

Submission
No 118

**INQUIRY INTO THE PRIVATISATION OF PRISONS AND
PRISON-RELATED SERVICES**

Name: Mr Denis Gates

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General Purpose Standing Committee No. 3

Re: The Privatisation of Prisons and Prison-Related Services

Honourable Members,

I have been employed by Department of Corrective Services for almost 25 years and I currently hold the rank of Assistant Superintendent and I am also a member of the COVB.

Since gaining my promotion to Assistant Superintendent at Cessnock Correctional Centre, which is part of the middle management structure, I have found upper management, General Managers and Managers of Security, at Cessnock to be less than capable of managing and administering the centre as a whole to an acceptable standard of the department, government and public expectation. I personally know of incidences where middle management officers at Cessnock have raised concerns regarding the operations and staffing and they have been advised by the General Manager not to rock the boat.

An Operational Agreement has been in existence at Cessnock for many years and this agreement was signed by the groups involved in the day to day running of the Correctional Centre. All parties have the ability to request changes by giving notice of 21 days to negotiate a change or new agreement. If the Department felt that Cessnock was not functioning at an acceptable level and they wanted to implement reforms or the way forward why did they not give such notice for negotiation?

It has been openly stated by Commissioner Corrective Services and Minister for Justice that officers have "Rorted" overtime payments. If any evidence exists of this allegation it is puzzling that no investigations that I am aware of have been conducted at Cessnock.

I am of the belief that overtime costs at Cessnock have been exaggerated because costs that have been outlaid in overtime for such things as Audio Visual Link and Outside Hospital Guard Duty, which have been performed for other locations such as Police/Court Cells and other Centres, are not part of the budget for Cessnock and the reimbursement for such activities may be transacted back to the Department as a whole but are not reimbursed back specifically to Cessnock.

This I believe is also the case when Industries at Cessnock work overtime. For example, when Overseers or Industrial Officers work overtime in Demountables the actual overtime worked is costed against the centre. The costs are sent to the Department of Education and I have no doubt the costs are met, however it appears they are never removed from the overtime costing specific to Cessnock.

It is easy to make allegations of rotting and use rubbery figures to try to backup these claims. I have no doubt that some officers within the Department may be earning well above their base salary but it must be noted that they are actually working the extra hours that are "offered" to them. Surely any reasonable person doesn't expect them to do it for nothing. It is not a matter of just doing overtime whenever we feel like it. Each location has in place a card system where all officers are pooled and overtime is "offered" on a rotational basis.

It has also been stated that senior management in locations only become aware of the overtime payments after they have been worked. This may from any outsider's point of view be quite believable. In the case of someone with knowledge of the inner workings and day to day running of a centre is outrageously false.

With sick leave being a main argument put forward for overtime usage it is not only lower rank officers that take sick leave. Commissioned or Executive Officers and all the way up to the Commissioner, I believe would make up a significant amount of the number of sick days

taken Department wide. I am unable to ascertain any figures in relation to the breakdown of who takes sick leave but I am sure the department could produce such statistics. In the case of an Executive Officer taking sick leave or being taken off line to perform another function it has a flow on effect in that their position is most often filled by an officer of lower rank who acts up into that position flowing to the next rank and so on until overtime is filled at the lowest rank.

Levels of overtime created by sick leave are also exaggerated when officers that are approaching retirement are seemingly permitted to cut out their remaining sick leave entitlements before their official retirement. This forms part of the demographics that must be taken into consideration when any analysis of sick leave is undertaken at Cessnock. Cessnock has a high average length of service and would have a high average age of officers serving at the centre. The centre would also have a high percentage of staff that are approaching retirement and is not limited to long serving officers at Cessnock but also officers who transfer to Cessnock.

I have spent 24 years at Cessnock and I have seen in excess of ten Managers of Security come and go each with a totally different style of what they think is management. Some have been incapable of making a decision on the day to day running of the centre which is what their position involves without first gaining approval from the General Manager. The overall lack of man management and interpersonal skills is astounding from people that occupy these positions. We have people holding these positions that will not accept advice from people including members of their own senior management structure with considerably more experience in day to day operations. One specific example led to a senior manager of some 35 years experience in corrections within Australia leaving a meeting in an agitated and distressed state resulting in a workers compensation claim.

I am convinced that the proposed privatisation of Cessnock Correctional Centre is a last resort tactic by Commissioner Corrective Services and the Minister for Justice to cover up the mismanagement of the centre. All staff at the centre have always been aware and expecting restructure and operational changes under the Way Forward Management proposal and been committed to negotiations in regard to specific operational changes. Staff have not been given the appropriate opportunity to embrace changes as staff have been portrayed as rorters and manipulators. It is my view that the proposal to privatise Cessnock Correctional Centre is nothing but a personal and targeted attack by the Commissioner on certain staff members.

During the public hearing Commissioner Woodham detailed an incident in relation to roster clerks attempting to reduce overtime usage and implement change and reforms within the correctional centre. This just highlights the distinct lack of management as surely it was the management's responsibility to direct the roster clerks on the usage of overtime not have lower ranks instigate the reforms.

A draft Way Forward proposal for Cessnock was presented approximately 4 years ago to the COVB and POVB which was unconditionally accepted by the COVB but the POVB requested clarification on a number of points. The POVB submitted 35 questions in regard to the document which to this date have not been answered. I believe it is their right and the right of any stakeholders to ask questions in relation to any changes in work practices. I believe the department had no intentions of adopting the way forward principles at Cessnock and it is nothing but a personal attack on the staff at Cessnock.

Part of the COVB reforms included deletion of a number of executive or commissioned officer positions state wide. Despite deletion of positions, at Cessnock we saw the creation of an Intelligence Officer post and of most significance the appointment of a second Manager of Security for the centre. This appointment was made without any change to the operations of

the centre as a whole and would have surely increased the cost per day per inmate. Part of the negotiated reform I believe included the deletion of the Staff Officer position at Cessnock which to this date still remains.

As the administration overall of Correctional Centres is reducing with the contracting out of Cessnock and Parklea Correctional Centres could we expect that positions in some regional offices or head office be correspondingly reduced? To date I am not aware that any staff in regional offices or head office have been advised that they will not lose their job but they may have to relocate to another area within the department, another location or apply or redundancy.

Perhaps to highlight wastage and inefficiencies that, the Commissioner readily states are the root causes of the need for reforms, occur I will give an overview of the Executive or Commissioned Officer posts on a typical day at Cessnock. Beginning at 6AM we have 1 Senior Assistant Superintendent post and 2 Assistant Superintendent posts. At 7AM we have up to 2 Manager of Security commence duty. At 8AM we have 1 General Manager, 2 Senior Assistant Superintendents and 2 Assistant Superintendents commence duty. I would expect that any privately run centre would not have the same levels of management positions start in a 2 hour period or perhaps be on duty in a whole day.

The proposed privatisation of Cessnock Correctional Centre has affected far more people than just the custodial staff that work at the centre. Overall it has had an impact on ALL people who are employed at the centre in a wide range of capacities from Office Staff, Industries Officers or Overseers, Inmate Development Staff, Teachers, Volunteers etc. As this reform seems to be driven by the levels of overtime it should be noted that apart from Custodial and Industrial staff other disciplines within the Centre do not get paid for overtime as they are under arrangements of working flexi-time perhaps an option for the Commissioner and Minister

to consider for everyone.

The effects of privatisation will obviously be felt in the local community specifically by local businesses and a possible reduction in real estate values in the area. A number of volunteer organisations will be impacted as a number of centre staff occupy positions within these groups. Schools will also be affected when staff are moving their children to other areas reducing pupil numbers in schools that may have to reduce teacher numbers.

The impact will be felt department wide with large numbers of people on the transfer list to Cessnock. Currently Cessnock has one of the longest transfer lists and advertised positions are also highly sought after.

My personal circumstances place me in a position where privatisation will have minimal impact on me as I am close to retirement but I see the effects and concerns to my work colleagues and the public.

I do not have any issues with the introduction of casually employed officers, however it has been stated the casual officers will be trained to the exact level of Probationary Correctional Officers. This may need some clarification as Correctional Officers participate in Case Management of inmates and are allocated a case load of inmates to manage. The circumstances that casuals will be employed under would prevent or limit to the extreme their participation in the case management process.

Casual officers may not have access to the Offender Integrated Management System or OIMS where all inmate details etc are recorded. Recently an incident that occurred at Long Bay with an accidental discharge of a firearm it was found that the details of the casual officer involved could not be entered on the Incident Reporting Module as they were not registered on the system. If they are to be registered on the system it would mean that due to working in a range of centres they would have to have multiple access whereas Correctional centre

staff usually have access to only the centre in which they work.

Correctional Officers are expected to keep up to date with changes to policy and procedures on both a department wide level and locally. Commissioners and Assistant Commissioners directions are issued along with changes to policy and procedures relating to issues that affect the administration of the Department as a whole. At a local level, local orders are produced by General Managers and Managers of Security impacting directly on the day to day management and running of the centre. Working at multiple locations and or on irregular occasions would severely hinder the exposure of these officers to crucial changes in policy or routine.

Commissioner Woodham stated at the public hearing, "*Justice Marks of the Industrial Commission is on the record as stating no officer within a correctional centre should work a double shift of 16 hours.*" I raise this as it is interesting to note that there would be no control of rest periods for casual correctional officers. To clarify it would be possible to monitor the hours worked by these staff within correctional centres but if they have other employment it is distinctly possible they may be performing in excess of double shifts. For example it would be possible for someone to work extended hours in other employment and then be called in to work in a correctional centre with a limited rest period or no rest period at all.

In conclusion I would like to provide you with an eyewitness account of the events that Commissioner Woodham raised, presumably in an attempt to gain headlines and discredit the staff at Cessnock. This specific incident occurred approximately 16 years ago and was made as an "off the cuff" remark and has in my opinion no valid place in reasoning for the contracting out of any centre. A meeting of Cessnock staff was convened to discuss actions of a Senior Assistant Superintendent after he had made unfounded allegations against staff. Mr Woodham addressed the meeting and stated, "What is said in this room stays in this room."

A comment was then made that if the Senior Assistant Superintendent continued to make unfounded allegations that he would end up with his legs broken. I believe that this comment was not a direct threat that he would carry out but a misdirected frustration said in the heat of the moment. The officer that made the statement was asked to submit a report retracting his statement which he did.