

CESC18/01103

13 June 2018

The Hon Robert Borsak
Chairman
Legislative Council Portfolio Committee No. 4 – Legal Affairs
NSW Parliament House
Macquarie Street
SYDNEY NSW 2000

Dear Mr Borsak

I refer to the Committee's Inquiry into Parklea Correctional Centre and Other Operational Issues and the hearing on 18 May 2018 at which the Commissioner and other representatives of Corrective Services NSW appeared.

Thank you for the opportunity to view the transcript of proceedings and respond to the Committee's questions.

Please find attached the following documents:

- 1) Suggested corrections to the transcript of proceedings on pages 23, 25, 28, 31, 32, 35, 36, 37, 38, 39, and 40;
- 2) Answers to the Committee's questions taken on notice on 18 May; and
- 3) Answers to the Committee's supplementary questions received on 23 May.

During the proceedings on 18 May the Committee also requested copies of (i) the contracts for the operation of Parklea and Junee Correctional Centres; and (ii) the 2017 Wellbeing Review Report into Parklea Correctional Centre prepared by Corrective Services NSW and The Geo Group's Remedial Action Plan prepared in response to that report.

The original Operating Agreement and Schedules for Parklea Correctional Centre and the original Management Agreement and Schedules for Junee Correctional Centre are available on the Department of Justice's website via the link:
http://www.correctiveservices.justice.nsw.gov.au/Pages/CorrectiveServices/related-links/doing-business-with-csnsw/class_3_contract_documents.aspx

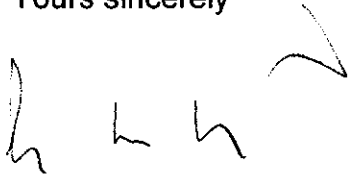
The documents include some redactions of confidential and sensitive security-related and commercial information. Should the Committee wish to see any of the redacted material on a confidential basis, I would be willing to consider requests for specific information on a case-by-case basis.

Please note that there have been some amendments to these agreements over time to facilitate requirements outlined in our Inquiry submission, such as changes to inmate numbers, staff deployment and the like. These amendments are not included with the original agreements and can be made available on a redacted basis if required.

In relation to the 2017 Wellbeing Review Report and The GEO Group's Remedial Action Plan, these documents contain a large amount of detailed information that, if released, could compromise the centre's security and community safety.

For this reason, I respectfully request that the Committee rely upon the summary of the Wellbeing Review's findings and the remedial action plan in our Inquiry submission.

Yours sincerely

A handwritten signature in black ink, appearing to read 'L. Grant', with a large, stylized flourish extending to the right.

LUKE GRANT
ACTING COMMISSIONER

Encl.

REPORT ON PROCEEDINGS BEFORE

PORTFOLIO COMMITTEE NO. 4 – LEGAL AFFAIRS

**PARKLEA CORRECTIONAL CENTRE AND OTHER
OPERATIONAL ISSUES**

Friday 18 May 2018

Corrective Services NSW

responses to Questions on Notice

from uncorrected proof

GLEN SCHOLES, Director, Custodial Corrections North, Corrective Services NSW, sworn and examined

KEVIN CORCORAN, Assistant Commissioner, Custodial Corrections, Corrective Services NSW, sworn and examined

PETER SEVERIN, Commissioner, Corrective Services NSW, sworn and examined

JAMES KOULOURIS, Assistant Commissioner, Governance & Continuous Improvement, Corrective Services NSW, sworn and examined

GAYLE ROBSON, Commissioner's Chief of Staff, Corrective Services NSW, affirmed and examined

The CHAIR: Would you like to make an opening statement?

Mr SEVERIN: I would like to take the opportunity to make a few opening remarks. I will start with the team that is with me here today: Assistant Commissioner Corcoran is responsible for the Rapid-Build Prisons program and the benchmarking program; Director Scholes is very much at the operational level, heavily involved in the benchmarking program as well as being the director responsible for both of the Rapid-Build prisons operations; my Chief of Staff Gayle Robson is particularly involved with the benchmarking program; and Assistant Commissioner Koulouris is responsible for the contract management, contract monitoring, anything to do with the Parklea operation and the operation of other privately managed facilities and other contracts in corrective services in New South Wales.

I want to highlight a couple of the challenges and initiatives that Corrections has faced in recent times. Most of this has been broadly reported, so I will not go into too much detail. But we certainly know that we have experienced significant and quite unprecedented growth in prisoner numbers over the past three to four years. That growth is continuing to present a challenge for us. Fortunately, we have been provided with several significant capital and recurrent funding to meet this demand increase: \$3.8 billion in total—\$2.44 billion in the construction program and the remaining for the operation of the expanded capacity. We are in the process of delivering those beds in many institutions. One of them is, of course, Parklea. No doubt, it is fair to say that the construction occurring in Parklea is one of the most complex of all of the programs expansions that we are currently undertaking. The Rapid-Build facilities are a part of this program as well and have been delivered in record time late last year and earlier this year.

In parallel, we have continued to look at our operations internally for no other reason than to ensure that we can say with confidence that we have a system that delivers good value of money for the people of New South Wales, that meets the targets that we are setting to improve performance, that is focused on good practice, and that is very much in line with what we established internally as representing the best practice outcomes that we can possibly ask for under the circumstances. That is the benchmarking program and I will make some comments about it in a second. Overall we are also focusing very strongly on reducing reoffending. Ultimately, we have a role to play in that and we consider that a number of the initiatives that we have embarked on—particularly the increase in programs, the increase in community-based supervision and capacity and capabilities—are testimony to the fact that we are on the right path.

While it is too early to draw any final conclusions, I remain confident that the initiatives that we have taken are going to prove that this is a successful way of addressing the recidivism rate in the State. I would like to acknowledge at the earliest possible time the amazing work that our staff do, day in and day out, at all levels of the organisation—in this particular case, in our prisons. Every rank of staff member—regardless of Correctional Officer right through to Governor and public or private—is doing a sterling job to ensure that the community is safe. I want to formally acknowledge that because all too often we tend to focus on the micro, and that involves the time when staff have to make very tough decisions and really put their lives on the line in many cases. I just want to acknowledge the outstanding work that they are doing.

What I also need to be clear about is that we obviously will focus very strongly on fact. We cannot deal with perceptions, or personal opinion or philosophy. So when it comes to some of the details of our evidence, I point out that we will always try to, as much as it is at all possible, focus on the facts of the matter and hopefully be able to back that up with evidence, with data. In that regard we are very open to share that data with the Committee.

Parklea, very quickly: Privatisation in general we believe is still a very good and solid concept of managing corrections. It has proven to be successful. It is not done because we want to support the drive to the bottom. It is not done because we need to save money. It is done because in the first instance it enables the system to have a mixed provider environment; it enables the system to introduce new practice. And we are seeing a little bit of that today with some of the technologies that the GEO Group has brought to the table which we have adopted. Likewise there is equally as much cross-reference from the public to the private sector as there is from the private to the public sector.

I firmly believe—and have been involved in this private sector involvement in Australian prisons since the early 1990s—that there is a place for the private sector to play. It comes down to accountabilities and how well the State monitors the performance of the private sector, because ultimately you can contract the operation of a centre out but you cannot contract out the ultimate accountability of a centre to a private sector operator—that will always remain with the Crown. In that context I believe that we have a quite robust system here in New South Wales, which we are improving on. No doubt with the new tender and with the new contract it is a different framework which will increase the performance focus and the ability to monitor that performance in an even more meaningful way.

There has been a perception that private sector operators are under a lower level of scrutiny and a lower level of having to be accountable for what they do. That is simply wrong. The private sector, if anything, is not only required to report and account to us for its actions every step of the way—as does the public sector—but the reality is we have onsite monitors seven days a week, between 12 and 16 hours a day, who monitor the performance of the operator in situ and obviously report accordingly.

Parklea is a very complex operation, as Committee members would no doubt have seen this morning. I mentioned to some of you that I am very pleased that you chose to go to visit the centre first, because I do not think there is anything stronger than to actually get a visual impression and see firsthand what is happening out there. It is a large centre. It has a very complex group of inmates to deal with. At this point in time—fortunately that will only be a temporary issue—we are in the middle of a major building program at that facility.

We have had reason to intervene in the operation of Parklea, as has been well reported, and I do not make any apologies for that. There were reasons that led me to decide to exercise that option under the contract to send a senior team in to have a look at the operation in far more detail than we normally would do, to do a very deep dive into every aspect of the operation. I think that has been a good exercise, because fundamentally the GEO Group has adopted the recommendations that came out of the review. It was very granular, it was very detailed, and they have made changes to the way they operate the centre.

We are currently involved in the retender of the Parklea Correctional Centre contract. So the Committee is aware, the GEO Group did not make it through the first round, which is an expression of interest [EOI] round. That is not because of any performance related issues. They simply did not provide an expression of interest that was as strong as that of their competitors. Obviously for probity reasons we need to play this straight down the line. There are strict separations between people who are operationally responsible for the day to day running of Parklea and those who undertake the procurement process for the future operation of the Parklea Correctional Centre. In that regard I personally satisfied myself, even though I am not on the evaluation group that this was a very fair recommendation made to the board that presided over the scrutiny of this process and then will make a recommendation to the Minister in relation to the EOI short listing.

As we speak we are renegotiating the contract for June Correctional Centre with the GEO Group, so I think that is testimony to the fact that it is not simply about the GEO Group. It is about making sure we get the best operator for our correctional facilities that are currently being operated by the private sector. We will introduce a very new accountability framework. That will be the same for public and private sector prisons. It will have key performance indicators [KPIs] and targets that are based on the role and function of individual correctional centres that these centres have to meet.

These accountability outcomes will be published, so there will be a quarterly publication that will compare the performance of all centres across New South Wales, obviously based on their role and function based on the cohort of prisoners they are accommodating. There will be different targets but nevertheless they would moderate it to a point where you can draw conclusions between public and private. The transition of the current to a new operator is very complex. It is not something that you would like as a commissioner to do every day. I am confident we will manage that as well as we can. I am personally involved in that process at the more senior executive level. The

GEO Group at this point in time has been very reliably responding to the requirements for transitioning out of the current contract.

Briefly on Rapid Build Prisons, it is a very new concept and one that we were carefully researching right across the world. It was complex planning. The research involved many reference points. I think we can say that following risk assessments and international validation of our concept we realised the fastest procurement of any correctional maximum security infrastructure ever undertaken from the day we turned the sod to the day we got the keys to the facility was 12 months.

That has never been done before. To this point we have had six months of operational experience at the Macquarie facility and four months of operational experience at the Hunter facility, which I understand the Committee will be visiting later this year. The early indications are very positive, as outlined in our submission and as we will no doubt hear from my colleagues later this afternoon. We have a very differently structured day. We have a much greater focus on work and education. It is a de-institutionalisation process. I refer you to the testimonials we have in our submission from both staff and prisoners.

Benchmarking. As I mentioned earlier, the objective is to ensure good value for money, to make sure that we can say, hand on heart, that our system is as efficient and effective as we can possibly make it at this point in time. There is a perception—certainly it has been held by our industrial union and others—that this is simply a race to the bottom, a cutting of staff and a saving of money. It is not. It is a lot more than that.

This was always going to be complex. This was always going to be controversial in many quarters. That is why we have engaged in the most comprehensive consultation with staff—and we are more than happy to talk about that—as we move forward. The consultation is very intensive and it is well documented. I think we can say that there is little more that can be done to ensure that we get the best outcome that we can possibly get, and that everybody can live with it at the end of the day. In those centres that have gone through it and have implemented it, early signs are quite positive. I will leave opening comments at that, and thank the Committee for the opportunity to give evidence.

The Hon. DAVID CLARKE: Do you want to expand on what you are doing to ensure a smooth transition of the Parklea Correctional Centre to a new operator? In particular, take on board the issue of staff. What is going to happen there?

Mr SEVERIN: I will do that. I will answer your question but I just need to preface my response with the fact that we are in the middle of a tendering process. So there are parts of information that I simply cannot talk about for probity reasons. However, I can say that we have made a significant effort to engage with staff, including me writing to staff and meeting with the GEO group. The group has now put on an HR expert, so there is a one-voice response that staff are getting from the GEO group in terms of their future.

I am very pleased to say that, at this point in time, we have a strong indication from all three proponents that they are not simply looking at continuing to employ the lower-level staff but even management. So there is no ready-made workforce out there waiting to walk into a prison and take it over. That is a very important fact to realise. The best outcome in terms of staff transition for me is that it is simply a changing of a uniform at the stroke of midnight on the day when the new contract kicks in. Anything back from that is what we are working on.

I know that one of the proponents is in the process of getting permission from us to actively engage with staff. The others may choose to do that at this point in time or they may choose to do it later at a point when they might be a preferred tenderer. That is up to them. It is important for us that we have the smoothest transition from the current operation to the new operation. That includes having as many staff retained as possible.

The Hon. DANIEL MOOKHEY: As a follow up to that question, what does that mean for the industrial conditions and entitlements of existing staff? Is it the view that the new operator is going to assume the existing industrial agreements that prevail out there? From the perspective of a person who works at the prison, are they likely to be experiencing any pay loss, pay reduction or alteration in conditions of any form? Is that another thing which is continuous or is it not yet resolved?

Mr SEVERIN: I can answer that in principle, however it is obviously between the employer and the employee. It is not the State which dictates the awards or is involved in, or is party to, any award negotiations—

The Hon. DANIEL MOOKHEY: Sorry, Commissioner. There are examples of public sector

contracts that are outsourced that do contain reference to the industrial conditions, for which the State does take liability. They exist in New South Wales and interstate. It might be the case that in respect of this contract—as in the existing one with the incumbent provider—no such provision exists in the contract. Is that the case?

Mr SEVERIN: I can only refer to the current contract.

The Hon. SCOTT FARLOW: This is the 2009 contract that was signed by John Robertson of the Labor Party.

The Hon. DANIEL MOOKHEY: That is fine; I understand that. Your point is well made, Scott.

Mr SEVERIN: I understand that the current situation—Ms Robson might be able to give more detailed information—is that the enterprise bargaining agreement comes to an end and there are currently proceedings in front of Fair Work Australia to enter into a new agreement. However, the GEO Group can only enter into a new agreement until the contract concludes because then they are not the employer anymore. So the industrial mechanisms are clearly covered by Fair Work Australia.

The Hon. DANIEL MOOKHEY: That is the award.

Mr SEVERIN: Then there is an enterprise bargain [EB], as I understand it.

Ms ROBSON: Yes. GEO have enterprise agreements in place covering Parklea. The Commissioner is correct: that agreement expires later this year. We understand that GEO are in discussion with staff and unions that have—

The Hon. DANIEL MOOKHEY: As a condition of your contract tender for the new round, have you included a minimum benchmark upon which all tenderers have to comply, or are we to assume that that is the award? Have you specified as a condition of tender what a labour arrangement is?

Mr SEVERIN: We do not describe to the contractor in the future what conditions they have to provide.

The Hon. DANIEL MOOKHEY: So there is no requirement for continuity of employment, no requirement for engagement of the existing staff?

Mr SEVERIN: No, there is no requirement for that.

The Hon. LYNDA VOLTZ: Can I just take you back to the idea of the original staff. You said that you hoped that there would be a uniform change over. I understand Parklea is already bleeding staff. Is that correct? Is it already losing staff?

Mr SEVERIN: Parklea has lost some staff, yes. That is one of the reasons that we are very mindful that we have to manage transition with the upmost attention to sustaining the operation as safely as we possibly can.

The Hon. LYNDA VOLTZ: The population in prisons has gone from 9,000 to 14,000 over the last five years—a 50 per cent increase in the prison population, overall—so it is obvious that staff can go out and get jobs in corrective services elsewhere.

Mr SEVERIN: Obviously, absolutely, yes.

The Hon. LYNDA VOLTZ: How is Parklea going to continue to operate if it keeps bleeding staff?

Mr SEVERIN: That is what I am saying. We carefully monitor. Only earlier this week I was involved in a discussion with the team that meets weekly, I think, to look at retention of staff and to look at what action we need to take to continue to engage the staff in a meaningful way. Fundamentally, I think you saw today that it is a work environment in which I think you get a sense that it is quite constructive. I want to keep it that way. We cannot provide, at this point in time, a guarantee. However, it is very encouraging. We strongly encourage the tenderers in the tender documents to offer the staff employment.

Mr DAVID SHOEBRIDGE: Why not require it? Why are we talking about encouragement and niceness and being pleasant and monitoring? Why not just require it.

Mr SEVERIN: Because fundamentally it is up to the employer to decide who they want to work for

them. It is an important principle. If we are looking at a future employer, if we dictate to them that they have to maintain staff infinitum then that would fundamentally be in conflict with the fact that an operator needs to have the flexibility to organise their staff in the way they see fit.

Mr DAVID SHOEBRIDGE: You are putting flexibility ahead of both the interests of the staff and the security of the facility?

The Hon. LYNDA VOLTZ: Can I finish my question?

Mr SEVERIN: Not at all. By no means. We are saying it is the principle. It is not actually what we are very strongly following at this point in time in the context of engaging with staff, ensuring that staff have every sense of certainty going forward and that we will make sure that we keep any loss of staff to an absolute minimum.

Mr DAVID SHOEBRIDGE: You cannot say "make sure" and "certainty" if you do not even put it in the document.

The Hon. SCOTT FARLOW: I am going to call a point of order for the Hon. Lynda Voltz.

The Hon. LYNDA VOLTZ: What is the total number of staff at Parklea?

Mr SEVERIN: I would have to take that on notice. That is not a number I have got in the top of my head.

ANSWER: The total number of staff employed at Parklea is 381. This includes 300 ongoing full-time, 5 ongoing part-time and 76 casual employees.

The Hon. LYNDA VOLTZ: You do not know what the total number of staff is, but you would be able to tell me about other correctional facilities?

Mr SEVERIN: I do not think I would be able to tell exactly the number of staff in each of our facilities.

The Hon. LYNDA VOLTZ: When you say there is no requirement, you are not going to tell people who to employ, what is the incentive for staff to stay at Parklea?

Mr SEVERIN: First of all it is tenure and people also actually like what they are doing there. It is the certainty of going forward continuing having the job that you have got and it is also the certainty of knowing that these jobs will not go away.

The Hon. LYNDA VOLTZ: But you need to train another 1,200 Corrective Services officers, do you not?

Mr SEVERIN: We certainly are.

The Hon. LYNDA VOLTZ: If they want tenure why would they not just go over to that?

Mr SEVERIN: And some do.

The Hon. LYNDA VOLTZ: Is that not the problem?

Mr SEVERIN: No, it is not a problem at this point in time. It is certainly something I am very mindful of in the context of us not wanting to compete for staff who are currently employed at Parklea. We are looking at mechanisms to facilitate any transition of staff from Parklea to us consistent with the provisions of the Government Sector Employment Act. We cannot say they are not eligible; they are eligible to apply. If they are meritorious then we might engage in dialogue with them in the context of when they are going to start with us, where they are going to start. It is something that the HR experts in our organisation are working on. I am quietly confident, actually I am confident that we will come to a good landing there. Nevertheless, it is clearly a front-of-mind issue, the continuity of the staff there. That is where my focus is and where I personally involve myself in dialogue with the incumbent operator and have been involved, not directly but indirectly, in ensuring that the three proponents who are tendering for the work are very well committed to continuation of employment for those staff.

The Hon. DANIEL MOOKHEY: You made reference to the fact that the incumbent workforce is employed under an enterprise agreement, which is currently being embarked upon, and we have established that there is no

requirement in the tender for the new provider to have any pay reference or deference to that EBA whatsoever, is that correct?

Ms ROBSON: No, there is no requirement in the contract.

The Hon. DANIEL MOOKHEY: The tender.

Ms ROBSON: The tender, you are quite right. The tender does require the new operator to give preference to existing staff, all other things being equal.

The Hon. DANIEL MOOKHEY: That is just in terms of the grant of the employment contract, not necessarily the terms of the employment contract, is that correct?

Ms ROBSON: That is correct.

The Hon. DANIEL MOOKHEY: It is entirely possible that a person in a guard house right now will go to work on one day under one pay rate and turn up the next day and be paid under the modern award and have had their pay cut. That is entirely possible under the tender processes being envisaged in the transmission of business arrangements, is that correct?

Ms ROBSON: Yes, technically that could happen. However, what we understand is that the proponents are now out there talking with staff, as the commissioner has outlined, and talking in terms of negotiating new agreements. There is a five month transition period and it would be expected that during that time there would be new arrangements set.

The Hon. DANIEL MOOKHEY: Given procurement New South Wales and in general procurement policies adopted under this government, to be fair to them, has in the transition of the electricity sectors and in the transition of waste sectors provided guarantees of not just employment but conditions. Most recently, the one that comes to my mind, is the Central Coast waste tender where the waste workers got continuity. We granted it for five years. Why is it this workforce does not qualify for the protections that the government has given to other workforces?

The Hon. TREVOR KHAN: Is that not a question for budget estimates?

Mr SEVERIN: I can answer that.

The Hon. DANIEL MOOKHEY: No, the question is, because you are the designers of the tender it is a choice that is available to you and there is a precedent. As the people who designed the tender I am **trying** to understand why it is that the recent precedents of this Government has not been observed in respect to this one. There could be very good reasons for that. I am inviting you to suggest what are they?

Mr SEVERIN: Could I refer you to the fact that the transitions you refer to, which were the same in 2009, are from public to private sector, they are not from private sector to private sector.

The Hon. DANIEL MOOKHEY: That is not correct. In respect of the waste contracts they were.

Mr SEVERIN: I am not across that. The Parklea tender is private to private. When the original contract was let the public sector employees—it precedes my tenure here—were given a continued employment guarantee by the government and redeployed into other operations. The requirement for tenderers is to offer work to Parklea employees if they are more meritorious than others. The industry is very small in Australia. We only have literally three companies that manage everything there is about privatisation. They know exactly what work terms and conditions people are employed under. The unions that have coverage are public sector unions or United Voice and they are very much aware of the awards. We are very confident that there is almost no likelihood of a loss of conditions, of a loss of entitlements, as a result of this process.

The Hon. DANIEL MOOKHEY: What about pay?

Mr SEVERIN: And conditions. I certainly took advice from NSW Industrial Relations on these matters because I am not an industrial expert, and certainly not a wage expert. That is certainly the advice that I was receiving. I am not here to defend a position that is simply going to assert that there will be a loss of entitlements or conditions. I am confident that will not be the case. My primary interest is to maintain the safe and secure operation of Parklea

going forward and transition to the new operator. It is a very long transition period, longer than you would normally have. That is very much related to the fact that we have a situation that is very much due to the fact that GEO was not invited to tender otherwise the transition would be far shorter. The way that the contract is staggered is that we do not get too close to the commissioning of the new facility. We want a new operator well and truly established in the facility before we commission the additional structure.

The Hon. SCOTT FARLOW: Just to this issue of workers rights and entitlements and the market at present: there currently is competition for labour in the market between both Corrective Services New South Wales and the private operator that exists in New South Wales GEO Group, correct?

Mr SEVERIN: Yes.

The Hon. SCOTT FARLOW: I imagine there are differentials between what Corrective Services offers in terms of pay, entitlements, conditions and what GEO Group offer, is that correct?

Mr SEVERIN: That is correct.

The Hon. SCOTT FARLOW: I imagine it is not easy to say one is better than the other, but there are probably areas where it is better at GEO Group and there are probably areas where it is better at Corrective Services NSW. We met a worker this morning who had gone from Corrective Services NSW into GEO Group. We are also looking at an environment where you have a recruitment drive of 1,200 additional Corrective Services workers, is that correct?

Mr SEVERIN: Yes.

The Hon. SCOTT FARLOW: Whatever may happen with Parklea, and you were saying that the continuing operation of Parklea is your fundamental concern, when it comes to workers in this environment there are many opportunities within Corrective Services NSW, if not for that private provider. Any incoming private provider is going to have to compete for skilled labour in that market, is that correct?

Mr SEVERIN: That is correct.

The Hon. TREVOR KHAN: Can I ask a question?

The Hon. LYNDA VOLTZ: We are waiting to see if that was a question.

The Hon. TREVOR KHAN: I am going to move to another area.

The Hon. DANIEL MOOKHEY: Is there a public sector comparator that was established before this contract was let?

Mr SEVERIN: I was not around at the time.

The Hon. DANIEL MOOKHEY: The retender.

Mr SEVERIN: Absolutely. It is a two stage process. We do a public sector comparator. That is not simply a costing of the award.

The Hon. DANIEL MOOKHEY: I know what it is.

Mr SEVERIN: We then also look at what is referred to in the tendering process as an affordability envelope. We set the market a certain benchmark so they can price to that and know what level of service they need to provide for that.

The Hon. DANIEL MOOKHEY: On notice, are you able to provide us some information?

Mr SEVERIN: No, we cannot.

The Hon. TREVOR KHAN: I am not trying to cut it off, but there are other areas.

Mr DAVID SHOEBRIDGE: Corrective Services did not put an expression of interest in?

Mr SEVERIN: No.

Mr DAVID SHOEBRIDGE: Why not?

Mr SEVERIN: Because it was very clearly decided that this is a privately managed prison. That was decided in 2008. This is not one where Corrective Services had any ability to tender in a meaningful way because it was clearly decided that as part of the mixed market environment you wanted to have two facilities, soon to be three with Grafton, to be managed by the private sector. The exercise of having a competitive process for a privately managed centre would be—I would not go as far as saying a waste of money—but the Government would be far smarter to simply take the contract back and say, "Public sector: You run it."

Mr DAVID SHOEBRIDGE: But you allowed the private sector to tender for currently run public facilities, did you not?

Mr SEVERIN: There was a market test of the John Morony Correctional Centre last year.

Mr DAVID SHOEBRIDGE: So market tests only go one way? It is only where private can take it off public, never where public can take it back from private, is that the ideology?

Mr SEVERIN: No, it is not. You would not tender a private sector contract inviting a public sector bid.

Mr DAVID SHOEBRIDGE: Why not?

Mr SEVERIN: Because fundamentally there is a cheaper way of getting the public sector to run it and that is just take the contract back.

Mr DAVID SHOEBRIDGE: Public providers can have private providers prepare a competitive tender, but when it is the other way around, there is no way for the public to get back into the tender process?

Mr SEVERIN: Not at all. I am not saying that. If Government decides that it would like not to have that centre managed by the private sector, they simply say at the end of the contract, "We are going to take it back and we are going to start managing it ourselves."

Mr DAVID SHOEBRIDGE: Commissioner, this was ideology, not good management, was it not? It was all about ideology, not about getting the best—

The Hon. TREVOR KHAN: This is just—

Mr DAVID SHOEBRIDGE: You can have your question--

The Hon. TREVOR KHAN: A grand speech is just nonsense.

Mr DAVID SHOEBRIDGE: Not about getting the best return for the public.

Mr SEVERIN: No, not at all. I think the market testing of John Morony has clearly demonstrated that we can achieve significantly different ways of operating the centre in the public sector. It is very different to any other centre. It is premised on a whole different staffing arrangement, different management arrangement, different commitments to programs and industry. Again, early signs say it works quite well and hopefully we will continue to have that. But government at the time, quite rightly, said, "Okay, we want to test." That might be ideology. It is not something I disagreed with, but from a correctional perspective, we wanted to test the robustness with which the public sector can manage a centre under competitive pressures.

That is a one-off. It was done to clearly demonstrate that it can or cannot be done, and fortunately the in-house team, headed up by Assistant Commissioner Corcoran, did an outstanding job and we have transitioned successfully into the new operation. For the private sector centres, a decision was taken in 2008 that we were going to have a second centre in this State managed by the private sector. There was subsequently a decision taken to also have the Grafton Prison under private sector management and that decision has not changed. The Government of the day, this Government, decided when it—

Mr DAVID SHOEBRIDGE: This Government always loves John Robertson's decisions, does it not?

The Hon. DANIEL MOOKHEY: If the preferred bidder at the end of your tender comes in higher than the public sector comparator, that is your own analysis reveals that it is better for the public sector to do it, because that is the purpose of the public sector comparator, what are you allowed to do under your contract?

Mr SEVERIN: I do not want to speculate but obviously that is the purpose of a public sector comparator.

The Hon. DANIEL MOOKHEY: I am not asking you to speculate, I am asking you expressly have you established in your tender document the right to reject all bids?

Mr SEVERIN: Absolutely.

The Hon. DANIEL MOOKHEY: Therefore, you do have the option of putting Corrective Services in?

Mr SEVERIN: Absolutely.

The Hon. TREVOR KHAN: Were you watching the evidence that was given by the GEO Group? I am not being critical. You are allowed to watch the evidence.

Mr SEVERIN: Only partly, because we were in transit.

The Hon. TREVOR KHAN: You may remember, perhaps you saw this part, there was considerable questioning, some of it quite aggressive, about disclosure of KPIs and the like. In your opening statement you referred to the public disclosure of KPIs. Would you like to tell the Committee precisely what your plans are in that regard and what is the timing? This is not a Dorothy Dixier, I have no idea what you are going to say. What is the timing of this disclosure of a more transparent approach?

Mr DAVID SHOEBRIDGE: And tell the Committee about this contract that the Hon. Trevor Khan says is attached to your submission as well?

Mr SEVERIN: I will ask Mr Koulouris to talk about the detail. We have developed a standardised performance framework for all of our operations. It has been implemented through the tenders for Grafton, John Morony and Parklea and through benchmarking in the public sector managed centres; same framework and KPIs, different targets, obviously. Once that program is completed we will then start reporting. We get reports on John Morony, because that is already operating under this new regime, and we start getting reports on some of the centres that have gone through benchmarking. But we cannot start measuring until we are actually giving the centre the opportunity to change its operation to be able to perform in accordance to the agreed KPIs and targets. Mr Koulouris, you might want to talk about the details.

Mr KOULOURIS: There are two key elements to the framework. One is our clear articulation of operational service specifications. Essentially, that outlines all the key elements that a provider of correctional services, or a prison, must deliver to ensure a whole range of positive operational outcomes, ranging from the reception of inmates into custody, right through the continuum of their care while they are incarcerated, and including their release from custody. Those essential elements will allow us to ensure that at a minimum prisons are operating ethically, humanely and in accordance with all the legislative requirements.

In addition to that, we have developed a suite of KPIs that are very much focused on an outcomes model. The current contract we have for Parklea as a private provider is very much focused on outputs, certain elements need to be done and assessed, but there is no real focus on the quality of outcomes. We wanted to shift that to have it as an outcome-based model. Those KPIs that we have developed centre around a number of key goals. The first one is around safety and security. That is of paramount importance to us in the correctional system. The other key outcome area is rehabilitation and reintegration. We want to maximise the opportunity that inmates have to undertake rehabilitation activities and to reintegrate into the community so that on their release they can lead more law-abiding lives. The other key outcome for us is around humane inmate management, decency and respect. There are a number of KPIs that would act as a measure of that within the prison system. Lastly, professionalism and accountability, which is the way in which staff and the operator, whether it be public or private, deliver correctional services.

There are 17 KPIs. They were internationally benchmarked. We looked at jurisdictions across the world to take the learnings from various correctional jurisdictions to ensure that we have a set of KPIs that could give us a very definitive view of the quality and operational performance of prisons and allow us to compare prisons, both in the public and private operating sphere. For the first time we will be able to do that. Each KPI will have a performance target and that would be predicated on a whole range of factors, for example, the operational functions of the prison.

A remand and reception prison predominantly deals with inmates who are of higher risk. They are being received into custody for the first time or they are awaiting trial and possibly sentencing, and they are high-risk inmates to deal with. Certain targets might be calibrated for that, which might differ for a prison that is a minimum security prison. What we will be able to do is calibrate those targets for each prison and then present that information publicly in the form of a league table similar to the United Kingdom model so that the community has assurance that prisons are delivering on operational outcomes and have transparency in terms of performance. What that will allow us to do is prison by prison assist them in achieving the KPIs and targets, and that again would be a first in Australia.

Mr SEVERIN: To finish up that question, we are going to publish a league table, so there will be a true comparator publicly available between every centre in New South Wales in accordance with those KPIs and as moderated by the targets, obviously. That will be public knowledge. The current contract for Parklea is available. There are some redacted parts that relate to the commercial-in-confidence parts. We are currently looking at that for the new contract to have full disclosure. That is certainly my preferred option, but there may be other sensitivities that I need to take into consideration.

Mr DAVID SHOEBRIDGE: Do you say the same about Junee?

Mr SEVERIN: Yes, absolutely.

Mr DAVID SHOEBRIDGE: Publicly available?

Mr SEVERIN: Yes, the Junee and Parklea contract—and correct me if I am wrong—they are available. We have not published them on our website. There are redacted parts.

Mr DAVID SHOEBRIDGE: Will you provide a copy of each to the Committee?

Mr SEVERIN: Yes, certainly. There are redacted parts that relate to the commercial-in-confidence issues. If I provide those, they will not be provided for publication, but I do not have a reason not to share that with the Committee, as a Committee. In the future, I hope that we can open that up even further. For me, this is not about anything else other than providing an operational environment where we have a mix of operators that will continue to drive performance forward.

ANSWER: Copies of the Operating Agreement and Schedules for Parklea Correctional Centre and the Management Agreement and Schedules for Junee Correctional Centre are available on the CSNSW website at

http://www.correctiveservices.justice.nsw.gov.au/Pages/CorrectiveServices/related-links/doing-business-with-csnew/class_3_contract_documents.aspx

The documents contain redactions to protect:

- Information of commercial value;
- Information for which the intellectual property belongs to the operator; and
- Information which would compromise the safety and security of the correctional centre and the general public.

Following further advice, CSNSW considers the redactions should remain on any of this material provided in the public domain.

Mr DAVID SHOEBRIDGE: Was there not a consultancy that helped develop the KPIs, the benchmarking?

Mr SEVERIN: No, there was not.

Mr DAVID SHOEBRIDGE: Did Maxim Consultancy give you any advice?

Mr SEVERIN: Maxim Consulting was originally engaged to do a very high-level desktop analyses that then resulted—

The Hon. TREVOR KHAN: What does that mean? I hear those terms all the time. I never quite know what it means.

Mr SEVERIN: Maxim is a—

Mr DAVID SHOEBRIDGE: Desktop means they never visited anywhere.

The Hon. TREVOR KHAN: Is that what it means?

Mr SEVERIN: What?

Mr DAVID SHOEBRIDGE: Desktop means they never visited anywhere.

The Hon. TREVOR KHAN: Desktop?

Mr SEVERIN: It was desktop. They never went out to—they just got data off our payroll, our roster sheets, et cetera. That was it. They just looked at how could we possibly design a meaningful benchmarking program. That document is Cabinet-in-confidence, and I know there has been a lot of—

Mr DAVID SHOEBRIDGE: How much did it cost?

Mr SEVERIN: I would have to take that on notice. The consultancy was not very expensive. I will take that on notice and provide that information in due course. The consultancy report then informed a process that was completely separate. It looked at some of the parameters that the report recommended to look at—30 areas of focus. But it then fundamentally redrew the detail of what we may or may not be able to do. Then we created our own desktop benchmarks, which are the ones that finally go out for consultation to the prison. I can say with absolute confidence, and very clearly, there is not a single bit of information or document relevant to benchmarking that has not been shared with the staff. Not a single document is in existence that is relevant to benchmarking that has not been fully shared with the staff.

ANSWER: \$86,150.90

Mr DAVID SHOEBRIDGE: Except for the initial report that kicked it all off, which is the Maxim Consulting report. Can you understand the frustration from staff and the union perspective when the report that kicked it all off is still hidden and secret?

Mr SEVERIN: The Maxim Consulting report, which is Cabinet-in-confidence, bears no resemblance—no resemblance whatsoever—to what is actually happening.

Mr DAVID SHOEBRIDGE: That is why proving that would be to make it public.

Mr SEVERIN: No resemblance whatsoever. I can clearly say that this report is not in any way a detail that we use to inform any of our processes at all. I am happy for my colleagues to go through the detail of how we actually arrive at the benchmark. It is quite a sophisticated process. It is very engaging and it is one that I think provides total transparency and fairness.

Mr DAVID SHOEBRIDGE: That was not my question so maybe someone else would like to explore that later. Surely one of the key outcomes for a Corrective Services facility is ensuring people do not come back. Is recidivism one of the KPIs?

Mr SEVERIN: No, recidivism is obviously a result of a longitudinal study. We are currently measuring return to prison, return to corrections on an annual or biennial basis; biennial is for the report on government services. Recidivism, as such, in respect of an individual prison and its contribution to recidivism is not an outcome for the individual centre. It is obviously an outcome for the organisation under our strategic plan, under the State Government objectives, but the KPIs are very clearly those, and that is what Mr Koulouris alluded to that contribute to reducing reoffending: creating healthier environments, making sure we are safe and secure, involving prisoners in more programs. Doing all the things we know—

Mr DAVID SHOEBRIDGE: Commissioner, I have seen the list of 17. The key one that is missing is, doing the best you can, ensuring that once prisoners leave they do not come back. Yet, remarkably, that is not one of the KPIs.

Mr SEVERIN: Can I just—

Mr DAVID SHOEBRIDGE: The key outcome is not one of the KPIs.

Mr SEVERIN: We are talking about KPIs for individual prisons here.

Mr DAVID SHOEBRIDGE: Correct.

Mr SEVERIN: Of course Corrective Services NSW and I as the Commissioner have a clear KPI of reducing reoffending by 5 per cent by 2019.

Mr DAVID SHOEBRIDGE: None of the organisations in the form of prisons that are actually managing the prisoners are responsible for it.

Mr SEVERIN: They are very much responsible for it because all the things they need to do are the things we know make a difference. More programs make a difference, more engagement in work makes a difference, more time out of the cell makes a difference. All of these things are the things that matter when it comes to reducing reoffending.

Mr DAVID SHOEBRIDGE: A lot of it looks like tick a box. Is there a case plan intervention completed? The concern is that these will all be tick a box, and the final outcomes, the things that are really meaningful, are not being measured. The final outcome is: Does someone get a job when they leave or will they not come back to prison?

Mr SEVERIN: They are being measured. They are not being measured at a centre level. If there is any indication that we can do that in a meaningful way, I would be the first person to totally embrace that. We are doing it—

Mr DAVID SHOEBRIDGE: GEO Group said that is the way Victoria is going. Have you had a look at where Victoria is going on its benchmarking?

Mr SEVERIN: I certainly have. When you look at the draft contract, it has a recidivism measure in it.

Mr DAVID SHOEBRIDGE: I am sorry?

The Hon. TREVOR KHAN: Let him answer, for heaven's sake.

Mr DAVID SHOEBRIDGE: If there is a recidivism measure in Grafton, why is it not in the public system with the other 38 prisons?

The Hon. TREVOR KHAN: Your blood pressure is going up again.

The CHAIR: Order!

Mr KOULOURIS: If I might answer, in terms of KPIs, a number of them focus on rehabilitation and reintegration. They have been designed to ensure that each prison undertakes activities that are proven by evidence, internationally and in Australia, will lead to a positive outcome when that inmate is reintegrated into the community. For example, the key thing for an inmate on reception into custody, and when they are sentenced, is that you have a detailed case plan developed to understand what are their needs, what are the factors that increase

their risk or have led to their offending behaviour. A plan is then developed, so during incarceration a number of interventions can be made with that inmate, whether it be programs, education or training to ensure that when they are released from prison they are able to find work and get some stability and live a law-abiding life.

The first one is: Is there a plan? The second one is intervention. Historically, particularly in the private sector contracts we have got, they measure output. What we were measuring was inmate X went along and did a program. We were not measuring did they complete the program and if they completed the program was there an actual discernible improvement in their skills? For example, if it was an education program, that they went from literacy level one to literacy level two. The new KPIs will measure that, so that for each intervention that is developed by our specialist staff as being required by the inmate, they will ensure: one, that that inmate is given the opportunity to participate in those programs during the course of the sentence and; two, that they have completed them and there has been a discernible improvement in their skills or capability.

Other ones relate to time out of cell, so another important factor for rehabilitation and reintegration is that inmates engage in purposeful activity as they would if they were in the community. One of the key impediments to that is not having time out of cell to engage in that activity. This KPI regime measures the amount of time inmates have out of cell and, for our private sector contracts, there is a financial abatement. The private sector, in terms of all these KPIs will be financially abated where they do not deliver, because we know these are the factors that are important to ensure that inmates are rehabilitated and reintegrated.

In addition, with our private sector providers, there are incentive payments so they have to do more; when the inmate goes beyond the gate, when they are released into the community that there are certain linkages available—and some of them are using some very innovative programs with non-government organisations [NGOs]—so that inmates are given the opportunity to find stable accommodation and perhaps be teed up with job providers if they need further education out in the community.

Mr SEVERIN: If I can just add one aspect to it, picking up on the comments regarding Grafton and so on? A couple of things also need to be noted. First of all, inmates move around the system so it is quite difficult—

Mr DAVID SHOEBRIDGE: It is a task to apportion, I accept that.

Mr SEVERIN: It is quite difficult, but I totally agree with the fact that ultimately we want to measure at every level of prisoner management in custody and in community corrections. We manage 19,000 people in community corrections, and we are doing quite well, much better than the national average—we don't at the moment in custody—that we are, whatever we do, reducing reoffending. That is the primary focus and we measure that. I am not arguing against the proposition; I am just trying to explain as to why it has not been included in the KPIs for individual prisons at this point.

Mr DAVID SHOEBRIDGE: Can you share with us, either now or on notice, the provisions about recidivism and how it impacts on KPIs and the contract for Grafton?

Mr SEVERIN: I need to take that on notice but there is certainly a mechanism.

ANSWER: The contract has a number of financial charge events and abatement mechanisms that align with the KPI regime. There will be incentives for the operator to reduce the rate of re-incarceration to three percentage points below the State rate.

Mr DAVID SHOEBRIDGE: Then on the case plans and the case plan intervention, as I understand it, the basic threshold is that 70 per cent of eligible inmates need to get a case plan to meet threshold one, is that right?

Mr SCHOLES: Can I just speak to that? The case management changes as part of this model is probably one of the biggest changes we have had.

Mr DAVID SHOEBRIDGE: It was a simple question though. Is it 70 per cent for threshold one?

Mr SCHOLES: No, it refers to medium and high risk, so we have actually just introduced a whole new model of case management unit operation dedicated case staff to deal with medium and high risk offenders so that we are actually producing really detailed plans now to cover off on some of the things you are referring to in terms of

reducing reoffending. For example, if they do not have access to housing, if they are unable to fill out a Centrelink form, if they are unable to complete those basic functions, we all know they come back to jail.

The new case management model identifies people who are of a significant risk. All new remand inmates coming in will automatically get a service plan, which is a baseline case plan. Prior to these changes remand inmates did not get a case plan at all. What we have now got is full comprehensive coverage for all inmates. Lower level inmates will still have a case plan; it is dealt with through the case officers. However, we are making sure that we are targeting the risk, which is particularly focused on community safety.

Mr DAVID SHOEBRIDGE: But is it true that to meet threshold one for the KPI 70 per cent of the number of eligible inmates with a current place will have to have a case plan for those eligible inmates to meet threshold one?

Mr KOULOURIS: Mr Shoebridge, 98 per cent is our target so we expect 98 per cent—

Mr DAVID SHOEBRIDGE: Yes, 98 per cent is your target but to meet threshold one, which is what I keep asking—70 per cent?

Mr KOULOURIS: It varies on the prison. In terms of a remand facility, if we have inmates who are staying for sentences that are quite short—a few weeks—they might not always have a case plan.

Mr DAVID SHOEBRIDGE: Putting to one side remand centres, the basic threshold one performance range is 70 per cent to 98 per cent, is that right?

Mr KOULOURIS: The target is 98 per cent and what we are saying for abatements is if they fall between 78 and 98—

Mr DAVID SHOEBRIDGE: Threshold one is 70 per cent, is it not? That is how you meet threshold one?

Mr KOULOURIS: The target is 98 per cent and if they do not meet the 98 per cent they fall into threshold one, which is 78 to 98 per cent and then abatement one applies.

Mr DAVID SHOEBRIDGE: Seventy.

Mr KOULOURIS: Seventy and 98, yes.

Mr DAVID SHOEBRIDGE: And for the number of case plan interventions completed, again the bottom of threshold one is 70 per cent?

Mr KOULOURIS: That is right, but the target is—

Mr DAVID SHOEBRIDGE: 98 per cent—

Mr KOULOURIS: —is what we expect them to achieve and, if they do not, they fall into a range that is below the target and it is threshold one and threshold two and depending on the thresholds, the amount of financial abatements for the private sector would kick in.

Mr DAVID SHOEBRIDGE: What I am saying to you is this: Less than half of the eligible persons for a case plan can actually have a successful intervention and threshold one is still met because it is 70 per cent of 70 per cent?

The Hon. SCOTT FARLOW: But for threshold one they would be getting an abatement.

Mr SEVERIN: They pay a penalty.

Mr SCHOLES: From an operational sense the reality of it is that if you have a sentenced inmate who goes to a jail; so he comes out of remand—and we will exclude remand for a moment—within a week they all have a case plan. We can talk about whether it is 70 or 98 per cent, it does not make any difference because I can tell you now that I have got 13 jails in the north and I do not accept anyone who does not have a case plan coming directly in.

Mr DAVID SHOEBRIDGE: So why do the KPIs say that an acceptable performance, which is the definition of threshold one, can have less than half of inmates successfully completing?

Mr SCHOLES: I guess the KPI reflects a level of what might happen across-the-board from other jurisdictions but from our perspective and from a lead table coming on, there will be hot competition from all the governors to make sure they are achieving the highest level outputs.

Mr DAVID SHOEBRIDGE: So why is your threshold one of acceptable performance so low?

Mr SCHOLES: In terms of that number there—

Mr DAVID SHOEBRIDGE: I am not directing this to you, Mr Scholes, I am probably directing it to Commissioner Severin.

Mr SEVERIN: I would not necessarily say that it is so low. I am saying that it is a target that it is based on the original analysis of performance as it was at the time. Then it sets a stretch target that centres have to achieve. Obviously we do not abate financially in the public sector. The ultimate aim of course is to reach 98 per cent of eligible inmates having a case plan and then, more importantly, not just a case plan but actually actively involved in implementing that case plan. What I do not want to do is create a situation where I am setting targets that under current performance are unachievable. We clearly want to make changes to the way we operate so that they become achievable incentives right through from a very new centre like the mid North Coast or South Coast to the old Goulburn or Bathurst.

The Hon. DANIEL MOOKHEY: You mentioned that Parklea prison has Corrective Services monitors in situ. How many?

Mr KOULOURIS: There are currently between three and five monitors at Parklea during the course of the week. They cover all shifts, both morning, afternoon and night.

The Hon. DANIEL MOOKHEY: What is their job and who do they report to?

Mr KOULOURIS: They report to an experienced general manager, who reports to me. The staff that I have available to undertake the monitoring of the contract probably have a combined total of about 150 years of custodial experience and their job is fairly dynamic. They are there to do a number of things. One is to assess the operational performance of the centre with a focus on safety and security, ensuring that Parklea fulfils their obligations around programs and activities. They conduct formatic reviews; they operationally test certain aspects; they observe practices across the jail and conduct a range of compliance and monitoring functions and also are in a position to alert us within Corrections should they have any concerns with any of the activities at Parklea.

The Hon. DANIEL MOOKHEY: How frequently are they issuing such alerts in respect of Parklea?

Mr KOULOURIS: It is a fairly dynamic model. They are there on a daily basis. They monitor a whole range of functions, everything from inmate reception and gatehouse practices that people might have observed as we did our tour today.

The Hon. DANIEL MOOKHEY: We had the GEO Group tell us this morning that they provide their intelligence reports to Corrective Services monitors, is that correct?

Mr SEVERIN: There is certainly an exchange between the organisation and us.

The Hon. DANIEL MOOKHEY: How frequently does that occur? Is it daily? Is it a morning update they send, a weekly update they send or a risk matrix basis by which they receive reports and the speed by which they report them? How does it work?

Mr SCHOLES: The incident reporting modules [IRMs] are daily. Every correctional centre, whether it be Juneec, Parklea or any of the public centres, report any incident or event on to the incident reporting module. That is available to about 130 senior staff right across the agency so that we can assess and analyse it. That also includes where you talk about intel to the Corrections Intelligence Group who then do the analysis of anything that might be happening.

The Hon. DANIEL MOOKHEY: When you say anything is reported, that is very broad description. Can you give us more detail about the nature of the reports being filed on to that portal?

Mr SCHOLES: Yes. Anything that might be as simple as a low-level inmate-to-inmate fight, an assault, or an escape.

The Hon. TREVOR KHAN: We would expect escapes to go in.

Mr SCHOLES: Absolutely escapes. We try to minimise those at all costs.

The Hon. DANIEL MOOKHEY: Do you find out before the media does? Sorry, keep going.

Mr SCHOLES: Anything that is significant. For example, if we had an erroneous release of an inmate or we had a discharge issue or an officer was assaulted, whatever it might be. All of those matters are mandatory reports into the system.

The Hon. TREVOR KHAN: What about a phone found in an internal cavity?

Mr SCHOLES: Contraband, absolutely. Everything from drugs, phones, whatever, the whole lot.

The Hon. LYNDA VOLTZ: With the monitors there, were any concerns raised about search procedures prior to the contraband issues the Minister raised about Parklea?

Mr SEVERIN: There were certainly a range of concerns raised in relation to the consistency of certain procedures like search procedures and other things. Again, that gave rise to me ultimately deciding to direct the intervention.

The Hon. LYNDA VOLTZ: Was that before the release of the video in July 2017?

Mr KOULOURIS: That is correct. In late 2016 and early 2017 the monitors alerted me to a number of concerns they had particularly regarding contraband and certain practices of staff designed to inhibit or prevent them from entering the secure perimeter and, as a result, the Commissioner directed that we undertake what is known as a wellbeing review.

The Hon. DANIEL MOOKHEY: Are you able to layer on top of your explanation the recurrent chronology of what you are explaining? When did all this happen?

Mr KOULOURIS: Certainly. In late 2016 and early 2017 the monitoring staff we had deployed at Parklea identified a number of trends in Parklea's operational performance in relation to contraband. So certain practices of staff they observed they would correct immediately but they noticed they were happening with increased frequency. That caused us some concern and, as a result, the Commissioner directed that we conduct what we call a wellbeing review, which was basically a complete review of the operations of Parklea with a focus on safety and security.

The Hon. LYNDA VOLTZ: What date was that?

Mr KOULOURIS: That occurred in March-April 2017.

The Hon. LYNDA VOLTZ: So that was before the release of the video?

Mr KOULOURIS: Yes, it was.

The Hon. LYNDA VOLTZ: What did the wellbeing review find?

Mr KOULOURIS: It found a number of issues that we believe may have been contributing to the increased findings of contraband within the prison.

The Hon. TREVOR KHAN: The Commissioner directed the wellbeing review but when was it actually undertaken?

Mr KOULOURIS: March-April. So basically—

The Hon. DANIEL MOOKHEY: When did the Commissioner direct the review?

Mr KOULOURIS: Well before that video, before we became aware of that video.

Mr SEVERIN: The video was taken the year before.

The Hon. LYNDA VOLTZ: No. In July 2017 it was released to the public but in March-April you undertook the wellbeing review. So three or four months before the video was released to the public you already knew that there were issues around contraband and you had taken some steps. What were those steps?

Mr KOULOURIS: We basically reviewed their whole operation. We appointed an independent governor from our system, with years and years of custodial experience, backed up by the monitoring team.

The Hon. LYNDA VOLTZ: When did they come in?

Mr KOULOURIS: In March-April of 2017.

The Hon. SCOTT FARLOW: So at the same time as the review?

Mr KOULOURIS: They were the review. They lead the review for us.

The Hon. LYNDA VOLTZ: So why was there a swoop in July 2017?

Mr SEVERIN: Can I just go through the chronology? We need to bear in mind one fact: this video was taken the year before.

The Hon. LYNDA VOLTZ: In 2016, we understand that.

Mr SEVERIN: I got increasingly more concerned resulting from the reports we got and instructed that we would do a wellbeing review.

The Hon. DANIEL MOOKHEY: When did you give that instruction?

Mr SEVERIN: It would have been immediately before it started. We can go back to the exact dates, if you want the exact dates.

The Hon. LYNDA VOLTZ: You can take that on notice.

Mr SEVERIN: I am certainly happy to take that date on notice, but it was in March-April of last year. We then undertook the wellbeing review. We provided a report to the GEO Group, which they considered and they responded to us in relation to recommendations that we made. Again, we can provide you with the date when that happened.

ANSWER: I instructed Assistant Commissioner Koulouris to undertake the review on 2 February 2017.

The Hon. LYNDA VOLTZ: When did you put in your staff?

Mr KOULOURIS: The staff conducted that review in March-April 2017. They came up with a list of very detailed findings and we requested that the GEO Group immediately develop a remedial action plan as to how they were going to address them, so we could assess that for its adequacy and to ensure that in our view it would deal with the concerns we had identified. In the process of that we then became aware of the existence of the video on YouTube.

The Hon. SCOTT FARLOW: That is July?

Mr KOULOURIS: That is in July 2017.

The Hon. LYNDA VOLTZ: Can I just take you back a step? You said that you put a senior person in charge.

The Hon. DANIEL MOOKHEY: An independent governor.

Mr KOULOURIS: To lead the review.

Mr SEVERIN: Only to lead the review.

The Hon. SCOTT FARLOW: So the review is the independent governor?

The Hon. LYNDA VOLTZ: Hang on. When you say you put the governor in, that was only to lead the review?

Mr KOULOURIS: That is correct. The monitoring staff remained at Parklea and they assisted, along with operational experts from Corrections. They did a full-scale review of Parklea and the concerns that the monitors had identified to determine the cause and to make a number of findings. The GEO Group went away and developed a remedial action plan. In July 2017 there was the issue of the contraband and the inmates who posted that video on YouTube. That prompted the Commissioner to direct the intervention.

The Hon. LYNDA VOLTZ: Mr Severin, when the media release was put out on 18 June with the contraband sloop, had you already undertaken some form of changes following the review undertaken in March and April?

Mr SEVERIN: I certainly would not have informed the media of that.

The Hon. LYNDA VOLTZ: I am just wondering because you informed the media about the contraband. Why did you not inform them about your sweep on 18 July 2017?

Mr SEVERIN: I informed the media following the release of the video that I had made a decision to have an intervention. They are quite different types of actions. The wellbeing review was commissioned as we would do in any prison if we had an indication that there were some systemic issues that may need to be addressed. We then send a senior team in to take a look at the operation—do it as an operational support process—and come up with some recommendations that the management team and the staff can then implement. The intervention was a quite different approach in that we had a team go in that actually did not take over the running of the facility because I did not want to relieve the GEO Group from that responsibility and accountability. They literally were accessing everything they needed to access 24/7 over a period of a number of weeks to stabilise practices. The wellbeing review obviously identified a range of things but I still was not satisfied that the action had been implemented as thoroughly as I would have expected to ensure that we continued to stabilise the intervention that was happening. That is something that certainly at the time the media was asking questions about and wanted answers.

Mr DAVID SHOEBRIDGE: Would it be fair to say that the remedial action plan identified by the GEO Group, that you already had in your hands at the time you ordered the intervention, you thought was inadequate?

Mr SEVERIN: The action plan was fine but the implementation of remedial action was not to my satisfaction.

Mr DAVID SHOEBRIDGE: I am trying to work out what changed, apart from the embarrassment factor of the media reports, that led you to do the intervention in July?

The Hon. LYNDA VOLTZ: What was the problem with the remedial action?

Mr SEVERIN: I think it is fair to say at the time—since then we have had a change of management and I think that was a very healthy change—there was not the sense of urgency that I expected the group to take in decisively implementing action.

Mr DAVID SHOEBRIDGE: You can take this on notice, but could you provide us with a copy of the wellbeing report and the remedial action plan?

Mr SEVERIN: I need to take that on notice because both reports are highly sensitive. They contain highly sensitive information and I will not say that I will provide the Committee with a copy of the report.

Mr DAVID SHOEBRIDGE: I am asking you to take it on notice because I do understand the nature of what some of the material might be.

ANSWER: These reports cannot be released as they contain prison security-related information. Release of these documents could be highly prejudicial to community safety and CSNSW has serious concerns regarding the release of these documents. The Corrective Services NSW submission to the Inquiry contains a summary of both the Wellbeing Review Report and the Remedial Action Plan.

The Hon. LYNDA VOLTZ: If you had concerns around the urgency with which they were undertaking the remedial plan, why did you not at that point get an experienced team in to shadow the staff at the centre? Why did you wait until the release of the video?

Mr SEVERIN: The video, quite frankly, topped it off. For me, it was a clear indication that more decisive action was necessary.

The Hon. LYNDA VOLTZ: But you knew that the video was from 2016, which predated your remedial plan.

Mr SEVERIN: I certainly did, but you also need to understand that we were looking at some systemic issues relating to the illicit introduction of contraband to the facility. I will not go into the details of that, because some of it is still subject to proceedings that are underway, but I was not satisfied at that point in time that all the necessary action was taken as decisively as I would have expected. For me, rather than stepping in and taking the contract back, it was the next step in the continuum, which, again, had not been done in Australia before. It was a very serious step under the contract to ensure that not only were we told of things there were happening, but also that we had firsthand evidence that the changes that we considered had to be made were being made.

The Hon. SCOTT FARLOW: You went in and intervened in July of last year. What improvements have been made subsequent to that intervention?

Mr SEVERIN: Mr Koulouris can answer the detail of it, but I will give a broader answer to the question.

The Hon. TREVOR KHAN: Put in a new manager for a start.

Mr SEVERIN: There has been a much tighter regime when it comes to cell searches. There has been a much tighter regime when it comes to the control of working equipment—keys and the like. There is much tighter control of the way staff operate. Middle management has been strengthened. There is a much stronger focus on middle management taking a far greater role in the day-to-day operations. I understand that some additional managers have been introduced to the facility. That was clearly an element that was identified as being lacking. There were other operational improvements that Mr Koulouris might want to speak about.

Mr KOULOURIS: A whole range of improvements were made. A number of additional staff were employed and posts put on in each shift to ensure critical security functions were enhanced. That included officers at the gatehouse and in area 5, where we toured today. A number of officers were dedicated to assist with the construction activities that are occurring. The GEO Group implemented the security support teams. Again, we saw them in operation and spoke to their manager during our tour. GEO were able to ramp up their capability to do specialised searching and their security functions within Parklea to help interdict and prevent contraband.

It implemented an armed perimeter patrol and installed a number of new technologies, including the Body Orifice Security Scanner chairs, the handheld non-linear junction detection units, and mobile telephone proximity sensor technology so it could determine mobile phone signals within the jail, locate them, and then seize any illicit contraband. Very recently, it got final approval to implement drone detection technology at the jail. It has also engaged operational experts in custodial practice to independently review and report from the GEO side, which is a major improvement in increasing its capability to address safety and security concerns. It has increased auditing and random checks in various areas, the results of which are validated and monitored by the Corrective Services independent monitors who are stationed there.

Mr DAVID SHOEBRIDGE: That is an extraordinary list of interventions. Just hearing it makes me feel really fearful that things must have been quite dire before it was implemented. It is not a few little things, but major

management changes, major technology changes and major security changes. Can you understand my anxiety around what was there before if that is the list?

Mr KOULOURIS: It is the only prison in New South Wales that deploys that combination of technology. A number of the technologies new and were introduced specifically to try to address the concerns that we had with respect to the contraband. There is no doubt about it, the level of contraband detected at Parklea was higher than at both the comparable prisons we indicated in our submission and others across the State. We intervened pretty decisively in terms of both the operations and the wellbeing review to identify possibilities for how the contraband was being introduced and to eliminate them. GEO Group went away and introduced all that new technology, increased the number of staff in key posts at our insistence, and made a number of operational changes.

The Hon. DANIEL MOOKHEY: As I understand it, you became anxious about what was going on when your monitors in the prison were delivering reports to you. Between the end of 2016 and March or April of 2017 you made the decision to commission a wellbeing review, which I can only presume is a pretty serious decision in and of itself. Did you inform the Minister's office in March or April that you had commissioned that review and, if so, when did you do that?

Mr SEVERIN: I certainly would have informed the Minister that we were undertaking an operational review. It is an operational issue, so I would not have provided a great level of detail. But, fundamentally, the wellbeing review, as I mentioned before, is a measure that we would take in any of our facilities if we had a concern about some possible systemic issues that needed to be addressed. The intervention was a much more serious decision.

The Hon. DANIEL MOOKHEY: But how many other wellbeing reviews in the same period did you commission? Was the Parklea wellbeing review that you commissioned in March or April the only wellbeing review being undertaken with respect to the correctional system in New South Wales at the time?

Mr SEVERIN: At that point in time, I would have to take that on notice.

ANSWER:

While other thematic reviews with different terms of reference have been undertaken, there have been no other 'Wellbeing' reviews conducted by Corrective Services.

The Hon. SCOTT FARLOW: How many would be done a year, Commissioner?

Mr SEVERIN: We do the thematic review--

Mr KOULOURIS: We have a range of thematic and qualitative reviews. I have a team of correctional specialists-

The Hon. LYNDA VOLTZ: No, wellbeing reviews.

The Hon. DANIEL MOOKHEY: I am not asking about other thematic reviews. So that we can compare like to like, was there any other prison in New South Wales in March or April last year in which a wellbeing review was being conducted?

Mr SEVERIN: No.

The Hon. DANIEL MOOKHEY: If it is the case that this was the only one, my question is: Is it novel? Did you inform the Minister's office that this level of inquiry was required at Parklea prison and, if so, when?

Mr SEVERIN: I would have to take that on notice. I certainly would have informed the Minister, without necessarily going through every little detail. It is an operational matter. Certainly, when we commissioned the intervention, that was clearly a very different matter and the Minister was formally briefed. While the wellbeing review is important—and I am not taking away from that—it is not something that is fundamentally aimed to do anything but address concerns we have about systemic issues at a facility that need to be addressed in order to—

The Hon. SCOTT FARLOW: To return, Commissioner, to my question, how many wellbeing reviews would be undertaken a year?

Mr DAVID SHOEBRIDGE: Maybe you can provide on notice how many there have been in the last few years? That would be helpful.

Mr SEVERIN: We are talking about a private sector facility where we do not have direct daily involvement in operation. The nature of the wellbeing review is quite unique in the way it was designed, so we would not necessarily send a separate team in other—

ANSWER: Thematic reviews are not novel however the terms of reference for each thematic review are distinct. Other thematic reviews with different terms of reference have been undertaken, however there have been no other 'Wellbeing' reviews conducted by Corrective Services NSW.

I meet regularly with the Minister and as I had been briefed by Assistant Commissioner Koulouris on developments in regard to the Parklea Wellbeing Review it would have been a subject of discussion during those meetings.

The Hon. SCOTT FARLOW: But you might have an issues review that you are undertaking in Corrective Services—

Mr SEVERIN: We have reviews—

Mr KOULOURIS: Yes, a thematic review; a qualitative review.

The Hon. SCOTT FARLOW: You would not necessarily call it a wellbeing review?

Mr SEVERIN: No.

The Hon. SCOTT FARLOW: Perhaps that class of reviews, and those that you would consider to be equivalent?

Mr KOULOURIS: Yes.

The Hon. SCOTT FARLOW: That would be helpful. Thank you.

The Hon. TREVOR KHAN: Would you notify the Minister each time you undertake one of these—I do not know what a thematic review is?

Mr KOULOURIS: No.

The Hon. SCOTT FARLOW: But you notified the Minister on this occasion because it was a privately operated facility?

Mr SEVERIN: I am pretty sure I would have informed the Minister, but not necessarily done any formal type of notification. But, yes, it is because, obviously, we are dealing with the private sector operator at arm's length.

The Hon. SCOTT FARLOW: Which is what made it exceptional.

Mr SEVERIN: And so in that context, obviously the Minister has the ultimate responsibility, and—

The Hon. DANIEL MOOKHEY: The point is, by the time the Minister made his statement in July and saw the video about the contraband, he had every basis to believe and had been apprised of and knew that there was an issue and that you had commissioned a wellbeing review. Is that a fair assumption?

Mr SEVERIN: I do not think you can draw the conclusion from the wellbeing review to whatever the Minister might have said in July. He was reacting to a video that had context.

The Hon. LYNDA VOLTZ: But the wellbeing review was specifically about the contraband that was coming in and that your monitors had serious concerns about. If the Minister was as outraged as he said he was about the

contraband video, how were they not as important as each other? Your monitors were so concerned about contraband that they made reports and you put in a report and measures.

Mr SEVERIN: I am not suggesting that they are not as important as. I do not want to second guess what motivated the Minister.

The Hon. DANIEL MOOKHEY: I am not asking you to do that.

Mr SEVERIN: Clearly, at the time I think it is fair to say and I think it is undisputed that there were concerns about the operation at Parklea Correctional Centre, we commissioned a wellbeing review and we had continued concerns about some of the operational issues. The video was literally what, in my view, topped it off and I instructed the intervention.

Mr DAVID SHOEBRIDGE: Would it be fair to say that the Minister might well have been outraged but he hardly would have been surprised, given his state of knowledge?

The Hon. DANIEL MOOKHEY: And he should have been forewarned.

The Hon. LYNDA VOLTZ: He knew.

Mr SEVERIN: The Minister was clearly—I am sure you have a very good recollection of what he might have said—outraged. Certainly he was very unhappy about the video and the fact that this was happening in such a public way. Of course, the Minister was very supportive of the intervention at that point in time and I continue to alert him to what that produced. The nexus between the wellbeing review and the video may well have been a factor for the Minister to express his outrage. I cannot say with certainty.

The Hon. LYNDA VOLTZ: Did he express his outrage to you when you reported to him about the wellbeing report and the actions you were taking in Parklea that were unusual? We have no evidence that that has happened before. Did he express at that time his outrage?

Mr SEVERIN: Very much so. The Minister was very concerned about the operation of Parklea at that point in time.

The Hon. LYNDA VOLTZ: That is in March and April.

Mr SEVERIN: I would not be able to tell you. I would have to take it on notice. I cannot remember if the Minister expressly expressed his outrage in March or April. I did inform him and, yes, I am pretty sure, because our Minister is very focused on the operation of correctional facilities, that he would have made clear that it would be his expectation.

ANSWER:

It is a matter for the Minister to indicate at what stage he was 'outraged'.

The Hon. DANIEL MOOKHEY: The point is that the first time he sees a video is not the first time he knows that there is a contraband issue at Parklea prison.

Mr SEVERIN: I think it would be the first time with such demonstrable evidence.

The Hon. DANIEL MOOKHEY: I imagine seeing it on the news is an example of demonstrable evidence.

Mr SEVERIN: Of course we have contraband issues.

The Hon. LYNDA VOLTZ: But you do not think having monitors saying that they are so concerned that Corrections has to step in and bring the governor in and do a report.

Mr DAVID SHOEBRIDGE: That might actually be better evidence than a YouTube clip.

The Hon. DANIEL MOOKHEY: It is not like the arrival of the video in the public domain marked the first time the Minister knew about this issue.

Mr KOULOURIS: The monitors are there every day and they observe a whole range of work practices across the entire operations of the jail. On occasion they might observe a practice that they believe was not done as effectively as it should be and they make a record of that. When we notice a trend in relation to either human error or something that is not being done entirely as it should be that raises a concern. When those concerns got to a point we said that this certainly needs a review to determine the level and what changes need to occur to ensure that Parklea operates as it is required to.

Mr DAVID SHOEBRIDGE: There are two Rapid Build prisons, Macquarie and Hunter. What is the capacity of Macquarie?

Mr SEVERIN: Both are 400.

Mr DAVID SHOEBRIDGE: What are the current occupancy rates?

Mr SCHOLES: We are running at about 380 at each.

Mr DAVID SHOEBRIDGE: Over the course of the past six months how many inmates have been transferred to Macquarie and then sought to be transferred out because it was incompatible or just sought to be transferred out?

Mr SCHOLES: I would have to take the exact figures on notice but we are talking about a handful.

Mr DAVID SHOEBRIDGE: Could you do the same for both?

<p>ANSWER: As at 31 May 2018: Macquarie Correctional Centre: 19 Hunter Correctional Centre: 24</p>

Mr CORCORAN: Twenty-five from Macquarie is my understanding.

Mr DAVID SHOEBRIDGE: What about for Hunter?

Mr CORCORAN: I could not tell you.

Mr SCHOLES: From my recollection there were about 10 or 15 from Hunter, just roughly.

Mr DAVID SHOEBRIDGE: Was that because the nature of a dormitory-style prison was confronting and difficult for those inmates?

Mr CORCORAN: I think mainly it was the level of activity in those facilities. There is a 15-hour structured day. For some people who have been used to being locked up for 18 hours a day, that level of activity was just way too much for them.

Mr DAVID SHOEBRIDGE: Can you give us on notice the incidence rates of inmate on inmate violence and those five or six reports of violence for both the facilities?

Mr CORCORAN: Yes.

Mr SEVERIN: We will provide you with the exact figures, but to date we have outstanding results in the context of inmate on inmate assaults. They are so much lower than in any other comparable facility—and this is maximum security. That is quite impressive.

ANSWER:

Correctional Centre	Period	Inmate on Inmate Assaults	Rate (per 100 inmates)	Comparison Rate (Male maximum security)
Hunter +	Feb 2018	0	0.0	2.9
	Mar 2018	2	0.7	2.7
	Apr 2018	5	1.5	2.6
	May 2018	5	1.4	2.1
Macquarie ++	Dec 2017	0	0.0	3.4
	Jan 2018	0	0.0	3.4
	Feb 2018	1	0.5	2.9
	Mar 2018	2	0.6	2.7
	Apr 2018	4	1.1	2.6
	May 2018	9	2.5	2.1

Note:

* Numbers are based on counting rules established for the Commonwealth Productivity Commissions Report on Government Services and represent the number of victims injured in each incident involving violence (both assaults and fights).

+ First inmates arrived at Hunter CC on 18 Feb 2018.

++ First inmates arrived at Macquarie CC on 20 December 2017. All rates are based on 31 day month equivalents.

The Hon. TREVOR KHAN: Why is it an outstanding result?

Mr SCHOLES: I was actually a sceptic for it when they were first being designed. From what I understand from the earlier comments, you are going to have a look at a rapid build. I encourage you to talk to the inmates. It is a totally different arrangement for those guys in terms of structured day. They are engaged. You can walk through and look at the classrooms that are brimming with inmates. They go into work. All of them work during the day. It is a half-day swap around, so it is work programs and industries. It is really amazing in terms of the culture and the environment. It is almost a campus-type environment, which is much better in terms of managing inmates. The staff absolutely love it as well. It is really something else.

Mr CORCORAN: We find with the dormitory style that they are falling into little communities and making all their own rules about how they operate in terms of the use of the bathrooms and those types of things.

The CHAIR: I note that you took a number of questions on notice. The Committee has resolved that answers to questions taken on notice be returned within 21 days. The secretariat will contact you in relation to that. Thank you very much for coming today and for the guided tour around Parklea this morning. I am sure we will look at a couple of other prisons. I look forward to that as well.

(The witnesses withdrew)

(The Committee adjourned at 4.46 p.m.)



LEGISLATIVE COUNCIL

Supplementary Questions and Answers Corrective Services NSW

Portfolio Committee No. 4 – Legal Affairs

**PARKLEA CORRECTIONAL CENTRE AND OTHER
OPERATIONAL ISSUES**

Hearing: Friday 18 May 2018

Answers due by: Wednesday 13 June 2018

1. How many CSNSW Monitors are appointed to Parklea Correctional Centre at the moment? What were the standing number of monitors appointed in the following years:

- 2011
- 2012
- 2013
- 2014
- 2015
- 2016
- 2017?

A: As at 8 June 2018, Corrective Services NSW has three (3) Monitors appointed to Parklea Correctional Centre. On occasion this is temporarily augmented with an additional two (2) staff. Monitors for 2011 to 2017 are as follows:

YEAR	NUMBER OF MONITORS
2011	1
2012	1
2013	1
2014	1
2015	1
2016	1
2017	3

2. Have there been any instances identified by CSNSW monitors of insufficient staffing levels to appropriately respond to a serious incident? If so how many instances were identified, were the subject to any review and what actions were implemented?

A: No

3. How many reportable incidents at Parklea Correctional Centre have been submitted for review via the Incident Reporting Module over the past 7 years?

A: For the period from 2011 to 2017, there were 11,212 incident reports entered into the Incident Reporting Module for Parklea Correctional Centre. Reportable incidents include routine events such as inmate movement and hospital escorts.

4. What were the number of notifications/briefing notes to the Minister for Corrective Services office for each of the following years 2015, 2016, 2017 for incidents at Parklea Correctional Centre involving:

- Contraband
- Use of excessive force
- Inmate on inmate assault and any subsequent hospitalization
- Serious incidents?

A: A complete list of notifications cannot be provided as it includes a range of verbal updates/texts. Formal briefings to the Minister are set out below.

YEAR	Contraband	Excessive Use of Force	Inmate Assault	Serious Incidents
2015	1	0	9 (7 hospital admission)	5
2016	10	0	10 (5 hospital admissions)	16
2017	17	0	6 (4 hospital admissions)	18

5. How many complaints has the Official Visitor received in regards to Parklea Correctional Centre and did any of these complaints originate from staff.

A: The total number of complaints received by Official Visitors at Parklea since the beginning of *2010 is 6659. A small number of these complaints originated from Parklea staff.

*(Number of complaints has been reported from the first full quarter of GEO operations)

Were these complaints submitted as a monthly report to the Minister for Corrective Services Office?

A: No. Official Visitors provide reports to the Commissioner on a quarterly basis and report to the Minister and the Inspector of Custodial Services at least once every six months.

6. How many breaches / cost penalties have been imposed on the private provider (GEO Group) for failings in their service delivery at Parklea Correctional Centre?

A: There have been 13 fixed fee penalties applied since the start of the contract in 2009. There have also been seven Performance Linked Fee withholdings since the start of the contract.

7. Have there been breaches issued by CSNSW to Parklea Correctional Centre without a penalty and if so, for what?

A: Corrective Services has issued 13 Performance Improvement Notices and one Default Notice in relation to service delivery at Parklea Correctional Centre.

These notices do not result directly in a financial penalty however if the issue is within the scope of a Performance Linked Fee, financial penalties may still be applied.

8. How many disciplinary investigations have been conducted and by whom over the past 7 years? If so, what were the outcomes and recommendations of such disciplinary investigations including the number of staff subject to either a reprimand, sacking, transfer, penalty or demotion?

A: 'Disciplinary investigation' is not a term used by Corrective Services NSW or GEO. Investigations are undertaken to find facts about an incident or allegation. Disciplinary actions are one possible outcome of an investigation.

Under the contract, GEO is not required to report all disciplinary action to Corrective Services. Only serious misconduct that could result in termination or the withdrawal of authorisation is contractually required to be reported. This is because some disciplinary action may be the result of relatively minor employment matters such as lateness to work, rudeness to supervisors or excessive absenteeism.

For the calendar years from 2011 to 2017, GEO notified Corrective Services NSW of 65 investigations, involving 138 staff (summarised below).

Year	Investigations	Staff disciplined
2011	9	10
2012	5	9
2013	14	24
2014	5	6
2015	3	3
2016	7	15
2017	18	60
2018	4	11
Total	65	138

There were 13 investigations which resulted in no action being taken as allegations were not proven. The disciplinary outcomes of the remaining investigations ranged from counselling to termination and are summarised below.

Outcome of GEO Head Office investigations	Number of staff
Not proven	13
Counselled	7
Warning	41
Demoted	1
Final Warning	10
Terminated (including allowed to resign in lieu of termination)	25
Resigned before completion of investigation	15
Awaiting confirmation	26
Total staff involved	138

As well as the investigations and disciplinary action that must be reported to Corrective Services NSW, Parklea Correctional Centre local management may take other disciplinary action against staff. Details of locally implemented staff discipline that do not need to be disclosed under the terms of the contract would need to be sought from GEO.

GEO must also advise Corrective Services NSW of all occasions when staff have been terminated by Parklea Correctional Centre local management. This has occurred on 14 occasions and for a range of reasons. Reasons for termination by local management have included poor work performance or attendance, criminal offences unrelated to employment and misconduct.

Corrective Services NSW has not instigated any investigations related to staff misconduct at Parklea.