

THE LEGISLATIVE COUNCIL COMMITTEE ON GOVERNMENT ADMINISTRATION B MET IN COMMITTEE ROOM 1, PARLIAMENT HOUSE, HOBART ON TUESDAY 8 MAY 2012.

THE OVERTIME COST OF THE TASMANIAN PRISON SERVICE

Mr MAT JOHNSON, ASSISTANT SECRETARY, COMMONWEALTH PUBLIC SERVICE UNION, AND SPOKESPERSON FOR UNITED VOICE, WAS CALLED, MADE THE STATUTORY DECLARATION AND WAS EXAMINED.

CHAIR (Mr Dean) - Welcome, Mat. This is a public hearing and it is being recorded. Whilst you are in this environment you have parliamentary privilege. If at any stage you get to a position where you would like to impart something to this committee that you feel is confidential and should be retained in that area, we can take evidence in camera. The committee would listen to your position on that and I would be very surprised if they didn't accept it in that environment. I think the best way to do this is for you to give us a bit of an understanding of your position, the union's position and United Voice's position on this. Our terms of reference are clear and we need to stick to those.

Mr JOHNSON - Thank you to the committee for the invitation to speak on this matter. My understanding of the terms of reference is that you are looking into the problem of overtime at the Risdon Prison, given the recurrent request for supplementary budget allocations to the prison service. That is no doubt going to lead to a set of questions that certainly need some answers.

Overtime is driven by a variety of factors, a lot of which were spoken about by Mr Williams, Mr Partridge and Mr Edwards in their submissions to this committee. I will go through our position briefly and would more than welcome questions with regard to any matters you want clarified out of that.

Obviously within a prison environment there is a set number of staff that are needed to appropriately and safely staff any unit within that facility. Each facility has a set disposition, which is a reference to the number of staff and the postings that are required to open up that facility. That disposition then mandates the quantum of establishment staffing that the Tasmanian Prison Service should have at any given time to fill the disposition sheet and hence open all facilities. At the moment - and I think this corresponds with the submission of Mr Williams - there aren't sufficient correctional officers to consistently cover all posts required. In Mr Williams' and the department's submissions they referred to posts not covered in their statistics and that is what that refers to. 'Posts not covered' simply denotes the positions on the disposition sheet that are required to be filled but cannot be filled due to a lack of staff. At the moment we would contend there is a lack of staff of around 20 FTE, which equates to 20 correctional officers given they are only employed on a full-time basis. I think that matches up with the submissions of the department on that front as well.

Bearing in mind that this is a 24/7-365 operation, it is, as I believe Mr Edwards characterised it, a village; it's a community and it needs to be closely monitored in order

to operate in any type of cohesive way. Certainly over the nine or so years I have been working with members in Corrections we have seen numerous incidents where the cohesion of the former facility pre-2006, and certainly the newly-commissioned facility post-2006, has not been as effective as it could have been.

Going back to the matter of staffing, there are some serious deficiencies, not only in the head count of correctional officers but there are also substantive vacancies at correctional supervisor level in terms of the rank structure within the TPS - correctional officers, correctional supervisors and correctional managers and then on into a single spot position of general manager and assistant director, director and the director of change management, who is Mr Edwards. The lack of substantively filled correctional supervisors means that there is a constant acting up - referred to as 'Hollywood' in prison language - and that then presents holes within the disposition sheet. If you have a base grade correctional officer acting up into a correctional supervisor's position then that correctional officer needs to be back-filled, on overtime generally, out of whatever's left. That, I understand, in the last few days is becoming a matter of some urgency and priority in terms of filling those correctional supervisory positions. That's something that we would well and truly be encouraging the TPS and the department to progress on.

I will say 'TPS' very regularly because I don't think you can look at Risdon Prison Complex in isolation from the system it works within, and there are obviously, as you are well aware, different facilities. Sometimes when people refer to RPC they're not referring to the Ron Barwick facility, they're not referring to the Mary Hutchinson Women's Prison, they're definitely not referring to the Hobart Remand Prison or the Launceston Remand Prison, but you'd need to look at my submission to you because the problem spreads wider and I'll get to some of the points around that later.

Another contributing factor is obviously short-term illness, the same as in any workforce, people occasionally get sick. That's exacerbated in the case of a corrections environment, and certainly within our Tasmanian prison system, by the nature of the work, for one thing, but also the nature of some cultural elements and the infrastructure, which I'll get to in a second as well, and other factors like being a smoking environment.

One of the primary determinants of the overtime problem in the TPS comes by way of workers compensation. At any given time, the workers compensation rates for those people currently off work with a compensable injury would be between 10 and 20 per cent of the entire correctional workforce. I've seen it push up well above 15 towards 20 before, thankfully not for too long, generally in the wake of a critical incident. To put that into some perspective, for any of you who, as I'm sure you all have, worked in other areas, losing 10 per cent minimum of your workforce and trying to operate under the pressures that I've already outlined in terms of the disposition and the staffing shortages, means there are going to be some fairly significant shortfalls and on an ongoing, fairly predictable systemic basis at this time as well.

Workers compensation and long-term sick leave due to critical incidents is something that can and should be controlled within a prison environment. You are never going to not have a workforce that doesn't have sick leave; you're never going to have a workforce that is totally free of risk or injury, but you can take steps to minimise and mitigate against that risk. Historically speaking, I would say it would be accurate to characterise the department's efforts and the TPS's efforts on the front of health and safety as

deficient and that has resulted in what I'm talking about in terms of those levels of workers compensation at any given time, which are well above the average in any other government department or, indeed, comparable jurisdictions within corrections.

The Department of Justice is not alone in having a problem with workers compensation. Although it's probably out of the scope of your current inquiries, I would say, the figures from the Tasmanian Risk Management Fund run by Treasury which has been the self-insurer for workers comp for government departments show that all government departments are struggling badly with workers compensation. There is not sufficient effort being put into minimising the occurrence of injury to working people and, perhaps importantly in this type of forum, the ongoing cost in terms of both the insurance premiums paid to the risk management fund but also the payouts from that. I think there was a very significant increase reported last time by WorkCover and when those figures come out again I'll certainly be looking at them and I would encourage anyone to do so as well. There is a very ordinary effort being put in by this and prior governments to minimising this to workers and that then leads to periods off work.

The management of those periods off work is also something that the Department of Justice is not alone in not doing that well on. Let's deal with the more pointy end of it first. When a critical incident occurs within a prison environment generally it will involve serious physical injury and it will always involve psychological injury. Those types of injuries obviously require significant medical and other therapeutic interventions and those things do occur. There is a role, however, for employers and in particular government departments - and this agency has a fairly poor record on health and safety - to actively encourage, facilitate and work with those people who are injured to return them to work as quickly as possible. I think it has become a bit of an adage now but the best result for someone on workers comp is to return to work as quickly as possible so long as it is safe to do so and in their best interests. Unfortunately we see in government departments and certainly within the Department of Justice that, despite the best efforts of those very few people assigned that type of duty within the department, it is just not working that well. What I am saying, I guess, is that the rate of compensable injury is very high and the duration of absence from operational duty is prolonged probably unnecessarily and inappropriately.

Another major factor that needs to be covered off and taken into account when looking at overtime within the TPS is long-term illness. Obviously when you have a long-term illness the industrial instruments mandate that you have to be certified as unfit for work and so on, so when I say 'long-term illness', it is not something that you can do without medical evidence. You can't just take sick leave ad infinitum without medical evidence to say that is the appropriate way forward. There is a level of long-term illness in any workforce. I would not submit to you - because I have no evidence and I probably do not believe it - that there is any higher level of long-term illness in the TPS workforce than there is in most other workforces, except for the workers compensation, the compensable injuries. I put that in a separate bucket.

Obviously critical incidents have an impact on staffing which then in turn has an impact on overtime levels. We have seen incident after incident within the TPS. I have only been in it for nine years but I cannot count how many very serious problems we have had over there in that time. In fact, on this day eight years ago I spent my first wedding

anniversary at a hostage siege incident at Risdon Prison; that is the way my work over there started.

With some of the critical incidents, obviously by virtue of the place you work at, some of them are unavoidable. There are things that cannot be controlled in terms of some of the more negative side of human nature in that type of area, but there are certain things that you can control, however. One of the worst critical incidents that required very significant overtime allocations was due to an infrastructure failure. You would all be aware that was the decommissioning of our very new and fancy maximum security units and the decanting of all inmates in those into a decommissioned and what was now a minimum security facility. That required very, very significant overtime staffing and that is exactly what occurred.

There were other incidents in terms of infrastructure failure which added to the overtime problem as well. There was additional work required on medium security, bars on cell windows. There was additional work required on certain other physical infrastructure within the medium security facility and so on. Some of those things were as a result of an error that the minister hasn't attributed to anyone at this stage. I think he was asked the question at the time with regard to where the fault lay for the fact that you can get the toilets away from the walls in a maximum security cell and I don't think I have heard the answer to that one yet.

Leaving aside infrastructure and the quite significant list of infrastructure problems in the incomplete prison that is the Risdon Prison Complex, we also see obviously serious assaults, rapes, inmate to officer, at some 13 times the national average. The public response from the minister and the department on that is that it is a small jurisdiction and a couple of incidents will spike up the thing. It is not the whole story by any stretch; there is a serious problem with serious assaults within the TPS and that is reflected to a large degree in these. I think it was a Productivity Commission report saying that it was 13 times the national average and certainly the worst per capita of any Australian jurisdiction. We have serious assaults, we have hostage-taking, we have riot incidents and all of those require additional staffing to be deployed. That additional staffing comes in the form generally of a tactical response group who need to be recalled from being off duty to respond to critical incidents like that. There are times when those people work extremely significant hours without breaks and that is all paid for on overtime.

There is also obviously other implications flowing from that in terms of general staffing requirements for correctional officers. You would also see other non-custodial employees of the TPS, so program workers, people who offer support, counselling and so forth to inmates, and also to officers, for that matter, being deployed in those situations as well. Then obviously you have the flow-on effects which come into the workers comp side of it and the sick leave side of it as well, some fairly serious. Each of those incidents has a demonstrably bad effect on officers, the officers around them and the families of those people and friends. It is not within the scope of your committee to look into that but it is part of the picture.

There are also other smaller factors, and I will concede these are smaller factors than the ones I have listed. There is special inmate transfers for unforeseen hospital admissions and things like that and also transfers of inmates between facilities as well that requires staffing that is not built into the rostering at this point in time.

Getting back to the infrastructure deficiencies, not so much insofar as they contribute to critical incidents as I was speaking about before but in terms of accommodation options, certainly it was mentioned by the representatives of the department that the accommodation options are not complete. The support services and support facilities around those accommodation units are not complete either, and this was demonstrable prior to the design and commissioning of the Risdon Prison Complex by a very high per capita level of inmates requiring protection, and protection in a correctional environment means some form of segregation or control of their contact with other inmates in particular. It is a high level. The design and building of that facility didn't take that reality into account and we have inmates who should probably and properly be housed in a regular accommodation unit denoted as protection and housed in the likes of the remand centre and so on. We have around 100 detainees or remandees - unsentenced people - at any given time, yet the remand centre holds 36 beds or something like that, a lot of which are taken up by long-term sentenced inmates because there is not enough protection facilities within the Risdon Prison Complex to house them where they would be more appropriately housed, leaving the remand centre for remandees.

Also one of the things that was raised prior to the commissioning in 2006 certainly in the design phase was the lack of sufficient maximum security beds and the equivalent of the Tamar Unit being a high-security unit, there is insufficient capacity to accommodate inmates who have warranted classification at that level. Again these are all known problems and things that were raised generally by union delegates, not officials like myself but delegates and people who know the job and have generally worked in the system for decades prior to the design and commissioning.

The final point that contributes to overtime in a broad sense is mandatory training requirements for correctional officers. When you are running with insufficient establishment staffing, when you have to train people you need to bring them in on their out-of-work hours or you need to take them offline while they are in their work hours to do it and that requires backfilling on overtime. If you are into mandatory training requirements for - and these are just the bare minimum, by the way - breathing apparatus and fire training and suicide and self-harm awareness and response, that alone has a significant impact on overtime because of the staffing shortage. If you could roster in-training in a more meaningful way without locking down facilities, that would be a very desirable outcome.

Sorry for the duration of that opening submission but I think it is a complex issue. It does not come down to a simple one determining factor for overtime within what is a very complex working environment like this and it has taken me a very long time working closely with officers and management, the directorate and the department to get to where I feel I have a sufficient understanding of the issues to be able to come in here and speak off a couple of notes around this. It is a complex issue and we would encourage the committee and anyone else looking into the issue to take a wide view because while there would be a couple of factors in there that are perhaps more exciting or attractive for interrogation, it is generally a suite of problems. There is work being done across the board and I am sure some of your questions will go to what we think is occurring and how we think there can be progress made.

CHAIR - Mat, thank you very much for that and do not apologise for the length of time because that is what we were wanting from you - your position on the issues and the concerns within the prison service which is causing or creating the opportunity for all of this overtime that is occurring and so on. No doubt at the end of this the committee will make a number of findings I would hope and recommendations coming from that, so we are asking you to identify some of those things we should be considering, some of the issues that we should be looking at and we are very thankful for all of that.

Having said that, I will open it up for questions. I want to ask the first question to where you have identified that there are not enough prison officers, I think you said, within the system. Have you looked at that in greater depth and could you say what the optimum number might well be, or what the increase should be within the prison system here?

Mr JOHNSON - These are a little flexible because it does come back to your operating model for any given unit and the staffing disposition that needs to be put in place to facilitate that operating model. At the moment and within current operations, which I will preface by saying are changing as we speak, I would say that we are around 20 short in terms of filling the disposition on an ongoing basis. That will then take away some of the exacerbating factors from those other things such as training and responding to critical incidents. If you had capacity within units to have what is variously called spares or additional rostered resources, knowing that you are going to have some level of absence for whatever reason on the day, you pay them at single time, not overtime. I am not saying you build such fat into the system that you staff it up to the max and you put in roster lines everywhere, but simply having spares available for redeployment gives you the flexibility when you have situations which are well documented like they have over there, to use single-time options rather than double-time options, they simply do not have the staff to facilitate that at the moment.

CHAIR - That is a point that a lot of these committee members have been making over the last seven or eight years - the employment of extra people there to avoid a lot of the overtime. Having said that, I have a lot of questions but I will open up to other members at this stage.

Mr FINCH - Yes, this shortfall of 20 FTEs interests me. You talked about the model that they have at the Risdon Prison. The demand-based model is not the one that is being used, so is that why we have increased prison numbers - when we get increased prison numbers, we have this shortfall in staff that are available to look after those. What have we got at Risdon Prison? One officer per 40 prisoners? Do you know the numbers?

Mr JOHNSON - I couldn't tell you off the top of my head. I am not sure on the ratios of operational staff to inmates at any given time. The inmate population fluctuates quite quickly and to quite a large magnitude at any given time. We would not advocate for a quota-based allocation of staff against inmate numbers because when you are operating a 36-bed unit in a maximum security facility it doesn't so much matter whether you have 33 or 36 or 26 inmates in it, you still have the same supervisory requirements. There is still a risk of things not going in an optimal way, regardless of the numbers. The magnitude of the problem, if something does go wrong, may increase due to the number of inmates, but not the likelihood or control mechanisms. I am not an academic on corrections, and I think Mr Edwards would answer this question much better, but I do not

think a quota-based or a staffing ratio to inmates-based approach to the disposition is an appropriate mechanism for staffing a prison.

Mr FINCH - You talk about a shortfall of 20 - is that the union's assessment?

Mr JOHNSON - Yes, and I think it concurs with the department's assessment as well.

Mr FINCH - So if you're looking at, say, an average wage of \$80 000, you're talking about \$1.6 million a year to increase the staffing numbers to that extra 20, but \$1.6 million is well short of what we have been dealing with in looking at the overtime during budget sessions, which is up around \$3 million. So you could in fact put in that extra requirement of 20 personnel, which then gives you that opportunity to have the extras in place to cover these things you've been talking about.

Mr JOHNSON - Some of them. I'm not saying you are making any inference whatsoever, but there is a difference between what is requested in terms of additional funding for overtime and that \$1.6 million on base labour costs to get the extra 20. Putting on an extra 20 correctional officers will not fix all overtime; there will be overtime in the prison service for sure. It will minimise the impact of some of these factors but it will probably not remove any of them. What is required to minimise the overtime burden is partially the allocation of additional correctional resources but it is also around making cultural changes over time, sound industrial relations practices, a renewed focus on return to work, workers compensation by the Department of Justice and, to a degree, supervisory structures, and professionalising your supervisor and managerial processes within the TPS. It is a professional organisation but one that exists in a microcosm that is clearly not in the healthiest state.

Mr FINCH - In negotiations with the prison people you deal with, have you offered this 20 extra staff needed?

Mr JOHNSON - Yes.

Mr FINCH - What sort of response did you get?

Mr JOHNSON - 'We would love to' is generally the quote out of the department. The Department of Justice is not alone in facing resourcing deficits; there are a number of critical service delivery areas across government that are facing deficits and Tasmanians who use services are suffering for that. The obvious examples are in Health, but there are a number of others around the place due to fiscal restraint by the Government. I am not speaking on behalf of the department or departmental representatives, however I think their submissions to you indicate that they would like the 20 or so additional correctional officers on deck, so hopefully that can occur. We want the right people. You can't just ask a random person off the street whether they want to be a correctional officer. They need to be sound and robust in delivering the services they need to deliver. I certainly wouldn't want to do the job, to be honest, but -

Mr FINCH - So, if you're looking for 20 extra people, let's say that came about, would it be difficult to find those 20 people? Would it take quite some time?

Mr JOHNSON - It's a vicious cycle because the more there are problems within the Tasmanian Prison Service, the more it gets on the front page of a newspaper or gets high profile within a television news slot, the more your general public person who may be appropriate for the role will think twice, and certainly a lot of their partners and children would think twice about encouraging them to go down that track. So you have this negative public perception which is quite well-founded and an ongoing need for recruitment. There is some pressure in there but, no, in answer to your question I reckon it would be feasible to recruit 20 additional officers with the appropriate focus on exploring the processes.

CHAIR - Does anybody have any other questions on this point?

Mrs TAYLOR - Mat, can I just clarify, you're actually talking about an extra 20 positions because I understood from previous hearings that there are currently unfilled positions and that, in fact, the prison is doing a big recruitment program and you have a whole number of people currently in training or a number of intakes. So how much of this is because you've actually got vacancies rather than not extra positions?

Mr JOHNSON - Yes, that's an interesting question and fair point. I probably alternated between talking about establishment and vacancies during my opening submissions. We would say, because of the variations in workers comp levels and sick leave and absences generally, at any given time, it's difficult to say which, for want of a better term, bums you're going to have on a seat. We think that there should be additional establishment positions, that is, above and beyond the current staffing plus vacancies. There is still not enough.

Mrs TAYLOR - But if you actually solved these other problems that lead to extra overtime and lack of supervisory roles being filled and so forth, if you could fill those then your problem would be a lot less, I take it, wouldn't it?

Mr JOHNSON - That's correct. Also -

Mrs TAYLOR - And we're being told also that you've currently got health and safety programs on board which are trying to address some of that.

Mr JOHNSON - Yes. There's been some very seriously important work done over the last 10 months or so, led by a Workplace Standards inspector who was assigned and, I understand, their department talked about this also. That was a really important step forward in health and safety because it focused the attention of the director in a direction that it hadn't been before. There were no elected health and safety reps amongst the cohort of correctional officers when Mr Leeson started in that role; there are now hardly - I don't think there's any facility without an elected health and safety rep with training ongoing for that. In light of the new legislation coming in next year, there is going to be a very significant onus - sorry, is that done yet?

CHAIR - Go on, you're right.

Mr JOHNSON - Sorry, there is going to be a more significant onus on employer responsibility but also a reflecting onus on people who step up into those roles so it's a really important step to get started now and it will make a difference.

There are also some other initiatives which will hopefully minimise the numbers above the current establishment that are required, which I think is the gist of what you're saying

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Mrs TAYLOR - Absolutely.

Mr JOHNSON - including an initiative of Mr Edwards which has the support of both the CPSU and United Voice; when I say that, I mean our members. That is around localised rostering, which effectively breaks the operations of the TPS into operational units. You then have some stipulations around the resource allocation in terms of correctional officers and supervisors. You have assigned to that a number of posts you have to cover and then it is between the supervisors, managers and their staff to sort out how a roster works. It appeals to the likes of me because of localised control and ownership at the lowest possible level where a lot of people have a lot of good ideas and do a lot of good work but it also should work in a systemic way to minimise long strings of shifts that may exhaust people, especially in that high-pressure environment. Some of those maximum-security units and also medium - medium is not a great place to work - it is not just Tamar that is hard within the TPS. There are a number of very, very difficult posts. Hopefully, that initiative to move forward on giving some control and ownership and, importantly, responsibility as well to correctional officers to have a positive input into their own working environment is going to bear fruit and -

Mrs TAYLOR - I suppose that is where my question is directed to because it seems like a balance, doesn't it. If you had your entire work force happy in the service and not needing to take stress leave which of course there is always going to be some but in a lot of the problems that you have talked about that could be addressed; then that number of 20 is a mythical number that you might not need -

Mr JOHNSON - It is based on the variables as they are configured now.

CHAIR - Is there anything on staffing?

Ms RATTRAY - Mat, you spoke today about the issues with the design of the building and I asked the question previously when we had some hearings, whether the building is fit for purpose. Do your members have a position on that or do you have some view whether the facility is fit for purpose because it obviously impacts on the overtime budget and the rest of the whole organisation?

Mr JOHNSON - If the question is, does the physical infrastructure contribute to the overtime problem? Yes, it does. A broad question like 'Is the facility fit for purpose?' requires a broad answer and possibly - excuse me for a second to consider my response. I need to be cognisant of a few things.

As a minimum for a correctional facility I would say that the Risdon Prison complex and associated facilities are fit for purpose as a minima. There is a lot more to be done. It is an incomplete prison. The education facilities are substandard. There is no proper exercise. There is insufficient area within certain units - maximum security and mainstream units in particular - for in-unit exercise so there is just not sufficient space in there and that is a flaw that stems from either the instruction to the people who designed

it or the designers - someone had problems with that and there were decisions made by the Government at the time as to 'What are we going to lose from, we have this x amount of dollars, this is the design of a complete facility, what are we going to lose out of that?' and they made the decision. They made the decision to take away those things which make inmates' lives a little more manageable and valuable which then in turn leads to frustration and potentially violence. I think we have seen the fruit of that, unfortunately, over the six years since the prison has been commissioned.

Now that the remedial work has been done on the max units and some of the medium units, it seems to be fit enough for purpose but is it as good as it should be? No, clearly not.

Ms RATTRAY - In your view, it is still lacking in some of those key areas that potentially lead to, as you said, frustration from the residents of the facility and then in turn that puts pressure on the officers who are there to maintain it.

Mr JOHNSON - That's correct and also it can manifest in physical - and obviously psychological - injury as we have seen as well. The amount of money that has been spent on remedial work, be it the second external perimeter fence, be it the bars on the medium security windows, albeit the -

Ms RATTRAY - Bolts on the toilets.

Mr JOHNSON - Yes, and making the doors work properly and things like that, making the maximum security cells secure; that money that has been spent on those things would very likely in the last six years outweigh the extra supplementary funds that they have sought off the Legislative Council and Government.

Ms RATTRAY - And that is probably not even taking into account the money that has been spent on supplementary overtime requests, aside of that infrastructure requirement.

Mr JOHNSON - Yes. It is a cycle. There was a series of decisions made prior to 2006 in the commissioning process that our people have lived with the consequences of over the last six years, and sometimes that gets very nasty and oftentimes it is just an irritation, but it means you cannot do your job as well as you could.

Ms RATTRAY - Thanks for being honest and frank about that.

Mr JOHNSON - I just had to consider a couple of things.

CHAIR - That is okay. If you want the time to think with your response, please ask for that time.

Mr JOHNSON - It takes some time sometimes.

Mr MULDER - On this level of staffing, I get what you are saying, that with current work practices, structures and systems, about 20 people over the existing establishment would solve that particular problem. Is that view shared by the TPS or is that just your assessment?

Mr JOHNSON - I think it is. Some of the submissions -

Mr MULDER - It sounds about right.

Mr JOHNSON - Yes, because I only looked over it this morning I think it is fairly fresh in my mind that that was the type of number they were talking about. Whether it was 15 or 20 I cannot remember, but it was around that type of number.

Mr MULDER - You have already explained that maybe after the culture changes, and all this is going to take time, we might be able to cut back. I would suggest a better thing would be to actually cut back on custodial officers but get FTEs to do some of the training and some of the programs that are missing. What I am trying to pursue is the fact that that actually amounts to a funding shortfall and at the moment we are getting supplementary requests in the order of \$2 million and more a year. It just seems to me that if we know it is going to take time, if we know it is going to take 20 FTEs, whether they are purchased as new FTEs or whether they are purchased by getting existing FTEs to work more because it is done at double time rather than single time, but of course with existing ones you do not have the admin overheads of recruiting, equipping and those sorts of things. I am just wondering whether it is your view that the real cause of the problem is a shortfall in funding somewhere in the region of \$2 million-\$3 million to the prison service.

Mr JOHNSON - Let me put it this way, if the question was has everything that can possibly be done been done to minimise costs and maximise outcomes in the prison service, the answer is categorically no, it has not. Are there plans to do things better on that front? Yes, there is. In answer to your actual question -

Mr MULDER - I am talking about a hump. We've got to get over a hump.

Mr JOHNSON - I am looking for a way to answer it properly. Are you asking me -

Mr MULDER - In the next 12-18 months, do we need to stick more money there to get us over the hump until the brave new world emerges and we can then revisit staffing levels? That is the proposition.

Mr JOHNSON - Yes. I do not think there is sufficient funding to facilitate the change process that is required to be undertaken within the TPS. It is all very well to commission a report at a cost of half a million dollars that gives you recommendations and then bring in someone of the calibre of Mr Edwards to do it, but there are going to be significant costs.

Mr MULDER - Whilst you're up to your armpits in alligators it's hard to remember the objectives is to drain the swamp. You're too busy fighting the alligators.

Mr JOHNSON - That's right, and over time and certainly in the period I have spent out there a lot of the conduct of certain parties has been focused on fighting, not fixing, and that has been a problem. If the question is whether there is sufficient funding to properly and appropriately expedite the change process, I do not believe there is. Does that mean there is insufficient ongoing recurrent budgeting? I do not know because we do not know what the recurrent budget for the TPS should be until we have diagnosed and fixed those particular problems.

Mr MULDER - The genesis of this is that, once again, we are being asked as a Parliament for supplementary funding and all the solutions that have been put to us require some time, and we are trying to get the message across that if it is underfunding and it takes time to get the solutions to that, then really we need to put the funds in.

Mr JOHNSON - I don't disagree with that assertion.

Mrs TAYLOR - I am not sure whether this is the appropriate time or it might be better later on but I am happy to -

CHAIR - I think we could go into another area now.

Mrs TAYLOR - It is a bit personal, I suppose, in that I have a couple of friends who are prison officers and there has obviously grown over time a lack of trust or belief that the system can and will change. They are not just talking about overtime but they are talking about their jobs, and one of the things that I remember some years ago was that second perimeter fence, for instance. This young officer was so frustrated and saying, 'We know that the second perimeter fence was needed from the beginning and we've been saying that but nobody is listening to us', and of course it has now been built. Do your members believe that the changes that are now being mooted are in fact going to solve the problem? I was talking to this same young prison officer not long ago and he said something like, 'Well, it sounds good but I'll believe it when I see it'. Would that be a valid statement from a number of your members?

Mr JOHNSON - That would characterise the general feeling at the moment. There are a lot of good initiatives. There are a lot of things that are being talked about in terms of changes that would be positive for our members, positive for the TPS, positive for the department and, in turn, positive for the finances of the State - and for our inmates, for that matter. The proof will come in the delivery of the commitments and this is a point that we consistently make with the current directorate and Mr Edwards. If they are going to say things at the moment they are going to have to follow through because regarding the level of trust, from conversations with some senior people within that strata of the organisation in recent days, there is an understanding even from people who are newer to the system that the trust element is severely compromised and has been for a long time. That will take time to come back -

Mrs TAYLOR - It is very hard to get that back.

Mr JOHNSON - It means your actions have to match your rhetoric and this is where the role being undertaken by Mr Edwards and the role that the directorate has to play are critical. The role the minister has to play is secondary, by a long street, to that. It is about that operational leadership on the ground and that needs to come through a correctional manager level and also the other correctional supervisor level and then, in turn, at the base grades. But yes, in terms of the characterisation, I would say that would be the prevalent view.

Mrs TAYLOR - But it is a bit of a two-way street, because the people you are making the changes for actually have to be willing to step up and say, 'Yep, I'm going to embrace this', and we have seen that often in work forces where the management says, 'Yep, we're

going to fix it', and then they actually do take steps to try to fix it up and there is a certain resistance or unbelief or trust. I suppose that was my point about this young officer, that he said, 'There have been so many times when we've made suggestions that are just simple but we weren't being heard'. Would they now feel they are being heard?

Mr JOHNSON - I think it is getting there. I can't categorically answer that question.

Mrs TAYLOR - No, of course not.

Mr JOHNSON - I think it is better than it has been in the time that I have been involved in the service and there is more potential and opportunity for significant improvement in the near term. In the medium term we certainly have a big task and in the longer term as well, obviously. But is it better, is there an opportunity? Yes. Is it a two-way street? Clearly. What I would say is that no-one wants change in the Tasmanian Prison Service more than our members do. They are the ones getting assaulted, they are the ones who have career-ending psychological and physical injuries. They are the ones whose families suffer on a daily basis when they go to work. No-one wants it more than they do.

CHAIR - In 1987 there was a similar inquiry to this one, a select committee of the Legislative Council looking at the same subject. Since then there have been numerous inquiries - KPMG did one, Mick Palmer raised the issue only last year or the year before in relation to the same thing. We are looking at a problem that has gone on now for at least 25 years with little or no change, nothing really happening in this regard. Do you have a position where you can answer why? Is it a lack of will power by management, by the Justice department, or funding? Can you put a finger on why it has been able to go on for so long and we are here today still talking about it?

Mr JOHNSON - By 'it' you mean the scope of the overtime?

CHAIR - The scope and ambit of the overtime. I looked at the report that was done in 1987 and for all intents and purposes we could just about change the names on that and put ours in and resubmit it.

Mr JOHNSON - I am not 100 per cent sure how I can answer that question. I need to break it into a couple of parts. There is the pre-commission 2006 part. Since I have been involved I think a lot changed in the lead-up to the commissioning. I think that actually contributed to the overtime issue at that stage because there were some efforts made to take people off line to bring them into a process to assist in the design, notwithstanding the fact they were not listened to. There were some factors around that in the two years leading up to commissioning which would have exacerbated the overtime problem in a way, but for a good cause although it was not followed through on.

Then in the post 2006 period I think we have seen critical incidents contribute in a major way, probably in a way that we have not seen as consistently in the 1987 through to 2006 period. I do not think that 100 per cent answers your question but I am not sure I can.

CHAIR - I guess the point I make is that the buck stops somewhere. Somebody has got to be responsible for it, somebody has got to be held accountable for it and that seems to be a position that we are up against now - no accountability within the organisation.

Mr JOHNSON - I think it would be fairer to characterise the Tasmanian prison service as operating in that type of environment of insular, hierarchical command and control, paramilitary-type model where they are not accountable to anyone, in particular in the past. I could not say, after giving you an affirmation before, that I believe that is the case now. I think there is a serious effort on the part of Mr Williams; the directorate, the new change manager - Mr Edwards - and hopefully the new Director of Prisons coming in just over a month's time, to genuinely be held to account, to take responsibility for their output, to treat inmates and their staff with the dignity that both those groups deserve.

You may get a sense of optimism, which is strange for someone who has worked in this environment for nine years with some of the difficulties we have faced over that time, but there are things that have the potential to change for the better. I think the transparency and accountability and localised control and involvement of important stakeholders, like their staff and inmates, is on the improve. I honestly believe that.

CHAIR - Thanks for that.

Mr MULDER - The workers compensation we understand; the security operations - the posts not covered - I think you did a good job of covering that. What seems to be missing is the sick carers or what I call short-notice leave which is accounting, according to KPMG at that stage, for around 40 per cent of the overtime breakdown relating to the Risdon Prison complex. I probably leveraged this off the previous reports, but every year we come up with special circumstances and there have been special circumstances now for approaching 30 years. Lots of these things have been done and I do not want to dampen your optimism and enthusiasm for what is coming ahead except to say that it does not have a good track record.

Mr JOHNSON - No, it does not.

Mr MULDER - In the last report KPMG identified it was 12 per cent above the national average.

Mr JOHNSON - For corrections?

Mr MULDER - For prisoners. I'm not sure whether anyone has done the same sort of a breakdown here but the thing that keeps coming up in this is short-term notice thing has been described by previous inquiries as rorts. I think the Legislative Council committee identified an officer as malingering. These are things where previous inquiries and reports have put the blame, to a large extent, particularly if it was unplanned leave, on your members. I'd like to know whether you think that's a justifiable thing. Is that related to the culture or is that just people not understanding what's going on there?

Mr JOHNSON - The people who authored those reports not understanding them?

Mr MULDER - Yes.

Mr JOHNSON - Yes, I think to a degree it is that. The KPMG report was designed to achieve an outcome for the Department of Justice, which was a broad vilification of correctional officers and that's effectively what it did. We had no involvement in that,

we weren't consulted and the terms of reference weren't shared with us on that one. Do you want to ask me the direct question: is there rotting by correctional officers, particularly with overtime?

Mr MULDER - I won't ask you the quantum of it because I know the answer - of course there is - but I'll ask you the question.

Mr JOHNSON - Certainly I've never been presented with evidence of systemic rotting of overtime.

Mr MULDER - But is there any?

Mr JOHNSON - I've never been presented with any evidence of correctional officers manipulating sick leave to achieve an overtime outcome. I have never had that evidence from the department in nearly a decade that I've worked with these people.

Mr MULDER - So how do you explain that 40 per cent of this is unplanned leave and that that 40 per cent is 12 per cent above the national average of other prisons?

Mr JOHNSON - I can only take your work for the 12 per cent above the national average.

CHAIR - It's in there.

Mr JOHNSON - Sure. I think what I've talked about for the past hour probably goes some way to explaining why that is now. I can only speak in the current context. There are health problems there because of safety issues that result in physical harm to our members. It's a smoking workplace -

Mr MULDER - Sorry to interrupt but we're talking about the short-notice leave, ringing up the afternoon you're due to go on shift or the day before and saying, 'I'm not coming to work'. Are you saying this is because they've had second thoughts about actually wanting to go to work at that time?

Mr JOHNSON - No, I'm not saying that. Clearly not.

Mr MULDER - Sorry, I thought you were.

Mr JOHNSON - No, absolutely not. In a closed community environment such as a prison it's worse than a classroom full of kids sneezing on you. It is a smoke-filled environment, a place where you will have a higher level of illness, short-term and non-serious illness, because it's a communal space.

Mr MULDER - I'm talking about short notice leave.

Mr JOHNSON - With all due respect I don't feel a cold coming on seven days out and let my employer know. You wake up feeling fairly ordinary and you call in.

Mr MULDER - But why are we catching 12 per cent more colds inside the Risdon Prison than comparable facilities in other states?

Mr JOHNSON - I wouldn't attribute it all to that by any stretch. As a caution about looking at this stuff, is it is not useful to look to a single driving factor in any of these particular problems. If you're looking at short-term or short-notice absences and the causes for them, the records kept by the department should indicate why those people have called in sick.

Mr MULDER - We've asked for some additional information about that but it seems to me that there is a pattern here. If you told me it was the fact that the Risdon Prison is different to other institutions, which means it has a greater capacity to catch infectious diseases -

Mr JOHNSON - I would say it is a different working environment because it's an incomplete facility. It has been subject to spendthrift that has ended up costing more. It has an assault rate of 13 times - it is a very bad prison system and that comes through in short-term absences and not because people are malingering or -

Mr MULDER - Short-notice absence, that is what I am trying to get at. If you wake up today and think, 'I really don't want to go to work because it's smoke-filled environment or, secondly, I have a chance of getting assaulted' and things like that. Do you see what I am getting at, though? It is a difficult thing to say it and my brother-in-law was a prison officer for many, many years so it is not that I am trying to bag out the prison officers. I have been a senior police executive for a long time and we have had similar issues in similar areas of my command and there is a responsibility for both sides to honestly look at themselves and say, 'Do I actually want this to work or don't I?' I think what we are looking from you is some assurance that it is not all the fault of the facility, it is not all the fault of the prison staff but there might be some cultural issues that prison officers need to look at.

Mr JOHNSON - The thing I think, whether it is intended as -

CHAIR - Mat, might I say this, if you don't want to answer off-the-cuff and would like to consider that more and provide the answer to us later that I think would be acceptable to the committee. We don't want to put you in a position of -

Mr JOHNSON - No, it is fine. It is a difficult question to answer because in my mind there are a couple of parts to the question that to me don't mesh, they are not causal or contributing because implicitly the tenure of your statements and questions is to me - and I am sorry if I am wrong, I am not trying to verbal you in any way - but it seems that implicit in that is a belief that there is misuse of short-notice sick leave and all I can say is that in my time I have not been presented with evidence from the Department of Justice that says here is a pattern of behaviour from this person or this group of people that suggests that. It has not happened and it is incumbent on an employee and, having been at executive level within the police service you would understand the responsibilities there to manage a work force, and under the State Service Act an agency like the Department of Justice has not only an ability to discipline people for misuse or to investigate allegations of misuse of anything against the code of conduct; they have an obligation to so if there is genuine, reasonable belief on the part of the department which doesn't come through in these submissions to you - on this ground anyway, I don't know about the other ones - then they are obliged to investigate, they are obliged to find the evidence and then they should deal with the people involved probably involving us as

between the two unions we have 100 per cent membership. If there was a problem and not just a belief or in some quarters - and I am not saying this is here - there is a simplistic scapegoating of officers and their culture in order to say that it is their fault -

Mr MULDER - I think, Mat - to interrupt - you are verballing me now. I came at it from the context of the prison service being out of kilter with the rest of the country. I came out of the context of - and that was the 12 per cent factor - the fact that there are all the other issues that are involved, which we have dealt with in some time, but we haven't come to the nitty-gritty of this and also in the context of the KPMG assessment of that particular issue, which you say was an attempt to railroad the prison officers and took note of that but also that the Legislative Council committee and a number of reports in between have continually alluded to this fact that there is a cultural issue underneath this which accounts for this short notice. The other stuff can be accounted for. But what I am asking you is not that we are going to go on a witch-hunt to find an individual officer concerned because that would be a different process altogether. I am just trying to get an acceptance that as we embark upon this process together, as the community and its prison service, that there needs to be some recognition that we are not all pure as the driven snow and that we need to take a stock of our own attitudes and behaviours, and that is what I was trying to get at and thank you.

Mr JOHNSON - No problem. If there is some probable cause to make people believe that there is a genuine problem that can be quantified then we will have to deal with it. It is incumbent on us and individual officers as well, who have to be responsible for their own conduct. If there is misconduct of any type going on then surely it would have been or could have been alleged and then evidence backed prior to now.

CHAIR - Mat, at this stage we've gone beyond the hour. Are you content to stay on at this stage?

Mr JOHNSON - Sure.

CHAIR - Because there are a number of questions, obviously -

Mr JOHNSON - Yes, that's fine.

CHAIR - I don't want to put you in a position because it was originally an hour set so if you are comfortable -

Mr JOHNSON - I'm comfortable.

CHAIR - and happy to continue on at this time. Tony, do you have another line?

Mr MULDER - Yes, in fact -

CHAIR - Maybe then, you mentioned compensation and I know Kerry had an issue on compensation. Are you going to expand on that more?

Mr MULDER - Just go, I'll come back. My next issue isn't actually related to this.

CHAIR - Okay, Kerry, to you on the compensation issue.

Mr MULDER - But I would like to reserve the right to come back on something else.

CHAIR - Sure.

Mr FINCH - The second biggest slice of the pie in respect of overtime is workers compensation and that's 24 per cent of the pie.

Mr JOHNSON - Yes.

Mr FINCH - What I want to have an understanding of is: does that look any different to any other sections of the public service? Is this like whether we can do it in an overtime sense? I'm not sure. What I want to get at is, I want to drill down into workers compensation and how effective or ineffective it might be generally but also how it applies to your prison staff and the process that they go through to, as you say, get them back to work as efficaciously as the system possibly can. Can we talk a bit about workers compensation?

Mr JOHNSON - Certainly, I'd be happy to speak on workers comp in the prison context. Effectively, as I submitted before, the instances of compensable injuries, the rates of compensable injury that result in absences of greater than five days in the prison service would be higher than compared with other government departments or output units in the government departments. I can't give you figures on that - I haven't prepared in any way for that but I would stake a fair bit on the fact that we compared very unfavourably in the proportion of absenteeism, and also the injury rates would be almost incomparable with other areas. Part of the problem with workers compensation in the prison environment is the facility to return people to work in non-operational posts. A lot of the time, if you are held hostage or seriously assaulted by an inmate or a group of inmates which, as we've seen happens on a regular [basis] - this is another one of the differences between this facility and many of the comparable ones: the 13 times the serious assault rate to national averages. So if we're talking about deviations around the norm, 12 per cent I think, 13 times probably compares a fair bit with that as well. We're looking at generally people who have been physically damaged by another human being who is in a class of people that they're going to work with. I don't mean class in a pejorative sense, I mean a group of people. So you have ongoing contact there.

One of the restricting factors in returning correctional officers who have been injured by way of assault or hostage-taking and so on is the psychological difficulties in returning to, if not the same workplace, a very similar unit. I am sure you can all imagine, after having suffered serious assault or whatever, having to step back into a prison unit, a maximum security unit for instance, again, how that first day would feel to that person. The lack of non-contact posts is a problem - non-inmate contact posts and things like that - so there are some restrictions in terms of returning people but I think there are things that can be done better in putting them into or creating additional [positions] - not creating them on a long-term basis but allowing for over-establishment allocation of work in administrative or support areas so that you don't have to go straight back to contact posts but you are going back to work and your brain is going back into a prison environment although you don't have direct inmate contact. That's just only one example. There are heaps of iterations of compensable injury. I've seen people that I've worked with very closely over the years suffer very significant physical and

psychological injuries that have ended their careers, so in the end they cannot return to work, but in at least some of those instances there was an opportunity for better, more focussed work to be done by the department to give these people a chance of having an ongoing career.

As you are no doubt aware the workers compensation legislation provides payments although there are step-downs, unfortunately, for a very long period of time. That comes out of the government's self-insurance policies and in turn is reflected in the premiums that agencies like Justice pay. They are all spiking through the roof and WorkCover will report on that again later in the year, I assume, but there are some big problems with this.

Mr FINCH - As I say, I wanted to highlight that this 24 per cent figure of the overtime area is through the workers compensation which, as you highlighted, is something that is above the norm if we make comparisons to other states. For me it is another reason why this 20 FTE extra staffing allocation you are looking to should be strongly considered because if you have got this situation occurring year in, year out, you know it is an ongoing problem that needs support.

Mr JOHNSON - To me, the workers compensation problem is a very serious subset of that OT problem. I am hopeful that the initiatives that were commenced in the wake of the Palmer inquiry by Mr Leeson from Workplace Standards and the support that is received from the substantive deputy secretary of the Department of Justice, Mr Williams, and down into the directorate, that there will be improvements in the rates of compensable injury in the TPS. I am sincerely hopeful.

We have a lot of our members working very hard to try and bring that rate down. They are not interested in the financial cost to government. They are interested in the wellbeing of themselves and their colleagues and that imperative is driving them to make improvements. That imperative is also probably present in the thinking of the director and the department. They have also the financial imperative. I think everyone is taking it seriously. I think it will come down. I sincerely hope it comes down and that may have an impact on the actual number of additional establishment staff that you require.

Again I preface it by saying that the guesstimation of 20 is only based on the current operating models and rostering structures and so on. It may not have to be that, but then again it may, subject to review, need to be a few more. I do not know.

One of the key resourcing deficiencies that we have not touched on today is lack of some of the physical infrastructure to make inmates' lives a little better within their incarceration. There are also support roles in terms of therapeutic program delivery, alcohol and drug services and so on that are thoroughly deficient, despite the best efforts of the very few people who deliver those things in there. While it might seem, to use some people's words, 'a little care beary and light and fluffy to make people's lives easier' it is not just about that. It is about some genuine, encouraging re-engagement from people who are detained in custody or are inmates who have been sentenced with their current situation, with their current environment, and some responsibility for that. That leads to better safety outcomes for correctional officers. There is a whole heap of things.

CHAIR - On this point of workers compensation and the prison's TFS not really having the ability to bring them back into non-custodial roles, into the other areas, is there an

opportunity for them to move into other government departments? The Police department did that. I do not know if they still do it. Tony would be more aware of that than I would but the Police department did do it at one stage on workers compensation - bringing them back into another department for a period, which brought them back into the workforce much quicker. Is that an opportunity you offer to people?

Mr JOHNSON - It is occasionally a practice; I have seen it done. Generally there is still a mentality that agencies operate as silos, especially in the current budget environment where you are talking about surplus people being shifted onto a redeployment list and so on. No-one wants to take on additional resourcing at the moment, even though they are not paying for it, despite the fact the service delivery is faltering in numerous areas. Yes, I have seen it happen. Is it something that happens enough? No, it is not. There are limitations on non-contact posts within the prison environment. I think they should be placed in a non-contact post anyway but where those cannot be facilitated they certainly should be placed. It is a single employer. The minister administering the State Service Act is a single employer. There are artificial barriers in so many areas between department that do not suit outcomes for the Tasmanian community, and it is a problem with public policy and administration.

Mr MULDER - You raised the question of the Public Service Act and those things. What is the industrial regime under which custodial officers work?

Mr JOHNSON - The same as any other public sector employee. They are employed by virtue of the State Service Act 2000, subject for industrial relations law to the Industrial Relations Act 1984. There are attendant directions and so on arising from both those instruments.

Mr MULDER - So is there a custodial officers award?

Mr JOHNSON - Yes. Arising from the Industrial Relations Act 1984 there is a correctional officers award. There is a correctional officers agreement. We have just today prior to me stepping out of the office received a formal offer to finalise that, hopefully subject to a vote of members, for the next 18 months.

Mr MULDER - How similar is that to the other public sector awards?

Mr JOHNSON - It is identical in nearly every way, except a few occupation-specific allowances, like dog-handlers allowance and things like that.

Mr MULDER - Thank you for that because that gets me to the real question. Given that police have a separate award because they have separate jobs to do, given that nurses have a separate award because they have a separate job to do, given the fire service has a separate award because they have got separate work to do, why since prison officers are so far removed in their workplace from the run-of-the-mill public service within health or police or anywhere else like that, do they not have their own award with special terms and conditions that match their workplace?

Mr JOHNSON - They do. I didn't realise that was where you were going with the question. There are very clear and quantifiable differences between say the Tasmanian State Service award, which still does apply in some part to correctional officers, and the

correctional officers award. Generally the very core conditions of employment for correctional officers come out of the standard State Service award. In addition and on top of that, recognising the difference in their work environment and their difference in work practice, as well being 24/7, 365-day shift work ranging from 8, 10s and 12s, there is loading for shift work in there that you can bundle up so you can do that. At one stage there was a prepaid overtime scheme countenanced. A lot of things are tried and are tailored to the industrial relations environment of the prison service. I would not want like you to come away thinking they are treated the same as everyone else because they are not.

Mr MULDER - Can we cut to the chase then and talk about the sick leave arrangements that exist within the award. We previously heard evidence that virtually mirrors the public service, yet quite clearly here is a workplace that needs a different set of requirements. I specifically come back to the fact that generally in the public service if you take a day off you can catch up tomorrow on what you missed out. Where you have got the minimum staffing level requirements I think there is a whole regime that needs to be built around that. Maybe there is more sick leave but there is a less capacity to take, for example, carers leave, which is totally outside the control of anyone but puts your colleagues at great risk.

Mr JOHNSON - I cannot concur with just about any of the premises of the question and statement you have made. If you are talking about restricting the ability of a worker to take time to which they are entitled to care for a sick family member under the same rules as everyone else, I think that would be a retrograde step.

Mr MULDER - I will just draw some comparisons on that very point. There are other agencies, and I have mentioned a few of them, where there isn't that carers capacity for people engaging in operational duties.

Mr JOHNSON - That's in contravention of the national employment standards that are Commonwealth law now so I doubt that would stand up anymore, with all due respect.

Mr FINCH - With the change management and Mr Edwards, do you have an opportunity to discuss this workers compensation issue and the overtime issue? Will you be going through that with Mr Edwards?

Mr JOHNSON - Yes, absolutely we will. We have very open access to Mr Edwards, as we do with people across and up the chain from there as well. There is no shortage of opportunity for the likes of myself as assistant secretary of the CPSU to converse on a daily basis or multiple times a day with Mr Williams, who is now the acting secretary of the Department of Justice, with the Director of Prisons, with the Assistant Director of Prisons, with the general manager or with Mr Edwards. There is a very open flow of communication there. Although there is a very large scope of things that he needs to deal with and we need to assist him in quickly understanding, workers compensation is on the radar. You might gather from the tenor of some of the things that I am saying today that it is an issue that is particularly important to me. I think the Government is performing particularly badly, especially in comparison to even mainland jurisdictions. The numbers are terrible. We are tracking so far in the opposite direction to the targets established nationally and also the trends across other sectors. They are dropping the ball on it big

time and it is affecting people's lives, so it is important to me, to our members and to their families and hence I think it would be important to Mr Edwards.

Mrs TAYLOR - If I can just go back to the workers comp and the 24 per cent. I am not sure what sort of a percentage it is but I know that it is usually skewed in a workplace such that a number of those people of workers comp will be long term. When you say 24 per cent, only a percentage of that is short term and then a lot of that will be a few people on long term.

Mr JOHNSON - The 24 per cent is the contribution to the absences. The rate of compensable injury generally hovers somewhere between 10 and 15 per cent but sometimes pushes above 15 per cent. That is out of their cohort of workers.

Mrs TAYLOR - But the same principle applies?

Mr JOHNSON - Yes.

Mrs TAYLOR - I am not quite sure I understand educating and about why that affects overtime. I guess if someone is on long-term workers comp, why do they have to be backfilled by overtime?

Mr JOHNSON- You have 100 posts you need to cover and you have 100 staff to do it, theoretically - that is not the case but let us say it is - you then have 15 per cent of them off on workers comp, even if they are long term. However, you have problems recruiting them or you don't have sufficient additional resources to immediately deploy into those posts, so you are short 15 places. You then as director of prisons or so on make a decision to shut down units, to redeploy your people, to maximise your opening times and so on, to adhere to your statutory requirements under the Corrections Act, and you move from there. It is just mathematics and bodies.

Mrs TAYLOR - That just goes back to not having enough people.

Mr JOHNSON - That is correct. You have the 50 people who were rostered off in addition to that 100 and then you call each and every one of them until you get 15 even to agree to come in and do yet another overtime shift. The overtime levels are totally unsustainable. This isn't just a problem for government and the department in terms of funding; these are problems for our people. They feel that they have to turn up to work to look after their mates to do their job. A lot of them are doing unsustainable levels of overtime, and it is not through logic and good sense. They have a moral imperative to do their best to make sure that place opens and that their friends are safe. I am not trying to be emotive but that is the way they see it.

Mrs TAYLOR - No, I understanding that. It just seems to me illogical that if you know you have someone who is on a long-term workers comp that you would not be backfilling that position with a body rather than having to fill it with overtime. You can't do anything about it if somebody gets sick or has a short-term kind of thing, but the long-term stuff is just a shortage of bodies.

Mr JOHNSON - It is, but it's not that anyone is advocating doubling the staffing so that if you have a flu pandemic you can replace the whole lot of them. It's simply that there

needs to be sufficient establishment resource to cover off on a quantum of known absences that you know you're going to have in this environment.

CHAIR - The police have a number of casuals on their list now. They have a number of part-time police on their list now that they can call on in these cases without it necessarily going into overtime. Does the Tasmanian Prison Service have that position? If they don't, would you support it? Does the union support the position and has it been discussed?

Mr JOHNSON - It has been discussed at various stages. The State Service Act gives capacity to employ on a fixed-term basis, on a part-time basis and on a casual basis. It's a vexed issue amongst our members. It seems, on the outside, to make some sense to have a pool of trained people that you can call on at short notice and pay them the casual rate and get them in there. The concern from our members consistently, and this is a fairly widely held concern as well, is that they can't even provide the statutory required training that is required for their current workforce, let alone keep a part-time or casual workforce up to scratch. So our members consider that, while they might be able to get a body in a uniform in a post, they need to have sufficient faith that that person is up to scratch, switched on and appropriately trained to deal with what they're going to deal with. There's some doubt that someone can do that on a part-time basis. One of the things, in terms of part-time work, that could be considered comes in the form of return to work after maternity leave or return to work after workers comp. Those would more likely be positively received. In terms of bringing in part-time officers who have never been a full-time officer and have not been in the system, so to speak, I think there would be some problems with it.

Mr GAFFNEY - What you've just said, Mat, also helps me understand the 12 per cent short term, that there's more pressure on the staff. They might wake up thinking they just can't face it today because they've had overtime or whatever.

My question is about the selection process and professional development within the organisation; whether you feel there is enough support there and that they're actually selecting the right people to become a prison officer. Is there enough professional development to ensure that they do have a career path or they are supported with the changing inmates or changing responsibilities? Are they looking at that issue?

Mr JOHNSON - Yes, they are. That's a very worthwhile question. The selection processes are robust; they're fairly sound; they weed out a lot of people that perhaps wouldn't be suited. Are there improvements that could be made? Yeah, there probably are. It's not about relaxing; I think it's about refocusing.

I don't think selection is the problem. Something that is a problem is professional development and training. It has been seriously under-resourced for some time. I alluded to a lack of adherence to minimum standards. We get spikes where people will be BA trained and first-aid trained, which is a requirement, and then it will drop off across time. There are times when the cohort of workers within the TPS does not meet the statutory minimum in terms of those three critical areas. So, is that type of training adequate? No, that's not being done well. Given the staffing pressures that we're talking about here today, taking them offline to do that training is problematic. You get this cycle again where your training is diminished and you can't do an awful lot about it

without locking down facilities, and the minister has put out a dictum saying you will not be locking down anyone ever again under any circumstances. Basically that is what has been instructed through and it makes it difficult to train people. It makes it difficult to do that stuff when you are short-staffed and you are working under a stricture like that.

In terms of professional development and achieving and attaining prerequisite qualifications for moving up through the ranks, that is a serious difficulty. There are problems with that in a major way and that is one of the causal factors for the lack of substantively filling the correctional supervisor positions. There are only a handful of people with the requisite qualifications because they cannot do them because they are working all the time and then they are working overtime shifts and they are not facilitated to go off-line in any way. Most employers who are forward-looking will facilitate attainment and things like that. You cannot afford to do it because you have got to backfill people on courses with OT and then you have an OT problem.

Mr GAFFNEY - The current group, when they were represented here just recently, were hoping that they could address some of those issues. Do you think they are genuinely trying to come to a better solution within the parameters you have spoken about?

Mr JOHNSON - I do. I do think there is a genuine attempt to fix some of the problems. There is no-one who has been around the service for any more than a couple of years who is not aware of a lot of the stuff we have talked about today and the things that Mr Williams and company talked about last time they were in front of you.

There is a shared understanding of the issues now which was not there before, but it is there now and I think this is one of the things that is being considered. There was talk in this bargaining round, albeit a sham bargaining round because the Government was not negotiating, around the essential qualifications for attaining rank inside this industrial instrument, inside the correctional officers agreement. And, again, there are differing opinions on whether you water down or you move up to standard because some of the essential qualifications for being a correctional supervisor are, in my opinion, not relevant to the role of correctional supervisors. They are about administrative management in a civilian role. So we need to tailor essential qualifications to be useful. There is some talk currently, and the talk is involving us and senior departmental people, Mr Edwards again and the directorate, around shifting to an in-house tailored package that is appropriate for correctional supervisors to deploy on a daily basis, not something that helps them sign a form somewhere down the line. That is not diminishing the importance of those qualifications in public sector stuff in a general sense; it is just not wholly appropriate for these people.

Mr GAFFNEY - One last question: do you believe that if you were to come back here in six months and we asked you some of these same questions, do you believe that there is a chance that some of these things may be addressed and there will be an improvement because you believe there is a genuine attempt of the current group to improve the system?

Mr JOHNSON - Yes. But will there still be statistical indicators that open up for some serious questions? Absolutely, there will be. Some of that stuff, such as shifting your absence profile and diminishing your workers comp durations for those people who are on a compensable injury, those things take time to shift. If I was an industrial

professional that could come up with the bees' knees approach to minimising [?] so that no worker got hurt at work I would be pretty happy with myself and so would a lot of other people. These things do take time but there is a genuine engagement with the issues, a shared understanding of the issues now and, while it is easy to look back 30 years and say it has not changed yet, I can only work with the people that I need to work with today and they are showing a genuine willingness. I will take them on face value and we will continue to work with them until such time as they breach that trust and their actions do not meet their rhetoric, as Ms Taylor was talking about before.

Mr GAFFNEY - Thank you.

CHAIR - We have gone well and truly over time, Mat, but what I would like to do is, there are two more questions from Tony and a couple from Kerry. If you are able to do that and then - I might as well make a statement now that there are a lot of others issues I think we would like to raise. The committee will make a decision on that shortly and it may well be that we might write to you or we might invite your back, if you wouldn't mind. But at this stage, you are going with us further with a couple questions, so if we could keep this as short as possible for you, and for us, it would be good.

Mr JOHNSON - No problem.

Mr MULDER - I have picked up on something and I will give you the opportunity to expand on it a little bit: did I hear you say that the minister issued some sort of edict which banned lockdowns under any circumstances?

Mr JOHNSON - I have never seen a document to that effect by any stretch. The opinion that has come through in the post-February last year period has been that lockdowns are not going to be occurring. There are inevitable lockdowns and that is something that the minister has to come to terms with. When you do not have sufficient staff to open a facility, you can't open that facility despite pressure coming down on us to make that happen.

Mr MULDER - I was aware of that, I just thought you were quite firm in your statement.

Mr JOHNSON - Look, that's the impression that our members and people who are closer in the command structure than the minister also have.

Mr MULDER - It was an assignment, you've had your chance to qualify and done that.

Mr JOHNSON - Yes, thank you, I appreciated the chance.

Mr MULDER - The comparison, as you say, with the environment at Hayes Prison Farm - do you want to make some comment on that, which might lead to whether or not we need more Hayes facilities or not? Are there lessons to be learned out of the environment there that we should apply?

Mr JOHNSON - Yes, clearly there is. I think it is very regrettable that the Hayes facility was allowed to degrade to the point that it was unsustainable and had to be sold. I think it's part of modern corrections that you offer -

Mr MULDER - Put some more people in the wrong facility.

Mr JOHNSON - Yes, exactly. Now you're shifting people out of an open minimum-security environment where they are learning skills and contributing, and are in a process to reintegration and you're putting it back into a traditional prison, even though it is minimum security.

At the moment there are no other options for that type of reintegration-into-the-community type of setting for these people and it is very regrettable.

CHAIR - Whilst not in our terms of reference, I guess there is overtime being worked in that.

Mr JOHNSON - I would venture a guess that it may not be to the degree that it is in certain other facilities, including - if we're talking out-stations - there are contributors to the overtime and the supplementary funding that you are being asked to approve on a consistent basis. Coming out of the Launceston Reception Prison and the Hobart Reception Prison as well, the Launceston Reception Prison, for instance, has a system problem and a rostering problem where you have two day-workers assigned on a consistent basis to doing transfers of inmates and they work around 300 hours of known overtime a year because they're the only ones - you get a call half an hour in - they're not paid the blanket shift loading so they pay OT as soon as they go past their dayshift.

It is a simple fix. Yes, it costs an extra \$30 000 a year to pay these people the loading but you can put them onto 12-hour shifts and then spread it through the roster and you don't have your OT problem equating to 300 hours a year. There are those problems and we are going to try to deal with that one. But this is where there are contributing factors that need to be isolated and then dealt with, and that is one of them.

Mr MULDER - On conditions, how does the pay of a Tasmanian correctional officer compare to, say, mainland counterparts? We're doing all these comparisons with everyone else, are they under-paid?

Mr JOHNSON - They are somewhere in the middle. Back in 2005, I and some others negotiated a correctional officer's agreement that had a nexus mechanism in it which is basically an external wage-fixing thing which averages out the comparable points in other jurisdictions. For example, for the next three years the wages were increased by the average increase elsewhere.

What that did is put us in the middle of the market. It made it a fairer outcome. Before that, they were very poorly paid. Now they are not. No-one could say that Tasmanian correctional officers are poorly paid. You could say they are somewhere in the middle.

Mr MULDER - Okay, and with your negotiations, is there some capacity to try some of the more standard conditions that apply in recognition of the 24/7 special environment in which correctional officers do their job?

Mr JOHNSON - They get a 28 per cent loading on their base rate for being 24/7-365 shift workers. They get an additional week's leave a year. It is a fairly standard package across the corrections industry in terms of recognising that nature of work. The thing

that is more important to our members is the health and safety stuff at this stage. At the moment they have just been offered the standard Premier/Treasurer package.

Mr MULDER - I am with that but if you want your workers to feel valued, there is no better way to do it than pay them properly.

Mr JOHNSON - Yes, except making them safe, in this case. I normally would agree with you completely on that front but no, if they could have more faith that they would come home and if their partners could have more faith that they would come home in one piece without a black eye and not be admitted to hospital sometime in their career they would be feeling happy.

Mr MULDER - I am sure there are many constables who would like to go for that as well but that is an ideal world and I think the reality is you are not going to get there.

Mr JOHNSON - No, you cannot, but you cannot make up for that risk in cash, to be honest.

Mr FINCH - A hypothetical for you: you get your 20 extra officers and then you draw a line under overtime and you put a stop to it straight away. Could it work?

Mr JOHNSON - If you said there is no overtime to be worked in a certain case?

Mr FINCH - No overtime. Would you sooner stay in the public service?

Mr JOHNSON - No. You would last a day, possibly last a week. You will have OT in the prison service in some form or another. I cannot see a time when that is not going to be the case. If there was no overtime to be worked, you would not be able to meet your manning minimums in some areas every day.

We went through a patch maybe a couple of months back where things were particularly bad in terms of workers' compensation - that was one of the bad patches - and they were 15 short on their disposition sheet a day, in RPC alone, so once you cover and instate an extra 20 people, yes it would make a big difference for sure but you will have some problems periodically and that will require facilities to be locked down and things like that, or OT.

I guess, in essence, if the question is: will 20 people fix the problem? No, but it will mitigate the negative impacts of these things we have talked about today.

CHAIR - You mentioned smoking a number of times. Are you inferring that smoking is creating issues for your staff, for the correctional officers working there and that they have issues with that and that may be causing some of the sickness, some of the issues that are being created?

Mr JOHNSON - Certainly that is a belief of some of our members and I think the medical evidence would suggest that a passive smoking environment is not conducive to good health.

CHAIR - Mick Palmer makes a big issue of the relationship between management and other staff. When you read his report, he says it is the creation and the cause of a lot of the

issues that we currently have within the prisons and I think he is inferring from that report that that is also a cause of overtime and sick-leave and a number of other issues. Do you support that there is a relationship issue there and, if there is, is something being done about that for it to be corrected?

Mr JOHNSON - Yes, the answers are yes and yes. There has been, and there is, a relationship issue with the Government, or the minister, after last February. The Government, the department, the directorate and their staff, yes there is. That is despite the best efforts of certain individuals within that structure, despite the best efforts of both unions to build better working relationships.

Again, I have cause for optimism on this front. The people who want to shift in terms of culture and relationship on the other side of things now have critical mass. They have the sway to get that job done and I think that is a positive thing.

Does it contribute to overtime and sick-leave? Look, I do not think it does except insofar as the relationship it means that things are not listened to, that appropriate remedial actions in terms of health and safety and addressing the concerns of workers are not addressed because they have not been heard.

CHAIR - Mat, thank you very much for that. We have gone well and truly over. We thank you for your having accommodated us in the way that you have. There may be some further questions.

I certainly have some, and other members might, but we will address that now, as I said before, and we may offer you the position to come back here to answer our questions, if you do not mind. I do thank you very much for the way in which you have answered the questions and in which you have gone through your evidence.

Mr JOHNSON - They are important issues and I think the more the general public can understand the complexity of the situation the better and if you guys hear that too that is great for us.

CHAIR - It is and we are here to try to improve the situation for everybody. That is what we are here for and that is what we are hoping we will get from the committee and the recommendations that will come from it in due course. Thank you very much, Mat.

THE WITNESS WITHDREW.