an equivalence which the Board did not seek to disturb. The "industrial" prison officers were overseers with responsibilities for the supervision and training of prisoners either in trade work or in horticultural or catering activities. The majority of them held trade qualifications and a large proportion of the minority had completed in whole or part a training course appropriate to the occupation involved. Many overseers, in addition to supervising the work of prisoners had the responsibility for the maintenance of a garden or number of gardens.
of mechanical or electrical plant and equipment, plumbing facilities and motor vehicles. It was the Board's submission, Mr Plunkett said, that the increase which should have been awarded for prison officer overseers was not less than $18.80 per week, which was the amount of increase which had been awarded during 1979 to mechanical fitters under the Crown Employees (Skilled Tradesmen) Award. (The increase resulting from the award of Day J. was $16.12 first year and $16.48 2nd year and thereafter.) Mr Plunkett added:

If increases less than that were to be awarded to our prison area, where we require a goodly proportion of our overseers to be tradesmen and in addition to have a supervisory factor, we would envisage major problems in recruiting for those particular jobs.

Mr Plunkett went on to submit that whatever increase the Commission found justified for overseers should also be extended to custodial class 1 officers, who had been substantially more affected by the changes which had occurred in the system and who would all have been in the service for at least four or five years and would have acquired skills which could reasonably be equated with the skills of tradesmen.

Finally, Mr Plunkett referred us to a decision made on 14 December 1979 by the Victorian Police Service Board fixing increased salaries for commissioned and non-commissioned police officers. Of this decision, Mr Plunkett said:

I do not say that it is directly applicable to prison officers in New South Wales but it may help your Honours in coming to a decision.

Mr Plunkett said that added stress was a factor on which prison officer witnesses had relied at the hearing before Day J. and that the Victorian tribunal had placed reliance on added stress as a factor in coming to its decision. He put the decision before us "as a guide to percentages that have been awarded in a somewhat related case". It was, he said, in the Board's submission "a relevant guide". (The percentage increases in salary
determined by the Police Service Tribunal were: Commander and other senior officers 10 per cent, Senior Sergeant 8.07 per cent, Sergeant 9.12 per cent, Senior Constables from 11.24 to 11.93 per cent, Constables from 11.39 to 11.80 per cent, Probationary Constables from nil to 9.75 per cent.)

We do not know the reasons on which the decision of the Victorian Police Service Board was based. The nature of the work of police officers is very different from that of prison officers and it is inconceivable that any useful comparison could be made of changes in the work of Victorian police and changes in the work of prison officers. The only help we get from the tender of the decision is that we believe that it conveys to us the Board's view that the percentage increases awarded by Dey J., which approximated 7 per cent, were inadequate and that percentages conforming more closely to those determined by the Victorian Board would be appropriate.

In light of all of the material before us and the submissions made, we have had to make up our minds as to what amounts will fairly compensate prison officers for the changes which have occurred in their work and responsibilities since 1975. Prison officers have always been regarded as a class sui generis and the circumstances revealed in this case touching on the Royal Commission and the implementation of its recommendations are unique. We are satisfied that additional increases beyond those awarded by Dey J. are called for in the very special circumstances of this case.

We are quite unattracted by the pattern of percentage increases determined by the Victorian Police Board, which gave lesser percentages to senior officers and sergeants than to constables and senior constables. We are convinced that the changes to which Dr Vinson referred in such detail weigh more heavily on officers in promotion positions than on others.
for it will fall to them to ensure that, in the difficult present period of transition, their subordinates properly adapt to the vastly different procedures for the control of prisoners which have been introduced. In this regard we also bear in mind what was put by Mr Plunkett concerning the work of overseer prison officers class 1 and our view that their salaries should be fixed not only having regard to Crown standards for skilled tradesmen but to the fact that many of them are responsible for maintenance of services in institutions and also supervision of prisoners.

The conclusion which we have reached is that the award made by Dev J. should be varied to provide for salaries at levels higher than those payable prior to his Honour's award in relation to a basic wage of $76.20 per week by the following percentages:

- Probationary Prison Officer 8 per cent
- Prison Officer 10 per cent
- Prison Officer - 1st Class 12 per cent
- Senior Prison Officer 12 per cent

We order accordingly. By consent, the award will operate from the beginning of the first pay period to commence on or after 1 July 1979.

*****

REFERENCES

(1) 30 November 1979 - 78/524
(2) 200 I.G. 1921
(3) 5 May 1977 - 76/505 & 76/643
(4) 1963 A.R. 475 at p. 488
Dear Sir

PRISON OFFICERS, DEPARTMENT OF CORRECTIVE SERVICES - LOG OF CLAIMS RE CONDITIONS OF EMPLOYMENT

I refer to the conference held at the Board's office on 16th September, 1980, when the various items listed under the above heading were discussed.

As you are aware some of these matters were included in the Association's most recent Award application and formal conferences have taken place previously between the parties.

In general, the Board has maintained the view that where service-wide standards are involved relating to overtime and shift penalties, it is unable to agree to any departure from current provisions which, of course, are based on decisions of the Industrial Commission in this area. After giving consideration to the Association's renewed representations, the Board has again come to the conclusion that existing standards coupled with the most recent salary review represent fair and reasonable compensation for shift work and overtime in this industry.

However, as to the question of notice of change of shift, the Board has requested the Department of Corrective Services to undertake an examination of the incidence of short notice change of shift and the reasons thereof over an extended period and will review the matter in the light of the information received. The Board's impression at present is that reversion to day shift or day work is often involved (a situation not normally compensable under Awards specifying 48 hours notice) and that changes are often to meet the needs or aspirations of fellow officers.

The Association's representations under the headings of Travelling Allowance, Housing Allowance and Telephone Allowance have been reconsidered but it is regretted the Board is unable to agree to these claims. As to the matter of Environmental Allowance, it is felt that this factor was fully canvassed in the recent salary hearings.

Finally, the matter of Hosiery Allowance for female officers has been reviewed and will be increased to the equivalent of $50 p.a. effective from the next quarterly payment.

Yours faithfully

D.R. WALKER
Secretary

[Signature]
<table>
<thead>
<tr>
<th>Position</th>
<th>Per Annum</th>
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</thead>
<tbody>
<tr>
<td>Probationary Prison Officer</td>
<td>14674</td>
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<td>Prison Officer -</td>
<td></td>
</tr>
<tr>
<td>1st year</td>
<td>15276</td>
</tr>
<tr>
<td>2nd year</td>
<td>15600</td>
</tr>
<tr>
<td>3rd year</td>
<td>15935</td>
</tr>
<tr>
<td>4th year</td>
<td>16182</td>
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<tr>
<td>5th year</td>
<td>16420</td>
</tr>
<tr>
<td>Prison Officer - 1st Class</td>
<td></td>
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<tr>
<td>Overseer</td>
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<tr>
<td>1st year</td>
<td>17625</td>
</tr>
<tr>
<td>2nd year and Thereafter</td>
<td>18024</td>
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<td>Senior Prison Officer</td>
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<td>Senior Overseer</td>
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<td>1st year</td>
<td>19726</td>
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<td>2nd year and Thereafter</td>
<td>19124</td>
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</table>

(4) ENVIRONMENT ALLOWANCE

The salaries prescribed in Clause 3 represent a 4% increase in base salary together with a further 8% increase in base salary as an environment allowance making a total of 12% overall increase in pre-existing salaries.

The parties agree that the establishment of an environment allowance does not imply that the environment in which prison officers work has not been taken into account in previous salary fixations. It represents recognition of the pressures and responsibilities inherent in the present climate of prison officers work. The allowance supersedes the allowance previously payable to officers employed in the Special Care Unit, Long Bay Gaol.

(5) ADJUSTMENT OF SALARIES OF OFFICERS COVERED BY AGREEMENT

Subject to the provisions of this Agreement the salaries of officers employed at the operative date of this Agreement shall be adjusted to the appropriate scale prescribed by this Agreement on the basis of years of service in position - for the purpose of this clause officers shall be deemed to have the years of service represented by the salary received under the appropriate scale in force immediately prior to the date of operation of this Agreement.

(6) INCREMENTS

(i) The payment of increments under the scale of salaries prescribed by this Agreement shall be subject to approval by the Board.

(ii) One month prior to the date on which an officer will become eligible for an increment of salary, the Department Head shall report to the Board as to conduct and the manner in which the duties of the officer have been performed.
(iii) In cases where the recommendation of the Department Head is adverse to the granting of an increment, and such recommendation has been approved by the Board, the officer affected shall have the right of appeal to the Board.

(7) **CALCULATION OF SERVICE**

In calculating years of service for the purpose of this Agreement, the following periods shall not be taken into account:

(a) any period during which an officer is not eligible to proceed by reason of failure to satisfy any required examination test;

(b) any period in respect of which an increment is refused under Clause (5) hereof;

(c) any leave of absence without pay exceeding five days in any incremental year;

(d) any period necessary to give full effect to a reduction in salary imposed by the Board by virtue of Sections 94 or 95 or 133 of the Public Service Act, 1979.

(8) **SHIFT WORK**

(i) For the purpose of this clause -

"Afternoon Shift" means any shift finishing after 6 p.m. and at or before midnight.

"Night Shift" means any shift finishing subsequent to midnight and at or before 6.00 a.m.

"Early Morning Shift" means any shift commencing before 6.00 a.m.

(ii) In lieu of existing allowances in respect of Shift Work other than at weekends or on public holidays the following allowances shall be paid:

<table>
<thead>
<tr>
<th>Shift Type</th>
<th>Percentage</th>
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<tr>
<td>Early morning shift</td>
<td>10%</td>
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<tr>
<td>Afternoon shift</td>
<td>15%</td>
</tr>
<tr>
<td>Night shift</td>
<td>17%</td>
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(9) **ANNUAL LEAVE LOADING**

The Annual Leave Loading payable to all officers engaged as shift workers shall be 20% in lieu of all other entitlements under this heading. A "Shift worker" for the purpose of this clause means an officer who regularly receives shift allowances including weekend shift allowances as part of his ordinary remuneration.

(10) **GENERAL**

Nothing in this Agreement shall be construed as restricting the authority of the Board to alter the duties of any position or to abolish any position covered by this Agreement.
(11) **ADJUSTMENT OF SALARIES ON ECONOMIC GROUNDS**

Leave is reserved to the Association to apply to re-open this Agreement in the event of any enactment or decision by the Government or by the New South Wales Industrial Commission providing for adjustment of salaries in Awards or Agreements generally on economic grounds. Provided that any such adjustment in respect of the period prior to the date of operation of this Agreement shall be deemed to be included in the salaries prescribed in Clause 3, herein.

(12) **AREA, INCIDENCE AND DURATION**

Except to the extent that they have been specifically varied by this Agreement, the provisions of Awards, Agreements and Determinations in respect of Prison Officers, Department of Corrective Services, shall continue to remain in force. This Agreement shall apply to all officers as defined herein. It shall have effect for a period of one year on and from the beginning of first pay period commencing on or after the 1st day of October, 1981, and shall continue in force thereafter until one month's notice of its termination is given by either party.

AS WITNESS the hands of the parties hereto the day and year first above-written.

SIGNED BY:

[Signature]

duly authorised by THE
PUBLIC SERVICE ASSOCIATION
OF NEW SOUTH WALES to sign
this Agreement on its
behalf in the presence of:

[Signature]
<table>
<thead>
<tr>
<th>Grade and Position</th>
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<th>I2%</th>
<th>Increased $ per month</th>
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<td><strong>Probationary Prison Officers</strong></td>
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<td></td>
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<tr>
<td>1st year</td>
<td>13,480</td>
<td></td>
<td>$204</td>
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<td>2nd year</td>
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<tr>
<td>3rd year</td>
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<td>4th year</td>
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<td>5th year and thereafter</td>
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<td>16,200</td>
<td></td>
<td>$276</td>
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<td>2nd year and thereafter</td>
<td>16,200</td>
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<td><strong>Senior Prison Officer</strong></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>1st year</td>
<td>16,200</td>
<td></td>
<td>$276</td>
</tr>
<tr>
<td>2nd year and thereafter</td>
<td>16,200</td>
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<td>$276</td>
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<tr>
<td><strong>Principal Prison Officer</strong></td>
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<tr>
<td>1st year</td>
<td>16,200</td>
<td></td>
<td>$276</td>
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<td>2nd year and thereafter</td>
<td>16,200</td>
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<tr>
<td><strong>Principal Industries Officer</strong></td>
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<tr>
<td>1st year</td>
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<td>$276</td>
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<tr>
<td>2nd year and thereafter</td>
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<td><strong>Deputy Superintendent Grade 2</strong></td>
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<tr>
<td>On Appointment</td>
<td>21,232</td>
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<tr>
<td>Grade 1 On Appointment</td>
<td>22,032</td>
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<td><strong>Superintendent</strong></td>
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<tr>
<td>Grade 3 On Appointment</td>
<td>22,032</td>
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<td>Grade 2 On Appointment</td>
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<tr>
<td>Grade 1 On Appointment</td>
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<tr>
<td><strong>Chief Superintendent - Malabar</strong></td>
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<td>Deputy Director of Establishments</td>
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<td>On Appointment</td>
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<td>$333</td>
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<tr>
<td><strong>Director of Establishments</strong></td>
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<tr>
<td>On Appointment</td>
<td>28,315</td>
<td></td>
<td>$333</td>
</tr>
</tbody>
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* Assistant Superintendent does not receive allowance.
# Allowance covering call back and after-hours duty.

Redacted, C.E.T.
C.R. 4/12/81
11 December 1981

The Secretary,
Public Service Board,
Lend Lease House,
47-53 Macquarie Street,
SYDNEY, N.S.W. 2000

Dear Sir,

Application for a new Crown Employees (Prison Officers) Award, Salaries etc. - P.S.B. reference 78/2626/2 vol. III

I refer to your recent letter dated 7 December 1981 concerning the above matter.

Both the Prison Officers Vocational Branch and the Executive Officers Vocational Branch have now considered the terms of your proposals in settlement of the claims for salary increases and the establishment of an environmental allowance. In respect of this matter, I desire to advise that the total increase of 12% applying to all classifications covered by the current Prison Officers' Award and the Executive Officers' Agreement is acceptable to the members of my Association. As this salary proposal will be effective from the first pay period commencing in October 1981, it is reasonable to assume that the Board's Determination providing for a 7½% salary loading in the Special Care Unit at Long Bay will be rescinded from the same effective date.

The Association acknowledges that the 12% will include any consideration which may otherwise arise from decisions of the Government or the Industrial Commission on economic grounds in respect of the period prior to the effective date.

However, according to the understanding of all the representatives who attended this conference on 4 December 1981, this does not prevent a flow-on of any Consumer Price Index movement that may be awarded by the Government or the Industrial Commission in respect of the period after the effective date. Having regard to the fact that an Award will be proceeded with in the Industrial Commission during 1982 on the balance of the Log of Claims (e.g. Assault Pay etc.), it is considered that this salary proposal as now accepted should be incorporated in a Salary Agreement operative for a period of twelve months.

Your early attention to the implementation of this salary matter would be appreciated.

Yours faithfully,

G. B. HAMMOND,
GENERAL SECRETARY.
Dear Sir

APPLICATION FOR A NEW CROWN EMPLOYEES (PRISON OFFICERS) AWARD: SALARIES ETC.

Further to your letter of 27th November, 1981, I wish to confirm the proposals agreed to in conference between the Board and the Association on Friday morning, 4th December, 1981, in settlement of the claims for salary increases and the establishment of an environmental allowance. Subject to endorsement by members of the Prison Officers' Vocational Branch and the Executive Officers' Vocational Branch, the proposals are:

1. Effective from the first pay period commencing in October, 1981, there will be a total increase in salaries of 12% made up of a 4% addition to base salary together with a further 8% representing environment allowance. This will apply to all classifications covered by the current Prison Officers' Award and the Executive Officers' Agreement.

The establishment of the environment allowance does not imply that the factors making up the environment in which Prison Officers work have not been considered in previous salary fixations but meets the Association's desire that the pressures and responsibilities inherent in the present climate of Prison Officers' work be especially recognised in this adjustment.

2. The Board's determination providing for a 7½% salary loading in the Special Care Unit at Long Bay will be rescinded from the same effective date.

3. The total salary applicable under the above headings will be deemed to include any consideration which may otherwise arise from decisions of the Government or the Industrial Commission on economic grounds in respect of the period prior to the effective date.

7 DEC 1981
4. The Award or Agreement embracing the above will operate for twelve months; no claims in nature of salary will be pursued other than the Service-wide claim in respect of future cost of living adjustments in that time.

Your advice in due course as to the acceptability of the above proposals is awaited. Subject to endorsement the parties will need to give consideration to whether the several agreements should be included in an Award or an Agreement.

Yours faithfully

J. McCLELLAND
Acting Secretary
PUBLIC SERVICE BOARD OF N.S.W.  
47-53 Macquarie Street,  
SYDNEY N.S.W. 2000  
25 December, 1982  
PSB 78/2626 Vol. III  

PRISON OFFICERS, DEPARTMENT OF CORRECTIVE SERVICES  

SECTION 82 (1) DETERMINATION NO. 770 OF 1982  

(1) INTRODUCTORY  

Following the Judgment of the Industrial Commission in Court Session of 23rd November, 1982, in Matters Nos. 443 to 448 of 1982 and the recommendation of His Honour, Mr Justice Cahill on 15th December, 1982, the Board has determined, pursuant to Section 82(1) of the Public Service Act, 1979, the adjustment of salaries and allowances prescribed herein.  

(2) DEFINITIONS  

"Officer" means and includes all persons permanently or temporarily employed under the Public Service Act, 1979, classified in the General Division and who are appointed to a position classified under this Determination.  

(3) SALARIES  

Subject to the provisions of the Public Service Act, 1979, and the Regulations thereunder, the salaries to be paid to officers appointed to positions covered by this Determination are those specified in the schedule annexed hereto provided that an officer temporarily employed under the provisions of the Public Service Act, 1979, shall unless otherwise determined by the Board, be paid the weekly equivalent of the annual salary prescribed.  

(4) ADJUSTMENT OF SALARIES  

The salaries of officers covered by this Determination shall be adjusted to the rates prescribed by this Determination on the basis of years of service in position or grade - for this purpose an officer shall be deemed to have the years of service indicated by the salary received under the scale in force immediately prior to the effective date of this Determination.  

(5) WAGE BASIS  

The salaries prescribed in this Determination are based on a basic wage of $89.10 per week.  

(6) DATE OF EFFECT  

This Determination shall take effect from the beginning of the first pay period to commence on or after 1st November, 1982.  

It shall apply to all officers who, on the effective date of this Determination, were occupying a position covered by this Determination, or who, after that date, are appointed to one of such positions.  

R K TOUT  
Secretary  

101
### Schedule to Determination No. 770 of 1982

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<th>POSITIONS</th>
<th>CURRENT RATES</th>
<th>NEW RATES</th>
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<td>($89.10 w.b.)</td>
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<td>$ p.a.</td>
<td>$ p.a.</td>
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<td>15261</td>
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<tr>
<td>1st year</td>
<td>15276</td>
<td>15587</td>
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<tr>
<td>2nd year</td>
<td>15600</td>
<td>15624</td>
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<td>4th year</td>
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<td>5th year</td>
<td>16420</td>
<td>17077</td>
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<td>Prison Officer - 1st Class Overseer</td>
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<tr>
<td>1st year</td>
<td>17625</td>
<td>18330</td>
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<tr>
<td>2nd year and Thereafter</td>
<td>18024</td>
<td>18745</td>
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<td>Senior Prison Officer</td>
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<td>2nd year and Thereafter</td>
<td>19124</td>
<td>19889</td>
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</table>
Dear Sir

PRISON OFFICERS, DEPARTMENT OF CORRECTIVE SERVICES -
LOG OF CLAIMS RE SALARIES AND CONDITIONS OF EMPLOYMENT

I refer to a conference held at the Board's office on 23rd November, 1982, concerning the above. The matter of salaries, of course, has since been dealt with by the recent 4% Public Sector Salaries decision of the Industrial Commission.

As to conditions of employment, I wish to advise that the Board has given careful consideration to the various items raised, but regrets that in the absence of any recent change in Award standards relating to this matter and in the present economic situation, it is not possible to accede to the Association's claims.

Yours faithfully

R.K. TOOLL
Secretary

19 JAN 1983
PUBLIJX SERVICE BOARD,  
47-53 Macquarie Street,  
SYDNEY 2000.  

9th June, 1972.  
P.S.B. 71/14520  

SECTION 14A DETERMINATION NO. 190 OF 1972  
By:  
Superintendents and Deputy Superintendents, Etc.;  
Department of Corrective Services.  

Pursuant to Section 14A of the Public Service Act, 1902, the  
Board has determined that the salaries, allowances and  
conditions of Superintendents and Deputy Superintendents, Etc.,  
Department of Corrective Services, shall be as hereinafter  
modified.  

(1) DEFINITIONS  

"Official" means and includes all adult persons permanently  
or temporarily employed under the provisions of the Public  
Service Act, 1902, who on the twelfth day of April, 1972 were  
occupying a position covered by this Agreement, or who, after  
that date, are appointed to one of such positions; but does  
not include any person who resigned or whose services were  
terminated prior to the date of this Determination.  

"Service" means continuous service. Future appointees  
shall be deemed to have the years of service indicated by the  
salaries at which they are appointed.  

(2) CLASSIFICATIONS AND SALARIES  
A. FUTURE APPOINTMENTS  

Subject to the provisions of the Public Service Act  
1902, and the regulations made thereunder and subject to  
satisfaction of the conditions prescribed by this Determination,  
the following shall be the annual rates of salary payable  
for officers appointed to the positions specified:  

104
Position

On 3-5-71
($30.50-9.50)

Assistant Superintendent of Industries
Assistant Superintendent of Buildings

1st Year of Service
2nd " " "
3rd " " "
4th " " "
5th " " " & thereafter

Provided that an officer temporarily employed under the provisions of the Public Service Act, 1900, in any position covered by this Determination shall, unless otherwise determined by the Board, be paid the weekly equivalent of the annual salary prescribed.

B. ADJUSTMENT OF SALARY OF OFFICERS COVERED BY DETERMINATION

Subject to the provisions of this Determination, the salary of officers covered by this Determination shall be adjusted to the appropriate scale prescribed by this Determination on the basis of service in position or grade — for the purpose of this sub-clause officers shall be deemed to have the years of service represented by the salary received under the appropriate scale in force immediately prior to the date of operation of this Determination.

3. ALLOWANCES

In addition to the salaries prescribed by this Determination, Superintendents and Deputy Superintendents, except the Deputy Superintendent (Assistant to the Chief Superintendent) in any Complex shall be paid an on call allowance at the rate of .75 per annum.

Officers who are not provided with a uniform shall be paid an allowance in lieu of the provision of a uniform, at the rate of .75 per annum.

4. SATURDAY AND SUNDAY OVERTIME

An officer who is rostered to and performs work on a Saturday shall be paid at the rate of time and a quarter for all such work.

An officer who is rostered to and performs work on a Sunday shall be paid at the rate of time and a half for all such work.

5. INCREASES

(1) The payment of increments under the scale of salaries prescribed by this Determination shall be subject to approval by the Board.

(1) One month prior to the date on which an officer will become eligible for an increment of salary, the Permanent
Head shall report to the Board as to conduct and the manner in which the duties of the officer have been performed.

(iii) In cases where the recommendation of the Permanent Head is adverse to the granting of an increment, and such recommendation has been approved by the Board, the officer affected shall have the right of appeal to the Board.

6. CALCULATION OF SERVICE

In calculating years of service for the purpose of this Determination, the following periods shall not be taken into account, viz:—

(a) any period during which an officer is not eligible to proceed by reason of failure to satisfy any required examination test;

(b) any period in respect of which an increment is refused under Clause (5) hereof;

(c) any leave of absence without pay exceeding five days in any incremental year;

(d) any period necessary to give full effect to a reduction in salary imposed by the Board by virtue of Sections 55, 58 or 61 of the Public Service Act, 1902.

7. GENERAL

The salaries, allowances and conditions prescribed by this Determination shall be deemed to include remuneration for all incidents of the employment including, where at present applicable, compensation for work at night and during week-ends or on Public Holidays; provided that this clause shall not operate so as to deprive an officer of any existing rights or privileges under the Public Service Regulations, Agreements, or determinations of the Board.

Unless there are reasons to the contrary, the adjustments approved are to be paid as salary, subject in relevant cases to the completion of Appeals Board action. Where, however, it is considered that a special determination in regard to seniority is warranted, the adjustment is to be paid by way of allowance and the circumstances reported to the Board for its consideration.

8. BASIC WAGE

The salaries prescribed in Part A, Clause (2), Salaries, of this Determination are based on a basic wage for adult males of $39.40 per week.

The rates prescribed herein shall be adjusted on and from 19th May, 1972, in accordance with the provisions of Circular No. 121 of 1972, dated 19th May, 1972.

Such salaries shall be varied from time to time following any determination of the Industrial Commission of New South Wales made pursuant to Section 57 of the Industrial Arbitration Act, 1940, in like manner as if this Determination were an Award prescribing annual rates of salaries to which the provisions of that Act apply, provided that the salaries as so varied shall be adjusted to the nearest dollar.
9. AREA, INCIDENCE & DURATION

This Determination shall apply to all officers as defined herein. It shall have effect on and from the twelfth day of March, 1971.

10. In applying this Determination, reference should be made to Circular No. 153 of 26th October, 1950, as amended by Circular No. 69 of 10th March, 1971.

11. Additional copies of this Determination may be obtained by ringing 2701 246.

[Signature]

E.H. Cameron

Secretary,

Public Service Board.
The Commissioner of Corrective Services.

Superintendents and Deputy Superintendent etc.

As a result of negotiations with the Board, the Public Service Association in a letter dated 6th April, 1972 advised its acceptance of the Board's offer but has refused to sign a document embodying the terms of that agreement.

In view of the special circumstances of this matter the Board has determined the salaries of Superintendents etc and a copy of the Determination is attached.

E. H. CAMERON,
per R.S.D.
E. H. Cameron
Secretary.

Determination has been drafted in accordance with Board Approval of 9/4/72.

Determination and letter for signature below.

13/4/72.

Please return or call attention to 10.45 times and refer back.

12(14th Lovely).

13 JUN 1972

13 JUN 1972
Pursuant to Section 14A of the Public Service Act, 1902, the Board has determined that the salaries, allowances and conditions of Superintendents and Deputy Superintendents, Etc., Department of Corrective Services, shall be as hereinafter specified:

(1) DEFINITIONS

"Officer" means and includes all adult persons permanently or temporarily employed under the provisions of the Public Service Act, 1902, who, on the twenty-third day of March, 1973, were occupying a position covered by this Determination, or who, after that date, are appointed to one of such positions, but does not include any person who resigned or whose services were terminated prior to the date of this Determination.

"Service" means continuous service. Future appointees shall be deemed to have the years of service indicated by the salaries at which they are appointed.

(2) CLASSIFICATIONS AND SALARIES

A. FUTURE APPOINTEES

Subject to the provisions of the Public Service Act, 1902, and the Regulations made thereunder and subject to satisfaction of the conditions prescribed by this Determination, the following shall be the annual rates of salary payable to officers appointed to the positions specified:
<table>
<thead>
<tr>
<th>Position</th>
<th>On &amp; From</th>
<th>23.3.73</th>
<th>$41.10 w.b.</th>
<th>$ p.a.</th>
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<tbody>
<tr>
<td>Chief Superintendent of Prison Complex, Long Bay</td>
<td>On Appointment</td>
<td>10,747</td>
<td></td>
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</tr>
<tr>
<td>Superintendent -</td>
<td>Central Industrial Prison</td>
<td>Metropolitan Reception Prison</td>
<td>Metropolitan Remand Centre</td>
<td>Marramatta Gaol</td>
</tr>
<tr>
<td></td>
<td>1st year of service</td>
<td>9940</td>
<td></td>
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<tr>
<td></td>
<td>Thereafter</td>
<td>10107</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Superintendent -</td>
<td>Emu Plains Training Centre</td>
<td>Cooma Prison</td>
<td>1st year of service</td>
<td>9060</td>
</tr>
<tr>
<td></td>
<td>Thereafter</td>
<td>9252</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Superintendent -</td>
<td>Borrie Training Centre</td>
<td>Grafton Gaol</td>
<td>Irvine House Detention Centre</td>
<td>Wilson Island</td>
</tr>
<tr>
<td></td>
<td>On appointment</td>
<td>8231</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Position</td>
<td>On &amp; From</td>
<td>Rate 1</td>
<td>Rate 2</td>
<td></td>
</tr>
<tr>
<td>----------</td>
<td>-----------</td>
<td>--------</td>
<td>--------</td>
<td></td>
</tr>
<tr>
<td>Deputy Superintendent</td>
<td>23.3.75 -</td>
<td>7833</td>
<td>8005</td>
<td></td>
</tr>
<tr>
<td>Central Industrial Prison</td>
<td>23.3.75 -</td>
<td>7833</td>
<td>8005</td>
<td></td>
</tr>
<tr>
<td>Metropolitan Reception Prison</td>
<td>23.3.75 -</td>
<td>7833</td>
<td>8005</td>
<td></td>
</tr>
<tr>
<td>Parramatta Gaol</td>
<td>23.3.75 -</td>
<td>7833</td>
<td>8005</td>
<td></td>
</tr>
<tr>
<td>Bethurst Gaol</td>
<td>23.3.75 -</td>
<td>7833</td>
<td>8005</td>
<td></td>
</tr>
<tr>
<td>Goulburn Training Centre</td>
<td>23.3.75 -</td>
<td>7833</td>
<td>8005</td>
<td></td>
</tr>
<tr>
<td>Office-in-Charge - Special Operations Division</td>
<td>23.3.75 -</td>
<td>7833</td>
<td>8005</td>
<td></td>
</tr>
<tr>
<td>Deputy Superintendent</td>
<td>23.3.75 -</td>
<td>7833</td>
<td>8005</td>
<td></td>
</tr>
<tr>
<td>(Assistant to the Chief Superintendent)</td>
<td>23.3.75 -</td>
<td>7833</td>
<td>8005</td>
<td></td>
</tr>
<tr>
<td>(Long Bay Complex)</td>
<td>23.3.75 -</td>
<td>7833</td>
<td>8005</td>
<td></td>
</tr>
<tr>
<td>Wollondilly</td>
<td>23.3.75 -</td>
<td>7833</td>
<td>8005</td>
<td></td>
</tr>
<tr>
<td>Deputy Superintendent, Work Release Programme</td>
<td>23.3.75 -</td>
<td>7833</td>
<td>8005</td>
<td></td>
</tr>
<tr>
<td>Deputy Superintendent (Relief), Long Bay Complex</td>
<td>23.3.75 -</td>
<td>7833</td>
<td>8005</td>
<td></td>
</tr>
<tr>
<td>1st year of Service</td>
<td></td>
<td>7833</td>
<td>8005</td>
<td></td>
</tr>
<tr>
<td>Thereafter</td>
<td></td>
<td>8005</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Deputy Superintendent</td>
<td>23.3.75 -</td>
<td>7554</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Emu Plains Training Centre</td>
<td>23.3.75 -</td>
<td>7554</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cooma</td>
<td>23.3.75 -</td>
<td>6264</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Assistant Superintendent</td>
<td></td>
<td>7554</td>
<td></td>
<td></td>
</tr>
<tr>
<td>On appointment</td>
<td></td>
<td>7554</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Superintendent, Mulawa Training and Detention Centre for Women</td>
<td>On appointment</td>
<td>7554</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Deputy Superintendent, Mulawa Training and Detention Centre for Women</td>
<td>On appointment</td>
<td>6264</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Provided that an officer temporarily employed under the provisions of the Public Service Act, 1902, in any position covered by this Determination shall, unless otherwise determined by the Board, be paid the weekly equivalent of the annual salary prescribed.

B. ADJUSTMENT OF SALARIES OF OFFICERS COVERED BY DETERMINATION

Subject to the provisions of this Determination, the salaries of officers covered by this Determination shall be adjusted to the appropriate scale prescribed by this Determination on the basis of service in position or grade - for the purpose of this subclause officers shall be deemed to have the years of service represented by the salary received under the appropriate scale in force immediately prior to the date of operation of this Determination.

(3) ALLOWANCES

In addition to the salaries prescribed by this Determination, Superintendents and Deputy Superintendents, except the Deputy Superintendent (Assistant to the Chief Superintendent) Long Bay Complex shall be paid an on call allowance at the rate of $75 per annum.

Officers who are not provided with a uniform shall be paid an allowance, in lieu of the provision of a uniform, at the rate of $75 per annum.

(4) SATURDAY AND SUNDAY WORK

An officer who is rostered to and performs work on a Saturday shall be paid at the rate of time and a half for all such work.

An officer who is rostered to and performs work on a Sunday shall be paid at the rate of time and three quarters for all such work.

(5) INCREMENTS

(i) The payment of increments under the scales of salaries prescribed by this Determination shall be subject to approval by the Board.

(ii) One month prior to the date on which an officer will become eligible for an increment of salary, the Permanent Head shall report to the Board as to conduct and the manner in which the duties of the officer have been performed.

(iii) In cases where the recommendation of the Permanent Head is adverse to the granting of an increment, and such recommendation has been approved by the Board, the officer affected shall have the right of appeal to the Board.
5.

(6) **CALCULATION OF SERVICE**

In calculating years of service for the purpose of this Determination, the following periods shall not be taken into account, viz: -

(a) any period during which an officer is not eligible to proceed by reason of failure to satisfy any required examination test;

(b) any period in respect of which an increment is refused under Clause (5) hereof;

(c) any leave of absence without pay exceeding five days in any incremental year;

(d) any period necessary to give full effect to a reduction in salary imposed by the Board by virtue of Sections 56, 58 or 61 of the Public Service Act, 1922.

(7) **GENERAL**

Unless there are reasons to the contrary, the adjustments approved are to be paid as salary, subject in relevant cases to the completion of Appeals Board action. There, however, it is considered that a special determination in regard to seniority is warranted, the adjustment is to be paid by way of allowance and the circumstances reported to the Board for its consideration.

(8) **BASIC WAGE**

The salaries prescribed in Part A, Clause (2), Salaries, of this Determination are based on a basic wage for adult males of £4.10 per week.

Such salaries shall be varied from time to time following any determination of the Industrial Commission of New South Wales made pursuant to Section 57 of the Industrial Arbitration Act, 1949, in like manner as if this Determination were an Award prescribing annual rates of salaries to which the provisions of that Act apply, provided that the salaries as so varied shall be adjusted to the nearest dollar.

(9) **AREA, INCIDENCE AND DURATION**

This Determination shall apply to all officers as defined herein. It shall have effect on and from the twenty-third day of March, 1973. It shall apply to all officers who, at that date, were occupying a position covered by this Determination, or who, after that date, are appointed to one of such positions but does not apply to any person who resigned or whose services were terminated prior to the date of this Determination.
6.

In applying this determination, reference should be made to Circular No. 455 of 26th October, 1960, as amended, by Circular No. 69 of 10th March, 1971.

E.H. CAMERON,
Secretary,
PUBLIC SERVICE BOARD.

Superintendents and Deputy Superintendents, Etc., Department of Corrective Services.

Pursuant to Section 14A of the Public Service Act, 1902, the Board has determined that the salaries, allowances and conditions of Superintendents and Deputy Superintendents, Etc., Department of Corrective Services, shall be as hereinafter specified:

(1) DEFINITIONS

"Officer" means and includes all adult persons permanently or temporarily employed under the provisions of the Public Service Act, 1902, who on the twenty-fourth day of August, 1973, were occupying a position covered by this Determination, or who, after that date, are appointed to one of such positions, but does not include any person who resigned or whose services were terminated prior to the date of this Determination.

"Service" means continuous service. Future appointees shall be deemed to have the years of service indicated by the salaries at which they are appointed.

(2) CLASSIFICATIONS AND SALARIES

A. FUTURE APPOINTEES

Subject to the provisions of the Public Service Act, 1902, and the Regulations made thereunder and subject to satisfaction of the conditions prescribed by this Determination, the following shall be the annual rates of salary payable to officers appointed to the positions specified:
Position

Chief Superintendent of Prison

Complex, Long Bay,
On Appointment

12,423

Superintendent -

Central Industrial Prison
Metropolitan Reception Prison
Metropolitan Remand Centre
Parramatta Gaol
Bathurst Gaol
Goulburn Training Centre
Training Centre, Malabar
Cessnock Corrective Centre
Wollongong Gaol

1st year of service
Thereafter

11,501
11,692

Superintendent -

Emu Plains Training Centre
Cooma Prison

1st year of service
Thereafter

10,519
10,745

Superintendent -

Derrima Training Centre
Grafton Gaol
Irwin House Detention Centre
Nilson Island

On Appointment

9,549

On & From 24.8.73
($44,400 w.h.)

$ p.a.
Position

Deputy Superintendent -
Central Industrial Prison
Metropolitan Reception Prison
Metropolitan Remand Centre
Parramatta Goal
Dothurn Goal
Goulburn Training Centre
Maitland Goal
Cassock Corrective Centre
Work Release Programme
(Relief). Long Bay Complex

Deputy Superintendent (Assistant to the Chief Superintendent, Long Bay Complex)

Officer-in-Charge - Special Operations
Division

1st year of service
Thereafter

Deputy Superintendent
Emu Plains Training Centre
Cooma Prison

Assistant Superintendent

On appointment

Superintendent, Mulawa Training and Detention Centre for Women

On appointment

Deputy Superintendent, Mulawa Training and Detention Centre for Women

On appointment

On & From
84. 8.73
$44.40 w.b.
3 p.a.

9094
9290
8775
8775
7301
Provided that an officer temporarily employed under the provisions of the Public Service Act, 1902, in any position covered by this Determination shall, unless otherwise determined by the Board, be paid the weekly equivalent of the annual salary prescribed.

B. ADJUSTMENT OF SALARIES OF OFFICERS COVERED BY DETERMINATION

Subject to the provisions of this Determination, the salaries of officers covered by this Determination shall be adjusted to the appropriate scale prescribed by this Determination on the basis of service in position or grade for the purpose of this subclause officers shall be deemed to have the years of service represented by the salary received under the appropriate scale in force immediately prior to the date of operation of this Determination.

(3) ALLOWANCES

In addition to the salaries prescribed by this Determination, Superintendents and Deputy Superintendents, except the Deputy Superintendent (Assistant to the Chief Superintendent) Long Bay Complex, shall be paid an on call allowance at the rate of $318 per annum.

Officers who are not provided with a uniform shall be paid an allowance, in lieu of the provision of a uniform, at the rate of $75 per annum.

(4) SATURDAY AND SUNDAY WORK

An officer who is rostered to and performs work on a Saturday shall be paid at the rate of time and a half for all such work.

An officer who is rostered to and performs work on a Sunday shall be paid at the rate of time and three quarters for all such work.

(5) INCREASES

(i) The payment of increases under the scales of salaries prescribed by this Determination shall be subject to approval by the Board.

(ii) One month prior to the date on which an officer will become eligible for an increment of salary, the Permanent Head shall report to the Board as to conduct and the manner in which the duties of the officer have been performed.

(iii) In cases where the recommendation of the Permanent Head is adverse to the granting of an increment, and such recommendation has been approved by the Board, the officer affected shall have the right of appeal to the Board.
5.

(6) CALCULATION OF SERVICE

In calculating years of service for the purpose of this Determination, the following periods shall not be taken into account, viz:-

(a) any period during which an officer is not eligible to proceed by reason of failure to satisfy any required examination test;

(b) any period in respect of which an increment is refused under Clause (5) hereof;

(c) any leave of absence without pay exceeding five days in any incremental year;

(d) any period necessary to give full effect to a reduction in salary imposed by the Board by virtue of Sections 56, 58 or 61 of the Public Service Act, 1902.

(7) GENERAL

Unless there are reasons to the contrary, the adjustments approved are to be paid as salary, subject in relevant cases to the completion of Appeals Board action. Where, however, it is considered that a special determination in regard to seniority is warranted, the adjustment is to be paid by way of allowance and the circumstances reported to the Board for its consideration.

(8) BASIC WAGE

The salaries prescribed in Part A, Clause (2), Classifications and Salaries, of this Determination are based on a basic wage for adult males of $44.40 per week.

Such salaries shall be varied from time to time following any determination of the Industrial Commission of New South Wales made pursuant to Section 57 of the Industrial Arbitration Act, 1940, in like manner as if this Determination were an Award prescribing annual rates of salaries to which the provisions of that Act apply, provided that the salaries as so varied shall be adjusted to the nearest dollar.

(9) AREA, INCIDENCE AND DURATION

This Determination shall apply to all officers as defined herein. It shall have effect on and from the twenty-fourth day of August, 1973. It shall apply to all officers who, at that date, were occupying a position covered by this
6.

Determination, or who, after that date, are appointed to one of such positions but does not apply to any person who resigned or whose services were terminated prior to the date of this Determination.

In applying this Determination, reference should be made to Circular No. 153 of 26th October, 1960, as amended by Circular No. 69 of 10th March, 1971.

H.C. EAGLETON,
Secretary,
PUBLIC SERVICE BOARD.
AGREEMENT made the eighth day of October in the year 1975 BETWEEN HAROLD HERBERT DICKINSON
JACK WALLIS DAVIES WILLIAM HEDLEY GENT and GERALD GLEESON
Members of the Public Service Board for the State of New South Wales all of Sydney in the said State (hereinafter called the Board) of the one part and THE PUBLIC SERVICE ASSOCIATION OF NEW SOUTH WALES being an Association or Organisation representing a certain class of Public Servants (hereinafter called the Association) of the other part.

(1) INTRODUCTORY

This Agreement is made between the Board and the Association in pursuance of the provisions of Section 14B of the Public Service Act, 1902.

This Agreement shall be binding upon the Board and all officers as defined herein.

(2) DEFINITIONS

"Officer" means and includes all persons permanently or temporarily employed under the provisions of the Public Service Act, 1902, who, on the twenty-ninth day of November, 1974, were occupying one of the positions covered by this Agreement, or who, after that date, are appointed to one of such positions, but does not include any person who resigned or whose services were terminated prior to the date of signing of this Agreement.

"Service" means continuous service. Future appointees shall be deemed to have the years of service indicated by the salaries at which they are appointed.

(3) SALARIES

A. FUTURE APPOINTEES

Subject to the provisions of the Public Service Act, 1902, and the regulations made thereunder and subject to satisfaction of the conditions prescribed by this Agreement, the following shall be the annual rates of salary payable to officers appointed to the positions specified.
<table>
<thead>
<tr>
<th>Position</th>
<th>Director of Establishments</th>
<th>Head Office</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>$ p.a.</td>
<td>$ p.a.</td>
</tr>
<tr>
<td>1st year of service</td>
<td>15928</td>
<td>16724</td>
</tr>
<tr>
<td>Thereafter</td>
<td>16502</td>
<td>17327</td>
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<tr>
<td>Chief Superintendent of</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Prison Complex, Long Bay</td>
<td>On Appointment</td>
<td>14726</td>
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<tr>
<td></td>
<td></td>
<td>15462</td>
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<tr>
<td>Superintendent</td>
<td></td>
<td>16019</td>
</tr>
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<td></td>
<td>On &amp; From 29.11.74 ($47.80 w.b.)</td>
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<td></td>
<td>On &amp; From 6.3.75 ($47.80 w.b.)</td>
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<td></td>
<td>On &amp; From 16.5.75 ($69.50 w.b.)</td>
<td></td>
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<tr>
<td></td>
<td>$ p.a.</td>
<td>$ p.a.</td>
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<tr>
<td>Central Industrial Prison</td>
<td></td>
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</tr>
<tr>
<td>Metropolitan Reception Prison</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Metropolitan Remand Centre</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Parramatta Gaol</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bathurst Gaol</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Goulburn Training Centre</td>
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<tr>
<td>Training Centre, Malabar</td>
<td></td>
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<td>Cessnock Corrective Centre</td>
<td></td>
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<tr>
<td>Maitland Gaol</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1st year of service</td>
<td>13711</td>
<td>14397</td>
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<tr>
<td>Thereafter</td>
<td>13921</td>
<td>14617</td>
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<td>Superintendent</td>
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<tr>
<td>Echu Plains Training Centre</td>
<td></td>
<td></td>
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<tr>
<td>Cooma Prison</td>
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<tr>
<td>1st year of service</td>
<td>12628</td>
<td>13259</td>
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<tr>
<td>Thereafter</td>
<td>12844</td>
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<td>Grafton Gaol</td>
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<td>Irwin House Detention Centre</td>
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<td></td>
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<td>Milson Island</td>
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<tr>
<td>On Appointment</td>
<td>11560</td>
<td>12138</td>
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<tr>
<td>Deputy Superintendent</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Central Industrial Prison</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Metropolitan Reception Prison</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Metropolitan Remand Centre</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Parramatta Gaol</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bathurst Gaol</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Goulburn Training Centre</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maitland Gaol</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cessnock Corrective Centre</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Work Release Programme (Relief), Long Bay Complex</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1st year of service</td>
<td>11059</td>
<td>11612</td>
</tr>
<tr>
<td>Thereafter</td>
<td>11275</td>
<td>11839</td>
</tr>
</tbody>
</table>

On & From 6.3.75 ($47.80 w.b.)
On & From 16.5.75 ($69.50 w.b.)

(117)
Deputy Superintendent
(Asst to the Chief Superintendent, Long Bay Complex)

Officer-in-Charge - Special Operations Division

1st year of service
11059

Thereafter
11275

Deputy Superintendent - Emu Plains Training Centre Cooma Prison

Assistant Superintendent

On Appointment
10708

Superintendent, Mulawa Training and Detention Centre for Women

On Appointment
10708

Deputy Superintendent, Mulawa Training and Detention Centre for Women

On Appointment
9083

Provided that an officer temporarily employed under the provisions of the Public Service Act, 1902, in any position covered by this Agreement shall, unless otherwise determined by the Board, be paid the weekly equivalent of the annual salary prescribed.

B. ADJUSTMENT OF SALARIES OF OFFICERS COVERED BY AGREEMENT

Subject to the provisions of this Agreement, the salaries of officers covered by this Agreement shall be adjusted to the appropriate scale prescribed by this Agreement on the basis of service in position or grade - for the purpose of this subclause officers shall be deemed to have the years of service represented by the salary received under the appropriate scale in force immediately prior to the date of operation of this Agreement.

(3) ALLOWANCES

In addition to the salaries prescribed by this Agreement, Superintendents and Deputy Superintendents, except the Deputy Superintendent (Assistant to the Chief Superintendent) Long Bay Complex, shall be paid an on call allowance at the rate of $338 per annum effective on and from 29th November, 1974 and $350 per annum on and from 16th May, 1975.
Officers who are not provided with a uniform shall be paid an allowance, in lieu of the provision of a uniform, at the rate of $90 per annum effective on and from 29th November, 1974.

(4) SATURDAY AND SUNDAY WORK

An officer who is rostered to and performs work on a Saturday shall be paid at the rate of half time extra for all such work.

An officer who is rostered to and performs work on a Sunday shall be paid at the rate of three-quarter time extra for all such work.

(5) INCREMENTS

(i) The payment of increments under the scales of salaries prescribed by this Agreement shall be subject to approval by the Board.

(ii) One month prior to the date on which an officer will become eligible for an increment of salary, the Permanent Head shall report to the Board as to conduct and the manner in which the duties of the officer have been performed.

(iii) In cases where the recommendation of the Permanent Head is adverse to the granting of an increment, and such recommendation has been approved by the Board, the officer affected shall have the right of appeal to the Board.

(6) CALCULATION OF SERVICE

In calculating years of service for the purpose of this Agreement, the following periods shall not be taken into account, viz.:-

(a) any period during which an officer is not eligible to proceed by reason of failure to satisfy any required examination test;

(b) any period in respect of which an increment is refused under Clause (5) hereof;

(c) any leave of absence without pay exceeding five days in any incremental year;

(d) any period necessary to give full effect to a reduction in salary imposed by the Board by virtue of Sections 56 or 61 of the Public Service Act, 1902.

(7) BASIC WAGE

The salaries prescribed in Clause (3) Salaries, Part A, Future Appointees, effective on and from 16th May, 1975 are based on a basic wage for adult males of $49.50 per week.
Superintendents and Deputy
Superintendents etc., Department
of Corrective Services.

Agreement No. 2204 of 1975

Such salaries shall be varied from time to time following any determination of the Industrial Commission of New South Wales made pursuant to Section 57 of the Industrial Arbitration Act, 1940, in like manner as if this Agreement were an Award prescribing annual rates of salaries to which the provisions of that Act apply, provided that the salaries as so varied shall be adjusted to the nearest dollar.

(8) AREA, INCIDENCE AND DURATION

This Agreement replaces Determination No. 475 of 1975 made by the Board.

It shall apply to all officers as defined herein. It shall have effect on and from twenty-ninth day of November, 1974 and shall remain in force until 6th March, 1976, and thereafter until one month's notice of its termination is given by either party.

AS WITNESS the hands of the parties hereto the day and year first abovewritten.

SIGNED BY HAROLD HERBERT DICKINSON
in the presence of:

SIGNED BY JACK WALLIS DAVIES
in the presence of:

SIGNED BY WILLIAM HEDLEY GENT
in the presence of:

SIGNED BY GERALD GLEESON
in the presence of:
No. 236 of 1975

CROWN EMPLOYEES (PRISON OFFICERS') AWARD — Application by Public Service Board for suspension of the decision of Conciliation Commissioner Dunn made on 13th May, 1975, in matter No. 1114 of 1974.

No. 237 of 1975

CROWN EMPLOYEES (PRISON OFFICERS') AWARD — Appeal by Public Service Board against the decision of Conciliation Commissioner Dunn made on 13th May, 1975, in matter No. 1114 of 1974.

JUDGMENT

MACKEN J.: On 13th of May, 1975, Mr. Conciliation Commissioner Dunn made a new Crown Employees (Prison Officers') Award. Many matters were in issue in the proceedings; the most important of them being the claim for higher salaries for employees working under the terms of the award.

A considerable amount of evidence was called before the Commissioner and inspections were made of a number of prisons.

During the hearing an application was made by the Public Service Association of New South Wales for an interim increase in salaries and the Committee granted the claim and awarded an interim increase of $9 per week, which was paid on and from 18th October, 1974.

After reviewing the evidence called before him, the Commissioner said:

The employees under this award are entitled to have a review made of their rates of pay in this work value case notwithstanding any previous enquiry, and the rates of pay I propose to fix are based on the evidence, inspections and information placed before the Conciliation Committee; my knowledge of the industry from a previous enquiry; and the obligation to fix just and reasonable rates of pay for the duration of the award. My decision in respect of rates of pay is that all current annual salaries be increased by 10.5% of the total annual salary.
The rates awarded by the decision were:

<table>
<thead>
<tr>
<th>Grade</th>
<th>$ p.a.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Probationary Prison Officer</td>
<td>7,381</td>
</tr>
<tr>
<td>Prison Officer 1st year</td>
<td>7,547</td>
</tr>
<tr>
<td>2nd year</td>
<td>7,713</td>
</tr>
<tr>
<td>3rd year</td>
<td>7,880</td>
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<tr>
<td>4th year</td>
<td>8,000</td>
</tr>
<tr>
<td>5th year</td>
<td>8,121</td>
</tr>
<tr>
<td>Prison Officer - 1st Class</td>
<td></td>
</tr>
<tr>
<td>Overseer</td>
<td></td>
</tr>
<tr>
<td>Engineer (other than Long Bay)</td>
<td></td>
</tr>
<tr>
<td>1st year</td>
<td>8,566</td>
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<tr>
<td>5th year</td>
<td>8,762</td>
</tr>
<tr>
<td>Senior Prison Officer</td>
<td></td>
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<tr>
<td>Senior Overseer</td>
<td></td>
</tr>
<tr>
<td>1st year</td>
<td>9,112</td>
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<tr>
<td>5th year</td>
<td>9,310</td>
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<tr>
<td>Chief Prison Officer</td>
<td></td>
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<tr>
<td>Chief Overseer</td>
<td></td>
</tr>
<tr>
<td>Engineer, Long Bay</td>
<td></td>
</tr>
<tr>
<td>On appointment</td>
<td>9,753</td>
</tr>
<tr>
<td>Principal Prison Officer</td>
<td></td>
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<tr>
<td>Principal Industries Officer</td>
<td></td>
</tr>
<tr>
<td>On appointment</td>
<td>10,493</td>
</tr>
</tbody>
</table>

It is from this part of the decision that an appeal has been brought and the appeal has been accompanied by an application for suspension of the award.

In the course of proceedings before me the application for the suspension of the award was not proceeded with and it is accordingly dismissed.

The history of this award is of relevance to the issues raised on this appeal and I briefly recount it.

The award was before the Industrial Commission in Court Session in 1951,\(^1\) at which time the Commission made the following statement:\(^2\)
Disciplinary officers employed in the prisons are engaged in work which 'bears no resemblance whatever to an ordinary trade, business or industry, and in our opinion the methods of wage fixation accepted in industry generally are not necessarily applicable.

It was generally conceded before the Conciliation Commissioner, and before me on appeal, that the work of prison officers is sui generis and little value is to be gained by a comparison with employees working under the provisions of other awards of the Commission. The work of prison officers had been reviewed by Mr Commissioner Dunn in 1970, and an award had been made for a period of two years to commence on or after the first day of March, 1971. Between that date and the date of the decision appealed against, prison officers had had their salaries increased by agreements made throughout that period which, by and large, can be said to have reflected the wages rounds that had taken place during that time together with economic increases. No examination of the work took place between March, 1971, and the date of the decision appealed against.

Before me on appeal Mr Harrington, counsel for the Public Service Board, argued that no change of significance had taken place in the work of prison officers since the making of the 1971 award and that, as prison officers had enjoyed salary increases throughout that period based on economic grounds, no warrant existed for further increasing the rates of pay of these officers. Mr Sweeney, counsel for the Public Service Association of New South Wales, on the other hand, argued that substantial changes had taken place in the work value of prison officers and that these changes warranted an increase in their salaries over and above the increases awarded on economic grounds and by reason of general movements in other awards, and that the decision of the Commissioner awarding a 10.5% increase was, in the circumstances, conservative. He described the changes in the performance of work of prison officers as being 'the core of the case'.

It was common ground between the parties that the principles to govern this appeal were the principles stated, and applied subsequently, in the Male Hairdressers Case(3) wherein the Commission says:
We think it right to say that the use by the legislature of the word "appeal" and the phrase "shall not be by way of re-hearing" imports - so far as this is possible in view of the important differences between judicial procedure and the procedures of industrial conciliation and arbitration - the accepted legal notions involved in an appeal which is not by way of re-hearing and that accordingly, except in the special case where the Commission has taken further evidence, an appeal under s.24 is "confined to the position of the parties at the time the judgment complained of was given." (Per Dixon J. as he then was, in The Victorian Stevedoring and General Contracting Co Pty. Ltd v Bigman (1931) 46 C.L.R. 73 at p.110), and that the Commission's jurisdiction is to be exercised "for the purpose of determining whether the decision of the inferior tribunal was right or wrong when it was pronounced" (per Evatt J., ibid at p.112).

Subject to this dicta the Commission went on to say: (5)

In our opinion, it is in accordance with the legal notions which we have stated are imported in relation to section 24 to hold that, in determining such an appeal and for the purpose of deciding whether the provisions awarded were right or wrong, it is the Court's duty to make up its own mind as to what should have been awarded, not disregarding the Commission's decision and the reasons therefor and giving special weight thereto where questions of credibility of witnesses are involved, but with full liberty to form its own opinion, and with an obligation, if its opinion differs from that of the Committee, to vary the award appealed from by substituting its own view of what is proper.

I was referred further to a judgment of Beattie J. In re Crown Employees (Electrical Inspectors - Department of Public Works) Award (6) wherein His Honour says: (7)

I must confine myself to the position which existed at the time when that award was made. When the present appeals have been determined, it will be open to the parties, if they so desire, to apply for any further variation of the inspectors' award which they claim to be justified by circumstances which have occurred since the committee's original decision.

The argument as to the proper principle of wage fixation which should be applied to this appeal arises because subsequent to the decision the State Wage Case May, 1975 (8) was decided. The relevant dates are these: - the Australian Conciliation and Arbitration Commission brought down the decision in the National Wage Case April, 1975, on 30th April. The decision of the Commissioner appealed against was made on 13th May, and on 23rd May the State Wage Case May, 1975, (8) Judgment was given. An issue in these proceedings is whether the dicta of the Commission in the State Wage Case (8) should be applied to this appeal or not. This issue will have to be decided in this judgment because I have formed the view that the Committee was
Now in awarding an increase of 10.5% to prison officers in the circumstances of the case as it was then, accordingly, I propose to substitute my opinion for that of the Committee on this appeal.

On the hearing of the appeal, all of the evidence before the Committee was closely examined; further documentary material of an explanatory character was tendered as well. Inspections took place at the Long Bay Prison complex which included an inspection of the Central Industrial Prison, the Metropolitan Reception Prison, the Metropolitan Remand Centre and the Walabar Training Centre. An inspection also took place at the Gwomock Corrective Centre and of Parramatta Gaol.

In the course of the inspections I was able to talk to prison officers of the various classes, both custodial and industrial, and observe at first hand the work of the officers under the conditions in which it is performed in the various establishments. Each section of the prisons visited on the initial inspections was revisited and the work in the various institutions explained in detail.

What emerged from these inspections was not only an understanding of the work of prison officers as it is required to be performed at the present time but a clear picture of the dimensional changes which have taken place in their work over recent years. These changes have been of a significant order.

Exhibit "2" in the proceedings, which was issued in 1974, contains the following statements in connection with the management of prisons in New South Wales.

Statement 1

The philosophy for the Department of Corrective Services is to develop within a contemporary crime control plan, an agency with particular emphasis on individual diagnostic techniques.
The essential characteristics of an effective crime control system are:
- crime prevention;
- and
- community attitudes supporting respect for the law.

The aims of this policy contrast with earlier penological doctrines and conventions focussing, as they did, on retribution with a strong element of physical punishment either directly induced or, alternatively, by denial or deprivation.
The policy will be achieved through a constantly refined program of supervised liberty, custody and conditional liberty.

Not all areas of future endeavor need have as a commissioner, point the legal facts of a conviction.

**Statement 5**

The major aims and objectives are:
- to assist in maintaining social order;
- to apply appropriate empirical-rounded corrective and re-educational measures to individual offenders;
- to strive for stronger community support and understanding with particular emphasis in areas of supervision and to assist in avoiding the phenomena of the economic survival crime;
- to optimise efforts in levels of supervised and conditional liberty;
- to further consolidate the areas of custody, conditional liberty and supervised liberty, in function and aesthetic by integrating the management and functions of these areas as part of an overall programme; thus offering to the community a cohesive and unified programme for law enforcement and crime control.

These extracts are sufficient to illustrate the philosophy which has given rise to the changes which have occurred since this industry was last reviewed in 1971. Based on this philosophy the department has developed a number of more or less open institutions in which to house prisoners suitable to a minimum rather than a maximum security environment. The inspection of the Casnook Corrective Centre illustrated this well. It is an institution without walls, which superficially bears no resemblance to a prison and which on close inspection bears no resemblance to a maximum security institution.

On arrival at that correctional centre prisoners are told:

The purpose of Casnook is to help you help yourself. The atmosphere aimed at is one of mutual courtesy and respect among all members, staff and inmates, within this community. If you have problems, don't hesitate to seek the advice of counselling that is readily available.

It is in every sense of the word a rehabilitation centre and the prison officers assigned to that centre are involved very much in the rehabilitation of prisoners whereas the emphasis was formerly on their role as custodians of the prisoners.

That centre evidences changes that have taken place in prison regulation generally.

The Malabar Training Centre has been opened since the review in 1971 and the inspection revealed marked differences in the approach.
and treatment of prisoners at the training centre than that accorded to prisoners in the adjoining prison complex.

Since 1971 greater emphasis has been placed on work release centres, pre-work release centres and periodic detention centres. The effect of this has been to transfer from the maximum security prison population an increasing number of prisoners who are not recalcitrant, and who offer the best prospects for rehabilitation and release to the community. Some idea of the dimensions of this change may be gauged by an exhibit in the proceedings, which indicates that whereas in 1970 fourteen percent of prison officers were employed in open establishments, in 1974 the percentage was thirty five percent.

This undoubtedly desirable social trend has had a double-barreled effect on the work of prison officers. Those who are working in the maximum security prisons now find that they have an increasing proportion of prisoners who are hard-core and recalcitrant.

The evidence disclosed that permissive attitudes in society have permeated the prisons and this includes a rejection of authority by prisoners. Where the prison population was, to some extent, softened by being mixed, having both hard-core and more amenable prisoners, now the maximum security prisons are composed largely of prisoners who are "hardened".

Evidence was given by witnesses that the destruction of the Bathurst Gaol by prisoners has led to an attitude of mind amongst hard-core prisoners that they can act jointly against the prison administrations and do so successfully. Evidence was given that this has made the work of prison officers in the maximum security prisons more difficult, more tense and more dangerous. The evidence disclosed that this has led to uncertainty and fear amongst some prison officers and the temptation to a more rigorous approach by other prison officers. Prison officers clearly now have greater difficulty in balancing firmness with understanding in their treatment of prisoners remaining in the maximum security sections of the prison institutions.

This is not to say, however, that the work of prison officers in the penal institutions is any the less demanding because of
the change in the character of the prisoners for whom they are responsible. It is in the open institutions that the prison officers are required to exercise to a greater extent their skills in counselling and guidance and in organizing activities and general rehabilitation work amongst their prisoners.

Mr Commissioner Down in his decision formed the view "that the continuing implementation and success of this policy will depend to a large measure on the proper day to day attention by prison officers to the policy, and the furtherance of the policy in their dealings with prisoners" and I perfectly agree with this statement.

The dedication of prison officers to their difficult task was apparent to me on the inspection and the emphasis on rehabilitation emerged clearly from the material that was before the committee. The dimensional changes in the nature of the work of prison officers since 1971 has been, in my opinion, most marked, but particularly so in 1974.

A feature of regulation by this award is the free transferability of prison officers among institutions. All prison officers have to be equipped to work with equal ease in an open institution as they are in a maximum security institution. No distinction is drawn in the rates of pay attaching to the work in the different institutions, nor is any distinction sought to be made in these proceedings.

Having in mind what I consider to be these important changes in work value that have taken place the question remains as to what approach should be taken to the fixation of rates of pay, bearing in mind the principles enunciated by the Australian Conciliation and Arbitration Commission and adopted by the Industrial Commission in Court Session in the State Wages Case May, 1975.(8)

In the Crown Employees, Scientific Officers, Divisions of Analytical Laboratories, Forensic Medicine, Occupational Health and Radiation Control, and the Institute of Clinical Pathology and Medical Research and the Oliver Latham Laboratory (Health Commission of New South Wales) Award, Dow J. said of the proper principle:
In the meantime the sentence which emphasizes that "changes in work value would normally apply only to some classifications" means to me to give the clue, namely, that it in a dramatic and obvious change and not an imperceptible one which is contemplated.

Dev J. went on to say:

In these circumstances it seems to me that the principles were intended to have and must be given, an unequivocal and rigid application and that none of the changes which have been relied upon in this case are sufficiently specific to come within principle 7(a). Those changes related to the uplifting of academic qualifications over the years, an increase in the supervisory, administrative and managerial functions and changes in work value in the broad and accepted sense, chiefly since 1962 .... but gradual changes in skill and responsibility which are relevant on a general work value review of an industry, in my view, fall outside the principles.

In this case I consider the changes have been both dramatic and obvious and are far from imperceptible and that they do fall within the principles enunciated in paragraph 7(a) of the Australian Commission's decision.

I do not consider that an increase of 10.5% of the then current rates of pay however was an appropriate fixation by the Committee and I propose therefore in accordance with the Male Hairdressers Case(3) principles to substitute my opinion for that of the Committee as to the proper salaries to be awarded. In doing this, however, I intend to apply the principles enunciated in the State Wage Case(8) Judgment of May, 1975. To do this is not to violate any of the principles enunciated in the Male Hairdressers Case(3) as subsequently affirmed and applied because the error which I believe was made by the Committee was not made an error by anything that subsequently occurred.

The Judgment of Beattie J. in the Crown Employees (Electrical Inspectors - Department of Public Works) Award 1963(10) only precludes the use of subsequent events in determining whether a Committee decision was right or wrong when it was made. It did not decide that when a Committee decision has been found to be wrong when it was made that subsequently an appeal the Commission should not apply principles of wage fixation which are at the time of the hearing of the appeal appropriate to be applied.
In the perilous economic times in which we live the interests of employer and employee no less, the public interest, requires the most rigid application of the principles enunciated by the Commission in Court Session of the State Wage Case: Lay, 1975. In that decision the Commission said:

We cannot disregard the warning of that Commission that violation of the conditions it has set down for indexation even by a small section of industry in the award or over-award area would put at risk the future of indexation for all.

The Commission went on to say:

The result of the application of principles 7 and 8 will be to limit wage increases, other than from indexation or national productivity increases, to cases where a particular group of employees has not participated, or not participated fully, in the community-wide movement in wages and salary which took place in 1974, and cases where there have been changes in the nature of the work, skill and responsibility required of employees or in the conditions under which the work of particular classes of employees is performed. We recognize that the application of the principles may result in the rejection of some claims already made based on the compression of relativities or the removal of anomalies. The Australian Commission intimated in its observation on principle 7 that compression of relativities was "a matter which could be raised for consideration in cases dealing with the form of indexation and in cases dealing with national productivity distribution." We understand from this that compression of relativities may be a subject for submissions in the next July-August sitting of the Australian Commission. We would think, too, that at that sitting the question whether principles 7 and 8 should be modified to allow the awarding of claims based on proved anomaly to be granted would be one on which that Commission would hear debate. Pending further consideration by the Australian Commission of these matters we think that principles 7 and 8 should be adopted by us - as they stand.

In this case the principles to be applied by us are stated in principle 7 of the Australian Commission's decision in these terms:

In addition to the above increases, the only other grounds which would justify pay increases are:

(a) Changes in work value such as changes in the nature of the work, skill and responsibility required, or the conditions under which the work is performed. This would normally apply to some classifications in an award although in rare cases it might apply to all classifications.

(b) Catch-up of community movements. As a result of a series of industry wage increases last year a firm base has been widely established with appropriate relativities between and within awards on which indexation can be applied. However, there may be some cases where awards have not been considered in the light of last year's community movements. These cases may be reviewed to determine whether for that reason they would qualify for a wage increase but...
Core must be excused to explain that, in any case, 
catch-up falls and not the provision. It will be very 
that until catch-up problems in this group occurred should 
not occur under the ordinary system of wage fixation we 
propose as the basis of indexation.

It is to be understood that the application of 
relativities which has occurred in most in recent years 
does not provide grounds for special wage increases to 
correct the compression. Compression in a matter which 
could be raised for consideration in cases dealing with 
the form of indexation and in cases dealing with national 
productivity distribution.

Applying that dicta to the Crown Employees (Prison Officers') 
Award we find the following:

Catch-up of Community Movements

No issue arises in these proceedings as to the proper rate to 
be applied to this award to ensure that prison officers have fully 
shared in all community wages movements. The parties agree that the 
following rates of pay reflect the appropriate levels of salaries to 
take into account all community movements. The figures were derived 
from the increase awarded to the general division of the New South 
Wales Public Service and the Public Service Board indicated they were 
to be paid from 29th November, 1974. Prior to the application of 
indexation those figures are as follows:

<table>
<thead>
<tr>
<th>Probationary Prison Officer</th>
<th>$6,765</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prison Officer</td>
<td></td>
</tr>
<tr>
<td>1st year</td>
<td>$6,927</td>
</tr>
<tr>
<td>2nd year</td>
<td>$7,060</td>
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<tr>
<td>3rd year</td>
<td>$7,252</td>
</tr>
<tr>
<td>4th year</td>
<td>$7,370</td>
</tr>
<tr>
<td>5th year</td>
<td>$7,468</td>
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<td>Prison Officer - 1st Class</td>
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</tr>
<tr>
<td>Overseer</td>
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<tr>
<td>Engineer (other than Long Bay)</td>
<td></td>
</tr>
<tr>
<td>1st year</td>
<td>$7,922</td>
</tr>
<tr>
<td>5th year</td>
<td>$8,114</td>
</tr>
<tr>
<td>Senior Prison Officer</td>
<td></td>
</tr>
<tr>
<td>Senior Overseer</td>
<td></td>
</tr>
<tr>
<td>1st year</td>
<td>$8,456</td>
</tr>
<tr>
<td>5th year</td>
<td>$8,550</td>
</tr>
</tbody>
</table>
Mr Harrington, for the Public Service Board, indicated that if the Commission was satisfied that these sums properly reflected the amount that can be paid under principle 7(b) of the decision of the Australian Commission these amounts would be paid from the same date as the general division of the Public Service increases were paid. I am satisfied that they do reflect a proper catch-up of community movements and I would expect that these sums would be paid from that date.

Work Value

Although the work value evidence before the Committee seemed to indicate to me that some greater differential should be applied to the more experienced officers than is at the present time the case, nevertheless, both parties on appeal sought to maintain existing relativities within the award. In any event the State Wage Case Judgment would have precluded me from making changes based on the removal of anomalies or the compression of relativities. In the State Wage Case Judgment the Commission said:

We recognise that the application of the principles may result in the rejection of some claims already made based on the compression of relativities or the removal of anomalies. The Australian Commission indicated in it's observation on principle 7 that compression of relativities was a "matter which could be raised for consideration in cases dealing with the form of indexation and in cases dealing with national productivity distribution." We understand from this that the compression of relativities may be a subject for submissions in the next July/August sittings of the Australian Commission. We would think, too, that at that sitting the question whether principles 7 and 8 should be modified to allow the awarding of claims based on proved anomaly could be granted would be considered which the Commission would hear debate.
Because there will be further consideration of wage determination and the principles that should govern work value cases by the Australian Commission in July this year I propose to give this award a duration of one year but to give the applicant liberty to re-open the question of salaries and structure in the light of the judgment of the Commission in Court Session which will follow that consideration by the Australian Commission.

This reservation of leave to the applicant is allowed only as a safeguard against a possible injustice arising as a result of some major change of principle stemming from another State Wage Case judgment this year. It is not intended to allow a reopening of the award and a re-hearing of the issues tried on this appeal.

The award will date from the same date as the Commissioner's decision, that is to say 6th March, 1975.

I propose to award a 5% increase to all classifications of employees working under the terms of this award and to apply that 5% to the amount agreed between the parties, and approved by me, as the base amount for indexation, being the figures set out above. This will result in the following figures being awarded from the operative date of the award:

<table>
<thead>
<tr>
<th>Category</th>
<th>1st year</th>
<th>2nd year</th>
<th>3rd year</th>
<th>4th year</th>
<th>5th year</th>
</tr>
</thead>
<tbody>
<tr>
<td>Probationary Prison Officer</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Prison Officer</td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>1st year</td>
<td></td>
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</tr>
<tr>
<td>2nd year</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
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<tr>
<td>4th year</td>
<td></td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>5th year</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Overseer</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Overseer - 1st clause</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Engineer (other than Load Pay)</td>
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<td></td>
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<td></td>
</tr>
<tr>
<td>1st year</td>
<td></td>
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<td>5th year</td>
<td></td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Senior Prison Officer</td>
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</tr>
<tr>
<td>Senior Overseer</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1st year</td>
<td></td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>5th year</td>
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<table>
<thead>
<tr>
<th>Year of Award</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1975</td>
<td>7,103</td>
</tr>
</tbody>
</table>

*Note:* The table above shows the amount awarded to each category of employee for the respective years.
<table>
<thead>
<tr>
<th>Position</th>
<th>On appointment</th>
<th>9,537</th>
<th>5.1</th>
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<tbody>
<tr>
<td>Principal Prison Officer</td>
<td></td>
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</tr>
<tr>
<td>Principal Industries Officer</td>
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<td>10,298</td>
<td>5.4</td>
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</table>

When these amounts are indexed in accordance with the Work Case (8) decision the following sums would be the amounts rounded off to be paid as a result of that decision:

<table>
<thead>
<tr>
<th>Position</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Probationary Prison Officer</td>
<td>7,360</td>
</tr>
<tr>
<td>Prison Officer</td>
<td></td>
</tr>
<tr>
<td>1st year</td>
<td>7,540</td>
</tr>
<tr>
<td>2nd year</td>
<td>7,720</td>
</tr>
<tr>
<td>3rd year</td>
<td>7,850</td>
</tr>
<tr>
<td>4th year</td>
<td>8,020</td>
</tr>
<tr>
<td>5th year</td>
<td>8,250</td>
</tr>
<tr>
<td>Prison Officer - 1st Class</td>
<td></td>
</tr>
<tr>
<td>Overseer</td>
<td></td>
</tr>
<tr>
<td>Engineer (other than Long Bay)</td>
<td></td>
</tr>
<tr>
<td>1st year</td>
<td>8,620</td>
</tr>
<tr>
<td>5th year</td>
<td>8,830</td>
</tr>
<tr>
<td>Senior Prison Officer</td>
<td></td>
</tr>
<tr>
<td>Senior Overseer</td>
<td></td>
</tr>
<tr>
<td>1st year</td>
<td>9,200</td>
</tr>
<tr>
<td>5th year</td>
<td>9,420</td>
</tr>
<tr>
<td>Chief Prison Officer</td>
<td></td>
</tr>
<tr>
<td>Chief Overseer</td>
<td></td>
</tr>
<tr>
<td>Engineer, Long Bay</td>
<td></td>
</tr>
<tr>
<td>On appointment</td>
<td>9,880</td>
</tr>
<tr>
<td>Principal Prison Officer</td>
<td></td>
</tr>
<tr>
<td>Principal Industries Officer</td>
<td></td>
</tr>
<tr>
<td>On appointment</td>
<td>36,670</td>
</tr>
</tbody>
</table>

In some cases these amounts will be more than the amounts which were awarded by the Committee but this has been brought about by...
applying the State Court Case (c) decision to the amount which I consider should have been awarded by the Committee.

<table>
<thead>
<tr>
<th>No.</th>
<th>Source</th>
<th>Page(s)</th>
</tr>
</thead>
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<tr>
<td>1</td>
<td>1951 A.R. 403</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>1951 A.R. 403 at p.406</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>1963 A.R. 475</td>
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</tr>
<tr>
<td>4</td>
<td>1963 A.R. 475 at p.488</td>
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<td>1963 A.R. 475 at p.490</td>
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<td>6</td>
<td>1963 A.R. 501</td>
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<td>1963 A.R. 501 at p.504</td>
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<td>1975 A.R.</td>
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<td>10</td>
<td>1963 A.R. 501 at p.504</td>
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