STATEMENT BY MR D GRANT, DEPUTY CHAIRMAN
CORRECTIVE SERVICES COMMISSION
IN RELATION TO AN INQUIRY CONCERNING
PRISON OFFICERS, PURSUANT TO SECTION 35(1)(o) OF
THE INDUSTRIAL ARBITRATION ACT 1940

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VOLUME II – APPENDICES
PREFACE

In the first part of this volume is the list of references to various reports, manuals and other works relied upon in the main Statement (Vol.1). Those documents referred to which do not form part of the annexures will be tabled as independent material.

In the second part of the volume are a series of annexures designed to lend support to the main contentions put forward in the Statement. These annexures include a number of studies and reports, as well as evidence presented to the Industrial Commission in 1975. Where a document has been summarised for the convenience of the Commission, the full document will be tabled as supporting material.
REFERENCES

(1) 1965-66 Department of Prisons Annual Report  
     page 3

(2) 1956 Department of Prisons Manual for Staff Instruction and Guidance  
     page 5

(3) 1956 Department of Prisons Manual for Staff Instruction and Guidance  
     page 112

(4) 1956 Department of Prisons Manual for Staff Instruction and Guidance  
     page 35

(5) 1965-66 Department of Prisons Annual Report  
     page 3

(6) 1965-66 Department of Prisons Annual Report  
     page 9

(7) 1965-66 Department of Prisons Annual Report  
     page 4

(8) 1956 Department of Prisons Manual for Staff Instruction and Guidance  
     page 60

(9) 1965-66 Department of Prisons Annual Report  
     page 4

(10) 1956 Department of Prisons Manual for Staff Instruction and Guidance (Rule 228)  
     page 160

(11) 1965-66 Department of Prisons Annual Report  
     page 4

(12) 1956 Manual (Visits to Prisoners)  
     pages 160-161

(13) 1956 Manual (Visits to Prisoners)  
     pages 29-30

(14) 1956 Manual (Visits to Prisoners)  
     pages 22-27 & 83

(15) 1956 Manual (Visits to Prisoners) (regs 79-81)  
     page 158

(16) 1956 Manual (Visits to Prisoners)  
     pages 182-183

(17) 1956 Manual (Visits to Prisoners)  
     page 67

(18) Corrective Services in New South Wales  
     (Law Book Co Ltd, 1988)  
     page 142

(19) 1965-66 Department of Prisons Annual Report  
     page 12

(20) 1965-66 Department of Prisons Annual Report  
     page 12

(21) 1956 Manual (Regulations 102 & 105)  
     page 164

(22) 1965-66 Department of Prisons Annual Report  
     page 13

(23) 1956 Manual (Prison Discipline)  
     page 82-86

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ANNEXURE

1. Course Content Pre-Service Training Course

2. Extract from Training Manual - Wing Management


4. Copy of letters and reports concerning staff formula extracted from Departmental File 85/266 - Revision of Staff Formula

5. Summary Rights and Obligations in a prison

6. Departmental Circular 4147

7. Departmental Circular 4502

8. Training Manuals 1980 (tabled as an Exhibit and referred to in Bibliography.

Comprises:

Course Information
Booklet for Prison Officer Training
Prison Officer Training Document - LAW
Prison Rules
Modular Training Packages 1, 2, 3, 5, 6, 7

9. Departmental Circular 4682 (Prison (Conduct) Rules)

10. Extracts from working papers of M J Nash, Director, Special Projects - responsible for Prison Rationalisation Plan

11. Departmental Circular 82/21 (Prison (Conduct) Rules 1952)

12. Departmental Circular 82/35
"Prisoners Personal Possessions"

13. Copy of Interim Report - 13.6.84
Inter Departmental Working Party to examine Staffing Formula. (extracted from Departmental file 85/1073 Vol 3)

14. Departmental Sick Leave policy
"Health, Lifestyle and Stress in Prison Officers" - A summary of the study.

Study of Comparative Salary Rates, Staff Formulas, Actual Staff Numbers and Ratios in the different States.
"B" STAGE PRESERVICE

MONDAY

D1. 7.30 Induction  
9.00 Introduction to Course  
9.40 Departmental organization  
10.30 Officer attitudes: group discussion  
12.30 Lunch  
1.30 Procedure: office records  
2.30 Prison practice  
3.30 Weapons training  

J. Nash - L. Boyd  
E. Hunt  
K. McCormick  
E. Hunt - J. Nash  
L. Boyd  
K. McCormick  
L. Boyd  
R. Carter

TUESDAY

D2. 7.30 Drill  
8.30 Supervision: searching - contraband  
9.40 Supervision: reception - prisoners  
10.30 Procedure: bails and fines  
11.30 Prison practice  
12.30 Lunch  
1.30 Human relations  
2.30 Prison practice  
3.30 Self defence  

R. Carter  
J. Nash  
W. Bartlett  
P. Nordstrom  
L. Boyd  
L. Boyd  
J. Nash - L. Boyd

WEDNESDAY

D3. 7.30 Weapons training  
8.30 Prison practice  
9.40 Procedure: office records  
10.30 Supervision: wing management  
11.30 Prison practice  
12.30 Lunch  
1.30 Procedure: stores  
2.30 Procedure: office records  
3.30 Self defence  

R. Carter  
L. Boyd  
K. McCormick  
J. Currington  
L. Boyd  
W. Mayhew  
K. McCormick  
J. Nash - L. Boyd

THURSDAY

D4. 7.30 Firearm training: range practise  
12.30 Lunch  
1.30 Reports: submissions  
3.30 Weapons training: review range faults  

J. Nash - R. Carter  
J. Nash  
R. Carter

FRIDAY

D5. 7.30 Drill  
8.30 Prison practice  
9.40 Procedure: stores  
10.30 Supervision: shop overseer  
11.30 Supervision: cookhouse  
12.30 Lunch  
1.30 Reports: submissions  
2.30 Human relations  
3.30 Self defence  

R. Carter  
L. Boyd  
W. Mayhew  
J. Bradley  
L. Boyd  
J. Nash  
J. Nash - L. Boyd
**B" STAGE RESERVICE**

**MONDAY**

D6. 7.30 Drill  
     8.30 Supervision: prisoner correspondence  
     9.40 Procedure: office records  
    10.30 Procedure: wing management  
    11.30 Procedure: bails and fines  
    12.30 Lunch  
    1.30 Prison practice  
    2.30 Human relations  
    3.30 Self defence

R. Carter  
A. Howard  
K. McCormick  
J. Currington  
P. Nordstrom  
L. Boyd  
J. Nash – L. Boyd

**TUESDAY**

D7. 7.30 Prison practice  
     8.30 Procedure: stores  
     9.40 Human relations  
    10.30 Supervision: work parties  
    11.30 Procedure: classification  
    12.30 Lunch  
    1.30 Supervision: shop overseer  
    2.30 Human relations  
    3.30 Weapons training

L. Boyd  
W. Mayhew  
J. Bartlett  
N. Nance  
J. Bradley  
R. Carter

**WEDNESDAY**

D8. 7.30 Weapons training  
     8.30 Prison practice  
     9.40 Supervision: property – prisoners  
    10.30 Procedure: stores  
    11.30 Procedure: classification  
    12.30 Lunch  
    1.30 Procedure: bails and fines  
    2.30 Educational and vocational training facilities – prisoners  
    3.30 Self defence

R. Carter  
L. Boyd  
W. Bartlett  
W. Mayhew  
N. Nance  
P. Nordstrom  
J. Nash – L. Boyd

**THURSDAY**

D9. 7.30 Firearm training: range practise  
    12.30 Lunch  
    1.30 Supervision: rules for conduct – prisoners  
    2.30 Procedure: remissions  
    3.30 Weapon training: review range faults

J. Nash – R. Carter  
J. Barry  
K. McCormick  
R. Carter

**FRIDAY**

D10. 7.30 Prison practice  
     8.30 Reports: submissions  
    9.40 Parole reporting: Section 6 (2)  
    10.30 Functions: identification bureau  
    11.30 Procedure: bails and fines  
    12.30 Lunch  
    1.30 Prison practice  
    2.30 Human relations  
    3.30 Self defence

L. Boyd  
J. Nash  
G. Brown  
P. Nordstrom  
L. Boyd  
J. Nash – L. Boyd
### B STAGE PRESHIREE

#### MONDAY

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<td>L. Boyd</td>
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<td>8.30</td>
<td>EXAMS: Prison practice and procedure: part A</td>
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<td>12.30</td>
<td>Lunch</td>
<td>Dr O'Hara</td>
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<td>Health services</td>
<td>P. Klemperer</td>
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<td>Parole: case preparation</td>
<td>J Nash - L. Boyd</td>
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<td>8.30</td>
<td>Film: custodial procedures</td>
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<td>9.40</td>
<td>Role playing: prisoner misconduct</td>
<td>J. Parnell</td>
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<td>Public relations</td>
<td>L. Hart - P. Faulds</td>
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<td>Functions: male nurse</td>
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<td>Conditions of employment: promotions</td>
<td>H. Hayward</td>
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<td>10.30</td>
<td>Course evaluation questionnaire</td>
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<td>Parole: correctional work</td>
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<td>Review: examination results</td>
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#### THURSDAY

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<td>Industrial organization</td>
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<td>Fire fighting</td>
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<td>Functions: activities officers</td>
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<td>Mock court</td>
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<td>GRADUATION CEREMONY</td>
<td>J. Cunningham</td>
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WING MANAGEMENT

By now you should be familiar with the seven (7) basic records that should be changed on the reception and discharge of prisoners from most wings. ("The Magic 7"). To enable the well managed wing to function correctly other records are maintained which are of great importance. These are:

(1) REQUEST BOOK:
   a record of prisoners requests to the Superintendent and of action taken in regard to these.

(2) GENERAL SEARCH BOOK:
   a record of any general search of the wing. It should show which cells were searched, by whom, and record any contraband discovered. Should be signed by each searching officer supervising the search.

(3) WING OFFICER'S SEARCH BOOK:
   should show (a) cells thoroughly searched each day by the Wing Officer and (b) cells examined and inspected each day by the Wing Officer.

(4) PUNISHMENT BOOK:
   should record details of any disciplinary action against any prisoner in the wing ordered by the Visiting Justice or the Superintendent.

(5) INTERNAL ORDER BOOK:
   used for obtaining and replenishing wing supplies from the prison stores.

(6) LAUNDRY BOOK:
   contains duplicate record of wing laundry, original to the laundry officer as an advice, duplicate retained by the Wing Officer for checking laundry returns.

(7) LETTER CARDS:
   a record of each prisoner's issue of regulation letters, or aerogrames in lieu, case letter, special letters and applications. This card accompanies a prisoner on wing to wing transfer.

(8) INDULGENCE BOOK:
   record of wages earned by sweepers in the wing.

(9) TOBACCO SCHEDULE:
   white form, used for recording the amount and brands of tobacco to be issued or credited to all occupants of the wing.

FORMS:

A number of printed forms are used in a wing including: application by prisoner, Regulation Letter Forms etc. All forms should be securely locked away from prisoners.
A wing officer occupies one of the most important and challenging positions in a prison institution. Prisoners are dependent on the wing officer for the correct provision of many of their daily needs and frequently seek his advice and direction on a variety of matters. By his handling of these problems the wing officer is in a position to make a very positive contribution to the good morale of the institution.

Rules 128 to 133 set guidelines for the wing officer. Within these limits and those imposed by local orders and conditions, an officer should exercise initiative in his management of a wing, constantly seeking to improve methods and procedures. The objectives should be to have a clean smooth-running unit with uniform standards, providing the best and most secure accommodation possible. Attention should be given to the following areas.

CELL ORDER AND NEATNESS. The accepted standard of cell order, neatness and even cleanliness varies from institution to institution and in some cases from wing to wing. The maintaining of an acceptable standard is made difficult where more than one prisoner occupies the same cell and where short term prisoners are accommodated. The effect of these factors can be overcome, to some extent, if the wing officer exercises sufficient initiative and close supervision. In a wing where prisoners have to share cell accommodation, those prisoners who are habitually unclean and untidy should be associated together and their cells more strictly supervised. When a prisoner is aged, infirm or in any way mentally or physically inadequate, the wing officer should use the wing sweepers to assist in keeping the cell up to the required standard.

The wing officer should, during his daily cell examination, take down the number of any cell which does not conform to the standard. At the next wing muster, prisoners occupying any such cells should be instructed to bring them to the required standard before let-go. Failure to comply with this instruction should result in disciplinary action. The necessary cleaning materials should of course, be made available.

It is comparatively easy to maintain a high standard in a wing once it has been set and attained. Where a low standard has been accepted for some time, or where a standard has been allowed to deteriorate it is a problem to raise the standard. A good wing officer will accept the challenge however, and try to achieve a standard that reflects credit on his management of the wing.

SUGGESTED CELL STANDARD. The arrangement of cell furniture should be as uniform as possible. The form of the arrangement must not necessarily be a matter for local instruction because of the variations in cell size and building construction.

Cell floors should be clean, and where the floor material permits should be polished. Mats should be arranged neatly and in accordance with instructions.

The fixing of "pin-up" pictures of any kind to the cells walls should not permitted. This practice damages paint-work. Cell lockers should be arranged neatly and to a uniform pattern. A plan of the approved cell arrangement should be prominently displayed in each wing so that prisoners are well informed on what is expected of them.

During the day, the bed mattress should be covered neatly with one blanket. Other blankets and sheets should be folded and stacked at the head of the bed with the pillow placed on top. This arrangement is neat and is convenient for searching. A prisoner should not make up his bed until finally locked in for the night.
A wing officer should pay particular attention to ensuring that toilets and wash basins are kept clean. Regular inspection will help to prevent deliberate sabotage and damage to these items.

WING SWEEPERS. Definite duties should be allocated to each wing sweeper, preferably in writing. The wing officer can then ensure that each prisoner sweeper is doing his fair share of the work and prevent disputes arising among the sweepers. The head sweeper needs to be reliable and reasonable, and with reasonable intelligence. He can be extremely useful to the wing officer but under no circumstances should any prisoner be allowed to assume control of wing management. Fair and impartial control and supervision by the wing officer, with recognition of work well done, will usually produce favourable results from prisoner sweepers.

In some cases, too many prisoners are employed in a particular wing as sweepers. This sometimes comes about because of the need to find employment for all prisoners. It is undesirable for the wing officer to have idle prisoners in a wing and sweepers should be removed to an exercise yard as soon as they have completed work assignments.

WING OFFICERS CELL SEARCH. Most institutions require a wing officer to thoroughly search a minimum number of cells each day, the search to include an inspection of window bars by tapping them with a hammer. The order of searching should be varied on an irregular pattern and an officer should search not only the required minimum, but as many cells as time permits. ALL cells should be examined daily, both as a security check and to ensure that an acceptable standard of cleanliness is being maintained. Where prisoners know that a wing officer carefully inspects cells daily and will take appropriate action if they are not up to standard, the prevailing standard of the wing is usually high.

When inspecting cells, officers should ensure that no prisoner accumulates surplus clothing, food, etc. Where courses and hobby material has been allowed, it is up to the wing officer to see that this privilege is not misused. Such materials should be restricted to material in actual use and not allowed to accumulate.

PURCHASES BY PRISONERS. The handling of weekly and periodic purchases by prisoners involves a considerable amount of time for a wing officer and some thought should be given to the procedure followed, particularly in those institutions where the wing officer is responsible for both ordering and distribution of the goods. To prevent disputes arising about what has been ordered, each prisoner should submit to his wing officer an individual order which he has signed. The information can be then transferred to the official Purchase Sheet and the individual orders filed pending delivery. When issuing purchases the following precautions should be taken:

(1) Correctly identify the prisoner to whom the goods are being issued.

(2) The prisoner must sign an acquittance for the goods in the presence of the issuing officer who witnesses the signature by signing in the appropriate column.

(3) All goods should be kept under lock and key until the actual time of issue. They are the responsibility of the issuing officer.

(4) Goods not issued for any reason, should be returned to the canteen or to a responsible officer as soon as possible.
CELL CARD CHECK. Officers closing cell doors at lock-in time, must count prisoners against cell cards. There is always the possibility that prisoners have changed cards and therefore cells, without authority. A card can be removed and destroyed as part of an escape plot. A security check on cell cards is extremely important and while not foolproof, the very fact that it is carried out has a deterrent effect on cell swapping.

Prior to ceasing duty each day, and after all prisoners are locked away, the wing officer should check the cell cards against a copy of the cell register. A copy can be set out on stiff cardboard showing the cell numbers and with the numbers of prisoners pencilled in the appropriate place. Pencil entry allows for alterations as necessary. Even in a very large wing this check can be carried out in a matter of minutes.

SECURITY. A wing officer is charged with the responsibility of ensuring that the wing is secure and correct before he ceases duty after lock in. He should always be able to report the detailed state of the wing. Just before ceasing duty the wing officer should personally inspect all locks. On leaving the wing, the special lock should be placed on the entrance door and the key handed over to the nominated responsible officer. The number and whereabouts of any prisoner absent from the wing should be reported to the officer-in-charge of the watch, together with any particular information which will be relevant to security and good order.

Prisoners are instructed that, to obtain information or to make a request, they should apply in the first instance to the officer-in-charge of the wing of location where they are housed. If the officer can answer the question asked, he should do so but a word of warning - it is most important that only correct information should be given, because, a wrong answer can be worse than no answer at all. If the officer is not certain that he can answer the question correctly, he should arrange for the prisoner to see the officer who can.

If the question raised concerns the prisoner’s sentence or his date of release or challenges the validity of his conviction, he must be referred immediately to the clerical office of the prison; if he cannot be satisfied at that point, he must be paraded forthwith before the Superintendent.

Written applications must be written by the prisoner himself unless he is unable to write in the English language, when an officer will write it for him. In such an event, the officer will inscribe on the top of the form of application:

"Written at the dictation of the prisoner by (followed by signature and rank)".

In no circumstances may one prisoner write an application for another or prepare a draft to be copied.
In 1975 the Public Service Board of New South Wales appealed against the decision of Conciliation Commissioner Dunn on the application by the Public Service Association of New South Wales for a new Crown Employees (Prison Officers) Award. The original decision was for a $9.00 per week increase, however following the appeal Commissioner Dunn amended this to an award increase of 10.5% of all Prison Officers salaries. The transcript of these proceedings provides valuable evidence demonstrating the changing role and work environment of the Prison Officer during the period 1971-1975. It also supports the statement, originally made by the Full Bench of the Industrial Commission of New South Wales in 1951, and repeated by Commissioner Dunn that:

"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."

ACTIVITIES

A wide range of activities had become available to prisoners over this period introducing a variety of new problems for and demands on Prison Officers.
Prisoners could now choose to participate in basketball, weight training, woodwork, music, cricket and debating, amongst other activities. Giving evidence before the Commission, Officers express the view that, while activities are helpful for discipline they also present a range of difficulties and new challenges for the Officer. For example, Prison Officers report being required to supervise prisoners during activities outside the gaol, such as sporting events and bushwalks. Usually on these outings, Officers would be in plainclothes like the prisoners so as not to make the group too conspicuous, yet they would still be required to watch the prisoners at all times and make sure that they obeyed rules, such as a rule limiting prisoners to two cans of beer (176). Sometimes Officers would experience problems with members of the public "hanging around" the prisoners or offering to buy them drinks (181).

Mr Cobb, appearing for the Public Services Association and commenting on this evidence made the following observation concerning Officers in these situations:

"They are thrown more and more in my submission on their own resources to try and handle the job in the way they expect the Department wants it handled. Any questions involving relationships with the public whilst one may suggest that they are not very serious, nonetheless in that special situation I feel it throws the Officer into a situation of having to use the utmost tact because obviously the Department would wish to have its best face put forward in the community, at every point of personal contact if possible. And this is one of these
things. They are more than just escorting or accompanying prisoners, they are the face of the Department. Mr Shaw of course is a fairly junior Officer." (261)

In addition, Prison Officers were found frequently to participate in activities with the prisoners, especially sporting activities, even at times taking members of their family on picnics with prisoners and their families (113).

**PRISONERS' ATTITUDES**

Evidence was presented suggesting that as a result of the increase in the activities and amenities provided, the attitudes of prisoners toward these entitlements had changed dramatically. According to the evidence, this in turn appears to have increased the pressure on Officers to keep the inmates occupied and satisfied:

"Oh certainly, a few years ago you could give the fellows a tennis racquet and a couple of balls on Sunday morning, and say "here, go and enjoy yourselves" and there was no problem, but of course, this isn't the case today, they take so much for granted that they're entitled to ...... it is an attitude really ...... they seem to expect you to - it's your job, to do much more all the time for them .... if they haven't had an outside visiting team to play basketball for a few weeks, they think it's terrible ......" (215)
OFFICERS also speak of their increased role in communicating with as well as counselling prisoners, and liaising with Psychologists and Psychiatrists. From their statements, it appears Officers were being encouraged and expected during this period to be far more sensitive to and involved with the prisoner on a personal level:

"There was a recognition of new skills and techniques. You needed to be able to counsel, advise, on certain problems. You were to try and ascertain if a person by his behaviour pattern was a potential security risk. We worked in conjunction, and they still do, with the Psychology Unit and with Parole Officers and the Psychiatrist."

(Ill)

"If I see a prisoner obviously depressed, I try to communicate and find out why, what is the problem because it concerns me. If I thought the problem was of a severe nature I would suggest the Psychologist meet him in the every day running of the wing or in his works area .... Later on he may be departed to one of the groups. There is one functioning now which I was a member of, identified with, under the psychologist to take part in the group therapy. You have to be able to identify yourself with these groups before you can be of any help to them and this is gained by respect of the Officer as a human being." (Ill)
Officers report that they have come to be expected to observe and report on prisoners in some detail. They are expected to observe prisoners' conduct at sport and at work, as well as generally within the gaol:

"So there we have to observe the inmate, also we have to know who he mixes with, who he talks to, what other inmates he may be involved with walking to the cell, is he a boisterous type, is he clean, for arguments sake, in himself, his general behaviour among other inmates." (189)

Officers are expected to make reports to the Parole Board (192), reports on prisoners applying for work release (192), and reports on prisoners at work (194), as well as assessing prisoners for work (194) and making recommendations for day leave (190).

PERIODIC DETENTION

The introduction of periodic detention in 1981 also led to Officers during this period becoming involved in finding work in the community for detainees (153) and liaising with outside bodies (237).
VISITS

Prison Officers state that changes in visiting Regulations had led to significant new problems and tensions. For example there was the problem of children:

"Q. Can you estimate how many people would be congregated when you were supervising?
A. I would say approximately 80 to 100 people. The main problem with these is the children ..... the wife brings three or four little kids. They are running around and you are chasing the kids back to their parents. It is a child care centre, sort of thing." (184)

The introduction of contact visits had also led to the possibility of prohibited articles being passed between prisoners and visitors. This meant that supervision was required to be close as well as discreet.

SEARCHES

Searching of prisoners appears to have become less frequent, causing some consternation and confusion on the part of Prison Officers:

"Q. Are post Officers officially allowed to search prisoners who pass through their post?
A. They are."
Q. Can you tell us whether this is enforced now as rigidly as it was two years ago?

A. No; it is not as rigidly enforced. In my opinion it is not enforced in some areas at all .... I have been on posts in this complex; two years ago you were told to search prisoners; they carry boxes through, big boxes; you search them, search through the box, see what they had; fair enough. You were then frowned upon; not frowned upon but some Senior Officers told you not to do it.

Q. You have been told this yourself?

A. I have been told this myself, not to upset the routine." (156)

Due to changes in Rules governing cell property, the searching of cells had become more difficult and therefore also less frequent. In the words of one Officer:

"At the time it is very difficult to search every cell at a search in one length. In fact it is impossible for the time allowed and for the type of material the prisoner has in his cell. Once upon a time two years ago a prisoner had the basic necessities in his cell. Today he has as many books as the shelves can accommodate; he had 6 originally; now he has as many as 20 books in a cell and pictures on the wall, arts and craft material; even in some instances craft knives with
long blades on it. A quantity of craft material could be in a box in a very large cupboard and it takes time to search one of these cells properly and thoroughly and you have a limited amount of men on search and you have a limited amount of time and it is just impossible to search every individual cell thoroughly; some cells in a wing probably would not have been searched for months." (156)

MOBEMENT OF PRISONERS WITHIN THE GAOL

Prisoners had been given much greater freedom to move around the gaol, as well as in and out of it. This appears to have significantly diminished the degree of control enjoyed by the Officer, making his job far more difficult:

"Q. Mr Hurst, could you tell us of the element of control that a post Officer has; have there been changes there?

A. Two years ago you had almost absolute control of the post; you controlled the flow and the movement of prisoners throughout your post. Today it is very difficult because of the movement and flow of prisoners on your post, especially a post like 10 post where there are a large number of gates that cover a large length in distance and it is very difficult for one Officer to cover the whole area in a block security fashion ..... such things as activities general movement was not in force at that time. You did not let prisoners out of gates. When Officers let the
prisoners out there were very few opportunities for a prisoner to move, he was either at work or else placed in a yard where he had to stay. Now there are activities a prisoner can go to during a day as long as he has a small leave card which he has at the place of employment." (156)

DRUGS

The general availability and increased use of drugs in the wider community combined with the fact that many prisoners were leaving institutions on a daily basis as well as contact visits, obviously caused major new problems in the areas of surveillance, behaviour and health of prisoners.

Officers were constantly confronted with dealing with prisoners suffering the effects of drugs.

Even those not charged with drug offences were entering gaol under the influence of drugs (81) and obtaining drugs in gaol.

DISCIPLINE

Policies governing prison discipline had also changed significantly. It is reflected in much of the evidence given to the Commission that from the point of view of the Prison Officer, Rules were adhered to less strictly and prisoners were given more freedom.
"there have been a vast number of changes even in the short time I have been here. Originally when we started it was a set routine, Rules and Regulations were exactly as is written in the book but, in the last two years, policies have changed; Rules are used as guidelines but they are not laid down, you don't do exactly as the Rules say. Of course prisoners have a greater amount of freedom, more amenities which all adds to the type of work which we have to perform." (155)

Officers also comment on the fact that the deterrent effect of some punishments had been decreased. For instance there had been changes to cellular confinement:

"Well one time they were confined to a darkened cell, bread and water for three days and meals the following three days. This has changed now, they're just confined to an ordinary cell with a light, full meals, three times a day, exercise and shower once a day." (204)

And this form of punishment was also made less effective in other ways, for instance by the increased use of parole:

".... a prisoner still loses four days remission for each day he receives as punishment by a magistrate. This one time was a big deterrent, especially if he got 14 days punishment, but nowadays with the parole system as it is he doesn't worry at all because he is still going to go out on parole anyway .... we find that a prisoner can get
into lots of trouble and be confined to cells but it appears he still gets his parole when it comes around anyway and they know this and they just don’t worry so far as punishment goes by the magistrate — the prisoner just laughs at this, this is inconvenient to them, that’s all." (209)

PRISONER DISOBEDIENCE/THE THREAT OF VIOLENCE

Mr Cobb comments in his submission on the increase in disobedience particularly from groups of prisoners which was concurrent with this change in disciplinary policy:

"..... what in our submissions has been a new thing is the increase in the extent of disobedience, call it what you will on the part of groups of prisoners in the last few years, this disobedience has taken various forms and we’ve had evidence about it from a number of institutions ....." (259)

and goes on to observe that:

"..... it therefore demands something new from Prison Officers of all ranks to deal with such very sensitive situations involving large numbers of prisoners." (259)

Elaborating on this more hostile prison environment Mr Cobb further submits that there has been an "upsurge in certain types of dangerous
situations in recent years; particularly now with relation to maximum security institutions and what has been termed the more violent or hardcore prisoners." (259)

This is supported by the evidence of Officers, who report perceiving a change in prison population toward a higher percentage of hard core criminals (97).

All Officers interviewed on the subject reported a constant and significant level of fear for their safety, especially when in medium and high security institutions (181). A reasonably high number of assaults by prisoners on Prison Officers were also found to have occurred during the period 1970-74, ranging from 22 to 44 on an annual basis (see attached graph).

Threats from prisoners to Officers were found to be a common occurrence. It was noted that there were certain hotels which a Prison Officer would not go into because of fear of retaliation from ex-prisoners (206-7).

**BATHURST RIOT - EFFECTS**

Evidence presented to the Commission by Prison Officers suggest that the level of animosity and tension between prisoners and Officers greatly increased following the Bathurst riot in 1974:
"The whole of Bathurst has had an effect, as I see it, on the prison services. Prior to the destruction at Bathurst we thought we could lose a prison, now we know we can, any time." (96)

"What that simply means is this, we thought a prison could be destroyed, we now have a Bathurst prisoner who through others or through the influence of others are saying watch out or this will go up." (96)

This increased level of stress affected Officers in different ways, and made the whole prison environment less predictable:

"With the loss of Bathurst, this affects the younger Officer to a large extent. They are aware of the fact that this type of thing can happen and it has an effect on them. It has an effect two ways. We have the younger Officer who is thrown to this type of situation who will try to overcome it by not trying to put any pressure on them. We have another kind of Officer who feels that he should try and get over them a bit more ..... We have on one side this aggressive Officer who is trying to look for revenge and another who is frightened."

THE PACE OF CHANGE/LACK OF SUPPORT FOR OFFICERS

Clearly, policies and programmes governing the treatment of prisoners and the prison environment generally had changed rapidly and were continuing to change, as pointed out by Mr Cobb:
"... it is my submission that the Department is continually developing and changing, with that goes an increase in burden upon the Officer to accommodate himself to these programmes. It requires a greater contribution by the Officer if these programmes are to be successful. This goes for Officers of all ranks." (238)

Yet is it obvious from the evidence given by Officers that they often felt inadequately equipped to meet the changes and new challenges with which they were faced:

Q. "Were you given any information or advice as to what role you should adopt when you take a prisoner outside the centre?

A. The only advice we were given was whether or not - at one stage they were allowed to have two cans of beer. We were told they could have two cans; as of about four or five months ago they are not allowed to have any. That is the only advice; what time to leave; what time to get back; and they can or cannot drink; and just keep an eye on them." (182)
In a report dated 23rd June, 1983, the Public Accounts Committee recommended that:

* a suitable staffing formula be agreed upon by the Department, the Public Service Board, the Treasury and the Premier’s Department, which will allow a uniform calculation to be used in the staffing and establishment of a post and the staff number for the post;

* the agreed staffing formula should contain a provision for contingencies such as sick leave, escorts, detached duty, etc.

The Committee reports that it was advised that under the provisions of the Public Service Act, 1979, the staffing formula is a matter pertaining to the efficiency of the Department and may, therefore, be determined by the Department Head. However, any change to the formula will be of little use unless:

1. the Public Service Board agrees to the application of the new formula in calculating the number of positions needed to staff a post;
2. the Treasury agrees to fund posts in accordance with the new formula;
3. the Premier agrees to a staff number which will allow posts to be staffed in accordance with the new formula.

The current staffing formula only provides for the rest days and recreation leave taken by officers during the year. There are no other contingencies to the existing formula. The current formula is determined as follows:

| Number of shifts in the year to be manned: | 365 |
| Deduct: Rest days (4 per fortnight) | 104 |
| Annual Leave entitlement | 30 |
| Compensatory Leave (Bank Holiday) | 1 |
| | 230 |

Application of the existing formula means that where officers are absent for any purpose other than normal recreation leave, their position must be filled by another officer working overtime.

Over the years there have been a number of reviews undertaken of the staffing formula with proposals submitted. Some of the reviews undertaken included:

* a task force review of overtime: March, 1979;
* a review undertaken by Dr. G.H. Cooney, Senior Lecturer, School of Behavioural Sciences at Macquarie University: April, 1979, report.

The Department’s review of overtime completed in March, 1979, proposed that the staffing formula provide for 10 days sick leave per officer per annum. The Public Service Board rejected the suggestion in July, 1979, stating:

"... as the provision of paid sick leave is a concession granted to staff (not an entitlement), the Board considers that provision for sick leave in the staffing formula would not be appropriate."
The Board also considered that other staff shortages due to extraneous duties such as detached duty, escorts, activities, miscellaneous regular duties, etc., would be better covered by the appointment of special relieving officers rather than adjustment to the formula.

The Public Accounts Committee reports that the Board's decision was appropriate in 1979. For many years, vacancies at the larger institutions had been substantial and at Long Bay in particular, the number of vacancies had regularly fluctuated between 50 and 100. The inability to recruit sufficient officers would not have been assisted by a change in the formula at that time. However, the employment situation now is considerably different. The Department has had time to make a practical assessment of the operation of the formula and now believes that an adjustment for contingencies should be made.

In the report dated 27th April, 1979, by Dr. G.H. Cooney, he reported that:

"4. From an overtime study data were available on the incidence and nature of overtime at each institution for two three month periods. These were taken as an indicator of the time spent by officers away from regular duties. In a preliminary calculation overtime arising from staff deficiencies and absences due to recreational leave and overseeing duties was neglected and the remaining overtime converted into man shifts per annum. Results from four institutions indicated that a more realistic figure for the time available for regular duties per officer per annum was approximately 200 shifts. This is, officers were absent from regular duties, on the average, about 20 shifts per annum in addition to sick leave.

5. It follows, that in order to eliminate overtime worked because of irregular duties, (detached duties, transfer of prisoners, etc.) that the staffing model be adjusted to a base figure of about 200 shifts per annum. Staffing needs, on the basis of the present model, are therefore understated by approximately 10 per cent."

It is interesting to note that Dr. Cooney provided a report based on a review of the staffing for institutions on what seems to have been the current staffing formula of 220 at that time. The 220 staffing formula was apparently operational within the Department as early as 1967 and up to the change to the 230 formula which seems to have occurred in 1979 on the direction of the Public Service Board.

During a recent discussion with Mr. J. Nash, Director of Custodial Services, he indicated that the previous staffing formula of 220 had provision for sick leave. Dr. Cooney's report confirms that 11 days sick leave had been allowed for in the earlier formula.

Previous staffing deficiencies within the institutions were caused by unauthorised posts. Under the Prisons Management Plan these unauthorised posts have been abolished and staffing within all institutions rationalised. Therefore, the staffing formula needs only to be adjusted to take into account the contingencies mentioned in the Public Accounts Committee report which are the main causes of overtime generated within the Department.

The causes of overtime for the financial year ended 30th June, 1982, (as tabled in the Public Accounts Report), showed the following overtime hours worked and percentages for the causes of overtime:
Ordinary Hours Paid at Overtime Rates - 1.7.81 to 30.6.82 % of Total Hours

<table>
<thead>
<tr>
<th>Cause</th>
<th>Hours</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Staffing Deficiency</td>
<td>276,222</td>
<td>30</td>
</tr>
<tr>
<td>Sick Leave</td>
<td>250,277</td>
<td>27</td>
</tr>
<tr>
<td>Detached Duty</td>
<td>109,274</td>
<td>12</td>
</tr>
<tr>
<td>Escorts</td>
<td>73,184</td>
<td>8</td>
</tr>
<tr>
<td>Recreation Leave</td>
<td>41,582</td>
<td>4</td>
</tr>
<tr>
<td>Other Leave</td>
<td>28,937</td>
<td>3</td>
</tr>
<tr>
<td>Maintenance</td>
<td>32,860</td>
<td>4</td>
</tr>
<tr>
<td>Prisoner Activities</td>
<td>14,883</td>
<td>2</td>
</tr>
<tr>
<td>Miscellaneous</td>
<td>108,486</td>
<td>10</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>935,705</td>
<td>100%</td>
</tr>
</tbody>
</table>

* 935,705 hours ÷ 26 fortnightly periods = 35,988.65 average fortnightly hours.

Currently within the Prison Service, overtime is fluctuating between 19,500 to 24,000 hours fortnightly. Based on these statistics it is considered that the staffing formula should have provision for the following contingencies:

**Sick Leave;**
**Detached Duty;** relief; training schools; building maintenance
**Escorts;** supervision; court appearance; gaol transfers; prisoner activities
**Other Leave;** study time, short leave, special leave; and
**general security**

**TOTAL** 25 days

A work sheet illustrating the application of this proposal is set out on the attached paper.

A variation of 25 days to the existing staffing formula will result in a new staffing formula of 205. The general application of the staffing formula will require the allocation of 219 additional staff numbers to replace officers on those days.

The allocation of an additional 219 officers should effectively create savings of 13,814 overtime hours each fortnight. This is calculated as: 219 x 205 available = 44,895 shifts x 8 hours = 359,160 hours per annum; Officers or

<table>
<thead>
<tr>
<th>219 x 205 available</th>
<th>44,895 x 8 hours</th>
<th>359,160 hours per annum;</th>
<th>13,814 hours per fortnight.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Officers per annum</td>
<td>per shift</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The creation of an additional 219 positions will cost an estimated $3,739,863 (219 x $17,077 (P.O. 5th year rate)) as against an overtime cost of $5,602,896 (359,160 hours x average hourly overtime rate of $15.60). This represents a cost saving of $1,863,033.

Accordingly, it is recommended that a proposal be submitted to:

(1) the Public Service Board seeking the Board's approval to the application of a new staffing formula of 205 in calculating the number of positions needed to staff a post;
(2) the Treasury seeking approval to the funding of posts in accordance with the proposed new formula.

(3) the Premier seeking approval to an increase of 219 in the Department's staff number which will allow posts to be staffed in accordance with the proposed new formula.

P. Peters,
Staff Officer.

Personnel Manager.

Chief Administrative Officer.

Director of Custodial Services.

Chairman.
18th May, 1979

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

Staffing – Prison Establishments
P.S.B. papers – 78/2582.

I refer to my letter of 10th May, 1979 advising the Board of the Minister's approval to the adoption of a new criterion for determining the number of prison staff at each institution.

The acceptance of this new criterion is based on a study of the report by a departmental committee established to investigate overtime paid to prison officers in compliance of Recommendation 31 of the Royal Commission into New South Wales Prisons. This report was mentioned in my submission to the Minister and a copy of the report is now attached for the Board's information.

The statistical information contained in the report has been used to determine the precise deficiencies in staffing which is causing the excessive overtime.

It must be pointed out that the Department is steadily filling prison officer vacancies. The major difficulty has always been Malabar vacancies but there are indications that most of these vacancies (at present 35) will be filled by August, 1979.

There are no difficulties in filling vacancies in other institutions. It is to be realised that prison staff turnover (constant average 10 per month) must be calculated consideration in conjunction with the filling of existing vacancies.

I am now seeking the Board's approval to calculating staffing needs on the basis of the criterion approved by the Minister to enable an increase of 13 per cent in the staff establishment for prison officers as highlighted in staffing estimates for 1979/80.

Sln T.V.
Chairman,
Corrective Services Commission.

Additional alternate submission as required
by you for signature please.

Dr. Unison.
The method of determining staffing levels sufficient to enable adequate manning of prisons has for some years been determined by calculating over a 12 months period the number of days any one officer is available for work, determining the number of days he is not available for work and providing sufficient staff for all contingencies.

To date the accepted calculations have been on the basis of providing relief staff for each officer to have per year 104 rest days and 30 days recreation leave. No provision has been made in the calculations for relief for sick leave, study time, escort work, training courses etc.

The Staff Ceiling Task Force which examined staffing needs in institutions from October, 1977 to May, 1978 applied the above methods of calculations. Provision for sick leave, study leave etc. was not taken into account on the basis that in rostering terms such contingencies could not be predicted and also there was need to allow for some overtime for staff.

However it has become obvious in the last 12-18 months that this approach has grossly underestimated these staffing levels and there is an urgent need for additional staff at most establishments to prevent excessive overtime being worked. The expenditure in the past 12/13 has increased 50% ($6m to $8.6m).

Recommendation 31 of the Report of the Royal Commission into Prisons 1978 states:

"there should be a complete investigation of overtime paid to prison officers."

A review of overtime was carried out by departmental officers and a report prepared as at March, 1979.

In that report it is stated that the major regular contributors to overtime appeared to be staff deficiency, sick leave, recreation leave, detached duty, in-service training courses, escorts and overseer duties.

In view of the extreme urgency of this matter, arrangements were made for the Administrative Officer (Staff and Personnel) and Director of Establishments to consult with Dr. G. Cooney, Statistician and Senior Lecturer of Behavioural Sciences, Macquarie University in an attempt to establish the proper method of calculating staffing needs.

Following such consultation it was resolved that the present approach is correct but there is a requirement to calculate the average number of days per year an officer is not available for normal duty due to absences for reasons other than rest days and recreation leave.

It was resolved that such an average could be obtained for each establishment from statistics provided in the overtime report.
There is strong evidence that relief staff for absences on sick leave, escort duty etc. should be provided. Overtime has become so excessive that officers are forced to take sick leave to obtain a rest day. There are complaints that officers are working too many double shifts. There has been an increase in officers attending court more frequently following the Royal Commission report as more prisoners are exercising legal rights to appeal.

Appeals to outside courts against Visiting Justice decisions were non-existent prior to the Royal Commission. This practice is now a common occurrence resulting in not only officer appearance at court but also increase escort duty for appellant prisoners attending court.

Increased participation by officers encouraged to take up tertiary studies has resulted in absences due to study time, lecture attendance etc. In-service course attendance also add to the staff deficiency and can no longer be treated lightly in providing relief.

Preliminary calculations at sample establishments indicate an across the board deficiency due to these extraneous duties in the order of 10%. On this basis an additional 120 prison officer positions need to be established immediately notwithstanding the present staff vacancy level.

The total cost of this preliminary determination would be approximately $1.2 million.

The present vacancy level and turnover rate is regarded as the lowest in many years. Under existing training methods, present vacancies will be filled by October, 1979. There is now a need to make a concerted effort on recruitment - sufficient applicants can be obtained and recruited subject to the following necessary changes:

1. Immediate consultation with the Health Commission to provide medical examination resources to cope with prison officer recruits.

2. Immediate improvement in training methods so that more preliminary training courses can be conducted concurrently - this can only be achieved by providing more training staff over a limited period; making use of regional training resources and facilities; provide adequate training centre (and accommodation, where necessary for new recruits) in regional centres.

It must also be realised that staffing estimates for 1979/80 total some 250 new positions and included are positions for Bathurst and Parklea. Recruiting and training of prison officers will therefore need to gain in momentum and the present initiative should not be lost.

Consideration should also be given to reducing the length of the preliminary training courses so that recruits can be "on the job" earlier. Perhaps the viability of this proposal could be discussed at the Superintendents Conference as some have very strong views.
More detailed staffing calculations for each establishment can be made in the next few weeks. In the interim it is suggested the Minister be advised of the staff deficiency due to the contributing factors of sick leave, escorts etc. which can no longer be tolerated and covered by overtime.

The Public Service Board has been advised of the staff deficiency now highlighted in general terms in the submission on the 1979/80 estimates.

It is reasonably safe to state that, if this deficiency is reduced by say 5%, there will be a corresponding reduction in overtime expenditure. It may be accepted that additional staff will result in less sick leave being taken which will result in less overtime - whilst providing additional staff for escort duty and training courses, automatically reduces overtime.

Submitted for consideration.

K.L. BAGG
Administrative Officer (S & P)
27.4.79

Corrective Services Commission
The Commission for Corrective Services,
Godsell Building,
Chiffley Square,
SYDNEY, NSW 2000.

Dear Sirs,

Staffing Model for Corrective Services
Institutions

Following an invitation by Dr. A. Vinson I had discussions with
Mr. K. Beggs and Mr. J. Nash regarding the staffing model used by the
Department of Corrective Services. My observations are as follows:

1. The staffing model employed at present is formulated on the basis
that a departmental officer can be expected to carry out approximately
220 eight hour shifts in the course of a year. This has been calculated
on the basis of a five day working week, 6 weeks recreational leave and
11 days sick leave. Allowance has therefore been made in the model for
absences which can be predicted with some degree of certainty. For
each institution the staffing establishment is calculated by dividing
the number of shifts necessary to man posts by 220.

2. No allowance is made in the model for irregular absences of staff
from regular duty by involvement of staff in the transfer of prisoners,
court appearances, detached duties, training programmes and other
miscellaneous duties.

3. While these cannot be predicted for individual staff, an average
can be found and incorporated into the model and a realistic figure found
for the number of shifts which will be available for regular duties from
an officer in a 12 month period. At present any absence from regular duty
by an officer results in overtime. Evidence put forward suggests that the
amount of overtime worked has increased substantially in recent years.

4. From an overtime study data were available on the incidence and nature
of overtime at each institution for two three month periods. These were
taken as an indicant of the time spent by officers away from regular duties.
In a preliminary calculation overtime arising from staff deficiencies and
absences due to recreational leave and overseeing duties was neglected and
the remaining overtime converted into man shifts per annum. Results from
four institutions indicated that a more realistic figure for the time
available for regular duties per officer per annum was approximately 200
shifts. That is, officers were absent from regular duties, on the average,
about 20 shifts per annum in addition to sick leave.

27th April, 1979
5. It follows, that in order to eliminate overtime worked because of irregular duties, (detached duties, transfer of prisoners, etc.) that the staffing model be adjusted to a base figure of about 200 shifts per annum. Staffing needs, on the basis of the present model, are therefore understated by approximately 10 percent.

6. It was suggested that Mr. Nash and Mr. Beggs might carry out this exercise using data from the overtime study, discounting overtime worked to take account of special factors which may have operated in the 3 month periods under scrutiny but which would not generally apply.

Yours sincerely,

(Dr.) G. H. Cooney
Senior Lecturer,
School of Behavioural Sciences
Introduction

In 1982, the Australian Institute of Criminology published a document entitled Rights and Obligations in a Prison (prepared by W Clifford, Director of the Institute, in collaboration with Australia’s Correctional Administrators). This paper not only traces the steady increase in the status and civil rights of prisoners over the period ranging roughly from 1972-1982, but also the corresponding decrease in the freedom of action of prison officers. The document highlights the fact that greater rights, freedoms and consideration cannot be provided to prisoners without profoundly affecting the position of the prison officer and the stresses and demands to which he is subject.

Whilst, over the ten years from 1972-1982 the prison population was slowly changing, as it still is today, to a more hardened and less easily manageable one, the rights of the prisoner and his access to means of complaint were also undergoing a significant transformation.

Some of the more important events in this area were the appointment of the Ombudsman in 1975 and the provision of legal aid to all offenders. Both these changes were symptomatic of a new attitude towards the protection of the civil rights of the prisoner and, whilst they could be described as
positive initiatives, they dramatically altered the working environment of the prison officer:

"Routine activities became highly sensitive with both officers and prisoners constantly contemplating possible grounds for complaint."

(7)

Clearly, a significant change in the status quo had taken place. Officers were now expected to have an active awareness of the civil rights of prisoners and make a series of difficult judgements every day about how far they could go in restricting the freedom of a prisoner before they risked some form of legal intervention. This was made even more stressful by the fact that officers often felt keenly the lack of clear guidelines and the real fear that they would not be supported by the authorities, in the case of legal action. It is observed in the 1982 paper that the prison officer:

"often has neither the instructions in detail nor the support. The consideration and understanding he might feel justified in extending to prisoners is qualified by his need to act with caution, to avoid misunderstanding, to obviate the possibility of giving grounds for complaint by those above and below him." (8)

Changes in Prison Population

It is well documented that in recent times prisons have been used less for general offenders and more for those who have to be segregated for the
security of society or are there because there is no other way of expressing public repudiation of their conduct. With the death sentence abolished and the use of exile and corporal punishment discontinued, as well as the increasing use of probation and parole, prison has become a last resort option containing a far higher proportion of hard core offenders.

In addition, there are far more prisoners requiring special attention. There are a great variety of inmates of different status and attitudes to law breaking. Sophisticated drug traffickers with access to funds outside and professional offenders with extensive business interests are just two of the special groups to be dealt with. Psychologically disturbed, homosexual or physically disabled inmates present their own problems of classification and management, and the constant risk of prisoners assaulting one another has led to the increasing problem of protecting prisoners from other prisoners.

Civil Rights of Prisoners

Throughout the 20th century there has been a steady development of the notion that a prisoner retains all his civil rights. This was reiterated by the Royal Commission of 1978, which declared that a prisoner should not lose his civilian rights except to the extent that such forfeiture is part of the sentence. Prisoners' right to vote has been restored in New South Wales prisons and it now seems firmly established that just because he has broken the law the offender is not deprived of its protection.
This emphasis on the strict rights of the prisoner has also been encouraged by a move away from the emphasis on correction and rehabilitation as functions of the prison system. Criminologists and lawyers have castigated the prison system for its failure in the area of rehabilitation (34) and there has been a move back to a more retributive approach, which provides increasing opportunities for complaint about situations and conditions which are considered inconsistent with the terms of the sentence.

The Ombudsman and Legal Aid

Two of the more obvious manifestations of the increased recognition of the civil rights of prisoners were the establishment of the Ombudsman with jurisdiction over the complaints of prisoners, and the provision of legal aid to all offenders.

These provisions also were greatly strengthened by the shift of emphasis from the rehabilitation or treatment model of prison routine to a more retributive style of simply providing the management necessary to implement a sentence set by the courts:

"The more legalised and strictly retributive the penalty becomes the more arguments are likely as to the precise meanings not only of laws but also of regulations." (44, 45)

Prisoners complaints quickly began to form a substantial part of the work of the Ombudsman, and this institutionalised a revolution in the
relationship between inmates and staff in penal institutions. It is observed in the paper that this revolution substantially changed the atmosphere within penal institutions.

"The Ombudsman's presence is certainly felt in all penal institutions and his influence on routine actions and decisions extends far beyond the cases he actually deals with." (23)

**Impact on Prison Officers**

**New Stresses, Lack of Support**

The change also significantly increased the level of stress on prison officers and added to their feeling of loss of support from authorities above. Speaking of the Ombudsman the paper remarks that:

"Some prison officers take the view that he is an advocate for the prisoners and they are required to explain why they did not do it the way the prisoners wanted." (23)

Officers also became aware that they would not always be supported in prosecuting their individual rights against prisoners. For example, the New South Wales Commission declined to sponsor the action by a Superintendent against a prisoner for defamation, (54)
The clear change which had obviously taken place in the role of, and the expectations placed on prison officers led the paper to conclude that:

"a very different type of prison officer has to be trained to cope with this stressful situation of uncertainty and sensitivity – knowing that his every action can be legitimately questioned." (24)

Lack of Clear Guidelines

The new balance of rights and obligations which existed in the prisons was made even more difficult for prison officers by the absence of clear guidelines for action. For example, officers must know precisely what constitutes a "reasonable amount of force" since an officer may die if he hesitates and be charged with brutality if he anticipates an attack too far ahead. Yet officers were left uncertain as to just how soon they were permitted to act or how much force they could use.

The extremely difficult and perilous job of drawing a reasonable line which avoids basic officer protection becoming an infringement of the prisoners' rights was duly left to the prison officer. Yet in attempting to make this judgement he had to cope with the constant threat of some form of legal action.

"Sometimes having acted reasonably in the use of force and perhaps caused the death of a prisoner, an officer may have to undergo the agony of an inquiry." (57)
The Rights of Prison Officers

What the 1982 paper seeks to draw attention to is the fact that "in practice there are far more restraints placed, as a matter of discipline, on the officers right to expression than on the rights of the prisoner" (60). Yet the prison officer too is a "human being who has rights which cannot be ignored because he happens to be a prison officer."

A substantial section of society no longer feels that prisoners should be doubly penalised. The sentence itself, it is thought, is punishment enough and the prisoner is deserving of some compassion. This is no reason however for ignoring the difficult predicament of the prison officer:

"the prisoners are not the only ones who feel restrained or confined in institutions. They may be the only ones held against their will, but the warders, staff and administrators are sometimes spending more years there. They are often caught between the expectations of society and the prisoners and the freedom of action they once enjoyed is being steadily reduced by the courts, the lawmakers and the media. Even though their liberty is not legally restrained and they work only certain hours of the day inside the institutions, they are subject to the constraints and pressures of a situation which they find frustrating and unenviable. Royal Commissions and courts have confirmed some allegations of assaults on prisoners by prison officers. They have vindicated other officers wrongly accused. What is not documented accurately is the daily stress on both prisoners and
officers of this public scrutiny which can be manipulated as effectively as it can be used to check abuse. A great many situations once taken for granted or left to discretion now need careful and precise definition if staff are to have the confidence to act responsibly. There is a new concern that the authorities cannot always be depended upon for support. Prisoners are subjected to new and frightening pressures from inmates who know how to make the system serve them. Above all the difficulty which prison authorities have to provide satisfying and rewarding work for every inmate adds inevitably to the emptiness and stress." (35)

Prognosis

It is therefore hardly surprising that under current conditions, not only does the future of the prison officer look fairly bleak but the likelihood of attracting those sufficiently equipped to do the job well appears remote. This is colourfully illustrated by the paper’s prediction:

"it is evident that as relationships become more complicated in the prisons an officer has to be part psychologist, part lawyer, part policeman, part counsellor and has to learn to control his own normal reactions under provocation – as forbearingly as any monk. It is going to become increasingly difficult to recruit such paragons of virtue and ability or to keep them in the prison service since they will be in demand outside." (58)
PRISONER PROBLEM AND NEEDS COMMITTEES

CIRCULAR NO: 4147

Prisoner Problem and Needs Committee.

It has been found necessary in recent months to enforce the implementation of longstanding policy in regard to Prisoner Problem and Needs Committees. As a result, it has become apparent that the objectives and constitution of these committees need to be clarified.

Prisoner Problem and Needs Committees are designed to establish a forum in which inmates of a particular institution can bring to the attention of and discuss with the Superintendent, problems which confront them in their daily routines.

The procedure to be followed to achieve these objectives is as follows:

1. Inmates should select a representative from each wing/house to act as delegate on the committee.

2. Prisoner delegates are to be given facilities where they may meet and discuss problems presented to them by individual inmates. They will then prepare a type-written list of requests to be presented to the Superintendent at the next Problem and Needs Committee meeting. These requests must be in the hands of the Superintendent not less than three days prior to the meeting, in order that he may adequately consider the requests and seek guidance from Head Office when required.

3. The Superintendent will meet with the committee on a monthly basis.

Delegates from the Prison Officers Management Committee, Public Service Association, requested at a meeting with management held on 3rd December, 1976, that a member of the local Public Service Association Executive attend Problem and Needs Committee meetings. Approval is given for an executive member to attend, as an observer, the meeting between the Superintendent and the Problem and Needs Committee delegates.

W. R. McGeechan,
Commissioner of Corrective Services.
Circular No. 4502

Prisoners' Problems and Needs Committees

Chapter 26 of the Report of the Royal Commission into N.S.W. Prisons discusses Prisoners' Rights and Grievances and, in particular, makes the following recommendations:

- Prisoner committees should be established at all maximum security institutions, and at all other prisons when so advised.
- Regular meetings should be held at least once a month and procedures for grievance committees should be as laid down in this report.
- In cases where a prisoner has an urgent grievance, the emergency procedures set out in this Report should be instituted and followed.

The Corrective Services Commission recognises that prisoner committees have a real role to play in handling prisoner grievances and thus reducing tensions which otherwise build up in gaols through prisoners not having a voice which can be heard.

The procedures under which prisoner committees should operate are set out on page 299 (printed edition) of the Royal Commission Report, as follows:

- Prisoner committees should be given official status and, so far as possible, should properly represent the prisoner community. Prisoners should register their complaints with committee members, either verbally or by placing them in a complaints box which should be locked but readily accessible to prisoners. Regular meetings should be held, at least once a month. A prison officer selected by the Superintendent should be chairman, but have no voting rights. The Committee should draw up an agenda before meeting, and full minutes should be kept. The minutes should be sent to the Superintendent who, within three days, should inform the committee of his decisions. Any complaints he has not the power to handle should be sent to Head Office and the committee should be informed of this without delay. Complaints sent to Head Office should be answered within fourteen days. The Superintendent should then pass the answers on to the committee.

It is, of course, departmental policy that Prisoners' Problems and Needs Committees exist at all prison establishments.

The purpose of this circular is to ensure that officers and prisoners are aware of the procedures to be followed and to emphasise that regular meetings should be held at least once a month. In this regard, meetings should be held even when no item has been submitted for placement on the agenda.
ANNEXURE 8

Prison Officer Training Manuals 1980 (Tabled as Exhibits 39–48)

Comprising:

Course Information

Booklet for Prison Officer Training

Prison Officer Training Document – LAW

Prison Rules

Modular Training Packages 1, 2, 3, 5, 6, 7
New Prison Rules

The Corrective Services Commission, with the approval of the Minister pursuant to section 49 of the Prisons Act, 1952, has made new Prison Rules, as set out in the Annexure to this circular, which are to take effect on and from 1st August, 1980. The Rules will be known as the "Prison Rules, 1980".

The Rules will replace Prison Rules 1 to 29, inclusive, which came into force on 15th August, 1979, and which have been repealed as from 1st August, 1980. The Rules of the Prison made on 15th August, 1979, will be known, for reference purposes, as the "Prison Rules, 1979".

It should be noted that Rules 30 to 35, inclusive, in the Prison Rules, 1979, which relate to periodic detainees are to continue in force. These Rules are currently being reviewed in conjunction with amendments to the Periodic Detention of Prisoners Act, 1970.

The Prison Rules 1 to 297, inclusive, contained in the Manual of General Information, Custodial Division (which Rules will be referred to as the "Prison Rules, 1974"), are also being reviewed and, in accordance with the Commission's policy, are being repealed, where they are inappropriate, or are being re-enacted in the Prisons Regulations.

Rules 1 to 13, inclusive, in Prison Rules, 1980, which accompany this circular, are a condensation of Rules 1 to 29, inclusive, in Prison Rules, 1979.

Rule 3, of course, is subject to any exemption which may be given by the governor of the prison.

Rule 14, provides for the introduction of breath tests to determine whether or not a prisoner has consumed spirituous or intoxicating liquor or alcohol.

Rule 15, provides for the introduction of urine tests to determine whether or not a prisoner has taken prohibited drugs.

The Prison Rules, 1980, will apply to prisoners in all institutions and any breach will be an offence against prison discipline which may be dealt with under the provisions of section 23 (q) of the Prisons Act, 1952.

Before the Prison Rules, 1980, come into operation senior officers will be instructed in the use of equipment provided to carry out the alcohol tests and the drug tests.
Sufficient copies of the new Prison Rules, 1980, will be made available at all institutions to enable a copy to be handed to each prisoner. Each prisoner is to be requested to sign another copy in the place provided on the reverse side of the Rules, and an officer is to witness the prisoner's signature. If the prisoner is illiterate or refuses to sign the document, it should be read to him by an officer who should certify that he has done so. Where the prisoner does not understand the English language, the purport of the Rules should be explained to him in the best manner possible. The copy of the signed Prison Rules should be placed with the prisoners' papers.

Each prisoner received up to and including 31st July, 1980, is to be informed that the Rules come into force on 1st August, 1980.

As from 1st August, 1980, Circular No. 4540 is cancelled.

P.F. CROMBIE,
Chief Administrative Officer.
1. A prisoner shall, at all times, treat prison officers and other persons at the prison with respect and courtesy, and shall not use any insulting or threatening language to any of them.

2. A prisoner shall not offer, make or give to any person in any office or employment in the Prisons Service, either within or outside the prison, any payment, gratuity or present in consideration that such person will neglect his duty, give preferred treatment or act otherwise than in accordance with the proper discharge of his duties.

3. A prisoner shall attend all musters and answer all muster hooters or bells promptly.

4. A prisoner shall not occupy any prison building or any part thereof, unless it is his correct position or placement within the prison.

5. A prisoner shall not -
   (a) climb, attempt to climb, or remain on the roof of, or outside of any prison building; or
   (b) climb, attempt to climb, or remain on any fence, grille, gate or other control barrier of the prison, unless directed to do so by a prison officer.

6. A prisoner shall not interfere with or tamper with any locks, bolts, bars, ventilators, structures, buildings, electrical installations or other equipment, appliances or property in or used in the prison, without the approval of a prison officer, or except in so far as it may be necessary in the ordinary routine of the prison.

7. A prisoner shall not leave his place of employment or placement in the prison, or the perimeter of the prison, without the authority of a prison officer.

8. A prisoner shall not remove any tools from a hobby shop, a workshop or their storage repository without permission of a prison officer.

9. A prisoner shall be dressed at all times in accordance with dress standards approved by the governor of the prison and, whilst working, shall wear such protective clothing as is supplied.

10. A prisoner shall not engage or take part in gambling or betting.

11. A prisoner shall not use telephones installed in the prison without the prior approval of a prison officer, or contrary to the guidelines approved by the Commission.

12. A prisoner shall not make any tattoo upon any other prisoner.

13. A prisoner shall not approach visitors' cars at any time, and shall return to the compound immediately on completion of a visit to him.

14. (1) A prisoner shall not consume, manufacture or have in his possession any spirituous or intoxicating liquor, alcohol or any substance reasonably suspected of having been prepared for fermentation.
   (2) Where the governor of the prison or a prison officer has reasonable cause to believe that a prisoner has recently consumed any spirituous or intoxicating liquor, or appears to be affected by alcohol, the governor, or a prison officer with the approval of the governor, may require the prisoner to undergo a breath test in accordance with the directions of the person administering the test.
   (3) A prisoner required, in accordance with clause (2) of this rule, to undergo a breath test who refuses or fails to undergo that test in accordance with the directions given, shall be guilty of an offence of disobeying these rules.
(4) Where it appears to the governor of the prison, or a prison officer, in consequence of a breath test carried out by him on the prisoner under the provisions of clause (2) of this rule, that the device by means of which the breath test was carried out indicates that there is present in the prisoner's blood a measurable quantity of alcohol, that prisoner shall be guilty of an offence of disobeying these rules. It shall be a defence to such a charge that the prisoner consumed alcohol or a substance containing alcohol on the advice and recommendation of a medical practitioner for medical reasons.

15. (1) A prisoner shall not use, partake of or seek the introduction into the prison of any drug, except those prescribed for his use, and in that event only in the manner prescribed by a medical practitioner.

For the purposes of this rule, "drug" means:

(a) a drug of addiction or prohibited drug as defined in section four of the Poisons Act, 1966, not being a substance specified in the regulations under that Act as being excepted from the definition; and

(b) any other substance prescribed as being a drug for the purposes of the definition.

(2) Where the governor of the prison or a prison officer has reasonable cause to believe that a prisoner has taken or appears to be affected by a drug or drugs, the governor, or a prison officer with the approval of the governor, may require the prisoner to supply, for testing or analysis, a specimen of urine in accordance with the directions of the person making the requirements to supply the specimen.

(3) A prisoner required in accordance with clause (2) of this rule to supply a specimen of urine, who refuses or fails to supply the specimen in accordance with the directions given, shall be guilty of an offence of disobeying these rules.

(4) Where it appears in consequence of a test or analysis carried out on a specimen of urine taken from a prisoner under the provisions of clause (2) of this rule, that there was present in the prisoner's urine evidence of a drug or drugs, that prisoner shall be guilty of an offence of disobeying these rules. It shall be a defence to such a charge that the prisoner had used or partaken of the drug or drugs on advice and recommendation of a medical practitioner for medical reasons, and in the manner prescribed by the medical practitioner.

I hereby acknowledge receipt of a copy of the abovementioned Prison Rules number 1 to 15.

Signed ........................................
Date ...........................................
Witness ....................................... 
Rank .........................................

OR

I hereby certify that I have read and explained the abovementioned Rules of the Prison to ........................................

Signed ........................................
Rank .........................................
Date .........................................
(1) The prison plan was first announced on 1.6.82 by the Minister for Corrective Services.

(2) It involves rationalisation of resources, in the main:

(i) New prison accommodation at Bathurst;

(ii) Closure of small centres at Narrabri, Kirkconnel and Newnes;

(iii) Revised usage of accommodation at Bathurst, Maitland, Cessnock and Parramatta;

(iv) Restructure of staffing at most institutions;

(v) Transfer of officers to meet the new staffing requirements as a consequence of closures and change of usage;

(vi) Change of shifts at some gaols involving reversion to normal day shifts with unpaid meal breaks rather than straight 8 hour shifts with crib time in order accommodate "revised time out of cells" arrangements;

(vii) Insistence on determination of overtime requirements by prison superintendents on the basis of daily needs rather than mere routine filling of non-security posts.

(3) Closures and transfer of staff is already proceeding with a view to operation of new rosters from the next monthly roster period commencing Friday, 24 September, 1982.

(4) The sequence of negotiations is shown in the Board's Exhibit No. 5 in the dispute proceedings attached, extended to include proceedings and conferences after 26.8.82.

(5) Throughout the negotiations and court proceedings, the PSA has maintained that the Corrective Services Commission is bound to observe the status quo and refrain from introducing any changes until they have been fully explored in absolute detail by the Industrial Commission.

(6) The disputes procedure, incorporating the status quo provision, is shown in Exhibit 4, the relevant paragraph being 5.

(7) The Board's view of the agreement is that it does not envisage a major restructure, although the naturally the implementation of such a plan as a whole is a matter for discussion between the parties and if necessary reference to a tribunal.

(8) The Industrial Commission (Watson J) and McMahon, DP, in particular have stated it is not the function of the Industrial Commission to manage the affairs of the Corrective Services Commission.

(9) McMahon, DP, issued a statement and recommendation on 3.9.82, a further recommendation for Cessnock and Maitland to resume work on 15.9.82 and finally a statement and order on Friday 17.9.82, when he also indicated he would refer certain questions to the
COMMISSION IN COURT SESSION.

(10) THE QUESTIONS REFERRED INCLUDE THE STATUS QUO PROBLEM, THE QUESTION OF WHETHER THE COMMISSION CAN REVERT TO DAY WORK CONDITIONS AT PARRAMATTA AND MAITLAND AND AS TO WHETHER THE COMMISSION CAN REDUCE POSTS IN ITS NEW STAFFING ARRANGEMENTS.

(11) THE CORRECTIVE SERVICES COMMISSION AND THE BOARD HAVE MAINTAINED THROUGHOUT THAT THE MATTERS INVOLVED IN THE NEW PRISON PLAN ARE PURELY MANAGERIAL RESPONSIBILITIES. AMPLE TIME HAS BEEN GIVEN FOR THE ASSOCIATION TO COMMENT UPON AND MAKE SUBMISSIONS AND SOME ADJUSTMENTS HAVE BEEN MADE IN RESPONSE TO THESE REPRESENTATIONS. HOWEVER, THE PLAN MUST PROCEED. IT IS AN INTEGRATED PLAN IN THAT ALL OF THE CHANGES REQUIRE IMPLEMENTATION TOGETHER AND CANNOT BE FURTHER DELAYED.
Dear Mr. Hammond,

The Commission has considered a compromise proposal in regard to the staffing of Parramatta Gaol on an eight (8) hour shift basis which will:

(i) Achieve a reduction in overtime expenditure of 50% on 1981/82 expenditure;

(ii) Retain existing time out of cells with the exception that prisoners will be confined to cells at breakfast;

(iii) Achieve the abandonment of all unauthorised posts;

(iv) Result in a reduction of 23 posts/41 positions;

(v) Contain daily miscellaneous overtime to a maximum of 55 hours.

It is understood that this roster and associated proposals are generally acceptable to the Public Service Association but this is to be confirmed through the Parramatta Sub-Branch by Mr. Storrier.

Providing all of the above can be achieved the Commission has no objection to the introduction of this roster for a trial period of four (4) fortights, commencing on Friday, 22nd October, 1982, on the distinct understanding that the Commission’s direction concerning the non-filling of non-essential posts be maintained on a daily basis. It should also be understood that this roster and associated costs beyond that proposed by the Commission will not result in any reduction in the prisoner population.

This proposal is referred for the consideration of your Association.

Yours sincerely,

V. J. DALTON,
Chairman,
Corrective Services Commission.
Both the Maitland and the Parramatta Gaol rostering systems, as currently providing 8 hour shifts, are different from the more typical examples shown. They are extremely wasteful in terms of staff utilization.

**Maitland Gaol**

**EXISTING ROSTER – 8 HOUR SHIFTS**

<table>
<thead>
<tr>
<th></th>
<th>Start</th>
<th>Meal Break</th>
<th>Finish</th>
</tr>
</thead>
<tbody>
<tr>
<td>A.</td>
<td>7:00 am</td>
<td>20 minutes</td>
<td>3:00 pm</td>
</tr>
<tr>
<td>B.</td>
<td>8:15 am</td>
<td>10 minutes</td>
<td>4:00 pm</td>
</tr>
<tr>
<td>C.</td>
<td>11:00 am</td>
<td>45 minutes</td>
<td>7:00 pm</td>
</tr>
<tr>
<td>D.</td>
<td>3:00 pm</td>
<td>75 minutes</td>
<td>11:00 pm</td>
</tr>
<tr>
<td>E.</td>
<td>11:00 pm</td>
<td>65 minutes</td>
<td>7:00 am</td>
</tr>
</tbody>
</table>

**PROPOSED ROSTER – 8 AND 9/4 HOUR SHIFTS**

<table>
<thead>
<tr>
<th></th>
<th>Start</th>
<th>Meal Break</th>
<th>Finish</th>
</tr>
</thead>
<tbody>
<tr>
<td>A.</td>
<td>7:00 am</td>
<td>1 1/4 hours</td>
<td>4:10 pm</td>
</tr>
<tr>
<td>B.</td>
<td>8:30 am</td>
<td>20 minutes</td>
<td>5:10 pm</td>
</tr>
<tr>
<td>C.</td>
<td>4:00 pm</td>
<td>20 minutes</td>
<td>12:00 pm</td>
</tr>
<tr>
<td>D.</td>
<td>12:00 pm</td>
<td>40 minutes</td>
<td>8:00 pm</td>
</tr>
</tbody>
</table>

Under the present system prisoners at Maitland Gaol are out of cells from 7 am until 6:45 pm, if they so choose. The revised system will require a lock-in at lunch time for 1 1/4 hours and again at 4:45 pm for the night.
PARAMATTA GAOL

EXISTING ROSTER — 8 HOUR SHIFTS

A. WATCH (1) 7:00 am  20 minutes  3:00 pm
INDUSTRIAL OFFICERS 7:30 am  " "  3:30 pm
A. WATCH (2) 8:00 am  " "  4:00 pm
D. 9:30 am  " "  5:30 pm
C. 4:00 pm  " "  12:00 pm
B. 12:00 pm  " "  8:00 pm

The proposed revised roster, with both 8 and 14 hour shifts, is the same as that shown for Mainland Gaol. It is in fact, the traditional standard roster for maximum security prisons.

Prisoners in Paramatta Gaol are presently out of cells from 7:00 am until 5:15 pm. Under the revised rostering system, they will be in cells during the 14-hour lunch break and thus evening break in will occur at 4:45 pm. The loss of time out of cells is quite marginal in terms of the additional staffing costs incurred in providing it.
CIRCULAR NO. 82/21

Prison (Conduct) Rules, 1982

The Corrective Services Commission, with the approval of the Minister pursuant to the provisions of section 49 of the Prisons Act, 1952, has made new Prison Rules, as set out in the Annexure to this circular, which took effect on and from 1st March, 1982. The Rules will be known as the Prison (Conduct) Rules, 1982.

The Rules replace Prison Rules numbered 1 to 16, inclusive, known as the Prison Rules, 1980, and which have been repealed as from 1st March, 1982.

Copies of the new Rules have previously been forwarded to all prison establishments in order that a copy might be given to each prisoner.

P. F. CROMBIE,
Chief Administrative Officer.
1. These Rules are made pursuant to the provisions of section 49 of the Prisons Act, 1952, and may be cited as the "Prison (Conduct) Rules, 1982".

2. These Rules are designed to regulate the conduct and behaviour of prisoners for the purpose of maintaining prison discipline, and are in addition to the provisions contained in section 23 of the Prisons Act, 1952, and the provisions contained in the Prisons Regulations, 1968.

3. In these Rules, except insofar as the context or subject-matter otherwise indicates or requires -

"cell card" includes property card, activities docket or any other document containing a list or inventory of articles retained by a prisoner in his possession.

"contraband" means any article of property, including money, (except money which may be held by a prisoner with the approval of the governor of the prison), not issued to a prisoner in accordance with the provisions of the Prisons Act, 1952, or the Regulations made pursuant to the Prisons Act, 1952, and includes any drug, liquid, substance or item capable of producing an hallucinatory effect upon any person.

"drug" means -
(a) a drug of addiction or prohibited drug as defined in section four of the Poisons Act, 1966, not being a substance specified in the regulations under that Act as being excepted from the definition; and
(b) any other substance prescribed as being a drug for the purposes of the definition.

4. A prisoner shall, at all times, treat prison officers and other persons at the prison with respect and courtesy, and shall not use any insulting or threatening language to any of them.

5. A prisoner shall not threaten to harm or assault a prison officer, or to do injury to his property.

6. A prisoner shall not offer, make or give to any person in any office or employment in the Prisons Service, either within or outside the prison, any payment, gratuity or present in consideration that such person will neglect his duty, give preferred treatment or act otherwise than in accordance with the proper discharge of his duties.

7. A prisoner shall not engage in wrestling, sparring, fighting or physical combat with another prisoner or prisoners, except in organised sport approved by the governor of the prison.

8. A prisoner shall not have in his possession or in his room, cell or hut, or in any other place, any article of contraband.

9. Without the approval of a prison officer, a prisoner shall not -
(a) occupy or enter any cell, room or hut; or
(b) occupy or encroach upon any building within the precincts of the prison, or any part of such building, unless it is his correct position or placement within the prison.

10. A prisoner shall not -
(a) climb on, attempt to climb on, or remain on the roof of, or outside of any prison building; or
(b) climb, attempt to climb, or remain on any fence, grille, gate or other control barrier of the prison, unless directed to do so by a prison officer.

11. Without the approval of a prison officer, a prisoner shall not alter, interfere with, remove, or take possession of -
(a) any locks, keys, bolts, bars, ventilators, fixtures, electrical installations, fire-extinguishers, fire-hoses, instruments of restraint, or
12. A prisoner shall not leave his place of employment or placement in the prison, or the perimeter of the prison, without the authority of a prison officer.

13. A prisoner shall not introduce to his work area in the prison, foodstuffs, radios, newspapers or other items not required in the performance of his duties, without the authority of a prison officer.

14. A prisoner shall not remove any tools, instruments, equipment, fittings or materials from a hobby shop, a workshop or their storage repository, without the approval of a prison officer.

15. A prisoner undertaking hobby craft in his cell, room or hut may, with the approval of the governor of the prison, retain in his possession in his cell, room or hut, such personal tools, instruments or equipment required for such hobby craft. The prisoner shall ensure that all tools, instruments, or equipment retained in his possession are recorded on the cell card.

16. A prisoner shall not, without the approval of a prison officer, enter, occupy or approach any departmental motor vehicle or any other motor vehicle within the precincts of the prison or adjacent thereto.

17. A prisoner shall attend all musters and answer all muster hooters or bells promptly.

18. A prisoner shall be dressed at all times in accordance with dress standards approved by the governor of the prison and, whilst working, shall wear such protective clothing and footwear as is supplied.

19. A prisoner shall not engage or take part in gambling or betting.

20. A prisoner shall not use telephones installed in the prison without the prior approval of a prison officer, or contrary to the guidelines approved by the Commission.

21. A prisoner shall not make any tattoo upon himself or upon any other prisoner.

22. (1) A prisoner shall not consume, manufacture or have in his possession any spirituous or intoxicating liquor, alcohol or any substance reasonably suspected of having been prepared for fermentation.

(2) Where the governor of the prison or a prison officer has reasonable cause to believe that a prisoner has recently consumed any spirituous or intoxicating liquor, or appears to be affected by alcohol, the governor, or the prison officer with the approval of the governor, may require the prisoner to undergo a breath test in accordance with the directions of the person administering the test.

(3) A prisoner required, in accordance with clause (2) of this rule, to undergo a breath test who refuses or fails to undergo that test in accordance with the directions given, shall be guilty of an offence of disobeying these rules.

(4) Where it appears to the governor of the prison, or a prison officer in consequence of a breath test carried out by him on the prisoner under the provisions of clause (2) of this rule, that the device by means of which the breath test was carried out indicates that there is present in the prisoner's blood a measurable quantity of alcohol, that prisoner shall be guilty of an offence of disobeying these rules. It shall be a defence to such a charge that the prisoner consumed alcohol or a substance containing alcohol on the advice and recommendation of a registered medical practitioner for medical reasons.

23. (1) A prisoner shall not have in his possession, use, partake of or seek the introduction into the prison of any drug, except those prescribed for his use, and in that event, only in the manner prescribed by a registered medical practitioner.
(2) Where the governor of the prison, or a prison officer, has reasonable cause to believe that a prisoner has taken or appears to be affected by a drug or drugs, the governor, or a prison officer with the approval of the governor, may require the prisoner to supply, for testing or analysis, a specimen of urine in accordance with the directions of the person making the requirement to supply the specimen.

(3) A prisoner required in accordance with clause (2) of this rule to supply a specimen of urine, who refuses or fails to supply the specimen in accordance with the directions given, shall be guilty of an offence of disobeying these rules.

(4) Where it appears in consequence of a test or analysis carried out on a specimen of urine taken from a prisoner under the provisions of clause (2) of this rule, that there was present in the prisoner's urine evidence of a drug or drugs, that prisoner shall be guilty of an offence of disobeying these rules. It shall be a defence to such a charge that the prisoner had used or partaken of the drug or drugs on the advice and recommendation of a registered medical practitioner for medical reasons, and in the manner prescribed by the registered medical practitioner.

NOTE: Attention is invited to the provisions of Rule 2 of these Rules; section 23 of the Prisons Act, 1952, and particularly the power of prison officers to give lawful orders for the purpose of securing the enforcement or observance of the provisions of the Act as set out in the final paragraph of the section.

Section 23 of the Prisons Act, 1952, is in the following terms:

23. For the purpose of this Part the following shall be offences by prisoners against prison discipline whether such offences are committed within a prison or outside a prison whilst in custody or deemed to be in custody -

(a) mutiny;
(b) open incitement to mutiny;
(c) common or aggravated assault;
(d) escaping or attempting to escape;
(e) wilfully or maliciously breaking, damaging or destroying any prison property;
(f) preferring a complaint against a prison officer knowing the same to be false;
(g) (Repealed. Act No. 77 of 1967);
(h) making or attempting to make any wound or sore upon himself;
(i) pretending illness;
(j) being idle or negligent in work;
(k) mismanaging work;
(l) committing a nuisance;
(m) preferring a frivolous complaint;
(n) cursing or swearing profanely;
(o) behaving indecently;
(p) behaving irreverently at or during Divine service or prayer;
(q) disobeying any regulation or any of the rules of the prison, or any lawful order of the Commission, of a full-time Commissioner or of a prison officer.

For the purposes of paragraph (q) "lawful order of the Commission, of a full-time Commissioner or of a prison officer" includes any order given by the Commission, a full-time Commissioner or a prison officer for the purpose of securing the enforcement or observance of the provisions of this Act, which orders the Commission, the full-time Commissioners and prison officers are hereby authorised to give.
I hereby acknowledge receipt of a copy of the abovementioned Prison (Conduct) Rules, 1982, numbered 1 to 23.

Signed ..................................................
Date ..................................................
Witness ............................................... 
Rank ..................................................

OR

I hereby certify that I have read and explained the abovementioned Prison (Conduct) Rules, 1982, to .............................................................................

Signed ..................................................
Rank ..................................................
Date ..................................................
Prisoners' Personal Possessions

Circular No: 81/18 is hereby rescinded:

Chapter 23 of the Report of the Royal Commission into New South Wales Prisons discusses prisoners' amenities and conditions and, in this regard, makes the following recommendation concerning prisoners' personal possessions:

"129 Subject to the requirements of security, prisoners should be permitted to retain their personal possessions."

Subsequently, following reviews from successive Conferences of Superintendents, the Commission has been mindful of the need to ensure and maintain a consistency in the application of the range of conditions, privileges, etc., which are to apply to inmates confined in similar security categories.

Each of the items listed below has the Commission's approval for retention in cells occupied by inmates in normal discipline.

<table>
<thead>
<tr>
<th>Item</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rings and Medallions</td>
<td>Except those considered likely to cause injury.</td>
</tr>
<tr>
<td>Photographs</td>
<td></td>
</tr>
<tr>
<td>*Photograph Albums</td>
<td></td>
</tr>
<tr>
<td>*Television Set</td>
<td>Up to 17&quot; or 43 cm.</td>
</tr>
<tr>
<td>*Radio (Including Clock Radios)</td>
<td></td>
</tr>
<tr>
<td>*'Kambrook' Water Heater/Cooler</td>
<td></td>
</tr>
<tr>
<td>*Cassette - recorder</td>
<td>Recording heads to be removed in maximum security goals.</td>
</tr>
<tr>
<td>*Blank or recorded tapes</td>
<td>No Record Clubs.</td>
</tr>
<tr>
<td>*Electric razors</td>
<td></td>
</tr>
<tr>
<td>*Toasters (Manual) or Sandwich Toasters</td>
<td></td>
</tr>
<tr>
<td>*Wristlet Watch</td>
<td>1 per inmate only. May be purchased if not in property.</td>
</tr>
<tr>
<td>Item</td>
<td>Comment</td>
</tr>
<tr>
<td>-------------------------------------</td>
<td>-------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Sunglasses</td>
<td>1 pair per inmate only. May be purchased if not in property.</td>
</tr>
<tr>
<td>Video Games</td>
<td>Battery operated and/or electrical. Maximum size 12&quot;.</td>
</tr>
<tr>
<td>Fans</td>
<td>Acceptable in all country institutions. In metropolitan gaols only with medical approval.</td>
</tr>
<tr>
<td>Electric Blankets</td>
<td></td>
</tr>
</tbody>
</table>

*PURCHASE THROUGH CANTEN SEVICES OR LOCAL ACTIVITIES AT THE DISCRETION OF THE SUPERINTENDENT.*

<table>
<thead>
<tr>
<th>Private underclothing</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Singlets</td>
<td>Regulation uniform issued to be worn on outside warrant for movements.</td>
</tr>
<tr>
<td>Underpants</td>
<td></td>
</tr>
<tr>
<td>Socks</td>
<td></td>
</tr>
<tr>
<td>T-shirts</td>
<td></td>
</tr>
<tr>
<td>Track Suits</td>
<td>Only whilst engaged in activities.</td>
</tr>
<tr>
<td>Running Shorts</td>
<td></td>
</tr>
<tr>
<td>Running Shoes</td>
<td></td>
</tr>
<tr>
<td>Newspapers</td>
<td>If legally available in the community and not detrimental to the security of the prison.</td>
</tr>
<tr>
<td>Magazines</td>
<td></td>
</tr>
<tr>
<td>Books</td>
<td>At the Superintendent’s discretion.</td>
</tr>
<tr>
<td>Musical Instruments</td>
<td></td>
</tr>
<tr>
<td>Typewriters</td>
<td>May be retained in cells only if undertaking a course recommended by the Programmes Officer and with the approval of the Superintendent.</td>
</tr>
</tbody>
</table>

Buy-up Items as per rules

Multi-purpose vitamin pills

Hobby Tools

Hobby Materials

Cell Curtains

Cell Decorations

Items not listed above are generally not permitted. However, Superintendents are to exercise their discretion in regard to prisoners requests if it is considered that special or extenuating circumstances exist. A copy of such written request and approval should be forwarded to this Office for recording and retention on Head Office files.
IT SHOULD BE CLEARLY UNDERSTOOD THAT PERMITTED USE OF OTHER ITEMS TO AN INMATE AT ONE INSTITUTION MAY NOT NECESSARILY MEAN THAT SUCH ARTICLES WILL BE PERMITTED FOR ISSUE WHEN TRANSFERRED TO ANOTHER INSTITUTION.

It is emphasised that use of electric appliances is dependent upon power outlets and satisfactory power supply being available.

While the retention of the above items also applies to unconvicted inmates, it should be emphasised to such inmates who wish to avail themselves of these privileges that no undertaking can be given that the Police will be prepared to transport bulky and fragile articles to and from Court. Further, that while exercising care, the Department cannot assume responsibility for items which are left behind unless the inmate has such articles returned to the Property Reception Room for recording at least the day before any movement from the prison.

In any case, because of the limited storage space available, it is the responsibility of inmates to ensure that such articles are reclaimed by themselves or a suitably appointed agent as soon as practicable.

P. F. Crombie,
Chief Administrative Officer.
Members of the Working Party:

Chairman: Mr. P. W. Crossley
A/Chief Administrative Officer
Department of Corrective Services

Members:
Ms. J. Richter
Establishments Officer
Public Service Board

Ms. C. Grainger
Cabinet Officer
Premier's Department

Mr. J. Carter
Budget Inspector
Treasury

Secretary: Mr. S. Talbot
Clerk
Staff Branch
Department of Corrective Services

RECOMMENDATIONS

1. As an interim measure, the established staffing formula for the N.S.W. Prison Service be reduced from 230 days per officer per annum to the level of 220 to provide for a component for sick leave of 10 days per annum.

2. Consequently, the approved staff number of the Department of Corrective Services be increased by 80.

3. The placement of the additional staff recommended in 2 above be closely monitored and the Committee re-convened in six months to assess the effect of the additional staff on overtime, sick leave and efficiency.
by way of background, the Parliamentary Accounts Committee examined the question of overtime performed throughout the N.S.W.-Prison Service. The recommendations contained in the 6th Report of the Committee are re-stated as follows:

(1) A suitable staffing formula be agreed upon by the Department, the Public Service Board, the Treasury, and the Premier's Department which will allow a uniform calculation to be used in the staffing and establishment of a post and the staff number for the post.

(2) The agreed staffing formula should contain a provision for contingencies, such as sick leave, escorts, detailed duty, etc.

(3) The Department continue to introduce measures which will enable it to gain effective control over the incidence of sick leave taken by Prison Officers.

(4) No officer who takes more than two days sick leave in any two month period shall be permitted to work overtime in the following two month period, except in emergencies.

(5) For the sake of the health of its Officers and the security of the institution, limits be placed on the amount of overtime which an Officer may be permitted or required to work.

The formula used to determine manning levels in N.S.W. corrective institutions provides only for the following contingencies:

- 104 rostered rest days per annum
- 30 recreation days leave per annum
- 1 day compensatory leave (Bank Holiday)
Therefore, the availability of staff to fill authorised posts is limited to each officer performing a minimum of 230 shifts in any given 12-month period (i.e. 365 days - 135 days).

The formula does not allow for days lost by officers due to sick, military, study and extended leave, detached duty, escorts, maintenance work, and prisoner activities. In order to maintain gaol security at acceptable levels, in terms of public safety, staff deficiencies brought about by the inadequacy of the prison formula have been overcome in the past by recourse to overtime.

A comparison with the corrective services of other States has shown that the N.S.W. prison service has the highest ratio of prisoners to custodial staff (see attached schedule). It was established that all other States provided for a higher level of contingencies in the respective staffing formulas adopted.

The Committee's prime task was identified as being the determination of an appropriate staffing formula for the N.S.W. prison service. Having been made aware of the "excesses" in the prison system in relation to custodial overtime and sick leave, the group examined a number of strategies designed to more realistically reflect the staff numbers required to provide appropriate manning levels for all established posts. Posts that have been, over a considerable period of time, objectively reviewed and rationalised, where necessary, by the Corrective Services Commission, in order to maintain responsible levels of service in relation to containment, care, and development of inmates held in custody.

The Committee was made aware of the previous experience in appointing additional custodial staff and the consequential impact of such action on overtime. "Offsets" have not always been achieved. The calculations appearing in the attached annexure have been prepared on the basis that the number of shifts worked by additional staff will eliminate a similar number of shifts performed on overtime. The assumption has been made that the general level of sick leave
The argument was put that the justification for amending the staffing formula and recommending an increase in custodial staff numbers cannot be substantiated on financial grounds alone. Rather, the indirect benefits of: job creation, increasing officer morale, and reducing environmental stress and staff absences, were also considered to be relevant.

In order to fully assess the effect of appointing additional institutional staff, the Committee agreed to an interim strategy of incorporating a component for sick leave in the staffing formula as the first phase of its revision.

In view of the inter-relationship between staff number, sick leave, and overtime, the Committee sought an appraisal of the action taken by the Department to contain these factors. As a result of budgetary initiatives taken and the extensive rationalisation of the prison service after November 1981, custodial overtime has fallen progressively from an average of 36,000 hours per fortnight to 24,500 hours at the beginning of 1984.

The Commission's policy on overtime has been further amended by requesting Superintendents to give priority to manning security posts. Whilst this initiative has effectively reduced overtime to the unprecedented level of below 13,000 hours per fortnight, it has also meant that posts identified for prisoner activities (education and leisure), library services, and prison industries, have not always been manned due to the number of officers reporting sick.

Increasing sick leave taken by custodial officers has had a considerable bearing on the manning of other than security posts. The intermittent withdrawal of prisoner services has affected adversely prison industries production and the provision of prisoner library, education and recreation programmes.
The Corrective Services Commission recently considered a number of options available and action will be taken to restore and provide for continuity of these services without causing inordinate increases in the general level of overtime.

In relation to the Department's sick leave policy, introduced in mid-1983, officers are permitted 10 days sick leave, on any five occasions, in a 12-month period. Above this figure, the officer's record is considered unsatisfactory, and medical certificates are required for any additional sick leave taken.

Rather than a deterrent, the policy has in fact contributed to the increased sick leave taken by custodial officers. Before, officers would take one to two days unsupported sick leave. The recent trend is for officers to take an average three to four days sick leave on each occasion, supported by a medical certificate.

This trend is supported by the comparison of the average sick leave absences taken by officers prior to and after the implementation of the Department's sick leave policy. In June 1983, the average sick leave taken by custodial officers, across the board, was marginally under 15 days per annum. The average spiralled to 22 days at the end of December 1983.

In order to contain sick leave, the Commission has adopted the policy of linking officers' promotional prospects with their work attendance. Officers are ineligible for promotion if, in the 12 months prior to selection, their sick leave exceeds 20 days (supported or unsupported by medical certificates) on five or more occasions - lengthy illness being discounted, eg., those receiving workers' compensation benefits. However, this policy has not reduced the general level of sick leave.

Another initiative for which the Commission has sought appropriate funding in the 1984/85 estimates, is to establish a Medical Unit...
will examine officers recruited prior to entering primary training programmes. Furthermore, it is proposed to have officers with unsatisfactory sick leave records medically examined by the Unit with a view to determining their fitness to resume duty. The facility will ensure that officers in this category receive prompt attention, thereby expediting appropriate disciplinary action where necessary to avoid further unnecessary absences.

As an initial step, the Committee was not prepared at this stage to adopt a staffing formula to include provision for the shifts lost as a result of officers placed on detached duty for training programmes, officers assigned to intergaol prisoner escorts (including medical escorts), or staff absences as a result of military, study and extended leave.

The Committee, therefore, decided against recommending the inclusion of all contingencies highlighted by the Public Accounts Committee in its report. Rather, as an interim measure, allowance has been made for an acceptable sick leave component of 10 days per annum per officer – in line with the bench-mark established by the Industrial Commission.

The Committee noted that other States (with the exception of Tasmania) include a component for sick leave in the formula used to determine custodial staff numbers.

The Committee accepted, with some minor reservations, that additional staff would have a positive effect on the high occupational and environmental stress prevalent amongst prison officers. A factor that was confirmed by a survey in 1981 of prison officers examined under clinical conditions. Additional units of staff would avoid rostering officers on double shifts and to a large extent shifts performed on overtime.
the Committee also recognised the inherent benefits of providing additional employment opportunities in the prison service. This aspect is particularly relevant in the present economic climate.

CONCLUSION

In view of its investigations, the Interdepartmental Committee recommends that the staffing formula for the N.S.W. Prison Service be amended from the current level of 230 shifts per annum per officer to the level of 220. Accordingly, the approved staff number of the Department of Corrective Services being increased by 80 to allow for the additional staff required.

The adoption of the interim strategy proposed by the Committee is subject to agreement by the respective Departments represented. The findings of the working party are, therefore, submitted for consideration prior to the tabling of an interim report.

It will be appreciated if arrangements can be made for your Department's endorsement of the recommendations. Comments should be forwarded to myself as soon as possible.

P. W. CROSSLEY,
Chairman,
Interdepartmental Working Party.

13 June 1984
DEPARTMENTAL SICK LEAVE POLICY

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

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

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

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

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

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

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

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

V.J. DALTON,
Chairman,
Corrective Services Commission.
DEPARTMENT OF CORRECTIVE SERVICES

SICK LEAVE POLICY

1. BACKGROUND

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

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

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

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

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

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

2. CRITERIA

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

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

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

i) Superintendent/OIC to interview and inform the officer that his/her unsatisfactory sick leave record gives cause for concern.

ii) Subject to 4(b), inform the officer in writing that his/her sick leave record is unsatisfactory and that a medical certificate is to be produced for all future sick leave and that the officer may be required to submit to independent medical assessment.

iii) If the action prescribed in (ii) proceeds:

(a) Submit to the Staff Officer a copy of the letter with the result of the medical examination and a recommendation regarding appropriate action to be taken e.g. counselling, disciplinary action, etc.

(b) Officers concerned are to be made aware that an (un)satisfactory sick leave record will be taken into account when assessing an officer's conduct and services for the purpose of confirmation of permanent appointment/payment of increment/suitability for promotion or transfer.

(c) Superintendents through their Deputy Superintendents are to ensure, to the maximum extent possible, that officers with unsatisfactory sick leave records are not rostered on overtime shifts. In determining an officer's eligibility for overtime in regard to the above, due consideration should be given to the extent of the officer's sick leave record. The officer's record should be reviewed every 3 months and where a significant improvement has been sustained an officer should be reconsidered for overtime.

iv) Superintendent is to review the decision in regard to the unsatisfactory sick leave record after twelve (12) months. The Superintendent should consider:

(a) whether a significant improvement has occurred in the officer's attendance;

(b) any further mitigating circumstances have arisen e.g. chronic or extended illnesses.

3. GENERAL

(a) Where an officer on a medical certificate requirement does not produce one, the absence is to be regarded as unauthorised leave. In these circumstances other forms of leave are not approved. The officer is informed in writing by the Superintendent/OIC and a copy of that advice is forwarded to the Staff Officer for an appropriate deduction from salary. The Staff Officer should also be informed of the breach of discipline and appropriate action will be considered.
(b) If during the review period the officer's sick leave record does not improve or deteriorates further, Superintendents should draw this, along with details of any mitigating factors, to the notice of the Staff Officer who will determine whether disciplinary action is necessary.

4. PROCEDURES

(a) The Superintendent/OIC has the authority to implement the sick leave policy as stated above. A record of officers' sick leave is to be maintained.

(b) If the Superintendent/OIC believes that circumstances are such that an officer should not be regarded as having an unsatisfactory sick leave record (i.e., five or more occasions or in excess of ten (10) days in any twelve (12) month period), these circumstances are to be submitted to the Staff Officer with an appropriate recommendation, otherwise all aspects of this programme are to be applied. For example, the attendance record for the whole of an officer's career may be considered satisfactory and the absences in the period under review were abnormal and not the beginning of an undesirable pattern. Additionally, the associated medical factors may fully justify the absence pattern.

(c) Superintendents/OICs are to provide to the Staff Officer a summary of action taken in implementing the sick leave policy by 15th of each month covering the preceding month. The summary should include a list of officers' cases under review together with copies of warning letters issued, number of officers on medical certificate requirements and any recommendations for further action, including medical examinations or disciplinary action.

5. EFFECTS ON OVERTIME

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

5. UNAUTHORISED ABSENCES

Where an officer:

(a) fails to provide a medical certificate or a legitimate reason to the satisfaction of the Department for an absence after being requested to do so;

(b) has exhausted entitlement to further sick leave absences and has not been granted any other approved leave;

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

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

7. MISCELLANEOUS

(a) Recreation Leave may be approved on application at short notice in emergent circumstances having proper regard for the implications in respect of the officer's replacement on overtime, alternatively,

(b) the practice of officers "swapping" shifts by mutual agreement has the approval of the Commission provided the arrangements in each case are agreed to by the Superintendent or Deputy Superintendent.

8. REVIEW

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

i) To the Superintendent for further review. The Superintendent may also refer the matter for Departmental consideration.

ii) Where the officer does not accept the decision under (i) the report should be referred through the Superintendent to the Personnel Manager for review and decision.

iii) Where the decision under (ii) is still in dispute the report should then be referred to the Director, Custodial Services.

iv) In the event that the above review by the Administration is still disputed the matter may be referred to the Public Service Association and reference should be made to the Procedures for the Settlement of Prison Officer Grievances.

P.W. CROSSLEY
Chief Administrative Officer

Dear

A review of sick leave records has shown that you have taken on ....... occasions .... days on sick leave during the 12 months period ended ....... Your sick leave record is considered to have reached a level which is regarded as unsatisfactory service.

The Commission's policy on sick leave provides:

Any officer who has been absent because of illness on five (5) or more occasions or ten (10) or more days in any period of 12 months, will be required to produce Medical Certificates for any future absences regardless of the duration of the absence and may be required to undergo independent medical examination to determine fitness to continue service.

In view of your poor sick leave record you are required to produce Medical Certificates for all future absences on sick leave.

You are further advised that in those cases where an officer has an unsatisfactory sick leave record and there has been no significant improvement, following a 3 month review period the Department may direct that disciplinary action under Section 8 of the Public Service Act, 1979, or annulment of appointment in the case of an officer on probation, may be taken.

Where medical certificates are not produced for any sick absences you will be regarded as recording an unauthorised absence and a deduction from salary made. An unauthorised absence will also have a prorata negative impact on increments and accrual of entitlements for recreation, sick and long service leave.

A copy of this letter has been forwarded to the Staff Officer for further action deemed necessary in accordance with the above. A copy of the letter will be placed on your personal file.

Yours faithfully

Superintendent
This form should be noted by the officer and returned to the Personnel Manager together with the completed record of interview form.

Officer's signature .................. Date ............

Supervisor's signature ................ Date ............

Personnel Manager

Staff and Personnel Branch
This form should be noted by the officer and returned to the Personnel Manager together with the completed record of interview form.

Officer's signature ................. Date ..........

Supervisor's signature ............... Date ..........

Personnel Manager
Staff and Personnel Branch.
Dear

A review of sick leave records has shown that you have taken on ....... occasions ..... days sick leave during the 6 month period ended .......... As such, your sick leave record is approaching a level which may reflect upon your general health and fitness to continue duty.

The Commission’s policy on sick leave provides:—

Any officer whose sick leave record exceeds ten (10) days or five (5) occasions in any period of 12 months, is regarded prima facie, as having an unsatisfactory attendance record and be required to produce Medical Certificates for any future absences regardless of the duration of the absence. The officer may be required to undergo independent medical examination to determine fitness to continue service. The officer will be advised in writing of this requirement through the Superintendent, Branch Head or Officer-in-Charge.

Your attention is also drawn to the provisions of the Department’s sick leave policy which provides that the Department may take action in respect of an officer’s confirmation of permanent appointment, payment of increment, promotion, transfer and consideration for overtime should an officer’s sick leave record remain unsatisfactory. Additionally, should there be no improvement in your sick leave disciplinary action under Section 85 of the Public Service Act, 1979, or annulment of appointment in the case of an officer on probation, may be taken.

(A copy of this letter has been placed on your personal file.)

Yours faithfully,

Superintendent.
REMOVAL OF MEDICAL CERTIFICATE REQUIREMENT

Dear

SUPERVISION OF SICK LEAVE

Due to your improved sick leave record during the review period, approval has been given to remove the requirement for you to produce medical certificates for all absences on sick leave.

You should note that your sick leave record will continue to be monitored and if any deterioration is evident, the medical certificate requirement will be reimposed in accordance with published Departmental policy.

(A copy of this letter has been placed on your personal file.)

Yours sincerely

Superintendent
HEALTH, LIFESTYLE AND STRESS IN PRISON Officers

A study undertaken into the health, lifestyle and stress in Prison Officers was completed in July, 1982 (Health, Lifestyle and Stress in Prison Officers, A Descriptive Study, Webster I, Brennan P, Stark A, Ackerman M, University of New South Wales, 1982)

Although the study was confined to Prison Officers from the Long Bay and Silverwater Prison complexes, the study team (the Waverly Preventative Medical Clinic and the School of Preventative Medicine at the University of New South Wales) believed that its findings would apply equally to Prison Officers in other institutions.

The study concluded that:

"there are important problems of lifestyle, occupational stress and mental and physical health in Prison Officers which are quantitatively and qualitatively different from men working in other occupations." (71)

WEIGHT AND OVERWEIGHT

The average weight of Prison Officers was found to be greater than comparison population groups and to increase with age (17). Overweight and obesity were indicated as major problems by the results of one in two Officers being overweight and one in four obese. While this was especially
a characteristic of the older men, younger men were overweight to a serious degree (64).

SMOKING AND RESPIRATORY IMPAIRMENT

The prevalence of smoking was higher than in all comparison populations except for males in the Australian Workers' Union with about one in two Prison Officers found to be current smokers (26). Chronic bronchitis affected 7.6% of the Officers and smoking was the major cause of this condition (65).

Presumably resulting from the effect on respiratory function of smoking and bronchitis, Prison Officers had relatively high levels of breathlessness, with 3.4% reporting severe breathlessness.

Tests of respiratory airway obstruction showed that abnormality occurred frequently, 8.8% of Officers being abnormal in this respect compared with 4.0% of non-smokers (65).

PERCEIVED OCCUPATIONAL STRESS

While regarding their job as important, Prison Officers were found to have a low sense of esteem in their work due to its low prestige in the community and this was a source of stress for them. There was conflict between work and non-work roles which was especially important in its'
effect on their family life, though this was not attributed by Officers to imposed overtime.

The behaviour of prisoners was identified as a point of high stress.

The inability to effect departmental policies, the actions of superiors and having to deal with or satisfy too many people were regarded as stressful and contributed to the lack of personal control in work Officers experienced.

Officers perceived a lack of extrinsic rewards in their job due to the poor physical environment, fringe benefits and pay (69).

WELL-BEING AND SLEEP

More Prison Officers were found to have less sleep than men in a national sample and fewer rated their sleep of good quality (55).

Tension headaches were found to be common. Forty three percent of Prison Officers reported headaches due to tension or stress, which was more than reported by industrial workers (57).

PSYCHOLOGICAL DISORDERS

One of the most notable findings of the study was that Prison Officers had higher levels of psychological distress than males of a national sample in
the age range of 25 to 64 years. Thirty one point eight percent of Prison Officers reported symptoms of significant psychological distress compared with 23.8% of a national sample (62).

The older Officers were more distressed than the younger men and especially at risk for mental illness. Seventeen point six percent of Officers had a high or severe degree of disturbance at a level which would usually warrant assistance from a person with skills in the field of mental health.

OTHER AREAS

In other areas surveyed, Prison Officers did not differ markedly from the general population.
The Comparative Salary Rates, Staff Formula, Actual Staff Numbers and Ratios have been obtained from statistics provided and confirmed with officers from other states. The New South Wales statistics, ratios, recruitment, losses and costings, have been compiled by senior officers of the Personnel and Staff Services Branch.

Therese Sweeney
Acting Administrative Officer
Personnel Services
21-1-86

James Smith
Administrative Officer
Staff Services
21.3.86
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Rates current as at 19.1.88
### SOUTH AUSTRALIA

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<td></td>
<td>25,260</td>
</tr>
<tr>
<td>Chief Correctional Officer</td>
<td>$25,876</td>
</tr>
<tr>
<td></td>
<td>26,497</td>
</tr>
<tr>
<td>Manager/Deputy Manager</td>
<td>$31,437</td>
</tr>
<tr>
<td></td>
<td>32,107</td>
</tr>
<tr>
<td></td>
<td>32,779</td>
</tr>
<tr>
<td>Manager</td>
<td>$35,349</td>
</tr>
<tr>
<td></td>
<td>36,074</td>
</tr>
<tr>
<td></td>
<td>36,791</td>
</tr>
</tbody>
</table>

* includes Probationary Prison Officer

Rates current as at 19.1.88
<table>
<thead>
<tr>
<th>Position</th>
<th>Probationary</th>
<th>1st year</th>
<th>2nd year</th>
<th>3rd year</th>
<th>4th year</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prison Officer</td>
<td>$18047</td>
<td>18765</td>
<td>19175</td>
<td>19585</td>
<td>19997</td>
</tr>
<tr>
<td>Senior Prison Officer</td>
<td>$20840</td>
<td>21310</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Chief Prison Officer</td>
<td>$22718 (Farm)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Principal Prison Officer</td>
<td>$24356</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Deputy Superintendent</td>
<td>$27554</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Deputy Chief Superintendent</td>
<td>$31572</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Chief Superintendent</td>
<td>$37889</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Rates current as at 19.1.88
<table>
<thead>
<tr>
<th>Position</th>
<th>1st Year</th>
<th>2nd Year</th>
<th>Thereafter</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prison Officer</td>
<td>$22084</td>
<td>$22779</td>
<td>$23210</td>
</tr>
<tr>
<td>Senior Prison Officer</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>$25470</td>
<td>$26175</td>
<td>$26627</td>
</tr>
<tr>
<td>Chief Prison Officer</td>
<td>$27675</td>
<td></td>
<td>$28371</td>
</tr>
<tr>
<td>Principal Prison Officer</td>
<td>$30357</td>
<td>$31195</td>
<td>$31750</td>
</tr>
<tr>
<td>Governor Grade 1</td>
<td>$33790</td>
<td>$34771</td>
<td>$35070</td>
</tr>
<tr>
<td>Governor Grade 2</td>
<td>$38703</td>
<td></td>
<td>$39048</td>
</tr>
<tr>
<td>Governor Grade 3</td>
<td>$41938</td>
<td></td>
<td>$43236</td>
</tr>
</tbody>
</table>

* includes Probationary Prison Officer

Rates effective from 8.12.87
<table>
<thead>
<tr>
<th>Position</th>
<th>1st year</th>
<th>2nd year</th>
<th>3rd year</th>
<th>Thereafter</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prison Officer</td>
<td>*$19,959</td>
<td>20,841</td>
<td>21,853</td>
<td>22,296</td>
</tr>
<tr>
<td>First Class Prison Officer</td>
<td></td>
<td></td>
<td></td>
<td>$23,094</td>
</tr>
<tr>
<td>Senior Officer</td>
<td>23,798</td>
<td>24,586</td>
<td>25,509</td>
<td></td>
</tr>
<tr>
<td>Chief Officer Level 4</td>
<td></td>
<td></td>
<td></td>
<td>$30,134</td>
</tr>
<tr>
<td>Chief Officer Level 5</td>
<td></td>
<td></td>
<td></td>
<td>$33,696</td>
</tr>
<tr>
<td>Assistant Superintendent</td>
<td></td>
<td></td>
<td></td>
<td>$39,470</td>
</tr>
<tr>
<td>Superintendent</td>
<td></td>
<td></td>
<td></td>
<td>$46,251</td>
</tr>
</tbody>
</table>

* includes Probationary Prison Officer

Rates current as at 19.1.88
### STAFF FORMULA

**NEW SOUTH WALES - CURRENT**

(A) **Existing Formula**

Maximum number of officer days/shifts available in any given 12 months

<table>
<thead>
<tr>
<th>Item</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allowance for weekends (rostered days off)</td>
<td>104</td>
</tr>
<tr>
<td>Bank Holiday</td>
<td>1</td>
</tr>
<tr>
<td>Annual recreation leave</td>
<td>30</td>
</tr>
<tr>
<td>Sick leave absences</td>
<td>10</td>
</tr>
<tr>
<td>Rostered day off a month (38 hour week)</td>
<td>11</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>209</td>
</tr>
</tbody>
</table>

(B) **Proposed Formula**

**Officer Days Per Annum**

(1986/87 Statistical Returns)

Existing Formula

<table>
<thead>
<tr>
<th>Item</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Other leave (military, study, special, short, extended, etc)</td>
<td>2</td>
</tr>
<tr>
<td>Detached duty</td>
<td>3</td>
</tr>
<tr>
<td>Escorts</td>
<td>2.5</td>
</tr>
<tr>
<td>Maintenance/Industrial</td>
<td>1</td>
</tr>
<tr>
<td>Security</td>
<td>2</td>
</tr>
<tr>
<td>Prisoner activities</td>
<td>0.5</td>
</tr>
<tr>
<td>Miscellaneous</td>
<td>1.5</td>
</tr>
<tr>
<td>Workers' Compensation</td>
<td>3.5</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>193</td>
</tr>
</tbody>
</table>
**VICTORIA**

(9 day fortnight)

Maximum number of officer days/shifts per 12 months

<table>
<thead>
<tr>
<th>Rostered days off</th>
<th>130</th>
</tr>
</thead>
<tbody>
<tr>
<td>Recreation leave</td>
<td>22.5</td>
</tr>
<tr>
<td>In lieu of public holidays</td>
<td>14</td>
</tr>
<tr>
<td>Training</td>
<td>9.45</td>
</tr>
<tr>
<td>Sick leave</td>
<td>10</td>
</tr>
</tbody>
</table>

186 | 178

*104 days + 26 rostered days off to cover 9 day fortnight*

**SOUTH AUSTRALIA** - Current as at 19.1.88

38 HOUR WEEK

Maximum number of officer days/shifts per 12 months

<table>
<thead>
<tr>
<th>Rostered days off</th>
<th>104</th>
</tr>
</thead>
<tbody>
<tr>
<td>Recreation leave</td>
<td>30</td>
</tr>
<tr>
<td>Public holidays</td>
<td>5</td>
</tr>
<tr>
<td>Programmed days off</td>
<td>12</td>
</tr>
<tr>
<td>Sick leave</td>
<td>10</td>
</tr>
<tr>
<td>Workers’ Compensation</td>
<td>11</td>
</tr>
<tr>
<td>Long Service leave</td>
<td>5</td>
</tr>
</tbody>
</table>

177 | 188
Department of Corrective Services, Annual Report 1981-82
Department of Corrective Services, Annual Report 1983
Department of Corrective Services, Annual Report 1984
Department of Corrective Services, Annual Report 1985
Department of Corrective Services, Annual Report 1986-87
Department of Corrective Services, Directory of Corrective Services 1977
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Department of Corrective Services, New South Wales Prisons, Act and Regulations 1952-1970, used for Prison Officer Training
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Departmental Circulars
Nash M.J., Extracts from Working Papers
Porrit D., Chief Research Officer, Department of Corrective Services, The Impact of Role Changes on Superintendents: A First Look, 1984
Transcript of Proceedings before the Industrial Commission of New South Wales, Nos. 236 and 237 of 1975.
Unit Management Programme – Bathurst Gaol
Vinson, Dr Tony, Wilful Obstruction, The Frustration of Prison Reform, Methuen Australia, Sydney, 1982