



CRIME AND CORRUPTION COMMISSION

TRANSCRIPT OF INVESTIGATIVE HEARING

10 CONDUCTED AT LEVEL 2, NORTH TOWER, 515 ST PAULS TERRACE,
FORTITUDE VALLEY WITH RESPECT TO

File No: CO-18-0360

TASKFORCE FLAXTON
HEARING NO: 18/0003

20 DAY 3 – WEDNESDAY 16 MAY 2018
(DURATION: 1 HR 23 MINS)

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LEGEND

30 PO Presiding Officer – ALAN MACSPORRAN QC
CA Counsel Assisting – GLEN RICE QC
INST Instructing – AMANDA BRIDGEMAN
HRO Hearing Room Orderly – KELLY ANDERSON
W Witness – DAMIEN DAVIE
DP D PEVERILL, Officer in Support, United Voice
CM CHRISTOPHER MURDOCH, Crown Law (QCS)
AS A J SMITH, GEO Group Legal (GEO Group)

- PO Mr RICE.
- CA Commissioner, I call Damien DAVIE.
- PO Mr DAVIE, do you have a preference for taking an oath or affirmation?
- W An oath, thanks.
- 10 HRO If you could just take the Bible in your right hand, please, and repeat after me.
- W The evidence which I shall give in these proceedings shall be the truth, the whole truth, and nothing but the truth, so help me God.
- PO Have a seat, Mr DAVIE. Mr RICE?
- CA Mr DAVIE has an officer in support. I am not sure if he wants to announce his appearance.
- 20 PO If you would announce your appearance, thank you.
- DP Good morning. Surname PEVERILL, initial D, for United Voice.
- PO Thank you.
- CA Sir, is your name Damien Thomas DAVIE?
- W It is.
- 30 CA Mr DAVIE, you are an officer of the United Voice Queensland Union; is that so?
- W That's correct.
- CA Do you have any particular job title?
- W I am a coordinator.
- 40 CA You have been given a notice, I think, to attend today?
- W That is correct.
- CA Can I show you this, firstly.
- W Thank you.
- CA Is that a copy of the attendance notice you received?
- 50 W Yes, it is.
- CA I tender that.
- PO Exhibit 35.

ADMITTED AND MARKED EXHIBIT 35

CA The union has made a submission to the Commission dated 19 April 2018. You are aware of that?

W Yes, I am.

CA Can I show you this copy. Is that a copy of the union submission?

W It is.

10

CA I tender that submission.

PO Exhibit 36.

ADMITTED AND MARKED EXHIBIT 36

CA Mr DAVIE, could you initially tell us in what relevant respect the United Voice acts for or represents employees associated with corrective services?

20

W United Voice Queensland represents correctional and non-correctional staff at the two privately run facilities in Queensland, at Arthur Gorrie and Gatton, one run by Serco, one run by GEO.

CA Can you explain how it arises that United Voice represents correctional staff in private centres but not the public sector ones?

W The public sector union, Together, covers the correctional officers who are directly employed by the department, and United Voice covers correctional officers who are employed by the private operators. That's by way of union rules of coverage that determine that.

30

CA Are you able to tell us what proportion of correctional staff within the centres would be members, that is to say, what proportion you represent?

W I don't have an exact figure on me, but it hovers between 65 and 75 per cent of correctional staff working in those centres are members of United Voice.

40

CA Can I ask you, have you yourself been active in representing them in relation to such issues as they may have?

W Yes, I have. I've had approximately 10 years involvement with our members that work in private-run correctional facilities in Queensland both directly in negotiating wages and conditions, conducting safety audits, representing individual members on grievances, as well as setting out the strategic direction for the union in consultation with our members at those facilities.

50

CA Have you been to either or both of those facilities to make any observation of their operations?

W Yes, I have.

CA In what circumstances and how frequently, can you tell us?

- W Southern Cross, not as frequently as Arthur Gorrie, but in the past 12 months I've spent a significant amount of time at Arthur Gorrie. That would have been on at least a monthly basis, sometimes several times a month.
- CA What would cause you to go there?
- 10 W Last year, we had enterprise agreement negotiations there. We've had ongoing issues with officer safety, and they have been the main reasons why I have had to go on site to attend. We do have organisers of United Voice who report to me, who attend both of the facilities on a regular basis.
- CA When you attend on these monthly occasions, is it to meet with members or for some other purpose?
- W To meet with members, yes - meet with members, negotiations, et cetera.
- 20 CA Are you given ready access to the prison to be able to meet with members?
- W I would say we're given - we are afforded access as per the *Fair Work Act*. I wouldn't say that there's a - we deal with our sites in other industries where it is a lot more open and transparent; our access is above and beyond what we are entitled to in the Act. GEO certainly ensures that our access is to the letter of the Act.
- 30 CA In your submission, you identify what you describe as systemic failures. We will turn to them and discuss them, but could I ask you initially whether those failures that you have identified apply equally to both private centres whose members you represent, or is there a skew towards one or another?
- W No, they don't. The systemic failures are certainly more prevalent at the Arthur Gorrie facility.
- 40 CA You have mentioned the reasons why you have made regular visits to Arthur Gorrie, say, in the last 12 months. Have you had occasion to visit Southern Queensland?
- W No. No, I haven't.
- CA In the last 12 months?
- W No, I haven't. Organisers that report to me regularly visit those facilities. There would have to be some major issues going on that required my attention on site. But I would say the issues raised in our submission arise predominantly out of the Arthur Gorrie facility.
- 50 CA The first of the matters that you raise is what you call systemic understaffing. As a concept, why do you say that systemic understaffing represents a corruption risk?
- W It puts at risk officers and puts them in a position that creates an unsafe

working environment, which actually leads to numerous issues within the prison, which leads to prisoner behaviour in a manner that wouldn't occur if it was correctly staffed. If there were enough staff, we would see less assaults, we would see less drugs in the prison, and we would certainly see our members in an environment that was not so volatile and such a risk to their health and safety.

10 CA Do you say that at either of these centres, there is relevant understaffing so as to cause safety issues for your members?

W Yes. I would refer to example 1. The officer reports to us that they worked in a 24-man unit. This unit has grown to 40 prisoners and has been that way for a good while. With the assistance of the union, we now have a rover between the unit and the next-door unit. This was given to us because we're doubled-up. Therefore, the rover is helping to share the extra workload with the big increase of prisoners. However, we only see the rover, at best, one hour per day in an 11-hour shift. The unit next door has the rover for the same period. This is all too common. We hear that units have increased in numbers, but the staffing ratio hasn't increased.

20 CA Do you know, is there some standard?

W No, there's not. The private operators assess the risk as they see it, and the harsh reality of it, for our members, is that each and every extra correctional officer that's put on the floor eats into the profits of the providers.

30 We recently, as part of a recent dispute, ran a campaign of two on the floor. Often our members tell us that they have one officer in the fishbowl, the airlock part of the unit, and one officer out on the floor, and those numbers fluctuate from anywhere as high as 40; in some cases, we have had reported back up to 62 inmates that that one officer is left to look after.

In our discussions with the Together Union, and various stakeholders, we are told that this just doesn't happen, or only happens in extreme circumstances in the publicly-run prisons.

40 CA Is the distorted ratio that you speak of the product of increased population at Arthur Gorrie?

W Certainly most of the units at Arthur Gorrie were single-man cells which have been turned into double-ups, and the officer number hasn't increased in line with the increased prisoner numbers.

CA Arthur Gorrie is quite a big centre.

50 W It is a big centre.

CA Perhaps it is the biggest. You have drawn attention to the example, but can I ask you, from the inspections you have made, discussions you've had, is that an isolated example or does it apply in different areas of operation across Arthur Gorrie?

W It is certainly not an isolated example. If I was to say the most common

issue that is raised with us by our membership at Arthur Gorrie, it would be understaffing. Regularly the complaint about being understaffed and receiving a rover to supplement, but that rover is given other duties, such as escorts, searches, which takes them away from that unit, there wouldn't be a week go by that we don't have members raise issues about understaffing in one way or another.

10 CA To make more sense, perhaps, of the example that you use, and example 1 is not the only one, where there is reference to deployment of a rover, what does that expression mean?

W A rover is an officer that will work between a number of units to supplement the officers already stationed in an individual unit.

CA How does that enhance safety if such a person is available?

20 W It only enhances safety for the period of when the rover is actually in attendance at that unit. Obviously if a rover is shared between multiple units, they can't be in both units at once.

We say that rovers aren't the answer. We say that there should always be two on the floor, at all times. We have members that talk to us about risk and not being able to do their job properly due to the fact of chronic understaffing, and we say that is profit-driven by GEO.

CA Do your members particularise the areas in which they are not able to do their job properly arising from this scenario?

30 W They're under pressure when reporting. They are under pressure to conduct searches. They are under pressure just to carry out the day-to-day running of the units, which leads to them rushing through their duties.

Our members make do with the best of a bad situation, and do a pretty good job under this pressure. We have had officers assaulted where they have been the only officer in the unit. We believe if it was two officers in the unit at all times, it would lead to less assaults on officers.

40 CA Is this the kind of understaffing that you are referring to on a recurring basis, that a correctional officer can be left alone in a unit?

W Correct. It's common.

CA With how many prisoners to supervise?

W That varies. Anywhere from 40 up to - we have had reported cases of 62, 64 prisoners.

50 CA For what length of time, given that an officer's shift is 12 hours?

W Yes.

CA Is this for a short time for a cause or-

W No. No, we are not talking about short times. We're talking for majority of shifts. Obviously they get relieved for their breaks. It is

not an uncommon practice. The problem with replacing staff who call in sick is one that is raised with us, it's in example 2. It says, "We're running seven staff short out the back", and it goes on to detail how it's raised in an email, with a supervisor, and it's not actioned.

CA Can I ask you this: from what you understand and from your observation, is there secure segregation between officers in a unit and the prisoner body?

10 W That is the officer in the airlock, the fishbowl, yes. When we say there should be two officers on the floor at all times, we don't count the officer in the fishbowl. They can ring for assistance for the officer that is getting assaulted. What we say is two officers on the floor reduces assaults on officers, assaults on inmates, and it should be a standard.

CA Can I just explore with you, though, by reference to the geography and the layout of the unit, what physical risks arise to a correctional officer. Whether such risk arises presumably depends on their degree of security from the prisoner body.

20

W Yes.

CA Do you have any comments about that?

W The prisoners have straight contact with the officer that is on the floor. The officer in the airlock, the fishbowl, is protected from those prisoners. What we're saying is that the officer out on the floor that comes in contact, physical contact, with prisoners, should have a second officer there to support at all times.

30

CA What is the duty and function of the officer who is out on the floor as you describe it?

W To keep order of the inmates.

CA To what degree is an officer out on the floor exposed to physical contact with prisoners?

40

W It varies, but prisoners have the opportunity - the officer is at risk, obviously, if a prisoner decides to assault them, all the time while they're on the floor, under constant risk.

CA How would a second officer on the floor mitigate that?

W A second officer can assist if they are being assaulted. The deterrent is the biggest factor. When there's two officers, it is not a case of prisoners believing they can overpower one officer. The second officer can deter other prisoners from joining in when things get out of hand, but, primarily, the deterrent in assisting an officer, if they are attacked, is what we say a second officer on the floor at all times would do.

50

We don't have data on it, but I would be safe to say that officer assaults are more likely to have occurred when there is only one officer on the floor than when there have been two officers on the floor.

CA Has this issue been raised, do you know, by your members directly with

- management-
- W Constantly.
- CA -to request supplementation?
- W Constantly. Constantly.
- 10 CA By the sound of it your members also make representations to you about the same issue?
- W Make representations to us. We have made representations to QCS. We've made representations to the former director-general.
- CA Over what time frame?
- 20 W Over the past three years. The past 24 months, they were very loud; they were expressed in the media. We have been resolute in our pursuit to get two officers on the floor. The staffing levels in the private facilities are much lower than the staffing levels in the public facilities. That is what we are told by those that know the public system well.
- CA Was there some industrial action in, I think, about July last year?
- W That's correct.
- CA I think there was some report about that in the press, but perhaps you could tell us what was the cause and nature of that industrial action?
- 30 W The nature of the industrial action was in regards to the enterprise bargaining agreement that was being negotiated. One of the key claims of officers there was about having two officers on the floor at all times. The other issue is the health and safety structures there are inadequate. Officers decided to take industrial action in pursuit of better health and safety at work, in this relentless pursuit, which still continues, to get two officers on the floor at all times.
- CA Is that the basic issue, then, ensuring that there are two on the floor, so to speak?
- 40 W It is. It isn't the silver bullet that fixes everything, but as a hard and fast rule, we believe that it's clear that our members will be provided with a safer working place if there are two officers on the floor at all times.
- CA Do you receive reports then about what pressures arise from being alone on the floor? You touched on this earlier, but apart from pressures in terms of time of reporting, is it a safety issue?
- 50 W It is a safety issue. With one officer on the floor it's harder to respond to issues as they happen and without having specific examples at hand, with one officer on the floor it may be that the officer has to wait to call for backup to intervene in incidents that may be occurring.
- CA What response have you had to the representations that have been made to achieve that goal?

- W There is currently an independent staffing review being done as part of the enterprise agreement. We don't hold out great hope for that. At the moment we are still receiving reports that staff that ring in sick aren't being replaced; that officers with not a great deal of experience are being placed on the floor by themselves. We don't have a great deal of faith in GEO's capacity to deliver a safe working environment for our members. I think we are being quite open about that in the public arena.
- 10 CA Just to make a little more sense of one or two of the examples that you have included, example 2, on page 6 of your submission, can I ask you is that an extract of one or more reports? We see a number of ellipses there.
- W That is a number of reports which are common for us to receive.
- CA In the second paragraph of example 2, the report is to the effect that "We are running seven staff short out the back", are you able to interpret just what that means?
- 20 W It means that seven staff either haven't come in for work or haven't been replaced. A common complaint about our members is that they'll have a unit that's meant to be manned by one, maybe two or three officers, and someone calls in sick, that they are not replaced, and they just make do with the best they've got. This leads to a whole other pressure where officers feel the pressure of attending work when they're not 100 per cent because they know that, in a lot of cases, it's going to be seen as letting down their fellow officers because they are going to have to run short.
- 30 CA To what extent does overcrowding, particularly at Arthur Gorrie, impact on risk of conflict, violence and assault?
- W Overcrowding has a real impact on those issues and we say design is an issue, obviously. As I said earlier a lot of the cells were designed for one person; now they have two people in them. We would say that staffing numbers have not increased in line with the increase in the prison population, the overcrowding. It's harder to roll out the activities and obviously with more prisoners, less correctional officers, there is more chance of those assaults occurring.
- 40 CA What kind of assaults, prisoner-on-prisoner?
- W Both. Prisoner-on-prisoner and prisoner-on-officer. In one of the safety inspections conducted at GEO, they had a less than acceptable risk register, in my mind, where they put a lot of faith in computer games and quite meaningless activities to keep prisoners occupied as a way of keeping assaults down.
- 50 CA You refer at page 7 of your submission to what you describe as regular and close interactions. What kind of interactions are you talking about?
- W Searches. Restraints. Just in the day-to-day running of the prison. Ensuring the well-being of prisoners. Movements throughout the facility, on a day-to-day basis, our members do that work.

- CA What risks arise to the officers through an increase in a number of those interactions?
- W Law of averages certainly applies. The more interactions an officer has, the more chance there is of being in an assault, and the severity of those assaults. We have had the situation where we've had an officer be assaulted, other prisoners join in that assault. What we believe, if there was effective staffing numbers there, the other prisoners wouldn't have joined in that assault and it wouldn't have been - the result, the effect of that assault on the officer wouldn't have been as bad.
- 10 The increased prisoner numbers increases interactions the correctional officers have with inmates. If there was an increase in correctional officer numbers, that increase wouldn't be as drastic.
- CA In the representations you have made to the centre management, have you been given some reason why there has been not the increase that you have sought in staffing?
- 20 W Cost. "Cost" is generally the response. Cost, or a lack of acknowledging that the problem exists, but most of it is-
- CA That can hardly be so if you are making regular representations, could it?
- W Yes, correct. There is a bit of a head in the sand approach which is driven by if there is a need to put more numbers on the floor, or if they have to increase the overall number of correctional officers on a permanent basis, that there will be an increase in cost which will see a decrease in profit.
- 30 CA It is expressed to you in that way?
- W Yes, pretty much. Not the decrease in profit, that's a conclusion that is drawn when people talk about cost; it is either a decrease in profits or a loss.
- CA Does your representation go back far enough to when numbers were not so severe at Arthur Gorrie? The reason I ask you - I was going to ask you about staffing levels some time ago. For a normally occupied unit, not an overcrowded one, what the staffing levels may have been in the past?
- 40 W Since I have been involved, numbers have been above capacity. Our members tell us is that it hasn't always been this way; that prior to units being doubled up there was a manageable workload. The rover system was somewhat effective because rovers weren't as busy. There wasn't as many prisoner movements, there wasn't as many searches to be carried out, so you would get a greater portion of that rover in your unit than you do now, with the chronic overcrowding, which leads to more prisoner movements, more searches.
- 50 CA Currently how are the otherwise potentially available rovers being deployed?
- W They will be deployed and designated to units. What our members say

is that they barely see rovers throughout their shift, that they are off doing medical escorts, searches, and other duties.

We've had reports of them fetching orange juice at times. They are a bit of a go-to for any job that needs to be done, rather than staying in the two units that they are designated to.

CA Commissioner, is that a convenient time?

10 PO Yes, certainly. We will adjourn until 2 o'clock. Thank you.

LUNCHEON ADJOURNMENT

PO Mr RICE.

CA Thank you, Commissioner.

Can I ask you about a portion of your submission at page 4, Mr DAVIE.

20

W Yes.

CA You refer to the degree of power that exists over prisoners in terms of that power extending to decision making over almost all aspects of a prisoner's life. You go on to refer to some forms of abuse of that power. You do that in prefacing it by saying, "We understand that". I just want to ascertain from you what is the source of the kind of allegation you make in that paragraph?

30 W That is direct feedback from our members, who have witnessed the abuse of powers that are mentioned in the examples outlined in our submission.

CA Do you receive that kind of report from members?

W Yes, we do.

CA Personally?

40 W These ones, yes. Yes, reports of this nature generally come to me.

CA You refer to use of excessive force, misrepresentation of incidents and abuse of process and describe those events as occurring often. On what do you base that?

W That's based on the feedback from our members and our delegates, who, on a day-to-day basis, receive the feedback from our membership at the facilities as to what is going on and how the prison is operating.

50 CA You refer to a cohort of senior prison staff. How would such a cohort be identified?

W They are identified as - the "boys club" is a name that's-

CA Is that a term that is used?

- W That is a term that is commonly used at the facility. It is a term our members and delegates use with us often when relaying incidents about - "they're part of the boys club" is an expression we hear often.
- CA How would that boys club be constituted?
- W What our members tell us is that it's made up of some senior staff and some correctional officers who operate with those senior staff in getting preferential treatment but, in return, carrying out their duties in a certain way.
- 10 CA Are these senior staff acting independently or in collaboration?
- W In collaboration. That's why it's called a boys club.
- CA Have you seen reports that would give credence to that?
- W Yes. That is outlined in our submission.
- 20 CA You have cited a number of examples, seven in all.
- W Yes, and I would say that these examples have been raised with the CCC and the Chief Inspector prior to this inquiry.
- CA Is there any means of verifying this kind of complaint?
- W That would have to be verified with the members that raised it, but, yes, there is.
- 30 CA Do you know if members have escalated-
- W I personally have attended informal meetings both with the previous director-general and with the Chief Inspector and officers from the CCC where these have been raised certainly in an informal setting.
- CA Do you say that what you have written in that paragraph is an accurate representation of the reports that have come back to you from members?
- 40 W Yes, it is.
- CA The contentions that are raised there include that it extends to prison management. At what level do these reports include prison management?
- W Our feedback that we receive from delegates and members would say that these activities outlined as examples in our submission are known about right up until the general manager of the prison.
- 50 CA Can you illustrate any of those propositions that you identify in that paragraph that may be attributable to what may be called the management levels of the prison?
- W Certainly at the supervisor level, yes. As far as the general manager and deputy general manager, the feedback we receive is that they are aware of what occurs in relation to the examples that we have provided

in our submission.

CA Is that a proposition that has been seriously demonstrated to you, or is it a representation of disgruntlement?

W It's representations we receive from our members, but it is certainly a reasonable assumption to come to that incidents of such serious nature would come under the examination of the deputy general manager and the general manager.

10

CA Presumably that would be so only if there was a report back?

W An official report back, yes. I have had instances where I have investigated safety incidents there, and there are two sets of reporting - one on the QCS reporting and the internal reporting that is carried out by GEO. I have had experience where I've viewed footage of incidents and then viewed the reporting of the supervisor, and major parts of incidents have been left out.

20

As far as the abuse of power, our members report back a similar scenario to what I observed in the health and safety inspections that I did, that I witnessed.

CA I am not sure if I understood you correctly. You referred to film of incidents that you have viewed, which may not have been complete in some way?

W Yes. Unrelated to the examples provided, on a separate occasion, I have attended the facility, reviewed footage that is part of an incident where prisoners have been noncompliant and proposed significant risk to our members and acted in a certain way. When I have gone and looked at the official reports, they don't reflect the actual incident that occurred. It plays down the incident.

30

CA Do you mean that a written report of the incident did not correlate with film that you viewed?

W Correct.

40

CA How did you come to be in a position to view that film and do that correlation?

W That was under the *Workplace Health and Safety Act*, an inspection of a breach of the Act, our powers-

CA Which Act?

W *Work Health and Safety Act*. I just draw that parallel. At first-hand, I have seen incidents reported in a different manner to which they actually occurred. That's the same scenario that our members give us feedback about when the abuse of power occurs from the so-called boys club.

50

CA Do you give those members' reports some credence by reference to that example of your own experience?

- W Yes. Yes, I do.
- PO Mr DAVIE, with the *Work Health and Safety Act* inspections, you have full access to the CCTV footage, do you?
- W Yes, yes. Relevant documents in relation to the alleged breach.
- CA Having had the opportunity to do that in that instance, what was the outcome?
- 10 W Unfortunately, we ran into a dead-end. This was highlighted with QCS. The contract manager was in attendance. And it would be one of our criticisms that GEO certainly has - both private operators, whilst the issue I talk about is with GEO at Arthur Gorrie, have too much autonomy under the contract. These issues were raised with the contract manager, and, to our knowledge, no action was taken.
- CA By the "contract manager", do you mean the so-called contract management unit?
- 20 W Yes.
- CA You just mentioned the autonomy that is also referenced in your submission. What kind of autonomy are you referring to?
- W In our opinion, the way we see the operation of Arthur Gorrie is more on a performance-based approach.
- CA That's not a bad thing, is it, given what the performance is?
- 30 W It all depends how you get to the end outcome. Often, in United Voice's experience, in the contracting industries, if it is agreed what the outcome will be, you still need to monitor how you get to that outcome. You need to regulate the roadmap to the outcome. That's where we would say the relationship between the department and GEO falls down. We would say that they have too much autonomy. The example of safe staffing numbers is something that we say should not be something that the private operators operate with autonomy.
- 40 CA Presumably it is rather more wide ranging than that, given the list of potential, if not real, indiscretions that you describe at page 5?
- W Yes, yes.
- CA Are all of those things a product of the autonomy that you refer to?
- W Yes, they are.
- CA You link it with understaffing as well?
- 50 W Understaffing is a result of the autonomy, and the extensive list that is compiled there, we would say, almost in all cases can be related back to the chronic understaffing.
- CA Has that list at page 5 been correlated back to complaints that have been made-

- W Yes.
- CA -or has someone made it up?
- W No.
- CA I just want to test its authenticity.
- 10 W Complaints, issues that have been raised, consultation with our delegates and members, our interactions over the past several years of dealing with the centre. That is a genuine list.
- CA Can you do more than take it at face value and compare it to your own experience, as you have described?
- W Yes. I would say that all the examples raised, I think if you just take on face value the examples we raise, builds this list. And then in review of our submission, I would say one of the things that are lacking probably in the list that we provided is the autonomy about the training course and the length of it, the pre-service course. I would say something like mandated training is a prime example of having too much autonomy, exactly what the length is, and how officers who haven't obtained the Cert III are used within the facility - those sorts of responsibilities given to the contractor is far too broad and leads to the issues that we have raised.
- 20
- W A major, major point of contention has been the use of unqualified staff, staff who have not yet completed the Cert III hours, in the unit by themselves. That was part of the two on the floor, that we say we have instances where there are in fact - and this gets fed back to us from our members, that often there are officers who have not completed the Cert III and the required hours working in the unit by themselves on the floor.
- 30
- CA To go back a step to the initial officer training, do I understand you to have some issue with the content of that?
- W Content - what I would say our issue with it is that it is well known that GEO has the shortest pre-service contract, which is 6 weeks. Others, we are told it is between 8 to 12 weeks. We say something like that shouldn't be at the discretion of the private operator. It's just an example of too much autonomy under this contractual arrangement.
- 40
- CA Do you know how the content of private operator training compares with the academy training in the public sector?
- W The assumption is made that they both end up in a Cert III qualification-
- 50
- CA After 12 months, isn't it?
- W -so the competencies, yes, are the same. One thing that we often receive feedback from our members about, because many of our members may have worked in the public sector prisons or may in fact hold a role in the public sector and have a second job working in one

of the private facilities, is that career progression in the public sector is far greater and more people move through to the Cert IV and the higher levels of training than do at the private facilities.

- CA You referred to new staff who may not have completed their Cert III - and by that, do we mean those who have less than 12 months experience?
- W Correct.
- 10 CA Being left alone in supervision of a unit?
- W Yes. Up until recently, I would say that was something that we received a lot of feedback on, on a regular basis, from our members and delegates.
- CA That that was a particular concern?
- W Yes.
- 20 CA Do corrective services officers transfer across from public to private with any regularity, do you know, and thereby become your members?
- W Yes, yes. I wouldn't say regularly that people leave the public sector in favour. They may have taken a break from it during life, or for one reason or another, but it's generally not a-
- CA Can I ask you this: do the statements that you have made, for example, at page 5, of the list of practices that you have had reports about include reports coming from corrective services officers who have worked in the public sector and have come across to your union?
- 30 W Yes, most definitely, most definitely. And not just from the public sector. We have many officers who have worked interstate or overseas.
- CA Do they give you their comparative experience?
- W Yes, they do.
- 40 CA Does that inform the contentions that you have made in this submission?
- W Yes. Yes, totally it does. I've had our members and delegates give us feedback, comparing when they have worked in facilities both interstate and overseas, about the staffing numbers and about the general management of the prison, and it doesn't compare well for Arthur Gorrie.
- CA Arthur Gorrie is not the only private service provider.
- 50 W No.
- CA Do you get reports of this same kind concerning Southern Queensland?
- W Not of the frequent nature or of the types of behaviour.

- CA Not what you would call systemic?
- W No, not what we'd call systemic.
- CA You would apply that label to the practices that you get reports about from Arthur Gorrie?
- W Yes, I would.
- 10 CA You make another contention - it is on the same subject, but it goes back to page 2, the second-last paragraph. You refer to the identification of corrupt behaviour and practices. Are you talking there about the kinds of things that are listed on page 5?
- W Yes, we are.
- CA Where those kinds of practices are occurring, but accountability mechanisms are not triggered. What kinds of accountability mechanisms are you referring to?
- 20 W It comes back to the autonomy and the reporting of the corrupt behaviour. Because they aren't reported or are under-reported, often, in most cases, Ethical Standards Unit aren't involved. We have reports back from members that when certain staff may be found to have engaged in corrupt behaviour, they are given the opportunity to resign rather than it being reported. That is a situation that has been reported in the past.
- CA On the subject of reporting, from the sound of it, the kinds of reports that you get are of a reasonably frequent nature?
- 30 W Correct.
- CA But your own members are subject, are they not, to their own reporting obligations-
- W Yes.
- CA -in the event that they witness something that breaches a code of conduct or similar?
- 40 W Yes.
- CA Do your members respond to that obligation by making a complaint?
- W Yes, they do. Our members raise-
- CA Well, in an official way, not just to you, I mean.
- 50 W No, to management as well. Often there is pressure to under-report or report in a different way, and there have been examples provided. I refer to my experiences where I have inspected reports due to health and safety incidences, and what I would say is that at the centre level, there is a lack of oversight of the reporting, which is another example of too much autonomy. For example, an incident where prisoners have become enraged and one officer may report a significant event during

that period and it doesn't get a mention in the thorough supervisor's report and isn't followed up.

CA It would be possible to identify and check the content of such complaints or such incidents as your members are obliged to report-

W Yes.

10 CA -see how many there were and what their content was, and, if that didn't match the lengthy list of indiscretions that you describe, would that be an indicator of the credence of the list that you have compiled, or not?

W Yes. Yes, it is.

CA You would expect there to be such a correlation, would you?

20 W I would. As far as the reports our members put in, it is questionable - and which has arisen and come to our attention when conducting safety inspections, that if there had been a thorough review of the reports put in around an incident, someone would have said we've got officers raising that an incident occurred a certain way, and then two other officers and the supervisor either don't mention it or state that it happened another way. I would say the amount of autonomy and the lack of review of incidents that are reported - that list that we raise is the outcome of it.

CA Do you know if there are instances of your members having made a report to the Ethical Standards Unit which has not been acted on?

30 W I'm unsure.

CA In what way, looking, again, at the paragraph on page 2 of your submission, has there been some failing, on the accounts you have-

W What I would say is that we haven't received the feedback from ethical standards to verify that each and every report has been acted upon. The fact that the same behaviour continues to occur would suggest that reports aren't being acted upon.

40 CA Reports to ethical standards or through some other mechanism?

W Ethical standards and some other mechanism.

CA What other mechanism is there?

W QCS contract manager, the D-G of the department, and issues in the past have been raised with the Chief Inspector and we haven't had feedback or seen them actioned.

50 CA Do you have any information from your assessment of members' reports as to whether there is under-reporting by members of those things which they are, in truth, obliged to report?

W We would say there is serious pressure on people, due to the KPIs in the contract, which leads to under-reporting, yes.

- CA Does that account in part for what you say, that accountability mechanisms are not triggered?
- W Yes.
- CA Is that in part because of under-reporting by your members?
- W Yes.
- 10 CA Another subject you raise - this is at page 8 of your submission - concerns misuse of information records. Do you receive reports from members concerning unauthorised access to data and unauthorised disclosure of it?
- W Yes, we do.
- CA What is the impact of that on prisoners, having their information improperly circulated, do you know?
- 20 W It certainly makes them vulnerable and it opens up risk. It can affect the way prisoners are treated by other prisoners and may lead to harm. Also, it affects the overall operation and functioning of the facility.
- CA Are you able to say what kinds of instances fall within that category of unauthorised accessing and disclosure?
- W Example 7.
- 30 CA You refer to example 7. There are three paragraphs there. Just for clarity, do they represent the same or a series of three complaints that you have extracted?
- W The same.
- CA It is a single one, in that case?
- W Yes.
- 40 CA Have you received any others in the same category beyond that one?
- W Sorry, can you ask that question again?
- CA Just looking for the degree to which this may be prevalent is really what I was getting to. I was asking you whether in example 7, there being three paragraphs, they are all three drawn from the same report or whether they are extracts from different reports?
- 50 W We get feedback from our members and delegates of a general nature around this issue. Example 7 was one that was raised of a specific nature, but it is an issue that is talked about, and our members and delegates say that it should be tightened up.
- CA That takes us to the recommendations that you make. Perhaps you would like to explain, in terms of recommendation 1 that you make at page 10 about public reporting, how you think that should operate and what it should consist of?

- W Recommendation 1 talks to a greater level of transparency and public reporting, especially at the private facilities. Overall performance of the facility, there's not really a public account.
- The key performance indicators are seen to drive the operation of the prisons at times. What we would say is that those KPIs need to be known. They need to be in the best interest of the public and the outcomes need to be known as well.
- 10 Staff complaints and prisoner complaints need to have a greater level of transparency.
- CA How would that be achieved? I'm sorry to interrupt you.
- W The first thing would be to actually have a regime that publishes and holds a greater level of public scrutiny than what currently occurs, and clearer reporting lines in relation to complaints and a greater level of transparency of the process and investigation and making sure that the feedback is 360 to those people that are making those complaints. The important part of transparency and having it on the public record is the fact that other people have made those complaints in the past would certainly encourage others that are experiencing the similar type of behaviour to come forward.
- 20 CA Do you accept that the Office of the Chief Inspectorate provides an independent oversight of the private operators?
- W I would say the charter of the healthy prisons restricts his oversight somewhat.
- 30 CA How?
- W In our discussions in the past, it has been unwilling to deal with staffing issues unless they directly relate to prisoner welfare, and we have not agreed on the link to prisoner welfare in relation to staff complaints, the amount of staff in a unit. I would say that that process has not worked for our members and delegates in the past.
- 40 CA Is the union privy to the Chief Inspector's reports about Arthur Gorrie, since we're discussing it?
- W I believe they were public at a stage and have since been suppressed.
- CA What would you say about that?
- W I would say it's outrageous and it needs to be open and accountable. And this strikes to this concept of accountability and transparency, that it is no use having the Chief Inspector go in, do a report, identify issues that need resolution and, from what we hear, very little follow-up.
- 50 CA If I were to tell you that the Chief Inspector had produced significant reports about Arthur Gorrie in 2015, 2016 and 2017, would you have been aware of that?
- W No. I would be aware that he would have, more than likely, produced

reports during that time but not the content.

CA You wouldn't know to what extent they may or may not support the kinds of things you are saying?

W Correct.

CA Because you haven't been able to see them?

10 W That's right.

CA Would your membership wish to have dialogue with the Chief Inspector at inspection time?

W Yes, and not just at inspection time. We say there is a culture of fear. We would expect that there should be the ability for our members to communicate with the Chief Inspector at all times.

20 CA Do you not have that opportunity?

W We don't believe-

CA Or do you need to go through a stream more directly related to management?

W It hasn't been a clear process in the past as to the process the Chief Inspector plays as far as our members being able to raise issues of concern to them in the workplace.

30 CA Do you know if members have sought to raise the kinds of issues that are apparently reported to you with a purely external oversight mechanism, such as the Ombudsman?

W I'm unaware if they have.

40 PO Could I just ask you, Mr DAVIE, in respect of that issue. As I understand what you said, you said there has not been a clear pathway for staff to raise issues with the Chief Inspector. Do you say that from the fact that it has been attempted and rejected, or on what basis do you say that that pathway is not clear?

W I would say approximately 12 to 18 months ago, we had interaction with the Chief Inspector, and what I would say is that our members and delegates weren't aware of the process as far as raising the issues that we were raising with the Chief Inspector.

PO Thank you.

50 CA You mentioned 12 or 18 months ago. I know you are not privy to the inspector's reports.

W Yes.

CA Was that around the time of some industrial action in July, or thereabouts, of 2017?

- W Thereabouts.
- CA Do you recall having interaction with the Chief Inspector concerning the staffing issue that you spoke about?
- W Yes, yes.
- CA Was that in the context of an inspector's visit, do you recall?
- 10 W No, we had made contact with the inspector. It may have coincided with an inspection; I'm not sure.
- CA You include as your third recommendation that QCS adopt more stringent independent accountability mechanisms. Are you able to assist with the union's view as to what that might look like?
- W We would say more QCS inspectors, contract monitors, that are rotated on a regular basis out of the facility; a more stringent eye being run over reporting and incidents; a more thorough approach to the risk register that is registered with QCS; and a more proactive dialogue with correctional officers rather than, as it is seen at the moment, just a management approach of dealing with management; more input sought from correctional officers, to make clear guidelines and processes for reporting incidents.
- 20 CA You raised a matter about the contract management unit, a moment ago, in terms of its staffing?
- W Correct.
- 30 CA You are in favour of rotation of staff through that unit?
- W Correct.
- CA Is that not occurring, in your observations?
- W Our observations - I couldn't comment on the frequency of the rotation. What I would say is that in our dealings where it has involved GEO and the contract management unit, whereas it should have been, in my opinion, a triangle, it was more a "them and us" scenario, the workforce up against GEO and the contract management unit.
- 40 I would say that arises out of working too closely together. There should be some more separation. We say more frequent rotations would lead to that. There may be some other ways to implement that, but certainly a number of times, I think safety inspections or when exercising right of entry, it almost, in the eyes of our organisation, seemed that GEO and QCS were working as one.
- 50 CA What is the physical location of the contract management unit? Are they at the centre?
- W Yes, they are.
- CA That is all I have, Commissioner.

PO Thank you. Mr PEVERILL, do you have any questions?

DP No questions, Mr Chairman.

PO I assume you have nothing, Mr MURDOCH?

CM No, may it please the Commission.

PO Mr SMITH?

10 AS Yes, I seek leave to cross-examine.

PO Yes, very well.

AS Mr DAVIE, if I can just take you, first, to the submission.

W Yes.

AS There are seven what you have called examples in that submission?

20 W Correct.

AS I think you told Mr RICE before that you didn't have any personal knowledge of what is contained in any of those examples?

W Correct.

AS And it is the case that you haven't raised any of those examples with the general manager of Arthur Gorrie, isn't it?

30 W Not me personally.

AS You, as part of your role, have a WH&S entry permit, don't you?

W Correct.

AS You have used that on a number of occasions at Arthur Gorrie?

W Correct.

40 AS You spoke about an occasion when you had viewed some footage?

W Correct.

AS You say that that footage was inconsistent with what was in the report?

W Correct.

AS You had requested access to that footage prior to attending?

50 W Correct.

AS You had also requested access to the report prior to attending?

W Correct.

AS So the centre knew, didn't they, that you wanted to review those materials before you came?

W Yes.

AS And they gave you the materials that you requested to review?

W I've conducted several inspections there. Which-

10 AS In respect of the instance that you gave evidence about earlier.

W Yes.

AS That's hardly consistent with the actions of someone trying to cover something up, is it?

W I wouldn't agree with that. I'd say there's a level of arrogance in their actions.

20 AS You said in your evidence earlier that you regularly visited Arthur Gorrie?

W Yes.

AS You haven't been there since November, though, have you?

W I'm unsure of the exact date.

AS Would you accept that you haven't been there since November?

30 W No, I can't recall.

AS November, of course, would be about one month before the vote on the EBA, wouldn't it?

W I've been back there since the vote.

AS You have given evidence in relation to what you call autonomy under the contract?

40 W Yes.

AS You have never seen the contract, have you?

W No.

AS No further questions.

PO Thank you. Do you have anything else, Mr RICE?

50 CA No, thank you, Commissioner.

PO Thank you very much, Mr DAVIE. You are excused.

END OF SESSION