

KEYNOTES

POVB Newsletter

November 2003



PRIVATISATION? THE VIEW FROM TREASURY

Much of the furore concerning the possible privatisation of the new correctional centres at Kempsey, Dilwynnia and Wellington arises because of the attitude being pursued by the 'bean counters' in the State's Treasury Department. Threats have been made by Treasury officials that large scale privatisation will occur if costs are not reined in and budgets met across the State. The potential for privatisation of Kempsey is real and unless we are successful in negotiating a staffing formula and work regime by agreement there is little doubt that the private sector will be invited to tender.

This flies in the face of written undertakings given by Premier Carr before the 1999 election and by Prisons Minister Amery before the last State election in March 2003. Both stated categorically that corrective service operations would remain in the public sector but these views are being ignored by Treasury officials who continually compare monetary costs between privately run prisons and those in public hands. These bureaucrats ignore the different methods of operation and methods of employment when such comparisons are made.

PSA PUBLIC SECTOR SALARIES CLAIM

The PSA is preparing to lodge a claim in the NSW Industrial Relations Commission, which will be based upon an increase of 25% across the board for all public servants and public sector employees within the PSA's membership.

The award expires on the 30th June 2004 and the Association hopes that by negotiation or arbitration the award will be finalised before that time so that retrospectivity is not lost.

It is intended to again include in the claim a clause to the effect that only members of the PSA will benefit from any outcome.

POVB AWARD

Negotiations are almost completed for our new award. There are still areas of disagreement, which will probably need arbitration by the State Industrial Relations Commission.

The COVB has lodged an award claim, which includes an ambit salary increase. We must be in a position to obtain a flow-on from their award if an increase is granted. This may cause the finalisation of our award to be deferred.

The next hearing before Judge Marks of the IRC is on 8/12/03.

DISCIPLINARY INTERVIEWS

Innocent discussions with senior staff can become an ordeal when accusations and allegations arise. It is the POVB's policy that members should always have an independent observer present at all interviews where the subject matter may move into the area of disciplinary proceedings.

This simple rule regards all interviews with management as being potentially disciplinary and you should always have an observer present.

FAREWELL MAURIE O'SULLIVAN

Popular General Secretary Maurie O'Sullivan has retired. Maurie had a life time in the 'Union Movement' and started off as a 'rank and file delegate' many years ago. He always had a soft spot for prison officers and never failed to defend them in the media, in Red Tape, on the radio, on television and directly to Members of Parliament. He will be missed.

NEW GENERAL SECRETARY

John Cahill was elected as General Secretary in October 2003 to succeed Maurie O'Sullivan. John has been Maurie's Assistant Secretary for some years and has always been a staunch supporter of prison officers and has backed up Maurie on all occasions when officers have been attacked by outsiders.

From the Chair

GREETINGS!

As we approach the end of another year, it is time to reflect on the happenings of the last year, and to look at where we wish to be in 2004.

To some extent 2003 has been a turbulent time for Corrective Services as well as all other government departments. We seem to be continually bombarded with proposed policy changes. A lot of these are the results of recommendations from outside agencies others are designed to cut costs within this department. The Treasurer of NSW, Mr Egan seems to be pushing very hard for privatisation of the new gaols. We believe these gaols should stay in the public system and will continue to fight to achieve this.

Over the last three months there have been rumours about proposed changes to the CESU. The only information we have at this stage concerns Broken Hill Unit and this is being done with a local work party for report back on the 27th

November 2003.

Although we do have some major items on the books at this time the same old aggravating problems continue to arise such as meal monies, search policy, sick leave policy, uniforms, pay problems, permanency for officers and disciplinary matters.

Recommendations will be made for the search policy at Delegates to Management Meeting on 17th and 18th November. A document on the sick leave policy has been sent to the department and we are waiting for a reply. Our award goes to the Industrial Commission on the 8th December 2003 and some time later after this it will go out to all members for a vote on acceptance or rejection.

JOHN CAMPBELL

The Secretarial Scrawl

by Brian McCann

SICK LEAVE POLICY

Most members by now would have become aware of the Commissioner's Memo 03/29 which advised staff of the department's intended changes to 'special circumstances' in the sick leave policy.

The PSA has advised the department that we insist on not penalising officers who take sick leave, which is supported by a bona fide medical certificate. This matter is on the agenda for the November Consultative Conference.

OVERTIME "EQUALISATION"

The POVB has advised the department that we can no longer sustain overtime 'equalisation' if we are expected to stick to our overtime budgets. It is the policy that never should have been; it is morally

wrong and a waste of public money. How can anyone justify a \$500 person being called in to do a \$250 job just because it is his turn!

GREED & SHAME

On the long weekend two Senior Assistant Superintendents were performing hospital guard duty on an inmate. An elderly taxpayer who was visiting her son in the same ward approached the officers and whispered 'he must be a dangerous prisoner to have two officers with all those stars on their shoulders guarding him'. The officer replied, 'hell no it was our turn to be called in for overtime and it is costing you \$1,107.54 for the pleasure, thanks very much'.

Shame on us!

Communications from Paul Jones State POV B Vice Chair

PRIVATISATION

Prior to being elected as Vice Chair some six months ago, I was arguing strongly that there was no way that a Labor Government would privatise any further gaols.

After all, there was a commitment from the previous Minister Richard Amery 'that under a Carr Labor Government, all existing (with the exception of Junee) and new gaols will continue to be operated by the public sector and staffed by the highly trained and skilled officers of the Department of Corrective Services'.

Also, ALP official policy states, 'Labor opposes the private contract management of prisons'.

However, after being involved with the negotiations regarding the department's reform package, 'The Way Forward', I am no longer certain that a Labor Government will not privatise.

This decision has not been taken lightly. It has been made after listening to Minister John Hatzistergos at our Delegates Meeting where he stated, '... that the public management of prisons needs to become more effective and efficient, otherwise governments in the future may look at privatisation, particularly if a Liberal/National Government gains office'.

Also, when the POV B State Executive had a meeting with the Minister in his office, he stated, "(i) that the department has been required to look for 'efficiencies' across the board including non-uniformed areas; (ii) that Treasury has imposed a deadline for reform of the budget blowouts; and (iii) that private prison operations are continually approaching government for work".

It may well be a 'management tool' for negotiations, but I am mindful that we cannot gamble that privatisation will not occur. With this comes the realisation that we may have to take some unpleasant measures now to prevent widespread upheavals, such as privatisation and erosion of conditions later.

If a Labor Government does take the big leap to privatisation, any further leaps will be much easier for them and it could act as a domino effect across much of the service. I know that many of our members will not enjoy reading this, but as a State POV B Executive member I have a responsibility to fight against any privatisation now and into the future. We simply have to ensure that we "keep prisons public and professional".

With John Campbell as Chair, and Executive members Tony Howen, Brian McCann and myself working cohesively as a team, I am confident that we can get through these difficult times by maintaining unity and serving the best interest of POV B members.

POV B WEB SITE

For some time the PSA has had its own web site. On Monday, 30th June 2003, it broadcast its new update site. For the first time the POV B has a link on this site, with much information and the intention to have as much updated news as possible. The site can be found at www.psa.labor.net.au and then click on 'Prisons'.

PAUL JONES

AROUND THE TRAPS

by Tony Howen, Country Vice-Chair

OFFICER DISMISSED

The PSA/POVB has been stunned by the Legal Branch/SASICS decision to dismiss an executive officer because he failed to predict that an inmate in the Crisis Unit was going to assault his cellmate. Other staff have been charged over this incident with decision on their futures pending.

This raises some very serious questions that have yet to be answered by the department. Inmates in the Crisis Unit to be held 'two out' is the department's policy not the POVB. If officers are implementing the department's policy in good faith and without malice, why then are officers being held accountable/dismitted when something goes wrong.

It has always been the POVB's view that the level of supervision in the Crisis Unit negates the need for 'two out'. Inmates in Crisis Units cannot reasonably be held accountable for their actions. The department should be answering the questions - not the officers that are merely following policy.

Predicting the behaviour of an inmate when confined in cells is impossible 100% of the time; this is not an exact science. Officers need to be protected from this accountability when they are merely following policy correctly.

It is our decision to refuse to make any decisions on the housing of inmates two out. We will place inmates in allocated cells, but the decision as to who goes in those cells will be made by management, not POVB members.

LEGAL FUND

We are still amazed at the number of members who have failed to make the effort to join the Legal Fund. We have just received a ruling from the Taxation Office giving the fund tax-deductible status.

Remember that once you are facing charges covered by the fund and you have failed to join, its too late. The constitution prevents funds being made available to members wanting coverage after the incident.

In this age of allegations, duty of care and increasing accountability, it is desirable to have this form of cover. See your delegate for membership forms.

The Legal Fund has approved three applications for financial assistance in recent times. One has been concluded successfully and two others are still on-going. All three cases involved allegations of assault.

POVB EXECUTIVE

John Campbell	Chair	Goulburn CC	(M) 0408 263 044
Paul Jones	Vice Chair	Parramatta CC	(M) 0425 320 792
Tony Howen	Country Vice Chair	Cessnock CC	(M) 0414 591 417
Brian McCann	Secretary	John Moroney CC	(M) 0400 492 129

John Scullion remains as your Principal Industrial Officer and can be contacted at the PSA.