

Submission  
No 258

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

**Organisation:** NSW Department of Corrective Services  
**Name:** Mr Ron Woodham  
**Position:** Commissioner  
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General Purpose Standing Committee No.3

INQUIRY INTO THE PRIVATISATION OF  
PRISONS AND  
PRISON-RELATED SERVICES

**NSW Department of Corrective Services  
Submission**



27 February 2009

The Hon Amanda Fazio MLC  
Chairperson  
General Purpose Standing Committee No. 3  
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Dear Ms Fazio

**Inquiry into the privatisation of prisons and prison-related services**

As advised during the hearing on 23 February 2009, the NSW Department of Corrective Services has prepared this submission responding to the Inquiry's terms of reference. Should you require any further information or assistance of any other kind, please do not hesitate to contact my office.

Any inquiries can be directed to Assistant Commissioner Luke Grant on telephone (02) 8346 1344.

Yours sincerely



**RON WOODHAM**  
Commissioner  
27 February 2009

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INQUIRY INTO THE PRIVATISATION OF PRISONS AND  
PRISON-RELATED SERVICES

**NSW Department of Corrective Services Submission**

**1. Introduction**

The NSW Department of Corrective Services has extensive experience with the contracting out of correctional services gained over a 15 year period overseeing the operations and managing the contract of Junee Correctional Centre. NSW was the second Australian jurisdiction after Queensland to put the management of a correctional centre out to tender. Over the ensuing period, the Department has refined its approach to managing contracted out services and has strengthened accountability mechanisms to the extent that no other correctional centre in NSW is subject to such rigorous scrutiny.

A major misconception in the debate surrounding 'privatisation' of prisons is the notion that when a contract is awarded, the Department of Corrective Services loses its authority and hands over all responsibility for the operations of such centres to a private provider. The reality is that the centre continues to operate under the strict control of the Commissioner and to a standard equivalent to and sometimes exceeding the public system. 'Privatisation' in this context is a misnomer and its use encourages the false assumption that correctional centres are to be sold to the private sector.

Critics of prison privatisation have tended to raise three types of complaints:

**Firstly**, that it is wrong in principle for the State to privatise prison services because they remain a State responsibility.

**Secondly**, that service delivery will inevitably suffer as the contractor will prioritise profit over service.

**Thirdly**, that there is a lack of transparency and public accountability.

The first criticism is essentially ideological. While it is reasonable for people to hold different views, this part of the debate is essentially irrelevant to this inquiry as we already have a private prison and it is here to stay for the foreseeable future. It is also misdirected, at least in New South Wales, where it is clear that the State retains ultimate legal as well as moral responsibility. The best way to express it is the State has not 'contracted out' of its responsibilities but simply 'contracted in' certain services.

Research demonstrates that the second criticism – that the quality of service will inevitably suffer under private prisons – does not withstand scrutiny. Worldwide, the experience has been the private sector is just like the public sector in the sense that it is capable of running good prisons, bad prisons and anything in between. Internationally, the best private prisons are undoubtedly offering cost effective, high quality service.

One can dispel the view that privatisation leads to a lack of accountability. It is no co-incidence that the best private prisons are usually found where strong accountability measures are in place.

In New South Wales a full time Monitor is in place and submits monthly reports to management. Additional Monitors will be in place to monitor Parklea and Cessnock Correctional Centres.

While the Department is in a position to make observations about the implications of contracting out such services in other jurisdictions, it is more relevant to base our submission on the experience of Junee Correctional Centre, as this successful model has been used as the basis for the current tendering process for Parklea and Cessnock Correctional Centres.

The NSW Legislative Assembly Public Accounts Committee conducted an inquiry into "Value for Money from NSW Correctional Centres" in 2005<sup>1</sup> and noted the difficulties in comparing costs and other measures across individual correctional centres. Notwithstanding the complexity of such comparisons, the Department's Corporate Research Evaluation and Statistics Branch<sup>2</sup> completed a generally favourable review of the first four years of operation of Junee Correctional Centre (1993-1997) on the basis of comparing Junee's performance with other comparable centres. A similar approach has been adopted for the purposes of this submission.

The Department is familiar with operations in other jurisdictions but is not privy to the finer details of commercial and operational performance which would be required to respond to the Standing Committee's very specific terms of reference. The Department has therefore relied in large part on comparisons between Junee and other NSW correctional facilities. Given that most measures of correctional centre performance are influenced by the mix of inmates in the correctional centre and the designated purpose of the centre it would have been desirable to identify a correctional centre with identical characteristics to Junee. As there is no identical centre, the Department's submission focuses on comparisons of Junee with Grafton, Bathurst and the Mid-North Coast facilities which have a number of overlapping attributes. The Department's submission will also make comparisons between Junee and all other NSW correctional centres excluding Junee.

## **2. Public safety and rates of escape**

Escapes from correctional centres are infrequent events. NSW as a whole has had an excellent record over recent years as evidenced by the significant reduction in escape events and consistently lower escape rates than other jurisdictions. In 2007-08, NSW experienced a record low escape rate of 0.16 per 100 offender years from open custody. The national average was 0.61. The secure custody escape rate for NSW of 0.02 per 100 offender years also compares very favourably with the national average 0.09.

This sustained public safety outcome is the consequence of a concerted strategy incorporating dynamic and static security measures. Physical security in correctional centres is maintained through the provision of a secure perimeter, robust cell construction and the use of technology. At Junee our only privately operated facility and also at the prospective private correctional centres of Parklea and Cessnock, the essential security infrastructure is provided by the NSW Government. This ensures that consistently high standards can be maintained across the state.

The most important dynamic security element is the inmate classification and placement process. Rigorous and objective assessment of security risk is used as the basis for ensuring that inmates are appropriately matched to the level of security provided by the centre. The classification process is controlled from an independent unit in Sydney and decision making is not the responsibility of the private provider. Therefore the two most important security elements are independent of the private operator.

Of course intelligence gathering, diligence in adhering to security protocols and case management will also contribute to effective dynamic security. Such activities are susceptible to human error and negligence. In the case of private contracts, compliance with operational protocols, maintenance of security equipment and staff diligence are all subject to close scrutiny by the contract monitor.

Given the infrequency of escape events, it is more meaningful to examine performance over extended time periods. Junee Correctional Centre compares favourably to the State as a whole. The average annual escape rate for all categories of escape from Junee Correctional Centre for the period from June 1997 to July 2008 was 0.05 per 100 prisoner years. The NSW annual average rate during the same period was 0.43.

Table 1 demonstrates that Junee performed better in both open and secure escape categories.

<sup>1</sup> NSW Legislative Assembly Public Accounts Committee. Report No. 13/53 (No.156) 2005.

<sup>2</sup> Bowery M, Private Prisons in NSW: Junee – a four year review. Research Publication 42. 1999  
*General Purpose Standing Committee No 3 Inquiry into Prison Privatisation*



**Table 1. Escapes from correctional centres by category  
1997-98 to 2007-08**

	Total escapes (97-98 to 07-08)	Annual average escape rate (per 100 prisoners per year)	Average annual population (97-98 to 07-08)	Average annual escape rate per 100 prisoners per year
<b>Junee CC</b>				
- Open	1	0.1	133	0.07
- Secure	3	0.3	545	0.05
- Total	4	0.4	679	0.05
<b>NSW (excluding Junee CC)</b>				
- Open	322	29.3	3,361	0.87
- Secure	27	2.5	4,083	0.06
- Total	349	31.7	7,444	0.43

Table 2 shows that this difference is highly significant when expressed as a performance ratio.

**Table 2 Performance ratio - Average annual escape rate (using NSW excluding Junee CC as a base) 1997-98 to 2007-08**

	Junee CC *	NSW (exc Junee CC)
Escapes - Open custody	0.08	1.00
Escapes - Secure custody	0.83	1.00
Escapes - Total	0.13	1.00

### Conclusion

The fundamental components of correctional centre security in privately operated correctional centres remain under the control of the NSW Department of Corrective Services. NSW as a whole has an excellent escape record and our experience with Junee Correctional Centre over a period in excess of 15 years demonstrates that public safety is not jeopardised by the contracting out of correctional services. Given that the contracts for Parklea and Cessnock Correctional Centre's will be developed with the same regard for security then it can be argued public safety will not be jeopardised by the contracting out of correctional services.

### 3. The incidence of assault on inmates and staff

The rate of assaults by inmates varies between correctional centres. It would be expected that centres housing higher security classification inmates and larger numbers of mentally unstable inmates would experience higher levels of assault. New receptions into custody may be agitated and withdrawing from drugs and this is also correlated with elevated assault rates. Accordingly the mix of inmates influences the rate of inmate assaults. Junee with a mix of medium and minimum security inmates and a significant number of new receptions might be expected to have an assault rate higher than the state average.

The Department requires all assault incidents to be reported and differentiates between serious and minor assaults in accordance with the Productivity Commission counting rules. Assaults by prisoners on prisoners and prisoners on staff are reported separately. For the purposes of making comparisons between centres and comparisons between a particular centre and the rest of the state the most meaningful unit of measurement is the Average Annual Assault rate per 100 prisoner years.

Tables 3(a) compares the assault on officer statistics from Junee Correctional Centre with statistics from Bathurst, Grafton and Mid-North Coast Correctional Centre. For Junee, Bathurst and Grafton the reporting period was the financial years 2001-02 to 2007-08. Statistics from the Mid-North Coast Correctional Centre are for a 4 year period. The table shows that the rate of minor assaults on staff at Junee was similar to Bathurst and Mid-North Coast but lower than Grafton. There were no serious assaults on staff during the reporting period at these centres.

**Table 3(a) Assaults by prisoners on officers; 2001-02 to 2007-08**

	Junee CC	Bathurst CC	Grafton CC	Mid-North Coast CC *(only 4 years)
<b>Total assaults</b>				
- Serious assaults	0	0	0	0
- Minor assaults	31	24	21	11
<b>Average per year</b>				
- Serious assaults	0.0	0.0	0.0	0.0
- Minor assaults	4.4	3.4	3.0	2.8
<b>Average population (2001-02 to 2007-08)</b>	730	447	258	420
<b>Average annual assault rate per 100 prisoner years</b>				
- Serious assaults	0.00	0.00	0.00	0.00
- Minor assaults	0.61	0.77	1.16	0.65

Table 3(b) shows that for serious assaults of prisoner on prison Junee performed similarly to or better than Bathurst and Grafton but experienced a higher rate than Mid North Coast. With respect to minor assaults Junee's rate was marginally lower than Bathurst and Mid North Coast but marginally higher than Grafton.

**Table 3(b) Assaults by prisoners on prisoners; 2001-02 to 2007-08**

	Junee CC	Bathurst CC	Grafton CC	Mid-North Coast CC * only 4 years
<b>Total assaults</b>				
- Serious assaults	25	15	12	6
- Minor assaults	803	531	272	272
<b>Average per year</b>				
- Serious assaults	3.6	2.1	1.7	1.5
- Minor assaults	114.7	75.9	38.9	68.0
<b>Average population (2001-02 to 2007-08)</b>	730	447	258	420
<b>Average annual assault rate per 100 prisoner years</b>				
- Serious assaults	0.49	0.48	0.66	0.36
- Minor assaults	15.72	16.97	15.06	16.19

\* Mid-North Coast CC opened on 15-July-04



Tables 3(c) compares Junee with Bathurst, Grafton and Mid-North Coast Correctional centres. This is expressed as a performance ratio.

**Table 3 (c) Performance ratio - Average annual assault rate (using Junee CC as a base) 2001-02 to 2007-08**

	Junee CC	Bathurst CC	Grafton CC	Mid-North Coast CC * Only 4 years
<b>Assaults on Officers</b>				
- Serious assaults	n.a	n.a	n.a	n.a
- Minor assaults	1.00	1.26	1.92	1.08
<b>Assaults on prisoners</b>				
- Serious assaults	1.00	0.98	1.36	0.73
- Minor assaults	1.00	1.08	0.96	1.03

Tables 3(d) compares Junee and the rest of NSW correctional centres. This is expressed as a performance ratio. Junee out performed the state as a whole with respect to Minor Assaults on Staff and Serious Assaults on Prisoners. Junee had a marginally higher rate of Minor Assaults on inmates.

**Table 3(d) Performance ratio - Average annual assault rate (using NSW excluding Junee as a base); 2001-02 to 2007-08**

	Junee CC *	NSW (exc Junee CC)
<b>Assaults on Officers</b>		
- Serious assaults	0.00	1.00
- Minor assaults	0.57	1.00
<b>Assaults on prisoners</b>		
- Serious assaults	0.80	1.00
- Minor assaults	1.12	1.00

## Conclusion

The rate of assaults by inmates in the privately operated Junee Correctional Centre is within expectations. If anything it is lower than expected given the inmate mix.

## 4. Disciplinary breaches

### Inmates

Offences in custody are specified in the *Crimes (Administration of Sentences) Regulation 1999*. Each charge is adjudicated by the centre's General Manager and recorded in the offender database (Offender Integrated Management System or OIMS).

Given the frequency with which inmates are charged with disciplinary offences it is possible to aggregate offences for a 12 month period for the purposes of making correctional centre comparisons.

**Table 4(a): Offences in custody**

	Total offences 2007-08	Daily average population 2007-08	Offence rate per 100 inmates per year
<b>Junee CC</b>			
- Total offences	726	769.3	94.4
<b>NSW (excluding Junee CC)</b>			
- Total offences	9300	8864.7	104.9

**Table 4(b) Offences in custody – by category**

	Total offences 2007-08	Daily average population 2007-08	Offence rate per 100 inmates per year
<b>Junee CC</b>			
- Abuse	28	769.3	3.6
- Fighting	110	769.3	14.3
- Order	169	769.3	22.0
- Stealing	185	769.3	24.0
- Property	19	769.3	2.5
- Muster	4	769.3	0.5
- Refuse	51	769.3	6.6
- Other drugs	155	769.3	20.1
- Alcohol	5	769.3	0.6
- Condoms	0	769.3	0.0
- Mobile phones	0	769.3	0.0
<b>NSW (excluding Junee CC)</b>			
- Abuse	982	8864.7	11.1
- Fighting	899	8864.7	10.1
- Order	3449	8864.7	38.9
- Stealing	834	8864.7	9.4
- Property	724	8864.7	8.2
- Muster	583	8864.7	6.6
- Refuse	530	8864.7	6.0
- Other drugs	1862	8864.7	21.0
- Alcohol	25	8864.7	0.3
- Condoms	1	8864.7	0.0
- Mobile phones	12	8864.7	0.1

**Conclusion**

The rate of inmate disciplinary offences reported for Junee Correctional Centre is slightly lower than the average for the State operated facilities. When considered in conjunction with assault statistics this suggests that inmates in privately operated facilities could be expected to behave similarly to inmates in other centres.

## Staff Disciplinary matters

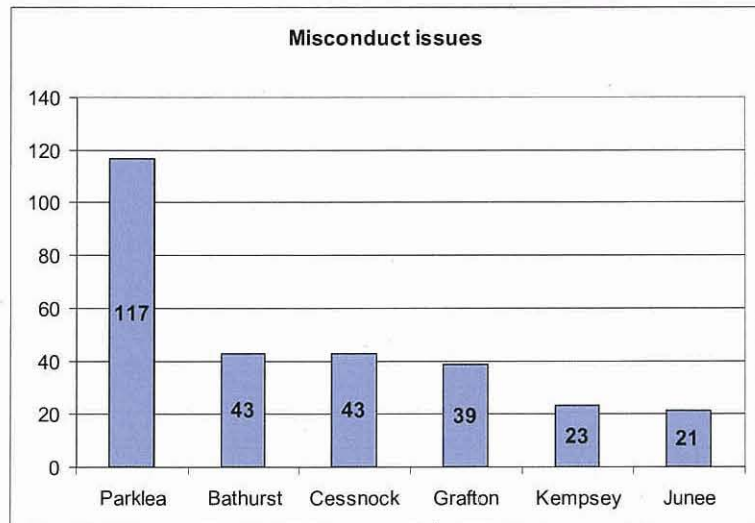
Staff at Junee Correctional centre are less likely to be charged with disciplinary offences that staff in DCS facilities as indicated in the following tables.

Centre	Criminal charge	Traffic charge
Bathurst	9	1
Cessnock	5	3
Grafton	3	0
Junee	4	3
Kempsey	2	3
Parklea	6	2
	29	12

Location	Misconduct charge	Positive AOD test	Work performance
Bathurst	43	2	2
Cessnock	43	8	2
Grafton	39	1	7
Junee	21	0	1
Kempsey	23	1	1
Parklea	117	3	3
	286	15	16

Location	Disciplinary outcome	Remedial Outcome	Not substantiated
Bathurst	0	23	24
Cessnock	2	39	12
Grafton	3	26	14
Junee	0	10	14
Kempsey	2	17	7
Parklea	6	70	40
	13	185	111

Location	Criminal outcome
Bathurst	3
Cessnock	3
Grafton	0
Junee	3
Kempsey	1
Parklea	1
	11



## 5. Overcrowding

Bed utilisation in correctional centres is usually assessed by comparing the daily inmate population with the operational capacity of the correctional centre. The inmate population oscillates erratically and it is conceivable that a situation could arise where bed occupancy exceeds operational capacity. This could legitimately be described as 'overcrowding'.

Commentators from time to time have mistakenly referred to those situations where the population approaches the maximum operational bed capacity as 'overcrowding'. This is not accurate, as the operational capacity of a correctional centre is determined by bed availability and the availability of staff for security and service provision. While a correctional centre may reach full capacity this does not equate to 'overcrowding'.

The operational capacity at Junee Correctional centre has been adjusted on a number of occasions since the centre opened. At no time however has the inmate population exceeded the operational capacity.

In the interests of cost effectiveness the NSW Department of Corrective Services has always aimed to utilise the maximum number of beds in Junee Correctional Centre. The bed numbers are specified in the contract but can be increased or decreased through mutual agreement. The bed utilisation rate in all correctional centres is an outcome of a number of discrete processes including, new receptions from courts, discharges to freedom and transfers to and from other correctional centres. The Department centrally manages the process of placement of new receptions, transfers to and from other correctional centres and also monitors discharges. This ensures that occupancy levels are maintained to the maximum agreed level. In the case of Junee a small vacancy buffer is maintained at all times to allow for the reception of local receptions from court. Table 5 shows bed utilisation rates at Junee Correctional Centre in the period from July 2005 to June 2008 broken down into medium and minimum security beds. The table confirms that the bed occupancy rate was never equal to or greater than 100% during this period. The average bed occupancy rate over this period was 97.1%.



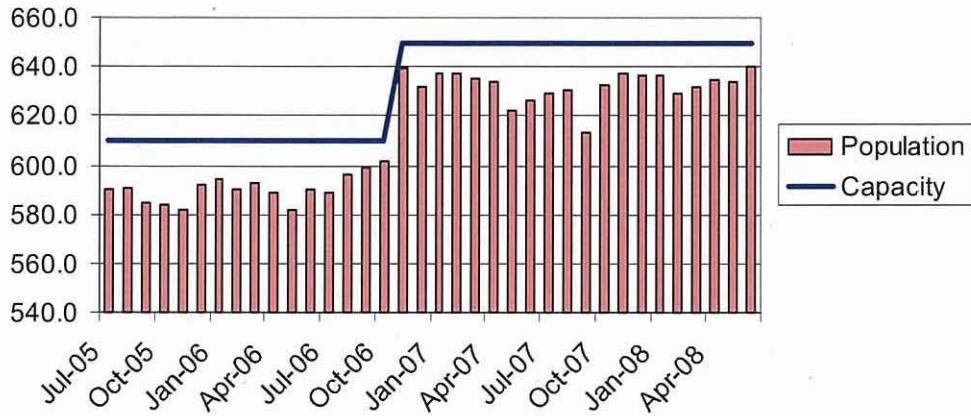
**Table 5 Operational capacity v daily average population by security level by month; July 2005 to June 2008 Junee Correctional Centre**

Month	Operational Capacity			Daily average population			Percentage occupancy		
	Med	Min	Total	Med	Min	Total	Med	Min	Total
Jul-05	610	140	750	590.4	136.4	726.8	96.8	97.4	96.9
Aug-05	610	140	750	590.8	133.1	723.9	96.9	95.1	96.5
Sep-05	610	140	750	584.5	136.9	721.3	95.8	97.8	96.2
Oct-05	610	140	750	583.7	136.9	720.6	95.7	97.8	96.1
Nov-05	610	140	750	582.0	133.8	715.9	95.4	95.6	95.4
Dec-05	610	140	750	592.4	135.6	728.0	97.1	96.9	97.1
Jan-06	610	140	750	594.0	135.6	729.6	97.4	96.9	97.3
Feb-06	610	140	750	589.9	135.9	725.8	96.7	97.0	96.8
Mar-06	610	140	750	593.0	135.5	728.5	97.2	96.8	97.1
Apr-06	610	140	750	588.7	136.8	725.5	96.5	97.7	96.7
May-06	610	140	750	581.5	136.3	717.8	95.3	97.3	95.7
Jun-06	610	140	750	589.9	136.4	726.3	96.7	97.4	96.8
Jul-06	610	140	750	588.7	137.2	725.9	96.5	98.0	96.8
Aug-06	610	140	750	595.9	129.0	724.9	97.7	92.1	96.7
Sep-06	610	140	750	598.7	135.4	734.1	98.1	96.7	97.9
Oct-06	610	140	750	602.0	132.7	734.7	98.7	94.8	98.0
Nov-06	650	140	790	639.5	137.6	777.1	98.4	98.3	98.4
Dec-06	650	140	790	631.6	135.0	766.6	97.2	96.4	97.0
Jan-07	650	140	790	637.2	137.8	775.0	98.0	98.4	98.1
Feb-07	650	140	790	637.7	137.4	775.1	98.1	98.2	98.1
Mar-07	650	140	790	635.6	133.7	769.3	97.8	95.5	97.4
Apr-07	650	140	790	633.9	134.4	768.4	97.5	96.0	97.3
May-07	650	140	790	622.1	134.2	756.3	95.7	95.9	95.7
Jun-07	650	140	790	626.6	138.1	764.7	96.4	98.7	96.8
Jul-07	650	140	790	629.2	134.5	763.7	96.8	96.0	96.7
Aug-07	650	140	790	630.8	137.3	768.1	97.1	98.1	97.2
Sep-07	650	140	790	613.2	136.7	749.8	94.3	97.6	94.9
Oct-07	650	140	790	632.8	136.2	769.0	97.4	97.3	97.3
Nov-07	650	140	790	637.1	137.2	774.3	98.0	98.0	98.0
Dec-07	650	140	790	636.6	136.0	772.5	97.9	97.1	97.8
Jan-08	650	140	790	636.5	137.7	774.3	97.9	98.4	98.0
Feb-08	650	140	790	629.4	137.2	766.7	96.8	98.0	97.0
Mar-08	650	140	790	631.6	137.7	769.4	97.2	98.4	97.4
Apr-08	650	140	790	634.7	137.8	772.5	97.7	98.4	97.8
May-08	650	140	790	633.8	139.1	772.9	97.5	99.4	97.8
Jun-08	650	140	790	640.1	138.0	778.1	98.5	98.6	98.5

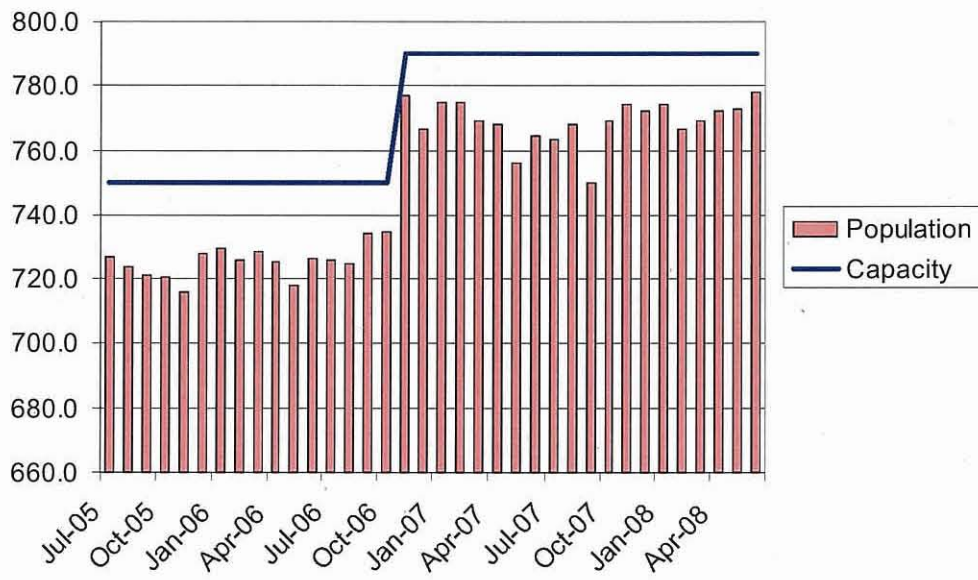
<b>Lowest</b>	<b>94.3</b>	<b>92.1</b>	<b>94.9</b>
<b>Highest</b>	<b>98.7</b>	<b>99.4</b>	<b>98.5</b>
<b>Average</b>	<b>97.1</b>	<b>97.2</b>	<b>97.1</b>



**Fig 2: Junee Correctional Centre - Population v Capacity - Medium security July 2005 - June 2008**



**Fig 3: Junee Correctional Centre Population v Capacity - Total centre July 2005 - June 2008**



## 6. Prisoner classification levels

Contracting out the operation of correctional centres does not have an impact on classification levels. Correctional Centres are designated to manage inmates of specific classifications. This is directly related to the nature of the correctional centre perimeter and also to the level of supervision provided. Some correctional centres only manage maximum security inmates, other are restricted to minimum security inmates and a number can manage all categories. At Juneee Correctional centre for instance there is a capacity to manage B and C category inmates but not A category. The implications of security classifications are spelt out in the *Crimes (Administration of Sentences) Regulation 2008*. The following applies to male inmates:

### **Clause 22 Classification of male inmates**

- (1) *Each male inmate is to be classified in one of the following categories for the purposes of security and the provision of appropriate development programs:*

*Category AA, being the category of inmates who, in the opinion of the Commissioner, represent a special risk to national security (for example, because of a perceived risk that they may engage in, or incite other persons to engage in, terrorist activities) and should at all times be confined in special facilities within a secure physical barrier that includes towers or electronic surveillance equipment.*

*Category A1, being the category of inmates who, in the opinion of the Commissioner, represent a special risk to good order and security and should at all times be confined in special facilities within a secure physical barrier that includes towers or electronic surveillance equipment.*

*Category A2, being the category of inmates who, in the opinion of the Commissioner, should at all times be confined by a secure physical barrier that includes towers, other highly secure perimeter structures or electronic surveillance equipment.*

*Category B, being the category of inmates who, in the opinion of the Commissioner, should at all times be confined by a secure physical barrier.*

*Category C1, being the category of inmates who, in the opinion of the Commissioner, should be confined by a physical barrier unless in the company of a correctional officer or some other person authorised by the Commissioner.*

*Category C2, being the category of inmates who, in the opinion of the Commissioner, need not be confined by a physical barrier at all times but who need some level of supervision by a correctional officer or some other person authorised by the Commissioner.*

*Category C3, being the category of inmates who, in the opinion of the Commissioner, need not be confined by a physical barrier at all times and who need not be supervised.*

The decision as to what security classification is given to an individual inmate is made by delegated officer from the Department's Inmate Classification and Case Management Branch. For both privately and publicly operated centres, centre staff may participate in a process that generates a classification recommendation, but the final decision is always made by a delegated officer who is independent of the correctional centre. This process was put in place to ensure that objectivity and integrity of the classification process.

## **7. Rehabilitation programmes, mental health support services and recidivism rates**

Effective rehabilitation requires programs that are designed to reduce offending behaviour as well as attention to environmental/societal factors which are criminogenic (i.e. those that are correlated with offending). Adequate assessment is crucial to determining these factors for each offender. A case management strategy provides the framework for the assessment and for developing a plan as to how to deal with these issues for an individual offender. Case management and case planning therefore need to be co-ordinated from the time of the offender's first contact with corrections through to the expiry of any orders. This co-ordination can and does occur across the spectrum of community corrections, publicly operated institutions and the current privately operated centre. The locus of any specific case management decision is relatively insignificant so long as the framework of assessment, case planning and case management is maintained and overseen by a co-ordinating body as it is the case of the oversight provided by the case management branch of DCS in respect of Junee.

There is a current legislative requirement of all inmate case plans to be formally ratified by a Department of Corrective Services Classification Manager (delegated by the Commissioner). This allows for close scrutiny of the case plan for every inmate placed at Junee Correctional Centre. These case plans are also subject to cyclical review.

Once an offender's criminogenic needs have been correctly identified rehabilitation requires that relevant needs be addressed. Environmental/societal factors such as unemployment, accommodation problems, financial problems, family and other relationship problems need to be addressed on two fronts; in custody- through work with the inmate; and in the community in terms of assessment of and interaction with community members. These tasks fall to program staff generally, throughcare staff in particular and staff of Community Offender Services. In Junee programs and throughcare staff work in the centre to address these issues and the DCS Community Offender Services (Probation and Parole officers) works into the centre.

Inmates are unlikely to spend the whole of their sentence at Junee. They may be placed there earlier or later in their sentence. This means that Junee or for that matter any privately contracted centre is seldom responsible for delivering all of the rehabilitation programs that an offender may need.

DCS does not provide all treatment programs in every centre, rather DCS has elected to provide the intensive programs required to treat high risk sexual and violent offenders at a small number of locations capable of providing the environment and the staff to standards required. This means that if an offender at Junee requires intensive sex offender treatment they are relocated for the purposes of such treatment.

In terms of effective programs the principles of "Risk, Need, Readiness and Responsivity" require that program planning be undertaken with reference to the inmate profile to ensure that programs be of a type and intensity that address the level of risk and nature of the risk of inmates. Quality assurance processes are required for program effectiveness.

The audit process in respect of offender services and programs at Junee has involved scheduled visits to Junee by a number of senior Offender Services and Programs Staff. The audit has proceeded by way of interviews with staff, inmates, official visitors and chaplains as well perusal of records and observation of operations. Using a pre-determined schedule on which to record results the audits have examined the Junee performance against the Key Results Areas identified in the specifications. Where the audit has recommended modified procedures or practices Junee management has complied.

Table 10(a) indicates the number of individuals attending a program at Junee CC (population 794) in the financial year 07/08. It should be noted that one individual may have attended multiple programs.

<b>Table 10(a) Program Attendance June 2007/08</b>	
<b>Name of Program</b>	<b>Individuals</b>
Getting SMART (Self Management and Recovery Training)	170
SMART Recovery	160
VOTP (Violent Offender Therapeutic Unit) Maintenance	48
The Best Bet	72
Think First	28
NA & AA	240
GROW	144
Pre release (June program)	40
Grief and Loss (June program)	56
<b>TOTAL</b>	<b>958</b>

As a result of the 2008 audit DCS and June management have worked together to align June programs with Departmental program strategies. This has resulted in a comprehensive needs analysis of June inmates and the development of a program package that uses DCS approved programs to deliver content in the following areas:

- Alcohol and Other Drugs
- Attitude and Orientation
- Anger and Violence
- Gambling Addiction
- Financial Management
- Sex offending related needs
- Disability

June will now report on program provision using the same template as DCS centres. Direct comparisons of the appropriateness of programs, attendances and hours of programs will then be possible.

Enhancing the role of needs analysis and program planning is consistent with strategies in use across DCS. It is important that the suite of programs be consistent across correctional centres whether they be managed by public or private providers. This consistency ensures that programs commenced at one location can be completed at another and also permits post-imprisonment case management to proceed on a common basis. The locus of a program is irrelevant so long as consistency and quality are assured. This is the role of the Department's Offender Services and Programs Division and of regular audits of private providers. The Department's approach to program accreditation however encourages innovation. This means that if a private provider develop or identifies an intervention that can be shown to be superior to an existing program or addresses a range of unmet needs then subject to the accreditation such a program could be adopted.

#### **Vocational and Educational Programs**

June Correctional centre employs seven teaching positions thus giving a ratio of students to teachers of 111.71:1. This is a higher ratio of inmates to teachers than applies in the DCS centres. However June is achieving a high enrolment and completion rate in education. Fifty percent of inmates are in education and the average number of units of study completed per inmate in 2008 was 6.15.

In June in 2008, **1160** Basic Education and **3751** Vocational Education units were successfully completed.



## Mental Health

In relation to mental health, in the DCS system this is primarily managed by Justice Health, a Statewide Health Service of the Department of Health. Justice Health provides a range of medical staff including mental health nurses and psychiatrists. DCS employs psychologists who also provide assessments and clinical interventions in relation to mental health issues. In Junee similar provisions apply with private contractors providing medical services including mental health services. DCS has had occasion to question the skill and qualification levels of psychologists employed at Junee Correctional Centre. However DCS believes that this is not related to privatization but rather to geographical factors. DCS has experienced similar problems in attracting adequately qualified and experienced psychologists to correctional centres in rural locations such as Goulburn, Wellington and Tamworth. In the

There was previously a salary discrepancy between DCS and Junee management in terms of the salary offered for a senior psychologist. However Junee has now employed a Senior Psychologist at a salary comparable to DCS Senior Psychologists. Junee has also created an Assessment Specialist Psychologist position so that in the absence of the Senior Psychologist, an experienced psychologist with supervising ability is available to supervise less experienced and intern psychologists. The Senior Psychologist is invited to the quarterly DCS Senior and Supervising Psychologist meetings. This assists in keeping psychological services at Junee consistent with those at DCS centres. The specialist psychology services also provide training and specialist supervision to Junee psychologists as required.

## At-Risk Inmates

At Junee, the system of mandatory notification of at-risk inmates is similar to that which obtains in centres under DCS administration. When a mandatory notification is made, a High Risk Assessment Team (HRAT) forms to interview the inmate and make decisions about placement (observation cell, 2-out, etc) and treatment. The HRAT functions in a similar fashion to the Risk Intervention Team (RIT) at DCS-run centres. The HRAT consists of an officer, a nurse and an OS&P staff member, often a psychologist. The clinic doctor is present and takes an active role in HRAT case discussions. There are advantages to the medical clinic being a private contractor, in that information flow around vital matters such as risk of self-harm appears to be less restricted than can occur between government bodies such as DCS and Justice Health at some DCS-run centres.

**Table 10 (b) Number and rate of self harm Dec 2007 to 20 Jan 2009**  
(Incidents recorded on OIMS Incident Reporting Module)

Correctional Centre	Act of self harm	Threaten selfharm	Notified as at-risk	Category unknown	Total
<b>JUNEE</b>					
Incidents	21	6	88	1	116
Rate <sup>1</sup>	2.9	0.8	12.1	0.1	15.9
<b>CESSNOCK</b>					
Incidents	11	9	21	5	46
Rate	1.5	1.2	2.9	0.7	6.3
<b>PARKLEA</b>					
Incidents	30	27	93	5	155
Rate	4.1	3.7	12.7	0.7	21.2

1. Rate represents the equivalent rate per 100 inmates per year



## Recidivism

The measurement of the impact of contracting out correctional services on recidivism is complex and problematic. In the first instance offenders are likely to spend only part of their sentence in a privately operated facility. Experiences in publicly operated centres may impact on the risk of re-offending and it is therefore difficult to discriminate between the effects of management in a privately operated facility and elsewhere.

Recidivism may have more to do with what happens to a person before entry to prison and subsequent to their exit from prison than anything else. Measuring "recidivism" can never be an absolute measure by which we can evaluate the quality of correctional services provided.

Notwithstanding this there are at least four empirical studies that attempt to determine if placement in a privately operated prison reduces or increases recidivism. The studies have conflicting conclusions and are probably not applicable to the NSW experience as the nature of the programs provided and the experience of incarceration is likely to be different. Given the requirement in NSW contracts for private providers to deliver programs within the NSW Department of Corrective Services program accreditation scope, it is anticipated that at least from program perspective the re-offending outcomes would be similar.

### 8. Staffing levels and employee conditions guards in perimeter security of prisons

A comparison of custodial staffing levels can be made by dividing the number of inmates in a correctional centre by the number of custodial staff. Table 8(a) makes such a comparison. As previously indicated it is difficult to identify a single correctional centre that is strictly comparable to Junee however comparison with the centres included in this table provides a good indication of why the private sector costs are cheaper. Having regard to all of the previous tables showing performance across public safety and security indicators it is evident that Junee's staffing level does not compromise these objectives. The only centre that even comes close to Junee is the Mid-North Coast Correctional Centre which is one of three centres operated under an 'island' industrial agreement.

	<b>Inmate Number</b>	<b>Custodial</b>	<b>Custodial Ratio</b>
<b>Parklea Correctional Centre</b>	805	242	3.53
<b>Mid Nth Coast Correction Centre</b>	620	124	5
<b>Bathurst Correctional Centre</b>	540	147	3.68
<b>Junee Correctional Centre</b>	769	143	5.38
<b>Grafton Correctional Centre</b>	273	96	2.91
<b>Cessnock Correctional Centre</b>	479	140	3.74

## **Comparison of DCS and Junee Conditions of Employment**

**Appendix 1** provides a comprehensive comparison of the conditions of employment, salaries, awards and legislation covering staff employed by the GEO group (Junee) and staff employed by the NSW Department of Corrective Services (DCS). There a number of significant differences in conditions of employment which are summarised below:

**Legislation** – DCS has a significant number of Acts, Regulations and Awards with which to comply in relation to conditions of employment.

**Overtime** – Overtime is more costly for DCS. Overtime is paid at time and one half for the first 2 hours and double time thereafter. Sundays are paid at double time and public holidays are paid at double time and one half.

At Junee, all overtime is paid at a flat rate of time and one half.

**Higher Duties Allowance** – In DCS, higher duties allowance is paid at the salary rate for the higher position.

Junee officers must work for 56 hours with no extra pay, before any additional hours are paid at the higher rate.

**Annual Leave** – DCS shift workers receive 6 weeks plus a 20% leave loading. Day workers receive 4 weeks plus a 17.5% leave loading. Staff stationed in remote areas receive an additional 5 days.

Junee staff receive 4 weeks leave for the first year of service and 5 weeks thereafter.

**Weekend & Public Holiday Compensation** – DCS correctional officers receive significant compensation for work on Saturdays, Sundays and public holidays. They also receive additional payments depending on the number of Sunday and Public holidays worked.

Junee officers are paid normal wages if rostered off, and if rostered on a weekend or public holiday, they can elect to have an additional 1 1/2 days annual leave, but only on 5 occasions per year.

**Long Service Leave** – After 7 years or more years of service but not more than 10 years, DCS officers are entitled to the pro rata rate of 2 months long service leave on full pay. After 10 years of service, DCS officers accrue long service leave of 5 months on full pay for each 10 years of service.

Junee officers receive 2 months after 10 years of service. Each 5 years of service thereafter, they receive 1 month of leave.

**Sick Leave** – In DCS, after the first year of service, sick leave accrues at the rate of 15 working days per year of service. Sick leave is cumulative.

Junee officers receive 10 days per annum which is cumulative. However the employer is not bound to pay for more than 18 weeks absence through illness in any one year.

Other conditions of service such as family and community services leave, parental Leave, jury/court Leave, special leave, leave for trade union activities, military leave, travelling compensation and study leave are more generous for Crown employees than private sector workers such as those at Junee.

A comparison of the level of industrial disputation between Junee and the currently publicly operated Cessnock and Parklea Correctional Centres is also instructive.

Table 8 (b), (c) and (d) shows days lost to industrial action and the imposition of work bans at these centres in the period between January 2007 and the present.

<b>Table 8(a) Industrial Action taken at Junee Correctional Centres</b>				
<b>Date</b>	<b>Location</b>	<b>Reason</b>	<b>Officers Involved</b>	<b>Days Lost</b>

**TOTAL:** 0\*

**\*Note:** our records indicate that only 36 days have been lost due to industrial action at Junee Correctional centre since 2001.

<b>Table 8(b) Days Lost to Industrial Action – Parklea CC</b>				
<b>Date</b>	<b>Location</b>	<b>Reason</b>	<b>Officers Involved</b>	<b>Days Lost</b>
28-Oct-08	Parklea Correctional Centre	Strike - 24 hours - disputing the proposed privatisation of Cessnock & Parklea correctional centres.	147	464.21
25-Jun-08	Parklea Correctional Centre	Stop work meeting - disputing the decision to reduce an officer's rank.	111	14.61
08-Apr-08	Parklea Correctional Centre	Stop work meetings - dispute regarding teacher transfers (NB: Teachers Federation)	3	0.43
22-Oct-07	Parklea Correctional Centre	Stop work meeting - disputing a request from staff to remove an officer from the centre whilst he was under investigation.	104	13.68
Jan-07	Parklea Correctional Centre	Stop work meeting - dispute regarding a number of staffing Issues	72	9.47
<b>TOTAL:</b>			<b>437</b>	<b>502.39</b>

<b>Table 8(c) Days Lost to Industrial Action – Cessnock CC</b>				
<b>Date</b>	<b>Location</b>	<b>Reason</b>	<b>Officers Involved</b>	<b>Days Lost</b>
28-Oct-08	Cessnock Correctional Centre	Strike - 24 hours - Disputing the proposed privatisation of Cessnock & Parklea correctional centres.	80	252.63
30 May to 6 June 08	Cessnock Correctional Centre	Ban* - Case Management - Dispute regarding staff rostering issue	POVB	
17 May to 24 May 08	Cessnock Correctional Centre	Ban* - Case Management - Dispute regarding staff rostering issue	POVB	
08-Apr-08	Cessnock Correctional Centre	Stop work meetings - Dispute regarding teacher transfers (NB: Teachers Federation)	2	0.29
02-Apr-08	Cessnock Correctional Centre	Ban* - Refusing to responding to situations where bodily fluids are involved. Disputing contents of PPE pouch.	POVB	
26-Jul-05	Cessnock Correctional Centre	08-Mar-06		
			<b>82</b>	<b>334.92</b>



## 9 (a) Comparative Economic Costs of operating public and private facilities:

In making my submission of this item, I would like to first of all differentiate Economic Cost from Accounting Cost. All costs reported by the Department of Corrective Services have been accounting costs. Accounting costs differ from Economic cost, as they do not include opportunity costs.

Table 9(a) provides a comparison between Junee, Bathurst, Grafton and Mid North Coast Correctional Centres.

**Table 9(a) : Analysis of Cost per prisoner per day (2007-08)**

**Cost per prisoner per day; 2007-08**

	Junee CC	Bathurst CC	Grafton CC	Mid-North Coast CC
	A	B	C	D
Medium security	\$126.79	\$137.12	\$215.91	\$166.76
Minimum security <sup>1</sup>	\$112.78	\$169.89	\$178.27	\$186.20
Minimum security plus PD <sup>2</sup>	\$112.78	\$160.66	\$168.86	\$186.20
<b>Total (derived)</b>	<b>\$124.29</b>	<b>\$141.27</b>	<b>\$187.96</b>	<b>\$171.23</b>

1. Original figures for Bathurst and Grafton (minimum security) provided by Finance

2. Derived daily average cost per prisoner per day excluding PD costs (assuming daily cost of PD is equivalent to FT)

**Daily average prisoner population (2007-08)**

	Junee CC	Bathurst CC	Grafton CC	Mid-North Coast CC
Medium security	632.2	387.9	136.2	351.0
Minimum security	137.1	151.0	135.9	104.7
- Minimum security CC	137.1	142.8	128.7	104.7
- PD (residents) - pro rata	0.0	8.2	7.2	0
<b>Total</b>	<b>769.3</b>	<b>538.9</b>	<b>272.1</b>	<b>455.7</b>

**Performance ratio - Cost per prisoner per day (using Junee CC as a base)**

	Junee CC	Bathurst CC	Grafton CC	Mid-North Coast CC
Medium security	1.0	1.08	1.70	1.32
Minimum security	1.0	1.42	1.50	1.65
<b>Total</b>	<b>1.0</b>	<b>1.14</b>	<b>1.51</b>	<b>1.38</b>

It can be seen from the table that, Junee costs the NSW taxpayer an average of \$124.29 (inclusive of all overheads) compared to Bathurst (\$141.27) Grafton (\$187.96) and Kempsey / Mid North Coast (\$171.73).



In addition to this, Table 9(b) provides a comparison of Cost per prisoner per day at Junee with the average cost for all medium and minimum security centres inmate costs.

It should be noted that all of these costs are 'fully absorbed' costs as submitted to the Productivity Commissioner for the periodic publication of their 'Report on Government Services'

The term 'fully absorbed' refers to the application of overheads to the costs incurred at the Correctional Centres, so that an 'apples with apples' comparison can be made between the outsourced or contracted out centre and the public provider centre.

It should also be noted the figures quoted do not include health costs for services provided by Justice Health within the publicly operated centres, where as the Junee costs includes all health services provided at Junee by The GEO Group.

In comparison to the State average by security classification, as shown in Table 9(b), the Junee medium security cost is \$126.79 (fully absorbed) compared with a state wide average medium security cost of \$203.17

**Table 9(b) Cost per prisoner per day (2007-08)**

	Junee CC	NSW (exc Junee CC)
Medium security	\$126.79	\$203.17
Minimum security	\$112.78	\$171.66
Total	\$124.29	\$184.03

### 9 (b). The impact of privatisation on publicly managed prisons

Blumstein, Cohen and Seth<sup>3</sup> examined the role of privatisation on the cost of government-provided services.

*The fundamental conclusion of the study is that, over the six year period 1999-2004 (the period for which appropriate data exist), states that have some of their prisoners in privately owned or operated prisons experience lower rates of growth in the cost of housing their public prisoners. That finding is generally statistically significant at the conventionally accepted 5% level. The study indicates that the existence of prisoners in privately run facilities in a states system reduced the rate of growth of the states per diem expenditures on publicly held prisoners by approximately 2.64% to 3.125% per year over this time period. In 2004 the average expenditure in states without private prisoners was approximately \$493 million. Our findings suggest that if the average state in that group were to introduce the use of private prisons to some extent, the potential savings for one year in Department of Corrections expenditures for public prisons in that average state could be approximately \$13-\$15 million. These putative savings on public prisons by itself, which source of savings may by itself be not insubstantial."*

<sup>3</sup> Blumstein J, Cohen M, A and S Seth (2007), Do Government Agencies Respond to Market Pressures? Evidence from Private Prisons. Vanderbilt Law and Economics Research Paper No. 03-16  
General Purpose Standing Committee No 3 Inquiry into Prison Privatisation

## 10. Accountability mechanisms available in private prisons

Stringent accountability mechanisms have underpinned the contracting out of correctional services in NSW since the first contract was awarded in 1993. Over this period systems for monitoring the delivery of services in accordance with the specifications in the contract have been refined and strengthened. Junee Correctional Centre must operate under the provisions of the *Crimes (Administration of Sentences Act) 1999* and the *Crimes (Administration of Sentences) Regulation (2008)* and must abide by Department of Corrective Services operational policy and procedures.

Junee Correctional Centre is not exempt from any of the independent review processes that apply to public facilities. This means that the NSW Ombudsman, the Independent Commission Against Corruption, the Official Visitor Scheme, NSW Antidiscrimination Board can perform their functions with respect to prisoners detained in privately operated facilities as they would with offenders in Corrective Services operated facilities. (*The Independent Commission Against Corruption Act 1988* and the *Ombudsman Act 1974* apply to the management company as if it were a public entity.)

Advisory bodies including the Serious Offenders Review Council and the Correctional Industries Consultative Council visit the centre and provide advice to the Commissioner with respect to individual inmates and activities in the centre. Inmates in private facilities can also petition bodies like the UN Human Right Committee and seek relief through the NSW Supreme Court.

NSW Department of Corrective Services has established the Corrections Inspectorate for carrying out a number of functions associated with the oversight of the contracting out of services. The Director of the Inspectorate is responsible for monitoring the operation of the privately managed correctional centre at Junee. Junee CC is operated under a rigid set of minimum standards which provide objective criteria against which performance can be assessed. The following accountability mechanisms are in place:

- A senior custodial officer (known as the Monitor) has been specifically appointed for this role, who reports directly to the Director. Each month the officer attends Junee to conduct a review - the review process takes about 4 days. The Monitor is appointed under the provisions of the Public Sector Management Act 1988.
- During each visit the Monitor:
  - Validates data supplied by GEO concerning their performance against the key performance indicators of the Performance Linked Fee. This involves going back to source documentation and confirming what has been reported to the Commissioner each month (The template for used for the Performance Linked Fee is attached as **Appendix 2**);
  - Reviews performance against a defined list of monitoring elements covering a broad range of correctional operations. This is more operational audit, reviewing compliance against Departmental policy and Departmentally approved local procedures. This is more traditional style auditing, consisting of reviewing local records/registers/files, observing staff in the performance of their duty and interviewing staff about their knowledge and understanding of what they are required to do comply with policy and procedures (In relation to list of monitoring elements **Appendix 3** is a copy of the template 'Monitor's Monthly Checklist');
  - Reviews performance against one or more of the 74 Minimum Standards specified by the Management Agreement.
- Junee Correctional Centre Management are required to report monthly on an extensive list of indicators (the template for reporting is **Appendix 4**)
- A committee comprising senior Departmental officers, Junee management team and the executive of the contracted organisation meet bi-monthly to review performance.

- Thematic Audits are conducted periodically to examine performance in specialised areas including, program delivery, health service delivery and food services.

The NSW Public Accounts Committee inquiry<sup>4</sup> noted the high degree of external regulation and accountability mechanisms associated with the management of Junee Correctional Centre.

## **11. Future plans to privatise prisons or prison services in NSW, including the Court Escort Security Unit**

### Grafton Correctional Centre

Cabinet has endorsed a feasibility study and a business case is currently being prepared with a view to replacing the existing Grafton Correctional Centre with a facility for 600 offenders within the Grafton area. The existing facility comprises outdated building stock, with some buildings dating back to the 19<sup>th</sup> century. The design of the centre mitigates against contemporary management practices and compromises efficiency. There is a good body of international evidence to suggest that the coupling of design construction and operation results in innovative designs and efficient management.

### The Court Escort Security Unit

The Court Escort Security Unit has been the subject of a market testing exercise which was prepared by a consultant. The consultancy report was presented to Treasury and it was decided by Treasury to proceed with outsourcing of this function.

While Cessnock and Parklea are well advanced towards outsourcing, the process for the Court Escort Security Unit has not commenced. The same support services that are in place at Cessnock and Parklea will also apply to the Court Escort Security Unit staff.

The Department will be working towards compassionately dealing with staff during the relocation / redeployment phase, we recognise that majority of staff want to remain with Corrective Services and that will require sensitivity in respect to children's schooling, mortgages, timings of transfers etc.

The enormity of this task cannot be understated, however, it is essentially a security role, that is, transferring inmates between locations securely and safely. The overriding factor, particularly with the court security and court escorts is the deployment of staff. These areas work in peaks and troughs, it is impossible with the scope of correctional officers' duties to carry out these functions within an 8 hour shift. Therefore casuals and split shifts would provide a service that deals with the unpredictability of the courts and rein in the prohibitive costs. We cannot continue to roster staff without the certainty of full deployment for a rostered shift or conversely have officers working excessive overtime in periods when the courts are operating to capacity.

Strict monitoring of this role will be in place and this is covered at the 24 hour court locations with a correctional officer at the rank of Assistant Superintendent remaining.

A similar monitoring system will be applied to the escort functions to ensure the highest level of security and reliability is maintained by the private provider.

The role of court and inter-prison escorts has been outsourced in other States, Victoria, being closest comparator to NSW. This State will retain the Extreme High Risk escorts and also escorts for the Special Purpose Centre along with sensitive escorts such as high profile public figures. A team is already in place for this function comprising of 15 full time officers. It is envisaged that that this would rise to approximately 35 full time officers.

A training package will be designed by this Department to cover all contingencies associated with escorts. This will include:

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<sup>4</sup> NSW Legislative Assembly Public Accounts Committee Value for Money From NSW Correctional Centres (2005) General Purpose Standing Committee No 3 Inquiry into Prison Privatisation

- Movement Order from location to location.
- The interpretation and recording of court decisions.
- The process of releasing prisoners to bail from court.
- The authorities to receive an offender into custody from court.
- The applications of restraints in accordance with policy.
- Scenario training to cover all types of emergencies.
- Appropriate training and licences to drive escort fleet vehicles.

There is no criticism of the professionalism of the existing staff they will all be guaranteed positions within the Department. There will also be the option of taking up employment with the private provider who will undoubtedly be seeking experienced officers in the areas remote from institutions such as Moree, Lismore, Albury, Wagga, Bateman's bay, Dubbo and Queanbeyan.

Ultimately the costings associated with the existing operations cannot be sustained within budget with an anticipated blow out this year of \$4.5 Million. A flexible method of deployment will address the unpredictability of this duty and correctional officers will have more meaningful careers being involved in case management and dynamic security within a correctional centre setting.

## **12. The use and effectiveness of private security**

The NSW Department of Corrective Services has current arrangements in place for the provision of security services by private providers in the areas of boom gate control, external patrols and electronic monitoring.

The main function of boom gate staff is to control the entry and egress of vehicular and pedestrian traffic for the correctional complex. This entails [but is not limited to] - the stopping of vehicles; positively identifying the occupants; searching vehicles and checking for contraband; ensuring legitimate pedestrian access and conducting regular checks of the perimeter.

This function is quite distinct to perimeter security, an integral part of any Centre's security strategy which does need to be conducted by staff with very specific training. This is particularly important in maximum and medium security centres as invariably the post is armed and provides an immediate response capability in emergency situations – for example, an attempted escape. There is no reason why private contractors can not perform the more specialised correctional centres security roles subject to appropriate training, strict protocols and good supervision.

Security for New South Wales Correctional centres falls into two distinct categories.

Static security is the term used to describe the staffing of positions such as boom gates and perimeter patrols. Staff in these positions have little or no inmate contact.

Dynamic security is the term used to describe the "hands on" direct management of inmates utilising such strategies as case management and throughcare. Officers in dynamic security roles are specifically trained in these areas and by the nature of the role have extensive inter-action with inmates.

Prior to the employment of private contractors, boom gate control was undertaken by sworn Correctional officers. All of these officers were trained in case management and qualified to work in front line dynamic security positions. In some locations, the officers utilised on boom gate control were more highly trained than other front line staff, having completed specialised emergency procedures and various serious incident response courses and were also qualified in the deployment of chemical munitions.

Historically there have been occasions where qualified sworn officers were utilised on boom gate duties whilst overtime rates were paid to staff to fill vacant positions or when inmates were locked in their cells due to staff shortages within the centres.

Since November 2008, private contractors have controlled the boom gates at a number of New South Wales Correctional Centres.

Their use has permitted the re-deployment of qualified officers into performing their core duties as correctional officers – ie face to face dynamic security management of inmates. Ostensibly these officers are now performing the duties that they are specifically trained to perform.

The transition to the utilisation private security contractors has occurred very smoothly. The functions that they are employed to perform are traffic and pedestrian control and direct interface with the public. These are fundamental duties performed by licensed security officers in a range of public and privately operated facilities and duties for which they require no additional training.

The current system of management of boom gate security within the New South Wales Department of Corrective Services is directly comparable to that of the Australian Defence Force [ADF].

ADF sites have been managed by private security companies for over 12 years. Their use releases trained soldiers for more appropriate duties.

The Department went out to tender in August 2008 seeking expressions of interest from appropriately accredited companies to provide Boom gate Security and Armed External Patrols at a number of correctional complexes. The contract was awarded to ATMAAC International.

ATMAAC International is a global corporation that delivers expertise and solutions in security and concierge services, facilities and infrastructure management, security risk management and consulting services, plus corporate training.

#### Scope of current Services

Armed External Patrols are provided at the following sites:

1. Silverwater Correctional Complex – AVR Patrols of MRRC
2. Parklea Correctional Complex
3. John Morony Correctional Complex
4. Lithgow Correctional Complex

The rostering requirements for these sites are as follows:

- One (1) Security Staff officer Dayshift - 06:00hrs to 18:00hrs (Shift Handover at 05:30hrs)
- Two (2) Security Staff officer Nightshift – 18:00hrs to 06:00hrs (Shift Handover at 17:30hrs)

Boomgate Operations are provided at the following sites:

- Silverwater Correctional Complex
- Long Bay Correctional Complex

The rostering requirements for these sites are as follows:

- Two (2) Security Staff officer Dayshift - 06:00hrs to 18:00hrs (Shift Handover at 05:30hrs)
- One (1) Security Staff officer Nightshift – 18:00hrs to 06:00hrs (Shift Handover at 17:30hrs) - SILVERWATER C.C. ONLY



## **Contract Costs**

Total contract costs for the first year of service are \$2,556,000. A cost dissection is provided below:

John Morony	\$459,000
Long Bay	\$288,000
Lithgow	\$459,000
Parklea	\$459,000
MRRC (External Patrol)	\$459,000
MRRC (Boomgate)	\$432,000

### Monitoring Services for the electronic monitoring of offenders.

The Department utilizes electronic ankle and wrist bracelets to track or monitor the location or movement of certain offenders within the community. Responsibility for these functions rest within the Community Compliance Group, Blacktown.

As a part of this process, signals and alarms from the electronic devices are monitored on computer monitors on a 24 hour, 7 day per week basis.

The Department went out to tender for these services and the contract was awarded to ATMAAC International.

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## **Scope of the Services**

Under the supervision of Departmental field officers, security staff remotely monitor offenders under pre-release programs, Intensive Community Court orders or sentenced to Home Detention. Security staff monitor the alarms linked to the Electronic Monitoring System. Once an alarm is triggered, security staff alert Departmental field officers who deal with the matter according to standard operating procedures.

As mentioned earlier, the service is provided on a 24 hour, 7 day per week basis. The service is provided over two shifts of 12 hours. There are two security staff employed on each.

## **Contract Costs**

The contracted costs for the first year of service are \$613,632.

### ***Other Services Provided under the ATMAAC Contract***

The Department has utilized the services of ATMAAC to deliver the following services:

- **Supervision of COSP resident** – the COSP at Long Bay is only staffed by female staff. When the COSP received a sex offender, the Department determined that this former offender may pose a risk to COSP staff. It was determined that additional security was required at the COSP during this resident's stay. As a consequence, the sought and accepted a quote under the existing contract with ATMAAC.

## **Conclusion**

The successful utilisation of private security contractors has enabled the New South Wales Department of Corrective Services to utilise resources more efficiently in permitting the use of highly trained staff in areas where their training and skills are better served in the effective management of inmates.

These services were provided under the current contract rates.

## **Case Study Long Bay Boom Gate Negotiations**

The following case study is illustrative of the difficulties the Department has faced negotiating changes to the Boom Gate at Long Bay Correctional complex. (One of the sites that has been contracted out.)

Historically the Long Bay Boom Gate was staffed by (1) Correctional Officer post 24 hours 7 days a week. As a result of various industrial issues in the 1990's this evolved to (2) officer posts 24 hours 7 days per week.

During 2004 and 2005 the Department attempted to negotiate to reduce the officer post by (1) during the night shift. Such negotiation was unproductive with the POVB refusing for the officer post to be re-deployed to what the Department considered more productive duties.

It should be noted that during night shifts there is little activity at the Boom Gate other than staff shift changeovers.

### **2007**

During 2007, major capital works known as the Long Bay Re-development were nearing completion at Long Bay. They included:

- A new 85 bed prison hospital to replace the old 120 bed prison hospital 135 forensic hospital to be operated by Justice Health
- A new state of the art Control / Monitor room next to the existing boom gate

At this time the staffing profile for the existing Long Bay Hospital included the staffing for the Boom gate.

As all new facilities were to operate under "the Way Forward" model protracted negotiations were held with the COVB and POVB regarding the staffing at the new Long Bay Prison Hospital. Eventually agreement was reached to operate the new Hospital with a custodial staffing profile of 105 EFT. To reach this profile the boom gate staffing was reduced from 6 x 8 hour shifts per day to 2 x 8 hour shifts, with the gate to be operated automatically by swipe card or remotely by the Control / Monitor rooms after hours. The Control / Monitor Room was then staffed by 2 officer posts 24 hours 7 days per week.

In October 2007 contractors attended Long Bay to scope the works required for automation and linking of the Boom Gate to the Control Room. The POVB threatened immediate industrial action and the contractors had to be sent away. This ultimately delayed the capital works required for some time.

An agreement on the 105 EFT staffing profile was signed by the POVB on 16 November 2007 (*attached*).

### **2008**

#### **6 February 2008**

Long Bay POVB formally requested additional staffing for the control / monitor room to replace those to be deleted from the Boom gate (See attached)

Works commenced to automate the Long Bay Boom gate and link it to the control / monitor room and plans were developed to withdraw the evening and afternoon shifts commencing 17 July 2008.

**11 July 08** POVB rejected 2 shift per day plan  
(as per 105 agreement)

- 16 July 08** POVB placed industrial bans on response to any malfunctions at the Boom gate (see attached)
- 17 July 08** B Watch (10pm – 6am) staffing withdrawn and CCTV surveillance was with control / monitor room.  
C Watch (Afternoon shift) maintained to avoid industrial action
- 5 August 08** POVB invoke industrial bans leaving prisoners locked in cells for 72 hours. Boom gate cited as a main issue.
- 6 August 08** POVB stop work meeting extending bans to 8 August 2008. Re-deployment of the officers to training commenced.
- 7 August 08** An approved, paid stop work meeting of the POVB occurred on 7 August from 0800 – 0830 to discuss and possibly lift, the current bans / industrial action. Staff training was organised in the same manner as the previous day.
- 8 August 08** A further meeting was approved of the Long Bay sub branch at 0800 on 8/8/08 for one hour which was a paid meeting. Bans were not lifted and further daily meetings were scheduled by the POVB but unauthorised by the Department. The matter was referred to the IRC but was not listed until Monday.
- 9 August 08** Industrial action continued with correctional centres staffed by commissioned officers.
- 10 August 08** Industrial action continued and was extended to bans on higher duties at all centres.
- 11 August 08** Dispute heard by DP Sams at the IRC. A recommendation was made that all bans be lifted and the parties were encouraged to continue negotiations. The matter was listed for further conference on 14 August 08.
- 12 August 08** The POVB at the Long Bay Complex ceased their industrial action after a union meeting which took place at 8:00am on 12 August 08. Other centres which had placed bans on working executive officer posts were progressively lifted during the day.

The POVB and Departmental representatives convened in a meeting at 10:00 am at Long Bay to continue the negotiations process. The first issue discussed was the fact that executive officers were still rostered into the centres and that no overtime had been offered to POVB members. DCS explained that this action was taken as there was not guarantee that there would be a return to full duties by the Correctional Officers.

The POVB were asked to provide a clear list of all the issues of concern. After a break, the POVB came back to management with a list of 22 issues, which were then turned into an agenda for a meeting scheduled for the following day. The main aim was to identify the issues, for both parties to consider the issues that afternoon in preparation for a full day meeting on 13 August 08.

The POVB delegates insisted that the issue of the staffing of the boom gate on the B Watch and the perimeter patrol should be discussed immediately. There was some preliminary discussion on this issue, but no resolution was achieved before the meeting concluded at 11am.

The Department was notified at 1pm by in the Industrial Relations Commission (IRC) that the PSA had approached Deputy President Sams for an urgent report back of the matter and that the matter had been listed for 330 that afternoon.

In summary, DP Sams advised that he did not think that it was appropriate for the IRC to become involved in discussions at that stage as he considered he had given (1) day for the bans to be

lifted and members to return to work, a further day for discussion and he was prepared to spend all day on Thursday facilitating further discussion and he was prepared to spend all day on Thursday facilitating further discussions following the report back if that was necessary. The matter was adjourned until 14 August 2008.

A further meeting was held with the union representatives using the facilities of the IRC after the hearing had been adjourned. The meeting last for around an hour, with the POVB again requesting that the Department put in place an armed mobile patrol for a period of 7 days as a gesture of good faith. DCS representatives advised that they would discuss this request with the Commissioner and provide a response prior to the union meeting scheduled for \*am on 13 August 08.

**13 August 08** A meeting was held with the union representatives with a number of issues being resolved. The POVB Chairman was informed on 13 August 08 that the Commissioner was not prepared to agree to the request for an armed mobile patrol.

**14 August 08** The parties informed DP Same of the progress at the meetings which took place of the past (2) days, and went into further conference using the facilities of the IRC to hold these discussions. As a method of resolving the situation, DCS agreed to conduct a risk assessment of the boom gate and this was placed on record as a suitable resolution of the matter.

The risk assessment was conducted on 22 August 08. A copy of the Risk Assessment Activity schedule is attached. (*attached*)

It was clear that the POVB had no intention of the Long Bay Boom gate operation reducing to (2) Officer posts per day as per the 105 EFT agreement signed on 16 November 2007.

On 18 August 2008 Commissioner Woodham advised unions that the NSW Budget Committee of Cabinet had approved the Way Forward Workplace Reform strategies which included "*boom gate and perimeter security services will be contracted out immediately*".

The operation of the Long Bay Boom Gate was subsequently contracted out . ATMAAC International took over daily operation of the Boom gate from 6am – 6pm on 20 October 2008. After hours the gate is operational by swipe card and the Long Bay Control / Monitor room.



### 13. The experience of privatisation of prisons and prison services in other Australian and overseas jurisdictions

The NSW Parliamentary Library Research Service completed a background paper in 2004 on Privatisation of Prisons<sup>5</sup> in conjunction with the Legislative Assembly Public Accounts Committee inquiry into Value for money from NSW Correctional Centres. While this paper provides a detailed analysis of the issues associated with privatisation and provides an overview of national and international experience of prison privatisation it stops short of concluding that privately operated prisons are more or less effective or cost efficient than publicly operated prisons. What is evident is from the analysis provided in this report is that many of the arguments opposing contracting out of services are informed by ideological positions and not solid evidence.

A small number of adverse incidents have been reported in Australia's privately contracted prisons. These include the return of the Women's Metropolitan Women's Correctional centre of Victoria (Deer Park) to public management following a number of reported adverse incidents and the public inquiry into the operations of Port Phillip prison which recorded seven deaths within a period of five months. As observed by Richard Harding<sup>6</sup>

*"In each of the two Victorian Prisons, there were numerous early warning signs which, in the absence of on site monitors were either missed or were misinterpreted. The argument that privatisation could be beneficial to the prison system as a whole means **privatisation with effective accountability.**"*

As pointed out in response to the reference about accountability mechanisms, the NSW Department of Corrective Services utilises a Monitor to conduct regular on site inspections.

In 2000, The Victorian Government commissioned an independent review of the management and operation of Victoria's private prisons in the wake of a coronial report into the deaths at Port Phillip. The Kirby Report observed that:

*It is important to take a balanced view of the impact of the changes to the Victorian corrections system. While media and public attention has tended to focus on specific incidents at individual prisons, it is important to acknowledge that there have been a number of areas where the introduction of new providers has had positive outcomes.<sup>7</sup>*

The report made numerous recommendations about the contractual and legislative frameworks, and strategies for addressing fragmentation of services. Many of the specific issues identified in the report however are not applicable to NSW as the model for contracting out services and in particular the role of the Office of the Commissioner and the creation of CORE the public correctional enterprise have no parallels in this state.

Most significantly, however at the conclusion of the report, the authors wrote that:

*Central to this report is the Investigation Panel's strongly held view that the quality of the overall service to prisoners and the community matters more than who manages the prison.*

There is a body of international literature that evaluates aspects of private prison performance. The conclusions include findings that support and oppose such endeavours. Very little of this information uses specific Australian examples however some of the conclusions can be generalised. The Harvard Law Review (2002)<sup>8</sup> provides a succinct and impartial commentary on cost, quality and accountability of private prisons and makes the following conclusions:

*Studies that do look at cost or quality alone, do provide some information. The most rigorous studies find clearly positive cost savings. On the quality side, comparisons are trickier, as there is*

<sup>5</sup> Lenny Roth (2004), Privatisation of Prisons Background Paper No 3/04 NSW Parliamentary Library Research Service

<sup>6</sup> Richard Harding (1998) *Private Prisons in Australia: the Second Phase Trends and Issues in Crime and Criminal Justice* No. 84.

<sup>7</sup> Peter Kirby (2000). Report of the Independent Investigation into the Management and Operations of Victoria's Private Prisons.

<sup>8</sup> Harvard Law Review (2002) *Developments in the Law – The Law of Prisons*. Vol. 115:1838-1961  
*General Purpose Standing Committee No 3 Inquiry into Prison Privatisation*

*no single metric representing quality. But none of the more rigorous studies find quality at public prisons lower on average, and most find private prisons outscoring public prisons on most quality indicators. Most of these quality studies do not examine cost, but as private prisons are not expected to be more expensive this result belies statements in the prison literature that assume that cost reductions must come at the expense of quality. Indeed the few methodologically-sound studies that evaluate both cost and quality suggest that cost is no higher in private facilities and quality is at least roughly equivalent.*

The Harvard Law Review cites a number of specific studies that support this conjecture and makes a number of observations as to why lower cost does not equate to increased risk or lower quality services.

*More recently economists have observed that cutting corners is not the only way to make money. It is easy to assume that an aversion to out-of pocket expenses will deter a firm from implementing a "quality" innovation. – but this assumes or ignores opportunities for contract renegotiation. Because private prison companies can suggest such innovations to the government and renegotiate their contract (or, in the real world include extra services in a higher bid), they can capture some of the gains from quality innovation. They therefore have greater incentive to innovate in this way than their public counterparts, who cannot capture such gains. Thus while economic theory predicts that costs will decline under private management it does not necessarily predict the same of quality.*

The experience of contracting out services in Australia has seen a number innovations adopted by private providers that reduce costs and produce better quality outcomes. At June Correctional Centre GEO trialled a methadone dosing device that relies on iris recognition biometrics to identify a patient and dispense an accurate dose of the medication. This makes dosing faster and safer with corresponding reductions in custodial supervision costs and accidental overdoses. At Acacia Correctional Centre in WA, sophisticated smart card technology integrated with biometrics to monitor offender movement in the centre, to process financial transactions, record program attendance and control access. This technology has obvious efficiency advantages and improves quality of service delivery and correctional centre safety.

There are numerous studies comparing the cost and performance of private facilities. One of the most closely studied privately operated correctional centres is the Taft Correctional Centre in California set up by the US Federal Bureau of Prison as a demonstration project specifically to explore the benefits or otherwise of privatisation. The most recent evaluation of Taft evaluated performance over the period 1998 to 2004<sup>9</sup>. Taft is operated by the GEO Group. This comprehensive evaluation found that Geo was able to operate the centre at significantly lower cost than the Government (13% less) while at the same time delivering outcomes at or above the requirements of the contract.

A recent addition to the information about private prison performance in Australia is the report on Acacia Correctional Centre in WA completed by Professor Richard Harding the WA Inspector General of Prisons in 2008.

This very detailed report found that the total cost per prisoner per day at Acacia fell well below the public prison average. Professor Harding estimated that it would cost the Government between \$12.5 and \$20 Million to take Acacia back into the public sector. All of this however would be irrelevant if the quality of services was not good. The report concluded however that the correctional centre was performing to a generally high standard.

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<sup>9</sup> Abt Associates(2005) Cost and performance of the Privately Operated Taft Correctional Institution. National Institute of Justice

#### 14. Staffing Formula and Overtime Budget

The intention of providing a specific 'overtime' allocation in the budget of each Correctional Centre, is to provide sufficient funds to employ resources to back fill staff on unscheduled absences.

The amount required will depend upon local decisions as to whether all posts need to be backfilled and if they are to be filled by calling on casuals or permanent staff on overtime.

These key business decisions will drive the actual cost and therefore will need to balance the operational needs of the centre with the economy of operations. The quantum of each allocation is intended to provide for the best mix of filling or not filling posts and the use of casuals against officer overtime. Correctional centre managers must have the authority and flexibility to make decisions about staffing to ensure that the correctional centre operates safely and economically.

The allocation in past years has been in the order of \$20M p.a.

The Department of Corrective Services (DCS) is a 24 hours a day, 7 days per week operation. Most custodial 'posts' within a Correctional Centre require staffing 7 days per week.

In reconciling the number of staff needed to fill positions/posts within this environment, consideration needs to be given to the number of 'shifts' an officer is available for deployment.

Since 1986 the Department has utilised the '209 staffing formula' as a guide. This formula allows for the following;

<b>Table 14a. Calculation of the 209 Formula</b>		
	<b>Number of Days</b>	
Full year		<b>365</b>
Weekend days	<b>-104</b>	
Recreation leave/ Public Holidays	<b>-30</b>	
Rostered Days Off	<b>-12</b>	
Sick Leave	<b>-10</b>	
<b>Subtotal</b>	<b>-156</b>	<b>-156</b>
No of days available for deployment per annum		<b>209</b>

A new absenteeism policy was introduced on the 1<sup>st</sup> January 2009 in an effort to curtail high levels of absenteeism across the Department. The current average annual amount of sick leave taken per custodial officer in the public system is 13 days per year. The NSW public sector average is 8 days per year.

The 209 formula allows for 10 days sick leave, but the Department's target is 8 days per year to bring it into line with the productivity savings agreed to by the PSA after the recent agreement for a 12% salary increase over 3 years.

The 209 formula has been contested on the basis that there have been a number of initiatives introduced post 1986 that have the potential to impact on the calculation, that have not previously been taken into consideration.

These include:

- family and community leave
- carers leave
- maternity leave
- detached duty
- military leave

An alternative formula of 191 has been proposed.

The Department has adopted the position that it is better to cover the above contingencies as they occur rather than to recruit permanently on the basis of the 191 formula.

The practical application of the 209 formula means that 1.75 persons are required to cover each 7 day post, or 1.24 persons for each 5 of 7 day post. Correctional Officers are rostered to work an 8 hour day for 19 days in a 28 day period.

Prior to the introduction of casuals in December 2008, the only options available to managers in responding to unscheduled leave arising at short notice, was to use permanent officers on overtime or to lock down areas of the correctional centre that were understaffed. More recently, DCS like the private sector, has commenced deploying casual correctional officers where appropriate as a more cost effective staffing solution.

The first decision to be taken by the centre manager is whether the filling of a casual vacancy is essential for maintaining safety and security of a correctional centre or the provision of an essential service. Where it is determined that such a vacancy needs to be filled, the best response in the first instance is to utilise a casual correctional officer. Where casuals have been exhausted, overtime may be considered and only after exhausting the above two options, restricted operations in the correctional centre can be applied.

In estimating the likely cost of replacing staff on unscheduled leave, the basis of the calculation needs to start from the 209 staffing level and consider the likelihood of additional leave that may be taken. Costings can not be determined on the basis of historical expenditure as it is anticipated that the introduction of casuals and the new absenteeism policy will reduce costs. It is also not possible to anticipate exact combination of casuals and overtime that will be used.

Using assumptions based on 100% use of either casuals or overtime, upper and lower range estimates can be made as follows:

<b>Table 14b. Estimation of budget for filling unscheduled vacancies/overtime</b>		
	Lower Range	Upper Range
1. Cost of casual correctional officer	\$30 per hour	-
2. Cost of permanent correctional officer/ overtime	-	\$57 per hour
3. Hours per shift	8	8
4. Number of officers	3300	3300
<b>ESTIMATE</b>	<b>\$ 11,880,000</b>	<b>\$22,572,000</b>



The Department has set the overtime budget for 2008/09 at \$20,000,000. Given the anticipated use of a combination of casuals, overtime and restricted operations to respond to unscheduled vacancies, this level of funding is adequate. It would be irresponsible of the Department to increase the overtime budget to cover excessive staff absenteeism.

### **Ratio of Custodial Officers to inmates**

Over the past decade there has been a significant increase in the number of inmates in full time custody. The Department has responded to this increase through a combination of commissioning additional beds in existing facilities and constructing new facilities.

Custodial supervision is provided by correctional officers augmented in the workplace by overseers. The increase in the number of inmates has been accompanied by an increase in the number of positions engaged in custodial supervision. Table 14c provides a breakdown of inmate numbers, custodial staff numbers and overtime. The data demonstrated conclusively that over the past ten years the ratio of inmates to custodial staff has stayed relatively constant between 2.31 and 2.38 inmates per officer. During this same period there has been an escalation in expenditure on custodial overtime from \$20 million to \$38 million.

Table 14.c Relationship between Statistics inmate numbers and officer numbers and overtime 1998/99 to 2007/2008									
Financial Year	Total Overtime Budget Correctional Operations Only	Actual Overtime (Correctional Operations Total)	Ratio of Actual overtime used to Budget for overtime	Inmate No.* (Daily Average)	Correctional Officers (Average)	Overseers (Average)	Total Correctional Officers and Overseers	Staff to inmate ratio	
1998/1999	\$12,988,578	\$20,309,202	\$1.56	6,835	2,633	328	2,961	2.31	
1999/2000	\$12,553,868	\$19,275,890	\$1.54	7,272	2,727	323	3,050	2.38	
2000/2001	\$15,036,163	\$18,950,165	\$1.26	7,531	2,969	356	3,325	2.26	
2001/2002	\$15,782,694	\$23,603,322	\$1.50	7,788	3,079	348	3,427	2.27	
2002/2003	\$15,925,775	\$27,429,763	\$1.72	7,983	3,272	340	3,612	2.21	
2003/2004	\$18,124,153	\$27,793,542	\$1.53	8,367	3,385	367	3,752	2.23	
2004/2005	\$18,160,118	\$41,328,571	\$2.28	8,927	3,372	390	3,762	2.37	
2005/2006	\$18,303,922	\$38,968,480	\$2.13	9,101	3,410	435	3,845	2.37	
2006/2007	\$19,314,604	\$41,440,103	\$2.15	9,468	3,621	445	4,066	2.33	
2007/2008	\$20,539,021	\$38,157,692	\$1.86	9,634	3,711	476	4,187	2.30	

\* Note: Inmate numbers are sourced from DCS annual reports. For 1998/1999 and 1999/2000, inmates in transitional centres, periodic detention and court complexes were excluded. From 2000/2001 onwards, inmates in these locations were included in the count.

## **Appendix 1 Comparison of Conditions of Service**

### **Junee Correctional Centre and the NSW Department of Corrective Services**

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## 1. AWARDS

NSW/DCS	JUNEE/CC
Crown Employees (Public Service - Salaries 2008) Award	Junee Correctional Centre - Correctional Officers - 2005 Enterprise Award
Crown Employees (Public Service Conditions of Employment) Reviewed Award 2006	
Crown Employees (Transferred Employees Compensation) Award	
Crown Employees (Correctional Officers, Department of Corrective Services) Award 2008	
Crown Employees (Correctional Officers, Department of Corrective Services) Award 2007 for Kempsey, Dillwynia and Wellington Correctional Centres	
Crown Employees (Education Employees Department of Corrective Services) Consent Award 2006	
Crown Employees (General Managers, Superintendents, Managers Security and Deputy Superintendents, Department of Corrective Services) Award 2005	
Crown Employees (Psychologists) Award	
Crown Employees (Senior Assistant Superintendents and Assistant Superintendents, Department of Corrective Services) Award 2005	

## 2. AGREEMENTS

NSW/DCS	JUNEE/CC
Crown Employees (Procedures for the Conduct of Internal Searches of Areas Used by Non-Custodial and Educational Staff in Correctional Centres - NSW Department of Corrective Services) Agreement 1999	Junee Correctional Centre Programs - Enterprise Agreement
Crown Employees (Transferred Officers Excess Rent Assistance) Agreement	Junee Correctional Centre Nurses' Enterprise Agreement 2002
Department of Corrective Services Flexible Working Hours Agreement	
Protocol for Handling Inmates by the CESU during Industrial Stoppages	
Protocol for the Appointment of Industries Officers	



### 3. ACTS & REGULATIONS

NSW/DCS	JUNE/CC
<p><b>Acts:</b></p> <ul style="list-style-type: none"> <li>• Crimes (Administration of Sentence) Act 1999</li> <li>• Crimes (Interstate Transfer of Community Based Sentences) Act 2004</li> <li>• International Transfer of Prisoners Act (New South Wales) 1997 No 144</li> <li>• Parole Orders (Transfer) Act 1983 No 190</li> <li>• Prisoners (Interstate Transfer) Act 1982 No 104</li> <li>• Freedom of Information Act 1989</li> <li>• Privacy and Personal Information Protection Act 1998</li> <li>• Health Records and Information Privacy Act 2002</li> <li>• Workplace Surveillance Act 2005</li> <li>• Crimes (Serious Sex Offenders) Act 2006 No 7</li> <li>• Crimes (Sentencing Procedure) Act 1999</li> <li>• Protected Disclosures Act 1994 No 92</li> <li>• Summary Offences Act 1988 No 25</li> <li>• Crimes Act 1900 No 40</li> <li>• Bail Act 1978 No 161</li> <li>• Public Sector Employment and Management Act 2002 No 43</li> <li>• Industrial Relations Act 1996 No. 17</li> </ul>	<p><b>Acts:</b></p> <ul style="list-style-type: none"> <li>• Long Service Act 1955</li> <li>• NSW Annual Holiday Act 1944</li> <li>• Industrial Relations Act 1996 No. 17</li> <li>• Crimes (Administration of Sentence) Act 1999</li> <li>• Crimes (Interstate Transfer of Community Based Sentences) Act 2004</li> <li>• International Transfer of Prisoners Act (New South Wales) 1997 No 144</li> <li>• Parole Orders (Transfer) Act 1983 No 190</li> <li>• Prisoners (Interstate Transfer) Act 1982 No 104</li> <li>• Crimes (Serious Sex Offenders) Act 2006 No 7</li> <li>• Crimes (Sentencing Procedure) Act 1999</li> <li>• Summary Offences Act 1988 No 25</li> <li>• Crimes Act 1900 No 40</li> <li>• Bail Act 1978 No 161</li> </ul>
<p><b>Regulations:</b></p> <ul style="list-style-type: none"> <li>• Crimes (Administration of Sentences) Regulation 2008</li> <li>• Prisoners (Interstate Transfers) Regulation 2004</li> <li>• Crimes (Interstate Transfer of Community Based Sentences) Regulation 2004</li> <li>• Privacy Code of Practice (General) 2003</li> <li>• Crimes (Sentencing Procedure) Regulation 2005</li> </ul>	<p><b>Regulations:</b></p> <ul style="list-style-type: none"> <li>• Crimes (Administration of Sentences) Regulation 2008</li> <li>• Crimes (Sentencing Procedure) Regulation 2005</li> <li>• Crimes (Sentencing Procedure) Regulation 2005</li> <li>• Summary Offences Regulation 2005</li> <li>• Crimes (General) Regulation 2005</li> <li>• Bail Regulation 1999</li> <li>• Industrial Relations (General)</li> </ul>

<ul style="list-style-type: none"> <li>• Summary Offences Regulation 2005</li> <li>• Crimes (General) Regulation 2005</li> <li>• Bail Regulation 1999</li> <li>• Public Sector Employment and Management (General) Regulation 1996</li> <li>• Industrial Relations (General) Regulation 2001</li> </ul>	<ul style="list-style-type: none"> <li>• Prisoners (Interstate Transfers) Regulation 2004</li> <li>• Crimes (Interstate Transfer of Community Based Sentences) Regulation 2004</li> </ul>
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#### 4. COMPARISON OF EMPLOYEE CONDITIONS OF SERVICE

	<b>CONDITION</b>	<b>NSW/DCS</b>	<b>JUNE/CC</b>
4.1	<b>Hours of Work</b>	<p>Day Workers &amp; Shift Workers – 38 hours averaged over a 28 day roster period. Maximum of 12 hours on a day.</p> <p>Meal break is not included unless taken as a crib break.</p>	<p>8 or 12 hours (including paid meal breaks), per day but not more than an average of 38 hours per week.</p> <p>Variation of full time hours by mutual agreement. Maximum of 240 hours over a 6 week period.</p>
4.2	<b>Overtime - Shift workers</b>	<p>Monday-Saturday - time and one half for the first two hours and double time thereafter.</p> <p>Sunday - double time.</p> <p>Public Holidays - double time and one half.</p>	<p>All time worked in excess of ordinary hours of duty - time and a one half</p>
4.3	<b>Higher Duties Allowance</b>	<p>Correctional Officers are paid at the rate of the higher position.</p> <p>If acting in an SAS or AS role they are paid an allowance of 95% of the '5 day' salary prescribed for the higher position.</p>	<p>Officers may be required to work in a higher capacity for up to 56 hours without additional payment for developmental purposes.</p> <p>Subject to the above, employees are paid at the rate of position they are acting in.</p>
4.4	<b>Meal Breaks</b>	<p>No paid meal break except for a paid crib</p>	<p>Shifts of more than 4 hours = 30 minute</p>

		break of 20 mins to be taken between the 3 <sup>rd</sup> and 5 <sup>th</sup> hours after the commencement of the shift.	paid break  Shifts of 12 hours or more = 2 x 30 minute paid break
4.5	<b>Annual Leave/Recreation Leave</b>	<p>Shift workers – continuous shifts = 6 weeks per annum plus annual leave loading of 20%.</p> <p>Day workers = 4 weeks per annum plus annual leave loading of 17.5%.</p> <p>Staff who are stationed indefinitely in a remote area = Additional recreation leave of 5 days per year.</p>	<p>4 weeks annual leave.</p> <p>Officers in their second and subsequent years of employment are entitled to an additional weeks' annual leave during each year of employment, or a pro-rata amount of additional leave for any period less than a complete year.</p>
4.6	<b>Weekend &amp; Public Holiday Compensation</b>	<p>Shift workers – continuous shifts:</p> <p>(1) Saturday – time and one half</p> <p>(2) Sunday – three quarter time extra</p> <p>(3) Public Holiday – time and one half</p> <p>Number of ordinary shifts on Sundays and/or public holidays during a 12 month qualifying period:</p> <ul style="list-style-type: none"> <li>- 4 to 10 = 1/5 of one week's ordinary salary</li> <li>- 11 to 17 = 2/5 of one week's ordinary salary</li> <li>- 18 to 24 = 3/5 of one week's ordinary salary</li> <li>- 25 to 31 = 4/5 of one week's ordinary salary</li> <li>- 32 or more = One week's ordinary salary</li> </ul>	<p>Public holidays - double time and half.</p> <p>If employee is rostered <b>off</b> duty, either payment of an additional 8 hours pay or the addition of an extra 8 hours to his or her annual leave entitlement.</p> <p>Where an employee is rostered <b>on</b> a public holidays by mutual agreement they may elect to be paid at the ordinary rate of pay for the work performed on that holiday and have one and a half extra days added to his or her annual leave. The option of adding an extra day and one half to their annual leave may only be exercised on five separate occasions in any one year of employment.</p>

4.7	<b>Extended Leave/Long Service Leave</b>	<p><i>Public Sector Employment &amp; Management Act 2002</i></p> <p>After service for 7 years or more but not more than 10 years = pro rata rate of 2 months on full pay.</p> <p>After service for more than 10 years additional pro rata extended leave for 5 months on full pay for each 10 years of service.</p>	<p><i>Long Service Act 1955</i></p> <p>10 years service = 2 months.</p> <p>Each 5 years service thereafter = 1 month</p>
4.8	<b>Sick Leave Accrual</b>	<p>Commencement of employment - an employee is granted an accrual of 5 days sick leave</p> <p>After the first 4 months of employment, sick leave is accrued at the rate of 10 working days per year for the balance of the first year of service.</p> <p>After the first year of service, sick leave accrues at the rate of 15 working days per year of service.</p> <p>Sick leave is cumulative.</p>	<p>8 days in the first year of employment and 10 days per annum thereafter.</p> <p>Sick leave is cumulative; however the employer is not bound to pay for more than 18 weeks absence through illness in any one year.</p>
4.9	<b>Bereavement Leave</b>	<p>Family and Community Services Leave is used.</p> <p><b>Accrual:</b></p> <ul style="list-style-type: none"> <li>- 2½ days in the staff member's first year of service;</li> <li>- 2 ½ days in the staff member's second year of service; and</li> <li>- One day per year thereafter.</li> </ul>	<p>2 days paid bereavement leave.</p>

4.10	<b>Family Leave/Carer's Leave</b>	<p>Family and Community Services Leave (FACS) as above.</p> <p>Once FACS leave exhausted, may use sick leave accumulated over the previous 3 years.</p>	<p>May use accrued sick leave to care for a family member as defined under the Award.</p> <p>If more than 10 days sick leave in any year is to be used for caring purposes the employer and employee shall discuss appropriate arrangements which take account of the employer's and employee's requirements.</p>
4.11	<b>Parental Leave</b>	<p>14 weeks paid leave for maternity or adoption leave.</p> <p>1 week paid leave for short other parent leave.</p> <p>Unpaid maternity leave for a period up to 9 weeks prior to the expected date of birth; and for a further period of up to 12 months after the actual date of birth.</p>	<p>52 weeks unpaid parental leave in connection with the birth or adoption of a child.</p>
4.12	<b>Jury/Court Leave</b>	<p>Special Leave - In respect of any period for which the employee has been paid out-of-pocket expenses only, special leave on full pay is granted.</p> <p>In any other case, at the sole election of the employee, available recreation leave, flex leave or leave without pay may be granted.</p>	<p>Paid the difference between the jury service fees received and the normal ordinary rate of pay as if working.</p> <p>If required as witness in Court arising out of employment with the Company they retain any witness fees and/or travelling costs awarded by the Court and, in addition receive:</p> <p>- When Rostered on:</p>



			<p>Payment for normal duties for the period of absence;</p> <p>- When rostered off: An alternative day off shall be granted in lieu, within the following month.</p>
4.13	<b>Special Leave</b>	<p>Witness at Court - Official Capacity – regarded as being on duty.</p> <p>Examinations – paid leave for max of 5 days for approved exams.</p> <p>Union Activities – paid leave for employees who are accredited Association delegates to undertake Association activities.</p> <p>Return Home When Temporarily Living Away from Home --- Sufficient special leave shall be granted to an employee who is temporarily living away from home as a result of work requirements.</p> <p>Special Leave - Other Purposes</p>	<p>When an employee has completed a 6 month period of permanent full time continuous service with no sick leave absences from duty in that time, he or she shall be eligible to apply for one paid day of leave.</p>
4.14	<b>Leave for Trade Union Activities</b>	<p>(a) Annual conferences of the Association;</p> <p>(b) Meetings of the Association 's Executive, Committee of Management or Councils;</p> <p>(c) Annual conference of the Unions NSW and the biennial Congress of the Australian Council of</p>	<p>Up to 5 working days non-cumulative leave each year for trade union training.</p>

		<p>Trade Unions;</p> <p>(d) Attendance at meetings called by the Unions NSW involving the Association which requires attendance of a delegate;</p> <p>(e) Attendance at meetings called by the DPE, as the employer for industrial purposes, as and when required;</p> <p>(f) Accredited Occupational Health and Safety courses and any other accredited OH&amp;S training for OH&amp;S Committee members.</p> <p>(g) Courses organised and conducted by the Trade Union Education Foundation or by the Association or a training provider nominated by the Association. A maximum of 12 working days in any period of 2 years applies to this training</p> <p>(h) Giving evidence before an Industrial Tribunal as a witness for the Association;</p> <p>(i) Reasonable travelling time to and from conferences or meetings</p>	
4.15	<b>Military Leave</b>	24 days military leave per year to Naval and Military Reserves and 28 working days per year to Air Force Reserve for compulsory annual	2 weeks unpaid per year for the purpose of undergoing training or equivalent continuous duty.

		<p>training and to attend schools, classes or courses of instruction or compulsory parades.</p> <p>1 day Special leave to attend medical examinations and tests required for acceptance as volunteer part time member.</p> <p>Additional military leave in excess of the above entitlement may be granted Military Leave Top up Pay by the Department.</p>	
4.16	<b>Travelling Compensation</b>	Any authorised official travel and associated expenses, properly and reasonably incurred by a staff member required to perform duty at a location other than their normal headquarters shall be met by the Department.	
4.17	<b>Study Assistance</b>	Where approved, paid study time not exceeding a maximum of 4 hours per week, to accrue on the basis of half an hour for each hour of class attendance.	

## 5. RANKING STRUCTURE

DCS	JUNEE
<b>(i) Custodial Officers:</b> Senior Correctional Officer First Class Correctional Officer 2nd year and thereafter First Class Correctional Officer 1st year Correctional Officer 2nd year and thereafter Correctional Officer 1st year Probationary Correctional Officer	Correctional Officer One Correctional Officer Two Correctional Officer Three Correctional Supervisor
<b>(ii) Industrial Officers:</b> Senior Overseer Overseer 2nd year and thereafter Overseer 1st year	

## 6. SALARIES & ALLOWANCES

### NSW DCS (as at 01/07/08)

CLASSIFICATION	SALARY	Incidental Allowance
<b>Correctional Officer</b>		
Probationary	47,806	786
1st year	48,679	1,180
2nd year & thereafter	49,589	1,576
<b>1st Class CO year 1</b>	52,370	2,357
<b>1st Class CO year 2</b>	56,659	2,357
<b>Senior Correctional Officer</b>	60,083	3,928
<b>Assistant Superintendent</b>		
5 day	84,787	
7 day or any 5/7 days	90,050	

<b>Senior Assistant Superintendent</b>	
5 day	90,940
7 day or any 5/7 days	96,204

<b>Deputy Superintendent</b>	115,994
<b>Manager Security</b>	124,511
<b>Superintendent</b>	135,423
<b>General Manager</b>	147,588

<b>Overseer</b>		<b>Incidental Allowance</b>
1st year	52,370.	2,357
2nd year & thereafter	56,659	2,357
<b>Senior Overseer</b>	66,820	3,928

<b>Manager of Industries</b>	
Level 1 - 5 day	100,320
Level 2 - Any 5 of 7 days	100,741

<b>Manager Centre Services &amp; Employment Manager of Industries</b>	
Level 2 - 5 day	95,476

<b>Manager Business Unit</b>	
5 day	90,940
Any 5 of 7 days	96,204

<b>Operations Manager</b>	108,721
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**JUNEE (as at 27/03/06)**

Classification	Permanent Employees			Casuals Per Hour			
	Annual Salary \$	80 Hour Fortnight \$	Ordinary per Hour \$	Base Ord. Time Rate \$	A.L. 1/12 in lieu \$	Total Ord. Time Rate \$	Overtime @ 150% \$
Trainee C.O.	21,101	8,11.58	10.14				
Correctional Officer One	40,273	1,548.96	19.36	22.27	1.86	24.12	33.40
Correctional Officer Two	42,393	1,630.50	20.38	23.44	1.95	25.39	35.16
Correctional Officer Three	45,213	1,738.96	21.74	25.00	2.08	27.08	37.50
Correctional Supervisor	48,449	1,863.42	23.29	26.79	2.23	29.02	40.18



## 7. DCS OTHER ALLOWANCES

**7.1 Meals** - Correctional Officers are not entitled to meal monies except whilst on overtime. See item 19 of the allowances table under 7.10

**7.2 Mobile Work Camps** - an all incidence allowance of \$110 per day in addition to a normal shift payment at single time is payable to an officer rostered on a mobile work camp.

**7.3 Hosiery allowance** - an amount of \$120 per annum is paid to female Correctional Officers to compensate for the purchase of hosiery (which is not provided as part of the standard issue of clothing).

**7.4 Shift Allowances** - Officers who work shiftwork shall be paid the following allowances other than at weekends or on public holidays:

Early morning shift	10%
Afternoon shift (C or D watch)	15%
Night Shift (B watch)	17½%

**7.5 Use of Private Motor Vehicle for Work** - Staff approved to use a private motor vehicle for work are paid an appropriate rate of allowance. Different levels of allowance are payable for the use of a private motor vehicle for work depending on the circumstances and the purpose for which the vehicle is used. See the allowances table under 7.10.

**7.6 Allowance for Living in a Remote Area** - A staff member shall be paid an allowance for the increased cost of living and the climatic conditions in a remote area, if:

- (1) Indefinitely stationed and living in a remote area as defined in the Award; or
- (2) Not indefinitely stationed in a remote area but because of the difficulty in obtaining suitable accommodation compelled to live in a remote area.

**7.7 Uniforms, Protective Clothing and Laundry Allowance** - See item 15 of the allowances table under 7.10

**7.8 Garage and Carport Allowance** - See item 16 of the allowances table under 7.10

**7.9 First Aid Allowance** - Staff appointed as a First Aid Officer shall be paid the First Aid Allowance. See item 18 of the allowances table under 7.10.

**7.10 Allowance/Rates** - The following table shows the allowances for DCS under the Crown Employees (Public Service Conditions of Employment) Reviewed Award 2006.

Effective 1 July 2008

Item No	Clause No	Description	Amount \$	
1		<b><u>Meal Expenses on One Day Journeys</u></b>		
		Capital cities and high cost country centres (see list in item 2)		
		29(1) Breakfast	\$21.10	
		29(2) Dinner	\$40.65	
		29(3) Lunch	\$23.65	
		Tier 2 and other country centres (see list in item 2)		
		29(1) Breakfast	\$18.85	
		29(2) Dinner	\$37.15	
		29(3) Lunch	\$21.55	
2	30(2)(a)	<b><u>Travelling Allowances When Staying in Non-Govt Accommodation</u></b>		
		Capital Cities	Per day	
		Adelaide	\$246.30	
		Brisbane	\$299.30	
		Canberra	\$234.30	
		Darwin	\$260.30	
		Hobart	\$218.30	
		Melbourne	\$263.30	
		Perth	\$249.30	
		Sydney	\$284.30	
		30(2)(a)	High cost country centres	Per day
			Ballarat (Vic)	\$217.30
			Bendigo	\$223.30
			Broome (WA)	\$274.30
			Burnie (Tas)	\$224.30
	Cairns (QLD)		\$221.80	
	Camarvon (WA)		\$234.30	
	Christmas Island (WA)		\$223.80	
	Cocos (Keeling) Island		\$211.30	
	Dampier (WA)		\$259.80	
	Derby (WA)		\$266.30	
	Devonport (Tas)		\$216.80	
	Emerald (QLD)	\$207.30		

	Exmouth (WA)	\$274.80
	Geraldton (WA)	\$217.30
	Gladstone (QLD)	\$212.30
	Gold Coast (Qld)	\$236.30
	Halls Creek (WA)	\$233.30
	Hervey Bay (QLD)	\$210.80
	Horn Island (QLD)	\$240.30
	Jabiru (NT)	\$291.30
	Kadina (SA)	\$208.30
	Kalgoorlie (WA)	\$217.80
	Karratha (WA)	\$344.80
	Kununurra (WA)	\$248.30
	Launceston (TAS)	\$216.80
	Mackay (QLD)	\$213.30
	Maitland (NSW)	\$209.30
	Mount Gambier (SA)	\$208.30
	Mount Isa (QLD)	\$216.30
	Naracoorte (SA)	\$207.30
	Newcastle (NSW)	\$217.80
	Newman (WA)	\$251.30
	Norfolk Island	\$209.30
	Pt Hedland (WA)	\$348.30
	Port Lincoln (SA)	\$207.30
	Port Macquarie (NSW)	\$216.30
	Thursday Island (Qld)	\$281.30
	Warrambool (VIC)	\$214.30
	Weipa (Qld)	\$239.30
	Wilpena Pound (SA)	\$236.30
	Wonthaggi (VIC)	\$223.30
	Yulara (NT)	\$414.30
30(2)(a)	Tier 2 country centres	Per day
	Albany (WA)	\$199.45
	Alice Springs (NT)	\$199.45
	Bairnsdale (VIC)	\$199.45
	Bathurst (NSW)	\$199.45
	Bordertown (SA)	\$199.45
	Bright (VIC)	\$199.45
	Broken Hill (NSW)	\$199.45
	Bunbury (WA)	\$199.45
	Castlemaine (VIC)	\$199.45
	Ceduna (SA)	\$199.45
	Dalby (QLD)	\$199.45
	Dubbo (NSW)	\$199.45
	Echuca (VIC)	\$199.45
	Esperance (WA)	\$199.45
	Geelong (VIC)	\$199.45
	Horsham (VIC)	\$199.45
	Innisfail (QLD)	\$199.45
	Orange (NSW)	\$199.45
	Port Augusta (SA)	\$199.45
	Portland (VIC)	\$199.45
	Renmark (SA)	\$199.45
	Roma (QLD)	\$199.45
	Seymour (VIC)	\$199.45
	Swan Hill (VIC)	\$199.45
	Townsville (QLD)	\$199.45
	Wagga Wagga (NSW)	\$199.45
	Whyalla (SA)	\$199.45
	Wollongong (NSW)	\$199.45

	30(2)(a)	Other country centres	<u>Per Day</u> \$182.45
	30(2)(b)	Incidental expenses when claiming actual expenses - all locations	\$15.90
	30(5)	Daily allowance payable after 35 days and up to 6 months in the same location - all locations	50% of the appropriate location rate
3	31	<u>Government accommodation- incidental expenses</u>	\$15.90 per day
4	36(b)	<u>Camping Allowance</u> Established camp Non established camp Additional allowance for staff who camp in excess of 40 nights per year	Per night \$26.20 \$34.65 \$8.25
5	37(b)	<u>Composite allowance (per day)</u>	\$125.00
6	38(c)	<u>Use of private motor vehicle.</u> Official business Engine capacity- 2601cc and over 1601cc to 2600cc 1600cc or less	Cents per kilometre  70.0 69.0 58.0
	38(c)	Casual rate (40% of the official business rate) Engine capacity- 2601cc and over 1601cc to 2600cc 1600cc or less	28.0 27.6 23.2
	38(g)	Motor cycle allowance (calculated at 50% of the under 1601cc official business rate) Towing trailer or horse float (calculated at 13% of the 2601cc and over official business rate)	29.0 9.1
7	40(b)	<u>Camping Equipment Allowance</u> Camping Equipment Allowance	Per night \$25.90
	40(c)	Bedding and sleeping bag	\$4.30
8	41(b)(1)	<u>Remote Areas Allowance</u> With dependants - Grade A	Per annum \$1,659 pa
	41(b)(2)	- Grade B	\$2,201 pa
	41(b)(3)	- Grade C	\$2,939 pa
	41(b)(1)	Without dependants - Grade A	\$1,157 pa
	41(b)(2)	- Grade B	\$1,543 pa
	41(b)(3)	- Grade C	\$2,059 pa
9	42	<u>Assistance to staff members stationed in a remote area when travelling on recreation leave</u> By private motor vehicle  Other transport - with dependants  Other transport - without dependants  Rail travel	Appropriate casual rate up to a maximum of 2850 kms less \$40.90  Actual reasonable expenses in excess of \$40.90 and up to \$274.00  Actual reasonable expenses in excess of \$40.90 and up to \$135.30  Actual rail fare less \$40.90
10	43	<u>Insurance cover</u>	Up to \$A1,173.00

11	44	<u>Exchanges</u>	Actual cost
12	45(a)	<u>Room at home used as office</u>	\$756 pa
13	96(a)	<u>On-call (stand-by) and on-call allowance</u>	0.73 per hour
14	47	<u>Flving allowance</u>	\$15.60 per hour
15	48(a)	<u>Uniforms, protective clothing and laundry allowance</u>	\$4.00 per week
16	50(a)	<u>Garage and carport allowance</u> - Garage allowance. - Carport allowance	Per annum \$535 pa \$118 pa
17	52	<u>Community Language Allowance Scheme</u> - Base Level Rate - Higher Level Rate	Per annum \$1,036 pa \$1,556 pa
18	53 (a)	<u>First aid allowance</u> - Holders of basic qualifications - Holders of current occupational first aid certificate	Per annum \$666 pa \$1,002 pa
19	95(a)	<u>Overtime meal allowances</u> Breakfast Lunch Dinner. Supper	Effective 1 July 2008 \$23.60 \$23.60 \$23.60 \$9.00

## 8. JUNE ALLOWANCES

Item No	Description	Rate \$
1	Overtime exceeding 4 hours - meal allowance - per meal	8.69
2	Away from home and Escort Duty - Breakfast Allowance - per meal	*
3	Away from home and Escort Duty - Lunch Allowance - per meal	*
4	Away from home and Escort Duty - Dinner Allowance - per meal	*
5	B Watch meal allowance - if working away from centre - per meal	17.34

\* Breakfast, Lunch and Dinner Allowances are increased in line with changes in the Australian Tax Office rates.

### Other Amounts

Item No	Description	Rate \$
1	Charge for Company provided meals - per meal	2.89
2	Deduction from salary for benevolent fund - per week	1.00



Appendix 2 Performance Linked Fees - Component Categories Validations

TABLE 1: PERFORMANCE LINKED FEE MATRIX-

KEY PERFORMANCE INDICATOR	Base level Performance	Best Practice	% Fee	Result	VALIDATION METHODS AND/OR RECORDS OBTAINED
<b>CORRECTIONAL CENTRE MANAGEMENT – CUSTODIAL SERVICES</b>					
<b>- INMATE SERVICES &amp; PROGRAMS</b>					
<b>60%</b>					
<p>Number of hours of community work provided by inmates</p> <p><b>Note: The Department will consider submissions from GEO to the level of performance if the number of community projects diminishes during the contract year.</b></p>	1000 hours per month	1200 hours per month	10%		Records viewed on community hours, including breakdown of hours performed on each project Were cross checked with inmate section 6 orders there were ????? hours for ..... 2009
<p>Initial case plan and classification completed within 3 working days for each new reception</p> <p><b>Note: Working days exclude weekends and public holidays</b></p>	90%	100%	2.5%		Selected, at random, 10 sentenced inmates who had been received as fresh receptions at Junee from Court (see list of inmates on page ??). Reviewed their Case Files. All had their initial case plans done within 3 working days of reception. There were ?? initial receptions completed by Junee staff.

KEY PERFORMANCE INDICATOR	Base level Performance	Best Practice	% Fee	VALIDATION METHODS AND/OR RECORDS REQUIRED
<b>CORRECTIONAL CENTRE MANAGEMENT – CUSTODIAL SERVICES</b>				
<b>- INMATE SERVICES &amp; PROGRAMS</b>				
<b>60%</b>				
Sentenced inmates transferred to Junee have their case plan and classification reviewed	100% within 14 days	100% within 10 days	2.5%	Selected, at random, 10 sentenced inmates who had been transferred to Junee from other centres (see list of inmates on page ??). Reviewed their Case Files. All had their Case Plan reviewed within 14 days. There were ?? inmates seen by the Reception Committee.
Sentenced Inmates have a 12 monthly classification review conducted by the Case Management Team  Note: Inmates transferred to Junee from another correctional centre whose 12 monthly classification review is overdue must have their review completed within one (1) month of reception to Junee.	100%	100%	10%	A report was run from OIMS on ??/??/?? showing classification due for review. All inmates whose 12 monthly classification was due for review during ????????, were reviewed.
KEY PERFORMANCE INDICATOR	Base level Performance	Best Practice	% Fee	VALIDATION METHODS AND/OR RECORDS REQUIRED
<b>CORRECTIONAL CENTRE MANAGEMENT – CUSTODIAL SERVICES</b>				
<b>- INMATE SERVICES &amp; PROGRAMS</b>				
<b>60%</b>				
Percentage of sentenced inmate population employed  Note: Unemployable inmates (i.e. transits, segregation, lock-ins, medicals, females,	65%	70.91%	10%	Inmate employment profile viewed. Daily records maintained showing inmates considered employable were reviewed for period. Inmate payroll records identify their work location -

elderly, and no-pay) are to be excluded from the total sentenced inmate population for the benefit of the calculation.					inmate payroll records for ????, ???/?? & ???/2009 from ITAS system compared with data supplied by GEO.  Data validated what had been reported.
Hours of vocational and educational programs delivered per calendar year	94,680 hours	105,200 hours	5%		Detailed records are maintained by TAFE who deliver all inmate vocational and educational programs. Obtained TAFE records detailing hours of vocational and educational programs delivered.
Percentage of inmates assessed as having AOD issues offered individual or group treatment intervention (inmates with six months or more remaining to serve on reception at June)	100%	100%	2.5%		There are 2 referral registers: one to record all the referrals received; the second by the counsellors/ psychologist who record when they see an inmate. Records cross referenced with Case Management Reception Committee records and Reception and Discharge Register. Appropriate case notes were also found on the inmates' Case Files.
<b>KEY PERFORMANCE INDICATOR</b>	<b>Base level Performance</b>	<b>Best Practice</b>	<b>% Fee</b>		<b>VALIDATION METHODS AND/OR RECORDS REQUIRED</b>
<b>CORRECTIONAL CENTRE MANAGEMENT – CUSTODIAL SERVICES</b>					
<b>- INMATE SERVICES &amp; PROGRAMS</b>					<b>60%</b>
Numbers of inmates released from custody without community supervision who have accommodation offered by the Throughcare Specialist	80%	100%	2.5%		All inmates interviewed on reception and complete Exit Questionnaire. This identifies accommodation issues. Check that Case Notes exist for action taken by June to assist those requiring assistance with finding accommodation.
Number of eligible inmates participating in pre-release leave programs	80%	100%	2.5%		During the visit, there were ??? C3 inmates.

					Establish that Junees have taken some action to progress these inmates to an unsupervised external leave program
KEY PERFORMANCE INDICATOR	Base level Performance	Best Practice	% Fee	VALIDATION METHODS AND/OR RECORDS REQUIRED	
<b>CORRECTIONAL CENTRE MANAGEMENT – CUSTODIAL SERVICES</b>					
<b>- INMATE SERVICES &amp; PROGRAMS</b>					
				<b>60%</b>	
<b>Internal Employment Agency Program providing initial employment contacts for inmates being released</b>	100%	100%	5%		All inmates interviewed on reception and complete Exit Questionnaire. This identifies employment issues. Check that Case Notes exist for action taken by Junees to assist those requiring assistance with finding employment.
<b>The General Manager attends Junees</b>	100%	100%	2.5%		Obtain Minutes

Advisory Committee each quarter and a minuted record of the meetings is kept.					
KEY PERFORMANCE INDICATOR	Base level Performance	Best Practice	% Fee	VALIDATION METHODS AND/OR RECORDS REQUIRED	
<b>HUMAN RESOURCES</b>			<b>15%</b>		
Staff establishment is maintained at the level approved by the Commissioner (see Note 1).	100%	100%	2.5%		Check that staffing is maintained at approved level. Vacancies are filled with T/A's and that recruitment action has been undertaken for vacant positions.
All custodians of inmates have completed Certificate III in Correctional practice within 12 months of appointment as permanent full time officers	100%	100%	5%		Maintain list of recruits by starting date. Examine Junee training records to see progress of each custodial officer.
All Correctional Supervisors working permanently at JCC, and remaining in employment, have completed Certificate IV in Correctional Practice within 12 months of appointment.	100%	100%	5%		Maintain list of appointments to Team Leader by starting date. Examine Junee training records to see progress of each custodial officer.
Staff deployment plan is maintained as approved by the Commissioner (see Note 2).	100%	100%	2.5%		Check roster and call on sheets..



KEY PERFORMANCE INDICATOR	Base level Performance	Best Practice	% Fee	VALIDATION METHODS AND/OR RECORDS REQUIRED
<b>MANAGING ASSETS AND RESOURCES</b>			<b>25%</b>	
Preventative maintenance is completed in accordance with the preventative maintenance schedule.	90%	100%	5%	Review the maintenance schedule to see that all scheduled maintenance was completed.
Corrective Maintenance Plan maintenance is completed in accordance with the corrective maintenance schedule.	90%	100%	5%	June provided a list of all corrective maintenance carried out during month. All requests are logged on the database. Random sample of entries from Unit Maintenance Logs checked against maintenance report
Asset management records are complete.	100%	100%	5%	Selected 4 items at random from around the complex. Establish that all items were located in the work location specified in the Asset Register.
KEY PERFORMANCE INDICATOR	Base level Performance	Best Practice	% Fee	VALIDATION METHODS AND/OR RECORDS REQUIRED

<b>MANAGING ASSETS AND RESOURCES</b>				<b>25%</b>	
<b>Major Asset Plan – maintenance and replacement of major assets with a cost greater than \$5,000 is completed in accordance with the Major Asset Plan.</b>	90%	100%	10%		Check progress with major asset replacement and maintenance.

## Appendix 3 Junee Monitor's Monthly Checklist

### MONITOR'S MONTHLY CHECKLIST

QUESTIONS	YES	NO	COMMENTS
<b>Check Staff Sign On /Sign Off Register</b> <ul style="list-style-type: none"> <li>○ Confirm that staff are not signing on / off at the same time</li> </ul>			
<ul style="list-style-type: none"> <li>○ Check staff sign on /off register for validation by centre management</li> </ul>			
<b>Observation of staff signing on / off</b>			
<ul style="list-style-type: none"> <li>○ Check visitors sign on /off register – for both sign on and off times</li> </ul> <p><i>Note: If Kalamazoo style detachable slip register is used – check that carbonised sheets line up and visit details are not being recorded over other visitors details</i></p>			
<b>Check that staff search information and management records are maintained</b> <ul style="list-style-type: none"> <li>○ Daily requirement of staff searches conducted (minimum of six)</li> </ul>			
<ul style="list-style-type: none"> <li>○ Check for validation by centre management</li> </ul>			
<ul style="list-style-type: none"> <li>○ Observation – staff searching and records management</li> </ul>			
<b>Check Gate Log is maintained</b> <ul style="list-style-type: none"> <li>○ Gate log maintained for each shift</li> </ul>			
<ul style="list-style-type: none"> <li>○ Gate Log signed off at the completion of each shift</li> </ul>			
<ul style="list-style-type: none"> <li>○ Gate Log checked and signed daily by centre management</li> </ul>			
<b>Check that a vehicle register is maintained</b> <ul style="list-style-type: none"> <li>○ Check that all relevant information is recorded as per the OPM</li> </ul>			
<ul style="list-style-type: none"> <li>○ Vehicle log checked and signed daily by centre management</li> </ul>			
<ul style="list-style-type: none"> <li>○ Observation – Vehicles entering / exiting the centre are searched and recorded in vehicle log</li> </ul>			

○ Is a register maintained to record mobile phones			
○ Is sufficient signage displayed			
○ Are mobile phones secured			
○ Observation – are gate staff enforcing mobile phone policy			
<b>INMATE MOVEMENT (GATE)</b>	<b>YES</b>	<b>NO</b>	<b>COMMENTS</b>
○ Is a list maintained of all inmates who exit the centre			
○ Check Section 6 orders are current and correct authorisation			
○ Observe inmates on Section 6 orders being searched on return from work locations			
○ Observe inmates on section 26 orders searched/urined/breath tested (where applicable) on return from external leave.			
<b>ARMOURY</b>	<b>YES</b>	<b>NO</b>	<b>COMMENTS</b>
○ Confirm that daily checks are conducted and recorded			
○ Confirm fortnightly checks by Centre Management			
○ Conduct audit of weapons, ammunition and munitions			
<b>SECURITY KEYS</b>	<b>YES</b>	<b>NO</b>	<b>COMMENTS</b>
○ Select random bunches of security keys and confirm the Morse seal number and the number of security keys on each bunch against the "On Issue Register"			
○ Observe the issue of security keys to staff (Staff parade or electronic key watcher)			
○ Observe reconciliation of security keys at the completion of a shift			

<ul style="list-style-type: none"> <li>○ Observe carriage of security keys</li> </ul>			
<p>Observe access to the armoury key (eg secured in Vals pouch in the safe or attached to the gate keeps keys.</p>			
<ul style="list-style-type: none"> <li>○ Check access to the armoury is recorded</li> </ul>			
<ul style="list-style-type: none"> <li>○ Is monthly audit conducted of all security keys</li> </ul>			
<b>UNIT RECORDS</b>	<b>YES</b>	<b>NO</b>	<b>COMMENTS</b>
<ul style="list-style-type: none"> <li>○ Check all unit logs and registers to ensure that all records are maintained</li> </ul>			
<ul style="list-style-type: none"> <li>○ Check that cell register &amp; muster book reconcile to each other</li> </ul>			
<ul style="list-style-type: none"> <li>○ Confirm the correctness of manual records against OIMS eg inmate movement</li> </ul>			
<ul style="list-style-type: none"> <li>○ Observe inmate and / or cell searches</li> </ul>			
<ul style="list-style-type: none"> <li>○ Check that cell searches are recorded in search information and management register</li> </ul>			
<ul style="list-style-type: none"> <li>○ Check that unit logs and records have been validated by centre management</li> </ul>			
<ul style="list-style-type: none"> <li>○ Check Protective and Segregated Custody orders for correct authorisation</li> </ul>			
<ul style="list-style-type: none"> <li>○ Check that extensions to Protective and Segregated custody orders are completed and forwarded for authorisation prior to review date.</li> </ul>			
<b>CONTROL ROOM / ELECTRONIC SECURITY</b>	<b>YES</b>	<b>NO</b>	<b>COMMENTS</b>
<ul style="list-style-type: none"> <li>○ Observe electronic checks conducted prior to inmate let go</li> </ul>			

		Target Samples
		Random Samples
		Admin Samples
		Total Samples Taken
		Positive Target charges
		Positive Random charges

Urinalysis records for ..... and ..... 2009

### URINALYSIS

The following areas were inspected:

### SITE INSPECTION

			<ul style="list-style-type: none"> <li>Does the centre ensure that the different categories of inmates remain separated</li> </ul>
			<ul style="list-style-type: none"> <li>Is movement controlled by electronics or gate officers</li> </ul>
			Observe the control of inmate movement within the centre
INMATE MOVEMENT	YES	NO	COMMENTS
			<ul style="list-style-type: none"> <li>Observe head checks/ accountability checks conducted on inmate workers in industries areas</li> </ul>
			<ul style="list-style-type: none"> <li>Observe searches conducted on inmates leaving work areas</li> </ul>
INDUSTRIES	YES	NO	COMMENTS
			<ul style="list-style-type: none"> <li>Ask staff the procedure in case of emergency</li> </ul>
			<ul style="list-style-type: none"> <li>Observe staff are familiar within the electronic systems</li> </ul>
			<ul style="list-style-type: none"> <li>Observe checks are recorded</li> </ul>



<b>Positive Programs charges</b>		
<b>Total charges for positive</b>		
<b>Charges for refuse urine test</b>		

#### **NEW AND AMENDED OPERATING PROCEDURES**

**A significant number of Operating Procedures were submitted for review and compliance with Departmental policy and procedures.**

## Appendix 4

### JUNEE KEY PERFORMANCE INDICATORS

KPI	Reporting Elements / data requirement	Results for September	YTD
<b>ESCAPES</b>	Number of escapes Number of absconds Number of attempted escapes		
<b>DEATH IN CUSTODY</b>	Number of murders Number of suicides Number of other Number on buddy system		
<b>SELF HARM</b>	Self harm Incidents		
<b>ASSAULTS /FIGHTS</b>	Number of assaults serious (requiring medical/hospital treatment )		
	Number of assaults minor (no apparent injury)		
	Number of fight incidents		
	Total inmates involved in fights		
<b>MISCONDUCT</b>	Number of outside workers convicted of introducing Contraband		
	No of other misconduct charges		
<b>SEGRO/ PROTECTION</b>	Number on Segregation		
	Number on SMAP		
	Number on Protection Requiring Limited association (PRLA)		
	Number on Protection Requiring Non Association (PRNA)		
<b>LOCKDOWNS</b>	Number of lockdowns		
	Total Number Inmates affected in locked down areas		
	Average hours out of cells per inmate in affected areas		
<b>TIME OUT OF CELLS</b>	Planned time out of cells a.) Secure (time out of cells for maximum / medium security inmates)		
	Planned time out of cells b) Open (time out of cells for minimum security inmates)		
	Actual time out of cells a) Secure (actual time for maximum/medium security inmates of cell)		

	Actual time out of cells b) Open (actual time for minimum security inmates of cell)		
	Average time per inmate (in hrs) for month		
<b>USE OF FORCE</b>	No. instances during month		
<b>INMATE POPULATION</b>	Total number as at end of month		
<b>DRUG INTERDICTION PROGRAM</b>	Number of inmates tested Random Target Administration		
	Number of inmates returning a positive result by type of test Random Target Administration		
	Number of inmates charged for returning a positive result indicating drug use or failing to supply		
<b>DRUG TRAFFICKING</b>	Number of inmates, visitors and staff reported to police for having illicit drugs, non prescribed medication or syringes		
	Number of inmates, visitors and staff convicted for possessing illicit drugs, non prescribed medication or syringes		
<b>METHADONE</b>	Average number of inmates on methadone for the month		
<b>VISITS</b>	Number of incidents resulting in visitors being restricted from visiting inmates.		
	Number of visitors placed on non-contact visits		
	Number of inmates placed on non-contact visits.		
<b>CASE MANAGEMENT</b>	Number of Case plans reviewed by Case Management Team		
	Number of inmates interviewed by Case Officers		
	Number of Case file audits completed		
<b>INMATE EMPLOYMENT</b>	Average % of inmates employed.		
	Average % of inmates employed in community		



	Total hours of unpaid community service work.		
	Number of inmates returned to unemployed		
<b>INMATE EDUCATION AND TRAINING</b>	Number of inmates enrolled in educational/training programs.		
	Number of inmates who completed educational/training Programs.		
	Number of inmates who failed to complete educational/training programs.		
	% of inmates enrolled in educational/training programs.		
	Number of ATSIC inmates enrolled in educational/training Programs.		
	Number of ATSIC inmates who completed educational/Training programs.		
	Number of ATSIC inmates who failed to complete educational/training programs		
	% of ATSIC inmates enrolled in educational/training programs		
	Number of inmates enrolled in development programs each month (including pre-release).		
	Number of inmates who completed developmental programs (including pre-release)		
	Number of inmates who failed to complete developmental programs (including pre-release)		
	Number of inmates who enrolled in Alcohol & other Drug/Health & HIV Promotion programs		
	Number of inmates who completed Alcohol & other Drug/Health & HIV Promotion programs		
	Number of inmates who failed to complete Alcohol & Other Drug/Health & HIV Promotion programs		
	Number of inmates enrolled in psychological programs.		
	Number of inmates who completed psychological programs.		
	Number of inmates who failed to complete psychological Programs.		
	% of inmate population involved in inmate programs (all programs).		

	Number of occasions of Service: a) AOD/HHP b) Psych Services c) Welfare Services		
	Pre-Release Programs (PRP) a) Number of inmates participating in pre-release programs.		
	b) Number of inmates eligible to participate in pre-release programs.		
	c) Number of inmates who breach the conditions of a pre-release program.		
	d) Number of inmates removed from pre-release programs.		
<b>ASSET MAINTENANCE PROGRAM</b>	Preventative maintenance plan List works completed or partially completed during month compared to actual plan		
	List outstanding works		
	List cost of works completed or partially completed for month		
<b>CORRECTIVE MAINTENANCE PLAN</b>	List works completed or partially completed during month compared to actual plan		
	List outstanding works		
	List cost of works completed or partially completed for month		
<b>MAJOR ASSET – MAINTENANCE AND REPLACEMENT PLAN</b>	List works completed or partially completed during month compared to actual plan		
	List outstanding works		
	List cost of works completed or partially completed for month		
<b>ASSET MANGEMENT</b>	List each item written off		
<b>COST OF IMPRISONMENT</b>	Cost per inmate per day		
	Total cost of escort and or guard duty for inmates requiring medical treatment not available at the Centre.		
<b>INMATE</b>	Number of lost Property applications during the month.		



<b>PROPERTY</b>	% of applications resolved satisfactorily.		
	Estimated cost of missing property.		
	Total compensation payments paid during the month.		
<b>JUNEE ADVISORY COUNCIL</b>	Number of meetings held during month.		
	Number of meetings attended by General Manager during the month.		
	Attendance rate of community members (% of total possible).		
	List significant issues raised and action taken to address/resolve issue by local management.		
<b>COMMUNITY INVOLVEMENT STRATEGIES</b>	Number of Cultural Activities during month (eg. NAIDOC).		
	Number of special 'one off' events (i.e. charity runs, art shows, etc).		
<b>INMATE VISITORS</b>	Total number for month		
	% variation to annual rate		
	number of complaints for month		
	Number of compliments for month		
<b>COMMUNITY PROJECT</b>	List new community projects		
	Total number of inmate community hours worked for month.		
<b>STAFF TRAINING PROGRAMS</b>	Staff completing on the job training		
	Hours of on the job "in house" training provided to staff		
	Staff enrolled in external studies		
	Average hours per officer (per month) involved in training		
<b>OH&amp;S</b>	Number of accidents/incidents for month		
	Number of accidents/ investigations conducted during month		
	Hazards identified and correct actions taken		
	Number of staff assaulted during month		
<b>WORKERS COMPENSATION</b>	Claims lodged for month		
	Days lost - monthly		
	Staff off work or on a return to work program		
	Staff on return to work program		
	Staff visited at home		
<b>EQUITY AND PROBITY</b>	Ethical Behaviour complaints		
	Disciplinary actions investigated		



	Number of grievances received (other than ethical behaviour)		
	Staff trained this month (EEO training)		
<b>INDUSTRIAL RELATIONS</b>	Disputes /Meetings		
	Total days lost		
	Number of occasions and dates when the Correctional Centre was locked down or partially locked down due to Industrial meetings or disputes		
<b>STAFFING PROFILE</b>	Custodial Industries IDS Administration Health Food Services Self funded		
	STAFF ATTRITION Custodial Industrial IDS Admin Health		
	Staff deficiencies – number of occasions and dates when custodial staffing establishment fell below the approved number		
	Staff deficiencies – number of occasions and dates when staffing establishment for the delivery of correctional services and programs fell below the approved number		
	Staff deficiencies Number of occasions and dates when the correctional centre was locked down due to staff deficiencies		
<b>SICK LEAVE</b>	Total days per month		
	Average days per officer – custodial		

	Average days per officer – non custodial		
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