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# **Parliament of Tasmania**

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## **LEGISLATIVE COUNCIL**

### **GOVERNMENT ADMINISTRATION COMMITTEE “B”**

# **INTERIM REPORT**

**ON**

***The Overtime Costs of the Tasmanian Prison Service***

#### **Members of the Committee Inquiry**

***Mr Ivan Dean MLC (Inquiry Chair)***

***Mr Kerry Finch MLC***

***Mr Mike Gaffney MLC***

***Mr Tony Mulder MLC***

***Ms Tania Rattray MLC (Committee Chair)***

***Mrs Adriana Taylor MLC***

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## Chairman's Foreword

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This Report into Prison Overtime by the Legislative Council's Government Administration Committee B was originally intended to be the final report of the inquiry into this matter. However, a significant event in recent weeks prompted the Committee to review its intention to conclude the inquiry at this time.

This significant event was the sudden and unexpected departure of the newly-appointed Director of Prisons, Mr Barry Greenberry, in circumstances that have not yet been fully explained. Mr Greenberry's appointment as Director of Prisons was described as an important aspect of the State Government's plans for the prison service. During Estimates Committee hearings in May 2012, the Minister for Corrective Services, the Hon. Nick McKim MP, told the Committee that:

*'Mr Williams has just reminded me that in the context of prison management we cannot discuss that without me reminding the committee that we have a new director, Mr Barry Greenberry, who starts within a month, on 12 June. As Mr Edwards has advised the committee, the development of things like KPIs to address some of the issues we have discussed this morning will be done in collaboration with Mr Greenberry. I indicate to the committee that Mr Greenberry is already receiving briefings from Mr Edwards, senior management of the prison, and from Mr Williams so that he can hit the ground running when he arrives.'*<sup>1</sup>

The Minister expressed a high level of confidence in Mr Greenberry and was full of praise for his background in prison management in the United Kingdom.

*'Mr Greenberry has decades of experience at senior levels at Her Majesty's Prison Service for England and Wales including the establishment of Her Majesty's Prison Isle of Wight which housed around 1,700 prisoners and had a staffing complement of 900. That was, I understand, a conglomeration of previously separate prisons into one administrative unit with significant budget savings, I might add, as a result. Most recently, he has been operations manager for G4S in the United Kingdom, a private provider of corrective services, and he had management responsibility in his most recent role for five prisons and two detention centres and 29 years' experience in corrections. Both Mr Edwards and Mr Greenberry were selected following exhaustive application search processes and interviews. I have an extremely high level of confidence in both Mr Edwards and Mr Greenberry.'*<sup>2</sup>

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<sup>1</sup> N. McKim, *Transcript of Evidence*, Legislative Council Estimates Committee B, 28 May 2012, p. 13.

<sup>2</sup> *Ibid.*, p. 14.

He went on to explain that Mr Greenberry would be an important member of the team that had been tasked to implement the change program which had already started within the prison service.

*'The corrections reform program will be led by the Director of Corrective Services. It will involve the Director of Prisons, the Director of Community Corrections, and also Mr Edwards, the Director of Change Management. Those people form a committee which will provide oversight of, and guidance to, corrective services to progress the recommendations arising, not only from Breaking the Cycle but also from a number of the reports that we have had done ... in recent years.'*<sup>3</sup>

Later in 2012 the Minister's confidence in Mr Greenberry - and also in Mr Brian Edwards, the Director of Change Management for the Prison Service – was reiterated by the Deputy Secretary of the Department of Justice, Mr Robert Williams. Mr Williams told the Committee that:

*'We have two very senior and experienced people from the UK to give us the advice that we couldn't source from within Tasmania. In fact we couldn't get the level of expertise anywhere in Australia. .... We did an international search to find Brian and Barry to bring the experience they have from the British system. They have both been involved in the major cultural reform that took place in the British prison systems, which took a number of years and radically changed sick leave, absence, attendance, injury and workplace. .... We have brought in international expertise from a prison system that is much larger than ours where they have done much more. I have huge faith in what Brian and Barry bring to the table. Both have been recognised as leaders in their industry in England ...'*<sup>4</sup>

As discussed later in this Interim Report, Mr Greenberry also gave valuable and informative evidence to the Committee at this hearing. For example, Mr Greenberry told the Committee in October 2012 that:

*'At the beginning of the financial year with you we were looking at an average of eight people off per day - this is correctional staff, uniform staff - and that has now fallen to approximately 7.5. .... Annualised across the whole year that is 13 days off for every member of staff. So far that is trending downwards to nearer 10, and that's where we are at the minute.'*<sup>5</sup>

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<sup>3</sup> Ibid., pp. 46-47.

<sup>4</sup> R. Williams, *Transcript of Evidence*, 29 October 2012, pp. 5,8 & 12.

<sup>5</sup> B. Greenberry, *Transcript of Evidence*, 29 October 2012, p. 2.

This comment reflects other evidence set out in this Interim Report indicating that overtime costs were on the way down late last year and that the change process led by Mr Greenberry was having some success.

It is of concern to the Committee that, a few months later, Mr Greenberry is no longer Director of Prisons. That such a key figure in dealing with the significant overtime costs at Risdon Prison has resigned his position calls into question the prospects of possible success in the efforts to deal with the overtime issue. It also raises the question as to whether the downward trend Mr Greenberry indicated is continuing.

At the very least, the Committee felt it is prudent to await the outcome of the Budget Estimates Committee process so that the current financial position of the prison service, especially in relation to overtime costs, could be determined before presenting a final report. It is also important that any information gathered in the Budget Estimates process be evaluated in the context of the evidence gathered so far by this Committee. This can best be achieved by the presentation of this Interim Report.

In addition, the Committee is of the view that the Budget Estimates process may reveal information that warrants further public hearings of evidence into the prison service overtime costs and the efforts to reduce them. It is important for the Committee to understand the implications of Mr Greenberry's departure and to receive information regarding any potential impacts that this might have in relation to the process to reduce overtime costs.

This Interim Report sets out the key evidence received so far by the Committee, particularly during its public hearings in 2012. The Report should be read in conjunction with the full Hansard transcripts of those hearings. No Findings or Recommendations have been made in this Interim Report.

**Tania Rattray MLC**  
**Committee Chair**  
**22 May 2013**

**Ivan Dean MLC**  
**Inquiry Chair**  
**22 May 2013**

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## Introduction

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At the meeting of the Legislative Council Government Administration Committee “B” on Thursday, 29 March 2012, it was resolved that an inquiry be established with the following Terms of Reference:

- To inquire into and report upon the overtime costs of the Tasmanian Prison Service

Public hearings were held in Hobart on 16 April, 8 May, 10 July, 16 October and 29 October 2012. A total of nine witnesses gave verbal evidence to the Committee at these hearings.

The Hansard transcripts of these hearings, which form part of this report, are publicly available online on the Committee’s inquiry webpage at: [http://www.parliament.tas.gov.au/ctee/Council/GovAdminB\\_Prison.htm](http://www.parliament.tas.gov.au/ctee/Council/GovAdminB_Prison.htm)

These transcripts should be read in conjunction with this report, which contains only key sections of the valuable verbal evidence received by the Committee.

The Committee has met on thirteen occasions in relation to this inquiry, including a meeting, tour of inspection and hearing of evidence at Risdon Prison Complex on 29 October 2012. Following consultation with the Committee, the Inquiry Chair also met with Corrective Services personnel in New South Wales during a private trip to Sydney. As a result of this meeting, the New South Wales officials agreed to give verbal evidence to the Committee, which they did on 16 October 2012.

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## Background

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The spiralling cost of overtime at Risdon Prison has been a concern over decades with two parliamentary reports in the 1980s providing damning assessments of the problem.

In 1983 the Parliamentary Standing Committee on Public Accounts, comprising Members of both Houses of the Tasmanian Parliament, initiated an inquiry into prison officers' absenteeism following comments about prison overtime made in late 1981 by the Auditor-General.

The Committee reported that *'it quickly became quite apparent that there is wholesale abuse of the sick leave regulations by many Prison Officers at Risdon.'* It quoted a former Controller of Prisons as saying: *'There is – to use a colloquialism – a great deal of bludging going on amongst the uniformed staff and I regret I must say that.'*<sup>6</sup>

The Committee recommended that the Public Service Board examine the issue urgently, noting that:

*'A new approach is essential if there is to be any real improvement. In the opinion of the Committee the problem has been that what works for public service employment generally is less appropriate for the prison service.'*<sup>7</sup>

Four years later the Public Accounts Committee again examined the issue of prison officers' absenteeism, commenting in its report that it was *'concerned to learn from the Auditor-General's 1985 Report that this apparently chronic condition in the prison service had not improved.'*<sup>8</sup>

The Committee Report went on to state that:

*'The Auditor-General said it appeared that the incidence of sick leave by some Prison Officers had increased because of failure and/or inability on the part of the appropriate authorities to take positive and corrective action to overcome the abuse of the sick leave regulations, and to resolve problems arising with certain officers by disciplinary action.'*<sup>9</sup>

However, the Committee also expressed optimism about future management of the issue following the introduction of a new system for administering sick leave at the prison.

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<sup>6</sup> Parliamentary Standing Committee of Public Accounts, *Report on Prison Officers Absenteeism* (No. 46), 1983, p. 3.

<sup>7</sup> *Ibid.*, p. 4.

<sup>8</sup> Parliamentary Standing Committee on Public Accounts, *Report on Prison Officers Absenteeism* (No. 16), 1983, p. 3.

<sup>9</sup> *Ibid.*

*'In returning to this issue the Committee was quite conscious of the real problem of sick leave abuse, namely that to provide adequately for genuine cases of illness carries the attendant risk of the unscrupulous few taking advantage of this entitlement. It was obvious that if any headway was ever to be made in dealing with the problem existing in the prison service of this State, it would require an innovative and radical approach. The Committee is pleased to report that just such an approach is evident. A new system of administering sick leave came into effect in August 1986.'*<sup>10</sup>

Whether the new system was effective or not, it is certainly the case that the spotlight has once again fallen on the problem of overtime costs at the prison. In recent years Members of the Legislative Council have repeatedly expressed their concerns about the issue and the seeming inability of the Tasmanian Prison Service to manage these costs within its annual budget, despite repeated commitments by various Ministers and the Prison Service itself, that steps have or would be taken to fix the problem.

For example, the problem has been raised many times during Legislative Council Estimates Committee hearings, with the financial extent of the issue outlined in detail in 2009. At an Estimates Committee hearing at that time, the Deputy Secretary of the Department of Corrections and Workplace Relations, Mr Robert Williams, told the Committee:

*'I can go through the budget allocation of the last three full financial years and then what we actually spent on overtime: In 2005-06 we budgeted \$1.2 million and we spent \$2.2 million on overtime in that year, which was an overspend of just over \$1 million; in 2006-07 the budgeted amount went up by about \$900,000 and was \$2.1 million, and the amount spent on overtime was \$3.3 million; and in 2007-08 the amount budgeted was \$2.2 million and \$3.8 million was spent, which is an overrun of \$1.5 million. Those figures are internal budget allocations, internal to the Prison Service, as opposed to allocations from Government. They are internal measures.'*<sup>11</sup>

The Minister for Corrections and Consumer Protection, the Hon. Lisa Singh MP, told the Committee that:

*'You can see, looking at my budget situation and looking at the amount of overtime that has been spent in the current financial year, that a lot of our budget is going into overtime. One of the options that I canvassed with the unions was the annualisation of correctional officers' salaries. Annualisation of correctional officers' salaries has been used in other States. I understand that it works effectively in Western Australia. It is where there is*

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<sup>10</sup> Ibid., p. 4.

<sup>11</sup> R. Williams, *Transcript of Evidence*, Legislative Council Estimates Committee B, 24 June 2009, p. 18.

*a component of prepaid overtime within a correctional officer's salary. I think it is a good way of looking forward.*<sup>12</sup>

The Minister also highlighted the important role of the union representing prison officers in helping to resolve the problem, telling the Committee that:

*'I have asked my department to work very collaboratively with the unions as a matter of urgency to try to look at how we can implement a new annualised model for correctional officers. With the cooperation that we need from correctional officers and the unions, the implementation of this strategy will go a long way towards helping the Prison Service meet the required savings. Our correctional officers currently receive an additional 28 per cent over and above their base salary to cover shift work and working on weekends and public holidays.'*<sup>13</sup>

The following year, the newly-appointed Minister for Corrections and Consumer Protection, the Hon. Nick McKim MP, provided the Committee with further details of overtime costs:

*'... in 2008-09, the overtime budget was \$2.1 million and overtime spent was \$3.4 million; in 2009-10, the overtime budget was \$1.8 million and overtime spent as at 16 June was \$3.4 million, with 10 days unaccounted for. So there is significant expenditure on overtime, it is fair to say.'*<sup>14</sup>

The Minister also told the Committee that action was being taken to assess the extent of sick leave and its impact on overtime payments.

*'We are currently doing an audit, not to compare across other agencies in Tasmania but to compare with other corrections agencies around the country, so we are comparing like with like. That audit is currently under way and has not been completed yet. We are hoping that it will allow us to understand how we are travelling in the national context, comparing apples with apples rather than with oranges. Sick leave represents about 43 per cent of the overtime payments.'*<sup>15</sup>

He also told the Committee *'that new recruitment has occurred recently, which I hope will flow through into a reduction in overtime paid.'*<sup>16</sup>

Mr Williams also updated the Committee on measures taken by the Department to address the sick leave issue:

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<sup>12</sup> L. Singh, *Transcript of Evidence*, Legislative Council Estimates Committee B, 24 June 2009, p. 16.

<sup>13</sup> Ibid.

<sup>14</sup> N. McKim, *Transcript of Evidence*, Legislative Council Estimates Committee B, 30 June 2010, p. 23.

<sup>15</sup> Ibid., p. 27.

<sup>16</sup> Ibid., p. 24.



*'We did a lot of work with the unions last year to introduce new sick leave management policy. The amount of overtime spent in the 2008-09 year was \$3.4 million and it was about the same at 16 June, so it will be a little higher at the end of the year. This is a problem when you have a set number of positions.'*<sup>17</sup>

In 2011 the issue was again raised at the Estimates Committee hearing, with Committee Member, the Hon. Ivan Dean MLC, commenting:

*'For the last four or five years I have continually raised with the prison the situation of overtime, sick leave ... Very clearly, there was evidence of systemic problems within the prison service and nothing really occurred. What is happening now in that area?'*<sup>18</sup>

In response, the Minister acknowledged the accuracy of Mr Dean's comments and outlined the actions being taken to address the overtime issue.

*'The general thrust of your comments is correct, Mr Dean. For some time there have been issues around overtime in our prison system, and those issues continue, .... in the awareness that there was an issue, we had KPMG do an audit, which, as I said, is publicly available, and having had that audit, we have now moved to develop an absence management strategy that we believe will help us get on top of the overtime. What we have decided to do, rather than roll that strategy out immediately, is to have this issue dealt with by the change manager whom we will appoint shortly, or as soon as possible....'*<sup>19</sup>

In answer to a question about the amount of overtime worked, Mr McKim responded:

*'This year as at 3 June [2011], \$4.475 million, and the estimate for a full year is \$5.1 million, so that is an overspend of over \$3 million .... We do now have a strategy that I believe will help us get on top of those blowouts. These are historical blowouts that go right back to well before my time as minister, and we do have a strategy to get on top of those.'*<sup>20</sup>

Committee Member, Hon. Kerry Finch MLC, commented that:

*'I cannot believe that we are dealing with \$4.47 million in overtime. Last year at budget estimates, Mr Dean and myself did some questioning on the overtime, and we went through it. You gave us the figures. .... And I would imagine that budget*

<sup>17</sup> R. Williams, *Transcript of Evidence*, Legislative Council Estimates Committee B, 30 June 2010, p. 24.

<sup>18</sup> I. Dean, *Transcript of Evidence*, Legislative Council Estimates Committee B, 27 June 2011, p. 11.

<sup>19</sup> N. McKim, *Transcript of Evidence*, Legislative Council Estimates Committee B, 27 June 2011, p. 11.

<sup>20</sup> *Ibid.*, p. 12.

*Estimates is a time for us also, particularly Legislative Council committees, to signal our concerns to the ministers and to the bureaucrats who are involved. .... I do not think that we could have given a bigger signal last year than expressing our huge concern about this area, and here we are coming back this year with \$4.47 million overspend.*<sup>21</sup>

At the Estimates Committee hearings last year, Minister McKim, revealed that, yet again, the prison service had exceeded its budget allocation, but he also outlined the strategies being implemented to prevent it happening in future.

*'Members would be aware of overtime. I can give you historical figures which I have previously provided to the Legislative Council committee last year. Of course we are a year further on now so I am happy to provide those if the committee requests. We also have strategies in place to bring our excessive overtime costs, and they are excessive, down including an absence management strategy which is being implemented as we speak. .... We are also focusing on recruiting a larger number of correctional officers than we have been historically, in my time in the portfolio. Again, we have spoken about the rostering issues previously in this committee and I am happy to go into detail about those things if the committee wishes. ... With regards to absence management and workers compensation, we believe that over time we will be able to bring those down .... What I can say to you is that it is my intention very strongly to continue to work to bring down all excessive costs in the prison. I am confident that we will make significant ground in the next two years. .... I am not in a position today to guarantee that but I am in a position to say that I believe that we are making steps in the right direction. It is a long-term issue at the prison and I am by no means the first minister to face budget estimates committees with cost pressures in these areas. We are working very hard to bring these costs down. Even though I am unable to guarantee today that we will do that over that two-year period, I am confident that we are taking steps in the right direction and that we will ultimately make significant ground in this area.'*<sup>22</sup>

The Minister later reiterated this commitment to reign in the budget blowouts in the prison service during this exchange with Committee Member, the Hon. Adriana Taylor MLC:

**'Mrs TAYLOR** - *The bottom line for me is, because that is one of the things we asked in the midyear, if every year you have to ask for \$1.5 million or \$2 million extra on overtime, does this not mean that you are not getting enough in the original budget?*

<sup>21</sup> K. Finch, *Transcript of Evidence*, Legislative Council Estimates Committee B, 27 June 2011, p. 14.

<sup>22</sup> N. McKim, *Transcript of Evidence*, Legislative Council Estimates Committee B, 28 May 2012, p. 4.

*My bottom line question is: is that solved this year? Will you not have to come back to us - unless there is any extraordinary circumstance, like the prison burns down or something? Under normal expectations, would you think that this year you are not going to have to come back to us?*

**Mr McKIM** - *I am just busy touching wood, right here, Mrs Taylor, hoping that does not happen. The situation is: it is impossible for me to sit here and provide an absolute cast-iron guarantee to the committee that we will not need further assistance in our budget. But what I can say to the committee is that I take, as I am sure all the ministers do, my responsibilities to bring my portfolio in on budget very seriously. I accept that has not happened since I have been minister in this part of my portfolio responsibilities, I hasten to add. In fact, I think all of my other portfolios come in on budget, including the Department of Education where there are significant pressures.*<sup>23</sup>

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<sup>23</sup> A. Taylor & N. McKim, *Transcript of Evidence*, Legislative Council Estimates Committee B, 28 May 2012, p. 19.

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## Key Causes

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As outlined above, the increasing cost of overtime within the Tasmanian Prison Service has been a major issue for many years and efforts to deal with it to date have been ineffective.

The Committee heard evidence that the Risdon prison complex was very much like a small township and the nature of its operation imposed unavoidable obligations on how it is managed.

As the Director of Corrective Services, Mr Robert Williams, pointed out:

*'We run basically a small township with all the services 365 days a year, 24 hours a day. People eat, live, shop, learn, undertake programs. We do not have the luxury of stopping providing those services while the people in our care are prisoners of the State. We have certain obligations to make sure that they are cared for with respect and decency in accordance with human rights, and we also have a responsibility to the community to provide rehabilitation services so that when the majority of people who go in come out, they have got a better opportunity of living pro-social lives in the community. We are, the same as any town or city, subject to things like increasing power prices, consumables, food, prisoner numbers, sometimes critical events take place. All of these things put upward pressures on a prison budget ...'*<sup>24</sup>

Mr Williams also outlined to the Committee the operational imperatives that influenced the overtime costs incurred by the prison service.

*'Overtime is driven by a number of factors in a 24-hour-a-day operation. We have a certain number of correctional staff who need to be on post for safety reasons each day. To give you an example, in medium security, two supervisors and seven staff need to be on deck to fully operate the area safely and to provide the services that we need. If one of those staff members is absent, for whatever reason, whether it be a workplace injury, whether it be because they are sick - or maybe some other thing has happened like hospital transports being needed and we need to take someone to hospital - we need to fill that position in order for the safety of the work force to be maintained. So if one of the seven staff is not there we need to fill that position in order to keep the place safely operating. As far as I can tell we run at average staffing levels around the country. There are areas that have much higher*

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<sup>24</sup> R. Williams, *Transcript of Evidence*, 16 April 2012, p. 2.

*staffing levels, and there are some that have marginally lower levels, so we are sort of in the middle, and certainly based on our profile of criminals we are, I think, about right in terms of where we have our minimum staffing levels for safety and security.*<sup>125</sup>

According to the evidence presented to the Committee, there were a number of contributing factors to overtime costs within the prison service, including short-notice sick leave, workers compensation absence, staff vacancies and the impact of critical incidents. The evidence also clearly showed that the workplace culture at the prison had entrenched practices and attitudes that also had an impact on overtime rates.

Mr Williams told the Committee that:

*'Sick leave - this is a year-to-date figure - contributes about 33 per cent to our overtime needs, workers compensation about 24 per cent and vacancies, for a number of reasons but largely because we don't have enough staff on our books, is around 24 per cent and then the rest is a conglomerate of various things like taking people to hospital.'*<sup>126</sup>

While the high level of sick leave absences can be partially attributed to the nature of the work environment in a prison housing a large proportion of violent inmates, it is clear that a significant problem exists. In response to questioning about suggestions of "rotting" of sick leave by some staff, Mr Williams responded that:

*'You raised the issue of rotting, I certainly wouldn't go so far as to call it that, but I think there has been some .... there's been some manipulation by some staff. .... Obviously some people who are sick don't come to work for various reasons and most often it's because they're sick, but sometimes it's because they have childcare issues or someone is sick in their family. There's a range of things.'*

Mr Greg Partridge, the Director of Prisons, acknowledged in his verbal evidence that some prison officers had been misusing their sick leave entitlements, with two of them advised to seek work elsewhere.

*'That is two people where it was clearly identified that there was an issue in terms of their absence management and that they clearly were not effectively working towards a solution. That does not mean to say that there are not others that we have sat down and had a conversation with. But they are the two where we have said, "I think you've got an issue here and perhaps there would be a better career for you elsewhere".'*

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<sup>25</sup> Ibid.

<sup>26</sup> Ibid., p. 3.

However, Mr Mat Johnston, representing the Community and Public Sector Union (CPSU), the organisation with coverage of prison officers, disputed claims that there was “rorting” of overtime within the prison service.

*‘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. .... 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 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 ...’<sup>27</sup>*

During a public hearing of evidence from prison service representatives, Committee Member, the Hon. Kerry Finch MLC, raised the possibility that prison officers may be using their sick leave entitlements and the associated overtime income to supplement what they perceive as low salaries. The Deputy Secretary of the Department of Corrections and Workplace Relations, Mr Robert Williams refuted the suggestion, telling the Committee that, in relation to pay rates:

*‘My understanding is that our people sit nationally about in the middle. My discussions with staff and with unions indicate that the pay isn’t a particular problem. Obviously, everyone wants to get paid a reasonable wage. I think the people in the Tasmanian prison service actually get a pretty good outcome; so that’s never been raised as an issue. I have not heard that in the three years I’ve been here. It’s never been raised as an issue for them. Safe workplace, good management, respect between each other; they are the sorts of things they’re looking for. In terms of pay, I don’t think that’s a driver at all for the Tasmanian prison service. It’s never been raised with me as an issue.’<sup>28</sup>*

Mr Johnston gave similar evidence to the Committee about pay rates.

*‘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*

<sup>27</sup> M Johnston, *Transcript of Evidence*, 8 May 2012, pp. 15 & 16.

<sup>28</sup> R. Williams, *op. cit.*, 16 April 2012, p. 23.

*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. .... 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.'*<sup>29</sup>

In addition to sick leave, workers compensation absences also represent a significant driver of high overtime costs within the prison service and this was acknowledged by several witnesses.

Mr Williams told the Committee that:

*'... workers compensation is a big driver of overtime, people off with injuries. Increasingly it's been stress-related injury in the workplace, sometimes we have nasty physical assaults, but prisons are pretty stressful places as well, the same as being a police officer, you deal with the same people by and large, it's stressful and some of them are violent.'*<sup>30</sup>

He also acknowledged that there had been a high level of workers compensation claims in recent years.

*'We have had a reasonably high rate of injuries through a number of incidents over the last couple of years. These drive our workers compensation claims up. When someone is off on workers compensation it is the same as sick leave: We need to fill their position.'*<sup>31</sup>

Mr Williams explained to the Committee that critical incidents are a significant and usually unpredictable driver of overtime.

*'... in the last couple of years we have had some critical events. As you know, we had a Maximum Security failure which required us to move prisoners out. So when we have a critical event, whether it is prisoner unrest or an injury caused to a staff member or prisoner, an escape attempt, we have to deploy more resources in to deal with those events. We have to then backfill into the positions to deal with the normal operations of the prison. If we don't fill one of those seven positions in Medium Security, we have to lock the facility down. Now, that happens in all prisons around the world on a regular basis. However, it is something we try to avoid, because the*

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<sup>29</sup> M. Johnston, op. cit., pp. 26-27.

<sup>30</sup> R. Williams, op. cit., p. 4.

<sup>31</sup> Ibid., p. 3.

*impact on the inmates is that it actually creates a greater danger if we have to lock them down, because they become restless if they have been locked down for 48 hours in their cell and have not been able to get out, and it causes problems. So we need to backfill those positions.'*<sup>32</sup>

He also conceded that management had to accept responsibility for the level of workers compensation claims at the prison.

*'A safer workplace for us would actually reduce the cost of our overtime and we can't blame staff for that; we have to accept responsibility as an organisation for putting in place those practices. As an example, we didn't have any workplace health and safety representatives throughout the various parts of the prison until the last four months. We now have those in place and we have a whole range of strategies to deal with workplace injury that perhaps we weren't as good at dealing with as we should have been.'*<sup>33</sup>

Union representative, Mr Mat Johnston, also identified workers compensation as a serious issue in the high overtime rates at the prison.

He told the Committee that:

*'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.'*<sup>34</sup>

He also suggested that shortcomings in the prison infrastructure had contributed to the level of overtime through its impact on workers compensation absences.

*'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*

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<sup>32</sup> Ibid., pp 2-3.

<sup>33</sup> Ibid., p. 4.

<sup>34</sup> M. Johnston, op. cit., p. 2.



*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.'*<sup>35</sup>

Mr Johnston went on to say that there was a great deal of infrastructure work yet to be carried out at the prison to bring it up to a more acceptable standard.

*'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 .... 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.'*

Mr Williams accepted that the prison infrastructure was a problem that contributed to the overtime issue.

*'The prison is not complete yet, so while the accommodation was built in Maximum Security, for example, there is no facility for exercise. There isn't an industry facility. That's what the Government has provided the money for us to do. So, in actual fact, without some of those things, the prisoners can get bored. We struggle to provide activities for some of them, especially in the higher security classifications.'*<sup>36</sup>

Mr Williams told the Committee that cultural issues were identified alongside the infrastructure problems and management practices as significant contributors to overtime costs by independent reviews of Risdon Prison. He told the Committee that:

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<sup>35</sup> Ibid., p. 4.

<sup>36</sup> R. Williams, op. cit., p. 5.

*'I think we recognise that our overtime is higher than it should be. Part of the outcome - we commissioned the KPMG report, the Workplace Standards report. The Minister brought in Mr Nick Palmer to do a report. All of those things have helped focus on what the underlying causes are and we need to deal with those. Some of them are cultural, some are to do with the way the place is managed. There is no one factor but that is why we have brought Mr Edwards, from England, to give us a proper change program to deal with the underlying causes...'*<sup>37</sup>

He went on to tell the Committee that:

*'I think the Palmer report was a turning point and [MLC for Apsley] Ms Rattray's comment about the infrastructure is really serious. I mean, Mr Palmer recognised that the infrastructure failings were a problem for us and we had to deal with those. We also have to deal with the culture. The infrastructure is not the only issue. The cultural issues - we have to manage absences more strategically, tighter. That's what the KPMG report gave us.'*<sup>38</sup>

In fact, he told the Committee that the cultural change was probably the most important step that could be taken in addressing the overtime issue.

*'I've been involved in large organisations before and while some of the leave entitlement stuff can be a lever, at the end of the day the culture of the place is what changes sick leave usage. I think that the culture approach is probably the most important because people will find their way around almost every rule unless you take away their entitlements. If you've made their workplace a place they don't want to be in, they won't be there and they'll take advantage. So we've got to make our workplace the workplace that they want to be in; that's what will actually draw them back in and reduce sick leave. A safe workplace will reduce sick leave.'*<sup>39</sup>

Mr Williams elaborated on the question of cultural change by giving an example of how it can help reduce the overtime costs at the prison.

*'People do not tend to come to work just for the money. They tend to come to work for a whole range of other reasons. My estimation is that the highest percentage of our staff want to come there and do a good job. They are prison officers because they like the work and they want to be in that challenging environment. With sick leave you will always have some people right on the outside of the bell curve, and some of those people will be people who are doing the wrong thing ....'*

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<sup>37</sup> Ibid.

<sup>38</sup> Ibid.

<sup>39</sup> Ibid., p. 23.

*In order to save the most money we need to push the average down, and we can only do that by what you have suggested, supporting people to come to work. They need to know that we have dealt with the people who are doing the wrong thing, because you could generate a laissez faire approach: 'If it doesn't matter if Brian doesn't come, then why should I?' So we have dealt with a number of those people, and some of those people have left the service. What we are now doing is a cultural change, because we need to shift the bell curve, we need to shift the average down a notch, because that is where the big savings in terms of overtime is.'*

Mr Williams acknowledged that the role of management in the prison culture was also important.

*'What I was trying to say, perhaps too coyly, was management has to accept a significant responsibility for opening itself up to new ways of doing things and generating the trust environment for it to change. At the moment, in the past few years, we've been in different corners and it hasn't been possible- so we're moving there.'*<sup>40</sup>

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<sup>40</sup> Ibid., p. 24.

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## Interstate Experience

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The Committee was told that Tasmania was not the only jurisdiction which has experienced problems with absence management and the high cost of overtime. It appears that, at various times, many prison services in other Australian States and overseas, were faced with the need to implement administrative and cultural change to overcome issues related to high overtime costs. For example, in response to a question as to whether other jurisdictions faced similar issues, the Director of Change Management for the Tasmanian Prison Service, Mr Brian Edwards, who comes *'from a background of 42 years in the prison service or in prisons around the world'*, responded *'Very much so'*.<sup>41</sup>

It was recommended that the Committee seek evidence from other Australian States, especially New South Wales which has had particular success in dealing with these issues in recent years. As a result, the Committee heard verbal evidence from senior members of the New South Wales and Queensland prison service administrations.

In New South Wales the prison system underwent a process of change over a ten-year period, under the umbrella of a reform document titled *The Way Forward*, where it *'moved from a very static and structured operating routine to a greater emphasis on efficiency and ... outcomes in terms of out-of-cell hours, program delivery outcomes and those sorts of things'*.<sup>42</sup>

As Mr David Huskins, the Director of Human Resources Services with the New South Wales (NSW) prison service told the Committee, *'the reforms were partly to do with rosters, and they were partly a cultural change. .... it was a change of culture and a change to the whole central operation'*.<sup>43</sup>

The change to the rostering system was a pivotal factor in the strategy to reduce overtime costs. The Manager of the Operations Scheduling Unit for the NSW prison service, Mr Glenn Thorsby, told the Committee:

*'In the introduction of The Way Forward, we centralised the rostering, which used to be done by a custodial officer in every centre. We centralised the rostering to a central unit, and replaced any management or transactional-based administration of the rosters by our clerical person in every centre. We then redeployed the custodial officer to the coalface where they are trained to be.'*<sup>44</sup>

Prior to this change undue influence in the localised preparation of rosters was a perceived problem in fair and equitable allocation of shifts.

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<sup>41</sup> B. Edwards, *Transcript of Evidence*, 16 April 2012, pp. 7 & 8.

<sup>42</sup> D. Huskins, *Transcript of Evidence*, 16 October 2012, p. 4.

<sup>43</sup> Ibid.

<sup>44</sup> G. Thorsby, *Transcript of Evidence*, 16 October 2012, p. 3.

Mr David Farrell, the Chief Superintendent of the Operations Scheduling Unit, told the Committee that:

*'... there was a belief that there was influence in the forward roster preparation by local staffing, and under a centrally prepared roster people are not susceptible to that influence. They do not know the people they are preparing rosters for, therefore the equitable allocation of work - still bearing in mind those preferences for working and non-working shift - is still achieved. I think it has been quite successful over the last three years ...'*<sup>145</sup>

However, Mr Farrell also explained that workforce input into the preparation of the rosters was an important factor in reducing absenteeism.

*'... we prepare rosters 28 days in advance in most locations, and that is displayed so that people can have shift swaps et cetera a week before that roster starts. It is displayed by shift, so people know about their work in advance. We encourage people to have input into their rosters, because we believe that it is attractive to our workforce, our work environment and complies with the government's philosophy of trying to balance non-work commitments with work commitments. That is one of the factors, we believe, which contributes to our level of absenteeism.'*<sup>146</sup>

Another positive outcome from the centralised roster system was the opportunity it provided for career development.

*'With the centralised rostering there is an opportunity for staff to get exposure in working in different areas. Traditionally people would work in one post for long periods of time, negating other people's opportunities to develop their skills in those areas. That was one of the big selling points for a lot of the staff because they could see career development and a bit of succession planning linked in with these changes.'*<sup>147</sup>

In addition to the changes to the roster system, there were also significant changes to the way sick leave and unpaid absences were managed. As Mr Huskins explained:

*'There was another change at the time. The government, and our department, the Department of Premier and Cabinet, struck an agreement with the associations that was tied to the wage rises at the time. Instead of getting a full 15 days sick leave entitlement from 1 January, sick leave was accrued on a pro rata basis, based on service throughout the year. At the same*

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<sup>145</sup> D. Farrell, *Transcript of Evidence*, 16 October 2012, p. 3.

<sup>146</sup> *Ibid.*, p. 2.

<sup>147</sup> *Ibid.*, p. 4.

*time we bought in an updated policy managing sickness and other unpaid absences in Corrective Services. That policy put in place measures that include some punitive measures, but also some measures by which managers would speak with staff who had taken unpaid absences.*<sup>148</sup>

Under these new arrangements managers also began taking a more proactive role in counselling their staff in relation to leave.

*'Counselling was based on advice. We had a review done by an external industry specialist. Their advice was that counselling works, that if the manager demonstrates an interest in the person's absences, health and welfare and talked about what they could do to help them, they turn up for work more often in those particular circumstances. They've had results and I think it's been of benefit. We've grown a lot over those four years or so since we've had that policy in place. It's changed the culture quite a bit. It's understood that there are greater consequences for unplanned absences and there's a cost for unplanned absences.'*<sup>149</sup>

Mr Huskins provided the Committee with a detailed outline of how the leave management and counselling procedures worked in practice.

*'They [the manager] would call them [the staff member away sick] at home; if the absence was three days or more, the absences of more than two days needed to have a medical certificate attached. We counted up the number of days in a calendar year that officers took with a certificate and without a certificate. If they reached more than five days without a certificate in a calendar year, they got a letter to say their sick leave was unsatisfactory; their manager counselled them, had them sign the letter to make it transparent and, in our first offers of overtime, those officers wouldn't be offered overtime. That's before we get to double shifts. Officers on days off who had an unsatisfactory level of sick leave - that is, more than five days in a calendar year - weren't offered overtime.'*<sup>150</sup>

The new system also makes greater allowances for the staff in accommodating their particular circumstances outside the workplace. Mr Huskins explained that supervisors also manage *'support for staff and will factor in the roster preferences and make allowances for individuals.'*<sup>151</sup>

He went on to elaborate on how this support works in practice:

*'We go to great lengths to make allowances for individuals to get to work. We'll help them with car-pooling, and we'll help*

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<sup>48</sup> D. Huskins, op. cit., p. 11

<sup>49</sup> Ibid., pp. 11-12.

<sup>50</sup> Ibid., p. 11.

<sup>51</sup> Ibid., p. 12.

*them with sport. If they've got carer arrangements for family members, we'll help them with that as well. Their roster, as far as possible and still servicing the operational needs, really reflects what the officer will be after in an ideal situation.*<sup>52</sup>

The communication between management and staff was considered to be a major factor in the success of the change implemented in New South Wales. Mr Farrell told the Committee that:

*'I think a large part of it is being upfront, honest and frank with staff, meeting with them, letting them know what the benefits are and spelling it out very clearly. Some people are more receptive to change than others, but I think our advantage was that we were all singing from the one hymnbook. We were lucky with the various experiences people had who were doing the course; there was an excellent rapport across the state. Some weren't so happy, but we were happy to talk to those people and listen to their concerns. I think it is very important to have an open, frank and honest dialogue and have your facts there so that you can eyeball people and tell them the home truths.'*<sup>53</sup>

A further initiative associated with the management of the overtime was also introduced as part of the change arrangements, as Mr Huskins explained to the Committee.

*'Another initiative in the last two or two-and-a-half years is our system generating reports every day that indicate the level of overtime. Those reports are automatically sent out by email to the senior management team and to the general manager of the particular correctional centre and indicate the level of overtime on the day. .... It indicates how you are travelling against budget. .... It has really made it quite transparent, and it is all up to a number of senior managers on the day to know how they are travelling in this budget.'*<sup>54</sup>

The prison service also began employing a pool of trained casual staff to help fill short-notice vacancies, rather than having them filled by other permanent full time staff on an overtime basis. Mr Farrell explained this initiative:

*'... we went ahead in 2008 and recruited a pool of casual correctional officers and they were trained in exactly the same way as the permanent full-time correctional officers at the level of training in our training academy. In December 2008 casuals were used as part of our workforce for the first time. The role casuals have played is that they have always worked at the bottom end, so our replacement methodology is that if there is a*

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<sup>52</sup> Ibid.

<sup>53</sup> D Farrell, op. cit., p. 5.

<sup>54</sup> D. Huskins, op. cit., p. 12.

*[vacancy] for a higher rank, officers will act up and it is always filled at the bottom end, so these casuals fitted in that place where a permanent officer would be working overtime. Part of the initiative was to sever that nexus between an absence and an overtime shift.'*<sup>155</sup>

Mr Huskins told the Committee that the new arrangements were not implemented without some resistance from some members of staff.

*'Yes, it did create a few waves at the time. That was January 2009 when it came in. People accepted it as part of their culture and realised the consequences. There's still a component of old-school people that have issues when they sit down with their manager and try to have an open and frank discussion about their sick-leave and how to embrace the changes. There was a bit of resistance but really, it is about the executive support and pushing on. It was quite transparent that we had to do something about our level of unplanned absences, particularly sick leave.'*<sup>156</sup>

Another factor that may have influenced support for the changes among staff was the prospect that the New South Wales State Government had flagged that it was considering privatising the management of some prisons.

*'In 2003 and 2004 we opened a new correctional centre at Mid North Coast and shortly after at Windsor and a little after that at Wellington, and there was a new award struck to cover those three correctional centres. It was mooted at the time that the government was considering privatising those centres, so it was in the context of reform that was necessary for the Australian public administration to demonstrate efficient operations.'*<sup>157</sup>

Mr Huskins told the Committee that all the changes implemented in New South Wales had been successful, not only in containing the costs associated with absences, but also changing the work/lifestyle balance for staff.

*'Research has indicated a link between a person's overall leave entitlements, and non-genuine absences of sick leave. I know there are studies in the UK showing that the greater the entitlement, the greater the percentage of non-genuine absences. We certainly have reduced our expenses, as they have showed with the changes, including the cost of casuals and overtime shifts. We have even been through a stage where we talked about the culture and the earning capacity of people who are working overtime. .... We have had a large shift where people have rediscovered family time.'*<sup>158</sup>

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<sup>155</sup> D. Farrell, op. cit., p. 7.

<sup>156</sup> D. Huskins, op. cit., p. 12.

<sup>157</sup> Ibid., p. 5.

<sup>158</sup> Ibid., p. 10.



In response to a question, Mr Farrell summed up the successful outcomes from the changes implemented with the New South Wales prison service.

*'Yes, I think we have reshaped the culture into a far more positive way than how we used to do business, not only in rostering, but also in the workplace environment, in staff development and in training. I think we have increased the value, not only in how our staff are, but how they see themselves. I think the equity we have brought in through centralised rostering has opened the doors for a lot of the younger officers to shape their career because they can be rostered in so many different areas to make them far more competitive with other people. So I would use the word "reshaped"; it is probably better.'*<sup>59</sup>

The Queensland prison service, on the other hand, still has problems with sick leave and overtime, as well as difficulty retaining staff. Mr Chris Udemans, the Director of Budget and Finance, told the Committee that:

*'We still have a bit of a culture where we have that nexus between overtime and sick leave. We do have a sick leave management policy in place, which general managers can use to address the serial offenders - for want of a better term. That culture still exists, but it isn't helped by one of the unique problems we have in Queensland that we lose a lot of workers to the mining industry in Queensland, so we are always struggling to keep our workforce propped up. So when you are short of your required workforce you automatically have overtime, and then, when you have a lot of overtime available to staff they can afford to take sick leave and that starts the cycle.'*<sup>60</sup>

A particular factor contributing to the problem in Queensland is the 12-hour shift system in place there, as it is in Tasmania. Mr Udemans explained:

*'Prisons moved to the 12-hour model I think in 1996 and fought tooth and nail to get that 12-hour model approved. Within about a month everybody said, 'Yay, this is great!', and it afforded them the opportunity to work a second job because on average they were only at work three days out of seven. That was one of the unforeseen consequences. In a lot of respects the prison job is now the second job and whatever else they are doing can quite often take precedence. So if they have an urgent concreting job to finish they will postpone a shift so they can finish off their concreting job.'*<sup>61</sup>

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<sup>59</sup> D. Farrell, op. cit., p. 15.

<sup>60</sup> C. Udemans, *Transcript of Evidence*, 16 October 2012, p. 18.

<sup>61</sup> Ibid., pp 24-25.

Other changes associated with the move to 12-hour shifts also exacerbated the unforeseen consequence mentioned above.

*'A bit of further information for you to consider - the 1996 enterprise bargaining outcome in Queensland also included us moving to an aggregated shift arrangement, so instead of paying the staff the shift penalty that applied to a particular shift we rolled it all up into an aggregated rate. For instance, previously if they worked a night shift they got paid 15 per cent, if they worked a Saturday they got paid an additional .... 50 per cent, and if they worked on a Sunday they got paid double time. We rolled it all up and it averaged out to 28.5 per cent and we just paid everybody 28.5 per cent upfront. If you did not work on a particular shift you lost that 28.5 per cent on any particular day.'*<sup>62</sup>

As Mr Udemans went on to explain, this, along with the move to 12-hour shifts, caused a change in the pattern of sick leave.

*'What it did do was shift the pattern of sick leave taking. Previously nobody went sick on a weekend because that was when the big money was earned. Or on a public holiday - nobody went sick on a public holiday or a Saturday and a Sunday. Any sick leave taken was during the week where the impact was minimal. Now we find that paying that aggregated penalty, a lot of the sick leave taken is on weekends because it is an attractive time to take time off, and all you are losing is 28.5 per cent. Whether Tasmania is considering moving to an aggregated shift arrangement or not that is just a word of advice from Queensland's experience.'*<sup>63</sup>

However, Mr Udemans did point out that the Queensland Prison Service had never had a budget blowout, indicating that, despite its problems with sick leave and overtime levels, it was properly funded to deal with these costs.

*'Corrective Services has not had a budget blowout. The last time Corrective Services had to ask for permission to incur a deficit was when we closed the David Longman Correctional Centre and that was back in about 2003 or 2004. Baxter was a technical issue because we had to demolish our building, so it was a \$6 million building write-off that we incurred the deficit in respect of. From an operational spending perspective corrections haven't incurred a deficit as long as I can remember.'*<sup>64</sup>

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<sup>62</sup> Ibid., p. 25.

<sup>63</sup> Ibid.

<sup>64</sup> Ibid., p. 23.

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## The Tasmanian Response

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Having identified the underlying contributors to the high overtime rates at Risdon Prison, the Committee also examined the response by the Tasmanian Government and prison management to fixing the problem. As shown clearly elsewhere in this Report, the overtime problem at the prison has existed for many years and the previous responses to it have been totally ineffective.

However, evidence was received by the Committee that there has been a more focussed and robust response to the problem in the past year or two, especially since the presentation of the Palmer Report, the KPMG Report and the Workplace Standards Report. Significantly, the change process being implemented now has the support of the unions that represent prison officers and other workers at the prison.

As the Director of Change Management for the Tasmanian Prison Service, told the Committee:

*'The unions are fully supportive of this, so we now have everyone working in a very positive manner in just eight weeks that the team has been together, and I think all of that will add to a very positive approach to difficulties that you might have had in the past.'*<sup>65</sup>

He also said that the unions have had a direct input into the change program and had contributed to the way it is being implemented.

*'The unions have fully engaged in that program. The unions have given us ideas. They have given us solutions and we are actually, before the end of April, meeting with the unions on the first joint consultation meeting.'*

Mr Williams reinforced the management perspective of the better relationship with the relevant unions, telling the Committee that:

*'Some of this is starting to come together, I think, in better relationships with the unions, which is very important for us. It's a tough workplace and unions have a role. Direct staff consultation has changed and so we're trying to provide that more supportive environment ... '*<sup>66</sup>

The union view of the improved relationship with management was very much in line with these comments. Mr Mat Johnston told the Committee that:

*'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*

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<sup>65</sup> B. Edwards, op. cit., p. 8.

<sup>66</sup> R. Williams, op. cit., p. 18.

*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.'*<sup>167</sup>

He also acknowledged that the unions do have access to those managing the change program and input into the program itself.

*'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.'*<sup>168</sup>

Mr Johnston also told the Committee that:

*'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.'*<sup>169</sup>

Mr Williams summarised the change program when he re-appeared at a public hearing held at Risdon Prison in late 2012 following an on-site inspection by Committee Members.

He said:

*'We've put in place a new management structure in the prison which specifically takes into account giving it responsibility for*

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<sup>167</sup> M Johnston, op. cit., p. 13.

<sup>168</sup> Ibid., p. 21.

<sup>169</sup> Ibid. p. 14.

*things such as return to work and management of sick leave to individual positions in a way that wasn't there before. Beyond that, Barry and Brian have been busy making sure we have put in place the managers at the front line, because one of the things that has been evident is that over the years we haven't had a management structure and culture where the managers at the front line have actively managed the return to work of some of these staff. It has been done remotely by an HR section, instead of taking the responsibility we should have at the front line. That is a very important step as well.'*<sup>70</sup>

At the same public hearing the then newly-appointed Director of Prisons, Mr Barry Greenberry, told the Committee that:

*'In truth, the strategy that Robert has outlined is actually the sum of the experiences we've had in other places. You need management grip, you need clarity of organisational structure, you need key targets and outcomes that determine your structure, and you need a sense of being part of a positive service where you actually encourage staff to feel that they are doing some good for the community. You add to that values of proportionality and legitimacy, both of which contribute to a prison being felt as being safe and that safety itself reduces stresses and strains, both on prisoners but more importantly on staff. That ends up creating an environment where staff are less stressed, less absent and it becomes a virtual circle. If you add to that the missing link, which is the lack of activity, and you complete the building of this prison in the way it was initially designed by parliament, then you end up with an environment where people will be busier, there will be less inherent absence and therefore that will drive down in great effect a part of the overtime.'*<sup>71</sup>

However, Mr Greenberry also pointed out that understaffing was a key ingredient that needed to be remedied:

*'The last point is this thing about structural deficiency. It is very clear that the prison service has been understaffed. Therefore, just to keep the place running, that has in itself created overtime. That has created the situation where staff have been working longer than they should have done. That, in the complexity of the environment that you experienced this afternoon, calm though it felt - very much like a swan with its legs under the water - does create stresses. We need staff to be on the top of their game all the time in order to prevent incidents occurring and developing. When they are not on top of the game, that in itself creates some of the environment.'*<sup>72</sup>

<sup>70</sup> R. Williams, *Transcript of Evidence*, 29 October 2012, p. 2.

<sup>71</sup> B. Greenberry, *Transcript of Evidence*, 29 October 2012, p. 5.

<sup>72</sup> Ibid.

Mr Williams addressed the issue of staffing numbers as well when he told the Committee that:

*'We're approaching this in two phases. One is to get control of what we have, which is to unpack the finances, try to bring the sick leave down, and try to deal with the structural problem - which is not enough staff - by recruiting. Then we have a piece of work going on to try to imagine where we may go in the future, in negotiation with unions.'*<sup>73</sup>

He elaborated on this two phase approach later in his evidence:

*'There are probably two phases. I think Mr Mulder hit on it. There is getting control of what we have got now, making sure we have got enough staff on the books so that we are employing people at single time rather than double time; trying to drive down the sick leave through having a sensitive management approach but still having policies which take people forward to either an understanding that they are genuinely sick or there are other reasons. Then there is the next phase, which is sitting down with unions and looking at the overall structure to make sure that the industrial agreements we've got meet the needs of the organisation, which are to keep people safe and reduce recidivism, and the needs of staff to have a safe working environment and enough time to be with their family. That is the second phase.'*<sup>74</sup>

In relation to dealing with overtime flowing from short-notice absences such as sick leave, the change program being implemented also includes systemic measures to reduce their impact. Mr Edwards provided a detailed response about these measures in his evidence to the Committee in October 2012.

*'We have put into place what I think is a fairly robust management structure. We have deliberately named it 'attendance', rather than 'absence', so we actually have attendance policies and we have overtime policies. Those two are linked. They're linked because if the manager has the return to work interview and he feels that it is unsafe for a member of staff to go straight onto overtime, they're not allowed to. They have to put in whatever number of shifts the manager states. It starts with a minimum of one shift and after that it could go on. If they've been off for a long time they would go onto the return-to-work strategy and when they're onto the return-to-work strategy they cannot work any overtime, so that's the way that we are starting to get this cultural change into this place. .... The one thing missing so far is that we have to get a*

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<sup>73</sup> R. Williams, op. cit., p. 4.

<sup>74</sup> Ibid., p. 5.

*positive workforce, a positive frame of mind. You can see by your walk around today that it would be very easy to get stuck with 25 people within a unit to get into a negative frame of mind. It is that area that is the great push for change. The success of change, in plain English, will be whether the change sticks. If it sticks, we are successful. If you tick a box and then it doesn't stick, you are unsuccessful. All of our management structures have to support a cultural change ..., so rather than just figures we have to get into the culture.'*<sup>75</sup>

He also said significantly increased training of staff was a central part of the change program being implemented at the prison.

*'We have trained all the units that you saw - Derwent, Tamar and Huon. We have handpicked all of those staff, took them out and given them excessive training, plus self-defence. We built training into our roster, which wasn't the case before the change program, so we've now got three days. As soon as they come back from annual leave they go onto three days training on a rotating basis. I haven't got the figures on me, but currently the figures are well in excess of 1,000 hours already. .... Compared to last year that's treble what we were doing, so we are training staff. For every member of staff who joins the service we give them phase one and phase two induction. That is currently at 581 hours. Every member of staff that joins here is now getting training. So, yes, we are doing a lot of that. Also all our staff are currently going through our anti-manipulation stuff for conditioning of staff and up-skilling of staff, which will all affect the sick leave.'*<sup>76</sup>

Mr Williams acknowledged that the previous lack of training was a significant factor in the level of absenteeism. He told the Committee that:

*'We can't move forward in this culture change program unless we invest in our staff, so we are trying to find ways that do not cost us too much. We have been abysmal with training in the past because everyone's felt this budget pressure - there's no money, so what do we cut? We've cut the training. ... our staff lacked confidence because we hadn't trained them in de-escalation techniques and self-defence for years. So the moment anything happened, we had to call the tactical response group. They came in at great expense, very professional and always successful, but we have never trained our staff in how to do that themselves in the right circumstances. .... The people are good people; they need good leadership and good training. We haven't given them much of the training in the past.'*<sup>77</sup>

<sup>75</sup> B Edwards, *Transcript of Evidence*, 29 October 2012, pp 6-7.

<sup>76</sup> *Ibid.*, p. 9

<sup>77</sup> R. Williams, *op. cit.*, p. 10.

Mr Edwards also told the Committee there was now a different approach to the way absences are dealt with on an individual basis.

*'The first thing we have to do is stop making a person feel one of 300 and start making them feel one of six, so everything is broken down into teams. The supervisor team will decide whether they want someone in or not, as well as the central operating supervisor, but the lead for that team of the day will make contact and ask, 'Is everything alright? Anything we can do for the family?', and then there is a set process within the strategies, going all the way to the director.'*<sup>178</sup>

He said the new approach was bearing fruit already, especially with workers compensation absences where *'we have 62 per cent now who return to work. Last month it was only 49 per cent, so we have gradual improvement.'*<sup>179</sup>

Mr Greenberry said a key element of the new approach outlined by Mr Edwards was the greater empowerment of managers.

*'It is one part of a general process of delegation and empowerment. At the moment the budget is delegated to senior managers, from a central finance manager delegating it to senior managers. That will progress down as far as we can as quickly as we can. There are already daily briefings, therefore we have the infrastructure where we can add that information to it. Managers are being given the authority to make more decisions and sometimes when you make decisions nearer the coalface you end up with better decisions, and that will include money.'*<sup>180</sup>

Mr Williams also told the Committee that the employment of around 35 additional staff by January 2013 would help overcome the understaffing problem, which in turn would reduce the need for overtime.

*'Our early indications are that we will expect to see a trend down in the overtime rate. We are tackling the structural thing. Those people coming in January will have a significant impact on that 50 per cent that is structural. In terms of sick leave, we look like we are trending down ... '*<sup>181</sup>

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<sup>178</sup> Ibid. p. 11.

<sup>179</sup> Ibid.

<sup>180</sup> B. Greenberry, op. cit., p. 11.

<sup>181</sup> R. Williams, op. cit., p. 12. In answer to a Question Without Notice asked in the Legislative Council by the Hon. Tania Rattray MLC on 17 April 2013, the Leader for the Government advised that 23 additional correctional officers had begun operational duties on 24 January 2013 and a further nine were undergoing training. The Leader also advised that, since October 2012, the prison service had a net increase of 27 in its correctional officer establishment. See Legislative Council Hansard, 17 April 2013, p. 27.