



## Prisons' Division Meeting Wednesday the 12<sup>th</sup> of November 2008

### Present;

Christine Kells	CPSU I.O.	
Mark Nestor	P.D. President	Ararat
Colin Rosewarne	P.D. Executive	P.P.P.
Helen Pearce		M.A.P.
Grant Halliday		Langi Kal-Kal
Cheryl Miskowicz	Branch Councillor	M.R.C.
Chris Coutts		Loddon
Gary Greaves	P.D. Secretary	Barwon

### Apologies;

Charlie Allen SESG

**Mark Nestor** opened the meeting and read the CPSU State Secretary Karen Batt's report; Oct update

189 new members joined the union in October with the following breakdown for corrections:

24 CV

2 GEO

1 GSL

3 GSL Transport

We are running 25 individual matters including 6 individual workcover matters

We have clause 9's for Amendments to the Corrections Regs, Surge Beds and Police Checks.

We have commenced negotiations at Fulham for their EBA.

We are seeking the right to represent the members at GSL Transport for their EBA.

Management, at the time of writing, were denying us right of entry. Christine to attend meeting their this week with members and a claim to be served on the employer. Colin has also assisted with some OHS matters at the site.

VPS EBA central negotiations have commenced. Work on finalising the agency appendices still proceeding.

POAA Conference held in Adelaide in Oct

**Mark** then presented an update on the status of PD business;

Loddon Roster	Further negotiations are expected within 3 weeks on A.Laury's return. CPSU has advised CV that surge beds at Loddon will be discussed as part of 9/80 roster discussions.
Courts Roster	Local group have prepared 9/80 rosters and after a meeting of Local members, rosters will be presented to Management.
Recreation Officer Classifications Loddon, DPFC & Marngoneet	Director of Prisons has sent an e-mail to CV HR requesting advise as to appropriate classification. HR have as yet not responded. N.Harding to follow up with HR. Response expected by end of week.

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Operations Manager Classification	Currently one Operations Manager seconded to development Roll in Prisons Directive is occupying COG 5 Band which brings the total to 3 Officers whose pay fall within the COG5 Band.
Red / Blue Books	N.Harding to discuss with B.Illingworth re phone conference or meeting with CPSU. Response expected by the end of the week.
SESG Tactical Fire arm Review.	N.Harding and B.Polkinghorne met with C.Allen and C.Kells. CV have been directed to engage in regular monthly meetings by Director of Prisons.
Relocation SESG Intel Industries.	N.Harding to contact R.Edwards (CPSU) re information meeting to be held within one week.
Cell Extraction Data – Cell Extraction protocols.	Director of Prisons forwarded request to OM. T.Jones of Prisons Directives Development Projects to draft DI on cell extraction Protocols.
ESOTAC Staffing	To be monitored locally.
Surge Beds	To remain with Local Groups.
Prisoner Medication – Interim Guidelines.	M.Gardner DoJ Health indicated that a Draft was near completed. N.Harding to follow up.
Master Plan – Confidence in Corrections.	N.Harding to arrange briefing with K.Batt (CPSU) and will add to Agenda of next High Level Consultation meeting.
Northern Regions ERG	N.Harding will speak to Northern Regions General Manager and Director of Prisons to reinforce CPSU position that the ERG be reinstated.
Travel and Meal Expenses for Officers on Training.	M.Nestor to submit a written submission to CV IR
Performance Progression Payments.	N.Harding to inform CV HR of CPSU disappointment in the 3 month delay in implementation of payments.
Higher Duties Assignments	CPSU raised questions re the time lines and advertisements of such, N.Harding to raise with Director of Prisons.
Variances in Position Classifications.	N.Harding to raise with Director of Prisons and CV HR.
Industries Safety Induction	CPSU shown a draft clause 9. C.Marsich (CPSU) to respond on receipt of official Clause 9. CPSU requested a copy of the Work safe Report. CPSU also requested that C.Marsich be invited to attend the DoJ OH&S Steering

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	Committee. N.Harding to relay request to R.Wise (CV)
Employment of Casuals	CPSU requested lists of Casuals from all locations including Casuals on Fixed Term. N.Harding to supply lists of all Casuals and Fixed Term Employees across the State.

### **Clause 9 Police Checks;**

The Ombudsman, in his recent review of contraband entering Dame Phyllis Frost Centre, observed that Corrections Victoria conducts Police checks on prospective staff when they are first employed, and then never again. The Ombudsman recommended that Corrections Victoria put in place a system of 5 yearly Police checks for all staff. The recommendation was duly supported by the Secretary Department of Justice.

Staffs obligations to report criminal charges and convictions while employed by Corrections Victoria, have been well documented over the years in relevant legislation, Codes of Conduct and Directors Instructions.

Corrections Victoria is starting to work out how 5-yearly Police records checks would be best done and proposes that:

- The checks apply to all staff (ie custodial and non custodial)
- Private Prison staff be included.
- A schedule of Police check updates over five years be adopted, with the first round to be undertaken in 2008/09 of those staff employed in the 1960s – 1990s ( a total of 676 staff), followed progressively by staff employed in later years.
- Corrections Victoria, and DoJ Human Resources and Industrial Relations, in consultation with the CPSU, will determine a process for dealing with offences disclosed through this process,

### **Work Place Relations & Protected Industrial Action;**

The Act protects the right of employees to take lawful industrial action when negotiating a new work place agreement.

To be regarded as protected, or immune from adverse legal consequences, industrial action must take place during a bargaining period for a collective agreement.

Industrial action is prohibited during the life of a collective agreement or Australian workplace agreement.

Industrial action cannot be taken to extend/vary an existing certified agreement.

The Australian Industrial Relations Commission (AIRC) continues to supervise protected industrial action.

It retains the power to issue orders to prevent or stop unprotected industrial action.

An employer **must not** pay an employee who is participating in industrial action (whether or not protected action).

Payment must not be made for the duration of the action or for a minimum of 4 hours.

An employee must not accept payment from an employer for industrial action.

Penalties apply for breach of these laws. Bans and limitations - common industrial tactics previously - must result in the loss of at least 4 hours pay.

Even if you continue to perform the major part of your job, participation in a ban means an employer must dock at least 4 hours pay.

If a bargaining period has been suspended or terminated, industrial action is not protected and not immune from adverse legal consequences.

The AIRC can be required to either to suspend or terminate a bargaining period in a range of circumstances.

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**A** discussion took place on claim for EBA items included; **Salary** Increases 9% per annum or a percentage increase equal to the increase applied to the "basic salary" under the Parliamentary Salaries and Superannuation Act 1968 each year.

**Shift Work** No calculation cap on allowance payable. An additional allowance of 20% for afternoon and night shifts, and 40% for continuous night shift.

**Long Service Leave** 3 months LSL with pay at 7 years, and pro-rata access after 5 years. Leave may be taken at half pay. Leave may be taken in single days.

**Annual Leave** 6 weeks per annum. Shift workers to accrue additional leave based on each Sunday worked. Additional leave paid for any shutdown period.

It was iterated that as per our Consultative agreement, the Director of Prisons has advised all GM to regularly meet with CPSU Local Groups.

CPSU PD asks all Local Groups to arrange regular monthly meetings with their Management and to advise PD with any problems they may have instigating this process.

**CPSU's** OH&S adviser has asked that all locations look at their HSR and when they were last elected as they cannot go past 3 years without an election and Managements should not be just appointing people to the role.

**PD** Vice President is hosting 2 Officers from the Corrections Association of New Zealand and intends to visit 6 Prisons whilst in Victoria.

**PD** Vice President is also hosting a Taser demonstration on Tuesday the 18th and has invited representatives from CV and DoJ and interstate to attend.

**MAP** query whether non-custodial employees could be included in the 9/80 as non-custodial at MAP are employed at 76hrs and 80hrs in contravention of the EBA. They also work a rotating roster with shifts. PD intends to take advice before giving an opinion as Current EBA says;

**33.1.1** The ordinary hours of work for each Employee, except for casual or part-time Employees, will average 76 (exclusive of meal breaks), to be worked over an average of no more than 10 days per fortnight.

**33.2.2(a)** The actual days and hours of work will be those agreed between the Employer and the Employee. Either party may seek to alter the days or hours of duty. Agreement to such alteration shall not be unreasonably withheld, taking into account the personal/family circumstances of the Employee, and the work requirements of the Employer. In the absence of agreement, the aggrieved party may utilise the disputes and grievance procedure in **clause 10** (Disputes and Grievances).

Meeting closed

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