STATEMENT BY MR D GRANT, DEPUTY CHAIRMAN
CORRECTIVE SERVICES COMMISSION

IN RELATION TO AN INQUIRY CONCERNING

PRISON OFFICERS, PURSUANT TO SECTION 35(1)(c) OF

THE INDUSTRIAL ARBITRATION ACT 1940

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VOLUME I
WITNESS NAME: David Grant

CURRENT POSITION: Deputy Chairman, Corrective Services Commission of NSW, responsible for all Departmental Prison and Administration Programmes since 26.1.87.

RELEVANT PREVIOUS POSITIONS:

1986 Director of Prisons, (Victoria)
1985 Assistant Director of Prisons (Victoria)
1984 Acting Director, Community Based Corrections and Chief Probation and Parole Officer (Victoria)
1983 Regional Director, Probation and Parole Service (New South Wales)
1982-83 Corporate Planner (New South Wales Department of Corrective Services).

ACADEMIC QUALIFICATIONS: B.A. (Hons) (Sydney)
The Minister for Industrial Relations under the provisions of Section
35(1)(o) of the Industrial Arbitration Act, 1940, has referred to the
Industrial Commission of New South Wales the following matter:

"All aspects of rates of pay, conditions of employment, rostering,
recruitment, training and career structure of all ranks of custodial
officers of the Department of Corrective Services."

INTRODUCTION

It is the view of the Corrective Services Commission that the particular
items referred to in the Terms of Reference of this Inquiry cannot be
properly examined without first looking at the foundation upon which they
rest i.e. prison and prisoner management. In other words, unless there is
a full appreciation of the manner in which prison and prisoner management
have changed fundamentally over the last twenty years and unless it is
recognised that proper responses must now be made to these changes, any
alterations to (a) pay (b) conditions (c) rostering (d) recruitment
(e) training and (f) career structure, will be superficial and will be of
only short term relevance.

My statement therefore has several aims:

(a) to demonstrate accurately through a proper historical analysis that
    the nature of imprisonment has changed fundamentally in NSW over the
    last 20 years;
(b) to demonstrate that this change has centred around a gradual and continuous redefinition of the status of the prisoner;

(c) to show that very little has been done to redefine the role of the prison officer to accommodate the change in status of the prisoner;

(d) to show that the result of this imbalance has been substantial disintegration in the traditional role of the prison officer and, in the absence of a redefinition of role, a growth in dissatisfaction and disillusionment which have led to problems in the areas listed in the Terms of Reference of this Inquiry and;

(e) to argue that the proper solution to these problems is three-fold: firstly, that the status of the prisoner needs to be re-examined and redefined; secondly, that a model of proper prison and prisoner management be defined and that the role of the prison officer be redefined accordingly; and, thirdly, that the issues outlined in the Terms of Reference be then addressed to ensure that prison officers are equipped and compensated to fulfill that role.

In preparing this statement, the experience of senior custodial officers who worked during the periods under examination has been sought and included. Documentary material in the form of annual reports, departmental files and circulars has been extracted and attached in annexures to support the arguments put. The conclusions reached in the statement are mine and have been accepted by the Corrective Services Commission.
SECTION 1: HISTORICAL BACKGROUND

(A) PRE-1968 – The Morony Era

1. Prison Environment

Mr J A Morony, Comptroller General of the Department of Prisons observed in the 1965-66 Annual Report that the prison system was a penal system operating generally in prisons which were too small, were built 50 to 120 years ago and with inadequate or inappropriate provisions for work, education, leisure and other activities. Further to these disabilities, it was found that the nature of the prison population had changed so as to be almost overwhelmingly constituted by youthful prisoners serving long sentences. These were the offenders who committed reckless, unpremeditated acts and were most overtly rebellious. (1)

The stated objectives of the Department of Prisons at that time were to ensure the physical incarceration of prisoners for the length of their sentence and "applying impartially the standards of diet, clothing, conduct, accommodation and humanity of treatment adopted by the Government as Departmental policy". Passing reference was made to "using the best endeavours to re-educate the prisoner to decent citizenship." (2)

Generally, little emphasis was placed on the rights or needs of the prisoner and, due to a number of prevailing practices, prisoners were easy
to control. For example, Rule 49 restricted the movement of prisoners around the institution. (3)

2. The classification and separation of prisoners.

Prisoners were divided into 10 categories, separated from each other:

a) Unconvicted
b) Appellants
c) Debtors
d) Maintenance confinees
e) Short-sentenced
f) Remediable
g) Recidivist
h) Intractable
i) Homosexual
j) Unclassified

Prisoners were also separated into those under 25 years of age and those over 25 years. (4)

This capacity to categorise the prison population in such a way is indicative of the control exerted over prisoners in that era.
3. **Prisoner Entitlements and Conditions**

About the middle of 1956 the prison population for the first time exceeded three thousand. It remained below three thousand five hundred until early 1967 when it first exceeded that number. (5)

At this time there were 18 prison establishments to accommodate the prison population. (6) An additional 900 units of accommodation built by prison labour had been constructed during the period as it was recognised that there was a shortage of accommodation and of industrial, educational, recreational, social and spiritual facilities. (7)

Prisoners' cells had the bare essentials (8) and prisoners were required to share a cell due to the shortage of accommodation. (9)

Visits were conducted under strict supervision, with the prisoner unable to have any physical contact with the visitor. (10) It was not until 1960 that unsupervised visits took place in some minimum security gaols. (11) Predominantly, officers were required to monitor conversations between prisoner and visitor. The visit was required to be conducted within a framework of permitted subjects and was usually of 20 minutes duration once a month. (12)

The prisoners food and diet were based on a strict dietary scale, known as the ration scale. (13) Kitchen facilities and therefore food preparation standards were inadequate when viewed against today's facilities.
Prisoners were required to wear a uniform and attend a muster at least three times a day. (14)

The writing of letters was strictly controlled and it was only permissible to write two letters immediately after or within three days of reception and thereafter three letters in a period of four weeks. They were permitted to receive such letters as were delivered to the gaol, on the condition that the Governor of the prison could withhold any letter of an unreasonable length. All mail was censored and the Governor could withhold a letter if it was considered to be a threat to the good order of the gaol. (15)

Newspapers and publications were restricted and prisoners were required to purchase these through their own earnings. The publications and newspapers were subject to censorship by the Governor particularly articles considered critical of the administration of Justice or of the Department of Prisons generally or if they were considered to be inflammatory or otherwise undesirable. (16)

4. Industry and Programmes

All convicted prisoners were set some work considered suitable to their physical capacity. (17) Prisoners were engaged in duties such as cooking, cleaning, building maintenance and construction. Work was available to prisoners including blacksmithing, book binding, boot making, broom making, brush making, carpentry, gardening, mat making, painting, printing. (18)
In November 1964 the Prisons Department appointed a Supervisor of Industries to conduct a study of prison industry. The study was intended to establish large industries within the prison system and called for the planning of new areas of industrious and vocational activity. A study of major industries was undertaken and progress was made in production techniques and standards of manufacture; the direction was changing to facilitate employment to provide the prisoner with skills to assist in his/her return to society.

It was clear that the employment of inmates purely for economic gain was not the prime intention of these industries but rather the encouragement of successful and industrious work habits, job satisfaction and skill training.

Education initially was a piecemeal operation introduced and implemented at the discretion of the Comptroller-General and it provided little real attention to remedial learning.

Improvements during this period were made and educational activities continued to expand with the introduction of additional courses. The education programme fell into line with changes in secondary education in New South Wales during the 1960's. As a result, prisoners were able to qualify for the School Certificate and Higher School Certificate. In 1966 a record number of prisoners had passed the Intermediate and Leaving Certificate examinations.
5. Discipline and Control

Prison officers had clearly defined Rules and Regulations which supported their endeavours in maintaining discipline within the prison. Prisoners knew that if they breached any of these Rules and Regulations they would be punished. (23)

There were some 40 Rules governing prison conduct and discipline and they were framed in such a way that the Governor of the gaol, through the prison officer, had absolute control over the prisoner. Appeal rights were virtually non-existent except to a Visiting Justice and then only in certain circumstances. (23) There was no appeal against the Visiting Justice and, in fact, the prison Rules tended to place the onus on the Visiting Justice to ensure that discipline was strictly enforced and to support officers in exercising their authority. (24)

Prisoners were not permitted to move freely around the institution and could only be in designated areas at assigned times. (3) If they were not in these areas they could be punished. The form of punishment was constituted by, progressively (1) loss of amenities (2) solitary confinement (23), (3) transfer to Grafton as an 'intractable', where severe forms of corporal punishment and discipline operated. (25)

It could be said that the prison officer had absolute control over the activities and movements of the prisoner.
6. **Staffing and Prison Training**

Throughout the period 1956 to 1966 prison officer staff was increased from 537 to 738. (26) Earlier in this period recruitment was effected through the interviewing of applicants locally by the Governor of the gaol followed by referral to Headquarters for final decision. During the late 1960's, recruitment was performed at Headquarters under the control of recruitment officers responsible to a Director of Training.

The recruitment criteria was based on height and weight requirements and basic education i.e. reading and writing. In the late 1960's psychological testing was introduced, but the selection criteria was based on physique, health and intelligence, in that order. (27)

Training consisted of a two week pre-service programme and a four week training programme prior to the completion of 12 months service. The pre-service course included induction, initial responsibilities, Regulations and weapons training: it was very simple and primarily related to the learning of Rules. The four week training programme covered in much greater detail the officers' work and the Department's function. A routine examination was held at this stage. (27)

There were two other in service training programmes which a prison officer was eligible to complete to enable progression to Superintendent level. These were the Senior Prison Officer Course of 3 weeks, and the Chief
Prison Officer Course of 3 weeks, both of which concentrated on prison routine and practices. (27)

Mr Morony stated in the Annual Report 1965/1966 that improvements in training are always possible and the position had been reached where an evaluation of the course was necessary. (28) It was reported also that recruitment of sufficient men suitable for penal work remained a problem. Staff turnover was high and required further investigation as to its cause. (29)

7. Philosophy

It could be said that prison officers were not required to be concerned about the needs or rights of the prisoner beyond their basic physical requirements. Although prison management began to recognise the need for rehabilitative programmes for prisoners after 1960, an emphasis on security, punishment and deterrence prevailed. (30)

Prison officers themselves were governed by very strict Rules and Regulations. (31) These were designed to ensure discipline and good order within the prison. Little emphasis was placed on contact with the prisoner and in fact Rules forbade officers speaking to a prisoner unnecessarily. (32)

During the 1960's it became apparent that Mr Morony was beginning to introduce programmes within the prisons which provided prisoners with other
leisure activities and educational programmes. He was of the view that tensions in prisons flow from two main causes: the walls themselves and the association of prisoners with their fellows. He recognised that the climate in which tensions develop could be tempered by the constant use of education leisure and activity. He recognised that this variation to traditional prison management based on discipline had its risks but took the view that the benefits outweighed the disabilities. In fact he stated that prisons had staff trained and able to organise such activity but there was a further need for development of what he saw as this safety valve. (33)

It appears from the Annual Report 1965/66 that the prison officers' role of traditional confinement was therefore experiencing the beginnings of change, toward one requiring a somewhat closer involvement in programmes for the prisoner. However, as stated above, recruitment and training for officers was security and rule orientated and did not reflect this change in role. It provided minimal training in communication and personal interaction with the prison population.

Training concentrated on prison practices, procedures and rules aimed at confinement and security and did little to develop interpersonal skills necessary to respond to a prison management philosophy which was beginning to change. (34)

It is important to stress that, during this period, the prison officer was in a position where he had authority and control over the inmate
population. It should also be noted that sanctions applied as much to officers as to prisoners. Serious consequences for the prison officer would result from a breach of the officers' Rules and Regulations. It could be said that the prison administration controlled the officers as rigorously as it controlled the prisoners. (31)

8. **Significant Events of the Era**

In 1942, there was a substantial upsurge of prisoner unrest in New South Wales leading to a dramatic increase in breaches of prison discipline. There were several serious assaults on officers. As a result, Grafton was established as a special institution for the recalcitrant and intractable prisoner. This institution reinforced the prison officers' authority and prisoners were fully aware of the consequences of disobedient and rebellious behaviour and how they would be managed if transferred to Grafton Gaol. (25) It had a significant impact on the control of the prisoner population. Whilst the methods adopted at Grafton are now rightly regarded as unacceptable, it must be said that, in an era when corporal punishment was accepted in the community eg. schools, the approach had a substantial amount of acceptance.

Just prior to the retirement of Mr Morony, in 1967, the philosophy of rehabilitation was beginning to be considered. In completing his last Annual Report 1965/1966 he said:
"My position devolves upon my successor with many things done and many remaining to be done. Perhaps the crucial matter outstanding is to work out an effective and humane basis for imprisonment itself and to have this basis accepted both by Parliament and people." (35)

The first signs of change in the status of the prisoner were beginning to appear in a system which was based simply on discipline and which therefore had had little concern for prisoner rights and needs. Significantly, no parallel redefinition of the role of the prison officer to assist him in coping with that change had been contemplated.
1. **PRISON ENVIRONMENT**

An overview of the Department of Corrective Services' intended direction for this period may be described by an extract from its' Annual Report for 1969-1970 following a name change from the Department of Prisons to the Department of Corrective Services:

"The change of name now conforms with the Services' contemporary functions of supervised liberty, detention and conditional liberty, and places emphasis on its theme of corrective re-educational treatment programmes for offenders rather than the historically adopted concept of a simple punitive detention" (36)

Following the appointment of Mr W R McGeechan on 15th July, 1968, as Commissioner of Corrective Services (Comptroller-General at that time), the Department strived to alter the face of the traditional prison system of punitive detention.

Many initiatives were developed during this period which changed the prison environment dramatically, providing *in some instances* improved conditions, facilities and programmes for prisoners and some improved amenities for prison officers. (37) But, in striving to achieve this goal, the Department entered into a turbulent period of prisoner unrest and prison officer disputes. (38) The initiatives, progressively taken, had an
enormous effect on the system because they were so radically different from the traditional principles of prison management.

The instances of improved conditions are:

* Work Release I Scheme: prisoners working in the community and returning to gaol. (commenced February 1970) (39)

* Work Release II Scheme: prisoners working at the Parramatta Linen Service and returning to their own homes (commenced March 1976). (40)

* Periodic Detention: weekend gaol. (commenced March 1971) (41)

* Cessnock Corrective Centre: with new principles of prisoner management. e.g. working in groups, normalising the environment in order to avert the effect of institutionalisation, community contacts for prisoners, officer participation in programme. ("phasing in" stage commenced November 1972.) (42)

* Project Survival Programme: an outward bound wilderness course with officers participating as a team member with prisoners. (Pilot course commenced 24th September, 1973.) (43)

* Representative Prisoners Groups: implemented to facilitate a means of discussing issues of prisoner conditions with the gaol administration. (commenced approx 1973.) (44)
* Preparation of a directory for inmates detailing programmes available as well as their rights and obligations (prepared during 1976, issued 1977.) (45)

* Development of counselling services for inmates i.e. psychologists: prisoners could now discuss problems with someone other than the prison officer. (46)

* Prisoner education and leisure activities developed. (47)

* Day leave for prisoners e.g. to attend Technical College and community sporting groups. (48)

* Industries becoming more technical and skilled: work was no longer regarded as merely for the occupation of the prisoners time but required a higher degree of production as well as training in various facets of modern industry. (49)

* Development of catering services to provide improved standard of meals for prisoners. (50)

* Community visiting-credited volunteers were entering the prison to visit prisoners. (Commenced approx 1971/1972.) (51)

* Prisoners Publications — production of newspapers by prisoners. (52)
* Outlet for the sale of prisoners arts and crafts – Ball and Chain Arts and Crafts Centre established 1976/1977. (53)

The intention of these changes was to provide within the prison system avenues for prisoners to develop skills, education and a social responsibility for the purposes of adapting to community life.

However, this aim and these initiatives must be seen against a background of unrest, turbulence and a perception by the prison officer of the erosion of his traditional authority.

For example:

* the traditional attitudes, values and perception by the prison officer of the prisoner: ie prisoner management consisting only of firm control and containment with no room for compromise or negotiation were being threatened.

* Prisoners were receiving greater entitlements but there was no relaxation of Prison Rules. (54) Prison officers continued to enforce control in accordance with these Rules but prisoners saw this as interference, "bastardry", and they reacted accordingly.

* No attempt was being made to alter training programmes to assist prison officers until later in the period ie 1976, almost 10 years after many of the changes had been implemented. (55)
These initiatives were also seen to erode the authority of Superintendents. (Nagle, Chapter 13):

"Even these Superintendents have, at times, been placed in an impossible situation through frequent interference by the Department not in overall policy but in the day to day management of the gaol. As a result they are puzzled as to their actual roles." (56)

The consequences of this situation were industrial unrest, prisoner disturbance and riots, the eventual burning of Bathurst Gaol and a Royal Commission into NSW Prisons which presented its report in 1978 documenting the events and circumstances which brought this period of prison administration to a close.

2. PRISONER ENTITLEMENTS AND CONDITIONS

Prisons were overcrowded for most of this period; prisoners were required to share cells. For example, in March 1969 the available single cell accommodation (excluding Silverwater complex) was 3209 and the inmate population was 3813. (57)

But the enormity of the problem is illustrated when one looks at the following: (57)

<table>
<thead>
<tr>
<th>Establishment</th>
<th>Available Accommodation</th>
<th>Population as at 14.3.69</th>
</tr>
</thead>
<tbody>
<tr>
<td>Central Industrial Prison</td>
<td>357</td>
<td>785</td>
</tr>
<tr>
<td>Metropolitan Reception Prison</td>
<td>262</td>
<td>500</td>
</tr>
<tr>
<td>Parramatta Gaol</td>
<td>352</td>
<td>432</td>
</tr>
</tbody>
</table>

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* New facilities were provided at Cessnock Corrective Centre (November 1972), Silverwater (November 1969) and Milson Island (August 1973).

* In the Annual Report of 1975/76, McGeechan advised the Minister that there was an acute accommodation shortage and alternatives to traditional imprisonment had to be found. (58)

* All facilities ie. cell accommodation, kitchen, laundries and leisure time activities needed improving. Little attention was paid to health and safety requirements in gaols, with cells initially unsewered. (59)

* Cell property was kept to a minimum. (60)

* Uniforms were required to be worn which included some of the following: (61)

  Trouser - green drill or cotton tweed
  Hat
  Jacket
  Shoes - desert boots

* Work opportunities for prisoners generally included domestic maintenance with some building and industrial activity. However, work opportunities in varied industrial activities were developed and made available. (62)
Visits – Convicted Prisoners

Convicted prisoners were allowed visits of twenty minutes duration at intervals of twenty-eight days. Such visits were under the close supervision of an officer who was required to see and hear all that transpired. Whenever practicable, such visits were taken where the parties could sit down but where a physical barrier prevented contact.

The maximum number of persons allowed in any visiting party was four.

(63)

Visits to prisoners at the prison camps were permitted at such times and under such conditions as the Comptroller-General of Prisons would determine, and the prisoner to be visited was removed to the local police station for this purpose. In the late '60's this procedure altered as transport to camps became available. The visits took place in the camps and were more relaxed.

Prisoner Correspondence

Inwards: All inwards correspondence for prisoners was subject to censorship and the entire letter could be rejected or the objectionable part deleted before the letter was given to the prisoner. No limit was placed on the number of letters that a prisoner may receive.
Outwards: All prisoners other than unconvicted and appellants were permitted to write two letters within three days of reception and thereafter, four letters in each period of four weeks. All outgoing correspondence was subject to censorship. (64)

* Prisoners Earnings (1969)

For work performed prisoners were credited with earnings ranging from a minimum of 30 cents per week for the most unskilled menial tasks up to an amount exceeding $1.50 for the skilled tradesman in a prison industry.

With the specific approval of the Comptroller-General of Prisons a prisoner could remit a portion of his earnings to his dependants, or he could apply them to the purchase of dentures or glasses. (65)

* Indulgences (1969)

All prisoners, except those confined at camps, who were employed were issued with indulgences of 2 oz. tobacco, 2 packets of cigarette papers and 1 box of matches weekly.

A gratuity of thirty cents a week accrued to every sentenced prisoner in respect of each week of servitude. The gratuity was payable on release and could not be utilised whilst the prisoner was in gaol. (66)
Expenditure by Prisoners

Convicted prisoners: Convicted prisoners were permitted to spend the full amount of their previous weeks' earnings in the purchase of extra foodstuffs, provided the amount did not exceed $2.00 in any one week eg. biscuits, tinned fruit, preserves. (67)

Time out of cells (maximum/medium security gaols)

Prisoners were locked in their cells for 17 hours a day. (68)

Cell Standard/Routine

Cells for much of this period were unsewered, had basic furnishings, a bed, mattress, pillow, floor mat, cupboard, locker, blankets etc.

Arrangement of cell furniture was required to be as uniform as possible.

Cell floors were to be clean, and, where the floor material permitted, to be polished. Mats were to be arranged neatly.

The fixing of "pin-up" pictures of any kind to the cell walls was not permitted. Cell lockers were arranged neatly. A plan of the approved cell layout was prominently displayed in each wing so that prisoners were well informed on what was expected.

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During the day, the bed mattress was covered neatly with one blanket. Other blankets and sheets were folded and stacked at the head of the bed with the pillow placed on top. This arrangement was considered neat and convenient for searching. A prisoner could not make up his bed until finally locked in for the night. (60)

3. INDUSTRY AND PROGRAMMES

During this period the Department embarked on a rigorous programme of developing industries and programmes within gaols to fulfil its aim of implementing corrective, re-educational treatment programmes for offenders rather than following the historically adopted concept of simple punitive detention.

Industry

In the early part of the era, industry was based on preventing prisoner idleness, but gradually finances and effort went into developing prison industry from one which merely employed prisoners to one of production, and with emphasis on quality control, involving in some cases high tech machinery. The focus of prison industry can best be described from the 1976/1977 Annual Report:

"Worker patterns within the prison style situations are no longer considered as merely an area for worker involvement but one where a high degree of production, plus training of inmates in various other facets of modern industry is projected." (69)
Expenditure over the period rose from $825,000 in June 1968 to $3.95m in June 1978. (70)

Revenue - $807,736 in June 1968 to $3.89m in June 1978. (70)

(amounts exclude the Parramatta Linen Service).

Many initiatives developed e.g.:

* Light engineering facilities for the production of metal products. (71)

* Cessnock Corrective Centre industries - furniture manufacturing (including cabinet making and carpentry; tubular steel manufacture.) (72)

* Improved training functions for prisoners - in addition to on-the-job training, participation in face-to-face and correspondence courses to supplement their training encouraged. (73)

* The industrial programme also presented a challenge to supervising prison officers (overseers) who were encouraged to undertake supervisory and management studies as well as continuing with in service training and trade courses. (74)
In 1975 there was a move toward establishing an expanded laundry service to launder and re-cycle prisoner clothing and linen. Development took place in the following areas: (75)

Dry Cleaning Unit at Silverwater

Laundry and Dry Cleaning courses commenced at Parramatta and Long Bay.

Parramatta Linen Service - largest laundry ever built in NSW with a capacity to handle 160 tonnes of laundry per week.

- established to provide a service to Health Department, Psychiatric and State Hospitals. (76)

Improvements were made to budgetary forecasting and planning. Individual accounts were introduced for each industrial undertaking although, they operated simplistically and were later criticised in the Royal Commission. (77)

Some policy initiatives during this period had a detrimental effect, for example:

1. The concerted effort to commercialise industry, incorporating technological advances in machinery and equipment, led to prisoner unemployment and prison officer (overseer) vacancies as there was a
shortage of skilled prisoners and staff who could manage these operations. (78)

2. Headquarters was attempting to manage industries centrally as distinct from management at the work face. This created communication problems and confusion. In the Annual Report for 1974/75 it stated that detailed estimates were prepared by industries Head Office with some involvement of shop managers. (79)

This procedure did change for 1975/76 when the estimates were prepared by shop managers and co-ordinated and reviewed by Head Office.

3. A rebuilding programme was planned at the Central Industrial Prison Long Bay. Consequently, the industries in that gaol were closed. They were never replaced, causing chronic unemployment and security problems in that gaol. (80)

Education and Leisure Activities

Significant improvements were made to prisoner education and activities programmes.

Throughout the 1940's, 1950's and 1960's, prisoner programmes were designed to meet basic community education requirements at that time eg. remedial reading and arithmetic leading to possible completion of the Intermediate Certificate. Teachers were normally seconded from the Education Department. Until the mid-1970's, prisoner programmes were conducted along
similar lines as education in schools. i.e. teacher, pupil in a classroom. However, in the 1970's the Programmes Division was established catering for the diversity of attitudes, interests, skills and abilities within the prison population. The Division provided:

* **Basic education** - literacy and numeracy classes.

* **Vocational training** - to provide prisoners with trade training.

Recreational Programmes - professional and custodial support for programmes including arts, crafts, hobbies, fitness training, sport.

* **Social Development/ Life Skills** - concentrated on communication, money management and nutrition. (81)

The direction taken during this period by the Programmes Division in educational and leisure activities for inmates provided the foundation for the development of programmes in the ensuing years.

4. **DISCIPLINE AND CONTROL**

* **Discipline**

Prisoners breaching prison Rules could be dealt with by the Superintendent or Visiting Justice.
The prisoner could be taken off amenities and privileges not exceeding one month or sent to cellular confinement. The Superintendent could confine a prisoner to his cell for a maximum of 3 days. However, if the matter was heard by a Visiting Justice the prisoner could be confined to his cell for up to a maximum of 14 days or to 28 days where the matter was dealt with simultaneously by the Visiting Justice and another Justice. (82)

Where sentence of confinement to cell was imposed the following occurred:

(a) the prisoner was kept confined in his cell (in practice the prisoner was transferred to a punishment cell);

(b) was granted exercise of at least one hour morning and afternoon;

(c) forfeited four days remission in respect of each day or part of a day of cellular confinement;

(d) no earnings were credited, nor expended, during any week in which a prisoner had undergone cellular confinement;

(e) all amenities were forfeited;

(f) the prisoner was ineligible to write or receive letters or to be visited during the period of confinement to cell;
Prison officers maintained strict supervisory control using the Prison Rules to justify this approach. (83)

Prisoners knew if they were disobedient they would be punished. Further, if they became rebellious they, in all probability, would be sent to the Intractable Section at Grafton until Katingal High Security Unit was opened in October 1975 and closed in June 1978. (84)

In the Departments' development of corrective re-educational treatment programmes, McGeechan never lost sight of the need to maintain security and surveillance. In fact the Annual Reports for 1969/70 maintained that the security structure of the Department was under constant revision with the object of developing and improving methods. Surveys were continually conducted to improve security and equipment. (85) With an increasing number of serious offenders, the security consciousness of Mr McGeechan was further reinforced by the establishment in November 1970 of the Special Operations Division – a unique Division of officers responsible for the escorting of difficult prisoners, training of personnel to deal with riots, inspection of riot equipment, special investigation duties and to act as a supplementary force during prisoner disturbances. (86)

Also Katingal was opened in October 1975 to provide a facility to accommodate intractable prisoners. At the same time Grafton Gaol's intractable programme closed as Katingal provided a facility where difficult prisoners could be held without endangering the officers, as control could be maintained without physical contact. (87)
Notwithstanding, hostility developed between prison officers and prisoners as officers tried to maintain traditional security containment practices and the prisoners energetically pursued programmes and activities provided by the Department.

Officers perceived that security was being eroded and that it was more difficult to maintain control over prisoners in this changing environment. This aspect was well documented in evidence given by officers before the Industrial Commission in 1975 (no's 236 and 237 of 1975). A summary of some of these concerns appears in the annexures to this submission. (88)

**Legislation**

Conflict between officers and prisoners may have been avoided had the Prison Act, Regulations and Rules been reviewed and tailored to meet the changing environment. In fact the report of the Nagle Royal Commission (Chapter 11) criticises the Rules that were in operation during this period.

The problem was further compounded by the fact that the Rules in existence were not uniform and varied from gaol to gaol. (89) Eventually, conflict was such that disturbances began and riots occurred in 1970, 1974 and 1977. (90)
Industrial Action

Industrial action was prevalent and in fact discipline became an issue when, (following riots in 1970) unions sought clarity on the use of force. In the overview contained in the Nagle Royal Commission Report it is apparent that no policy was issued and officers remained uncertain of their obligation and responsibility in the use of force. (91)

5. STAFFING AND PRISON OFFICER TRAINING

Staffing

It is consistently reported in the Annual Reports between 1967-68 and 1978-79 that the vacancy level for prison officers was high and that there were difficulties in attracting interested and suitable applicants.

The problem was further compounded by an inadequate staffing formula which failed to recognise such factors as sick leave and other legitimate absences: (the formula did not provide for relief officers.)

A study was undertaken by Dr Cooney (Macquarie University) who recommended that a new formula be established taking into account these factors. A submission was made to the Public Service Board recommending that the formula be amended but this was not approved in July 1979. The Public Service Board stated:
"... as the provision for 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." (92)

Recruitment

Prior to 1976, vacant prison officer positions were advertised in the Sydney metropolitan press and the New South Wales country press. Applicants were required:

(1) to pass a medical examination;

(2) to be aged between 21 and 44 years;

(3) to satisfy criteria of height and weight;

(4) to pass an objective educational test;

(5) to possess a satisfactory police report;

(6) to conduct themselves satisfactorily in an interview with the recruiting officer; and

(7) to produce documentary evidence as required (birth certificate, employment reference, two recent character references, etc.).
Minimum standards of height and weight were 1.70 m and 67 kg for males and 1.63 m and weight proportioned to height for females.

* The only variation to these criteria occurred in 1976 when psychologists administered intelligence tests and a final selection panel, as opposed to the single recruiting officer, was formed to interview applicants. The Committee comprised the Recruitment officer, Superintendent of Training, and a Regional Training officer.

Training

Prior to 1976

The newly recruited prison officer was on probation for twelve months. Two courses were available for the probationary officer, the first prior to commencing duty (the "A" Course) and the second (the "B" Course) at some time after the first nine months of his service but before the termination of the twelve months.

The Pre-Service Stage A Course consisted of a two week residential course together with a third week of orientation within the institution where the probationary officer would work. This third week provided opportunity for observation and identification in the practical work of the institution while in the company of an experienced officer.

The Pre-Service Stage B Course was a three week residential course covering in much greater detail the officers' work and the Department's functions.
Written examinations were held at this stage and confirmation of permanent appointment depended on success in the examinations.

These courses were referred to as "Pre-Service" because a prison officer's appointment was not confirmed until both courses were completed.

In-service courses were also provided at Senior Prison Officer and Chief Prison Officer levels and these had to be completed before progression to more senior ranks could be obtained. (95)

From 1st July, 1976

Custodial officer training began with a 12 weeks Primary Training Course for recruits. This was followed by a further 3 months of service as a temporary officer and, subject to satisfactory reports, appointment as probationary prison officer for 12 months. During this period officers were seconded for 1 week of training in escort duty and other procedures with the Special Operations Division.

Officers employed prior to 1st July 1976, could qualify for promotional positions by completing the Senior Prison Officers' In-Service Training Course and the Chief Prison Officers' In-Service Training Course each of 3 weeks' duration. In addition, officers were encouraged to undertake relevant tertiary studies. Officers employed on or after 1st July, 1976, could qualify for promotion to Senior and Chief Prison Officer by completing the Supervision Certificate (Technical College) or its equivalent and a series of In-Service Modular Training Programmes. For
Principal Prison Officer or higher ranks it became necessary to complete the Associate Diploma of Justice Administration (Mitchell College of Advanced Education) or its equivalent. (96)

6. PHILOSOPHY

Until 1974/75 the Department strived to meet its redefined ideal of developing gaols which provided corrective re-educational treatment programmes, although security remained of paramount importance and improvements were made to ensure that security measures and facilities were upgraded.

A view may be taken in summary that the philosophy of the Department was to change the character of the prisoner in gaol and modify his/her behaviour so as to lead a normal community life.

Alternatives to imprisonment did not appear to be a priority in that time.

A change of direction occurred about 1974/75 where alternatives to prison became a viable proposition because of overcrowding. Mr McGeechan, in the Annual Report for 1975/76 wrote:

"It is therefore essential to develop new strategies to reduce strains resulting from overcrowding whilst conceding that the proposed programmes will not result in any dramatic improvements."
A number of initiatives have been adopted during the year including the Work Release II Programme currently conducted on a pilot basis. The programme includes persons serving a first prison sentence for a non-violent offence who live at home and report to work on a daily basis at the Parramatta Linen Service. The programme has potential to expand and to eliminate the need to build at least one new prison. Other programmes which are contemplated include the pre-release or resettlement leave, community service orders, and periodic detention for women. *(97)*

Priorities were then directed into providing alternatives to imprisonment. The probation and parole service and periodic detention increased in usage.

7. **ROLE OF PRISON OFFICER**

*The prison officer was in a period of change. He/she was required to reconcile the traditional role of prisoner containment with one of participation with the prisoner in corrective re-educational programmes and leisure time pursuits and activities.*

No assistance was given to the prison officer to adapt to this change. In fact it was not until 1972/73 that it was recognised that "the overall growth in the range of programmes available creates a need for dynamic and specialised training programmes for correctional staff." *(98)*
Notwithstanding this recognition little was done to modify training programmes until 1976. Whether these modifications went far enough to assist officers in dealing with their role is questionable.

* The prison officer was faced with a more assertive prisoner population, which was taking full advantage of the programmes available. (99) From 1970 the Department faced a number of prisoner disturbances - two at Bathurst Gaol (the second virtually destroying the gaol); Maitland, Goulburn; and the Central Industrial Prison.

* The authority of Superintendents was being eroded from Headquarters. Directions became unclear and this flowed from the Superintendent to the officer. The lack of direction created confusion, disenchantment and tension. This situation is well documented in the Nagle Royal Commission Report Chapter 11. (100)

* Industrial action was prevalent and reflected the disenchantment and uncertainty of the times.

This is substantiated in the foreword of the 1976/77 Annual Report:

"This phenomenon (101) has exacerbated the problems faced by prison officers in a growing uncertainty about their function and related role confusion."
The closure of Katingal late in the era was perceived to be an erosion of one of the few avenues of maintaining control over the prison population. (102)

Other factors, including legal action by prisoners had an effect on the officers' role. They were becoming more cautious in dealing with prisoners because of their right to appear before a Visiting Justice and the appeal right from that jurisdiction to the District Court (refer R. v Frazer Court of Criminal Appeal 15.7.77). Prison officers were required to be absolutely certain of their facts; to be cross-examined and to prepare detailed reports. Minimal formal training was given to them and many held that it was a useless exercise in pursuing minor breaches of prison discipline. (103)

8. SIGNIFICANT EVENTS AND ISSUES

* Change in philosophy to corrective re-educational treatment programmes for offenders rather than the historically adopted concept of a simple punitive detention.

* Poor communication, directives, training and assistance to officers in implementing these changes.

* The rights of the prisoner were being recognised: the status of the prisoner began to change significantly.
* Headquarters was usurping the Superintendents authority in the management of gaols.

* Grafton Gaol’s programme to accommodate intractable prisoners ceased and Katingal opened.

* Prisoner disturbances occurring from 1970 including riots which culminated in the destruction of Bathurst Gaol and a Royal Commission into NSW prisons.

9. **EFFECTS**

* **Change in Philosophy**
  
  - Provided prisoners with an opportunity to develop skills to re-educate themselves in a manner which would be of assistance upon release.

  - Created confusion and disenchantment amongst prison officer ranks. The philosophy had merit but officers were not assisted to meet the change.

* **Poor Communication and Directions**

  - Compounded the role confusion of the prison officer. There were different Rules and requirements in different gaols.
- Similar confusion applied to the prisoner.

* Rights of the Prisoner

- Prisoners took the opportunity to exercise their rights after the former repressive regimes of the prison system.

- Officers were encouraged to participate in programmes with prisoners however this often brought the officers into conflict with their peers.

* Headquarters Control

- The Department became disorganised and custodial staff became disenchanted. Role conflict was evident and divisions were apparent in the Department. There was no unified organisational purpose.

* Disturbances

- Led to extensive damage of Government property, injury to officers and prisoners.

- Widened the gap between officers and prisoners thereby creating an unsuitable climate for interaction between these groups.

A Royal Commission inquired into these events.
The system was devastated following the criticism received and officers today are still bitter about the picture painted of them.

Many are cautious when required to implement change, because they believe that the efforts to change the system so radically over this period led to the decline of the prison system and the authority of the prison officer.
C. 1979-81 - THE VINSON ERA

1. PRISON ENVIRONMENT

In his report of the Royal Commission into New South Wales Prisons, Justice Nagle recognised that whilst New South Wales prisons were old "mere age has not prevented prisons from being used in a humane way" (104)

During the McGeechan era, the only new gaols erected were Katingal and Cessnock. (105)

Up until the time of the Vinson administration, generally, conditions within prisons for both prisoners and staff had not changed for many years. For example, Nagle makes note in his report "some of the yards in the Parramatta Circle contain no toilets or any place to sit." (106) Indeed the last wing to be sewer at Parramatta Gaol was not completed until 1981. (107)

Up until the early 1970's many New South Wales gaols operated a system of tubs in lieu of proper toilet facilities in cells. (108)

In addition to the somewhat primitive conditions for prisoners, very few facilities were provided for officers - working conditions, offices and amenities were poor and this compounded the problems associated with the role of the prison officer and the management of prisoners. (109)
Following the establishment of the Corrective Services Commission and the appointment of Dr T Vinson as Chairman, significant efforts were made aimed at maintaining and redeveloping existing facilities to improve living and working conditions for both officers and inmates. (110)

A ten year capital works programme was undertaken with the aim of improving physical facilities for future prison needs. (110)

Several major programmes were commenced aimed at improving electricity and water supply services in gaols. (111)

The 1978-79 Annual Report notes the commencement of planning for Parklea, the redevelopment of Bathurst Gaol and improved amenities for prison officers. (112) Communal dining facilities were now available at all except six of the maximum security prisons and only six maximum security prisons locked the prisoners away overnight for longer than 10 hours. (113)

In 1980 new initiatives included the construction of a new security wing at Mulawa - ("Ann Conlon") (114) : renovations to a security wing at the MRP to house disturbed inmates (11 Wing) (115) and planning for a 160 bed hospital at Long Bay to house psychiatric prisoner patients. (116) A new prison for women was acquired at Parramatta, the Norma Parker Centre to house minimum security classified prisoners to provide a wider range of programmes for female prisoners. (117)
In 1980-81 a new officer amenities block was constructed at Maitland and security towers at Long Bay, Maitland and Bathurst were fitted with air conditioning. Improvements were also made to officers amenities at the MTC and CIP. Over $500,000 was expended on improving security and encompassed all institutions. Projects included alarm systems, additional security lighting, new fences and security barriers. In addition, a new kitchen complex was built at Maitland Gaol. (118)

In his book, 'Wilful Obstruction', Dr Vinson states "After years of neglect an extensive capital works programme was funded and the level of expenditure on buildings increased threefold to more than $18 million per year" (119)

2. PRISONER ENTITLEMENTS AND CONDITIONS

With the advent of the Vinson administration many significant changes occurred in prisons that were a direct consequence of the Nagle Report. For example, the conditions under which visits to prisons took place were relaxed, the censorship of prisoners mail ceased and the provision of privileged and private mail between prisoners and their legal advisers became the norm. (120)

These, and other changes, predominantly provided for the 'humane' treatment of prisoners as recommended by Nagle and gave a blueprint for their rights which became significantly greater than previously experienced. (121)
In 1982 the Australian Institute of Criminology published a paper entitled 'Rights and Obligations in a Prison' which documents the development of prisoners' rights from 1972 to 1982. (122)

A summary of this publication is included in the annexures.

Other changes made to give effect to recommendations of the Royal Commission included the amendment of Rule 4, governing the circumstances in which a prison officer may use force, clarification of procedures relating to charges against prison discipline and a complete revision of the Rules of the prison. (123)

Although Prisoner Problems and Needs Committees had been established in the early 1970's (124) it was not until the implementation of the Royal Commission recommendations in 1979 that the Committees were given official status. Directives were issued to emphasise to both prison staff and prisoners that regular meetings were to be held even when no items had been submitted for the agenda. (125)

After years of suppression prisoners found they now had the opportunity to formally air their grievances not only to prison management but also to outside bodies without any form of censorship.

These changes, which also created a very different environment for prison officers and were implemented almost immediately after the Report was tabled in Parliament in April 1978. (126)
prison officers to adjust to the changing environment and no assistance was
given, from a training point of view, to assist them in performing the
variety of duties expected of them.

3. INDUSTRY AND EDUCATIONAL PROGRAMMES

During the Vinson administration, the Commission made a gradual effort to
widen the gap between the earnings of prisoners who worked and those who
did not. (127)

This was achieved by the implementation of a uniform Incentive Bonus
System, effectively freezing the earnings of some groups and increasing the
pay of those prisoners engaged in productive industries.

Following the lead given by Nagle in recommendation 81 of the Royal
Commission Report, a Prison Industries Consultative Council was set up to
examine existing and proposed industries. (128)

At this time, the Department had 20 agricultural and 18 manufacturing
activities in correctional institutions throughout the State. Following
the reorganisation of the Division of Industrial Services, industries were
grouped into the functional classifications of primary, secondary, textile
and the Parramatta Linen Service. (129)

Industries at this time included a large assembly line operation at
Cessnock, manufacturing metal and timber furniture and the Parramatta Linen
Service providing laundry services to the new Westmead Hospital and metropolitan psychiatric hospitals. At Grafton a workshop was built to teach prisoners book-binding and at Maitland 12 prisoners were employed in a modern upholstery shop. (130)

Industry at some of the prison camps was also reviewed and updated.

At Mannus industry moved away from afforestation work to rearing cattle. (131)

At Emu Plains a major poultry industry was developed to raise 100,000 broilers. (132)

In many areas attempts were made to link on the job training for prisoners with technical education provided by officers from TAFE. (131)

Although a number of initiatives were taken to provide appropriate industrial facilities in prisons, for example, the reconstruction of Bathurst gaol and the planning for Parklea included industrial workshops, it was necessary to make the best of existing facilities in other gaols. (131)

Recognising the need for appropriate industrial facilities for prison employment at Long Bay, plans were developed in conjunction with the Government Architects office for a factory to be built between the Central Industrial Prison and the Metropolitan Reception Prison. (131)
To date, however, no such facility has been built and employment opportunities for prisoners at Long Bay continues to be a problem.

A review of the Annual Report for 1979-80 indicates that at 30th June, 1980 1,100 prisoners were employed in revenue generating prison industries, 320 in maintenance and 360 in kitchens, a total of 1780. The sentenced prisoner population at that time was 3083. (133)

The following year the Annual Report reflected an even less encouraging picture. "There are very few skilled inmates available to prison industries and there is an increasing trend towards a younger, unskilled prison population. In addition, except for a small minority of prisoners seeking to acquire skills which may be of value to them on release, the bulk of those employed in prison industries cannot be motivated to achieve high production outputs". (134)

Although various attempts were made during Vinson's administration to develop meaningful employment opportunities for all prisoners this goal was not achieved. (135)

Education

During the Vinson era considerable emphasis and resources were directed toward prisoner education programmes.
At the time of the Vinson Commissions' inception in 1979, an estimated 1000 prisoners were involved in education programmes, courses available to prisoners included remedial English and mathematics, secondary studies and trade courses. (136) Throughout this administration particular emphasis was placed on tertiary studies and technical education.

During 1980–81 265 prisoners participated in external education programmes at local Universities, Colleges of Advanced Education and Technical Colleges. (137)

Vocational training was also established at a number of institutions including Mulawa, Goulburn, Parramatta and Long Bay. (137)

Notwithstanding the significant gains made in prisoner education programmes during this era, the development of effective educational programmes within gaols was severely limited because of the lack of suitable accommodation. The small numbers of full time staff available for planning and running the programmes also severely limited the effectiveness of the programmes. (137)

4. DISCIPLINE AND CONTROL

Shortly after taking office in 1979, the Corrective Services Commission moved quickly to implement the recommendations of the Royal Commission. (138)
Mention has already been made of some of the major changes made in regard to mail censorship and the conditions under which visits to prisoners were to take place.

At about this time a number of other changes started to take place increasing the freedom of movement of prisoners within maximum security prisons.

Whereas in the past prisoners had been confined to workshops or exercise yards during the day, thus providing a control mechanism. Superintendents were now encouraged to relax local restrictions on prisoner movements.

Access to the wings and cells was permitted as part of the new and reformative system of prison management.

In order to fully appreciate the significant effect these new found freedoms had on discipline and control it is also necessary to take into account the reduction of industry and work available at that time.

Although designed to humanise the prison environment, the "opening up" of maximum security prisons had serious consequences which were only recognised later in the light of experience. (139)

For example, whereas the prosecution of prisoners for having contraband in their cells had always been uncomplicated and straightforward, prisoners charged with such offences could now argue that such contraband could have
been placed there by others. It is my view that because all prisoners housed in the wing had access to cells both their own and those of others, this argument is supported.

As a consequence of permitting prisoners access to their cells, routine searches of cells during the day became almost a thing of the past.

Wing officers began to experience extreme difficulties in supervising prisoners remaining in the Wings.

It was about this time and as a consequence of industrial pressure from the prison officers union that agreement was reached with the Commission on a 'Sight or Sound' policy.

In broad terms, the 'Sight or Sound' policy provided for each prison officer working within maximum and medium security institutions to be in a position to obtain assistance should the need arise.

In line with this policy, Wing officers were provided with prison officer assistants and a number of additional custodial positions within maximum/medium security gaols were created.

During 1981 four prisoners were murdered at Parramatta Gaol. Additionally, assaults on prisoners by other prisoners increased with the result that special protection facilities were needed to accommodate those prisoners
who requested protection or who were considered to be at risk in the mainstream population. (140)

SECURITY

EMERGENCY UNITS

As a consequence of the Nagle enquiry, recommendations were made for the formation of special security squads whose brief was to prepare riot control plans and train custodial staff in riot control techniques. (141)

In July 1978, Emergency Units were formed at Malabar, Parramatta and Bathurst gaols. Other units were established at Goulburn and Maitland soon after. (142)

Staffing for the units was achieved by the redeployment of custodial positions formerly allocated to the Special Operations Division, the Malabar Security Unit and the Katingal Special Security Unit.

Emergency Units were responsible on a Regional and Statewide basis for the control of prisoner riots and/or disturbances, assistance with prison transportation and escorts and assistance with institutional security.

Since their formation in 1978 organisational changes have allowed for escorting functions to be transferred from Emergency Units to the Central Transport Unit. This enabled the Regional Emergency Units to be more
readily available to respond to incidents of prisoner unrest. The additional staff numbers provided for the Central Transport Unit also provides for more staff to be trained in riot and emergency response techniques. (143)

Collectively, the Emergency Units, Central Transport Unit, Drug Dog Detection Unit and Weapons Training Unit are known as Special Response Units. (143)

The formation of Special Response Units, in particular the Emergency Units and Central Transport Unit, have had an impact on the role of the institutional prison officer.

Riot plans have been made for all institutions and are subject to a process of ongoing amendment in line with procedural and structural changes within the prisons.

Comprehensive plans and operational procedures also exist to deal with hostage taking or sieges. (144)

In my opinion, such changes as have occurred within the sphere of Emergency Units operations have become necessary due to the changing climate within the prison environment. Major changes occurring within the prison system, its philosophy and administration at this time served to provide a climate for prisoner unrest and dissent.
Whereas the need for comprehensive riot control techniques and plans can be traced back to the events of the early 1970's, the frequency with which they were used between 1978-81 demonstrates the changes occurring in prisoner discipline.

For example, Annual Reports in 1979-80 and 1980-81 provide the following statistics in regard to potential riotous situations attended by the Emergency Units.

1979-80 — 27 incidents involving five maximum security gaols. (145)

1980-81 — 35 incidents involving six maximum security gaols and two minimum security institutions. (146)

Two of the incidents involved the taking of prison officers and medical staff as hostages.

Note — Whilst no statistics are available for 1978-79 — it is known that a major riot occurred at the Central Industrial Prison on 22nd August, 1978 which resulted in the destruction of the prison cinema and leisure time activities area. The damage caused during the riot was estimated at $425,000. (147)

The very fact that Emergency Units were frequently called to stand in readiness in case prisoner unrest turned to rioting is a clear indication of the climate and environment in which institutional prison officers
worked. It must be said however, that proper prisoner management techniques within prisons may have avoided the need to establish such elaborate emergency procedures.

The work of Emergency Units also changed the role of the institutional prison officer in regard to prisoner escorting.

Prior to July 1978, prisoner escorting was carried out by institutional custodial staff. In the case of Long Bay, two prison officers were assigned the job of permanent transport drivers for all main inter prison escorts.

With the advent of Emergency Units, responsibility for the bulk of prisoner escorting was transferred to the Regional Emergency Units. (142)

Initially, and in particular at Long Bay, institutional custodial officers continued to be involved with and gain experience in escorting prisoners outside the prison environs.

However, since the establishment of the Central Transport Unit in November 1983 opportunities for institutional prison officers in the area of prisoner escorts has greatly decreased.

This, in real terms, has had the effect of reducing the variety of work available to the gaol custodial officer.
5. **STAFFING AND PRISON OFFICER TRAINING**

**INDUSTRIAL RELATIONS**

The Vinson era was marked by an increase of activity in the area of industrial action and disputation.

Annual Reports spanning the years 1979 to 1981 demonstrate the following:

**1978-1979**
- Ten disputes referred to the Industrial Commission under s.25.A of the Industrial Arbitration Act, 1940.
- 42 strikes by members of the prison officers Vocational Branch ranging from 1 hour to 48 hours.
- Reception bans imposed at twelve institutions.
- 14th to 15th May, a total walkout by prison officers at all institutions. (148)

**1979-1980**
- 3rd-4th August, 1979 — Strike at Maitland
- 16th-20th August, 1979 — Strike all gaols
- 15th-20th August, 1980 — Strike at Long Bay
- 18th April, 1980 — Strike at Parramatta
- 24th June, 1980 — Strike at Maitland
46 strikes by members of the prison officers Vocational Branch lasting a few hours to total walkouts.

On 17 occasions reception, prisoner movement and overtime bans imposed.

Prisoner population ceilings were imposed at maximum security institutions.

Although many disputes were resolved by negotiation, between the prison officers Vocational Branch and the Corrective Services Commission, six disputes were referred to the Industrial Commission. (149)


13th-19th August, 1980 – Strike at Mulawa
30th August, 1981 – Strike at Parramatta

 Strikes at Parramatta and Long Bay were supported by other gaols where reception bans were imposed.

Seven disputes were referred to the Industrial Commission.
Sub Branches imposed work bans on 32 occasions. (150)

Such was the level of industrial unrest during 1979–1980 that the Public Services Board found it necessary to appoint Mr W Plunkett, formerly an
Assistant Director of the PSB Division of Industrial Relations, to the position of Director, Industrial Relations Department Corrective Services. Mr Plunketts’ main role was to deal with and co-ordinate all industrial matters, especially those relating to prison officers and prisons. (149)

Additionally, following the strike by prison officers at Long Bay in April 1980 the Industrial Commission handed down a number of recommendations designed to facilitate the handling of industrial disputes within prisons in a more rational way. On 22nd September, 1980 an industrial agreement commenced operation covering the manner in which industrial claims by prison officers would be handled. (150)

Because of the continuing industrial unrest within the prison service which resulted in prisoners being locked in cells for extended periods, a joint consultative conference was held in November/December 1980 between the Corrective Services Commission, representatives of the prison officer Vocational Branch – Executive officer Vocational Branch and the P S A. The conference, chaired by Mr J Ducker, Public Service Board, was also attended by officials of the Public Service Board and Premiers’ Department. (151)

Such was the importance placed on the conference, that the then Premier of New South Wales, The Honourable Neville Wran QC, MP, and the Minister for Corrective Services, the Honourable W H Haigh attended the opening. During the course of the conference, many matters were resolved while others were left for further investigation and/or discussion between the parties. (151)
At the conclusion of the conference the Chairman, Mr J Ducker, prepared a comprehensive report to the Government which also included a summary of results and agreements reached between the parties involved. (151)

Notwithstanding the time and effort put into the conference, industrial disputation continued and on 30th March, 1981, a further conference was called in an attempt to prevent such situations developing. (152)

In the Annual Report in 1980-81 the Acting Chairman Corrective Services Commission, Mr N S Day, indicated that to some extent direct industrial action had been reduced in the prison service. (153)

It is my view that the level of industrial disputation was in direct response to the rate and nature of the changes in prisoner management, thus culminating in changes to the status of the prisoner.

**PRISON OFFICER TRAINING**

In July 1976, the training and progression requirements for prison officers underwent significant change with the introduction of a new Preliminary Training Programme. (154)

In lieu of the old 'A' and 'B' stage programme, a course consisting of 12 weeks formal training was introduced for new recruits. (155)
In February 1980, further changes were made to Primary and In Service Training for prison officers. (156)

Under the new programme trainee prison officers received an initial nine weeks of training after which they were rostered for duty within institutions. During the first year of service the officers were recalled for further training sessions. (156)

For in service officers the material previously taught under the 'Senior Prison Officers' and 'Chief Prison Officers' Courses was expanded and broken into ten modular courses, each of one weeks' duration. (156)

Modular courses also included matters related to specialised items of security equipment, riot control techniques and the use of firearms. (156)

At this time, officers who had joined the service after July 1976, were required to possess a recognised tertiary qualification to enable progression to Senior Prison Officer and Chief Prison Officer ranks. (156)

With the exception of tertiary qualifications, which are now a 'desirable' requirement for promotion, the basic programme format for prison officer training has remained the same since 1980.

However, some changes have been made to the content of the courses which are now more comprehensive. (157)
EXECUTIVE DEVELOPMENT PROGRAMMES

One of the major issues facing the Corrective Services Commission at this time was the lack of developmental programmes to prepare senior custodial officers for duties at Deputy Superintendent and Superintendent level to meet the changing role of senior custodial officers.

Although recommendation 14, (Royal Commission) - concerning the establishment of a Special Staff Course for Executive officers was adopted, no such course exists today. In July 1980, an Executive Development Programme (EDP) was commenced with the aim of providing officers from various Divisions within the Department with "opportunities to undertake personal development in those areas found to be in need of strengthening" (158)

Under the EDP, participants attended a three-day assessment centre where they were involved in group discussion and problem solving exercises. Further stages of the programme included attendance in a residential programme of five days following which a number of participants were assigned special projects.

Up to 30th June, 1981, a total of 29 officers were assessed for inclusion in the programme of which 14 were actually participating in the various activities. (158)
The EDP was discontinued in 1982-83 and has not since been replaced with an alternative.

Later in 1981 discussions were held between the Corrective Services Commission, PSB and PSA with a view to establishing opportunities for officers with management ability to progress to executive positions. (158)

To facilitate this, six new positions were established in the custodial division for selected officers to train in the duties of a Superintendent and the general duties of the Establishments Division.

Although a number of officers within the Department were encouraged to apply for inclusion in this programme, little headway was made and the programme was abandoned. The six positions allocated by the Board were deleted and utilised elsewhere.

6. PRISON PHILOSOPHY

When tabling the report of the Royal Commission into New South Wales Prisons in April 1978, Premier Wran said

"the report would serve as a fine blueprint by which the Government might tackle the momentous task of improving the State's penal system." (159)
With the appointment of Dr Vinson as Chairman of the Corrective Services Commission, prison philosophy changed from that of previous administrations.

During Morony's administration prison philosophy was related to the three basic elements of CUSTODY - CARE - CONTROL. (160)

With the change of name from the Prisons Department to Corrective Services, the philosophy also changed toward re-educational treatment programmes in preference to the historical concept of punitive detention. (161)

The philosophy of the Department under Vinson was based on the following principles which were considered to underlie the reforms recommended by Nagle. (162)

(i) Prison should be used as a measure of last resort. Every effort must be made to find constructive alternatives to imprisonment.

(ii) The deprivation of liberty is the essential punishment. The prisoner should retain all other rights, except those necessarily limited or curtailed by the maintenance of security.

(iii) Imprisonment must be justified as punishment and not based on false claims of "rehabilitating" the offender. Research has generally shown that "rehabilitative programmes" are ineffective. A more realistic goal is to prevent people from deteriorating
morally, emotionally, and physically during their sentence. Nevertheless, the prison authorities are obliged to provide work, educational, and training opportunities for inmates.

(iv) Because a degree of tension is inescapable in prisons and many inmates lack the capacity of will to resolve conflict peacefully, prison officers must possess the necessary training and means of containing disturbances quickly and with a minimum of danger to people and property.

(v) To prevent the build-up of tension and avoid the gross injustices of the past, channels must be established for prisoners to convey their grievances to the authorities.

(vi) The daily management of the prisons must depend on a system of incentives, rather than physical coercion. The most important of these incentives is eventual release and the carefully graded series of lesser security institutions and work opportunities by means of which a person is prepared for return to the community.

7. ROLE OF THE PRISON OFFICER

The post Nagle/Vinson era was marked by many changes to legislation which significantly changed the role of the prison officer, making it more complex and difficult.
In December, 1978 the Prisons (Amendment) Act 1978 received assent thus making provision for the creation of the Corrective Services Commission and the transfer of the authorities, duties and functions formerly conferred on the Commissioner of Corrective Services. (163)

Amendments to the Prison Regulations (1968) up to 6th July, 1979, resulted in twenty-seven Regulations being repealed, thirty-two new Regulations being made and six Regulations being amended. (164)

The major areas covered by those changes included:

1. A new system of prison classification,

2. The non-censorship of prisoners mail,

3. The provision of privileged and private mail between prisoners, their legal advisors and MPs.

4. The relaxation of conditions under which visits to prisons took place.

Similarly a number of changes were made to the prison Rules resulting in the omission or repeal of twenty-one Rules and the amendment of a further nine. (164)

Such changes resulted in the removal of prohibition against contact visits, the removal of additional punishments to prisoners undergoing cellular
confinement, permission for prisoners to purchase printed material legally available in the community and the removal of censorship of newspapers purchased by prisoners. (164)

During 1979–80 further amendments were made to the Prison Regulations relating to the classification and separation of prisoners, visits to prisons and prisoners, legal visits to prisoners and written communication with prisoners. (165)

On 1st August, 1980, a new set of prison Rules came into operation governing the conduct of prisoners. (166)

Between 1st July, 1980 and 30th June, 1981 further amendments were made to the prison Regulations principally to give effect to the United Nations Standard Minimum Rules for the Treatment of Prisoners. Changes to the Regulations dealt with: (167)

* Possession of personal property by prisoners,

* The release of criminal records,

* Use of firearms by prison officers,

* Information to be given to prisoners on reception,

* Visiting hours and length of visits,
* The passing of articles between prisoners and visitors,

* The prohibition of prisoners sending indecent, obscene, abusive threatening or offensive matter out of the prison,

* The education of illiterates and young persons,

* The purchase of newspapers and written material by prisoners.

Prison officers with primary responsibilities for the safe custody of prisoners perceived such innovations as "contact visits" and freedom of communication by way of telephone calls and intimate letters as serious threats to institutional security. (168)

In 1979, the Corrective Services Commission made some attempt at keeping prison staff informed of changes to legislation, for example, a booklet "Consolidation of Changes to Prison Act, Prison Regulations, Prison Rules" was issued to all custodial staff.

However, in most cases little was done to support the officers and assist in the implementation of new legislation and the consequent change to their role. No model of prisoner management had been developed throughout this period, and the role of prison officers remained in continuing confusion.
8. **SIGNIFICANT EVENTS**


2. On 4th April, 1978, the Premier tabled the final report of the Royal Commission (NAGLE REPORT). By 30th June, 1979, 155 of the 252 recommendations had been implemented or approved for implementation. (170)

   By 30th June, 1981, 217 recommendations had been substantially implemented or approved for implementation. Decisions had been made not to implement eight recommendations. Twenty seven recommendations were under consideration.

3. Emergency Units were established at Malabar, Parramatta, Bathurst, Goulburn and Maitland. (171)

4. Prisoner riots and disturbances increased. (172)

5. Superintendents were encouraged to take primary responsibility for the order, good management and administration of their own gaols. (173)

6. Industrial action by prison officers increased. (174)

7. The use of numbers in place of prisoners names was discontinued. (174)
8. It was made mandatory for Prisoners Problems and Needs Committees at each gaol to meet regularly each month. (174)

9. With the exception of six maximum security prisons no prisoners were locked in their cells overnight for more than 10 hours. (174)

10. A new training and development policy for custodial staff was introduced. (175)

In early 1980, Primary Training transferred to Goulburn CAE. A training programme was prepared to assist custodial officers in acquiring a working knowledge of the law. (176)

11. The total number of custodial officers employed as at 30th June, 1980 was 1490, this represented an increase of 16% on 1286 employed at 30th June, 1979. (176)

12. Section 444 of the Crimes Act was amended to give a magistrate powers to impose cumulative sentences for prisoners convicted of assaults on prison officers. EFFECTIVE 19th May, 1980. (176)

13. Structural alterations were made to 11 Wing MRP to provide accommodation for 40 emotionally disturbed inmates: the Special Care Unit. (176)
14. Action was taken to amend the Parliamentary Electorates and Elections Act to allow prisoners to vote. (177)

15. The Felons (Civil Proceedings) Act 1981 received Royal Assent, thus enabling a prisoner to institute civil proceedings in a court. (177)

16. The introduction of drug detection dogs to combat the incidence of illegal drug taking within prisons. (177)

17. Establishment of a Special Investigation Unit staffed by police officers to investigate allegations of criminal activity by prison officers or prisoners. (178)

18. Establishment of the Goulburn High Security Unit to handle difficult prisoners particularly those who assault prison officers. (178)

19. Prisoner amenities and conditions improved to cater for contact visits and telephone calls. (179)

20. Custodial positions were further increased by 150 (1980-81). (180)

9. EFFECTS

The Nagle Royal Commission, its findings and recommendations created a very different environment for prison officers, particularly in the way in which they could manage and control prisoners. These changes, some of which were
implemented almost immediately following the tabling of the Report in Parliament, were adopted as a blueprint for the reform of the prison system. Consequently, the haste with which changes were made prevented prison officers from being given time to adjust to the changing environment. Furthermore, attempts to provide the necessary training for prison officers to equip them for their new and revised work role were almost non-existent.

Apart from the frustrations generated in not being able to cope with the change in prison philosophy, prison officers resorted on many occasions to the use of industrial action to stem the tide of change. Indeed, the very title of Vinsons account of his time as Chairman, 'Wilful Obstruction – The Frustration of Prison Reform', more than adequately sums up his particular perception of how industrial muscle was used to thwart change.

Notwithstanding Vinson’s viewpoint, many examples can be found to illustrate how improvements in conditions for prisoners have had unintended side effects in the area of prison security and discipline.

For example:

Contact Visits

Although a number of control mechanisms have been introduced to prevent the introduction of illegal articles into prisons through contact visits,
restrictions in regard to the physical searching of visitors makes it impossible to totally prevent the passing of drugs or money.

Possession of Personal Property by Prisoners

In December, 1979, the Commission issued the first of a number of directives in relation to the retention of items of private property by prisoners. Although several changes have been made since that time prisoners have been permitted to retain such items as televisions, radio-cassette players, finger rings, wrist watches, bracelets, electric toasters, track suits, running shoes, and other sundry items.

As a consequence of this practice prison officers found it exceedingly difficult to carry out effective cell searches. This in turn caused friction between the prison officers and the prison administrators who were criticised for granting approval for the property.

Another problem created by the issue of private property, in particular items of value, was the 'Stand Over' whereby prisoners were coerced into parting with wrist watches, jewellery, televisions etc. as payment for drugs or protection.

Access to Private Cash Accounts

In the late 1970's approval was sought from Treasury to amalgamate the monies in prisoners private cash accounts with the prisoners gaol earnings.
In the post Nagle era, Rules were relaxed in regard to the expenditure of monies from prisoners private cash because of the lack of employment. Whereas convicted prisoners had formerly been restricted to spending gaol earnings only, they were now permitted access to their private cash if they were unemployed.

Additionally, it was permitted for prisoners to have monies paid into their accounts to remain solvent.

The net result of this practice was:

1. Some prisoners used their private cash for approved prison purchases as an alternative to working and earning bonus for such use.

2. Some prisoners capitalised on the availability of cash accounts to transfer monies between themselves, other prisoners and outside contacts for illicit purposes.

Although, an attempt was made during the Dalton administration to deny prisoners access to private cash in lieu of working, such attempts were unsuccessful and the situation remains unchanged to date.
1981-87 - DALTON ERA

1. PRISON ENVIRONMENT

It is my view that this era was characterised by a pragmatic approach to prison management.

Issues were dealt with as they arose, in particular some of the management problems that were generated by the reforms initiated during the Vinson era. For example, whereas Vinson introduced additional time out of cells for prisoners which in turn created overtime in some gaols, Dalton, because of financial constraints at the time ceased this practice at these gaols where unauthorised posts were being manned for that purpose. (181)


Notwithstanding improvements in prisoner accommodation the premise that imprisonment should only be used as a last resort underpinned departmental policies and there was a major shift to developing policies to provide alternatives to imprisonment. (182)

The benefits of the developments of alternatives to imprisonment were felt by (a) prisoners, for the short period that the Release on Licence Scheme existed, (183) (b) those community based offenders who were diverted from custody by the expansion of the Probation and Parole Service.
Prisoners in custody continued to enjoy the improved conditions and the full range of rights and entitlements that flowed from the Vinson era. However, as indicated above financial constraints placed upon the administration of the Department necessitated some cutbacks to the following conditions and programmes:

1. Extra time out of cells for prisoners in some maximum security gaols ceased;

2. Industrial and leisure time activity programmes requiring supervision by custodial staff were reduced to allow these officers to man essential security posts. (184)

Education programmes began to concentrate on some of the social problems facing the community eg. Drug and Alcohol Programmes, AIDS education. Programmes also directed attention to minority and disadvantaged groups in prison. (185)

The introduction of the Official Visitors scheme by the Minister provided an outlet for inquiries and complaints from both prisoners and staff. (186)

2. Prisoner Entitlements and Conditions

At the commencement of this period a substantial range of additional prisoner entitlements had been firmly established.
The Commission, following discussion with Superintendents and having regard to community perception of proper standards, coupled with economic restraints at the time reviewed entitlements for prisoners and some changes were made.

Partially successful attempts were made to increase levels of order by beginning to re-instate formal musters and by requiring prisoners to wear a prison uniform. (187)

(i) **Personal Property**

A review was undertaken of prisoner cell property. Specific guidelines were produced placing further restrictions on items of personal property that could be retained by prisoners whilst in normal discipline.

Some items permitted during the previous era were subject to certain restrictions eg. rings were only to be issued with the proviso that they were not likely to cause injury; cassette recorders were to have recording heads removed in maximum security gaols, wristlet watches were restricted to one per prisoner and could only be purchased if not in the prisoners private property. This was designed as a means of restricting the use of these items as currency. (188)

Despite these changes, the levels of prisoner property with all the associated management problems generally remained high.
(ii) **Remission/Discipline Package**

A revised Remission/Discipline package was developed with the intention of giving Superintendents greater sanctions to assist in the maintenance of good order and discipline within the institutions.

The purpose of this package was to:

(1) provide Superintendents with a broader range of disciplinary measures to maintain order and control within the Gaol.

(2) encourage prisoners to be of good behaviour; partake in educational/training programmes and to perform meaningful work. This enabled the prisoner to **earn** up to 19 days remission per month to reduce their sentence and non-parole periods. (189)

This has been hampered by the continuing problems associated with prisoner access to private monies and limited work opportunities.

(iii) **Prisoner Protection Programmes**

Since the implementation of the Nagle Royal Commission recommendations the provision of facilities to cater for prisoners requiring protection within prisons has developed into a major administrative problem. (190) It is my view that although this problem is largely the result of the reception of large numbers of drug offenders, it is also significantly contributed to by
the general problems of officers' capacity to cope with prisoners with expanded rights. I shall cover this issue in depth subsequently.

This problem had been further exacerbated by:

(1) drugs and money entering the prison, predominantly through contact visits and debts being incurred by prisoners;

(2) developmentally disabled and behaviourally disturbed prisoners beginning to enter the prison system rather than hospitals, in greater numbers. (191)

(3) increased media attention in cases relating to child abuse and sex offences and the imprisonment of Police and other prominent community members: both categories requiring stricter protection.

(4) increased activity to address levels of crime, particularly that which is drug related, and the establishment of National and State Crime Commissions.

All these issues have led to the establishment of elaborate programmes for the protection of prisoners and to the introduction of a Witness Protection Scheme.
3. Industries and Programmes

There were a variety of programmes operating in a number of institutions throughout the State that assisted prisoners to use their period of imprisonment in a positive way and to prepare them, to some degree, for return to the general community. Those programmes relate to education, vocational training, work, leisure time activities, counselling, life skill courses, pre-release training, drug and alcohol units and a methadone programme. These services were available for prisoners who wished to benefit from their time in gaol but they were not universally available in each institution.

Prison Industries offered a service that allowed prisoners to gain useful and saleable skills while using their time in a worthwhile manner. Payment was made to prisoners who elected to work, with the amount varying according to the work skills required and the level of productivity. (192)

Day Release programmes established by McGeechan and expanded by Vinson continued to be available in the following areas:


With increased media attention on prisons it became difficult to maintain these programmes, as public opinion often caused a shift in policy, eg. after the Anita Cobby murder, and the arrest of a prison escapee from
Silverwater, a policy directive was issued preventing any prisoner who had escaped, from being classified below a 'B' classification.

This in effect prevented a number of prisoners from undertaking worthwhile projects in minimum security gaols. For example, Work Release, Day Release to attend Colleges and Universities etc.

An AIDS unit was established at Long Bay to provide accommodation and care for AIDS affected prisoners. They require specialised care and supervision by prison officers and medical staff.

In 1985 the dissemination of information on AIDS was undertaken by an AIDS Education Unit which was disbanded in June 1986. Drug and Alcohol workers in each gaol assumed this responsibility until February, 1987. Dalton felt the urgency of the problem warranted a higher profile and appointed an AIDS Project Co-Ordinator to design and implement AIDS strategies and to advise on policy issues. An ongoing AIDS Education Programme for all staff and prisoners was being developed. (193)

4. Discipline and Control

Discipline within the New South Wales Prison system has been a matter of contention with custodial staff for some considerable time. The new Remission and Discipline package was designed to enable the Superintendent to effectively apply sanctions to assist in maintaining good order and
control within the institution. Despite its intention, the effects have not been felt at this time. (194)

It is worthwhile noting however that a pattern of challenges to disciplinary provisions of legislation had emerged, indicating that the intentions for order and discipline are always challengeable eg. in the matter of Maybury v Osborne (Supreme Court) (1984)1 N.S.W.L.R. 579) it was decided that Rule 5(b) of the Prison Rules 1976 was invalid as it conflicted with s.23A of the Prisons Act 1952. The Rule as it stood prior to this case enabled the Superintendent to deal with a disciplinary matter involving a prisoner from the report of a prison officer regardless of whether the prisoner admitted the facts or not.

The decision that Rule 5(b) was invalid meant that the matter had to be referred to a Visiting Justice. This in turn meant that many matters of prison discipline were taken from Superintendents and transferred to Magistrates and Judges. Consequently, this process led to long delays in dealing with matters against prison discipline and, in fact, resulted in many prisoners being released prior to having these matters dealt with.

Many minor breaches were sometimes ignored because of the process required should the prisoner plead Not Guilty to the alleged charge.

Factors affecting prison discipline

The factors that particularly affected prison discipline at this time were:
(1) The continual need to provide facilities and supervision of protection prisoners.

(2) The introduction of illegal drugs into prisons, with the associated internal prisoner power struggles.

(3) The emergence of AIDS affected prisoners, with the possible consequences of contamination of officers and prisoners.

(4) Lack of industry and programmes in some of the maximum security gaols eg. in Central Industrial Prison, Metropolitan Reception Prison, Parramatta Gaol.

(5) Prisoners being able to remain in their cells during the day and congregate on Wing landings, especially where staffing levels had been reduced.

5. Staffing and Prison Officer Training

Staffing

(1) Prisons Rationalisation Plan

During 1981/82 a rationalisation of custodial staffing was undertaken. This was referred to as the Prisons Rationalisation Plan.
As a result of the implementation of this Plan, establishments at Kirkconnell, Newnes and Narrabri were closed. 231 Custodial positions were deleted. Of these, 172 positions were utilised to establish positions at Bathurst Gaol. As a consequence, 104 prison officers were relocated to other institutions.

105 prison officer posts at various institutions which were being manned on overtime ie. unauthorised posts were also deleted. Many of the posts originated from innovations in the Vinson era to facilitate extra time out of cells for prisoners and the Sight or Sound policy for officers. The majority of the remaining positions were utilised to staff programmes for alternatives to imprisonment eg. Probation and Parole Service. (195)

This rationalisation of staffing had two consequences.

(i) it was conducted at a time when the prison population was reducing as a result of the introduction of the Release on Licence Scheme in February 1982. Between March 1982 and June 1983, 1027 prisoners were released on Licence.

However, when this scheme was cancelled the prison population increased and staffing shortages were compounded as institutions became overcrowded; hence prison management was affected.

(ii) overtime restrictions which formed part of the plan were applied to all posts other than security posts; this achieved reductions
in overtime levels. However, some educational, vocational and industrial programmes for prisoners had to be curtailed as these were not essential positions. (196)

2. Overtime Problem and Staff formula

During this period, the Corrective Services Commission was confronted with the problem of reducing high levels of overtime worked by custodial officers. After an intensive investigation by the Public Accounts Committee a number of recommendations were made regarding:

(i) Staffing formula: to allow for such contingencies as sick leave and other forms of absences from the prison, rather than just for recreation leave and rostered days off.

(ii) The need for controls to overcome the high incidence of sick leave taken by prison officers.

Subsequently the staffing formula was reviewed by an inter-departmental working party comprising officers from the Department, Public Service Board Treasury and the Premiers Department.

The working party recommended as an interim measure that the staffing formula be reduced to provide for a component for sick leave of 10 days per annum. (197)
Commissioned prison officers and members of the Corrective Services Commission took an oath of office or made an affirmation to uphold the law.

The amendment made it clear that Commissioned officers have responsibility for the administration and management of prisons as directed by the Corrective Services Commission. The effects of this are outlined in 9. below. (199)

Training

During 1981-82 a number of developments occurred in the area of staff training. A review of the suitability and effectiveness of the Primary Training and the In-Service Training programmes for prison officers was undertaken.

A Committee was formed comprising Senior officers with experience in prison officer training and representatives of prison officer Unions to examine:

1. Existing training programmes;

2. The format for Primary and Supervisor Training;

3. The progression requirements for prison officers.
Resulting from its inquiries the Committee recommended a revised Primary Training Course and a modified schedule of Modular Courses for In Service training.

It was considered that the proposed changes would make the training more efficient in two ways:

1. material to be taught would match the needs of officers;

2. the schedules for in-service training would be less disruptive to the institution staffing routine.

However, the real needs of prison officers regarding the effective management of prisoners were still not addressed. (200)

EQUAL EMPLOYMENT OPPORTUNITY

Courses were provided to assist staff to deal with changes relating to staff selection and the management of ethnic groups particularly in regard to:

(i) Promotion and Selection procedures

(ii) Harrassment in the workplace.

(iii) Understanding of aboriginal and ethnic groups.
Migrant workshops were organised to make officers aware of the cultural differences of these groups to assist in the management of them in the prison system. A number of 2 day seminars for Superintendents were introduced in 1983 to provide them with an insight into new management strategies. (201)

6. Philosophy

The Corrective Services Commission under the Chairmanship of Dalton began a consultative and structured approach to the development of prison philosophy and management. (202)

In preparing the Department's philosophy the Commission, through its Senior officers, defined the overall Purpose and Goals of the organisation as follows:

Purpose

The provision of a broad range of community based and custodial services for the humane management and care of convicted and unconvicted persons for the minimum effective period, having regard to legislative requirements, community interests and the individual rights and needs of these persons.
Goals

1. Diversionary

(i) To provide assessment procedures to identify all unconvicted and convicted persons who may be diverted from custody.

(ii) To provide an extended range of community based programmes to satisfy appropriate conditions of bail regarding the supervision and care of referred unconvicted persons.

(iii) To provide and promote a sufficient range of community based and semi-custodial programmes for the supervision, care and development of referred convicted persons for the minimum effective period and with the rights of the offender limited only as necessary.

2. Custodial

(iv) To provide in a humane and disciplined manner for the intra-mural supervision, protection and containment at the lowest appropriate level of security of all persons taken into custody.

(v) To provide and promote a range of services, consistent with those available within the community, which will satisfy the essential rights and needs of all persons taken into custody.
(vi) to provide assessments, incentives and programmes for the
development of prisoners in preparation for their earliest proper
release.

3. After Care

(vii) To provide and promote a sufficient range of community based and
semi-custodial programmes for the supervision, care and
development of prisoners released conditionally, for the minimum
effective period and with the rights of the offender limited only
as necessary.

4. Support

(viii) To provide direction, resources and administrative support
services to ensure that the other goals are achieved. Although
this philosophy was clearly defined, its implementation was
understandably slow. (203)

However, it is not felt that this planning process has in any real way
affected prison operations or addressed the problems of the role of Prison
Officer in particular.

7. Role of the Prison officer

On 6th August, 1982, Bathurst Gaol was re-opened.
The new style of management introduced at Bathurst provided for a humane environment and facilitated a team management approach involving custodial staff, professional staff and prisoners. This is referred to as 'Unit Management'.

Instead of being housed in large cell blocks prisoners were accommodated in small units with twelve (12) and sixteen (16) prisoners supervised by two (2) prison officers.

Prisoners prepared and cooked their own meals providing them with living skills and making the environment less institutionalised. (204)

Unit Management was also incorporated in the planning of Parklea prison; although this planning affected the design of the gaol, actual prisoner management at the gaol has always been based on the traditional, security-based role of officers.

Unit Management has changed the role of the prison officer to the degree that it has actually been introduced at Bathurst, from custodian to one requiring increased interaction with prisoners where officers have a supportive role whilst maintaining security requirements.

Whilst the new Prisons at Bathurst and Parklea have been constructed to facilitate this concept it is more difficult to implement in the older prisons. Notwithstanding this difficulty, prison officers, particularly in some maximum security gaols, were encouraged to adopt this management model.
to their institutions. Unfortunately, Unit Management was introduced only at the Metropolitan Remand Centre, in November, 1986.

Because the recruitment and training programme for officers is still security and rule orientated, it still does not sufficiently address the skills required to effectively perform the role of a Unit Manager. Training is still aimed at procedures, law, weapons training, physical control and secure containment. Although some interpersonal skills have been developed within training programmes, they are not adequate to meet present day needs.

Other significant factors which have affected the role of prison officer could be summarised as follows:

1. The emergence of the AIDS virus in prison.

2. Dealing with developmentally disabled prisoners.

3. Dealing with a larger proportion of Aboriginal and Ethnic prisoners.

4. Drug addiction in prison.

8. Significant Events

* Large numbers of low risk prisoners serving short sentences were granted early release through the Release on Licence Scheme. In
addition, a number of Life Sentence prisoners were released after serving substantial time in prison.

* Bathurst Gaol was reopened - Unit Management Model.

* A number of initiatives were developed as alternatives to imprisonment.

* The Observation Section at Long Bay was demolished to make way for improved facilities to accommodate prisoners with severe psychiatric problems.

* The Prison Rationalisation Plan was implemented, resulting in the deletion of 231 custodial positions and the closing of three prisons (Newnes, Kirkconnell, Narrabri).

* The report of the Public Accounts Committee in June 1983 resulted in severe restrictions being placed on custodial overtime and sick leave.

* The development of the conceptual stage of Corporate Plan and the Strategic Planning process involving senior management.

* Drug and alcohol programmes were introduced to provide prisoners with life skills to help prisoners with drug and alcohol problems to take responsibility for their behaviour.
* Mixed staffing in prisons became an accepted policy in the Department.

* Implementation of prisoner protection programmes.

* The establishment of the Internal Investigation Unit staffed by prison officers consisting of three specific areas ie.

(i) Internal Investigation (Staff)
(ii) Internal Investigation (Inmates)
(iii) Surveillance (Staff and Inmates)

The Unit investigated such matters as drug trafficking, drug abuse in gaols, corruption and embezzlement.

* Introduction of 38 hour week which compounded staff shortage problems, in the sense that the increased recruitment needs were more difficult to meet from the same limited pool of potential recruits in the community.

* Superintendents assumed responsibility for budgeting and control of finances within the gaol. (205)

9. Effects

In my opinion, which is supported by the views of experienced officers, the effects of developments during this era have been felt across custodial...
operations. The reaction to the sick leave policy saw a reduction in sick leave and, I am advised, a corresponding leap in workers compensation. Officers became disgruntled at the perceived interference to their promotional prospects as officers with unacceptable levels of attendance were not promoted, and this resentment still exists.

Superintendents abilities were generally improved through the developmental workshops that were held. Their partial input to planning and policy was seen as a step towards recognition of their importance to the organisation. Efforts at creating a bond between Superintendents and the Commission by involving them in the Corporate Planning Process had some effect in lifting morale amongst that group.
SECTION 2 : ANALYSIS OF THE PRESENT

It is clear from the historical account that through successive administrations and on behalf of Governments of both political persuasions, the status of the prisoner has changed gradually and fundamentally since the 1950's, from being a person without rights to being someone who has many of the rights of citizenship. During the same period, the role of prison officer has not undergone a parallel development.

In the early part of this period ie under McGeechan, the traditional role of the Prison Officer, one concerned primarily with strict control of the prisoner and little more than his basic physical needs, continued. In the face of the early process of expanding prisoner rights, this merely set up conflict between Officers and both prisoners and administrators. However as the process of expanding prisoner rights sped up under Vinson, the traditional role of the Prison Officer was fundamentally challenged and confusion, disillusionment and anger set in: the latter generating the period of turbulent industrial disputation which symbolised the Officers' concern that prisoners not Officers were running the gaols. Finally, although the Dalton era saw the commencement of revision of prisoner rights the officers role remained ill-defined.

In simple terms, throughout this entire period, although the status of the prisoner was redefined, the role of the Prison Officer was not: on the one hand they continued to believe that the traditional role was still formally endorsed but on the other hand it clearly was not operationally effective.
The gap which grew between Officers and prisoners increasingly threatened prisoner management and this in turn threatens security.

Once the model of prisoner management which existed before McGeechan was rejected, there should not have been a simple series of changes to the status of the prisoner alone. There should have been a revised prisoner management model developed. This would not only have accommodated increased prisoner needs and rights, but importantly it would have provided a clear re-definition of the role of Prison Officers so that not only would they be provided with the skills required of managing prisoners with a radically different status, but also that order would have been better maintained. Had this happened, perhaps the turbulence that the New South Wales prison system has experienced over the last 20 years might have been significantly reduced.

If such a model had existed, then the growth of prisoner rights that has occurred could have been more measured and would not have extended as it has — and I state here that in a definite sense it has extended too far — and prisoner management would not have been as difficult as it has become. I would like to clarify what I mean by stating that the extension of prisoner rights has gone too far. In the absence of brute force, proper prisoner management depends, amongst other factors, on an adequate package of incentives and sanctions. Some of the obvious incentives includes (1) classification changes; it is relevant to note within this context that the Martin Report, although suggesting certain procedural changes, has recently endorsed the classification system (2) remissions (3) the amount of cell
property, (4) out of cell hours (5) day leaves (6) bonus earnings (7) quality of family contact etc. Some of the obvious sanctions include the loss of these things. The operation of such a system must be based upon assessed good conduct and programme participation, that is, greater privileges must be earned. Given the wide range of programmes and privileges which have continued from earlier administrations, there is no inadequacy regarding the opportunity for prisoners to earn such privileges. Equivalently, assessed poor conduct should incur sanctions, this constituting punishment within the system. Currently in New South Wales, because of the upgrading in the status of the prisoner, privileges which should be earned are granted too easily and this is what I mean when I say that prisoner rights have gone too far: privileges have become rights.

In any situation where such privileges become too readily available, they become 'protected' and difficult to take away. In such a situation, prisoners either take little notice of Officer authority or the arrangements simply make ordinary prison operations too difficult: for example, drugs can be passed on contact visits, cells are difficult to search because property is at excessive levels, dependence upon bonus earnings is unimportant where there is free access to private monies or where there is insufficient work, security is hampered when censorship of mail and telephone calls is generally forbidden etc. Having said all this, I would emphasize that all of these entitlements should be available, in other words the status of prisoners had to be upgraded from its pre-McGeechan state, but such entitlements should be earned and not granted automatically.
In my view, the combination of these factors, that is:

(a) the need for a redefinition of role
(b) the need for appropriate training
(c) the fact that prisoner privileges have become rights and are not earned
(d) the consequent difficulty in maintaining order within prisons
(e) the fact that these unaddressed issues have led to lower morale, is relevant to the matters before this Inquiry.

These matters therefore cannot in my view be addressed separate from an understanding of these historical factors, for they are directly consequential to them. Only a revised prisoner management model can address these issues coherently.

It is because of these factors that:

1. Officer turnover rates are so high, to the extent that stress caused by prisoner management problems encourages staff turnover.

2. Salary scales are causing officer unrest: not only for Prison Officers and Superintendents but also for all those officers with specialist and therefore limited promotional opportunities such as Supervisors of Industries.
It is my view that an appropriate salary adjustment is required within the context of the development of a proper prisoner management model: such a model has existed for some time at Bathurst and the Special Care Unit, without the issue of appropriate compensation being addressed.

3. Recruitment criteria are ill-defined: without a redefinition of role, the guidelines needed to perform the role properly and a commencing salary adequate to compensate such persons cannot be known. As will be seen in Section 3, in which the model of prisoner management endorsed by the new Corrective Services Commission is outlined, there is no doubt that recruitment strategy should be centred around skills in man-management as much as the traditional security and control issues.

4. A fully adequate training package, which ensures that recruits are provided with the skills necessary to perform this role does not exist. It is not the contention of this Commission that the current recruitment training programme (see annexure 8) is deficient in what it does, but a move to the new model of prisoner management will require the acquisition of additional interpersonal and teamwork skills, as well as training in the delivery of welfare services to prisoners. (208)

5. Adequate staffing/prisoner ratios and staffing formula do not exist. Only through a revised model can an objective assessment be made
concerning an appropriate officer to prisoner ratio: it is clear, even if the new model of prisoner management does not of itself require change in this area due to the advantages of flexible post and rostering arrangements, that on current interstate comparison (see annexure 16) a revision is required. The need for revision of this ratio derives from the substantial problems regarding security (cell searching, supervision) caused by the current inadequacies. In turn, it is the concurrent consideration of training programmes and the officer: prisoner ratio (as that affects officer numbers) which will require a review of the currently inadequate Staffing formula (see annexures 4 and 16). The inadequacy of the current formula is constituted by its failure to take into account a range of legitimate reasons for officer absence from his/her prison; this thereby automatically generates overtime, as well as contributing to a more fundamental inadequacy of prison officer numbers. It is important to note that the combined inadequacies of staffing formula and staffing rates are currently further compounded by high vacancy rates and, further, by high levels of sick leave.

I have not to this point made reference to two of the Terms of Reference for the Inquiry, ie rostering and career structure. Regarding the former, I shall refer to this issue when developing the proposed model of prisoner management in Section 3. Regarding the latter, I state that the Corrective Services Commission wants change to the current structure, as required by the progressive introduction of Unit Management. Further there is an urgent need to provide a proper level of compensation for Assistant
Superintendents to recognise the management or executive function allocated to that rank in early 1984 but which to date has not been recognised by way of additional compensation.

Special mention needs also to be made of the current sick leave policy, which has been the subject of so much discussion. It is the view of this Commission that, given the amount of overtime that was being generated artificially by a number of officers through misuse of sick leave provisions, the introduction of a sanction-based sick leave policy was necessary (see annexure 14).

The issue of officer accommodation is also relevant, given the mobility of officers to Long Bay for initial post-training placement, in the absence of an agreement within the POVB on a Direct Placement Policy. The provision of single officers and married quarters in greater number would certainly encourage retention of officers, given the high rental market in Sydney. The Corrective Services Commission is currently considering this issue within the context of budget estimates under preparation.

Another important issue currently receiving attention by both the Corrective Services Commission and the Government is the need for a comprehensive long-term Capital Works Programme in response to a progressive general increase in prisoner population numbers, proposals to increase the number of cells by around 800 are before the Government.
It is my view that only through a comprehensive analysis of all of these issues, beginning with the development of a proper model of prisoner management (see Section 3) and then moving through each of these areas as outlined ie salary scale, recruitment, training, staffing levels, (both ratio and formula), rostering, sick leave policy, accommodation, that the problems in prison and prisoner management can be effectively overcome.
SECTION 3: THE FUTURE

To address the range of problems as diverse and complex as those outlined above requires a coherent, holistic approach which addresses the causes of such problems.

The key elements in such an approach must include, at least,

(i) the definition of a model for prisoner management, incorporating both the status of the prisoner, based on a system of rights, and a definition of the role of prison officer and addressing the complementary nature of these two factors;

(ii) a framework of incentives, offences and sanctions by which security and order are maintained;

(iii) the provision of adequate resources, both programme and personnel, to ensure the effective provision of such a model;

(iv) the identification of the proper role of institutional manager ie, Superintendent, to co-ordinate all activities effectively and efficiently. (210)

In this section I will provide only a brief outline of the prisoner management model which the Corrective Services Commission has endorsed. A full account of this model and how it fits into the future plan for the
Department, as outlined by our Strategic Statement, will be provided in later evidence. (211)

The essence of the proposed model is that prisoners are best managed in relatively small groups (say 30-50), from which both the officers and prisoners transfers are minimised. Relative to the Terms of Reference of the Inquiry, rostering practices will be reviewed to satisfy this need as well as to ensure that, through a process of general duty rather than fixed post rostering, all aspects of both security and efficient use of staff resources are satisfied. This model has been called Unit Management. (209)

The Unit and its prisoners become the focus for the activity of a multi-disciplinary team approach, where proper case management principles apply, through contributions from not only such non-custodial personnel as psychologists and education officers, but also of prison officers who form a crucial part of the team. It is also essential that a full range of programmes (industry, education and recreation) are available to support this approach.

Unit Management has as one of its principal tenets, the issue of officer - prisoner interaction: the extent and quality of this interaction is crucial to the success of the Unit concept and relies therefore on interpersonal skills of the officers for its success. Unit Management thereby provides this Commission and its prison officers with the opportunity to expand the role of prison officers into one which has more meaning and greater effectiveness than a merely custodial role: in fact, it would not be inappropriate for some aspects of the role of Welfare officer and
only ensure that prisoners are absent from wings during the day, thus facilitating effective search procedures, but also allow for prison officers to broaden their role further by playing an interactive role with prisoners at either work, education or recreation: an appropriate 'flexible post' and 'general duties' rostering arrangement would facilitate this and at the same time minimise the cost of providing the additional officers needed to establish such a model. To further ease the impact of the cost of introducing such a system, it would not be improper to pilot this at several institutions and introduce it to other gaols subsequently: although it must be pointed out that officers have been operating both Bathurst Gaol (Units) and the Special Care Unit at Long Bay for some years.

It is also immediately clear that this model is most conducive to the management of the increasing number of smaller specialist groups of prisoners that are increasingly entering and being identified within the prison population eg. behaviourally disturbed, intellectually handicapped, protection, strict protection, AIDS antibody positive, as well as prisoners undergoing both separation and punishment.

Unit Management as a concept is not new of course and its success as a model of prisoner management has been proven not only overseas but also within Australia and within New South Wales: only resources and bureaucratic will are required to expand it Statewide. Three similar but distinct outlines of Unit Management, Bathurst (NSW), Barwon (Vic), and Casuarina, WA are provided in supporting material.
Whilst the development of Unit Management clearly satisfies the NSW prison system's need for a model which can both effectively accommodate the protection of basic prisoner rights and also redefine the role of prison officers accordingly, there is a crucial need for changes in at least one other area to ensure that the total prisoner management package will be effective.

I have contended and demonstrated that the status of the prisoner has evolved into one in which the widest possible range of rights and privileges have been established and protected. In fact, it is the fullness of this range which has challenged the traditional role of prison officer.

As indicated previously, it is my strong view that this range of rights and privileges has proceeded too far, for not even the Unit Management model, based as it is on the interpersonal skills of the multi-disciplinary team, can manage prisoners in a proper and orderly fashion by itself. Such rights, privileges and opportunities as (a) weekly hour long contact visits (b) use of private monies to purchase buy-ups (c) substantial cell property (d) inadequate work opportunities (e) Wing access during the day (f) the wearing of some casual clothing (g) semi-formal musters, given and protected, make prisoner management very difficult particularly when granted rather than earned. This situation is exacerbated by (i) full prison discipline being significantly out of the hands of Superintendents (ii) prisoners sharing cells, with therefore no individuals being prosecutable for contraband found therein (iii) inadequate staffing levels. I do not advocate that these rights and privileges be unattainable, but it
effectively. In such a system, prison officers would have at their disposal in managing prisoners not only their new skills as redefined within the Unit Management model but also the system of incentives and disincentives as outlined. It is then left only to judge the appropriate needs for those items referred to this Inquiry ie. salary, conditions, recruitment, training and rostering, to ensure that officers are compensated at a level to ensure the effective operation of the system. It is stated again, however, that to address these issues without correcting the fundamental issue of prison and prisoner management would leave the NSW Prison system vulnerable to ongoing difficulty.