

**Submission  
No 40**

**INQUIRY INTO THE CLOSURE OR DOWNSIZING OF  
CORRECTIVE SERVICES NSW FACILITIES**

**Organisation:** Unions NSW

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# Unions NSW Submission to the Inquiry into the closure or downsizing of Corrective Services NSW facilities

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## Closure or Downsizing of Corrective Services NSW Facilities Committee

**9 November 2012**

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## **1. Unions NSW**

- 1.1. Unions NSW welcomes the opportunity to make a submission to the *Inquiry into the closure or downsizing of Corrective Services NSW facilities*.
- 1.2. Unions NSW is the peak body for unions in NSW. It has 64 affiliated unions, 10 affiliated regional trades and labour councils and represents approximately 600 000 union members. Unions NSW is governed by an elected executive who are assisted in the day-to-day operations of the organisation by a small team of officers and support staff.
- 1.3. Unions NSW affiliated unions cover the spectrum of the workforce, stretching from workers in finance to footwear and construction to communications. Members of affiliated unions also span across the state, with members in every urban town and regional community of NSW. Unions NSW is the largest member based organisation for workers in NSW.
- 1.4. Unions NSW works towards improving the lives of working people.
- 1.5. Unions NSW has recently established a state wide network of Local Union Community Councils These Councils operate in 39 local communities around NSW and have a membership of union members and community members. Members of these councils meet on a monthly basis to discuss a range of issues that are affecting local jobs, services and their community generally and to take action where necessary against these.
- 1.6. The Clarence Valley Community Unions is a Local Union Community Council. Clarence Valley Community Unions has made a submission to the Inquiry outlining the impact that the downsizing of Grafton Gaol has had on their local community. Unions NSW supports this submission and its recommendations.

## **2. Introduction**

- 2.1. Unions NSW submits that the closure or downsizing of any Corrective Services facility in NSW must consider the impacts that such a decision has on its community.
- 2.2. As noted in the Inquiry's Terms of Reference, there are a number of stakeholders within communities where the closure or downsizing of correctional facilities is proposed or has

taken place. These include employees at the gaol, residents, local businesses, inmates and their families and surrounding communities.]

- 2.3. Unions NSW submits that in line with the principles of good governance, the NSW Government has a responsibility to conduct a community impact statement before making a decision to close or downsize a correctional facility. Such a community impact statement would consider the impacts of the decision, seek to minimise negative impacts and look at alternative options.
- 2.4. Since this Government came into office in March 2011 there have been a number of closures and downsizing of Correctional Services facilities around NSW. Through these decisions, employees, inmates and communities have been given no opportunity to voice their concerns. Additionally no information that considers the effects of these decisions on communities has been made public to the people of NSW.
- 2.5. The Government's lack of consultation and consideration of the impact on the community has most recently been demonstrated through the downsizing of Grafton Gaol in July 2012. The community opposition to this decision was demonstrated through a series of community forums and rallies in July and August 2012. The people of Grafton had not been consulted through the decision making process of downsizing their gaol. It appears that the wider impacts that this decision had on the community and its residents had also no been considered.
- 2.6. Unions NSW submits that the NSW Government has not taken appropriate steps towards achieving good governance and transparency when it has come to decisions concerning the closure or downsizing of correctional facilities in this State. Unions NSW believes this is best highlighted through the experiences of the Grafton Community.
- 2.7. Unions NSW submits that there is currently no process in place that requires the NSW Government to make transparent decisions that considers the impact on communities, employees, inmates and their families when deciding to downsize or close a correctional services facility. Unions NSW argues that such a process should exist within a healthy democracy.

### **3. Unions NSW recommendations:**

#### Recommendation One

Grafton Gaol be restored to its original operational capacity

#### Recommendations Two

Any future proposals that involve the downsizing or closure of Grafton Gaol must be assessed through a Community Impact Statement. This impact statement must consider the impact on the community and all stakeholders and must consider the regional location of Grafton and any additional impacts that are associated with this. Consultation and the preparation of a statement must be undertaken prior to a decision being made

#### Recommendation Three

All proposals for the closure or downsizing of any Corrective Services NSW facilities must be assessed through a Community Impact Statement. This impact statement must consider specific impacts on the community and all stakeholders and must be applied individually to each proposed closure or downsizing. As above, the impact statement must be made prior to a decision being made.

#### Recommendation Four

Community Impact Statements be made publically available prior to a decision being made regarding the closure or downsizing of a Corrective Services facility.

### **4. Responsibilities of the Government**

4.1 Prior to being elected to Government in March 2011, the NSW Liberals and Nationals produced a *Contract with NSW*<sup>1</sup>. The fourth commitment of this contract was to:

*“Restore accountability*

*- We will give people a real say on issues affecting their local community”*

4.2 After being elected to Government in March 2011, the O’Farrell Government produced *NSW 2021 – A Plan to Make NSW Number One*<sup>2</sup>. This plan reiterates the Liberal/National commitment to accountability with the chapter “Restore Accountability to Government”. Within this chapter Goal 31 of the document is to “Improve Government transparency by increasing access to Government information”. The document elaborates on this goal by stating “the community has

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<sup>1</sup> <http://www.contractwithnsw.com.au/>

<sup>2</sup> <http://www.2021.nsw.gov.au/>

the right to openness, accountability and transparency when it comes to government decision making and information”. Goal 32 of the document is to “Involve the community in decision making on government policy, services and projects”.

4.3 Unions NSW support these goals and commitments in principle. Unions NSW believes that consultation with communities that are affected by government decisions is a key element of good governance. Additionally, Unions NSW believes that the Government has a responsibility to take the views of the community seriously and to provide transparency around their decision making process. Unions NSW submits that the Government of NSW has the responsibility to uphold the principle of good governance.

4.4 Unions NSW believes that the Government of NSW also has the responsibility to uphold the principles of equity, precaution, sustainability and transparency when making decisions in regards to the closure or downsizing of Corrective Services NSW facilities.

4.5 An examination of Government decisions concerning the closure or downsizing of Corrective Services NSW facilities to date has not upheld these principles. The Government’s actions to date are also in conflict with their commitment to “restore accountability” and the goals within the NSW 2021 document.

## **5. Circumstances surrounding the Downsizing of Grafton Gaol**

5.1. On 29 June 2012, the Government announced that Grafton gaol would be downsized and restructured into a Transit Centre. The restructure would result in the loss of over 100 positions. On 2 July 2012 staff were informed by Commissioner Woodham by letter of their redeployment options.

5.2. At this stage, Unions NSW submits that no consultation had occurred with unions, inmates, or community members prior to the announcement of the downsizing or prior to staff being informed of their redeployment options. Unions and community members asked the Government to suspend the decision to downsize the gaol and consult with them. No efforts were made by the Government to consult with the community as a result of this request.

- 5.3. On 5 July 2012 a community rally was organised to protest the closure of the gaol and Clarence Valley Community Unions had collected over 10,000 signatures. After this rally a meeting was held on 6 July 2012 and represented in this meeting with Acting Premier, Andrew Stoner and Minister for Justice, Greg Smith were Unions NSW, the Chambers of Commerce, Mayor Richie Williamson, The Public Service Association, the Prison Officers Vocational Branch. In this meeting, concerns were raised about job prospects as well as the effect that the downsizing would have on the entire community. However, no change was made to the decision to downsize the gaol as a result of this meeting.
- 5.4. Pickets and rallies protesting the downsizing of the gaol continued on 7 and 8 July. This culminated in a community rally on 10 July 2012. Present at this rally were all those represented at the meeting on 6 July who continued to oppose the decision.

## **6. How the downsizing of Grafton Gaol was mishandled by the Government**

### *6.1. Lack of consultation*

The decision to downsize Grafton gaol was made and announced before any consultation with the stakeholders or community members of Grafton Gaol was undertaken. In preparing this submission Unions NSW has contacted a number of local organisations, stakeholders and community members who confirm that they were not consulted in any way prior to downsizing. These community members include: staff at the gaol, members and officials of the Public Service Association, Prison Officers Vocational Branch, NSW Teachers Federation and NSW Nurses and Midwives Association, families of gaol staff, Clarence Valley Council, Grafton Chamber of Commerce and Industry, jobs service providers, Clarence Valley Community Unions, inmates, inmates' family members, and Justice Action.

- 6.2. A number of these stakeholders took part in the above mentioned protests after the announcement that the gaol would be downsized. Despite this clear demonstration of opposition to a Government decision, the Government did not seek to consult with any of the members of the community.

### *6.3. Lack of certainty*

In June 2011, almost one year before the announcement of the downsizing, Premier O'Farrell visited Grafton and announced "I can give you an iron clad guarantee that Grafton

gaol is not closing”<sup>3</sup>. Although he did not rule out job losses, what O’Farrell gave the people of Grafton was a sense of security around what is considered a centre piece to jobs and the local economy of Grafton. The Premier of NSW misled the people of Grafton with the promise that the gaol would not be closed and created a false sense of security within the community.

6.4. *Lack of Transparency around cost-savings*

The Government’s decisions to down size the gaol and reduce staff by 108 employees was attributed to economic necessity. It has been stated by the Government that the downsizing of the gaol would provide significant costs savings and increase the efficiency of the NSW prison system.

6.5. Unions NSW submits that the Government has not made public any evidence that the decision to downsize Grafton Gaol has made any cost savings to prison services. The downsizing of the gaol involved a reduction in both staff and inmate population. It has been noted by staff within the gaol, that since this downsizing the ratio of staff to prisoners has increased significantly. In turn, it is most likely that the operating cost of the gaol per inmate has also increased significantly. In a press release dated 6 July 2012, Minister for Justice, Greg Smith claimed that the cost per inmate at Grafton was \$173 compared to \$98 per inmate at Cessnock where many of the prisoners were to be located. No comment has been made by the Government regarding a comparison between the cost per inmate at Grafton gaol before and after the downsizing of the gaol.

6.6. *Lack of transparency around decision making processes*

The NSW Government has not publically produced any material that justifies their decision to downsize Grafton gaol. As mentioned above no cost savings evidence has been made accessible to the public. Further, the Government has provided no justification for how the impacts that such a closure has on a community have sought to be minimised.

6.7. There is no evidence the Government conducted a Regional Community Impact Statement.

6.8. *Lack of inter-Government communication*

There is no clear evidence that appropriate government representatives were involved in decision making process to downsize Grafton gaol.

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<sup>3</sup> <http://www.dailyexaminer.com.au/news/premier-laughs-off-gaffe/1161232/>



6.9. Andrew Stoner was the acting Premier at the time the downsizing was announced. On the 13<sup>th</sup> July Mr Stoner spoke publically about the downsizing stating that he was unaware of the extent of the cuts until they were announced<sup>4</sup>. As the leader of the National Party as well as acting Premier, it is concerning Mr Stoner had not been consulted in the decision making process.

6.10. It is also suspected that there was no correspondence between the Minister for the North Coast and the Minister for Justice regarding the downsizing the gaol prior to the announcement.

## **7. Community Impact Statement in regional areas**

7.1. In assessing the circumstances and action/inactions of the NSW Government in the downsizing of Grafton gaol, Unions NSW submits that the Government has not upheld the principles of good governance or a commitment to accountability.

7.2. As outlined above Unions NSW believes that accountability and transparency in Government decisions are an obligation the Government has to the people of NSW.

7.3. In order to ensure good governance and accountability, Unions NSW believes that all proposals for the downsizing or closure of correctional facilities must be assessed through a community impact statement (CIS). The aims and guidelines of a model community impact statement have been developed by O'Neill et al. and are attached as an appendix to this submission<sup>5</sup>.

7.4. Unions NSW will summarise the key aims and process of a community impact statement and the importance that these statements have in ensuring accountability and good governance.

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<sup>4</sup> <http://www.abc.net.au/local/audio/2012/07/13/3545284.htm>

<sup>5</sup> O'Neill, P., Phibbs, P. and Ziller, A. (2011), "Guidelines for Community Impact Statements", Paper Prepared for Unions NSW, Urban Research Centre, University of Western Sydney.

- 7.5. A community impact statement is a document which assesses and considers the likely impacts of a Government decision before the decision is made. A CIS takes into account the social, cultural, economic and environmental impacts on a community as a result of a decision. Once these issues are assessed and taken into account, the CIS also considers ways impacts can be minimised and alternative options<sup>6</sup>.
- 7.6. Community impact statements are completed prior to a decision being made.
- 7.7. Currently a range of departments in NSW use impact statements or community impact statements. This includes in liquor licencing, development proposals in land use, mining and other extractive industries. Unions NSW submits that community impact statements in government decisions for the downsizing and closure of Corrective Facilities need to provide a much broader analysis of cultural, social, economic and environmental impacts on communities than those already in use.
- 7.8. Community impact statements have two aims. Firstly, they ensure all likely social, cultural, economic and environmental impacts are taken into account before a decision is made. Secondly, they demonstrate that this practice has been done well and fairly<sup>7</sup>.
- 7.9. A community impact statement should assess what has been proposed and describe the current situation. It should engage in broad community consultation to ensure that the effects on all relevant individuals, groups and organisations are considered. After assessing these affects and considering alternatives, a community impact statement should make a recommendation to the decision maker(s).
- 7.10. Unions NSW submits that it is the responsibility of the Government to undertake a community impact statement and to produce its findings before a decision is made. In line with O'Neill et al. guidelines, the integrity and credibility of community impact statements are maintained by placing responsibility for them within an operational unit responsible to a senior director general, such as within the Department of Premier and Cabinet.
- 1.1. When a community impact statement is being applied in a regional area it is also important that issues specific to regional communities are considered. These issues may include

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<sup>6</sup> Ibid.

<sup>7</sup> O'Neill et al.

geographic isolation, a narrow and variable economic base, physical isolation, small population size and/or a strong attachment to place.

- 1.2. Currently the NSW Government is required to submit a Rural Communities Impact Statement to Cabinet for any major proposed changes to government agencies in rural NSW. These statements are designed to ensure that social, political and economic impacts of government decisions are considered.
- 1.3. Little is known about the operation of Rural Communities Impact Statements in the current government.
- 1.4. The NSW Government has been questioned about their use of Rural Communities Impact Statements in relation to government decisions. The Government has not been able to provide any clear proof that an impact statement has been completed<sup>8</sup>.
- 1.5. In 2007, Andrew Stoner, the Leader of the Nationals, introduced the *Rural Communities Impacts Bill*. Stoner spoke of the Bill “giving country communities a fair go in terms of the decisions made by this parliament”<sup>9</sup>.
- 1.6. Stoner’s Bill sought to ensure the rural communities impact statements are appropriately conducted and are made available to the public and the communities in which they affect. Stoner stated that “this legislation is essential in terms of ensuring probity and transparency and that the needs of rural and regional communities are taken into account by all governments”<sup>10</sup>.
- 1.7. This *Bill* was not passed by the Parliament. Despite Stoner’s passion on this particular issue, no attempt has been made by the Liberal/National Government to introduce similar legislation.
- 1.8. Unions NSW submits that community impact statements be developed for all proposals regarding closure or downsizing of a correctional facility and that these statements be made public. Unions NSW agrees in principle with the arguments brought forward by Stoner in 2007 for the need to conduct and make public rural impact statements. However,

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<sup>8</sup> Hansard, 14 May 2012, Legislative Council, Questions without notice

<sup>9</sup> <http://www.parliament.nsw.gov.au/prod/parlment/hansart.nsf/V3Key/LA20070531004>

<sup>10</sup> [http://www.parliament.nsw.gov.au/prod/parlment/nswbills.nsf/0/aa89ca119f43225aca256df1001db515/\\$FILE/Rural%20Com.pdf](http://www.parliament.nsw.gov.au/prod/parlment/nswbills.nsf/0/aa89ca119f43225aca256df1001db515/$FILE/Rural%20Com.pdf)

Unions NSW submits that these need to extend to cover decisions that occur in regional and urban areas. Unions NSW submits that such statements align with the guidelines proposed above and included in appendix 1.

## **2. Differentiation between a Government Inquiry and a CIS or RIS**

- 2.1. Unions NSW welcomes the opportunity to make a submission to the Inquiry into the closure or downsizing of Corrective Services NSW facilities. However, Unions NSW notes that a Government Inquiry is a significantly different form of consultation and consideration of Government actions than a community impact statement. The three key differences between a Government Inquiry and community impact statements are timing, accessibility and specificity.
- 2.2. The timing of this Government Inquiry comes after the Government's decision and implementation of the closure of Kirkconnell, Parramatta and Berrima gaols and the downsizing of Grafton gaol.
- 2.3. Community impact statements are conducted prior to a decision being made and are conducted in relation to a proposal. This timing ensures that community impact statements are able to genuinely take community considerations and impacts into account and allow this to assist in shaping the final Government decision.
- 2.4. Unions NSW submits that the format and procedure of consultation through a government inquiry does not provide the same level of accessibility for members of the community as the consultation conducted through a community impact statement.
- 2.5. The requirement for submissions to be made to the Inquiry in writing may act as a barrier for many community members, employees or family members. It is likely that this barrier to participation is exacerbated in regional areas where literacy and education levels are statistically lower than in urban areas of NSW.
- 2.6. Unions NSW recommends the Inquiry Committee visit Grafton, Kirkconnell, Parramatta and Berrima to conduct Inquiry hearings as a way of encouraging community participation. Unions NSW however, would like to note that the formal nature of Inquiry hearings may act as a barrier for participation for community members from non-English speaking backgrounds, low literacy levels, or those unsure about Inquiry procedures.

- 2.7. Community consultation is a key component of a community impact statement and may take shape in a number of formats and mediums. Through the consultation process, it is important that those conducting the impact statement make an effort to identify and consult with key stakeholders that will be affected by the decision. Whilst community impact statements must formalise the approach they take to consultation, they are open to a lot more flexibility in the methods of consultation than a Government inquiry.
- 2.8. This inquiry is looking into the closure and downsizing of Correctional Services NSW facilities, this is a significantly broad subject matter considering the large number of Correctional Services that are currently in operation around the state. Unions NSW believes that the broad nature of this inquiry is important as it allows for a discussion of Government policies and procedures around decision making.
- 2.9. The broad nature of this inquiry however, also clearly differentiates it from a community impact statement. In the process of a CIS it is important that each decision is assessed individually. Unions NSW believes that this is important when proposals to downsize or close gaols are made, as each gaol exists within a different community with varying social, political and economic backgrounds.
- 2.10. This inquiry will hear evidence of the community impact that the closure and downsizing of correctional facilities has had on a number of communities in NSW. Unions NSW does not discount the importance of these stories and the forum in which they are being heard. However Unions NSW believes that on hearing the community impact of these Government decisions, the appropriate path forward would be to create an opportunity for a community impact statement to be conducted for each individual decision or proposal.

### **3. Community impacts that have arisen from the Grafton experience**

- 3.1. As noted and contained in the appendix, Unions NSW is not the appropriate body to conduct a community impact statement, this is the responsibility of the NSW Government.
- 3.2. Unions NSW however, would like to make a number of observations regarding the impact that the downsizing of Grafton gaol has had on the community of Grafton. These

observations have been made with the assistance of Clarence Valley Community Unions and conversations with members of the Grafton community.

- 3.3. Unions NSW submits, that the below observations will provide the inquiry a brief insight into some of the issues that would have been unveiled had appropriate community consultation taken place prior to the decision to downsize Grafton gaol.
- 3.4. The downsizing of Grafton gaol saw 108 gaol employees lose their jobs. Being made redundant from a job is a difficult time for any employee; however within Grafton and the gaol's workforce there a number of circumstances that exacerbated this difficulty.
- 3.5. The employees at Grafton gaol who were made redundant included prison officers, nurses and educators. The specific skill set and training undertaken by prison officers and prison educators means that their jobs are not easily transferable to another government service outside of correctional services. This created limited future employment opportunities.
- 3.6. The gaol employs a large number of mature age workers who are over the age of 50, a large number of these employees were offered redundancies. Statistics show that mature age workers find it more difficult than younger workers to retrain and find new work. This issue is exasperated by recent Government decisions to significantly decrease funding to TAFE education and reduce the number of courses available.
- 3.7. The future employment opportunities for workers who request a transfer are also limited due to the lack of corrective services facilities within a commutable distance from Grafton. Consequently employees seeking employment in an alternate gaol would need to relocate themselves and their family in order to find employment.
- 3.8. The mass movement of retrenched employees out of the Grafton area has significant flow on effects within the community, its local economy and house prices.
- 3.9. Within the Grafton community, the gaol was considered by the residents, staff and local business to be an economic base for the town. The downsizing of the gaol has had flow on effects in the local business community, with employees and the families and inmates families moving out of the area.

3.10. The downsizing of the gaol will have a significant effect on the inmates who were moved to Cessnock gaol. The inmates and families of these inmates were not consulted prior to the announcement of the downsizing. Many families and individuals move to areas where their relations are incarcerated. It is widely acknowledged that a support network and contact with family members significantly increases an inmate's chances of rehabilitation. The movement of inmates to Cessnock will mean that the families of these inmates will either need to be uprooted from their homes in Grafton, or will have limited contact with the affected inmates.