

**Submission  
No 10**

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

**Name:** Mr John Heffernan

**Date received:** 4/10/2012

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## SUMMARY

The following is a submission to the NSW Government Select Committee into the Partial Closure of Corrective Services NSW Facilities by John William Heffernan, former Superintendent of the NSW Department of Corrective Services and governor of Grafton Correctional Centre.

- In July, 2012, Premier Barry O'Farrell announced that Grafton Correctional Centre would be effectively downsized to become a transient and remand centre.
- I believe that decision was based on questionable information supplied by the Department of Corrective Services
- The process then initiated to downsize the Grafton Correctional Centre was hastily undertaken without due regard for either those that worked within the centre or the local community.
- When opening a new centre in a community the Corrective Services department has a proper and detailed process which serves to both build a relationship and educate those that reside in the area. The department provides the community with relevant information and becomes part of that community by committing to purchase locally and employing locals wherever possible. However, it would appear that when they wish to close a centre that due regard and respect for the local community is not shown.
- A major recommendation of the Royal Commission into Aboriginal Deaths in Custody is to house Aboriginal offenders close to their families wherever possible. The partial closure of Grafton Correctional Centre denies local Aboriginal offenders that right and therefore appears to be in direct contradiction to that recommendation.
- As a previous governor of the centre I seriously question the rationale offered to justify the decision to downsize the centre. ie Maintenance requirements, costs per inmate per day, etc.
- Before any decision is made to close or partially close any correctional centre all relevant factors should be considered. Economy of the centre alone should not be the major consideration. The impact upon the local community, including employment opportunities should be considerations before any final determination is made.

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## **SUBMISSION**

**To:** The NSW Government Select Committee into the Partial Closure of  
Corrective Services NSW Facilities

**From:** John William Heffernan. Superintendent NSW Department of Corrective  
Services (Ret)

**Re:** Submission to the Inquiry

**Date:** 2 October, 2012

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### **Issue:**

In July, 2012, Premier Barry O'Farrell announced that Grafton Correctional Centre would be effectively downsized to become a transient and remand centre. Although this change of classification would result in the deletion of approximately 108 staff positions those affected were given little notice of impending transfers and no consultation was initiated with the local community.

### **My Background:**

Commencing in 1975 I served for 30 years in the New South Wales Department of Corrective Services attaining the rank of Superintendent. For the last 10 years of my service I was appointed as a governor and managed a number of regional correctional centres. At the time of my retirement in 2005 I was the governor of Grafton Correctional Centre. During my period of service I worked in all areas of the department including Prison Industries and Prison Operations.

Following my retirement I returned to work with the NSW Department of Juvenile Justice. From 2006 to 2009 I was employed at the Acmena Juvenile Justice Centre, Grafton where I managed a unit of juvenile offenders.

I have an Associate Diploma in Criminal Justice (Charles Sturt University) and was awarded the National Medal for Service, the 20 Year Service Medal and the 25 Year and 30 Year Service Clasps.

**Comment:**

*Previous Closures*

During my 30 year career I observed the closure of several correctional centres including Parramatta, Maitland and Cooma. I also witnessed an unsuccessful attempt to close Tamworth gaol. Whilst I was not directly involved in these closures it appeared to me that it was a process that the department did not perform particularly well. Both Parramatta and Cooma were re-opened after a period of time and, due to considerable opposition, the plan to close Tamworth was abandoned.

Tamworth in particular demonstrated a complete lack of foresight and planning by the department as, some years later, rather than close the centre it was actually expanded. There was no community consultation or impact study performed; at the time it was nothing more than a global cost cutting exercise. The Tamworth Correctional Centre budget was approximately \$2mill and the department needed to save that amount in funds, hence with no consideration for the impact that it may have on the area, the decision was taken to close the centre. In the face of fierce opposition from the community and the local member commonsense eventually prevailed and the decision was abandoned.

### *Grafton – Lack of Notice*

On my retirement in 2005 I settled permanently in the Grafton district, however, I maintained close contact with former colleagues within the Corrective Services department. Whilst my knowledge of the reasoning behind the downsizing of the Grafton correctional centre is limited, I am fully aware of the impact that the decision has had on both the local townspeople and the staff who work within its walls. To say they were ‘blindsided’ would be an understatement.

Whilst still in power the previous Labor government indicated their intention to build a new gaol in the Grafton area then, Barry O’Farrell prior to the election, visited Grafton and while not prepared to make that same commitment at least promised that the gaol would not close. Although the gaol may not have closed the major downsizing has caused a great deal of distress not only to the staff and their families who lost their positions but also to the many local businesses that relied upon the gaol for much of their trade. Not only did the government and the department fail to consult with the local community they actually kept the decision a closely guarded secret, thereby making the impact even greater. Effectively all stakeholders were shown little respect and treated very poorly. Incredibly, staff were still being transferred into the centre up until a few months before the partial closure was announced. With no hint of what was to come they purchased residences in the area and prepared to raise their families in the local community. I know of officers who were absolutely devastated when they learned of the decision.

### *Community Reaction*

In the face of virtually no notice of closure along with very little explanation from the government and no consultation process the local community of Grafton reacted angrily. They requested a more detailed and comprehensive examination of the issue and the impact

the downsizing would have on the region as a whole. In order to demonstrate their solidarity the community formed a picket line outside the gaol. All they asked was for the Premier to place the matter on hold until such a study had been undertaken; given the major collateral damage that would follow on from the downsizing it seemed a reasonable request by any standard. The Premier not only refused that request he sent the police riot squad to the town to break the picket line – a line comprised of concerned citizens which included women and children. I visited the gaol in the early hours of the morning when the Corrective Services escort vans arrived accompanied by the police. Personally, at that point I felt ashamed and embarrassed to have been a public servant and senior member of the Corrective Services for more than 30 years. To me, it appeared an act of pure arrogance by a party with a large majority with little regard for decent, law-abiding citizens who voted to put them in power. It was Gestapo-like tactics that, coming on top of the decision to downsize the gaol, has certainly caused a great deal of damage to the present coalition government in the Grafton district and surrounding area.

#### *Lack of Process*

From previous experience I know that the department has a proper and detailed process in place when it decides to open a gaol in a specific region. I was directly involved with that process when the decision was taken to build the Mid North Coast Correctional Centre at Kempsey in 2000. We met regularly with the locals, conducted ‘door knock’ sessions and held information nights explaining fully how the department would become a part of the local community by purchasing local goods where possible and providing employment in the area. The department also formed a Community Consultative Committee comprising local representatives with whom we met every month to discuss our progress. I was also part of a similar process when the Yetta Dhinnakkal centre was established at Brewarrina. In all, it was an extremely effective exercise which provided two-way communication between the locals

and the department. Apparently, it appears no such detailed process is required when the department wants to close a correctional centre, even though, in many respects the impact on the community is probably far greater.

### *Aboriginal Population*

In recognising the close family relationships of aborigines, the Royal Commission into Aboriginal Deaths in Custody (1988) recommended that indigenous offenders be held as near to their families as possible.

‘That Corrective Services effect the placement and transfer of Aboriginal prisoners according to the principle that, where possible, an Aboriginal prisoner should be placed in an institution as close as possible to the place of residence of his or her family. Where an Aboriginal prisoner is subject to a transfer to an institution further away from his or her family the prisoner should be given the right to appeal that decision.’ Royal Commission Recommendation 168

By virtue of its location Grafton Correctional Centre houses a large population of aboriginal inmates. The decision to downsize Grafton appears in complete contradiction to this recommendation.

I know from my experience that the support and regular contact of family members greatly assists in the management of aboriginal inmates. Traditionally, indigenous families in the Grafton area are in the lower socioeconomic group and many receive support payments therefore they lack the resource and finances required to travel extended distances. To now expect these families to travel to centres such as Kempsey or Cessnock is unreasonable and will have a detrimental effect on the overall management of local aboriginal inmates.



## *Inefficient*

Part of the rationale offered by the government for the partial closure of Grafton is the age of the centre and its subsequent maintenance costs. As a previous manager of the centre I find this extremely difficult to accept. There is only one section (1 Wing) of the gaol that is a part of the original construction built in the 19<sup>th</sup> century. The units, which have now been closed, were actually opened in 1992. The centre rarely exceeds its annual maintenance budget allocation.

In addition, much has been said about the inmate costs per day and this again, I find somewhat perplexing. The centre was split into two separate sections, maximum and minimum security. The minimum security units accommodated approximately 110 inmates and were supervised by a relatively small number of staff as compared to the maximum security section. The inmate costs of the units would be far less than the total average of the entire centre yet it has been shutdown. Smoke and mirrors at its best.

Also, it is simply misleading to compare the inmate costs per day to a newer and purpose built centre such as Cessnock. There are many centres around the state that would be comparable in age and design to Grafton, particularly in the Long Bay complex. I would suggest that Grafton would compare quite favourably to these centres.

## **Conclusion:**

Grafton gaol has been part of the very fabric of the local community for over 150 years. This historic significance should have been an important consideration in the decision to downsize the centre. Generations of prison officers have worked and lived in the area since correctional facilities were first established in 1862. In addition to being a major employer in the area local businesses also rely heavily on the centre. Given those circumstances it would be

reasonable to expect that a proper communication process with the local community should have been initiated by the government. When the community reacted by forming a picket line simply to attempt to persuade the Premier to at least consult and examine the impact of the decision the answer came back in the form of the police riot squad.

In my opinion the department should have a proper and detailed process to close correctional centres much the same as they have when introducing a new centre to a region. When opening a new centre the Corrective Services department conducts an extensive education program, explaining in detail what impact a gaol will have on the local community. Given the consequences of withdrawing significant funds and resources from the area when closing a centre similar processes should be in place.

Before any decision is made to close or partially close any correctional centre all relevant factors should be considered. The impact upon the local community, including employment opportunities should be major considerations before any final determination is made. From my experience with the Department of Corrective Services I would be very surprised if any thought was given to the effect that a partial closure would have on the local area. I would expect that the government reached their decision to downsize on the basis of information supplied to them by the department. As stated earlier, the reasons offered, ie the age of the centre, inmate costs, maintenance costs etc. are questionable. At the very least the disadvantages should have been weighed against the advantages. I would suggest that such a process did not take place.

### **Recommendations:**

- 1 A proper procedure should be developed and implemented when a correctional centre is being considered for total or partial closure. All relevant factors should be taken into account including the effect on the local community, impact on staff, costs of

maintaining the centre, future employment opportunities in the area etc. The disadvantages should be weighed against the advantages of such action.

- 2 In the event a correctional centre is scheduled for total closure or partial closure sufficient notice should be provided to staff and the local community to allow those affected to make plans in respect of their future. Wherever possible at least one year's notice should be given.
  
- 3 In the event a correctional centre is scheduled for total or partial closure during the period of 'notice of closure' the Department of Corrective Services should conduct a proper and detailed education program for all parties affected. For example, staff should be given the opportunity to travel to other centres before making decisions as to transfer locations. In addition, community information sessions should be conducted in the region by both government and departmental representatives to inform and provide assistance for local businesses wherever possible.
  
- 4 Additionally, assistance should be given to provide real employment opportunities into the affected region.

John W Heffernan