

Select Committee on the Closure or Downsizing of Corrective  
Services NSW Facilities

# **The closure or downsizing of Corrective Services NSW facilities**

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## Terms of reference

1. That a select committee be appointed to inquire into and report on the closure or downsizing of Corrective Services NSW facilities and in particular:
  - (a) the basis for the decision to close or downsize any facility including the documents and other records that were considered by the Minister, such as any economic or financial analysis,
  - (b) each Rural Impact Statement completed before the decision to close or downsize any rural or regional facility,
  - (c) all consultation that was undertaken prior to the decision with stakeholders, including local government, chambers of commerce, industrial bodies, prisoner welfare groups and staff,
  - (d) the costs associated with the closure or downsizing of each facility and the relocation of the prisoner population to other locations,
  - (e) the impact on staff and their families, and on families of Indigenous inmates, of any closure or downsizing,
  - (f) the long-term plans of each closed facility including maintenance and/or management arrangements,
  - (g) the management of any heritage values for each of the closed facilities,
  - (h) the process used to identify any public sector employment opportunities that could be re-located to rural and regional communities to replace job losses due to the closure or downsizing of a Corrective Services NSW facility, and
  - (i) any other related matters.

These terms of reference were referred to the Committee by the Legislative Council on Thursday, 6 September 2012.

## Committee membership

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The Hon Paul Green MLC	Christian Democratic Party	<i>Chair</i>
The Hon Robert Borsak MLC	The Shooters and Fishers Party	<i>Deputy Chair</i>
The Hon David Clarke MLC	Liberal Party	
The Hon Amanda Fazio MLC	Australian Labor Party	
Mr Scot MacDonald MLC	Liberal Party	
The Hon Melinda Pavey MLC	The Nationals	
The Hon Mick Veitch MLC	Australian Labor Party	

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## Chair's foreword

I am pleased to present the Report of the Select Committee on the Closure or Downsizing of Corrective Services NSW Facilities. The Committee was established on 6 September 2012 following the closure or downsizing of a number of correctional centres in NSW, the key impetus being the significant community unrest and anger in response to the decision to downsize the Grafton Correctional Centre.

The vast majority of evidence received by the Committee related to the decision to downsize the Grafton Correctional Centre. Some, albeit minimal, evidence was received in respect of the impact of the closures of Berrima and Kirkconnell correctional centres. However, the concerns of those stakeholders commenting in respect of these centres largely mirrored those in respect of the Grafton facility.

The decision to downsize the Grafton Correctional Centre cut the number of staff at the gaol from 114 to 38. Thirty-four staff relocated and 42 staff accepted voluntary redundancy. The impact of this downsize was immense on both staff and the Grafton community. Many community members told the Committee how their employment and businesses relied on the viability of the local economy to which the prison significantly contributed. The closures of Berrima, Kirkconnell and Parramatta gaols resulted in a 'perfect storm' for some staff, particularly those who, having accepted a transfer to Grafton Correctional Centre, sold their homes and moved their families to the Grafton area only to be told months later that their jobs no longer existed. The Committee is concerned at the treatment of these affected staff.

The Committee understands and accepts the rationale to downsize Grafton Correction Centre - the antiquated facilities are clearly not 'best practice' and in a climate of falling inmate numbers it makes sense to close the older correctional facilities. However, Corrective Services should have been aware of the impact this downsizing would have on the town of Grafton, and the Government should have had a proactive jobs growth strategy in place in response.

The Committee considers that the process to close or downsize a corrections facility could be significantly improved, and has made a number of recommendations to this effect. Rural impact statements should be done and presented to Cabinet prior to a decision to close or downsize a rural or regional Corrective Services facility. The Committee recommends that the NSW Government coordinate and facilitate the development of economic growth strategies in regional areas where a correctional centre is to be closed or downsized.

Many individuals shared their personal stories with the Committee. I would like to acknowledge those individuals who shared their feelings of displacement fear and anxiety about what their futures held. I would also like to acknowledge the cooperative response of Commissioner Severin and his team. I would also like to thank my Committee colleagues for their work on this Inquiry, and the Secretariat for their support. I commend this Report to the House and to the Government.



**The Hon Paul Green MLC**  
Committee Chair

## Summary of recommendations

- Recommendation 1** 28
- That Corrective Services NSW undertake comprehensive rural communities impact statements as part of proposals to close or downsize correctional centres located in rural and regional NSW. These rural communities impact statements should:
- (a) include information about the projected social and economic impacts of the decision on local communities, including short, mid and long term impacts; and
  - (b) be submitted to Cabinet to assist in their consideration of proposals to downsize or close correctional facilities.
- Recommendation 2** 29
- That Corrective Services NSW consult with NSW Trade and Investment in relation to any proposals to close or downsize correctional centres.
- Recommendation 3** 45
- That Corrective Services NSW develop a strategy to provide support to indigenous inmates and their families who have been relocated to a facility that is further away from their families and/or Country as a result of the closing or downsizing of a correctional centre. The strategy should include mechanisms by which families can be provided support to increase their ability to visit inmates, as well as additional alternate methods to facilitate increased contact between inmates and their families.
- Recommendation 4** 51
- That Corrective Services NSW develop a policy document and supporting procedures to be followed when downsizing or closing correctional facilities.
- Recommendation 5** 53
- That, where possible, Corrective Services NSW facilitate the continued presence of offenders helping in communities where correctional facilities have been closed or downsized.
- Recommendation 6** 56
- That the NSW Government co-ordinate and facilitate the development of economic growth strategies in rural and regional areas where a correctional centre is to be closed or downsized. The Government should engage with local communities and key stakeholders, including local government.
- Recommendation 7** 56
- That the NSW Government commit a proportion of savings achieved in the closure or downsizing of correctional facilities to justice reinvestment programs. That, as part of its job creation strategy for the Clarence Valley, the NSW Government consider committing funds to justice reinvestment programs to be based in Grafton.
- Recommendation 8** 62
- That the State Property Authority consults widely in the formulation of management plans and options for adaptive re-use of former heritage Corrective Services properties, and expedites their adaptive re-use as soon as possible.

**Recommendation 9****62**

That, should there be a need to build new correctional centres in the north of the State to accommodate the inmate population, Corrective Services NSW give consideration to planning a new facility in the Clarence Valley region. The new facility should complement the existing minimum security section of the Grafton facility.

# Chapter 1 Introduction

This Chapter provides an overview of the establishment of the Select Committee and its terms of reference. It also describes the way in which the Inquiry was conducted and provides an outline of the structure of the Report.

## Establishment of the Committee

- 1.1 The Select Committee on the Closure or Downsizing of Corrective Services NSW Facilities was established by a resolution of the Legislative Council on 6 September 2012, to inquire into and report on the closure or downsizing of Corrective Services NSW facilities.<sup>1</sup>
- 1.2 In recent years, various correctional facilities across the State have been closed or downsized, including those at Parramatta, Berrima, Kirkconnell and Grafton. However, it was the downsizing of the Grafton Correctional Centre, which resulted in substantial community unrest and anger in response to associated job losses, that led to the establishment of the Committee. Grafton gaol was picketed and blockaded by the local community in an attempt to reverse the Government's decision, and the scene at the picket line was described by Cr Richard Williamson, Mayor, Clarence Valley Council, as follows:

On 7 July ... the community came together to rally at the gaol and that rally continued for a number of days and stayed in place until 12 July ... [T]he Department was hell-bent on making [the downsizing] happen—and happen at all costs. On Sunday 8 July I witnessed what I will describe as a very dangerous situation when we saw a prison van move through a crowd of people, on the way allegedly causing some damage to a parked car. Can I say that that image was very disturbing then and that image should be very disturbing to everyone? In the early hours of Grafton Cup Day, with the Riot Squad overlooking the proceedings, the prison vans then entered the Grafton Correctional Centre in a way that I must say to the Committee, was a very humbling and proud moment to witness. With the vans entering the facility, my community stood in absolute silence—without any blockages whatsoever—to watch something that they had fought for over the previous days, simply disappear.<sup>2</sup>

- 1.3 The events at Grafton were integral to the establishment of the Inquiry.
- 1.4 The Committee is comprised of seven members. The names of the Committee members are set out in on page v. The resolution establishing the Committee identified the Hon Paul Green MLC as the Chair of the Committee and the Hon Robert Borsak MLC was elected as Deputy Chair at the Committee's first meeting.

## Terms of reference

- 1.5 The Committee was established to inquire into and report on the closure or downsizing of Corrective Services NSW facilities.

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<sup>1</sup> *LC Minutes* (06/09/2012) 1202, Item 14.

<sup>2</sup> Cr Richard Williamson, Mayor, Clarence Valley Council, Evidence, 10 December 2012, pp 2-3.

- 1.6 The terms of reference require the Committee to have particular regard to:
- the basis for the decision to close or downsize any facility including the documents and other records that were considered by the Minister, such as any economic or financial analysis
  - each Rural Impact Statement completed before the decision to close or downsize any rural or regional facility
  - all consultation that was undertaken prior to the decision with stakeholders, including local government, chambers of commerce, industrial bodies, prisoner welfare groups and staff
  - the costs associated with the closure or downsizing of each facility and the relocation of the prisoner population to other locations
  - the impact on staff and their families, and on families of Indigenous inmates, of any closure or downsizing
  - the long-term plans of each closed facility including maintenance and/or management arrangements
  - the management of any heritage values for each of the closed facilities,
  - the process used to identify any public sector employment opportunities that could be re-located to rural and regional communities to replace job losses due to the closure or down-sizing of a Corrective Services NSW facility, and
  - any other related matters.
- 1.7 The Committee notes that although the scope of its Inquiry was not restricted geographically to the Grafton area, the vast majority and submissions and evidence it received related to the downsizing of the Grafton Correctional Centre and its impact. Consequently, this report has primarily focused on issues in respect of Grafton, although where evidence was provided in respect of the closures of other correctional centres, it has been included.
- 1.8 The full terms of reference are set out on page iv.

## Conduct of the Inquiry

### Timeframe

- 1.9 The Committee resolved on 18 September 2012 that it would report by 14 June 2013.<sup>3</sup>

### Submissions

- 1.10 The Committee invited submissions by advertising in *The Sydney Morning Herald* and relevant regional papers, including *The Land*, *The Daily Examiner* (Grafton), the *Western Advocate*

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<sup>3</sup> *Minutes* (18/09/2012).

(Bathurst), the *Cessnock Advertiser*, the *Lithgow Mercury*, the *South Coast Register*, and the *Ulladulla Times*. A media release announcing the Inquiry was also sent to all New South Wales media

outlets. In addition the Committee wrote to key stakeholders inviting them to make a submission to the Inquiry. The closing date for submissions was Wednesday 7 November 2012.

- 1.11** The Committee received a total of 53 submissions and one supplementary submission. Responses were received from a range of stakeholders including existing and former corrections staff, their families, community organisations, legal organisations, local government and industry representatives, individuals from within affected communities, and government agencies including Corrective Services NSW, the Department of Trade and Investment, and political organisations. A list of submissions is set out in Appendix 1.
- 1.12** The Committee wishes to thank all the stakeholders who contributed to the Inquiry, in particular those individuals who shared personal stories detailing the impacts of closures and downsizing of correctional centres on their families and on themselves.

### **Hearings and site visit**

- 1.13** The Committee held three days of hearings on 23 November and 10 December 2012, and on 1 March 2013. A total of 16 representatives of 7 organisations and agencies, as well as one academic, shared their views on the process of closing and downsizing correctional centres, with most focussing on the experience in Grafton. A total of 17 witnesses appeared over the three hearing days. A full list of witnesses who appeared at the hearings is set out in Appendix 2 and the transcripts are available on the Committee's website.
- 1.14** In addition, a public forum was held in Grafton on 10 December 2012, at which 12 individuals told their story about the downsizing of the Grafton Correctional Centre and its impacts on the town and on them personally. Appendix 3 sets out the names of all participants at the public forum. A list of documents tabled at the hearings is set out in Appendix 4.
- 1.15** The Committee conducted a site visit to Grafton Correctional Centre on 10 December 2012. The Committee was provided with a briefing by Commissioner Severin and his staff and toured the facility. This visit greatly assisted the Committee's understanding of the issues at Grafton gaol, and thanks Corrective Services NSW for facilitating this visit.
- 1.16** The Committee also had the benefit of receiving written answers to questions taken on notice during the hearing, as well as answers to a number of supplementary questions that were asked of some of the witnesses who gave evidence. A list of those responses is set out in Appendix 5 and the responses are also available on the Committee's website.

### **Structure of report**

- 1.17** This report is comprised of 5 Chapters.

- 1.18** Chapter 2 provides a background to the NSW correctional system, and includes general information about key factors which are considered in managing correctional facilities and, in particular, in considering proposals to close or downsize those facilities.
- 1.19** Chapter 3 provides an examination of the process undertaken in respect of decisions to close or downsize specific correctional centres in NSW, with a focus on the downsizing of the Grafton Correctional Centre. It examines the rationale behind the decision, the consultation and decision making process.
- 1.20** In Chapter 4 the Committee details the impacts of closures and downsizing of correctional centres. This Chapter includes information provided by key stakeholders, primarily from the Grafton community, about the significant detrimental impact of the decision to downsize the facility.
- 1.21** Chapter 5 explores the historical and heritage considerations arising in respect of decisions to close or downsize correctional centres in NSW. It also examines the future use and management of those facilities that have been recently closed or downsized.

## Chapter 2 Background – the NSW prison system

This chapter provides background to the prison system in New South Wales. The number of correctional facilities is provided, reflecting recent openings, closures and downsizing of facilities. The operation and management of the correctional facilities is discussed including the need to modernise older centres, open new centres and plan effectively for the future, all within budget allocations.

### Corrective Services NSW

**2.1** Corrective Services NSW is a division of the Department of Attorney General and Justice. Corrective Services NSW is responsible for the administration of sentences and legal orders and provides custodial security and community-based services as part of the criminal justice system. This includes correctional centre custody of remand and sentenced inmates, home detention, parole, pre-sentence reports and advice to courts and releasing authorities, community service orders and other forms of community-based offender supervision.<sup>4</sup>

**2.2** The Commissioner of Corrective Services NSW, Mr Peter Severin, outlined the mission and purpose of his organisation:

So of course our mission is to reduce reoffending and increase public safety as a result of that. Our purpose is very clearly defined as one of ensuring that we have safe, secure and humane supervision and incarceration of people in custody and that we have got safe supervision of people who are under community supervision—all aimed to ensure a reduction in reoffending.<sup>5</sup>

**2.3** The mission of Corrective Services NSW to reduce reoffending is reflective of the NSW Government's State Plan, *NSW 2021*. One of the goals that Corrective Services NSW has responsibility for achieving is to 'prevent and reduce the level of re-offending'.<sup>6</sup> A contributing factor to achieving this objective is the environment in which inmates are contained; for example, the more modern correctional centres are more conducive than older facilities to operate programs that are aimed at reducing reoffending.<sup>7</sup>

### Correctional Centres in NSW

**2.4** As at 14 November 2012, there are 33 correctional centres operating in New South Wales. Two of these are privately managed and operated: Junee Correctional Centre and Parklea Correctional Centre. The remainder are managed and operated by Corrective Services NSW.<sup>8</sup>

<sup>4</sup> NSW Department of Attorney General, Annual Report 2011/12, p 55.

<sup>5</sup> Mr Peter Severin, Commissioner, Corrective Services NSW, Evidence, 1 March 2013, p 18.

<sup>6</sup> NSW Government, *NSW 2021* Performance Report 2012-13, p 2 -1.

<sup>7</sup> Dr John Paget, Charles Sturt University and Former Assistant Commissioner, Corrective Services NSW, Evidence, 1 March 2013, pp 5-6.

<sup>8</sup> Submission 47, Corrective Services NSW, Appendix 2, p 34. This figure includes Kariiong Juvenile Correctional Centre which caters for juvenile inmates.

**2.5** The range of correctional facilities in NSW caters for minimum to maximum security rating classifications. The facilities are of varying ages, some dating back to the first generation of prisons in Australia and up to modern, best practice design facilities.<sup>9</sup>

### **Operating capacity of correctional centres**

**2.6** Corrective Services NSW ensures that there is sufficient accommodation in correctional centres of appropriate standard and classification to house the fulltime inmate population.<sup>10</sup>

**2.7** Corrective Services NSW advised the Committee that at 30 September 2012 there were 9,485 fulltime inmates in correctional centres across New South Wales, which at the time had an operational capacity to hold 10,562 fulltime inmates. This represents a utilisation rate of 89.8 per cent.<sup>11</sup>

**2.8** Based on these figures, and excluding special purpose accommodation, Corrective Services NSW indicated that there is a utilisation rate of over 90 per cent.<sup>12</sup> It maintains that a spare capacity of approximately 5 per cent is required to provide the ideal buffer for ‘the efficient and effective management of the inmate population’. “Spare capacity” is required throughout the correctional system in order to meet operational, rehabilitative and program requirements and cannot be limited to certain locations.<sup>13</sup>

**2.9** A range of factors that can impact on that capacity at any time, and which contribute to the need to have spare or surplus capacity, include:

- catering for inmate transfers
- providing special purpose accommodation
- providing separate facilities for male and female inmates
- providing separate facilities for different security classifications
- to manage short term fluctuations in the size of the inmate population; and
- to avoid the need for ‘hot-bedding’.<sup>14</sup>

**2.10** Operational capacity, and its relevance to the decision making process about whether to downsize or close correctional centres, is discussed in more detail in Chapter 3.

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<sup>9</sup> Mr Peter Severin, Evidence, 1 March 2013, p 10.

<sup>10</sup> Submission 47, p 6.

<sup>11</sup> Submission 47, p 6.

<sup>12</sup> Utilisation rate is defined as the annual daily average prisoner population as a percentage of the number of single occupancy cells and designated beds in shared occupancy cells that are provided for in the design capacity of the prisons. Submission 47, p 6.

<sup>13</sup> Submission 47, p 6.

<sup>14</sup> Submission 47, p 6.

### Modernisation of older facilities and building new facilities

- 2.11** There are a number of correctional facilities in New South Wales that were originally constructed in the mid-1800's, including Grafton, Berrima and Parramatta Correctional Centres and a number of others constructed before 1990. These facilities are unlikely to satisfy the relevant guidelines on suitable living accommodation for inmates without significant modification, which can be costly due to heritage requirements of the old buildings.<sup>15</sup>
- 2.12** The *Standard Guidelines for Corrections in Australia* state that each inmate should be provided with suitable living accommodation. These guidelines represent a statement of national intent, around which each Australian State and Territory must continue to develop its own range of relevant legislative, policy and performance standards. In addition, Corrective Services NSW accepts that cell design should be consistent with the standards relating to factors such as size, light, ventilation, as set out in the *Australasian Correctional Planning Framework (2001)*.<sup>16</sup>
- 2.13** Corrective Services NSW advised that 'the provision of modern and efficient correctional facilities is a critical part of correctional management. The design of new correctional centres and the renovation of existing centres must produce facilities that allow for best practice in corrections... Older facilities generally lack the infrastructure necessary to complement best practice in corrections.'<sup>17</sup>
- 2.14** The Committee heard that the design of older facilities requires a high staff to inmate ratio in order to provide adequate and safe supervision, and is not conducive to the delivery of inmate programs and work opportunities that are tools that contribute to rehabilitation.<sup>18</sup>
- 2.15** Corrective Services NSW indicated that factors that can impact on refurbishment decisions for older facilities include hazardous materials in the older buildings, dark and gloomy environments, on-going reactive maintenance costs, and the various difficulties associated with altering the function of an existing building.<sup>19</sup>
- 2.16** By contrast, Corrective Services NSW advised that the planning, design and construction of new correctional centres takes into account modern requirements and future possibilities in correctional management. The benefits delivered by new facilities include lower recurrent maintenance costs, improved officer safety, lower staff to inmate ratios, environments more conducive to rehabilitation, improved inmate employment activities, and better amenities for both staff and inmates.<sup>20</sup>
- 2.17** Corrective Services NSW indicated that the planning and construction of a new correctional centre takes up to five years.<sup>21</sup>

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<sup>15</sup> Submission 47, p 7 and p 8.

<sup>16</sup> Submission 47, p 7.

<sup>17</sup> Submission 47, p 7.

<sup>18</sup> Submission 47, p 7.

<sup>19</sup> Submission 47, p 8.

<sup>20</sup> Submission 47, p 8.

<sup>21</sup> Submission 47, p 8.

### **Financial overview/implications**

- 2.18** In 2009/2010, NSW Treasury commissioned a number of independent reports on the financial and operational management of Corrective Services NSW as part of the then Government's Better Services and Value Plan. It was found that Corrective Services NSW Net Cost of Services was growing in an unsustainable way between 2007/08 and 2010/11, which was reflected in budget overspends in each financial year. Corrective Services NSW advised that this was mainly driven by staffing costs associated with increased correctional centre capacity, which had not been offset by the closure of older less efficient facilities despite there being in excess of 10 per cent spare capacity (exceeding the target buffer of 5 per cent).<sup>22</sup>
- 2.19** Corrective Services NSW informed the Committee that the current Government is now implementing agency savings plans that build on the Better Services and Value Plan. This has resulted in NSW Treasury and Corrective Services NSW identifying ways in which the financial requirements of corrective services can be managed within its budget allocation. Proposals concerning organisational reforms and the closure or downsizing of correctional facilities have been considered during these processes.<sup>23</sup>

### **Facilities opened or expanded, closed or downsized**

- 2.20** Corrective Services NSW has needed to respond to a number of factors impacting on the correctional system, including a possible surplus capacity, a drive for efficiency savings and the age of existing prison infrastructure. The response has resulted in recent changes to correctional centres in NSW, including facilities being opened or expanded and closed or downsized. Most recently, this has been referred to as a state-wide reconfiguration of correctional services.<sup>24</sup>

#### ***Facilities opened and expanded***

- 2.21** Facilities that have recently been opened or expanded include:
- The South Coast Correctional Centre in Nowra was opened in November 2010. This facility has a 600-bed capacity and provides minimum to maximum security facilities for both male and female inmates.<sup>25</sup>
  - Also in November 2010, a new 30-bed unit was opened at the Long Bay Correctional Complex to assess high risk sex offenders.<sup>26</sup>
  - Upgrades to the 228-capacity Silverwater Women's Correctional Centre were completed in June 2010, including new mental health facilities, a new clinic with a detox supervision unit and a new Visitors Centre.<sup>27</sup>

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<sup>22</sup> Submission 47, p 11.

<sup>23</sup> Submission 47, p 11.

<sup>24</sup> Corrective Services NSW, Media Statement, Reconfiguring NSW Corrections, 16 January 2013.

<sup>25</sup> The Hon Phil Costa MP, Former Minister for Corrective Services, Keys Officially Handed Over at New South Coast Correctional Centre, Media release, 20 November 2010.

<sup>26</sup> The Hon Phil Costa MP, Former Minister for Corrective Services, New Program to Manage High Risk Sex Offenders, Media release, 11 November 2010.

- A 250-bed expansion of the Cessnock Correctional Centre was opened in February 2013. Cessnock Correctional Centre is a minimum to maximum security institution. The expansion has increased the capacity of the facility to 800 inmates.<sup>28</sup>
- A 100-bed minimum security block at Silverwater was re-opened as part of the state-wide reconfiguration. This block is 20 years old.<sup>29</sup>

### *Facilities closed and downsized*

**2.22** During the 2011/12 Budget Speech, the Treasurer announced that the ‘... Berrima, Parramatta and Kirkconnell Correctional Centres will be closed and the inmates will be relocated to other facilities’.<sup>30</sup> Each of these three centres ceased operations in October 2011.<sup>31</sup>

**2.23** Details on each of these centres is outlined below:

- Berrima Correctional Centre (construction begun 1835) housed 60 inmates, with a capacity to hold 75 inmates. Inmates were relocated to Dillwynia and Emu Plains Correctional Centres, with the 49 staff based at Berrima redeployed or offered voluntary redundancies.<sup>32</sup>
- Parramatta Correctional Centre (around 170 years old) housed 200 inmates, with a capacity to hold 580 inmates. These inmates were relocated to the Metropolitan Remand and Reception Centre at Silverwater, Long Bay, Parklea, Bathurst and the South Coast Correctional Centre. The 143 staff at the Centre were either redeployed or offered voluntary redundancies.<sup>33</sup>
- Kirkconnell Correctional Centre (opened 1961), located at Yetholme near Bathurst, housed 170 inmates, with a capacity to hold 250 inmates. All inmates were relocated to either Bathurst or Long Bay Correctional Centres. The 57 staff at Kirkconnell were either redeployed or offered voluntary redundancies.<sup>34</sup>

**2.24** In June 2012 the Government announced that Grafton Correctional Centre would be downsized, with the majority of inmates relocated to the Cessnock Correctional Centre. The Premier attributed the decision to downsize to the cost of operating the Grafton facility, noting that ‘Grafton Jail cost \$173 per inmate per day to operate compared with \$98 per inmate per day at Cessnock jail’.<sup>35</sup>

<sup>27</sup> The Hon Kristina Keneally MP, Former Premier, \$53 Million Silverwater Women’s Correctional Centre Complete, Media release, 17 June 2010.

<sup>28</sup> The Hon Greg Smith, New Cessnock Maximum Security Prison Officially Opened, Media release, 12 February 2013.

<sup>29</sup> Corrective Services NSW, Media Statement, Reconfiguring NSW Corrections, 16 January 2013

<sup>30</sup> *LA Debates* 6/9/2011) 4961.

<sup>31</sup> Submission 47, pp 9-10.

<sup>32</sup> Corrective Services NSW, Media Release, Prisons to Close, 6 September 2011 (hereafter ‘CSNSW Media Release’) and Corrective Services NSW, Submission 47, pp 9-10.

<sup>33</sup> CSNSW Media Release and Submission 47, pp 9-10.

<sup>34</sup> CSNSW Media Release and Submission 47, pp 9-10.

<sup>35</sup> Hon Barry O’Farrell MP, Premier, ‘Grafton Correctional Centre’, Media release, 12 July 2012.

- 2.25** In January 2013, it was announced that a 104 year old section within Sydney's Long Bay Correctional Complex will close due to the high costs involved in upgrading this section to meet accommodation shortfalls. It housed 320 maximum security remand and transient inmates.<sup>36</sup>
- 2.26** Decisions made regarding these correctional centres have formed the substance of this Inquiry, with the closure of the Grafton Correctional Centre being the subject of the bulk of submissions. By comparison, less evidence was received in relation to other closures and downsizings of correctional facilities across NSW.
- 2.27** The closure or downsizing of these facilities is considered in detail in Chapter 3, with a particular focus on Grafton Correctional Centre.

#### *Tools used in making decisions*

- 2.28** Corrective Services NSW advised that in mid-2011 it undertook a Savings Strategies Risk Analysis to determine which correctional centres, if any, should be considered for closure or privatisation. The risk analysis took into account the following factors:
- Cost per inmate per day
  - Facility maintenance implications
  - Facility related security measures
  - Inmate placement and management logistics
  - Industrial and staffing impact
  - Likely community impact
  - Overall level of difficulty in effecting closure/outsourcing in the context of maintaining operational continuity (security and safety).<sup>37</sup>
- 2.29** No independent Rural Impact Statement was undertaken before the decision to close Berrima and Kirkconnell Correctional Centres was made, or before the decision to downsize the Grafton Correctional Centre.<sup>38</sup>
- 2.30** Corrective Services NSW have advised the Committee that it followed the Premier's Department guidelines in respect of change management plans for staffing arrangements.<sup>39</sup>

#### *A blueprint for the future*

- 2.31** Mr Severin has indicated that a future plan with an outlook of up to 2030 is currently being prepared by Corrective Services NSW. He described it as a 'blueprint' that brings together information such as the state of the prison infrastructure, the functions and demands on the prisons from the justice system with links to forecasting inmate numbers. Mr Severin advised

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<sup>36</sup> Corrective Services NSW, Media Statement, Reconfiguring NSW Corrections, 16 January 2013.

<sup>37</sup> Submission 47, p 11.

<sup>38</sup> Submission 47, p 11.

<sup>39</sup> Mr Glen Scholes, General Manager, Offender Management and Operations, Corrective Services NSW, Evidence, 23 November 2012, pp 11-12.

that this future plan could lead to the ‘construction of additional ones [prisons] or replacements, or indeed if trends continue of reduction of prisoner numbers we would obviously also identify those facilities that are best suited for closure or downsizing.’<sup>40</sup>

- 2.32** In the following chapter there is further discussion on the issues of the reduction in prisoner numbers, the interaction between the physical environment and best practice in correctional centres and the problems associated with older correctional facilities. How these factors had a bearing on decisions to downsize or close correctional facilities is also discussed.
- 2.33** The need for future planning and the action the Corrective Services NSW is taking in this regard is also outlined in the next chapter.

### **Senior management of Corrective Services NSW**

- 2.34** Of note to the Committee were recent changes in the senior management of Corrective Services NSW. In August 2012, after ten years in the role and 46 years in the organisation, Mr Ron Woodham retired as the Commissioner for Corrective Services. The new Commissioner, Mr Peter Severin, commenced duties on 3 September 2012. There were also a number of other changes in the senior management of the organisation in 2012.<sup>41</sup>

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<sup>40</sup> Mr Peter Severin, Evidence, 1 March 2013, p 10 and p 15.

<sup>41</sup> Submission 47, p 1.



## Chapter 3 The rationale and process

This Chapter considers decisions to close and downsize Corrective Services NSW facilities in terms of how and why those decisions are made. This Chapter also reviews the consultation process used by Corrective Services NSW in regards to its plans to closer or downsize its facilities. Although some of the evidence, particularly from Corrective Services NSW, was general in nature, much of the evidence focused specifically on the decision to downsize the facility at Grafton.

### Rationale

- 3.1 Corrective Services NSW advised the Committee that decisions to build new, downsize or close correctional centres are driven by three key factors. These are:
- inmate population
  - operational capacity and
  - cost to government.<sup>42</sup>
- 3.2 Each factor is explained below, and is then discussed in the context of recent closure and downsizing of correctional facilities.

### Inmate population

- 3.3 The number of inmates managed by Corrective Services NSW in custodial settings is perhaps the key factor in determining the capacity required in correctional facilities. This is because Corrective Services NSW has a responsibility to provide sufficient accommodation, of appropriate standard and classification, to house the inmate population.<sup>43</sup>
- 3.4 Inmate populations vary and can be affected by a range of factors including legislative changes, sentencing practices and law enforcement practices, over which Corrective Services NSW have little or no impact.<sup>44</sup>

### Reduction in prisoner numbers

- 3.5 Data provided by Corrective Services NSW shows that prisoner numbers have declined in recent years, ending a decade long trend of upward growth between 1995-96 and 2009-10. The significant growth in prisoner numbers between 1995-96 and 2009-10 resulted in a significant building program and the impact of this was described by Corrective Services in their submission:

[During that time] the daily average inmate population in NSW increased by 65 per cent, [peaking] at 10,492 inmates in May 2009. Such increases were equivalent in size to a new correctional centre every two to three years. In addition, year on year

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<sup>42</sup> Submission 47, Corrective Services NSW, p 13.

<sup>43</sup> Submission 47, p 5.

<sup>44</sup> Submission 47, p 2.

increases were not consistent, with some increases exceeding 500 inmates, or about the size of a modern NSW correctional centre ... To deal with the rising and fluctuating inmate population, over the past 15-20 years, CSNSW has had to increase the capacity of the correctional system [by] re-opening decommissioned facilities ... and constructing new correctional centres.<sup>45</sup>

**3.6** The increase in inmate population throughout this period was reflected in both the full-time and remand inmate population. The full-time daily average population increased from 6,287 inmates in 1995-96 to 10,352 inmates in 2009-10. Over the same period, the daily average remand inmate population increased from 793 to 2,613.<sup>46</sup>

**3.7** In contrast, since early 2010 there has been a moderate but steady decline in the full-time inmate population:

The daily [full-time] inmate population peaked in May 2009 [at] 10,492 ... However, since then the full-time inmate population has declined. The daily average in 2010-11 was 10,094 inmates [representing a 2.5 per cent decrease on the previous year] and in 2011-12, the daily average full time inmate population decreased again to 9,752 inmates [representing a decrease of 3.4 per cent on the year before]. The inmate population has steadily decreased to 9,485 inmates in correctional centres ... as at 30 September 2012.<sup>47</sup>

**3.8** This decline in the inmate population represents a 5.8 per cent decrease in the size of the daily average full-time inmate population in the past two years.

**3.9** However, there has been no corresponding decrease in the population of inmates on remand. The upward trend noted at 3.6 continued throughout the years 2010-11 and 2011-12, rising to 2,630 and 2,674 in those years respectively.<sup>48</sup>

**3.10** The increase in the number of prisoners on remand over the 17 year period for which data was provided represents a rise of 237 per cent (over 1,800 additional remand inmates).<sup>49</sup>

**3.11** The increase in the number of remand inmates also represents a significant rise in their proportion of the total inmate population managed by Corrective Services NSW:

The remand population went from representing 12.6 per cent of the inmate population in 1995-96 to representing 27.4 per cent of the population in 2011-12.<sup>50</sup>

## Operational capacity

**3.12** The operating capacity of correctional centres is dependent on a number of factors, including the physical space available in the facility, the efficacy of the design of the facility for the purpose of providing a correctional environment, and the number of inmates.

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<sup>45</sup> Submission 47, p 2.

<sup>46</sup> Submission 47, p 5.

<sup>47</sup> Submission 47, p 3.

<sup>48</sup> Submission 47, p 5.

<sup>49</sup> Submission 47, p 4.

<sup>50</sup> Submission 47, p 4.

- 3.13** In its submission Corrective Services NSW noted that it has a responsibility to “ensure that it provides optimum conditions for the care and rehabilitation of inmates, in line with Government policy to reduce reoffending and recidivism.”<sup>51</sup> This responsibility exists notwithstanding a fluctuating inmate population and is aligned with the need to ensure that facilities are modernised to enable them to meet best practice standards.<sup>52</sup>
- 3.14** Corrective Services NSW provided information about various aspects of the design capacity, operational capacity and utilisation rate of correctional facilities. The way in which these elements are successfully combined in relation to any particular facility is relevant to assessing the levels of efficiency of the facility in terms of how it operates and meets the standards of modern correctional practice.
- 3.15** Design capacity is the number of inmates a centre is designed to accommodate. Corrective Services NSW noted that design capacity is a significant issue in this State because many of NSW’s correctional centres were built many years ago, including some in the mid-1800s.<sup>53</sup> As a result, they do not necessarily reflect today’s understandings of best practice design of correctional facilities.
- 3.16** Corrective Services NSW advised that operating capacity is determined by the “physical limitations of correctional centre design.”<sup>54</sup> These limitations include “the number and size of cells; the accommodation demands placed on the centre, or units and wings within the centre; and agreed staffing levels required to manage the inmate population safely and securely within the centre.”<sup>55</sup>
- 3.17** Corrective Services NSW noted that operating capacity is “a more flexible measure of the ability of the correctional system to meet the demand for inmate accommodation, at any given time [than design capacity alone].”<sup>56</sup> This is because a centre’s operating capacity can be altered through the centre’s management plan:

Management plans enable correctional centre managers and staff to regulate their work environment consistent with their respective needs and the needs of inmates. The plans detail staff establishments and correctional centre operations. The plans ensure the consistent implementation and operation in correctional centres of the CSNSW ‘The Way Forward’ management model. Management plans provide for variable operational routines, the correctional centre structured day, and staff rosters, all of which can impact on operating capacity.<sup>57</sup>

### **Problems associated with older correctional facilities**

- 3.18** Operating correctional facilities that were designed and built many years ago pose various challenges. As noted above, Corrective Services NSW acknowledged that some of its older

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<sup>51</sup> Submission 47, p 2.

<sup>52</sup> Submission 47, p 2.

<sup>53</sup> Submission 47, p 5.

<sup>54</sup> Submission 47, p 5.

<sup>55</sup> Submission 47, p 5.

<sup>56</sup> Submission 47, p 5.

<sup>57</sup> Submission 47, p 6.

facilities would be unlikely to comply with contemporary design standards in terms of size, light and ventilation standards.

- 3.19** In addition, it was submitted by Corrective Services NSW that some of its correctional facilities fail to optimise staff resources and inmate opportunities. Facilities built in the mid-1800s were generally constructed as multi-level buildings with a large number of cells. Design of correctional facilities in this way does not allow for best use of staff resources as they require a higher staff to inmate ratio to ensure safe and adequate supervision, as explained by Corrective Services:

Under past design practices, inmate activity was generally restricted to free movement between accommodation wings and adjacent external yards. This warehousing of inmates requires both areas, and separate shower facilities to be under custodial supervision, adding to operating costs. Inmate movements between one part of a correctional centre and another part required staff participation, again adding to operating costs. Perimeter security was also reliant on the staffing of towers.<sup>58</sup>

- 3.20** Mr Severin told the Committee that facilities with lower staff to inmate ratios are far more efficient, and compared the older correctional centre at Grafton and the modern Kempsey facility as an example:

The staff ratio at Grafton was one staff member per 2.7 prisoners whereas the staff ratio at Kempsey is one staff member for 4.25 statistically averaged prisoners. So it is far more efficient.<sup>59</sup>

- 3.21** Additionally, the design of older facilities tends not to lend itself to the delivery of inmate programs and employment and skills training for offenders that will contribute toward their reintegration upon release into the community.<sup>60</sup> Mr Glen Scholes, General Manager, Offender Management and Operations, Corrective Services NSW, commented that modern facilities directly impacted on inmate rehabilitation and progress:

As far as inmates go ... the reality of it is that if you put them in a better and modern environment for industries and for education, it is conducive to behavioural change. You do not achieve the same when you go into one of those old traditional gaols ... We cannot expect inmates to achieve their best, in terms of reducing reoffending and in terms of us chasing the State Plan, if we do not give them the proper facilities and access to services and programs that are going to help them to get there.<sup>61</sup>

Mr John McKenzie, Chief Legal Officer of the Aboriginal Legal Service, explained how, in the view of the ALS, there were tangible benefits from moving Aboriginal inmates to more

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<sup>58</sup> Submission 47, pp 7-8.

<sup>59</sup> Mr Peter Severin, Commissioner, Corrective Services NSW, Evidence, 23 November 2012, p 9.

<sup>60</sup> Submission 47, p 7. See also Mr Peter Severin, Evidence, 23 November 2012, p 10.

<sup>61</sup> Mr Glen Scholes, General Manager, Offender Management and Operations, Corrective Services NSW, Evidence, 23 November 2012, p 10.

modern facilities, but that these needed to be balanced with the need to ensure that Aboriginal inmates were close to family and friend support structures:

In relation to their physical health, it has been a matter of concern to us for some time that certainly at least some parts of the Grafton Correctional Centre were far too old and not particularly suitable or amenable to physical wellbeing.<sup>62</sup>

### *Modern design principles*

**3.22** As discussed in detail in Chapter 2, Corrective Services NSW advised that new facilities are planned, designed and constructed with modern principles of best practice in corrections in mind. This includes consideration of operating costs and inmate care, custody and rehabilitation.

**3.23** Modern facilities include design elements that maximises natural surveillance and movement control, and increased use of electronic and modern technology (including closed-circuit television and electronic locking systems).<sup>63</sup> The benefits of better design and construction are realised in terms of financial cost, staff and inmate safety and wellbeing, and inmate outcomes:

[T]he benefits delivered by new facilities include: lower recurrent maintenance costs, improved officer safety, lower staff to inmate ratios, environments more conducive to rehabilitation, improved inmate employment activities, and better amenities for both staff and inmates.<sup>64</sup>

**3.24** Corrective Services NSW noted that the capital works projects over the last twenty years have, in addition to ensuring an adequate supply of inmate accommodation and that facilities reflected modern design standards, also provided tailored accommodation to meet the particular needs of certain categories of inmates. This has included correctional facilities designed for Indigenous offenders, high risk inmates and drug addicted inmates.<sup>65</sup>

## **Cost to government**

**3.25** The cost of providing correctional services in NSW is a contributing factor that is considered when assessing whether particular facilities should be downsized or closed. Corrective Services NSW, like any other government agency, must deliver its services in a cost-effective way.<sup>66</sup>

**3.26** The cost is impacted by the number of inmates that are in the custody of Corrective Services NSW at any time, but also the operational costs of running the correctional system and, in particular, the cost effectiveness (or otherwise) of particular correctional facilities. As discussed above, the design and construction of older facilities impacts on the cost to run those facilities in numerous ways.

<sup>62</sup> Mr McKenzie, Chief Legal Officer, Aboriginal Legal Service NSW and ACT, Evidence, 23 November 2012, p 28.

<sup>63</sup> Submission 47, p 8.

<sup>64</sup> Submission 47, p 8.

<sup>65</sup> Submission 47, pp 8-9.

<sup>66</sup> Submission 47, p 11.

- 3.27** Mr Severin provided detail to the Committee on the cost per inmate per day for various correctional centres, demonstrating that the cost of incarcerating inmates at Grafton was some 25% higher than more modern facilities:

The cost per inmate per day at Grafton was \$203.24 in 2011-2012. The cost per inmate per day at Kempsey [Mid North Coast Correctional Centre] was \$154.85 in 2011-2012. The cost per inmate per day at Cessnock was \$142.86 in 2011-2012.<sup>67</sup>

- 3.28** Mr Severin also provided information to the Committee about the increased cost of managing inmates on remand, as opposed to sentenced offenders:

The cost per remandee per day is generally higher than the cost of managing a sentenced inmate, owing to factors such as increased visits, screening and reception, and the fact that remand centres are more secure than other correctional centres. For example, the cost of keeping a maximum security inmate (including a remandee) at the Metropolitan Remand and Reception Centre in 2011-2012 was \$170 per inmate per day; compared with say, the cost of a sentenced inmate at the South Coast Correctional Centre at around \$159 per inmate per day.<sup>68</sup>

- 3.29** After the 2009/10 Budget Speech, in which the (then) Treasurer the Honourable Eric Roozendaal MLC confirmed that the State would incur its first deficit in over a decade in the 2008-09 financial year and announced a program of efficiency improvement, Corrective Services NSW (as part of a broader review of the Department of Attorney General and Justice) underwent an assessment and review to identify “ways in which the financial requirements of CSNSW could be managed within its budget allocation.”<sup>69</sup> The process involved NSW Treasury and the engagement of an external consultant. During that process, organisational reforms as well as the closure and downsizing of correctional facilities were considered.<sup>70</sup> This is discussed further at 3.37-3.41.

- 3.30** Dr John Paget, Lecturer, Charles Sturt University, and former assistant commissioner in Corrective Services NSW, explained that there is a global trend away from incarceration and noted the high cost of it to governments and the community:

[P]rison closures are occurring all around the western world. They are closing prisons at a rapid rate in America because they have decided that their mass incarceration binge does not work, they can no longer be sustained by their parlous financial position and they have rediscovered that there are more beneficial alternatives. Associated with that, of course, is the competing cost of prisons when there are other important social infrastructure needs that go unmet, such as hospitals, school desks, aged care facilities and public transport. The figures I have provided demonstrate that you can buy a huge number of hospital beds and school desks for every prison cell

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<sup>67</sup> Correspondence 21 December 2012: Mr Peter Severin, Commissioner, Corrective Services NSW, clarifying both submission and transcript evidence, pp 1-2.

<sup>68</sup> Answers to questions on notice taken during evidence and supplementary questions on notice, 21 December 2012, Mr Peter Severin, Commissioner, Corrective Services NSW, p 1.

<sup>69</sup> Submission 47, p 11.

<sup>70</sup> Submission 47, p 11.

you create and then continue to operate. In some respects, every prison closure should be celebrated. It raises the issue also that many scholars, researchers and practitioners have known for some time the prisons themselves are pretty blunt instruments and not particularly effective.<sup>71</sup>

### The decision to close or downsize specific correctional facilities

**3.31** In response to the decreasing inmate population, Corrective Services NSW advised that decisions were made to close or downsize a number of correctional centres, including Berrima, Kirkconnell, Parramatta (announced on 6 September 2011) and Grafton (announced on 29 June 2012). It argued that the creation of newer or upgraded facilities, including those at Nowra and Cessnock, coupled with the dropping inmate population offered “the opportunity for CSNSW to review its operational priorities and this logically focussed on the older, less efficient facilities.”<sup>72</sup> The balance of this chapter looks at the decisions to close or downsize specific correctional facilities.

#### An operational review

**3.32** Corrective Services noted that a drop in inmate numbers is not enough to achieve significant savings, associated reforms are also needed:

It is only when the inmate population is accommodated in fewer and / or downsized correctional facilities, and staff numbers are revised accordingly, that substantial savings are able to be achieved.<sup>73</sup>

**3.33** Corrective Services NSW submitted that a Savings Strategies Risk Analysis was undertaken in mid-2011 to assess which correctional centres, if any, should be considered for closure or privatisation, and that the analysis considered the following factors:

- Cost per inmate per day
- Facility maintenance implications
- Facility related security matters
- Inmate placement and management logistics
- Industrial and staffing impact
- Likely community impact
- Overall difficulty in effecting closure/outsourcing in the context of maintaining operational continuity (security and safety).<sup>74</sup>

<sup>71</sup> Dr John Paget, Lecturer, Charles Sturt University and Former Assistant Commissioner, Corrective Services NSW, Evidence, 1 March 2012, p 2.

<sup>72</sup> Submission 47, p 13.

<sup>73</sup> Submission 47, p 13.

<sup>74</sup> Submission 47, p 14.

- 3.34** Subsequently, the Treasurer, Hon Mike Baird MP, made the announcement to close Berrima, Kirkconnell and Parramatta facilities in the 2011-12 Budget speech:

To address [the] surplus capacity [in the correctional system] and align our State's prison system with community needs, the Berrima, Parramatta and Kirkconnell correctional centres will be closed and the inmates will be relocated to other facilities.<sup>75</sup>

- 3.35** The decision to downsize Grafton Correctional Centre was made later, and is discussed at 3.55.

*The costs of closing or downsizing correctional centres*

- 3.36** Commissioner of Corrective Services NSW, Mr Peter Severin, told the Committee that the drop in prisoner numbers was the 'primary reason' to downsize or close facilities, but that that process offered opportunities to realise efficiencies and improve prison management by addressing some of the issues associated with operating older facilities:

The primary reason for engaging in the exercise to downsize and close facilities over that period of time was clearly a response to ... the quite significant decline in prisoner numbers—some 1,000 prisoners were reduced and ... there was an opportunity to close older facilities, inefficient facilities, facilities that were very difficult and complex to maintain, and to reorganise and realign the operation of Corrective Services as far as prison management is concerned within the State. So this was the predominant operational reason, but ... combined with the fact that the agency was required to gain increased efficiencies in its operations and there was really no case to be made to continue operating old building stock ...<sup>76</sup>

- 3.37** Mr Scholes told the Committee that the decisions to close facilities were supported by an external review undertaken by KPMG:

The proposed closures at Berrima, Kirkconnell and Parramatta were based on an assessment of cost per inmate per day as well as ... age of facilities and basically a review, which was supported by KPMG, an external review, in terms of which facilities would best be suited for closure taking into account the various factors that needed to be considered to meet the efficiency requirements of how the department would operate, particularly in relation to inmate logistics, movements between courts and what centres in relation to programs and the like that would best be consolidated.<sup>77</sup>

- 3.38** Corrective Services NSW advised that there are a number of costs associated with closing or downsizing correctional centres, including:

- one off costs associated with the relocation of inmates, including cost of fuel for additional escort vehicle operations officer accommodation, meals, incidentals and overtime expenses;
- one off costs associated with the closure or downsizing itself (infrastructure costs), including the establishment of a permanent security presence at the site and general

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<sup>75</sup> *LA Debates* (6/9/2011) 4961.

<sup>76</sup> Mr Peter Severin, Evidence, 23 November 2012, p 2.

<sup>77</sup> Mr Glen Scholes, Evidence, 23 November 2012, p 3.

relocation costs (packaging materials, equipment hire to relocate usable assets, freight and rubbish removal). These costs were funded from the 2011/12 facilities maintenance budget for each correctional centre.

- on-going costs associated with on-going security and maintenance of decommissioned facilities that remain in government ownership, including security and internal and external grounds maintenance.

Corrective Services NSW advise that the total inmate relocation costs associated with closing Berrima, Kirkconnell and Parramatta correctional centres, and with downsizing Grafton Correctional Centre, totalled \$120,000. Specific costs per centre associated with escorting relocated inmates are provided below in respect of each facility.

In addition, there were costs associated with the relocation of some business units within Corrective Services Industries (CSI) as a result of the closures of Berrima, Kirkconnell and Parramatta correctional centres, totalling \$103,217 for all three facilities. The relocation of business units in Grafton following the downsizing is anticipated to cost approximately \$134,000.

**3.39** Corrective Services NSW submits that the costs associated with downsizing or closing correctional centres are “insignificant” when compared to net savings achieved as a result of the closures.<sup>78</sup>

**3.40** In its submission, Corrective Services NSW provided information about each of these facilities, and the associated costs with closure and downsizing. This information is set out below and provides context to the decisions to close or downsize each centre.

### **Closure of Berrima Correctional Centre**

**3.41** Berrima is located approximately 125 kilometres south-west of Sydney and 70 kilometres from Goulburn in the Southern Tablelands of NSW. Corrective Services NSW has a “significant presence” in Goulburn, which houses one of the larger correctional facilities in the State. Berrima is less than 100 kilometres from the recently built South Coast Correctional Centre in Nowra, which opened in 2010.

**3.42** The Berrima Correctional Centre was one of the oldest in the state, with construction on it commencing in 1835.

**3.43** In September 2011 (when the decision to close it was announced) it had an operating capacity of 75 beds for female inmates. However, the last inmates had been transferred from the facility a month earlier, following a staged reduction in which prisoners were transferred to other correctional centres for women at Dillwynia, Emu Plains and Silverwater.

**3.44** Corrective Services NSW advises that as a result of the closure of Berrima Correctional Centre there were inmate escort costs of \$203, infrastructure costs of \$61,440, and on-going costs of \$80,000 for the 2012/13 financial year, until the site is handed over to the Department of Primary Industries, Catchments and Lands.<sup>79</sup>

<sup>78</sup> Submission 47, p 18.

<sup>79</sup> Submission 47, pp 18-19.

### **Closure of Kirkconnell Correctional Centre**

- 3.45** Kirkconnell Correctional Centre is situated in Sunny Corner State Forest, about 180 kilometres west of Sydney and 30 kilometres from Bathurst. There are three correctional centres in the region – Bathurst, Lithgow and Oberon.
- 3.46** The Kirkconnell Correctional Centre opened in 1961, with additional accommodation built in the 1990s. The facility had an operating capacity of 250 at the time of its closure. A staged reduction of inmates in the lead up to the announcement of the closure by the Treasurer saw the last inmates transferred from the centre on 7 October 2011.
- 3.47** The closure of Kirkconnell Correctional Centre resulted in inmate escort costs of \$982, infrastructure costs of \$88,372 and on-going costs of \$475,000 for the 2012/13 financial year, which provides security only.<sup>80</sup>

### **Closure of Parramatta Correctional Centre**

- 3.48** Parramatta is located within the Sydney Metropolitan area. The Parramatta Correctional Centre was around 170 years old at the time of its (most recent) closure, with some parts of the centre dating back to around 1837. The facility had previously closed in 1997, but reopened following an increase in the inmate population. Corrective Services NSW noted that there are 14 correctional centres in the ABS Sydney Statistical Division (which is the division in which Parramatta Correctional Centre was situated), with a combined operating capacity of 4,850 beds.
- 3.49** Inmates were transferred out of the facility in a staged process, with three of the six wings of the prison closed in September 2010, reducing the operating capacity of the facility from 580 beds to 240 beds. The remaining inmates were transferred from the facility in October 2011.
- 3.50** The closure of the Parramatta Correctional Centre resulted in inmate escort costs of \$1918 and infrastructure costs of \$46,403. There were no on-going costs for the Parramatta site as it was handed over to the State Property Authority in March 2013.<sup>81</sup>

### **Temporary downsizing of Cessnock Correctional Centre**

- 3.51** Cessnock is about 150 kilometres north of Sydney, in the Hunter region. The Cessnock Correctional Centre was temporarily downsized in 2009 as part of ‘The Way Forward’ package of reforms that proposed privatisation of the facility. A decision was subsequently made to keep the facility publicly-operated but prior to this, minimum security inmates were transferred out of the facility as part of the contingency plan to reduce staffing levels.
- 3.52** The minimum security operating capacity was subsequently restored, and the facility has been significantly upgraded with a new facility providing 250 maximum security beds:

[A] 250 bed expansion of Cessnock Correctional Centre [was recently completed] ...  
The Cessnock beds are yet to be commissioned but are expected to allow older less

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<sup>80</sup> Submission 47, pp 18-19.

<sup>81</sup> Submission 47, pp 18-19.

satisfactory correctional centre accommodation to be withdrawn from service in other locations, including the accommodation that was affected by the downsizing of Grafton Correctional Centre.<sup>82</sup>

### Closure of Grafton Correctional Centre

- 3.53** Grafton is located 630 kilometres north of Sydney in the Clarence Valley. Grafton Correctional Centre commenced operation in 1893 and at the time the decision was made to downsize, had an operating capacity of 243 inmates (both sentenced and unsentenced) in medium and minimum security accommodation.
- 3.54** The announcement to downsize the Grafton Correctional Centre was made on 29 June 2012, when former Commissioner of Corrective Services NSW, Mr Ron Woodham, issued a media release stating that the Centre would be ‘restructured’ and would become an “intake and transient centre for inmates in the northern part of the State and operate with a revised staffing structure.”<sup>83</sup>
- 3.55** The current Commissioner of Corrective Services NSW Mr Peter Severin told the Committee that the rationale for the downsizing of Grafton was based on a number of factors, including the age of the facility, the cost to run it and its geographic location in that the area was now serviced by newer facilities:

The reasons for downsizing Grafton in addition to what is contained in our written submission were largely the age of the facility, some 119 years old; the inherent cost of on-going building and security system maintenance, which was very difficult in that facility at the time; the restrictions to building modifications as a result of heritage listings; and the very high staff establishment required due to those physical footprints and structures. So the layout of the facility, the building fabric and building structure clearly required a very different staffing arrangement as you would find in a contemporary, good practice, modern facility. That resulted in a very high cost to the Government in keeping inmates there. Most importantly, geographically and logistically Grafton has not got a catchment area in relation to the prisoner population which would support the on-going management of the facility, particularly given the commissioning of the Mid North Coast facility at Kempsey. That modern facility services the entire area and, indeed, as a result of the downsizing and the conversion of the Grafton facility to a reception and transient centre, it has taken up the predominant role of housing sentenced prisoners and also longer term remand prisoners there.<sup>84</sup>

- 3.56** The decision to downsize the Grafton facility reduced the operating capacity from 243 inmates to 64 inmates.
- 3.57** Corrective Services NSW advises that as a result of the downsizing of Grafton Correctional Centre there were inmate escort costs of \$116,055, infrastructure costs of \$46,403, and on-going costs of \$388,632 for the 2012/13 financial year, although Corrective Services NSW

<sup>82</sup> Submission 47, pp 9 and 14.

<sup>83</sup> Mr Ron Woodham, Commissioner, Corrective Services NSW, Media Release Friday 29 June 2012.

<sup>84</sup> Mr Peter Severin, Evidence, 23 November 2012, pp 2-3.

note that the on-going budget is for the entire centre and was established prior to the downsizing.<sup>85</sup>

- 3.58** The Committee received some evidence that the decision to downsize the Grafton Correctional Centre was based, at least in part, on issues with the workplace culture at the facility. This is discussed below.

*The culture at Grafton Correctional Centre*

- 3.59** Several stakeholders speculated that the downsizing of Grafton Correctional Centre may have been connected to a poor workplace culture that existed within the Centre. The Committee heard about instances of bullying and intimidation and some inquiry participants intimated that they were reluctant to provide comment for fear of future employment implications.
- 3.60** Mr Bindley, Public Service Association, suggested that the reasons given by Corrective Service's for the Grafton downsizing, namely dropping inmate numbers and financial reasons, were in fact not the primary driver of the decision. Rather he suggested that the culture at the centre was to blame:

While Corrective Services NSW have drawn the Select Committee to believe the reason to downsize Grafton Correctional Centre was purely based on [dropping] inmate numbers, ... financial restraints, forecasted cost efficiencies, ... the age of the facility and the potential cost of maintenance to upkeep the Correctional Centre. This in my opinion creates an area of doubt and blame shifting. I strongly feel the reason Corrective Services NSW made the decision to downsize Grafton Correctional Centre was based on the fact there were on-going issues between local management, in particular the General Manger and staff.<sup>86</sup>

- 3.61** Mr Stephen Jeffs, a former Corrective Services NSW employee, told the Committee during the public forum in Grafton that there was talk of the poor culture being responsible, at least in part, for the closure of the centre, noting that no action was taken against officers at the gaol in response to complaints:

They say part of the reason for closing it was a culture of bullying. There was the Brammer report brought out. Our elected State member has made claims of bullying by staff which he refers to via media through the report, which no-one was allowed to see, read or had access to, and also there has been no disciplinary action taken on any officers in Grafton gaol regarding this report.<sup>87</sup>

- 3.62** Cr Richard Williamson, Mayor, Clarence Valley Council, drew the connection between the workplace culture and the downsizing as follows:

I think there may have been other motives at play and those motives could have been around the culture of the gaol. I am not qualified one little bit to give a qualified position on the culture of the gaol. The main explanation given to me was regards to the costs per prisoner per day.<sup>88</sup>

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<sup>85</sup> Submission 47, pp 18-19.

<sup>86</sup> Answers to questions taken on notice during evidence 23 November 2012, Mr Matt Bindley, Chairperson, Prison Officers Vocational Branch, Public Service Association, pp 1-2.

<sup>87</sup> Mr Stephen Jeffs, Public Forum, 10 December 2012, p 32.

<sup>88</sup> Cr Richard Williamson, Mayor, Clarence Valley Council, Evidence, 10 December 2012, p 5.

- 3.63** Another Inquiry participant, with an extensive work history in Corrective Services NSW, told the Committee that it would be short-sighted to believe that a toxic culture did not exist at Grafton, but suggested that it had little to do with the decision to downsize the centre:

Did such a [toxic] culture [resulting in high levels of sick leave and workers compensation] exist at Grafton? I am not going to ... deny that such a culture existed; ... [T]he culture that existed within Grafton was no different to the culture that I witnessed in every correctional centre that I worked in and managed over my 30-year career ... Being a correctional officer is a stressful and dangerous occupation. Every maximum and medium security gaol throughout the State experiences attendance problems and, as a consequence, high levels of overtime. There is no denying that Grafton was probably in the high-end bracket when it comes to absenteeism; however, high level correctional officer absenteeism is not a problem unique to Grafton, nor the New South Wales correctional system for that matter. Research indicates that an elevated level of staff absenteeism is a worldwide problem for those who work face-to-face with prisoners. In my opinion the Grafton so-called culture was just another part of the propaganda campaign circulated at the time to justify the partial closure.<sup>89</sup>

- 3.64** Corrective Services NSW was asked about concerns regarding non-resolution of staffing issues and the managerial style at Grafton, and accepted that there were some issues involving staff at the facility. However, it did not accept that there was a broader issue in terms of poor workplace culture:

...there were a number of staff associated matters at Grafton Correctional Centre. The matters were varied but mostly centred on a small group of individuals rather than staff as whole. An unrelated independent review into staffing matters at Grafton ... did not suggest that there was an 'irretrievable breakdown' between management and staff.<sup>90</sup>

- 3.65** Corrective Services NSW was adamant that concerns about the 'difficult workplace environment' at Grafton Correctional Centre played no role in the decision to downsize the facility.<sup>91</sup>

## The process of downsizing and closing correctional centres

- 3.66** A number of stakeholders were frustrated that decisions to close or downsize Corrective Services NSW facilities were made without adequate planning for the towns affected. Criticisms were directed towards the lack of assessment of the impact the closures and downsizings would have on the local community. These issues are discussed in this Chapter and further explored in Chapter 4 with reference to the impact on particular groups of stakeholders, and predominantly in respect of the Grafton downsizing.

<sup>89</sup> Mr John Heffernan, Public Forum, 10 December 2012, p 40.

<sup>90</sup> Answers to questions on notice taken during evidence and supplementary questions on notice, 21 December 2012, Mr Peter Severin, p 12.

<sup>91</sup> Answers to questions on notice taken during evidence and supplementary questions on notice, 21 December 2012, Mr Peter Severin, p 12.

### Rural Impact Statements

- 3.67** Corrective Services NSW noted that no independent rural impact statements were made prior to the 2011 closures of the Berrima and Kirkconnell correctional centres or to the 2012 downsizing of the Grafton facility. However, it argued that internal assessments were made and that these types of decisions always involve consideration of the impacts on a range of stakeholders:

Given CSNSW has a strong regional and rural presence, built up over a substantial period of time, any withdrawal of service will ... have an impact on inmates, staff and the surrounding communities. This is a critical consideration when developing proposals to close or downsize facilities in rural and regional areas.<sup>92</sup>

- 3.68** The Committee heard differing evidence about the extent and existence of rural impact statements to support decisions to close or downsize Corrective Services NSW facilities. The Member for Clarence, Mr Chris Gulaptis MP, provided information about the purpose of rural community impact statements and advised that he did not believe one had been undertaken in respect of Grafton:

To the best of my knowledge there was no Rural Communities Impact Statement (RCIS) prepared, even though the former State Labor Government made this a policy ... and it is a policy supported by the Coalition Government ... to quote the policy: "The principal purpose of the RCIS is to improve the decision making processes of the Government and its agencies by ensuring that the full extent of economic, environmental and social impacts of proposals on rural communities and regions is identified and accounted for. This will provide the Government and agencies with a sound basis for policy development and ensure that the principles of rights, access, equity and participation set out in the New South Wales Social Justice Directions Statement, Fair Go, Fair Share, Fair Say, are effectively implemented".<sup>93</sup>

- 3.69** Mr Gulaptis considered that it is vital that rural impact statements are included in significant departmental proposals to enable Cabinet to make informed decisions:

On a decision of the magnitude of Grafton, I think in the first instance a rural communities impact statement needs to be made, and I believe that a decision like that should have gone through Cabinet. I believe it warranted the preparation of a rural communities impact statement. Going through Cabinet would then enable all of the Ministers to become involved and then enabled me as a member of Parliament to have some involvement through that process ... I felt that I was left completely out of the decision-making process.<sup>94</sup>

- 3.70** Mr Matt Bindley, State Chairperson of the Prison Officers Vocational Branch, Public Service Association (PSA) and Senior Correctional Officer within Corrective Services NSW argued that it was misguided of the Government to close or downsize a Correctional Centre without community consultation about the impact on rural and regional communities:

I do not understand how the Government could accept the ideology of closing any Correctional Centre let alone a rural Correctional Centre without any rural impact

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<sup>92</sup> Submission 47, p 14.

<sup>93</sup> Submission 45, Mr Chris Gulaptis MP, Member for Clarence, p 2.

<sup>94</sup> Mr Chris Gulaptis MP, Member for Clarence, Evidence, 23 November 2012, p 25.

statements either being done, completed or table before actioning a downsizing. This was only ever going to leave a situation of bewilderment and confusion throughout the community.<sup>95</sup>

**3.71** Clarence Valley Unions had a similar view, commenting in their submission:

The NSW Government should not go ahead with any decision to abolish rural job opportunities without first completing a rural impact statement on the effects of such a decision on the rural community.<sup>96</sup>

**3.72** The apparent confusion about the extent of any rural impact statement undertaken with respect to particular facilities, and indeed whether they were done at all, suggests that key stakeholders and the communities affected were not adequately consulted.

**3.73** For example, members of the Grafton community were unanimous that they had not seen a rural impact statement relating to the downsizing of the Grafton Correctional Centre. Cr Williamson, Mayor, Clarence Valley Council, told the Committee:

I do not believe that there was any sort of plan developed within or outside the Department or within or outside the Government. I believe the Government had little or no idea how the Grafton and Clarence community would react to such a decision.<sup>97</sup>

### *Committee comment*

**3.74** The Committee is concerned that there was not a rural communities impact statement done in relation to the proposal to downsize the Grafton Correctional Centre.

**3.75** The Committee notes the comments of Mr Gulaptis in this regard (refer to 3.70-3.71), and is concerned that the absence of an adequate rural communities impact statement may have resulted in the decision being made without relevant information being available.

**3.76** The Committee notes that Corrective Services NSW have acknowledged that the closure or downsizing of correctional centres can have significant impact on communities in which they are located (refer to 3.34), and that it considers it a factor for consideration in the process of determining whether particular correctional centres should be downsized or closed. The Committee is of the view that such consideration should inform the content of Rural Impact Statements.

**3.77** The Committee is not persuaded that due consideration was given to the potential impact on the Grafton community during the decision making process of whether to downsize the facility. The evidence, as fully discussed in the next Chapter, suggests that Corrective Services NSW did not adequately assess the impact on Grafton.

**3.78** The Committee therefore recommends that proposals to close or downsize correctional centres include a comprehensive rural communities impact statement, which includes information on the projected social and economic impacts of the decision on local

<sup>95</sup> Submission 9, Mr Matt Bindley, p 4.

<sup>96</sup> Submission 30, Clarence Valley Community Unions, pp 3-5.

<sup>97</sup> Cr Richard Williamson, Mayor, Clarence Valley Council, Evidence, 10 December 2012, p 2.

communities including short, mid and long term impacts. These should be submitted to Cabinet to assist in their consideration of proposals to downsize or close correctional facilities.

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### **Recommendation 1**

That Corrective Services NSW undertake comprehensive rural communities impact statements as part of proposals to close or downsize correctional centres located in rural and regional NSW. These rural communities impact statements should:

- (a) include information about the projected social and economic impacts of the decision on local communities, including short, mid and long term impacts; and
  - (b) be submitted to Cabinet to assist in their consideration of proposals to downsize or close correctional facilities.
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### **Consultation within government**

**3.79** Corrective Services NSW advised that it consulted with a range of government departments in relation to closures of correctional centres:

The primary government departments which CSNSW consults with include the NSW Police Force, the NSW Ombudsman, Justice Health, the Department of Premier and Cabinet, NSW Treasury, other divisions with the Department of Attorney General and Justice, and the Department of Finance and Services (State Property Authority) in relation to closures.<sup>98</sup>

**3.80** The evidence is unclear as to whether consultation with government organisations occurs prior to decisions to close or downsize correctional centres are made, or after.

### ***Committee comment***

**3.81** The Committee notes the range of government agencies which Corrective Services NSW advised it consulted with in relation to prison closures. While noting that the list provided is not exclusive, the Committee notes that it does not include NSW Trade and Investment, the State's "economic development agency".<sup>99</sup>

**3.82** The evidence suggests that NSW Trade and Investment were not consulted as part of Corrective Services NSW's process. The Committee is concerned that a failure to include this government department in the process may be another reason why the potential impact on the community was overlooked in respect of Grafton.

**3.83** The Committee recommends that any future consultation with government departments in relation to prison closures or downsizings include NSW Trade and Investment. The Committee recommends that Corrective Services NSW consult with NSW Trade and Investment in relation to any proposals to close or downsize correctional centres.

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<sup>98</sup> Answers to questions on notice taken during evidence and supplementary questions on notice, 21 December 2012, Mr Peter Severin, p 13.

<sup>99</sup> Submission 53, NSW Trade and Investment, p 1.

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## Recommendation 2

That Corrective Services NSW consult with NSW Trade and Investment in relation to any proposals to close or downsize correctional centres.

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### Consultation with affected communities

**3.84** Many stakeholders described the consultation undertaken by the Government in relation to closing or downsizing a correctional centre as wholly inadequate.<sup>100</sup> The evidence, which has included representations from local government, the Chamber of Commerce, industry, prisoner welfare groups and their families and staff, suggests that adequate time was not allocated to proper consideration of the decision and its impacts on these stakeholders, nor that proper time was taken to convey the decision to these groups.<sup>101</sup>

**3.85** Some stakeholders were critical of the lack of consultation with communities prior to a decision to close a facility. For instance, in relation to Grafton, the Clarence Valley Community Unions submitted:

The main issue we see with this decision was the lack of consultation ... It is clear that by not consulting with anyone in the community that the Government had no real idea on the impact that this decision would have on the community.<sup>102</sup>

**3.86** Cr Richard Williamson shared this view, describing the Grafton downsizing as a ‘debacle’:

From where I sat, this could be best described as somewhat of a debacle. I could not see where there was any consultation with regard to the decision or the announcement ... [There was] little or no consultation with regard to staffing and little or no consultation with regard to the families of inmates. In fact, the first I heard of the decision was when I received a telephone call from a Deputy Commissioner, some 20 minutes after he had informed the staff of the decision that had been made.<sup>103</sup>

**3.87** Concerns were also raised by some stakeholders that the closure of other facilities, including Berrima, were also effected without adequate consultation. For example, Mr Brett Dodds, an Assistant Superintendent with Corrective Services NSW, submitted that he was unaware of any consultation with staff or the local council.<sup>104</sup> Similarly, Ms Rosalind Dale, a previous employee at Berrima Correctional Centre, submitted that there was very little consultation about the proposal to close the facility:

Some months prior to the closure of Berrima, it was mentioned at a number of staff meetings that Berrima may close or change its operations and the Centre had to make

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<sup>100</sup> See, for example, Submission 1, Grafton Branch Country Women’s Association, p 1; Submission 5, Mr Wade Walker, p 2; Cr Richard Williamson, Mayor, Clarence Valley Council, Evidence, 10 December 2012, p 2.

<sup>101</sup> Submission 1, Grafton Branch Country Women’s Association, p 1.

<sup>102</sup> Submission 30, Clarence Valley Community Unions, pp 3-5.

<sup>103</sup> Cr Richard Williamson, Evidence, 10 December 2012, p 2.

<sup>104</sup> Submission 16, Mr Brett Dodds, p 1.

substantial savings in operating costs ... As far as I can remember, the Berrima Correctional Centre Community Consultative Committee nor the Council were informed of the impending closure.<sup>105</sup>

- 3.88** An Inquiry participant directly affected by the closure of Kirkconnell Correctional Centre, Mr Anthony Craig, submitted that decisions to close facilities were marked by inadequate consultation:

[U]nfortunately these decisions [were made] without adequate consultation with staff and the local communities ... As a nurse who lost my mental health position at Kirkconnell Correctional Centre ... it was no surprise that there was little or no consultation with unions, staff or the local business or general population on these closures or down grading of these centres. There were personal, economic and social impacts, which were either ignored or disregarded as not important enough by Corrective Services NSW.<sup>106</sup>

- 3.89** Mr John McKenzie, Chief Legal Officer, Aboriginal Legal Service, suggested that there were ways that the process could be improved to manage the impact on Aboriginal people, including through better consultation:

A bit of foreknowledge and warning to the families of the existing clients would have gone a long way, I think. There was certainly none of that as far as we know. That would have helped ... I think that if the Aboriginal Legal Service had perhaps been involved in some consultations in the lead-up to it actually happening we might have also been able to—if we were allowed to disclose it to the prisoners—start to prepare them for the move and just talk things through. It is certainly the case that inmates in general but Aboriginal inmates perhaps in particular really get very unsettled by unexpected changes because they feel so, I suppose, not in control of their own lives that unexpected changes only make them feel even more helpless. It could have helped both the families and the prisoners if there had been some more consultation, yes.<sup>107</sup>

- 3.90** Corrective Services NSW submitted that it did consult with staff through the Prison Officers Vocational Branch of the Public Service Association in mid-2011, including at a meeting in July 2011 in which the former Commissioner of Corrective Services NSW met with 130 union delegates to discuss proposed reductions in staffing levels and the closure of between 600 and 650 beds. This meeting was prior to any decisions were made about which correctional centres should be closed.<sup>108</sup>

- 3.91** Corrective Services NSW submitted that it does not have a practice of consulting prior to decisions being made about whether to downsize or close correctional centres on the basis that to do so would cause unnecessary concern among affected communities:

CSNSW does not generally consult outside of government about closures and downsizings until such time as the Government of the day has made a decision in respect of a closure or downsizing proposal. CSNSW maintains that to do otherwise

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<sup>105</sup> Submission 52, Ms Rosalind Dale, pp 1-2.

<sup>106</sup> Submission 29, Mr Anthony Craig, p 1.

<sup>107</sup> Mr John McKenzie, Evidence, 23 November 2012, p 31.

<sup>108</sup> Submission 47, p 16.

would potentially risk disturbing communities unnecessarily given that not all proposals are ultimately approved.<sup>109</sup>

***Consultation after a decision is taken to close or downsize a facility***

**3.92** Corrective Services NSW acknowledged the ‘significant impact’ closures and downsizing of correctional centres can have on communities, and advised that consequently Community Consultation Plans are developed as soon as closures are announced.<sup>110</sup> In addition, it submitted that it works to build relationships to facilitate consultation in areas where correctional centres are located:

CSNSW establishes and maintains Community Consultative Committees wherever a correctional centre is located to develop partnerships across governments and community agencies, and to build mutually beneficial relationships. These Committees are a vehicle through which community consultation on all issues relevant to a correctional centre can be facilitated.<sup>111</sup>

**3.93** Corrective Services NSW submitted that Community Consultative Committees are the appropriate forums in which community consultation takes place, and the types of matters considered in such forums include:

- Advice to the community of CSNSW’s proposed operational plan for change;
- The opportunity for the community to provide input and feedback through the community consultation committee on any matter of concern as a result of a specific proposal
- Discussions on the likely impact of work performed in the community by offenders; and
- Opportunities to manage or limit the impact of specific proposals on the community where possible taking into account CSNSW business requirements.<sup>112</sup>

**3.94** In contrast to submissions made by some stakeholders (refer to 3.69 above), Corrective Services NSW advised that they had undertaken consultation in relation to the closure of Berrima Correctional Centre:

The first community meeting to discuss the closure of Berrima Correctional Centre was held in Berrima on 22 September 2011. A representative of the local residents association and two members of the Berrima Business Houses Group, among other, were present at the meeting.<sup>113</sup>

**3.95** It also submitted that meetings were held to discuss the closure of Kirkconnell Correctional Centre, and the downsizing of Grafton Correctional Centre.<sup>114</sup>

<sup>109</sup> Submission 47, p 16.

<sup>110</sup> Submission 47, p 16.

<sup>111</sup> Submission 47, p 16.

<sup>112</sup> Answers to questions on notice taken during evidence and supplementary questions on notice, 21 December 2012, Mr Peter Severin, p 13.

<sup>113</sup> Submission 47, p 17.

<sup>114</sup> Submission 47, p 17.

- 3.96** In response to a question about the adequacy of the process of downsizing or closing correctional facilities, Dr Paget noted that there would always be disappointment by some in the community, notwithstanding the ‘rationality’ of the decisions made:

I think you can certainly understand that people whose lives are affected by the move, despite the rationality of the process and the rationality of reasons behind it, will still be unhappy with the decision and nothing will change that.<sup>115</sup>

- 3.97** Mr Scholes, Corrective Services NSW, put the issue succinctly, stating “there are two undeniable facts in corrections: opening a gaol in any location is difficult; closing one is even more difficult.”<sup>116</sup>

***Consultation with the Grafton community***

- 3.98** The bulk of submissions and evidence received from Inquiry participants related to the downsizing of the Grafton Correctional Centre, and in particular the lack of consultation with the community. Indeed, the evidence suggests that the decision to downsize the facility came as a shock to many, including to senior figures within the community such as the Mayor and the local Member of Parliament.

- 3.99** The Committee heard evidence that immediately after the decision to downsize the Grafton Correctional Centre, a group of representatives from the local community, including the Mayor and State Member, met with senior Government figures to implore them to reconsider the decision. Cr Williamson told the Committee how he and Mr Chis Gulaptis MP met with the Attorney General, the Acting Premier and other officials after the decision was announced:

On 6 July the member for Clarence, Chris Gulaptis, the local Chamber of Commerce president and myself, met in Sydney with the Attorney General and the Acting Premier, along with Department officials. Some would say “asking for” but I would say “begging for”, the pause button to be pressed on a decision that was having a great effect on my local community.<sup>117</sup>

- 3.100** The Committee sought to obtain further information from the Minister responsible for Corrective Services, Attorney General and Minister for Justice, the Hon. Greg Smith SC MP, and invited him to appear as a witness before the Committee to answer questions relating to decisions to close or downsize correctional centres. That invitation was declined on the basis that the Attorney was unavailable, however the response noted that the Commissioner of Corrective Services NSW would appear. The Committee notes that the Commissioner Severin and a number of his staff made themselves available to give evidence twice.

- 3.101** Other stakeholders also observed a lack of transparency in the decision-making process. The Country Women’s Association (Grafton Branch) considered that the decision to downsize Grafton Correction Centre was made hastily and without adequate communication with stakeholders.<sup>118</sup>

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<sup>115</sup> Mr John Paget, Evidence, 1 March 2012, p 5.

<sup>116</sup> Mr Mr Glen Scholes, Evidence, 23 November 2012, p 7.

<sup>117</sup> Cr Richard Williamson, Evidence, 10 December 2012, p 2.

<sup>118</sup> Submission 1, Grafton Branch Country Women’s Association, p 1.

- 3.102** Mrs Carol Ordish, Grafton resident, argued that the downsizing of Grafton Correctional Centre was poorly managed and lacked adequate consultation:

I believe that the speed and process used to close Grafton Gaol lacked responsible management and had taken a dictatorial approach giving no opportunity to anyone to make suggestions as to how this could be done without impacting, commercially and on the community as a whole.<sup>119</sup>

- 3.103** Mr Stewart Little, Senior Industrial Officer, Public Service Association, told the Committee that the decision and process to downsize the Grafton facility was handled poorly in comparison to the closure and downsizing of other correctional centres:

When this Government first came to power the previous commissioner came to us and said the prison population had fallen by about 1,000 inmates ... They came to us and said there was significant budget pressure on them and we worked cooperatively with them. That was during the closure of Berrima, Kirkconnell and Parramatta ... It was very difficult and it has created issues that continue today. We made a decision to try to work with them to the best of our ability and to work cooperatively with them. In comparison, there was no consultation about Grafton. It was a model of how not to do it. The way Grafton was done was very poor.<sup>120</sup>

- 3.104** Mr Little noted that the Association had been engaged in the process of closing Berrima, Kirkconnell and Parramatta correctional centres in response to falling inmate numbers and that, although there are continuing issues in respect of those facilities, the different process and lack of consultation in respect of Grafton was a major concern:

That process [of closing Berrima, Kirkconnell and Parramatta] was far greater in scale but at least there was consultation and the union was involved in it and we were able to make sense of it. We were also able to try to redeploy officers ... we could get officers at Berrima redeployed to Goulburn and elsewhere. Kirkconnell is in between Lithgow and Bathurst. Parramatta obviously is in the central business district and is a very old gaol. Grafton is geographically isolated on the North Coast and you know that those people are going to find it very difficult to get jobs in their community and they are going to have to uplift and move from the community. In our view the way it was done was a disgrace.<sup>121</sup>

- 3.105** Mr Tony King, Chairperson, Clarence Valley Community Unions, explained that 'hitting the pause button' and consulting with the community would have avoided many of the issues that have arisen:

[T]his campaign to Save Grafton Gaol has really demonstrated the need for Governments to consult with the affected parties. Right from the very start when the decision was released, the Unions call as was ours ... was to hit the pause button, sit down and talk. We can fix this, we can achieve all that you want to achieve and, if not, we will help you close it. I think the public anger, media coverage and now this upper

<sup>119</sup> Submission 8, Mrs Carol Ordish, p 1.

<sup>120</sup> Mr Stewart Little, Senior Industrial Officer, Public Service Association, Evidence, 23 November 2012, p 15.

<sup>121</sup> Mr Stewart Little, Evidence, 23 November 2012, p 15.

house inquiry is the result of a distinct lack of consultation. All of this could have been avoided if there had of been proper consultation.<sup>122</sup>

- 3.106** This concept of providing time for the unions to negotiate in respect of the Grafton closure to assist in management of displaced staff was also picked by the local mayor. Cr Williamson reiterated the need for the implementation of the decision to be ‘paused’ to allow for consultation and consideration of other options, while acknowledging the need to address surplus capacity:

I accept that there could well be a flux of beds in New South Wales. What I find difficult to accept is why Grafton needed to take the brunt of every bed closure. Something I would have liked to have explored, had the pause button been pressed, was spreading those closures across a number of facilities. In discussions I had with some high-ranking union officials they were saying that some of those beds at Long Bay I think could well have been mothballed or closed and Grafton kept open. That is the kind of detail I would have hoped could have been brought to the table had the pause button been pressed.<sup>123</sup>

- 3.107** The Commissioner of Corrective Services commented that there were lessons learnt from the Grafton experience, but maintained that downsizing the facility was the right decision:

What are the lessons learned? ... without being critical about the previous administration because fundamentally I believe the decision was right, I think what is needed and what we are working on now is a much broader master plan [to improve how we] react in the future to a drop in prisoner numbers or, indeed, an increase in prisoner numbers and have a more integrated arrangement in place, not one that would have an order of merit but one that clearly outlines the dependencies not only in relation to staff but also in relation to prisoner management, prisoner transport, how we service courts and other areas of the criminal justice system, how that hangs together with the operations of police.<sup>124</sup>

- 3.108** Commissioner Severin subsequently confirmed that he would continue to improve the process of decision making and implementation of decisions to close or downsize correctional centres, but noted that downsizing and closing such facilities is inherently difficult:

We used our internal learnings from Grafton to revalidate a communication process, which we then put into place with careful planning. That has certainly been met with some positive reactions from all the people who were affected ... [Closing or downsizing correctional centres] are very complex exercises. They do not just involve us moving a role and function away; they impact individuals. We always undertake good debriefs and reviews. We do that sometimes in a more formal sense and sometimes based on information that we glean through that process. We will do exactly the same with Long Bay and the decommissioning of Cessnock. Despite the fact we get a sense that has worked very well, we still need to ensure that if we have to do this again we improve even further.<sup>125</sup>

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<sup>122</sup> Answers to questions taken on notice during evidence 10 December 2012, Mr Tony King, Chairperson, Clarence Valley Community Unions, p 1.

<sup>123</sup> Cr Richard Williamson, Evidence, 10 December 2012, pp 6-7.

<sup>124</sup> Mr Peter Severin, Evidence, 23 November 2012, p 7.

<sup>125</sup> Mr Peter Severin, Evidence, 1 March 2013, pp 12 and 15.

*Committee comment*

- 3.109** The Committee acknowledges that recent decisions to close Berrima, Kirkconnell and Parramatta correctional centres have not resulted in significant community unrest, unlike that that occurred in the wake of the announcement to downsize the Grafton Correctional Centre.
- 3.110** However, the Committee is concerned that, in respect of the Grafton decision, many in the community felt that they were not engaged in an appropriate or timely manner.
- 3.111** The Committee considers that some community outrage, particularly in respect of the Grafton Correctional Centre, is understandable. We acknowledge the frustration of many in the community that they were not consulted prior to the decision being made. Nor was there any proper consideration by Corrective Services NSW of the impact that such a decision would have on the community of Grafton.
- 3.112** The impact of minimal consultation with the community about the implementation of the decision to downsize the facility was clear in submissions and evidence given to the Committee. This was particularly clear in respect of the timing of the implementation of the decision, which had not factored in adequate flexibility to enable proper negotiations with staff and union representatives to assist in the transition.
- 3.113** The Committee notes the evidence of Corrective Services NSW that to consult on proposals to close or downsize facilities “would cause unnecessary concern among affected communities” (refer to 3.93). While the Committee generally agrees with this approach, the experience at Grafton clearly demonstrates the importance of Corrective Services NSW adhering to their policies relating to proper consideration of the impact of closures or downsizings on local communities, particularly rural and regional communities, and of the importance of Rural Impact Statements (refer to Recommendation 1).



## Chapter 4 Impact of the closures and downsizings

This Chapter considers the impact of the downsizing and closure of Corrective Services NSW facilities on staff and their families, on indigenous inmates and their families, and on local communities.

### Impact on staff and their families

- 4.1** The Committee received a significant amount of evidence from people who were or are employed by Corrective Services NSW at the Grafton Correctional Centre. Less evidence was received in respect of the closures of other facilities, including Berrima and Kirkconnell.
- 4.2** The majority of submissions made by current or former Corrective Services NSW staff were highly critical of the decision to downsize the Grafton facility. Many expressed anger, concern and sadness at the closure of the gaol and the impact it would have on them and their families, particularly in terms of their future employment prospects and the social and economic impact. These are discussed below.
- 4.3** Corrective Services NSW advised that, prior to its downsizing, Grafton Correctional Centre employed 114 staff. As part of the reforms, 38 staff members were retained at the facility, and 42 staff accepted a voluntary redundancy. 34 staff relocated to other facilities.<sup>126</sup>

### Prospects of future employment

- 4.4** As noted, a number of correctional officers were made redundant as a result of the closure or downsizing of Corrective Services NSW facilities. Some stakeholders pointed to the unique difficulties faced by a corrective services officer looking for alternative employment away from the corrective services field. For example, the Corrective Services NSW Retired Commissioned Officers Association observed:

An out of work Correctional Officer is a bit like an out of work policeman or undertaker, in that their social network has been limited by the nature of their career. The skills gained by a Correctional Officer of quietly managing socially challenged and mentally ill people are not regarded as “must have” qualifications by employers in the outside world. A transition into mainstream work has multiple challenges for out of work Correctional Officers. Unlike Nurses and Doctors who are regarded favourably as nobly serving the community – in general there is a wariness of Correction Officers because of the misconception that archaic practices still occur within the prison system.<sup>127</sup>

- 4.5** Ms Wendy Kashel was employed by Corrective Services NSW at Grafton Correctional Centre as an administration manager. Ms Kashel accepted a voluntary redundancy, but submitted that it was effectively the only real option offered to her. She explained the three ‘options’ offered to her and to other staff at the Centre:

<sup>126</sup> Answers to questions on notice taken during evidence and supplementary questions on notice, 21 December 2012, Mr Peter Severin, Commissioner, Corrective Services NSW, p 9.

<sup>127</sup> Submission 18, Corrective Services NSW Retired Commissioned Officers Association, p 2.

[T]he first option was retain their existing position, 2nd option was transfer to another government agency and 3rd option VR [Voluntary Redundancy]. Of course Option 1 was the reason they were there so not an option, Option 2 staff were immediately told that this would not be an option as every government agency is going through the same process and consequently you are left with Option 3. There was not one instance with my Administration staff that they were informed of any available position in another department ... I requested a list and was given a list but told not to distribute the list due to the inaccuracy of the list. Positions listed as vacant were actually substantively occupied and vacated due to EOI's and secondments.<sup>128</sup>

- 4.6** Ms Kashel went on to describe the impact on her and her family as a result of the decision, and noted that she was not provided with adequate information by Corrective Services NSW that would assist her in finding another job:

On a personal level, I have been affected as well as my husband who is also an employee with CSNSW at Grafton CC. I was given the 3 options as above. My options were to remain in my position, transfer to either CSNSW or another government position with a preference to Tamworth area due to family located there and I of course ended up with VR. I was not given any information by HR about any other options either in Grafton, around the state or in Tamworth. I was informed by the Regional Business Manager that I could have gone to John Moroney CC as she was recruiting at the same grade for that position. I was not given this information by HR.<sup>129</sup>

- 4.7** One Inquiry participant noted that the downsizing of the Grafton Correctional Centre would have a huge impact on the town's young and old in particular, and would necessarily result in people having to travel several hours to major towns for work:

The Clarence Valley has one of the highest unemployment rates in NSW, the downsizing of not only the gaol but other public sector jobs by the NSW government will only add to the growing list of unemployment. Young people need job opportunities, not only for their self-esteem but in order to remain near their families for support. Older gaol employees face employer bias against employing persons over the age of 45 years. The nearest major towns for employment are Coffs Harbour and Lismore. Coffs Harbour is a 2 hour round trip of 167 kms. Lismore is a 3 hour round trip of 270 kms.<sup>130</sup>

- 4.8** Several inquiry participants were frustrated at the Government's decision to close the Centre because it ostensibly exacerbated an already prevalent employment problem. For example, Mr Doug Ensbey, a former employee at Grafton Correctional Centre, submitted:

Grafton already has higher than average unemployment statistics compared to the NSW State average, and this will now be exacerbated, as these retrenched workers attempt to join the queue to find stable employment within the Clarence Valley. Also, a large section of these Gaol workers had specialist training and skills that may handicap them in obtaining any of the available limited local jobs.<sup>131</sup>

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<sup>128</sup> Submission 28, Ms Wendy Kashel, p 1. See also Submission 34, Name suppressed.

<sup>129</sup> Submission 28, p 2.

<sup>130</sup> Submission 4, Name suppressed, p 3.

<sup>131</sup> Submission 7, Mr Doug Ensbey, p 2.

- 4.9** Challenges to obtaining further employment were also highlighted by town residents, Jeff and Margaret Ashenden, who wrote in their submission:

They [former employees at the Grafton Correctional Centre] have to compete for scarce jobs in Grafton with other unemployed. “New” government jobs also have restrictions placed upon them that make it hard for gaol workers to access. Because of the sudden and secretive nature of this closure, many workers were caught unawares and now rely on social services as they hope the gaol will reopen.<sup>132</sup>

- 4.10** The Committee heard that some people who were made redundant through the downsizing of the Grafton Correctional Centre had been transferred to Grafton after other correctional centres closed. For these people, the downsizing of Grafton Correctional Centre was especially distressing. The Corrective Services NSW Retired Commissioned Officers’ Association explained:

... at the Grafton Correctional Centre ... some of the Correctional Officers who lost their employment with the recent changes there, had transferred from Berrima and Parramatta Correctional Centres. These very same people had sold their homes after the closure of the Berrima and Parramatta Correctional Centres and moved their families to Grafton – only to lose their jobs at Grafton Correctional Centre a short time later. This is something that citizens in Australia in 2012 should not have to put up with.<sup>133</sup>

- 4.11** One Inquiry participant expressed frustration and bewilderment at the decision to transfer staff to Grafton just months prior to the announcement to downsize the facility was made:

Incredibly, staff were still being transferred into the centre up until a few months before the partial closure was announced. With no hint of what was to come they purchased residences in the area and prepared to raise their families in the local community. I know of officers who were absolutely devastated when they learned of the decision.<sup>134</sup>

### *Committee comment*

- 4.12** The Committee is concerned at the treatment of Officers and their families who have recently transferred from other closed facilities, and would be appalled if they were to find that their job at Grafton was made redundant.
- 4.13** The Committee is of the view that decisions to relocate staff in this way to correctional centres which are, only months later, themselves the subject of restructuring that results in job losses, are not only highly irresponsible, but suggests that the decision-making around which facilities will be subject to closure or downsizing are taken quickly and, arguably, without due consideration.
- 4.14** The Committee considers that such staffing decisions were symptomatic of an organisation making short term decisions with no apparent attachment to a larger strategic plan or

<sup>132</sup> Submission 3, Jeff and Margaret Ashenden, p 2.

<sup>133</sup> Submission 18, p 2.

<sup>134</sup> Submission 10, Mr John Heffernan, former Superintendent, Corrective Services NSW, and former Governor, Grafton Correctional Centre, p 3.

direction. The Committee is doubtful that decisions to downsize or close facilities, and the implementation of those decisions, can be properly undertaken in this context.

### **Social impact on staff and their families**

- 4.15** Mr Matt Bindley, State Chairperson of the Prison Officers Vocational Branch of the Public Service Association and Senior Correctional Officer within Corrective Services NSW, submitted that many displaced officers and their families were profoundly affected by the closures:

The impact ... on members of staff and their families was horrendous as they with their families were left with the prospect of being forced to either relocate ... to continue employment with Corrective Services ..., take a redundancy or reapply for a job within the downsized Centre. The impact on their partners was not limited to being forced to leave employment within the district or the impact on children who were going to be uprooted from current schooling and sporting or leisure activities let alone the prospect of ... leaving friends behind. Further concern revolved around those people ... caring for children with a disability who had treating doctors in the area or who cared for ill or elderly members of their family.<sup>135</sup>

- 4.16** A former long-term employee at the Grafton Correctional Centre, Ms Christine Drayton-Thompson, shared her personal experience and detailed the significant social and economic impact of the downsizing on her and her family.

Financially, I took a car under salary sacrifice, as did others when Mr Woodham said he knew at the time they were closing but did not tell us so financially it was very difficult for us and others and people who bought houses. Although I was offered employment at other gaols, I was unable to transfer and Kempsey is a 3½ hour drive—not a possible commute. My husband has employment in Grafton, both my parents and my mother-in-law live here and they rely on us considerably. My son is in year 12 this year. Many of the staff, like myself, are second, third or even fourth generation, as opposed to what was said that none of us live in the area ... My son just completed year 12 exams, however since June has had to live with all the stress and anxiety within his own family and with his friends. The fact that my son called his music composition for the Higher School Certificate “Prison Requiem” gives you some idea of the impact that it has had on some of these young people.<sup>136</sup>

- 4.17** As noted at 4.1, the Committee received limited information about the impacts of prison closures at locations other than Grafton. However, Mr Brett Dodds, an employee of Corrective Services NSW who was previously employed at the Berrima Correctional Centre submitted that the closure of that facility had a detrimental impact on him and his family:

The closure of Berrima cause considerable emotional and financial stress to many families of people who were employed at the Berrima CC, not least of all my family. My wife was employed as a Nurse with Justice Health at Berrima with 3 other Nurses ... all but one were made redundant, this put considerable financial and emotional stress on my family.<sup>137</sup>

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<sup>135</sup> Submission 9, Mr Matt Bindley, p 2

<sup>136</sup> Ms Christine Drayton-Thompson, Public Forum, 10 December 2012, pp 38-39.

<sup>137</sup> Submission 16, Mr Brett Dodds, p 3.

- 4.18** Mr Anthony Craig, a former mental health nurse at Kirkconnell Correctional Centre, made a similar submission, commenting that closure of the Centre has had a personal impact on him and his family.<sup>138</sup>
- 4.19** There is further discussion of the social impact on staff and their families from 4.38, which relates to the social impact of downsizing or closing correctional centres on local communities.

### Impact on inmates and their families

- 4.20** A number of inquiry participants noted that the closure of correctional services facilities can create difficulties for the families of inmates. Member for Clarence, Mr Chris Gulaptis MP submitted that the inmates were a part of the community:

The inmate population of Grafton Gaol was also a part of Grafton. Removing 240 inmates ... has had a severe impact on their families as well as the town ... families of inmates ... [are] worried about where their family members would be incarcerated and how they would be able to continue with regular visitation they had no idea where they would be sent and how they would be able to see them again, given the limited regional transport opportunities available and that they couldn't afford it anyway.<sup>139</sup>

- 4.21** Jeff and Margaret Ashenden commented on the importance of family support for people who are incarcerated:

It was important that their families and friends were able to support them during their custodial sentences. Inmates have now been withdrawn from their local communities and support services for no apparent reason in a very high handed way.<sup>140</sup>

- 4.22** Ms Nicole Jess, Secretary, Prison Officers Vocational Branch, Public Sector Association, spoke about the impact on the family of an inmate who had been moved as a result of the decision to downsize Grafton Correctional Centre:

I spoke to a wife of an inmate who had moved to Grafton with their children from Lithgow. She also had a business in the town. Due to the downsizing, he was being moved, which meant she either had to sell her business and relocate with no assistance from the Government.<sup>141</sup>

- 4.23** Cr Williamson also stated that, in relation to the Grafton closure, the families of inmates were detrimentally impacted. Some families had moved to Grafton to be close to incarcerated family members, and would again face the difficult decision about whether to relocate:

Some of those prisoners who have been moved, as I understand it, have been longer term prisoners and their families moved specifically to Grafton to be close to those family members who have been incarcerated. They are now in a catch 22 position where they could pull up stumps and go to the new location and invest again but there

<sup>138</sup> Submission 29, Mr Anthony Craig, p 2.

<sup>139</sup> Submission 45, Mr Chris Gulaptis MP, p 4.

<sup>140</sup> Submission 3, p 1.

<sup>141</sup> Submission 49, Ms Nicole Jess, p 4.

is no security around how long the inmates will be at that particular facility. There are a number of cases like that.<sup>142</sup>

### **The impact on Aboriginal inmates and their families**

**4.24** A number of stakeholders expressed concern about moving indigenous inmates away from the local area.<sup>143</sup> Several commented that it would be more difficult for many families to visit, having to travel greater distances at a greater cost to do so.<sup>144</sup>

**4.25** Mrs Carol Ordish explained that Aboriginal inmates formerly held at Grafton had, as a result of the downsizing, been moved away from their traditional lands and that this created challenges for families of inmates in terms of visiting their incarcerated relative:

... the Aboriginal nations residing here are not the same aboriginal nations residing where the inmates were sent. As families move to be closer to their incarcerated family members further difficulties will arise as those from one nation move into another nation's territory. The effects could be catastrophic on the inmate, their families and their community to where they have had to go to be near the Gaol.<sup>145</sup>

**4.26** Mr John McKenzie, Chief Legal Officer, Aboriginal Legal Services NSW/ACT (ALS), informed the Committee that although the ALS was not opposed to the downsizing of Grafton, there are particular implications for Aboriginal inmates that need to be given proper consideration. Mr McKenzie emphasised the importance of the spiritual connection that Aboriginal people have to their land:

The spirituality of Aboriginal people is also an important factor, and that has a lot to do with their identity, with their extended family groups and their actual connection—historical and present-day—to the land and some of the significant places on land and some of their handed-down history. Of course, by removing them from that they are further away from their land. That is always of concern but you have got to be frank and admit that the Aboriginal people if they are locked up in a gaol it is not exactly amenable to them accessing any parts of their culture other than some visits by some of the local elders on special ceremonial days like NAIDOC Day and NAIDOC Week visits ... Some special consideration might be given to those people to help them come down from the northern parts of the coast to make some particular visits on those special occasions to North Coast inmates.<sup>146</sup>

**4.27** Mr McKenzie went on to explain that, in the view of the ALS, there were tangible benefits from moving inmates to more modern facilities, but that these needed to be balanced with the need to ensure that Aboriginal inmates were close to family and friend support structures:

[I]n relation to mental health, it is also an extremely important consideration that Aboriginal prisoners be able to have access to visits from their family and loved ones and friends. So there are those tensions from our point of view in relation specifically

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<sup>142</sup> Cr Richard Williamson, Mayor, Clarence Valley Council, Evidence, 10 December 2012, p 4.

<sup>143</sup> Submission 4, p 3; Submission 8, Mrs Carol Ordish, p 1.

<sup>144</sup> Submission 4, p 3; Mr John McKenzie, Chief Legal Officer, Aboriginal Legal Service NSW and ACT, Evidence, 23 November 2012, p 28.

<sup>145</sup> Submission 8, p 1.

<sup>146</sup> Mr McKenzie, Evidence, 23 November 2012, p 28.

to the Grafton closure. We are of the view that overall it was a positive move to move the inmates to the better physical amenity where they have gone, but we would certainly like to see some very strong consideration and possibly special assistance provided to the families and close friends of those Aboriginal inmates from the northern part of New South Wales, especially north of Grafton, who now have considerably longer distances to travel to be able to visit their family and loved ones. Many of them are not economically well-off and a number of them are going to need some special assistance to be able to make that travel on anything like a regular basis.<sup>147</sup>

- 4.28** The ALS did note, however, that while they understood that there could be benefits from downsizing or closing some correctional facilities, that their organisation at a local level, did not support the decision to downsize the Grafton Correctional Centre:

[T]he ALS acknowledges, as an organisation that covers the entire NSW and the ACT, that the closure of **some institutions**, if in the interests of custodial health and safety, is to be supported. However the ALS staff at a **local level** do have some concerns and are not supportive of some of the decisions of the closure or downsizing of the Grafton Correctional Centre ... [These staff] are concerned that the closure of the Grafton Correctional Centre has some systemic impacts on the community of Grafton and the outer north coast communities from which the Correctional Centre was catering for inmates.<sup>148</sup>

- 4.29** The impact on indigenous inmates was also the focus of the submission by Community Legal Centres NSW (CLCNSW). It submitted that the closure and downsizing of correctional facilities can benefit low risk indigenous inmates and their families if there is a move toward community based offender services, but noted that it is critical for those inmates that are a risk to public safety are incarcerated in facilities that are close to their homes:

Moving offenders who pose little or no risk to public safety into non-custodial sentencing arrangements can be a cheaper method to manage offenders ... if combined with the expansion of community offender services ... the closure or downsizing of prisons can have positive effects on Aboriginal and Torres Strait Islander inmates, and their families ... For Aboriginal and Torres Strait Islander offenders that pose a significant risk to public safety, it is desirable that they are engaged in culturally appropriate and evidence based rehabilitation programs within prison, and that their place of incarceration is as close to their home as possible.<sup>149</sup>

- 4.30** CLCNSW referred to the importance of kinship bonds for indigenous people, and the need to ensure appropriate strategies are in place to maintain those bonds is an important element in the mental health of indigenous inmates:

Kinship is a defining feature of Aboriginal and Torres Strait Islander communities. Generally, Aboriginal and Torres Strait Islander communities have strong networks, which means that they support each other, including those who may have been convicted of crimes ... Where appropriate, contact with their families and their community is important to the wellbeing of Aboriginal and Torres Strait Islander offenders. The Social Health Reference Group for the National Aboriginal and Torres

<sup>147</sup> Mr McKenzie, Evidence, 23 November 2012, p 28.

<sup>148</sup> Supplementary Submission 41a, Aboriginal Legal Service NSW/ACT, p 1.

<sup>149</sup> Submission 51, Aboriginal Legal Access Program CDW, Community Legal Centres NSW, pp 1-2.

Strait Islander Health Council and National Mental Health Working Group (2004) ... describes the differences between the concepts of 'social and emotional wellbeing' used in Aboriginal and Torres Strait Islander settings, and the term 'mental health' used in non-Aboriginal settings. The concept of *mental health* comes more from a clinical perspective and is focused more on the individual, whereas generally within Aboriginal and Torres Strait Islander settings, [there is an] importance of connection to land, culture, spirituality, ancestry, family and community, and how these affect the individual.<sup>150</sup>

- 4.31** Mr Heffernan, former Governor of the Grafton Correctional Centre, submitted that the decision to downsize the Centre would have a hugely detrimental impact on indigenous inmates and their families, noting the recommendation of the Royal Commission into Aboriginal Deaths in Custody:

In recognising the close family relationships of aborigines, the Royal Commission into Aboriginal Deaths in Custody (1988) recommended that indigenous offenders be held as near to their families as possible ... The decision to downsize Grafton appears in complete contradiction to this recommendation ... I know from my experience that the support and regular contact of family members greatly assists in the management of aboriginal inmates. [Many] indigenous families in the Grafton area ... lack the resource and finances required to travel extended distances. To now expect these families to travel to centres such as Kempsey or Cessnock is unreasonable and will have a detrimental effect on the overall management of local aboriginal inmates.<sup>151</sup>

- 4.32** Others were worried about broader impacts for Aboriginal communities. In commenting on the downsizing of the Grafton Correctional Centre, for example, one submission-maker suggested that greater local competition for jobs would compound the challenges for Aboriginal young people:

There is a high level of indigenous youth in the Clarence Valley and it was difficult enough for those youth to compete for jobs prior to the downsizing it will now become even harder for them due to the larger numbers of people vying for the smaller number of job vacancies.<sup>152</sup>

- 4.33** However, Corrective Services NSW submitted that the impacts on indigenous inmates was considered in the decision making process and that they had taken into account the recommendations of the Royal Commission. Mr Severin argued that many Aboriginal inmates would be closer to Country:

In relation to Aboriginal prisoners, there was a high percentage of indigenous prisoners at Grafton, as I understand it. Not only were they individually asked what their transfer preference would be, in keeping with the principles of the Royal Commission of Inquiry into Aboriginal Deaths in Custody recommendation, which is to place Aboriginal prisoners as close to their place of origin as possible, but the department at the time also analysed that indeed there were a lot more inmates at the Grafton facility whose origin was Kempsey, or the Kempsey region, than we had in

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<sup>150</sup> Submission 51, pp 1-2.

<sup>151</sup> Submission 10, p 5.

<sup>152</sup> Submission 4, p 3.

that region. So by moving a lot of those Aboriginal inmates to Kempsey, we believe we actually improved the outcomes in many ways.<sup>153</sup>

### ***Committee comment***

- 4.34** The Committee acknowledges the submissions of those Inquiry participants who referred to the recommendations of the Royal Commission into Aboriginal Deaths in Custody.
- 4.35** Notwithstanding the comments of the Commissioner, the Committee is concerned that, as a result of the downsizing of the Grafton Correctional Centre, some Aboriginal inmates will be further away from family, friends and Country.
- 4.36** The Committee is concerned about the ability of the families and friends of indigenous inmates to travel to Kempsey or other correctional centres so that they can visit their loved ones, and notes the comments of Mr McKenzie, in particular, about the challenges that they will face.
- 4.37** The Committee agrees with the comments of the Aboriginal Legal Service that additional support be provided to assist family members of inmates to visit them and to facilitate other contact with them, for example, via increased allowance for telephone calls to family members be considered. Hence we recommend that Corrective Services NSW develop a strategy to provide support to indigenous inmates and their families who have been relocated to a facility that is further away from their families and/or Country as a result of the closing or downsizing of a correctional centre. The strategy should include mechanisms by which families can be provided support to increase their ability to visit inmates, as well as additional alternate methods to facilitate increased contact between inmates and their families.

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### **Recommendation 3**

That Corrective Services NSW develop a strategy to provide support to indigenous inmates and their families who have been relocated to a facility that is further away from their families and/or Country as a result of the closing or downsizing of a correctional centre. The strategy should include mechanisms by which families can be provided support to increase their ability to visit inmates, as well as additional alternate methods to facilitate increased contact between inmates and their families.

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## **Impact on local communities**

### **Economic impacts**

- 4.38** A number of inquiry participants drew the Committee's attention to the financial impacts of the downsizing or closures of prisons on the local community. For instance, the community and businesses of Berrima were affected by the closure of that gaol, as explained by resident and former Corrective Services employee Ms Dale:

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<sup>153</sup> Mr Peter Severin, Evidence, 23 November 2012, p 9.

The cost of closing Berrima is immeasurable to the community. I have spoken to most of the shop owners in Berrima who have told me that since the centre closed, they have experienced a noticeable down-turn in business from tourists, visitors to the Gaol and the staff. When the Gaol's Craft Shop was operating, the shop keepers of Berrima always experienced extra sales. Members of the public often phoned to inquire when the Craft Shop would be open.<sup>154</sup>

- 4.39** The Country Women's Association (Grafton Branch) argued that the downsizing and resultant relocation of people from the community removed a significant part of the social fabric of the town:

As the weeks pass and the situation is allowed to remain as an "incomplete" problem, from which a community of this size cannot of itself repair, the most certain factor to emerge will be the permanent loss of a whole section of the Grafton community as though a part of the town was cut away and the haemorrhage caused cannot be healed.<sup>155</sup>

- 4.40** Ms Cassandra Packwood, representing the Clarence Valley Community Unions and the Nurses Association, commented that the impact of the downsizing at Grafton also impacted on the availability of medical professionals in the town:

I can tell you that in two days time, just anecdotally, a family that has a senior nurse who works at the emergency department here at Grafton and her husband are leaving town because of cuts to Corrective Services that happened in Grafton without any consultation. The hospital has lost six senior nurses, and by "senior" I mean post-graduate study level, senior clinicians, difficult to replace in a small town like Grafton—not brand new out-of-university student nursing qualifications; I am talking highly educated in junior managerial levels, the sort of staff that a hospital in a community like Grafton would be very keen to retain. They are leaving because they were married or part of the gaol community, that is, their partner was employed. Amongst that were the nurses employed at the gaol, and again you are looking at a highly educated and much more mature workforce than in other areas and those nurses have been lost to the community as well—their wages, their education, their experience and their families because they take their families with them.<sup>156</sup>

- 4.41** Some 78 Corrective Services jobs were lost from Grafton. Local member Mr Chris Gulaptis MP outlined the significant economic impact of the downsizing of Grafton correction centre on the local community in his submission:

It is clear that there was no social or economic consideration given to the broader community by the gaol closure. The closure directly impacted on the local economy by:

- destroying business confidence
- reducing local spending from high paying public service jobs
- eliminating contractors jobs at the gaol

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<sup>154</sup> Submission 52, Ms Rosalind Dale, p 4.

<sup>155</sup> Submission 1, Grafton Branch Country Women's Association, pp 1-2.

<sup>156</sup> Ms Cassandra Packwood, Treasurer, Clarence Valley Community Unions, Evidence, 10 December 2012, p 10.

- removing the financial contribution of inmate families to the local economy
- reducing ancillary public service position from the local economy, like teachers etc.<sup>157</sup>

**4.42** Cr Richard Williamson, Mayor, Clarence Valley Council, referred to economic modelling conducted by the Council that highlighted detrimental flow-on effects of the job losses to a region already suffering higher than average unemployment rates:

The Clarence Valley Council's own input/output model shows that for every job lost at the Grafton Correctional Centre, another job was lost within our economy. So, 100 jobs lost directly means, indirectly, another 100 jobs lost from the Clarence Valley Council economy. The Valley has a higher than average unemployment rate of 6.6 per cent. The State average in New South Wales is just above 5 per cent. We also have a lower participation rate at around 50 per cent, compared with the New South Wales average of 62 per cent.<sup>158</sup>

**4.43** Mr John Pullinger, Grafton resident, told the Committee how, over a 40 year period he supplied goods to the inmates of Grafton Gaol on their fortnightly Activities Buyup, noting that all goods were sourced from local businesses. As a result of the Centre downsizing, his business no longer exists and he told the Committee that he would probably be unable to find employment and remains out-of-pocket for expenses:

The closure of the gaol ended the business, it was finished. I am 69 and there are not a lot of people queuing up to offer me work. So it is all over, Red Rover for me. But my purchases on behalf the inmates were over \$100,000 per year and for my colleague who did the groceries and foodstuffs it was closer to \$400,000 per year. He is also redundant now; he is an involuntary retiree. The department also undertook to take back the surplus stock—stock that you would not normally sell but which we had to buy-in especially for the gaol. They said they would take it all at cost, and that was fine, but they refused to give an order number. Anything you supply to the Department of Corrective Services without an order number will not be paid for, so there is a problem there.<sup>159</sup>

**4.44** Mrs Carol Ordish, a member of the Grafton community told the Committee that the community had been greatly impacted by the gaol's closure, not only socially, but in terms of the economic impact which has rippled through the local area:

[F]or over 120 years the Grafton Correctional Centre has been intrinsically woven into the fabric of business and community here. The [downsizing has] caus[ed] the loss of approximately 100 jobs, [and] sent shock waves throughout the Clarence Valley.

The Clarence Valley has a population of roughly one-hundredth of Sydney's population. Over 400 jobs have been lost in the Clarence Valley, equating to probably about 36,000 jobs in Sydney. Unfortunately, a domino effect is quickly seen in a smaller community and the Grafton Correctional Centre staff cutbacks resulted in lost jobs, people moving away for work, families leaving the district or separating to find work due to financial difficulties or to be close to their incarcerated loved ones,

<sup>157</sup> Submission 45, p 5.

<sup>158</sup> Cr Williamson, Evidence, 10 December 2012, p 2.

<sup>159</sup> Mr John Pullinger, Public Forum, 10 December 2012, p 41.

children taken out of schools and teachers and community assistance services being cut back. There is now fewer people so more businesses fail and more jobs are lost.<sup>160</sup>

- 4.45** Concerned town resident, Ms Allison Sommer, submitted that the town would not survive when faced with such significant job losses:

The Grafton gaol is extremely important to the Grafton community. It was one of the last biggest government employers left in Grafton and provides thousands of dollars to the local economy ... a small community like Grafton cannot survive when major job losses ... occur ... [T]he town simply cannot survive without this employment.<sup>161</sup>

- 4.46** Inquiry participants also noted the impact on the broader Clarence Valley community as a whole, and noted the closure of other major employers in recent years. One Inquiry participant summarised the situation as wide-reaching and bleak and noted that the closure of the Grafton Correctional Centre was the latest in a line of major employers to leave the region:

The Clarence Valley have lost the Dairy Farmers Factory, Tooheys Brewery, the Abattoirs (2011), the Match Factory, the Agricultural Research Station and other large businesses over the years. The NSW Government continues to reduce the number of public sector jobs in the town. The future for employment in the town is bleak and unemployment is one of the highest in NSW. The employees at the gaol who have children and who may have to leave the town to obtain employment or transfer to other gaols will have to withdraw their children from schools. This has an impact on class sizes and potential closures of local schools.<sup>162</sup>

- 4.47** The same submission-maker also observed that there was an immediate impact on the local economy and in particular small and medium-sized businesses in the area:

The loss of income to the local economy impacts on the potential earning capacity and viability of small to medium size businesses in the valley. Many small business shops are already vacant and an increase in vacant shops in the only major shopping centre in town has occurred since the gaol was downsized. Any employees who lived out of town such as Coffs Harbour and worked at the gaol still spent money in the Clarence Valley, which also supported local business, now they will not be doing that.<sup>163</sup>

- 4.48** Ms Packwood made a similar comment, telling the Committee about the impact of the downsizing among her group of friends, noting that it was not just those community members who were in a lower-socio economic group who were affected:

[T]he day after certain families found out that they had lost their jobs they cancelled house cleaners, they cancelled school enrolments, they cancelled renovations on their houses. Anecdotally, the circle of friends I move in mow lawns, clean houses, own their own building companies, et cetera. The loss of jobs flows through them ... \$30,000 a year income earners do not get six-weekly haircuts and do not have someone to clean their houses and do not get new kitchens; \$100,000 a year earners

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<sup>160</sup> Mrs Carol Ordish, Public Forum, 10 December 2012, p 31.

<sup>161</sup> Submission 22, Ms Allison Sommer, p 1.

<sup>162</sup> Submission 4, p 2.

<sup>163</sup> Submission 4, p 2.

and shift workers do, and so there has been an immediate impact. I have a girlfriend who is a hairdresser and manages her own business and she has lost \$30,000 up until the last financial year since the closure and she has had to let go of two apprentices.<sup>164</sup>

### Social impacts on communities

**4.49** The closure or downsizing of correction facilities has not only had an economic impact on their local communities, but also a social impact. As the rest of this section shows, this can manifest itself in various ways, including in the general ‘morale’ of a community.

**4.50** Mr Gulaptis noted that whilst the social impacts of the decision to downsize Grafton gaol are harder to measure than the economic impacts, the removal of such a large number of people from Grafton had a significant psychological impact on the community:

Whilst we can measure the financial implications of the closure, the social impacts are harder to measure but they are real none the less. The prison officers and the inmate families were part of the social fabric that made up Grafton. They lived amongst the community. Their kids went to school locally, spouses worked for local businesses, they played sport, they participated in community events and had friends and families in the local area. The sudden removal of such a large number of people from a small country town has had a momentous psychological impact on the rest of the community.<sup>165</sup>

**4.51** A number of stakeholders spoke about the psychological impact on the town of Grafton. For example, Mrs Margaret and Mr Jeff Ashenden submitted:

Local morale is severely dampened by the sight of Grafton Gaol and its surrounds adopting an abandoned and neglected demeanour where once it was a cornerstone of Grafton’s identity. It is hard to believe that an institution as large and complex in its service offerings for the North Coast region could suddenly be no longer needed. Business confidence has been shattered.<sup>166</sup>

**4.52** A similar point was made by Mr Doug Ensbey, formerly employed at the Grafton Correctional Centre. He described the staff of the Centre as an integral part of the local community and expressed the view that the town would take many years to recover:

The Gaol staff had settled in the valley, raising their families, supporting schools, supporting local businesses and community charities as an integral part of this regional society. The damage done to the Clarence Valley by this city-centric thinking government is a catastrophe, and the community will take many years to recover, if it ever does.<sup>167</sup>

**4.53** Another Inquiry participant commented that the closure would likely deter people looking to move to the North Coast from considering the Clarence Valley as a result of the impact of the closure:

<sup>164</sup> Ms Cassandra Packwood, Evidence, 10 December 2012, p 13.

<sup>165</sup> Submission 45, p 5.

<sup>166</sup> Submission 3, p 2.

<sup>167</sup> Submission 7, p 1.

The sorry state of empty shops will ensure that people who may be looking to move to the North Coast will by-pass the Clarence Valley for a town with better economic credentials.<sup>168</sup>

- 4.54** The economic and social impact as well as the psychological impact of the downsizing of the Grafton Correctional Centre were put succinctly by another Inquiry participant whose comments indicate the resulting lack of trust in government and sadness at the manner in which the decision was implemented:

Politicians promises of jobs for our community are met with skepticism as community members see them as empty rhetoric or recognise them as previously announced positions. The community is well aware that the profound economic impact from the Grafton Gaol restructure cannot be ‘fixed’ by a few positions here and there. Each day I arrive to work at Grafton Gaol [and] am immediately struck by the surplus of parking spaces. It takes me only a few seconds ... to remember what has transpired. Its hard not to think about the number of staff and colleagues, my close friends, who no longer require one of those previously limited car spaces. As I step onto the grounds, I am immediately transported back to the picket line. Images of tents, marquees, chairs and people come rushing back. The impact of this whole experience has been quite profound.<sup>169</sup>

- 4.55** Some Inquiry participants noted the impact on students in the area as a result of the downsizing at Grafton. Ms Audrey Vreugdenhil, a local high school teacher, submitted:

Students leave schools, friends, networks when their families leave Grafton to be near loved ones in detention. The disruption to home lives, the presented fears of deaths in custody ... is palpable.<sup>170</sup>

- 4.56** Mr Craig Howe, a school year advisor and Deputy Mayor, also raised concerns about the impact on students:

This sudden closure and the corresponding ripping apart of people’s lives obviously had a negative effect on the students who were at the same time trying to study for their Higher School Certificate exam, an already stressful time. Add to that their not knowing whether their father, in one case or both parents in another, were going to be living in Grafton or, in fact, if they would have a job. Being unable to help in any way added significant stress levels at a time when they did not need that extra pressure. One student’s father was told on one day that he could stay until after the exams and on the next day was told that he had to move immediately. Imagine the effect this had on the mental state of this young person during one of the most stressful times in their schooling.<sup>171</sup>

- 4.57** Cr Williamson was also concerned about the impact on local schools, making it clear that the impacts of the decision to downsize the gaol has a flow-on effect to other parts of the community:

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<sup>168</sup> Submission 4, pp 3-4.

<sup>169</sup> Submission 34, Name suppressed, p 7.

<sup>170</sup> Submission 21, Ms Audrey Vreugdenhil, p 1.

<sup>171</sup> Mr Craig Howe, Public Forum, 10 December 2012, pp 36-37.

The effects of that decision on 29 June are still being felt and still affecting our community. Only last week I was speaking with a number of principals of high schools. As a direct result of those job losses and those inmates being moved to other detention facilities, our schools are going to be losing a number of staff over the next 12 months or in the next school year.<sup>172</sup>

- 4.58** Noting the advice of Corrective Services NSW that the likely community impact is a consideration when assessing whether to close or downsize correctional centres (refer to 3.34), the Committee sought further information from Commissioner Severin specifically about the information received in respect of that consideration. In particular it enquired as to the likely community impact in terms of economics, the loss of students from schools and hospital staff.
- 4.59** Corrective Services NSW responded citing information relating to the movement of correctional staff, but failed to provide any analysis or comment in respect of broader community impacts, including those noted above.<sup>173</sup>

#### *Committee comment*

- 4.60** The Committee acknowledges the social and economic impacts on communities affected by correctional centre closures and downsizings, and in particular notes the impact of the downsizing of the Grafton Correctional Centre on the Grafton community.
- 4.61** The Committee notes the advice of Corrective Services NSW that it considers the 'likely community impact' when determining whether to downsize or close correctional centres (refer to 3.34). The evidence suggests that this policy statement was not appropriately considered in the case of the Grafton downsizing.
- 4.62** Further, the Committee is of the view that the response of Corrective Services NSW to a request to provide further information in respect of the social and economic impacts on Grafton was wholly inadequate (refer to 4.58-59). It is clear to the Committee that Corrective Services did not adequately consider the impact on the community of its decision to downsize the Grafton Correction Centre.
- 4.63** The evidence to this Inquiry suggests that that Corrective Services NSW does not currently have an adequate policy or procedure to guide them in the process of downsizing or closing correctional facilities. Therefore the Committee recommends that Corrective Services NSW create a policy document on procedures to be followed when downsizing or closing correctional facilities.

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#### **Recommendation 4**

That Corrective Services NSW develop a policy document and supporting procedures to be followed when downsizing or closing correctional facilities.

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<sup>172</sup> Cr Williamson, Evidence, 10 December 2012, p 2.

<sup>173</sup> Answers to questions on notice taken during evidence and supplementary questions on notice, 21 December 2012, Mr Peter Severin, p 2.

*Inmates helping in the community*

- 4.64** Mr Ensbey also observed that some of the benefits that the Grafton Correctional Centre brought to the Clarence Valley were overlooked when Corrective Services NSW decided to downsize the prison, including the contribution that the inmates themselves made to the local community:

The Gaol has been a very important part of the Grafton community since being built in 1893. In the sixties and the seventies, the large market garden that was run by Inmates of the Grafton Gaol supplied a large majority of the fresh vegetables to the Grafton Community ... The Grafton community and the Northern region of NSW has also benefited in times of extreme natural disasters, by Industry Overseers taking Inmates out into the community to help with flood and storm relief work. They have also performed a variety of ground maintenance work throughout the community, as part of the Mobile Outreach Program.<sup>174</sup>

- 4.65** Ms Dale commented that the former inmates at Berrima Correctional Centre fulfilled a vital community role, providing a printing service, and assisting in maintenance of public spaces and the running of community events:

The Print Shop was a flourishing unit with many inmates learning new skills and it returned a good profit. The unit was well accepted and utilised by the community. The inmates contribution to the local community was valuable to many organisations. They were actively engaged in the long term maintenance of Berrima by mowing public grounds for the local Council. The inmates participated in a program in conjunction with the National Trust maintaining the gardens at the local historic property, Harper's Mansion. On an annual basis the inmates participated in planting over 10,000 tulip bulbs in parks in the Shire for Tulip Time, the major tourist attraction; the preparation of Moss Vale and Robertson showgrounds and steward duties during the shows and preparation of Bundanoon oval and assisting at the Scottish festival, Brigadoon and the Goulburn Rose Festival.<sup>175</sup>

*Committee comment*

- 4.66** The Committee acknowledges the comments of some Inquiry participants about the significant contribution made by inmates of correctional facilities to local communities.
- 4.67** The evidence suggests that the communities of Grafton and Berrima welcomed, and indeed relied upon to some extent, the contributions of inmates to those communities. The Committee notes that the nature of these contributions was varied, ranging from the supply of printing services through to supporting natural disaster relief efforts.
- 4.68** The Committee is aware that closures and downsizings of correctional centres may result in a 'gap' in the services to their local communities. Where possible the Committee believes that Corrective Services NSW should facilitate the continued presence of inmates helping in these affected communities.

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<sup>174</sup> Submission 7, p 1.

<sup>175</sup> Submission 52, p 1.

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## Recommendation 5

That, where possible, Corrective Services NSW facilitate the continued presence of offenders helping in communities where correctional facilities have been closed or downsized.

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### *Government response to job losses*

**4.69** The evidence received by the Committee indicates strong criticism of the decision to downsize the Grafton Correctional Centre in respect of the impact that the downsizing would have on employment in the region and on the local economy. This section briefly discusses the concept of employing staff in ‘justice reinvestment’ roles to replace job losses from correction centres, and provides detail of the government response to job losses in the Clarence Valley.

**4.70** In its submission, the Law Society of NSW, noting that incarceration was an unsustainable way to deal with criminal offending, argued that savings to government arising from decisions to close or downsize correctional centres should be reinvested to community based justice initiatives to manage the impact of job losses:

Justice reinvestment redirects money spent on prisons to community based initiatives which aim to address the underlying causes of crime. Justice reinvestment has been successfully implemented in a number of states in the USA and has resulted in a decrease in prison population and recidivism. The impact of job losses from the closure of correctional centres could be minimised by the redeployment of staff to assist with justice reinvestment programs.<sup>176</sup>

**4.71** Dr John Paget, a lecturer at Charles Sturt University and former Assistant Commissioner, Corrective Services NSW, explained that ‘justice reinvestment’ was increasingly common around the world:

Prison closures and system downsizing are widespread across the Western world. This is frequently captured by the term Justice Reinvestment (or Realignment), which is concerned with diverting funds from prison construction and operation to more efficient and effective evidence-based intervention and services, primarily in community settings.<sup>177</sup>

**4.72** Federal Member for Page, Ms Janelle Saffin MP, commented that there was a strong need for government at all levels to develop strategies to drive job growth in the Grafton area:

My strategy would involve Clarence Valley Council and Federal and State government agencies supporting and strengthening the key industries of seafood (fishing and aquaculture), forestry, marine and transport.<sup>178</sup>

**4.73** The Committee invited NSW Trade and Investment to appear before it at a public hearing. That invitation was declined by the Department, which offered in the alternative to provide a

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<sup>176</sup> Submission 35, Law Society of NSW, p 1.

<sup>177</sup> Correspondence 21 December 2012: Dr John Paget, Lecturer, Charles Sturt University and former Assistant Commissioner, Corrective Services NSW, p 2.

<sup>178</sup> Submission 26, Ms Janelle Saffin MP, p 6.

written submission to the Committee. In its submission, NSW Trade and Investment indicated that the NSW Government had implemented a two pronged strategy in response to job losses in Grafton as result of the downsizing of the prison. Specifically these were relocating a number of public sector jobs to the area, and providing assistance to businesses in the region under the Northern Rivers Jobs Plan.<sup>179</sup> NSW Trade and Investment submitted that, as the State's economic development agency, it held a significant supporting role in the initiatives.

**4.74** NSW Trade and Investment advised that on 12 July 2012, subsequent to the 29 June 2012 announcement to downsize the Grafton Correctional Centre, the Premier announced an initiative, to be fulfilled by a subcommittee of Cabinet, which was to urgently identify public sector jobs that could be transferred to Grafton.<sup>180</sup>

**4.75** The Rural and Regional Sub-committee identified four proposals relocating 75 public sector jobs to Grafton as the first stage of the initiative. Thirty new positions were identified within Roads and Maritime Services to work on capital projects in the region; a further 45 positions within the Crown Lands Division of NSW (NSW Trade and Investment) were established to work on a project to accelerate disposal of 'paper' Crown roads.<sup>181</sup> NSW Trade and Investment submitted that implementation had already commenced:

Implementation of the Crown Lands relocation has commenced with stage one of recruitment. 23 of the 45 positions have been recruited with 21 people starting work on the week commencing 5 February 2013. All senior roles within the Grafton Business Centre have been filled; the remaining roles are all entry level staff, likely to be recruited locally.<sup>182</sup>

**4.76** NSW Trade and Investment also advised of the progress of the second stage of job relocations in its submission, noting that it was anticipated the roles could be filled locally:

A further 30 positions were identified as provisional business cases that would form the second stage of job relocations ... An initial assessment of the local labour market suggests that local supply can adequately fill the demand associated with the public sector functions and services proposed for relocation.<sup>183</sup>

**4.77** The Northern Rivers Jobs Plan was established in July 2012 to "address structural adjustment in the region and support businesses which create new and sustainable jobs in the region".<sup>184</sup> The Plan was funded with \$1m sourced from the Regional Industries Investment Fund.

**4.78** NSW Trade and Investment is responsible for administering the Plan, which provides direct grant assistance, payroll tax rebates under the Jobs Action Plan, and contributions to enabling infrastructure that can support new employment, to eligible businesses.<sup>185</sup> For a business to be

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<sup>179</sup> Submission 53, NSW Trade and Investment, p 2.

<sup>180</sup> Submission 53, p 1.

<sup>181</sup> Submission 53, p 1.

<sup>182</sup> Submission 53, p 2.

<sup>183</sup> Submission 53, p 2.

<sup>184</sup> Submission 53, p 2.

<sup>185</sup> Submission 53, p 2.

eligible under the Plan, it must: be located in the Northern Rivers region; demonstrate that they are viable; have at least two years trading experience; and demonstrate they are creating at least two new full-time equivalent jobs.<sup>186</sup>

- 4.79** NSW Trade and Investment advised that, as of March 2013, 79 new full time jobs will be supported under the Plan. The Department also advised that it is currently exploring other local job expansion projects and further grants to support job creation in the region.<sup>187</sup>
- 4.80** The Mayor of the Clarence Valley Council, Cr Richard Williamson, said that while there had been a number of public sector jobs created in the Clarence Valley, more were needed.<sup>188</sup> He also told the Committee that, while the Government's jobs plan, although welcome, covered a much larger area than just Grafton or the Clarence Valley.<sup>189</sup>

### *Committee comment*

- 4.81** The Committee acknowledges the efforts made by the Government to stimulate job growth in the northern rivers region through the public sector jobs initiative and the Northern Rivers Jobs Plan.
- 4.82** However, the Committee notes that these strategies were developed in the weeks after the decision to downsize the Grafton Correctional Centre was announced, and in the wake of community outrage at that decision. It appears that there was little consideration given to managing the resulting economic downturn that would flow from the decision to downsize the Grafton gaol prior to this.
- 4.83** The Committee also notes that while NSW Trade and Investment provided a submission explaining the subsequent job creation strategies, that submission did not contain detailed information relating to the projected impact of those strategies, nor the time within which they would be rolled out. Indeed, the Committee did not receive this information from any other government agency or stakeholder either.
- 4.84** The Committee recognises that the Government responded to community concerns about the downsizing of Grafton Gaol by reallocating appropriate functions and positions to the region.
- 4.85** In the Committee's view, it was foreseeable that the decision to downsize the Grafton Correctional Centre would result in significant economic impacts on the local community, the response of the Grafton community was also predictable.
- 4.86** In this context, the Committee considers that the Government should have engaged the community about the development and implementation of strategies to drive employment growth in the wake of the downsizing. This should have commenced prior to any announcement or implementation of the downsizing of the Grafton gaol.
- 4.87** The Committee considers that there may have been a greater level of community acceptance of the decision to downsize Grafton Correctional Centre if it had been engaged in a

<sup>186</sup> Submission 53, p 2.

<sup>187</sup> Submission 53, p 2.

<sup>188</sup> Cr Williamson, Evidence, 10 December 2012, pp 5-6.

<sup>189</sup> Cr Williamson, Evidence, 10 December 2012, p 8.

consultative process in which community members had the opportunity to contribute more actively toward strategies to develop the town's economy. The Committee considers that community owned, community driven initiatives, that are supported by government may have offered a better way forward.

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**Recommendation 6**

That the NSW Government co-ordinate and facilitate the development of economic growth strategies in rural and regional areas where a correctional centre is to be closed or downsized. The Government should engage with local communities and key stakeholders, including local government.

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- 4.88** The Committee has also had regard to the recommendation of the Law Society to pursue a policy of justice reinvestment which would redirect money spent on prisons to community based initiatives which aim to address the underlying causes of crime. The Committee notes the information provided by Dr Paget, which suggests that justice reinvestment is a common feature of decisions to close or downsize correctional centres.
- 4.89** The Committee considers that it is appropriate that a proportion of savings achieved as a result of decisions to close or downsize correctional centres be reinvested into local communities, and that those funds target the underlying causes of criminal offending.
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**Recommendation 7**

That the NSW Government commit a proportion of savings achieved in the closure or downsizing of correctional facilities to justice reinvestment programs. That, as part of its job creation strategy for the Clarence Valley, the NSW Government consider committing funds to justice reinvestment programs to be based in Grafton.

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## Chapter 5 Historical considerations and future use

This Chapter discusses the historical considerations of closing or downsizing facilities owned by Corrective Services NSW, with a particular focus on the issues arising in respect of the Grafton Correctional Centre. It also considers the future management and potential uses of closed or downsized Corrective Services facilities.

### Historical considerations

**5.1** The *Heritage Act 1977* imposes obligations on Government agencies to manage heritage listed assets on behalf of the community.<sup>190</sup> Some of the facilities recently closed or downsized, including Berrima, Parramatta and Grafton Correctional Centres, are listed under the *Heritage Act 1977*.

**5.2** Corrective Services NSW noted that it is responsible for the management of some of Australia's most significant heritage properties and, pursuant to the legislation, it retains a Heritage and Conservation Register that details each item of environment heritage that the agency owns or occupies.<sup>191</sup>

**5.3** Corrective Services NSW also noted that assets on its Register may form a part of the correctional centre or may be located at a correctional complex (and may not necessarily be the entire centre or complex).

**5.4** In relation to Grafton Correctional Centre, several Inquiry participants emphasised the importance of retaining the history of the site.<sup>192</sup> The Committee heard evidence that the correctional centre formed a part of the town's identity and history for over a century:

Grafton gaol has been part of this town since 1893 and part of our town's history. Many people from the community had a relationship within the gaol through employment of family and friends.<sup>193</sup>

**5.5** Inquiry participants Mrs Judith and Mr John Pullinger made a similar submission, commenting on the iconic nature of the prison in the context of the town's history:

Sydney has its harbour, the bridge and the Opera House. Grafton has the river, Jacarandas and its history. High on the list of historic buildings is the Grafton Gaol of which the Hoof Street facade is a classic example of its time and is a constant reminder of the history of the city.<sup>194</sup>

**5.6** The Grafton Branch of the Country Women's Association raised concerns that the closure of the correctional centre would result in the historically significant buildings being neglected:

<sup>190</sup> Submission 47, Corrective Services NSW, p 27.

<sup>191</sup> Submission 47, p 27.

<sup>192</sup> Submission 1, Grafton Branch Country Women's Association, p 1; Submission 7, Mr Doug Ensbey, p 1.

<sup>193</sup> Mr Stephen Jeffs, Public Forum, 10 December 2012, p 32.

<sup>194</sup> Submission 11, Mrs Judith and Mr John Pullinger, p 1.

The heritage value of the buildings, which without the necessity for use, will as we all know fall into a state of disrepair. Where are the details of the consideration of these buildings and the on-going maintenance.<sup>195</sup>

- 5.7** Commissioner Severin explained that the heritage considerations have a significant impact on the ability of Corrective Services to upgrade facilities:

Heritage listing has some inherent challenges for prison administrators because you can literally not touch the asset in a big way. You cannot sort of knock things over and replace them with something else. The visits area [at Grafton] ... was not conducive at all for positive family interaction.<sup>196</sup>

- 5.8** However, some stakeholders considered that the limitations imposed as a consequence of heritage listing was a less significant factor in the decision to downsize Grafton. For example, Cr Williamson, Mayor, Clarence Valley Council, said that the reasons he was provided with for the closure were primarily economic:

[T]he reasons were all economic reasons. There was also a reason given with regards to the age of this facility and what the department could do within the heritage listed area, but most of the explanations were all around the costs per prisoner per day and those costs being extraordinarily high.<sup>197</sup>

## **Alternative uses and future management of closed or downsized correctional centres**

- 5.9** Some Inquiry participants were concerned about how correctional centres that had been closed or downsized would be utilised and managed in the future. Concerns ranged from fear that the facilities would be left to fall into disrepair, to hopes that the historic facilities could be transformed to provide alternative employment opportunities for local communities, including tourism. For example, the Corrective Services NSW Retired Commissioned Officers' Association suggested that the Parramatta Correctional Centre could have been valuably utilised as a museum:

The Parramatta Correctional Centre had its own history of closures and reopenings, but if it has in fact been sold off, I think that a big opportunity has been missed to make good use of the Centre. In my opinion a fortune could have been made by the NSW Government by turning the Centre Into a Museum - not an artefact Museum like the one at Cooma, but more like a Museum for tourists to experience something similar to the Old Sydney Town project - like with re-enactments of prison life for example.<sup>198</sup>

- 5.10** Similarly, Justice Action suggested that Grafton gaol could be transformed into a tourist facility:

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<sup>195</sup> Submission 1, p 1.

<sup>196</sup> Mr Peter Severin, Commissioner, Corrective Services NSW, Evidence, 23 November 2012, p 10.

<sup>197</sup> Cr Richard Williamson, Mayor, Clarence Valley Council, Evidence, 10 December 2012, p 5.

<sup>198</sup> Submission 18, Corrective Services NSW Retired Officers Association, p 3.

Justice Action suggests that a way money could be brought back into Grafton gaol is by opening it to tourism. Grafton gaol is a historic building and is listed on the NSW State Heritage Register. The opening of the gaol to tourism could be used to not only exhibit the building but could be used to educate people about gaol procedures and provide a fascinating historical background.<sup>199</sup>

- 5.11** Some Inquiry participants noted that while operating, the historic correctional centres such as those at Berrima and Grafton were tourist attractions and that local communities had experienced a down-turn in tourism as a result of the closures. For instance, Mr Brett Dodds noted the interest in the Berrima facility as an operational gaol:

Berrima was and is a viable and secure Correctional Centre. I believe the Centre assisted the tourist trade as I believe that people came to Berrima to see the Gaol and it's beautiful gardens and also were fascinated that it was a working Gaol and were quite pleased to know of all the community work the inmates were involved in.<sup>200</sup>

- 5.12** Mr Doug Ensby noted that the historical value of the Grafton Correctional Centre was an attraction for visitors to the local area, as well as to the local community:

The historical aspect of the Gaol is also highly valued by the local community and tourists visiting the Clarence Valley.<sup>201</sup>

- 5.13** Cr Williamson, Mayor, Clarence Valley Council, told the Committee that, in his view, the facility should remain a correctional centre:

I think the ultimate outcome is that it remains a correctional facility. There is still potential as I understand it for that facility to continue to operate in some capacity. I think there is certainly capacity for the facility to be upgraded.<sup>202</sup>

- 5.14** Cr Williamson explained that the local council has a role to play if there are proposals to use the Grafton facility in other ways, including as a heritage centre, and commented that it should be engaged in the process of on-going management:

I think the council has a role to play with regards to any proposal that the department may bring forward with regards to heritage and certainly the streetscape of the facility. That image of the old part of the gaol is iconic and there are roles that the council could play should there be a proposal put to the council.<sup>203</sup>

- 5.15** Corrective Services NSW provided some information about how closed or downsized correctional facilities would be dealt with or managed in the future.

- 5.16** Parramatta Correctional Centre was handed over to the State Property Authority (SPA) on 23 March 2012.<sup>204</sup> The Committee did not receive information detailing the future management plans for the facility.

<sup>199</sup> Submission 25, Justice Action, p 5.

<sup>200</sup> Submission 16, Mr Brett Dodds, pp 2-3.

<sup>201</sup> Submission 7, p 1.

<sup>202</sup> Cr Williamson, Evidence, 10 December 2012, p 8.

<sup>203</sup> Cr Williamson, Evidence, 10 December 2012, p 5.

<sup>204</sup> Submission 47, p 19.

- 5.17** Corrective Services NSW advised that the Berrima Correctional Centre was in the process of being handed over to the State Property Authority when it was the subject of an Aboriginal Land claim, which has yet to be resolved.<sup>205</sup> Mr Kelly, Assistant Commissioner, Corrective Services NSW, told the Committee that there was potential for it to be used as tourist attraction, but noted that it would be a matter for the Authority to consider:

In the consultation with the community groups and residents association and other bodies during the closure, there was a lot of interest in that facility. You would appreciate it is like a small tourist facility off the main highway, a very historic precinct ... and the courthouse right next to it and Harpers mansion were all built at the same time and the community were very interested—more than being concerned about the closure, about what the future use of that facility would be. That is a matter for the State Property Authority.<sup>206</sup>

- 5.18** Corrective Services NSW submitted that the on-going maintenance budget for the Berrima Correctional Centre is \$80,000 for the 2012-13 financial year, which will provide services until the site is handed over.<sup>207</sup> Kirkconnell Correctional Centre site has been ‘mothballed’, with a budget of \$475,000 set aside in the 2012-13 financial year to provide security. Mr Severin explained that the facility would be held by Corrective Services NSW until a decision was made on what to do with it:

My understanding is that the maintenance costs were one-off costs in relation to going through the mothballing exercise because we obviously want to preserve that asset in case we need it to operate or the Government needs it for whatever purpose. Particularly from our interests it is in case we need it in the future. You need to actually bring it into a state where you can have it safely sitting there without having an issue ... There is no plan at the moment to recommission Kirkconnell, but I understand that the difference between Berrima and Parramatta and Kirkconnell is that Kirkconnell is a facility that we will continue to own and we will continue to maintain in order to have it available if we need it in the future ... There is no finite date at this point in time for it to be discontinued or to be used for any other purpose.<sup>208</sup>

- 5.19** Mr Severin told the Committee that although the Grafton Correctional Centre has been significantly downsized, it continues to operate as a reception and transient centre for inmates attending the court. He commented that it could, if needed, be used for minimum security inmates if required but that, at this stage, there were no such plans:

[Grafton] is a facility that I believe is still useful for minimum security inmates if indeed we have a demand in that particular classification group in that part of the State. That is why we are not going to divest ourselves of that asset ... It is within [the] context [of our broader blueprint for corrections in NSW to] identify where it would be useful to build new, decommission or reorganise operations such as the

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<sup>205</sup> Mr Brian Kelly, Assistant Commissioner, Metropolitan Region Corrective Services NSW, Evidence, 23 November 2012, p 7.

<sup>206</sup> Mr Brian Kelly, Evidence, 23 November 2012, p 7.

<sup>207</sup> Submission 47, p 19.

<sup>208</sup> Mr Peter Severin, Evidence, 23 November 2012, p 6.

minimum security area of Grafton. The short answer is certainly one that we will continue to maintain with a view to use it if indeed the need is there based on demand.<sup>209</sup>

- 5.20** Mr Severin told the Committee that Corrective Services NSW will continue to have a presence in Grafton and expressed a ‘commitment’ to supporting the community, albeit without ‘detailed plans’:

There is a role for Corrections in continuing to contribute to the community ... the community [has] an expectation that we continue contributing to the community through community service work projects. And, if we are looking at the minimum security area, that we are going to do that in the context of also organising mobile outreach camp work there ... [E]ven if we do not use the minimum security area, what scope there is to make those types of programs available to the community ... A lot of particularly regional communities very heavily rely on our support because often the work that our community partnership programs are doing cannot be done otherwise. We obviously are very careful that we do not displace small business in that context, but we just do work that councils want us to do or other community groups. So there are no detailed plans for that but certainly a commitment to continue supporting the community in the future through, if at all possible, increased community service type activities.<sup>210</sup>

## Committee conclusion

- 5.21** The Committee notes that there was limited information, beyond that provided by Corrective Services NSW, about the future management, including of heritage issues, in downsized or closed correctional facilities.
- 5.22** Those Inquiry participants that commented on the historical or heritage aspects of (Grafton and Berrima) correctional centres noted their significance and stressed the importance of preserving them. Some of these stakeholders suggested that these facilities could be developed to offer alternative employment to local communities as tourist destinations, with a focus on their historical and educational value. The Committee broadly concurs with these views.
- 5.23** Corrective Services NSW provided information about the future use of each facility closed or downsized in recent times. The Committee notes that management of the Parramatta Correctional Centre has been transferred to the State Property Authority, and that the Authority was in the process of receiving the Berrima facility when the latter became subject to an Aboriginal land claim which is yet to be finalised. The Committee received no evidence from the State Property Authority as to its intentions for the former Corrective Services properties now under its control. The Committee seeks to ensure that the Authority consults with the public as to the future management and care of these significant heritage properties, and expedites their adaptive re-use as soon as possible.

<sup>209</sup> Mr Peter Severin, Evidence, 1 March 2013, p 11-12.

<sup>210</sup> Mr Peter Severin, Evidence, 1 March 2013, p 14.

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**Recommendation 8**

That the State Property Authority consults widely in the formulation of management plans and options for adaptive re-use of former heritage Corrective Services properties, and expedites their adaptive re-use as soon as possible.

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- 5.24** The Committee also notes that Corrective Services NSW have ‘mothballed’ the Kirkconnell facility and that it is being maintained, pending a decision about its future use. The Committee agrees with this management approach.
- 5.25** In relation to Grafton, the Committee notes that the Correctional Centre is now operating at a reduced capacity, and is being utilised by Corrective Services NSW as a reception and transient centre (refer to 3.55). The Committee also notes that the Commissioner, Mr Severin, commented that although there are no immediate plans to recommission Grafton to increase the number of inmates housed there, it would be maintained as a reserve facility which could be used if minimum security inmate numbers increase in the region.
- 5.26** The Committee notes the comments of several stakeholders that correctional practice has progressed a long way since the 1800s, and that the design of modern correctional centres are far better equipped to deliver a range of rehabilitation opportunities to inmates.
- 5.27** Having visited the Grafton Correctional Centre, the Committee is of the view that the Centre, established in 1893, has passed its end of life date. While the Committee acknowledges that the minimum security section does offer newer facilities, we consider that the older part of the gaol is not appropriate for use as a correctional facility. The Committee considers that the local community should be engaged in its future management and use.
- 5.28** The Committee does, however, consider that there may be a need for a correctional facility in the Clarence Valley region. In this regard, the Committee notes the high numbers of indigenous offenders that were located at Grafton and the desirability of keeping these inmates close to Country and families. The Committee therefore recommends that, should there be a need to build new correctional centres to accommodate the inmate population, Corrective Services NSW give consideration to planning a new facility in the Clarence Valley region. The new facility should complement the minimum security section of the Grafton facility.
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**Recommendation 9**

That, should there be a need to build new correctional centres in the north of the State to accommodate the inmate population, Corrective Services NSW give consideration to planning a new facility in the Clarence Valley region. The new facility should complement the existing minimum security section of the Grafton facility.

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## Appendix 1 Submissions

No	Author
1	Mrs Judy Richardson AM
2	Mrs Joan and Mr Brian Carter
3	Mrs Margaret and Mr Jeff Ashenden
4	Name suppressed
5	Mr Wade Walker
6	Name suppressed
7	Mr Doug Ensbey
8	Mrs Carol Ordish
9	Mr Matt Bindley
10	Mr John Heffernan
11	Mrs Judith and Mr John Pullinger
12	Mr Mike Dougherty
13	Ms Carole Bryant
14	Ms Merye White
15	Ms Kassandra Watling
16	Mr Brett Dodds
17	Ms Christine Drayden-Thompson
18	Corrective Services NSW, Retired Commissioned Officers Association
19	Mr Stephen Jeffs
20	Mr Roy Ford
21	Ms Audrey Vreugdenhil
22	Ms Allison Sommer
23	Ms Julie Smith
24	Mr Gary Smith
25	Justice Action
26	Federal Electorate of Page
27	Name suppressed
28	Ms Wendy Kachel
29	Mr Anthony Craig
30	Clarence Valley Community Unions
31	Clarence Valley Council
32	Confidential

<b>No</b>	<b>Author</b>
33	Grafton and Lower Clarence Branches Country Labor
34	Name suppressed
35	The Law Society of New South Wales
36	Name suppressed
37	Mr Andrew Richards
38	Corrective Services Teachers Association
39	Grafton Chamber of Commerce and Industry
40	Unions NSW
41	Aboriginal Legal Service (NSW/ACT) Limited
41a	Aboriginal Legal Service (NSW/ACT) Limited
42	Grafton Physiotherapy and Sports Injuries Clinic
43	Prison Officers Vocational Branch, Public Service Association of NSW
44	Mr Craig Howe
45	The Nationals
46	Ms Kay Hughes
47	Corrective Services NSW
48	Name suppressed
49	Ms Carol-Anne Murphy
50	Ms Nicole Jess
51	Community Legal Centres NSW
52	Ms Rosalind Dale
53	NSW Trade and Investment

## Appendix 2 Witnesses

<b>Date</b>	<b>Name</b>	<b>Position and Organisation</b>
<b>Friday 23 November 2012</b> <b>Macquarie Room</b> <b>Parliament House</b>	Mr Peter Severin	Commissioner Corrective Services NSW
	Mr Brian Kelly	Assistant Commissioner, Metropolitan Region, Corrective Services NSW
	Mr Peter Peters	Assistant Commissioner, Office of the Commissioner and Human Resources, Corrective Services NSW
	Mr Glen Scholes	General Manager, Offender Management and Operations Corrective Services NSW
	Mr Mark Wilson	Chief Superintendent, Security, Corrective Services NSW
	Mr Matt Bindley	State Chairperson, Prison Officers Vocational Branch, Public Service Association NSW
	Mr Stewart Little	Senior Industrial Officer Public Service Association NSW
	Mr Chris Gulaptis MP	Member for Clarence NSW Parliament
	Mr John McKenzie	Chief Legal Officer Aboriginal Legal Service (NSW/ACT)
	Mr Chris Christodoulou	Assistant Secretary Unions NSW
<b>Monday 10 December 2012</b> <b>South Grafton Ex-Servicemen's</b> <b>Club</b>	Ms Kate Minter	Research Officer Unions NSW
	Cr Richie Williamson	Mayor Clarence Valley Council
	Mr Anthony King	President Clarence Valley Community Unions
	Ms Cassandra Packwood	Treasurer Clarence Valley Community Unions
	Mr Jeremy Challacombe	Councillor, Clarence Valley Council; Former President, Grafton Chamber of Commerce and Industry

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<b>Date</b>	<b>Name</b>	<b>Position and Organisation</b>
	Mr James Patterson	Executive Officer Grafton Chamber of Commerce and Industry
	Ms Sandy Stewart	President Grafton Chamber of Commerce and Industry
<b>Friday 1 March 2013</b> <b>Macquarie Room</b> <b>Parliament House</b>	Dr John Paget	Lecturer Charles Sturt University; former Assistant Commissioner, Corrective Services NSW
	Mr Peter Severin	Commissioner Corrective Services NSW
	Mr Brian Kelly	Assistant Commissioner, Custodial Corrections, Corrective Services NSW
	Mr Glen Scholes	Director, Custodial Operations, Security and Intelligence, Corrective Services NSW

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## Appendix 3 Participants at public forum

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<b>Date</b>	<b>Name</b>
<b>Monday 10 December 2012</b> <b>Grafton South Ex-Servicemen's Club</b>	Mr Stephen Jeffs
	Mr Andrew Richards
	Mr Anthony Craig
	Mrs Judy Richardson AM
	Mr Gary Smith
	Mr Craig Howe
	Mr Paul MacNamara
	Mrs Carol Ordish
	Mr Peter Ellem
	Ms Christine Drayden-Thompson
	Mr John Heffernan
	Mr John Pullinger

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## Appendix 4 Tabled documents

### Friday 23 November 2012

#### Public hearing, Macquarie Room, Parliament House

- 1 Email from Mr Chris Gulaptis MP to the Hon Greg Smith MP, Attorney General and Minister for Justice, dated 21 June 2012, *tendered by Mr Chris Gulaptis MP.*
- 2 Email from Chief of Staff, Office of the Attorney General and Minister for Justice to Mr Chris Gulaptis MP, dated 25 June 2012, *tendered by Mr Chris Gulaptis MP.*
- 3 Email from Mr Chris Gulaptis MP to the Deputy Premier, Mr Andrew Stoner MP and also the Hon Greg Smith MP, Attorney General and Minister for Justice, dated 27 June 2012, *tendered by Mr Chris Gulaptis MP.*

### Monday 10 December 2012

#### Public hearing, South Grafton Ex-Servicemen's Club, Grafton

- 4 Document 'Building Australia's Future Workforce', *tendered by Mr Anthony King, President, Clarence Valley Community Unions.*
- 5 PowerPoint presentation by Professor William Mitchell, 'Centre of Full Employment Equity: The Fragility of our Regions and the Role of the State' *tendered by Mr Anthony King, President, Clarence Valley Community Unions.*
- 6 Document 'Centre of Full Employment Equity: Impact on Community Services of Staff and Service Reductions, Privatisation and Outsourcing of Public Services in Australian States: Case Studies of Biosecurity and Primary Industry, Child Protection and Housing' June 2012, *tendered by Mr Anthony King, President, Clarence Valley Community Unions.*
- 7 Letter from Corrective Services NSW to all staff at the Grafton Correctional Facility, 'Message to all Grafton Staff', *tendered by Mr Gary Smith, public forum participant.*

## **Appendix 5 Answers to questions on notice**

The Committee received answers to questions on notice from:

- Corrective Services NSW
- Clarence Valley Council
- Grafton Chamber of Commerce and Industry
- Clarence Valley Community Union
- Prison Officers Vocational Branch, Public Service Association

## Appendix 6 Minutes

### Minutes No. 1

18 September 2012

Select Committee on the Closure or Downsizing of Corrective Services NSW Facilities  
Room 1153, Parliament House, Sydney at 2.05 pm

#### 1. Members present

Mr Green (Chair)  
Mr Borsak (Deputy Chair)  
Mr Clarke  
Ms Fazio  
Mr MacDonald  
Mrs Pavey  
Mr Veitch

#### 2. Establishment of the Committee

The Chair tabled the resolution of the House of 6<sup>th</sup> September 2012 establishing the Committee.

#### 3. Election of Deputy Chair

The Chair called for nominations for Deputy Chair.

Mr Veitch moved: That Mr Borsak be elected Deputy Chair of the Committee.

There being no further nominations, the Chair declared Mr Borsak elected Deputy Chair.

#### 4. Procedural Resolutions

Resolved, on the motion of Ms Fazio:

That, unless the Committee decides otherwise, the following procedures apply for the life of the Committee:

##### ***Filming, broadcasting and still photography of public proceedings***

That the Committee authorises the filming, broadcasting and still photography of the public proceedings of the Committee, in accordance with the resolution of the Legislative Council of 18 October 2007.

##### ***Publishing transcripts of evidence***

That the Committee authorises the publication of transcripts of evidence taken at public hearings.

##### ***Publishing answers to questions on notice***

That the Committee authorises the publication of answers to questions on notice.

##### ***Publishing submissions***

That the Committee authorise the publication of all submissions to the inquiry, subject to the Committee Clerk checking for confidentiality, adverse mention and other issues and, where those issues arise, bringing them to the attention of the Committee for consideration.

##### ***Media statements***

That media statements on behalf of the Committee may be made only by the Chair.

##### ***Inviting witnesses***

That arrangements for inviting witness are to be left in the hands of the Chair and the Committee Clerk, after consultation with the Committee.

## 5. Conduct of the Inquiry

The Committee noted the terms of reference and proposed timeline and discussed the conduct of the Inquiry.

Resolved, on the motion of Mr MacDonald: That the Committee report by 14 June 2013.

Resolved, on the motion of Ms Fazio: That a media release announcing the Inquiry and calling for submissions be issued by the Chair.

Resolved, on the motion of Ms Fazio: That the closing date for submissions be Wednesday 7 November 2012.

Resolved, on the motion of Ms Fazio: That the Committee write to the stakeholders identified on the attached list to invite them to make a submission, and that Members advise the Secretariat of any additional stakeholders to invite by 5.00 pm Thursday 20 September 2012.

Resolved, on the motion of Ms Fazio: That the inquiry and call for submissions be advertised in the *Sydney Morning Herald* and relevant regional papers, including *The Land*, *The Daily Examiner* (Grafton), the *Western Advocate* (Bathurst), the *Cessnock Advertiser*, the *Lithgow Mercury*, the *South Coast Register*, and the *Ulladulla Times* in the week commencing Monday 24 September 2012.

Resolved, on the motion of Ms Fazio: That the secretariat, in consultation with the Chair and the committee, initially seek to schedule two hearings in Sydney before the end of the year, on 23 November and 10 December 2012.

Resolved, on the motion of Ms Fazio: That the Committee require that answers to questions taken on notice taken during the hearings be provided to the Secretariat within 21 days.

## 6. Adjournment

The Committee adjourned at 2:14 pm, *sine die*.

Stewart Smith

**Clerk to the Committee**

## Minutes No. 2

13 November 2012

Select Committee on the Closure or Downsizing of Corrective Services NSW Facilities

Room 1153, Parliament House, Sydney at 1.34 pm

### 1. Members present

Mr Green (Chair)

Mr Borsak (Deputy Chair)

Mr Clarke

Mr MacDonald

Mrs Pavey

Mr Veitch

### 2. Previous minutes

Resolved on the motion of Mr Veitch: That Draft Minutes No.1 be confirmed.

### 3. Correspondence

The Committee noted the following items of correspondence:

#### *Received*

- 26 September 2012 – Email from Mr Michael Curley, Acting Assistant Director, Corporate Legislation and Parliamentary Support, Corrective Services NSW to secretariat regarding the scope of the Committee's Inquiry.
- 2 October 2012 – Letter from the Hon Scot MacDonald MLC to the Chair advising that his wife, Aileen MacDonald, is about to commence part time administrative work for the Department of Corrective Services in Armidale, for a six month role at this stage.

- 5 November 2012 – Email from Mr Chris Gulaptis MP, Member for Clarence, to the secretariat, asking to appear as a witness at the Committee’s hearing on Friday 23 November 2012.

**Sent**

- 20 September 2012 – From Chair to Mr Peter Severin, Commissioner, Corrective Services NSW, regarding employee participation in the Committee’s Inquiry.
- 28 September 2012 – From secretariat Director to Mr Michael Curley, Acting Assistant Director, Corporate Legislation and Parliamentary Support, Corrective Services NSW, regarding the scope of the Committee’s Inquiry.

**4. Submissions**

Resolved, on the motion of Mr MacDonald: That the Committee note that Submission Nos. 1-3, 5, 7-17, 19-31, 33-35, 37-42, 44-45 were published by the Committee Clerk under the authorisation of an earlier resolution.

Resolved, on the motion of Mr MacDonald: That the Committee authorise the publication of Submission Nos. 4, 6, 18, 27, 34 and 36 with the exception of the name and/or other identifying details of the author, which are to remain confidential.

Resolved on the motion of Mr Veitch: That the Committee authorise the publication of Submission No. 43 with the exception of those parts identified by the secretariat as containing confidential material or adverse mention.

Resolved, on the motion of Mr Veitch: That Submission No. 32 remain confidential.

**5. Site visit to Grafton**

Resolved, on the motion of Mr Veitch: That a site visit take place to Grafton departing from Sydney on the morning of Monday 10 December 2012 returning the same evening, at a charter flight cost of \$11,883.30. That the site visit include a tour of the Grafton Correctional Centre, a public hearing and/or public forum at an appropriate venue.

**6. Public hearings****6.1 Sydney hearing: Friday 23 November 2012**

Resolved, on the motion of Ms Pavey: That the Committee invite the following individuals and organisations to appear at its public hearing at Sydney on Friday 23 November:

- Mr Peter Severin, Commissioner, Corrective Services NSW
- Mr Matt Bindley, State Chairperson of the Prison Officers Vocational Branch of the Public Service Association
- Mr Chris Gulaptis MP, Member for Clarence
- Mr Phil Naden, CEO and Mr John Mackenzie, Chief Legal Officer, Aboriginal Legal Service NSW/ACT Ltd
- Mr Ron Woodham, former Commissioner, Corrective Services NSW
- Unions NSW.

**6.2 Grafton hearing: Monday 10 December 2012**

Resolved, on the motion of Mr Borsak: That the Committee invite the following individuals and organisations to appear at its public hearing at Grafton on Monday 10 December 2012:

- Cr Richie Williamson, Mayor, Clarence Valley Council
- Mr Jeremy Challacombe, President, Grafton Chamber of Commerce and Industry
- Clarence Valley Community Unions.

Resolved, on the motion of Mr Veitch: That any further suggestions for witnesses to the hearings to be held on Friday 23 November and Monday 10 December be provided to the secretariat no later than 5.00 pm on Friday 16 November 2012.

**6.3 Grafton public forum: Monday 10 December 2012**

Resolved, on the motion of Mr Veitch: That a public forum be held in Grafton on Monday, 10 December 2012 following the public hearing.

Resolved, on the motion of Mr Veitch: That in relation to the public forum to be held at Grafton on Monday 10 December 2012:

- the forum be advertised via a media release which will be sent to The Clarence Valley Daily Examiner, Corrective Services NSW, the PSA, and all submission-makers to date.
- forum participants should pre-register with the secretariat by 10 am on Monday 3 December 2012
- each participant be allocated 5 minutes to speak
- participants will not be required to be sworn, but their evidence will be protected by parliamentary privilege as it is a properly constituted committee proceeding
- members are requested not to ask questions of participants as this forum is intended to allow people to have their say on the matter.
- if the number of registered participants exceeds the time available for the forum, the secretariat will propose a selection of participants to the Committee.

**7. Adjournment**

The Committee adjourned at 1:52 pm until its public hearing at a time to be determined on Friday 23 November in the Macquarie Room at Parliament House.

Miriam Cullen

**Clerk to the Committee**

**Minutes No. 3**

23 November 2012

Select Committee on the Closure or Downsizing of Corrective Services NSW Facilities  
Macquarie Room, Parliament House, Sydney, 8.45 am.

**1. Members present**

Mr Green, *Chair*

Mr Borsak, *Deputy Chair*

Mr Clarke

Ms Fazio (from 10.18 am)

Mr MacDonald

Mrs Pavey

Mr Veitch

**2. Participating members**

The Chair advised that Hon Trevor Khan MLC would be attending the hearing as a participating member.

**3. Previous minutes**

Resolved on the motion of Mr Veitch: That Draft Minutes No.2 be confirmed.

**4. Correspondence**

The Committee noted the following items of correspondence:

***Received***

- 14 November 2012 – From Ms Ann Lewis conveying a request from the Hon Melinda Pavey that the Committee write to the NSW Coroner seeking the publicly available information on the death of Ian Klum at the Grafton Correctional Centre.

- 15 November 2012 – From the Hon Melinda Pavey suggesting that the Committee invite Mr Mal Brammer APM as a witness to its 23 November 2012 hearing and write to the Attorney General requesting a copy of the report into Corrective Services NSW prepared by Mr Brammer.
- 16 November 2012 – From Mr Brett Dodds (Submission 16) to the Committee secretariat asking whether the Committee will visit Berrima Correctional Centre and questioning the focus on Grafton.
- 20 November 2012 – From Ms Ann Lewis conveying a request from the Hon Melinda Pavey that the Committee invite Ms Kerry Doyle, Executive Director, Department of Trade and Investment, Regional Infrastructure and Services as a witness to the Committee's hearing on 23 November 2012.
- 23 November 2012 – From Chief of Staff, Office of the Hon. Greg Smith SC MP, advising the Attorney General will not be providing a copy of the report into Corrective Services NSW prepared by Mr Mal Brammer APM.

**Sent**

- 14 November 2012 – From Chair to Mr Peter Severin, Commissioner, Corrective Services NSW, regarding the Committee's site visit to Grafton Correctional Centre on Monday, 10 December 2012.
- 15 November 2012 – From Chair to Magistrate Mary Jerram, NSW State Coroner, requesting publicly available information from the inquest into the death of Ian Klum.
- 19 November 2012 – From Chair to former Commissioner Rod Woodham, requesting his attendance at the Committee's hearing on 23 November 2012.
- 19 November 2012 – From Chair to the Hon Greg Smith MP, Attorney General and Minister for Justice, requesting the release to the Committee of the Brammer Report into Corrective Services NSW.
- 20 November 2012 – From Chair to Mr Chris Gulaptis MP, Member for Clarence, advising that the Committee will be conducting a public hearing and a public forum in Grafton.

**5. Submissions**

The Committee has received 52 submissions to the Inquiry to date.

**5.1 Public submissions**

The Committee noted that Submission Nos. 46-47 and 49-52 were published by the Committee Clerk under the authorisation of an earlier resolution.

**5.2 Partially confidential submissions**

Resolved, on the motion of Mrs Pavey: That the Committee authorise the publication of Submission No. 48 with the exception of the name and/or other identifying details of the author, which are to remain confidential.

**6. Supplementary questions**

Resolved, on the motion of Mr Veitch: That for the duration of the inquiry, supplementary questions may be lodged with the secretariat up to two days following the hearing.

**7. Questions on notice**

Resolved, on the motion of Mr Veitch: That for the duration of the inquiry, witnesses be requested to return answers to questions taken on notice and supplementary questions within 21 days of the date on which the questions are forwarded to the witness.

**8. Public hearing – allocation of question time**

Resolved, on the motion of Mr MacDonald: That the timing of questioning for the hearing will be as follows: 20 minutes each for the Government, Opposition and Crossbench, with the remaining time divided equally by the Chairman.

## 9. Public hearing

Witnesses, the public and the media were admitted.

The Chairman made an opening statement regarding the broadcasting of proceedings and other matters.

The following witnesses were sworn and examined:

- Mr Peter Severin, Commissioner, Corrective Services NSW
- Mr Brian Kelly, Assistant Commissioner, Metropolitan Region, Corrective Services NSW
- Mr Peter Peters, Assistant Commissioner, Office of the Commissioner and Human Resources, Corrective Services NSW
- Mr Glen Scholes, General Manager, Offender Management and Operations, Corrective Services NSW
- Mr Mark Wilson, Chief Superintendent, Security, Corrective Services NSW.

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Mr Matt Bindley, State Chairperson, Prison Officers Vocational Branch, Public Service Association of NSW
- Mr Stewart Little, Senior Industrial Officer, Public Service Association of NSW.

The evidence concluded and the witnesses withdrew.

The public and the media withdrew.

Ms Fazio moved: That the Hon Trevor Khan not be a participating member of the Committee.

Question put and negatived.

Witnesses, the public and the media were admitted.

The following witness was sworn and examined:

- Mr Chris Gulaptis MP, Member for Clarence.

Mr Gulaptis tendered the following three documents:

- Email dated 21 June 2012, from Mr Chris Gulaptis MP to the Hon Greg Smith MP, Attorney General and Minister for Justice
- Email dated 25 June 2012, from Chief of Staff, Office of the Attorney General and Minister for Justice to Mr Chris Gulaptis MP
- Email dated 27 June 2012, from Mr Chris Gulaptis MP to the Deputy Premier, Mr Andrew Stoner MP and also Hon Greg Smith MP, Attorney General and Minister for Justice.

The evidence concluded and the witness withdrew.

The following witness was sworn and examined:

- Mr John MacKenzie, Chief Legal Officer, Aboriginal Legal Service.

The evidence concluded and the witness withdrew.

The following witnesses were sworn and examined:

- Mr Chris Christodoulou, Assistant Secretary, Unions NSW
- Ms Kate Minter, Research Officer, Unions NSW.

The evidence concluded and the witness withdrew.

**10. Acceptance and publication of documents tendered during public hearing**

Resolved, on the motion of Ms Fazio: That the Committee accept and publish the following documents tendered during the public hearing:

- Email dated 21 June 2012, from Mr Chris Gulaptis MP to the Hon Greg Smith MP, Attorney General and Minister for Justice
- Email dated 25 June 2012, from Chief of Staff, Office of the Attorney General and Minister for Justice to Mr Chris Gulaptis MP
- Email dated 27 June 2012, from Mr Chris Gulaptis MP to the Deputy Premier, Mr Andrew Stoner MP and also Hon Greg Smith, Attorney General and Minister for Justice.

**11. Further hearings**

Resolved, on the motion of Mr MacDonald: That Friday 1 March 2013 be set as a hearing date.

Resolved, on the motion of Mr MacDonald: That the Committee invite the following witnesses to its hearing on 1 March 2013:

- Hon Greg Smith MP, Attorney General and Minister for Justice
- Mr Peter Severin, Commissioner, Corrective Services NSW
- Dr John Paget, former Assistant Commissioner of Corrective Services NSW and lecturer at Charles Sturt University on correctional and justice issues
- Ms Kerry Doyle, Executive Director, Department for Trade and Investment, Regional Infrastructure and Services.

**12. Adjournment**

The Committee adjourned at 12.40 pm until Monday 10 December 2012, at 7.15 am at Bankstown Airport for a 7.30 am departure to Grafton.

Stewart Smith

**Clerk to the Committee**

**Minutes No. 4**

Monday 10 December 2012

Select Committee on the Closure or Downsizing of Corrective Services NSW Facilities  
Bankstown Airport, 7.15 am.

**1. Members present**

Mr Green, *Chair*

Mr Borsak, *Deputy Chair*

Mr Clarke

Ms Fazio

Mr MacDonald

Mrs Pavey

Mr Veitch

**2. Previous minutes**

Resolved, on the motion of Ms Fazio: That Draft Minutes No. 3 be confirmed.

### 3. Correspondence

The Committee noted the following items of correspondence:

#### *Received*

- 23 November 2012 – From Mr Damien Tudehope, Chief of Staff to the Hon Greg Smith MP, Attorney General and Minister for Justice, advising that the Attorney General would not be providing a copy of the Brammer Report into Corrective Services NSW (previously circulated).
- 3 December 2012 – Email from Ms Lyne Dobson, Grafton resident, advising that she would be unable to attend the public forum and elaborating on her submission (*attached*).

Resolved, on the motion of Ms Fazio: That the Committee write to the Attorney General requesting an explanation as to why the Brammer Report would not be released to the Committee.

### 4. Site visit – Grafton Correctional Centre

The Committee attended the Grafton Correctional Centre and was met by the following individuals:

- Mr Peter Severin, Commissioner, Corrective Services NSW
- Ms Bev Bennett, Senior Assistant Superintendent, Grafton Correctional Centre
- Mr Steve Cameron, Manager of Security, Grafton Correctional Centre
- Mr Stephen Kemp, Nurse Unit Manager, Grafton Correctional Centre
- Mr Nicholas Santucci, Adviser to the Attorney General and Minister for Justice, the Hon Greg Smith MP.

Resolved, on the motion of Ms Fazio: That the Committee write to Mr Peter Severin, Commissioner, Corrective Services NSW to thank him for facilitating the Committee's visit and for personally meeting the with the Committee at the Grafton Correctional Centre.

### 5. Public hearing – South Grafton District Ex-Servicemens Club

Resolved, on the motion of Ms Fazio: That the Committee require that answers to questions on notice taken during the hearing be provided to the secretariat within 52 days.

Witnesses, the public and media were admitted.

The Chairman made an opening statement regarding the broadcasting of proceedings and other matters.

The following witness was sworn and examined:

- Cr Richie Williamson, Mayor, Clarence Valley Council.

The evidence concluded and the witness withdrew.

The following witnesses were sworn and examined:

- Mr Anthony King, President, Clarence Valley Community Unions
- Ms Cassandra Packwood, Treasurer, Clarence Valley Community Unions.

Mr King tendered the following three documents:

- 'Building Australia's Future Workforce', tendered by Mr Anthony King, President, Clarence Valley Community Unions
- 'The Fragility of our Regions and the Role of the State', presentation by Professor William Mitchell, Centre for Full Employment and Equity, tendered by Mr Anthony King, President, Clarence Valley Community Unions
- 'Impact on Community Services of Staff and Service Reductions, Privatisation and Outsourcing of Public Services in Australian States: Case Studies of Biosecurity and Primary Industry, Child Protection and Housing', Centre of Full Employment Equity, June 2012, tendered by Anthony King, President, Clarence Valley Community Unions.

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Ms Sandy Stewart, President, Grafton Chamber of Commerce and Industry
- Cr Jeremy Challacombe, former President, Grafton Chamber of Commerce and Industry
- Mr James Patterson, Executive Officer, Grafton Chamber of Commerce and Industry.

The evidence concluded and the witnesses withdrew.

The public hearing concluded at 3.00 pm.

## 6. **Public forum - South Grafton District Ex-Servicemens Club**

The public and the media were admitted.

The Chair made an opening statement regarding the broadcasting of proceedings and the forum proceedings.

The following individuals appeared before the Committee:

- Mr Stephen Jeffs
- Mr Andrew Richards
- Mr Anthony Craig
- Mrs Judy Richardson AM
- Mr Gary Smith
- Mr Craig Howe
- Mr Paul MacNamara
- Mrs Carol Ordish
- Mr Peter Ellem
- Ms Christine Drayden-Thompson
- Mr John Heffernan
- Mr John Pullinger.

Mr Craig tendered the following document:

- 'Cigarette Smoke Exposure: Metropolitan Remand and Reception Centre'.

Resolved, on the motion of Ms Fazio: That the Committee decline to accept the document.

Mr Pullinger tendered the following document:

- 'Message to all Grafton Staff', letter from Corrective Services NSW to all staff at the Grafton Correctional Facility.

The public forum concluded at 4.10 pm. The public and the media withdrew.

Resolved, on the motion of Ms Fazio: That the Committee write to the Deputy Premier, Minister for Trade and Investment and Minister for Regional Infrastructure and Services, the Hon Andrew Stoner MP, requesting a copy of the North Coast Jobs Plan.

## 7. **Acceptance and publication of documents tendered during the public hearing and public forum**

Resolved, on the motion of Mr Veitch: That the Committee accept and publish the following documents tendered during the public hearing:

- 'Building Australia's Future Workforce', tendered by Mr Anthony King, President, Clarence Valley Community Unions
- 'Centre of Full Employment Equity' (PowerPoint presentation), tendered by Mr Anthony King, President, Clarence Valley Community Unions
- 'Centre of Full Employment Equity: Impact on Community Services of Staff and Service Reductions, Privatisation and Outsourcing of Public Services in Australian States: Case Studies of Biosecurity and

Primary Industry, Child Protection and Housing', tendered by Anthony King, President, Clarence Valley Community Unions

- 'Message to all Grafton Staff', letter from Corrective Services NSW to all staff at the Grafton Correctional Facility, tendered by Mr Gary Smith, public forum participant.

## 8. Adjournment

The Committee adjourned at 4.32 pm until its public hearing to be held in the Macquarie Room, Parliament House on Friday 1 March 2013.

Miriam Cullen

**Clerk to the Committee**

## Minutes No. 5

1 March 2013

Select Committee on the Closure or Downsizing of Corrective Services NSW Facilities  
Macquarie Room, Parliament House, Sydney, 8:41 am

### 1. Members present

Mr Green (Chair)

Mr Borsak (Deputy Chair)

Mr Clarke

Mr MacDonald

Mrs Pavey

Mr Veitch

### 2. Apologies

Ms Fazio

### 3. Previous minutes

Resolved on the motion of Mr Veitch: That Draft Minutes No.4 be confirmed.

### 4. Correspondence

The Committee noted the following items of correspondence:

#### *Received*

- 6 December 2012 – From Mr Peter Severin, Commissioner, Corrective Services NSW, advising arrangements in place for visit to Grafton Correctional Centre on Monday, 10 December 2012.
- 18 December 2012 – From Mr Phil Naden, Chief Executive Officer, Aboriginal Legal Service (NSW/ACT) Limited, providing a supplementary submission and advising that its members in Grafton would like to participate in a further hearing.
- 21 December 2012 - From Mr Peter Severin, Commissioner, Corrective Services NSW, providing answers to questions on notice and supplementary questions on notice from the hearing of 23 November 2012.
- 21 December 2012 – From Mr Peter Severin, Commissioner, Corrective Services NSW, clarifying some matters in the written submission and the evidence given at the hearing on 23 November 2012.
- 17 January 2013 – From the Hon Greg Smith SC MP, Attorney-General and Minister for Justice, advising the pending closure of the Metropolitan Special Programs Centre of the Long Bay Correctional Complex, relocation of staff and inmates and assessment of future uses for the facility.
- 30 January 2013 – From Mr Chris Haak, Senior Clerk, Coroner's Court of New South Wales, providing the publicly available information on the inquest into the death of Mr Ian Klum.

- 31 January 2013 – Mr James Patterson, Executive Officer, Grafton Chamber of Commerce and Industry, providing responses to questions on notice and supplementary questions on notice.
- 4 February 2013 – From Ms Kerry Doyle, Executive Director, Department of Trade and Investment, Regional Infrastructure and Services, declining the Committee's request to appear as a witness and offering to provide a submission.
- 8 February 2013 – Councillor Richie Williamson, Mayor, Clarence Valley Council, providing responses to questions on notice.
- 11 February 2013 – Mr Tony King, President, Clarence Valley Community Unions, providing responses to the supplementary questions on notice.
- 13 February 2013 – From the Hon Greg Smith SC MP, Attorney-General and Minister for Justice, explaining why he would not provide the Committee with the Brammer Report and declining the Committee's invitation to appear as a witness.
- 14 February 2013 – Councillor Richie Williamson, Mayor, Clarence Valley Council, providing responses to the supplementary questions on notice.
- 15 February 2013 – Mr Matt Bindley, State Chairperson, Prisoner Officers Vocational Branch, Public Service Association, providing responses to questions on notice which have been redacted.
- 19 February 2013 – From Mr Phil Naden, CEO, Aboriginal Legal Service, advising that the Aboriginal Legal Service does not wish to appear before the Committee again on 1 March 2013.
- 22 February 2013 – From Mr Ron Woodham PSM, declining the Committee's invitation to appear as a witness.
- 27 February 2013 – From Dr John Paget, Lecturer, Charles Sturt University and former Assistant Commissioner, Corrective Services NSW, providing further information in advance of his appearance at the Committee's hearing.

***Sent:***

- 20 December 2012 – From Chair to the Hon Greg Smith MP, Attorney General and Minister for Justice, requesting his reasons for not providing a copy of the Brammer report to the Committee and inviting him to appear as a hearing witness along with Mr Peter Severin, Commissioner, Corrective Services NSW on 1 March 2013 at Parliament House.
- 20 December 2012 – From Chair to Mr Peter Severin, Commissioner, Corrective Services NSW, thanking him for facilitating the Grafton Correctional Centre visit and inviting him to appear as a witness on 1 March 2013 at Parliament House.
- 20 December 2012 – From Chair to the Hon Andrew Stoner MLC, Deputy Premier, requesting a copy of the North Coast Jobs Plan referred to in the hearing transcript from 10 December 2012.
- 4 February 2013 – From Chair to Mr Phil Naden, Chief Executive Officer, Aboriginal Legal Service, clarifying whether the Grafton Branch of the Aboriginal Legal Service was seeking to appear before the Committee at its next hearing.
- 4 February 2013 – From Chair to Mr Ron Woodham, former Commissioner, Corrective Services NSW, inviting his participation in the Committee's hearing on Friday 1 March 2013.

Resolved, on the motion of Ms Pavey: That the information received from the Coroner's Court of New South Wales remain confidential

**5. Submissions**

Resolved, on the motion of Mr Veitch: That the Committee note that Supplementary Submission No. 41a was published by the Committee Clerk under the authorisation of an earlier resolution.

**6. Report deliberative date**

Resolved, on the motion of Mr Veitch: That the report deliberative be held on Thursday, 6 June 2013 at 9.30 am at a location to be confirmed.

**7. Public Hearing**

Witnesses, the public and the media were admitted.

The Chairman made an opening statement regarding the broadcasting of proceedings and other matters.

The following witness was sworn and examined:

Dr John Paget, Lecturer.

The evidence concluded and the witness withdrew.

The following witnesses were examined under an earlier oath:

Mr Peter Severin, Commissioner, Corrective Services NSW

Mr Brian Kelly, Assistant Commissioner, Custodial Corrections, Corrective Services NSW

Mr Glen Scholes, Director Custodial Operations, Security and Intelligence, Corrective Services NSW.

The evidence concluded and the witnesses withdrew.

The public and the media withdrew.

**8. Supplementary questions**

Resolved, on the motion of Mr Borsak: That supplementary questions are to be lodged with the secretariat by 5.00 pm on Tuesday 5 March 2013.

**9. Adjournment**

The Committee adjourned at 10.51 am until Thursday 6 June 2013 at 9:30 am for the report deliberative.

Miriam Cullen

**Clerk to the Committee**

**Draft Minutes No. 6**

11 June 2013

Select Committee on the Closure or Downsizing of Corrective Services NSW Facilities

Room 1254, Parliament House, Sydney, 3:05 pm

**1. Members present**

Mr Green (Chair)

Mr Clarke

Ms Fazio

Mr MacDonald

Mrs Pavey

Mr Veitch

**2. Apologies**

Mr Borsak (Deputy Chair)

**3. Previous minutes**

Resolved on the motion of Mr Veitch: That Draft Minutes No.5 be confirmed.

**4. Correspondence**

The Committee noted the following items of correspondence:

***Received***

- 20 March 2013 – From Mr Mark Paterson AO, Director General, NSW Trade and Investment confirming Ms Kerry Doyle's departure from the position of Executive Director, Innovation and

Industry Policy, declining the invitation for her appearance as a hearing witness and providing a written submission to the Committee instead.

- 1 April 2013 – From Mr Anthony Craig, State Secretary Democratic Labor Party NSW requesting an update on the inquiry and asking whether the Committee would be visiting Lithgow or Bathurst.
- 2 April 2013 – From Mr Peter Severin, Commissioner, Corrective Services NSW, providing responses to questions taken on notice and a supplementary question taken on notice, following the hearing 1 March 2013 (*previously circulated*).

Resolved, on the motion of Ms Fazio: That the Chair write to Mr Craig, advising him that due to the reporting date for the Inquiry, it is not feasible for the Committee to visit the Lithgow or Bathurst region.

## 5. Submissions

The Committee noted that Submission No. 53 was published by the Committee Clerk under the authorisation of an earlier resolution.

## 6. Consideration of Chair's draft report

The Chair submitted his draft report entitled, *The closure or downsizing of Corrective Services NSW facilities*, which having been previously circulated, was taken as being read.

Chapter 1 read.

Resolved, on the motion of Mr Veitch: That Chapter 1 be adopted.

Chapter 2 read.

Resolved, on the motion of Ms Fazio: That Chapter 2 be adopted.

Chapter 3 read.

Resolved, on the motion of Mr Macdonald: That the words 'the Honourable Eric Roozendaal MLC' be inserted before the word 'confirmed' in paragraph 3.30.

Resolved, on the motion of Mr Macdonald: That in paragraph 3.32, the words '(announced on 6 September 2011)' be inserted after the word 'Parramatta'; and that the words '(announced on 29 June 2012)' be inserted after the word 'Grafton'.

Ms Fazio moved: That the following Committee Finding be inserted after paragraph 3.66:

### **'Committee Finding**

The Committee finds that the decision to downsize the Grafton Correctional Centre in a different manner to Berrima, Kirkconnell and Parramatta has not been justified or explained by the Government and has resulted in unresolved questions about the downsizing in the workforce and the Grafton community.'

Question put.

The committee divided:

Ayes: Ms Fazio, Mr Veitch.

Noes: Mr Clarke, Mr Green, Mr Macdonald, Ms Pavey.

Question resolved in the negative.

Mr Macdonald moved: That paragraph 3.78 be deleted.

Question put.

The Committee divided.

Ayes: Mr Clarke, Mr Macdonald.

Noes: Ms Fazio, Mr Green, Ms Pavey, Mr Veitch.

Question resolved in the negative.

Resolved, on the motion of Mr Macdonald: That the words 'the community was' be omitted from paragraph 3.111, and insert instead the words 'many in the community felt that they were'.

Resolved, on the motion of Ms Fazio: That the word 'the' be omitted and insert instead the word 'some' before the word 'community' in paragraph 3.112.

Mr Macdonald moved: That the word 'poor' be omitted from paragraph 3.113, and insert instead the word 'minimal'.

Question put.

The Committee divided.

Ayes: Ms Fazio, Mr Green, Ms Pavey, Mr Macdonald, Mr Veitch.

Noes: Mr Clarke.

Question resolved in the affirmative.

Resolved, on the motion of Ms Fazio: That Chapter 3, as amended, be adopted.

Chapter 4 read.

Resolved, on the motion of Mr Veitch: That paragraph 4.12 be amended by omitting the word 'appalled', and insert instead the word 'concerned'; and by omitting the word 'only' and insert instead the words 'and would be appalled if they were'.

Ms Fazio moved: That paragraph 4.14 be amended by inserting the word 'staffing' before the word 'decisions'; by omitting the word 'are' after the word 'decisions' and insert instead the word 'were'; and by inserting the words 'apparent attachment to a' before the words 'larger strategic plan'.

Question put.

The Committee divided.

Ayes: Ms Fazio, Mr Green, Ms Pavey, Mr Macdonald, Mr Veitch.

Noes: Mr Clarke.

Question resolved in the affirmative.

Resolved, on the motion of Mr Macdonald: That the words 'be considered' be inserted after the words 'family members' in paragraph 4.37.

Resolved, on the motion of Mr Macdonald: That the word 'significant' be omitted from paragraph 4.60.

Ms Fazio moved: That the following new sentence be inserted into paragraph 4.83 after the first sentence:

'The projected 45 positions from the Crown Lands Division of the Department of Trade and Investment being relocated to Grafton will come from other rural and regional areas.'

Question put.

The Committee divided.

Ayes: Ms Fazio, Mr Veitch.

Noes: Mr Clarke, Mr Green, Mr Macdonald, Ms Pavey.

Question resolved in the negative.

Mr Macdonald moved: That paragraph 4.84 be deleted, and insert instead the following paragraph:

'The Committee recognises that the Government responded to community concerns about the downsizing of Grafton Gaol by reallocating appropriate functions and positions to the region.'

Question put.

The Committee divided.

Ayes: Mr Clarke, Mr Green, Mr Macdonald, Ms Pavey.

Noes: Ms Fazio, Mr Veitch.

Question resolved in the affirmative.

Ms Fazio moved: That the following sentence be inserted after the first sentence of paragraph 4.84:

‘The Committee notes that the long term existence of the 75 public sector jobs being relocated to Grafton is not guaranteed.’

Question put.

The Committee divided.

Ayes: Ms Fazio, Mr Veitch.

Noes: Mr Clarke, Mr Green, Mr Macdonald, Ms Pavey.

Question resolved in the negative.

Resolved, on the motion of Mr Macdonald: That Recommendation 7 be amended by omitting the word ‘commit’ before the word ‘funds’, and insert instead the words ‘consider committing’.

Resolved, on the motion of Mr Macdonald: That Chapter 4, as amended, be adopted.

Chapter 5 read

Resolved, on the motion of Ms Pavey: That Recommendation 9 be amended by inserting the words ‘in the north of the State’ after the words ‘correctional centres’; and by inserting the word ‘existing’ before the words ‘minimum security’.

Resolved, on the motion of Mr Veitch: That Chapter 5, as amended, be adopted.

Resolved, on the motion of Ms Fazio: That all the recommendations be adopted, as amended.

Resolved, on the motion of Mr Veitch: That the draft report, as amended, be the report of the Committee and that the Committee present the report to the House.

Resolved, on the motion of Mr Veitch: That the transcripts of evidence, submissions, tabled documents, answers to questions on notice and to supplementary questions, minutes of proceedings and correspondence relating to the inquiry, be tabled in the House with the report; and

That upon tabling, all transcripts of evidence, submissions, tabled documents, answers to questions on notice and to supplementary questions, minutes of proceedings and correspondence to the inquiry not already made public, be made public by the Committee except for those documents kept confidential by resolution of the Committee.

Resolved, on the motion of Ms Fazio: That any dissenting reports be provided to the Secretariat within 24 hours after the draft minutes have been circulated to members.

## 7. Adjournment

The Committee adjourned at 4.15 pm.

Vanessa Viaggio

**Clerk to the Committee**

## Appendix 7 Dissenting statement

### **The Hon Amanda Fazio MLC and The Hon Mick Veitch MLC, Australian Labor Party**

The Opposition members of the Select Committee agree with most aspects of the report and support the recommendations. We believe that the following finding should have been included in the report after paragraph 3.66:

#### **Committee Finding**

The Committee finds that the decision to downsize the Grafton Correctional Centre in a different manner to Berrima, Kirkconnell and Parramatta has not been justified or explained by the Government and has resulted in unresolved questions about the downsizing in the workforce and the Grafton community.

We have some concerns about the Government's announced job growth of 79 positions in the Clarence Valley which they claim is to compensate for the job losses caused by the downsizing of the Grafton Correctional Centre.

It should be noted that the projected 45 positions from the Crowns Lands Division of the Department of Trade and Investment being relocated to Grafton will come from other rural and regional areas in NSW.

Additionally, there is no guarantee that the 79 public sector jobs being relocated to Grafton will exist in the long term.

Further, the public service positions re-located to Grafton did not accommodate the skill-sets of Corrections NSW employees displaced by the decision to down-size the Grafton facility.

The Government's response to driving economic growth in Grafton was a kneejerk reaction which was formulated in the context of increasing community anger at the manner in which the decision to downsize Grafton Correctional Centre was implemented.