

Submission
No 71

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

Name: Name suppressed

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LEGISLATIVE COUNCIL GENERAL PURPOSE STANDING COMMITTEE NO. 3

PARLIAMENT HOUSE

MACQUARIE STREET

SYDNEY NSW 2000

INQUIRY INTO THE PRIVATISATION OF PRISONS AND PRISON-RELATED SERVICES

The following is my submission in relation to the

Terms of Reference Section 7; - "any other relevant matter"

I strongly oppose the privatisation of Prisons as Prisons are a State responsibility. Prisons must never be put into private hands. Privatisation is about Profit & Prisons should never be about profit.

The ALP's Policy 2006-2008 states "Labour opposes the Private Contract Management of Prisons".

I am the proud wife of a prison officer, a mother, a full time employee (I manage a small business in Cessnock), a volunteer of three community organisations & a community member of Cessnock.

Approximately twenty yrs ago we chose to move from Sydney to Cessnock to raise our family. We have embraced this community. We now consider the Cessnock Community as our extended family.

Our sons work & study in the local area & are in no position to either relocate with us or move out on their own.

Since the news of the possibility of Privatisation of Cessnock & Parklea Prisons my family, friends & community have been under immense pressure & stress. Our lives are no longer our own. Relationships, workplaces (not just the correctional centres) & everyday life as we had known it has been turned upside down. We don't have the benefit of Commissioner Woodham's spin doctors to do our research or media releases. We also don't have access to a lot of the information that he does. What we do have is the knowledge that this is so wrong & the passion to fight this reprehensible proposal & the ability of word of mouth to let as many people as we can, including this Inquiry, know about the disgusting way the prison officers, especially the officers at both Cessnock & Parklea, have been treated & I believe defamed. The lack of consultation & respect shown to the community of Cessnock and last but not least the apparent inept management of the Department of Corrective Services.

There has been a lot of media & talk re overtime rorts/manipulation by prison officers. But when the previous Minister for Justice was questioned about this at the General purpose Committee No 3 on 17/10/08 "Examination Of proposed Expenditure for the Portfolio Area Justice" he stated **"There is an excessive amount of overtime being earned by a small number of officers. That is the Problem"** Has there been anything done since this statement was made to address these small number of officers? Where are these small number of officers based? Is this still occurring? Under OH&S Legislation we all have a responsibility in the workplace. Was Workcover ever notified or consulted? By allowing this so called excessive overtime to continue Management have failed. Or is their answer to privatise 2 prisons affecting at the very least 600 loyal staff, their families, friends & their local communities.

In the report from The General Purpose Standing Committee No.3 on 23/2/09 "Inquiry into the Privatisation Of Prisons & Prison related Services" Commissioner Woodham stated "Staff shortages are not the main driver of overtime" but is very determined to bring in Casual workers. Why not employ people permanently? He also gives 2 examples of 2 prison officers in the whole of NSW who apparently do excessive overtime. My question would be what has Management done to ensure this does not occur? Surely there are mechanisms in place to ensure rorting or manipulation of overtime cannot take place. This is not the frontline workers problem but is definitely failure of management to do their job. I manage a small business & we perform a quarterly budget analysis to ensure we are working to budget. If we are not it is my role to sort out the problem before the next quarter. If my business's budget was blown out at the end of the year I would be on the chopping block not my staff because it is my responsibility.

Deputy Commissioner McLean also stated from The General Purpose Standing Committee No.3 on 23/2/09 "Inquiry into the Privatisation Of Prisons & Prison related Services" that "from 1991 to the present day there was clearly an increase in overtime & sick leave" One would have to question why it has taken approximately 18 years for an Absenteeism Policy linked to overtime distribution to be formally arbitrated in the Industrial Commission. As a Manager if this had been occurring in my business the policy would have been the first thing I would have looked at as any good Manager knows policies & procedures are our workplace guidelines. If overtime really is a problem then how can anyone blame the frontline workers???? And again I would have to question if it is only a small number of officers why privatise two prisons???

Twice in the last 12mths prison officers as a group have chosen not to accept overtime shifts offered. Once in the form of a state-wide overtime ban & the 2nd instance the POVB suggested the officers may wish to spend more quality time with their families during the festive season (no ban was put in place in this instance). The outcome of this was the Dept went to the Industrial Relations Court & the prison officers were ordered to remove their bans & restrictions. It seems the prison officers are damned if they do & damned if they don't? This does not add up.

On the 13/11/08 Deputy Commissioner McLean informed Cessnock Correctional Staff that Cessnock was selected because it is attractive to the privates (as per minutes of the POVB Staff Meeting), yet at The General Purpose Standing Committee No.3 on 23/2/09 "Inquiry into the Privatisation Of Prisons & Prison related Services" Commissioner Woodham explained in depth the selection process which also included their performance ranking. This

was obviously more than just the geographic location. He also stated "the centre had to be located in either the Metropolitan area or in an area close to a regional city where staff would have a better chance of alternative employment". I am astounded that Cessnock was even in the running for the selection if this process is to be believed. If my husband puts in preferences to where he would like to be transferred to & is successful in this then his work day will increase by at least 2hrs with travel. This then takes at least 10 hrs away from his family. So much is to be said for "Corrections at times is a very demanding, & stressful job. It is vital that officers have that very important balance between work & relaxation & time off" as stated by Commissioner Woodham.

As a spouse looking at this whole picture I cannot begin to understand the intricacies in the decision making process of a large Government Department. However, surely common sense should prevail when decisions of this magnitude are made. If prisons must be privatised (I do not believe this is so but especially given the fact that Commissioner Woodham has stated 2 of the 3 'Way Forward' prisons have performed better than Junee) then why not choose prisons that are being built e.g Nowra; prisons yet to be built; prisons that are reopening e.g John Moroney 2 at Windsor, or prisons based in a metropolitan area. I have been told that some of the prisons in Sydney struggle to retain staff & therefore fill positions? Why disrupt hundred's of people's lives unnecessarily. Again something is not right.

I understand that sometimes change needs to occur. This being said I strongly believe in consultation with all relevant stakeholders. From my observations the decision to privatise prisons had little or no consultation with the majority of stakeholders i.e the prisoners – Justice Action were not consulted; the prison officers – they were informed the same day as the media & they were told this decision was irreversible & they were also told by Deputy Commissioner McLean that the DCS (Department of Corrective Services) had no input into this decision it was solely cabinet (as per minutes of the Cessnock POVB Staff meeting 13/11/08). The Department of Corrective Services having no input into this decision starkly contradicts statements made by Commissioner Woodham at The General Purpose Standing Committee No.3 on 23/2/09 "Inquiry into the Privatisation Of Prisons & Prison related Services" "It was all done in consultation with our Minister". "It evolved from consultation & talks with our Minister. The Minister agreed. We put a proposal forward to privatise two prisons." If this is not input what is??? And lastly but just as importantly the Cessnock local community (I cannot speak for Parklea) were not consulted. On November 5th Cessnock local Council received a letter dated 4/11/08 from the then Minister Mr Hatzistergos stating "there had been no decision yet to privatise Cessnock Correctional Centre". After the media release on the 11/11/08 (Council still had not been notified or consulted) informing everyone the decision had been made the Council unanimously opposed this decision & invited Premier Rees & the then Minister for Justice to our community to address council. Of course this has not occurred.

One would have to ask why a feasibility study was not done prior to the decision to privatise. Yes a Market testing by Treasury was done but this did not even have PSA representation? Why would cabinet endorse a feasibility study for Grafton but not for Cessnock? Were cabinet even asked? If the correct consultation had occurred prior to the announcement of the proposal people would be more accepting of whatever recommendation were made as it would have been transparent & not privatisation by stealth. The Commissioner encouraged people to talk to the Mayor of Junee. I would encourage people, including the Commissioner

to talk to the Mayor of Cessnock. At the moment what we see is a decision made with little or no consultation being rushed through no matter the affects on all concerned and a lot of unanswered questions.

After the 11/11/08 staff at the two correctional centres have been told by Commissioner Woodham & his Deputies & Managers verbally & in writing that support would be there for all staff especially those staff members & their families that may have to relocate. They were told they would have weekly staff meetings to keep them informed. Detached duties could be arranged for staff to look at other areas, Human Resources & EAPs would be available & training re upskilling, interview skills etc would also be available. Staff were also encouraged to complete either redundancy forms or preferences.

Since then staff have been continually pressured to put in their preferences even to the point of being told a cut-off date. My husband was on annual leave so what happens to staff like him? Staff have asked for detached duties & some have been told no or if granted has been unreasonable e.g One officer asked for this to visit Wellington with his family. He asked for two days as it takes approximately 4hrs & 42 minutes to drive from Cessnock to Wellington (as per Whereis .com). He was told he only needed one day. Again what about OH&S – driving over 9hrs in one day & then to have time to look at the town & its facilities including schools. Two staff transferred to Kempsey. They turned up on their first day of work as per their orders & the Deputy at Kempsey stated he/she was not aware of them coming & sent them home on leave without pay. There have only been 2 staff meetings since 11/11 & a lot of the staff's questions have gone unanswered or what has been worse is they get told one thing one day & the next day it changes. Staff morale has been at an all time low yet these employees continually turn up for work & perform their duties like the professionals they are.

My husband has had access to only one training session since 11/11/08 & no opportunity to be up skilled or access retraining.

The lack of support has been appalling. I spoke to a dept. psychologist in November last year & requested whilst he was walking around that week being available to staff could he speak to my husband as I had concerns for his wellbeing & doubted that he would seek counselling. He agreed to this. Last week I rang this psychologist to ask him why he had not seen my husband. He really could not give me a reason but did say that my husband could have talked to him. I then requested that both my husband & I be able to see this psychologist. He stated that he was only in Cessnock one day a month & that was for training. I said that as I had met him last year i would prefer to talk to him .An appointment was made for 4 weeks later to see him in Cessnock - mid March. (I am glad this was not urgent)

Whilst talking to this psychologist on the phone I became quite emotional .He said he was concerned about me & felt that I needed to talk to someone now & again with him in mid March & would it be ok if he arranged this. I said yes but it would need to be in Cessnock & not a phone session. He then emailed me **“It was good to talk to you on the phone. I have contacted our external provider of psychological services. They will call you to set up an appointment with a psychologist in your local area.”**

After 2 ph calls from the psychological services it was determined that no one could see me in Cessnock. I then emailed the psychologist I had been talking to & his response was **“Sorry to hear that . It is often difficult to get providers in smaller towns. Most Psychologists are based in larger country cities”**. Thankfully my husband & I are & will be ok but others are not.

Does the Department not realise how affected people are. Marriages have already been affected. Children have been affected. There is a history of suicide with prison officers at Cessnock Correctional Centre but unfortunately people do not wish to talk about this. I am very concerned about the impact of this whole process on all staff & families. The Department too should be concerned & have the necessary support processes in place.

I am totally blown away that the Government can spend one million dollars on Happiness Classes for one Hundred public servants but cannot provide psychological services in a town that is, according to Commissioner Woodham, so close to a Metropolitan area????

Media coverage before & since the first hearing on 23/2/09 has been devastating to say the least with allegations made by their Commissioner of overtime rorts, gross misconduct, bullying, intimidation & harassment by prison officers from both Cessnock & Parklea. The unsubstantiated incident mentioned by the Commissioner at the Inquiry on 23/2/09 in regard to threats to an officer & their wife was plastered on the front page of a local paper The Newcastle Herald. This also has not helped the mental & physical wellbeing of the prison officers & their families. Yet these prison Officers did not respond with strike action as Commissioner Woodham would have the Inquiry believe - The General Purpose Standing Committee No.3 on 23/2/09 "Inquiry into the Privatisation Of Prisons & Prison related Services" "Cessnock also has a history of industrial disputation" - but responded by turning up for work & doing their job. This I believe was an unnecessary low & disgusting tactic on the Commissioner's part to try & change our communities' perception of our Prison Officers. Fortunately it backfired & the Community is even stronger in their support to the opposition to privatisation of our prisons. Unless these incidents can be substantiated Commissioner Woodham needs to make a public apology to all NSW Prison Officers.

I also strongly believe the Department has displayed bullying, harassment, intimidation & gross lack of support towards their own staff not only by doing this but by having a letter distributed to all staff the week before the inquiry - see below

"Dear Staff Member

I am writing to every individual staff member of Cessnock Correctional Centre. I can understand the uncertainty that staff at Cessnock may be experiencing. I can assure you Parklea and Cessnock will be contracted out, despite claims circulating in some workplaces to the contrary.

The Government has approved the entire Way Forward Workplace Reform Package which includes the contracting out of Cessnock and Parklea Correctional Centres. I quote from a recent interview on ABC Radio between our new Minister, the Honourable John Robertson MLC and announcer Richard Glover -John Robertson: ...

"I'm simply going to tell you that in Corrective Services there are a whole series of reforms that needed to be implemented, one of which is private sector involvement at two out of 30 gaols in NSW." ... "This isn't about some union strategy or just breaking the union strategy, it's about implementing reforms that need to be implemented in these two prisons." ... "and one of the first questions I asked the Commissioner was about jobs, because the Government is committed to protecting jobs and the Commissioner has assured me that any prison officer who wants to retain a job in Corrective Services will have the opportunity of doing so - or, alternately, if they want to transfer across they will be given that option as well." The tendering process is on track and I expect that Parklea will come under contract in July/August 2009. If you elect to remain with the Department the guarantee that no staff member need lose their job still stands. I repeat, your options are:

move to another location within the Department;

apply for a position with the successful contractor - with salary maintenance for twelve months.

Note: If you elect this option, you will be required to resign from the Department and you will be paid out any recreation and long service leave entitlements.

apply for a Voluntary Redundancy.

I can assure you I will approve any reasonable request for officers' entitlements under the Transferred Officers' Award. I can also assure some staff, especially those staff with children at school, that they can start moving earlier rather than later.

Please take advantage of the buses being provided by the Department to visit preferred locations.

You can email me personally if you think you have a special case for consideration. You will receive a prompt response. Changes are continuing with a plan to shortly open the Outer Metropolitan Multi-Purpose Correctional Centre at Windsor. This Centre will initially hold 250 minimum security inmates, however the profile will change as demand requires.

I will continue to keep you informed personally on a regular basis.

Yours sincerely

RON WOODHAM

Commissioner / 17th February 2009

My question to the Inquiry is Is this correct & if so why is the Inquiry being held? Does Mr Woodham have the authority to do this & if not then what will be done about these what I would call stand over tactics?

On the 23/2/09 Commissioner Woodham stated that in the very near future a new prison will be built at the back of Cessnock Correctional Centre and will be publicly run. I do not understand why this information was not passed on to the correctional officers at Cessnock when being informed of the impending privatisation therefore allowing them to put down this centre as their first preference instead of all this unnecessary turmoil & upheaval in their lives. If privatisation of Cessnock goes ahead I believe any displaced or excess/supernumery officer from Cessnock should be guaranteed a position here.

If privatisation occurs the process needs to be transparent & accountable. So many things do not stand up to public scrutiny. There are so many questions that need to be answered. Many of my questions are throughout my statement & following are some more.

I find it strange that a new Minister is sworn in for this portfolio whilst all of this is occurring & then cannot be available to this Inquiry for questions. Why?

The Department presented figures at the enquiry on the 23/2/09. One of the figures was 07-08 number of prisoners in NSW. Their figure was 9618 prisoners. The Australian Bureau of Statistics as at June 30th 2008 states there were 10,502 prisoners in NSW. Why the discrepancy?

I find it extraordinary that in the 2007-08 Annual report for the Department under the target set for the following 12 mths that there was no mention of Privatisation even though the Commissioner stated that it is a key part in "The Way Forward". Why?

How can a Publicly run Correctional centre not be as effective & efficient (when no profit is required) as a Privately run one when they have to make a profit?

How can one compare Public with Private when some information from the Privates is not accessible due to the commercial nature of the information?

I urge this inquiry to recommend the following :

1) Halt the process of privatising both Cessnock & Parklea Correctional centres until a detailed feasibility study including consultation with all relevant stakeholders is performed.

2) An investigation into the Management of the Department of Corrective Services including the high number of people in Bureaucratic Positions in comparison to frontline Correctional Officers.

3) That all NSW Correctional Centres embrace "The Way Forward" Reforms excluding Privatisation, but at all times having safety being a priority for the prisoners, prison officers & the communities.

4) Correct & appropriate support processes be implemented for all staff.

Thank you for this opportunity to submit my statement.

Yours Sincerely