

INQUIRY INTO THE CLOSURE OR DOWNSIZING OF CORRECTIVE SERVICES NSW FACILITIES

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Partially Confidential

**A SUBMISSION BY THE PRISON OFFICERS VOCATIONAL BRANCH OF
THE PUBLIC SERVICE ASSOCIATION OF NSW TO AN INQUIRY INTO
THE CLOSURE OR DOWNSIZING OF CORRECTIVE SERVICE NSW
FACILITIES**

**SELECT COMMITTEE ON THE CLOSURE OR
DOWNSIZING OF CORRECTIVE SERVICES NSW FACILITIES**

The Public Service Association of NSW (PSA) is a trade union that covers employees of Corrective Services NSW (CSNSW). The union has over 5,000 members in the Department. Other significant unions are the Teachers Federation of NSW and the Nurses Federation of NSW.

The Prison Officers Vocational Branch (POVB) represents a large group of employees within CSNSW, that is, front-line Prison Officers that hold the rank of base-grade Prison Officers through to Senior Correctional Officers.

The POVB has always played an active role in the development and implementation of structural reforms within the NSW Prison System. The POVB have shown, through a number of major reforms including the 'Introduction of Case Management', the 'Way Forward', and the 'Structural Reforms' following the election of the O'Farrell Government in 2011, that they are open to any discussion on ways to improve the efficiency and effectiveness of CSNSW.

Under the Terms of Reference of this Inquiry, a Select Committee is to inquire into and report on the closure or downsizing of CSNSW facilities and in particular:

a) The basis for the decision to close or downsize any facility including the documents and other records that were considered by the Minister, such as any economic or financial analysis.

1. In July 2012, the Grafton Correctional Centre was restructured down to a Transit Centre. This restructure resulted in a net loss of over

100 positions. The POVB were informed at a meeting at Long Bay on 29 June 2012 of the decision to downsize at the same time as the staff at Grafton Correctional Centre. No effective negotiation or consultation took place with the union prior to the decision to downsize the facility.

2. The POVB contend that the Grafton Correctional Centre had been embroiled in controversy for a number of years. In particular from approximately 2009 up until the restructure of the facility in 2012. Much of the controversy revolved around the breakdown in the relationship between the then and the staff at the facility including the majority of Prison Officers covered by the POVB.
3. In February 2010 the PSA lodged a dispute in respect to the victimisation of the Chair of the Grafton sub-branch of the POVB, Mr Richard Woelfl. A copy of the dispute notification is attached **(Attachment A)**. The matter was successfully conciliated with the assistance of His Honour Justice Marks of the Industrial Relations Commission of NSW.
4. In May 2010 representatives of the PSA and the State Executive of the POVB were required to attend a meeting in Grafton in respect to concerns by staff at the lack of training afforded to Custodial Officers in respect to emergency procedures. The Occupational Health & Safety Committee, at the time, submitted a Hazard Notification form noted as high risk. Of particular concern was the lack of training in respect to the deployment of Chemical Munitions, First Aid accreditation, Riot Control Drills, and other operational issues. Following the intervention of Deputy Commissioner Ian Maclean a training regime was then implemented. Prior to this the had resisted any training for staff as he

did not want to incur costs that would affect the budget of the Centre.

It should be noted that the Grafton Correctional Centre would also be required to respond to any disturbances at the nearby Acmena Juvenile Justice facility. It should also be noted that the facility is adjacent to a hospital and numerous private dwellings. It is imperative in a situation such as this that Chemical Munitions deployment be strictly controlled and adequate training should be regular and thorough.

5.

6. In June 2010 Mr Ian Klum, an inmate at Grafton Correctional Centre, died in custody. The death of inmate Ian Klum is currently subject to a Coronial Inquest. The Coronial Inquest and the circumstances surrounding inmate Ian Klum's death have been subject to much media speculation. The ABC showed a documentary in respect to the death of inmate Ian Klum which showed graphic footage of inmate Klum crawling for a period of time from one cell to another. Three officers remain suspended in respect to this incident and face dismissal by the Department. The POVB/PSA have

represented the three members before the Industrial Relations Commission of NSW.

7. In November 2010 a number of staff contacted the Independent Commission Against Corruption (ICAC) in regards to alleged preferential treatment being given to an inmate by

The allegations include an in-cell visit, special privileges in regards to receiving extra property and money from visitors and via mail, unsupervised visits and a direction to staff to re-urine test the inmate after he had refused a urine test despite the fact that he was under suspicion for drug trafficking within the Centre.

8. On 1 December 2010 members of the POVB passed the following Motions:

MOTION

9.

10.

11. In August 2011 Commissioner Woodham announced major structural reforms across the NSW Prison System including the closure of Parramatta, Berrima and Kirkconnell Correctional facilities and the total loss of more than 650 jobs from across the Department.

This reform resulted in 10 job losses at the Grafton facility and the closure of the Periodic Detention Centre and the June Baker facility, which catered for female inmates at Grafton.

It should be noted that the POVB Sub-Branch negotiated in good faith with the A/General Manager Mr Pavlovic in respect to the implementation of these reforms which resulted in ongoing savings in excess of \$1 million per annum at the Grafton Correctional Centre.

12. On 30 August 2011 the Grafton POVB Sub-Branch held a union meeting in respect to their concerns at the imminent return to the Centre of

13. In response to this Motion, Deputy Commissioner Ian Maclean informed the POVB State Executive that members of staff could highlight grievances in reports that could be submitted directly to him.

On 9 September 2011, Deputy Commissioner Ian Maclean responded in writing to a number of grievances that were outlined to him. Staff did not accept the position put forward by Deputy Commissioner Ian Maclean in respect to their grievances.



15. On 14 September 2011 the PSA lodged a dispute with the Industrial Relations Commission of NSW (IRC Matter No. 1502 of 2011) in respect to the staff concerns with the management of the Centre

On 22 September 2011 a meeting of staff was held with the Assistant Commissioner, Northern Region Mr Col Kelaher and Manager of Probity Ms Liz Ball. This meeting was an open forum with all PSA members, custodial and non-custodial, encouraged to attend. During the course of the meeting a large number of staff raised grievances in respect to

16. Justice Marks conducted Conciliation Conference at the Grafton Correctional Centre on 26 & 27 September 2011. His Honour recommended that a Tripartite Inquiry be conducted in respect to the management of the facility and that a representative each from the union, from the Department and from the community oversee this Inquiry. In a further conciliation conference held on 4 April 2012, His Honour Justice Marks of the Industrial Relations Commission of

NSW described the situation at Grafton Correctional Centre as 'toxic'
(Attachment C).

17. Following the issue of this recommendation Commissioner Woodham contacted the POVB and asked to be given an opportunity for him to resolve the situation. As a matter of good faith, the POVB agreed to this.

- 18.

Following the matter being listed in the IRC before Justice Marks, a meeting of POVB delegates from Grafton and Deputy Commissioner Ian Maclean and other members of senior management was held at the Henry Deane Building in Sydney. During the meeting the General Manager of Grafton Correctional Centre denied ever making a statement that units would close. Deputy Commissioner Maclean gave an undertaking to all the union representatives present that the facility would remain open in its current format.

19. On 24 November 2011, Commissioner Woodham convened a meeting with Grafton POVB Sub-Branch delegates Officer Scott Ensby and Officer Jason Cunningham along with Mr Matt Bindley, State Chair of the POVB, Mr Stewart Little, Senior Industrial Officer of the PSA/POVB, Mr Dave McCauley, POVB Organiser and Ms Liz Ball, Manager of Probity. During the course of this meeting Mr Woodham stated that he was not intending to close the Grafton Correctional Centre and that the delegates along with POVB delegates across the State had helped implement a major State-wide restructure of the Prison System. Commissioner Woodham asked if there had been any inappropriate behaviour of officers at Grafton Correctional Centre, the delegates stated emphatically that there was not.

All the union representatives present at the meeting urged Mr Woodham to put forward any allegations of wrongdoing to the Police for their immediate attention. Further to this the union made it clear that it would not support any member who had engaged in criminal activity of any type.

20. On 23 January 2012 members at Grafton Correctional Centre conducted a stop work meeting following a decision by

to again strip a number of important security posts. Members were particularly concerned as management had provided intelligence to officers to look for drugs, syringes and weapons in various areas of the gaol. On 10 February 2012 the PSA lodged a dispute with the Industrial Relations Commission of NSW which was subsequently heard before Justice Marks (**Attachment E**).

21. In mid April 2012 the situation at Grafton had not improved. The agreed custodial staffing level of 78 was not being met by the Department with a number of vacancies at the Centre. The existing staffing number at this time was in fact 66. The PSA was extremely concerned at the constant stripping of security posts and the excessive use of over time to fill posts due to the staffing deficiencies at the Centre.

22. In Mid April 2012 the Local Member of Parliament Mr Galaptis held a meeting with the POVB delegates. Mr Galaptis advised that he would raise the concerns of staff with the Attorney General and the Minister for Corrective Services Mr Greg Smith.

23. On 18 May 2012 a serious incident occurred at the Grafton gaol whereby an inmate was charged with the attempted murder of another inmate. This incident involved an inmate assaulting another inmate with a large metal blade which had been removed from the industrial section of the prison where he struck the other inmate repeatedly in the head causing massive head injuries. It was the fast response of custodial officers at the Centre that prevented the inmate from continuing his attack on the other inmate and the speedy First Aid that saved the life of the inmate.
24. On 29 June 2012, the POVB State Executive were invited to a meeting at the Longbay Regional Complex and were informed by Deputy Commissioner Maclean of the Government's decision to downsize the Grafton facility. This meeting was held concurrent with a meeting of staff at Grafton where they were informed of the decision to downsize. Commissioner Ron Woodham issued a letter to all staff on 29 June 2012 informing them of the restructure at Grafton Correctional Centre.
25. On 2 July 2012 Commissioner Woodham wrote to the staff at the Grafton gaol informing them of their redeployment options. Of concern to the POVB was Mr Woodham's statement in the correspondence that the recommendation to downsize Grafton was made in late 2011 **(Attachment F)**. POVB were particularly concerned given the discussions that were held with Commissioner Woodham

The most disturbing aspect of this statement was the fact that a number of staff members were transferred to the Grafton Correctional Centre from other areas across the State. One Officer was transferred in February 2012.

- b) **Each Rural Impact Statement completed before the decision to close or downsize any rural or regional facility.**

26. The POVB is particularly concerned at the impact of the downsizing of the Grafton facility on the local community. The PSA understands that the facility was the largest single source of employment in the town. To the best of our knowledge neither the Department or any Government agency have undertaken a rural impact statement in respect to the downsizing.

c) **All consultation that was undertaken prior to the decision with stakeholders, including local government, chambers of commerce, industrial bodies, prisoner welfare groups and staff**

27. The POVB were informed of the decision at the same time that staff were advised, that is on 29 June 2012, in a meeting at the Longbay Correctional Centre. No opportunity was given to undertake any meaningful restructure of the facility despite the fact that local delegates had negotiated a saving in excess of \$1million in August 2011. To our understanding there was no consultation with the community, business owners or the families of the inmates.

d) **The costs associated with the closure or downsizing of each facility and the relocation of the prisoner population to other locations**

28. The POVB has not been made aware of the costs associated with the downsizing of the facility in terms of relocation of staff and the prison population. It would be expected that CSNSW would have undertaken a cost analysis in respect to this.

d) b. **What is the cost effectiveness of the current decision that has been made in Grafton**

29. During the week long community picket of the Grafton facility in July 2012, a number of claims were made by CSNSW and various Government representatives. A cost comparison was made between

the Grafton facility, which it was said cost around \$176 per inmate per day as compared to the newly refurbished Cessnock complex which when opened will be able to house inmates at \$90 per day. It is difficult to see how this comparison could be made given that the newly refurbished Cessnock Correctional facility is yet to commence operation and the running costs associated with it is at best an estimate.

30. It is quite insidious of the Department and Government representatives to make a claim that the Grafton Correctional facility operated at a cost of \$176 per inmate per day given the facility had not been adequately staffed as illustrated above, whereby only 66 custodial officers out of an establishment of 78 were employed at the time this analysis was done. The costs in increased overtime and the use of casual staff would have clearly affected this estimate.

E. The impact on staff and their families, and on families of Indigenous inmates of a closure or downsizing

31. The impact on both the Community and in particular the staff who had been employed at the Grafton facility has been devastating. Most officers and their families were firmly integrated into the social, cultural and economic fabric of Grafton.
32. Grafton has always been a prison town. A number of members have been forced to relocate. [REDACTED] who was employed as a Senior Correctional Officer at Grafton is required to relocate to the Mid North Coast Correctional Centre at Kempsey. His wife and children are devastated by this forced move. [REDACTED] listed his house in Grafton in August 2012 for \$420,000. The house had been valued by his Bank in late 2011 at \$400,000. He has recently accepted an offer of \$365,000. In his view this is at least a loss of \$35,000, though he believes he has effectively lost \$55,000 from the value of the property. He has been informed by his Real Estate Agent that the

property value in the area has plummeted since the Government announced the downsizing of Grafton Correctional Centre.

33. [redacted] was transferred to the Grafton Correctional Centre in February 2012. [redacted] wife has recently been diagnosed with emphysema and other serious medical complications. The announcement of the downsizing of the Grafton facility has had a devastating impact upon [redacted] and his family. He has now taken a redundancy and may need to return to Sydney. The Department has stated that he would not be entitled to any form of assistance should he need to return to Sydney.

34. [redacted] was also employed at Grafton Correctional Centre as a Senior Correctional Officer. He has been transferred to the Mid North Coast Correctional Centre at Kempsey and his wife has recently discovered she is pregnant. Their forced relocation has had a devastating impact upon their family.

[redacted] has put his property up for sale, but has been unable to sell his property, nor has he been able to secure a tenant for his property in Grafton. He is particularly concerned as he has been redeployed to Kempsey where he would be required to pay rent until such time as he sells or secures a tenant for his property in Grafton which will enable him to make his mortgage repayments.

35. The POVB is also aware of other Officers who were relocated to Grafton despite the Department and Government considering the downsizing of the facility. It is an absolute disgrace that Officers were transferred to this location whilst active consideration was being given for its closure or downsizing, particularly given the loss of over 100 positions at the facility. It is fair to say that the Officers mentioned above are a snapshot, and the difficulties and hardships faced by many Officers are known unto them as they have not aired their situation in public.

36. The Grafton facility houses a large number of indigenous inmates. The POVB do not have the exact figures in respect to this, however, estimates from Officers are that at any given time up to 75% of the inmates housed at Grafton gaol could be indigenous. The decision to relocate these inmates will have a drastic effect on the support these inmates receive from their family and friends who live in the area. The POVB understands that the removal of such a large number of indigenous inmates from their community is inconsistent with the recommendation handed down by the Royal Commission into Aboriginal Deaths in Custody and a number of Coronial Inquests.

CONCLUSION

37. The POVB have a proven track record in negotiating in good faith to deliver structural reform within the NSW Prison System. Had any serious attempt been made to address the long standing management problems at the Grafton facility and to negotiate in good faith with the unions, there is no question that the Grafton Correctional Centre could operate in its full capacity at a rate comparable to similar correctional facilities around the State.
38. The newly restructured prison facility that operates at Grafton requires a staff establishment in excess of 40 officers to cater for a fluctuating inmate population that would rarely exceed 70 inmates. The POVB call on the Government to re-open the facility to its former operation.