

**REPORT OF PROCEEDINGS BEFORE**

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

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

**CORRECTED PROOF**

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**At Sydney on Friday 1 March 2013**

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**The Committee met at 8.50 a.m.**

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**PRESENT**

The Hon. P. Green (Chair)

The Hon. R. Borsak  
The Hon. D. J. Clarke  
The Hon. S. MacDonald  
The Hon. M. J. Pavey  
The Hon. M. S. Veitch

**CHAIR:** Welcome to the third and final hearing of the Select Committee on the Closure and Downsizing of Corrective Services NSW Facilities. I acknowledge the Gadigal people, who are the traditional custodians of this land. I also pay my respects to the elders, past and present, of the Eora Nation and other Aboriginal people who may be listening to the broadcast. This Committee was established in September 2012 to examine various aspects of the decision to close and downsize corrective services in New South Wales, including the impact the decision will have on staff and their families, particularly those who cannot move to other areas of the State. The Committee will also review the costs and benefits of such decisions. Today we will hear from Dr John Paget, a lecturer in correctional and justice issues at Charles Sturt University and former assistant commissioner in the Corrective Services NSW. We will also hear again from representatives of Corrective Services NSW, including the Commissioner, Mr Peter Severin. On behalf of the Committee, I thank all witnesses for attending today.

The Committee has previously resolved to authorise the media to broadcast sound and video excerpts of these public proceedings. Copies of the guidelines governing broadcast of the proceedings are available from the table by the door. In accordance with the guidelines, the media can film Committee members and witnesses, but people in the audience should not be the primary focus of any filming or photographs. In reporting the proceedings of this Committee the media must take responsibility for what they publish or what interpretation is placed on anything said before the Committee. Witnesses are advised that if there are any questions they are not able to answer today but that they would be able to answer if they had more time or certain documents at hand, they are able to take questions on notice and provide the Committee with the answers at a later date.

Witnesses, members and their staff are advised that any messages should be delivered through the attendants or the committee clerks. I also advise that under the standing orders of the Legislative Council any documents presented to the Committee that have not yet been tabled may not, except with the permission of the Committee, be disclosed or published by any member of the Committee or any other person. I also remind witnesses that the freedom afforded to witnesses by parliamentary privilege is not intended to provide an opportunity to make adverse reflections about specific individuals. Witnesses are asked to avoid making critical comment about specific individuals and instead speak about general issues of concern. Please turn off mobile phones for the duration of the hearing.

**JOHN PAGET**, Lecturer, Charles Sturt University and Former Assistant Commissioner, Corrective Services NSW, sworn and examined:

**CHAIR:** Do you wish to make an opening statement?

**Dr PAGET:** As the Chairman said, I am a lecturer at Charles Sturt University and a consultant. I have previously been an assistant commissioner in Corrective Services NSW, the chief executive of the South Australian Department of Corrections and project director at the Alexander Maconochie Centre in the Australian Capital Territory.

I have provided the Committee with a paper because I looked at the terms of reference, sat in on the first hearing and read most of the submissions on the Committee's website. It struck me that there was a range of issues that I might explore that might be appreciated by the Committee or those who will write the report. They relate to the context in which this downsizing and closure of prisons in New South Wales is occurring. I am also mindful, having been in this business for a long time, that prison openings and closures can be contentious in communities. That was evident at both Maitland and Cooma during my time in Corrective Services NSW. Of course, it is understandable that emotional issues often crowd out issues of fact and substance. I have tried to look at some of the issues raised in the submissions and to drill down a little bit to see the substance behind them. I hope the Committee finds that of some use.

In summary, prison closures are occurring all around the western world. They are closing prisons at a rapid rate in America because they have decided that their mass incarceration binge does not work, they can no longer be sustained by their parlous financial position and they have rediscovered that there are more beneficial alternatives. Associated with that, of course, is the competing cost of prisons when there are other important social infrastructure needs that go unmet, such as hospitals, school desks, aged care facilities and public transport. The figures I have provided demonstrate that you can buy a huge number of hospital beds and school desks for every prison cell you create and then continue to operate. In some respects, every prison closure should be celebrated. It raises the issue also that many scholars, researchers and practitioners have known for some time the prisons themselves are pretty blunt instruments and not particularly effective. I have gone into reasons for that in the paper. Then I have tried to identify for you some of the facts behind some of the assertions that are contained in some of the submissions. That is all I would like to state by opening.

**CHAIR:** On page 14 of the submission you mention the 75 new jobs in addition to 30 new Roads and Maritime Services roles announced in July as well as 79 jobs supported through the Northern Rivers Jobs Plan. How many of those jobs actually have been filled to date?

**Dr PAGET:** I did not drill down to that. Most of the information I have is from public domain records. So I was doing this by essentially searching on the website to find out what I could find out. I was not able to go in and specifically ask the department or other agencies. The answer to the question you pose is that I cannot tell you that.

**CHAIR:** I appreciate the global proportions you put in the paper about the world prison population. Can you elucidate on that a little more globally? You say that is probably not unusual in managing the prison population given technology advances. Would you like to comment on those?

**Dr PAGET:** The most striking advance in this process is occurring in the United States, which we have all associated for a long time with mass incarceration, which locks up so many black Americans and Hispanic people. The American budget position has made many jurisdictions realise that they actually cannot afford it; they are actually broke. In California, with the largest prison system, the Federal Court intervened and ordered reductions of 155,000 prisoners and declared that the conditions under which they were held breached the Constitution.

A Federal Court is supervising the Californian correctional system at the moment. The Californians have and are reducing their prison population, as I documented, quite significantly. Another interesting aspect is that for a long time Probation and Parole were the poor cousins in America as they continued to lock people up. The concept of Justice Reinvestment or Justice Realignment—it comes under various labels—sees various American jurisdictions now investing more heavily in what happens in the community to ensure that people who get released into the community do not fall over and get recycled back into the prison system.

What is happening is that they are putting more money into Probation and Parole. They are ensuring that there are more effective drug and alcohol programs to capture the people, many of whom were locked up for minor drug problems, and treating those who were on Probation and Parole and ensuring they do not get recycled back in for what might be called mere technical breaches of their conditions of release. So they are trying to push them out into the community. They realised that for a long time the prison population in America was dealing extensively with people with drug and alcohol problems. There was the realisation that perhaps just locking them up in prisons was perhaps not the most efficient way of dealing with that. The whole tenor of the American correctional system is changing.

The Bureau of Prisons has agreed now to investigate the use of isolation, which is pretty damaging. For a lot of people with mental health problems in the correctional system, if there is one thing that will exacerbate that condition it is going to be isolation. So the whole tenor of the American correctional system is changing, and that is pretty important for Australia because we have in the past tended to follow American designs and practices and the like. The same thing is happening in European countries. Budget pressures have forced them to re-examine their use of incarceration. Some of the Scandinavian countries traditionally have had a much different approach to the Anglophone countries in any case. But even those countries, such as Norway, are significantly reducing their prison estates.

Of course, that will liberate extensive funds for other social infrastructure or other initiatives within the respective justice systems. It is even happening in the UK. They are closing down prisons and to some extent you would have to say that there would be budget issues involved in that. But there is also recognition and a lot of movement from community groups and NGOs that the use of imprisonment and the growth of the prison population in the UK were also disadvantaging minority groups to an extent that was not acceptable. The point is that it is happening all around the world at the moment, in the Western world.

**The Hon. MICK VEITCH:** Following on from the question by the Chair about public sector jobs, for instance, those that have been transferred to Grafton, you have not been able to drill down the detail? My reading of your submission looks like you have taken that detail from a press release?

**Dr PAGET:** Yes. I was searching public employment and that has come off the web.

**The Hon. MICK VEITCH:** The Trade and Investment website?

**Dr PAGET:** Yes.

**The Hon. MICK VEITCH:** Yes, it looks like it is one of its documents. In your paper you talk about how often selling the message of a new correctional to a community is difficult. One thing we have discovered is that there appears to be a process in getting communities on board and bringing them along to construct a new facility—for example, at Nowra—but there does not appear to be a similar process when we close a facility. Would that be fair to say?

**Dr PAGET:** I do not think that would be fair to say that there is not a process because I was in the Department when we closed down Maitland prison and Cooma prison, which you may recall subsequently reopened.

**The Hon. MICK VEITCH:** Reopened, that is right.

**Dr PAGET:** There was a process. You may recall there was a Save Our Prison campaign at Cooma at the time. Even while there was a process, the process itself and what was intended was not without controversy, despite the process.

**The Hon. MICK VEITCH:** With the Grafton experience it would be fair to say that the submissions we have received and the testimony we have heard from people in Grafton was that it was a very short, sharp period: The announcement came out of the blue and, therefore, they are not on board with the decision, so to speak?

**Dr PAGET:** I heard the same things that you heard on day one from various witnesses and that is quite clear. That is the impression some of the witnesses conveyed: they were not happy with the process.

**The Hon. MICK VEITCH:** As part of the development of a capital works program et cetera, on page 8 or 9 of your submission it appears that you are a bit critical. You say:

It is quite remarkable, given the NSW Department of Corrective Services non-current asset holdings of nearly \$2 billion.

And then you talk about the number of officers in the agency. There is an implication that there is no capital planning or no guide to capital planning?

**Dr PAGET:** As I read the evidence that was presented on day one by the witnesses, the comment, if I have it correctly, was that the Commissioner was in the process of developing a capital plan. I think if I remember correctly he may have advised the Committee that it would have such a plan within about six months. My reading of that was that the plan prior to his assumption of that role did not exist, which I found a little surprising for the reasons I have expressed in that paper. So that is the substance of my comment.

**The Hon. MICK VEITCH:** You talk about the emotion and providing facts to try to clarify the emotion, I guess, or put that emotion in context. For me, throughout this exercise the involvement of community and consultation with community is a very important thing and that may well have been lacking in the Grafton exercise. With the international papers and suggestions you have in your document, are there best practice examples of how to bring the community along with the decision?

**Dr PAGET:** If I could put that into a wider context, the question is: Is there a best practice example of bringing the community along in these sort of justice decisions? I think I have alluded to one of the issues in the paper: that criminal justice policy and correctional policy in many jurisdictions is being marked by penal populism, where penal decisions are made for reasons other than the evidence and practice. There are various groups that get involved in the process. You would be well aware of the influence of the media and in particular talkback radio on that process—this gets heightened at different times in the election cycle. You may recall that Professor Tony Vinson, who was a previous Commissioner in New South Wales, referred to that process as the "devil's auction", where criminal justice policy becomes part of a bidding process. That has been a feature, which Professor Vinson remarked upon, that has not been hopefully part of the penal landscape in New South Wales in the recent period.

So that issue of community and criminal justice policy and penal policy is one which does not have a good history, a productive history. Having said that, to drill down to specific issues of opening prisons and best practice, all I can recount is my own experience in the Australian Capital Territory where opening the Alexander Maconochie Centre in Canberra was quite difficult. I think it would probably be fair to say that in a population of 230,000 there are probably 20,000 experts giving you advice every day. I think the record would show that in that place I did 150-odd public meetings with 88 different interest groups. So the issue of communication with the community on penal issues is very difficult.

**The Hon. DAVID CLARKE:** Following the questions you were asked by the Hon. Mick Veitch about the consultation process in place when facilities are being opened and when they are being closed, do you believe there is an appropriate consultation process in place?

**Dr PAGET:** Sorry, which process?

**The Hon. DAVID CLARKE:** Consultation with the public. You made reference to it and the Hon. Mick Veitch referred to it: the process in place, consultation informing the community when a facility is opened and when a facility is closed. Do you believe there is an appropriate process already in place for that?

**Dr PAGET:** I do know that there was a process in place that I experienced when we closed down Cooma prison and we closed down Maitland prison, and I have not heard any issues that have come up in the context of this committee with respect to the closure of Parramatta prison. So one could probably assume that there is a process in place in the Department but I do not have the details of that or how the then Commissioner went about the process, but it would indicate that the Department does have a process.

**The Hon. DAVID CLARKE:** Which, from what you are aware of, you feel is quite a satisfactory process?

**Dr PAGET:** All I can say is on the basis of my experience with Cooma and Maitland and my knowledge and understanding of what has happened at Parramatta is that that has been quite satisfactory. I have

to acknowledge there were people who have come forward to the Committee who have expressed a different view with respect to Grafton.

**The Hon. DAVID CLARKE:** And that is not unusual. I think you said you get 20,000 people out of 200,000 people in the Australian Capital Territory wanting to give advice and comment and so forth on things that are happening down there.

**Dr PAGET:** I think you can certainly understand that people whose lives are affected by the move, despite the rationality of the process and the rationality of reasons behind it, will still be unhappy with the decision and nothing will change that.

**The Hon. DAVID CLARKE:** You believe that in terms of what is happening in New South Wales with regard to these facilities the trends that are being pursued are in conformity with the trends in Europe, the United Kingdom and generally throughout the world in advanced societies.

**Dr PAGET:** I think so, and the question that may well come up for the Government and Department is, we have bail law reform under review and the Bail Act has been the subject of critical comment by a range of people. You may have seen the articles by the NSW Bureau of Crime Statistics and Research [BOCSAR], which has reported the growth of remand. If that turns around, the remand population drops and the prison population continues to drop as BOCSAR has recorded, the issue will be: What other prisons will have to close? The logical outcome if government Departments achieve the outcome of the State Plan to reduce reoffending will be less prisoners; less prisoners means less prisons; and less prisons means capital funds diverted elsewhere. That is happening, as I have indicated in the paper, in New Zealand. They have made a clear commitment to how many people they want to divert from prison and that will mean further closures in New Zealand. So you would have to anticipate that if there is bail law reform that will affect remand populations. If there is greater investment in drug and alcohol programs, and if we follow the trend in America to divert people with mental health problems out of the criminal justice system into some alternative, then prison populations inevitably will drop. If you look at the State Plan, it is to reduce reoffending.

**The Hon. DAVID CLARKE:** The truth is that Grafton is not a Twenty-First Century facility in the twenty-first century, is it?

**Dr PAGET:** No, it is not and that was the subject of discussion I recall on day one and I have tried to document in the paper I have given you why that is so. It is an ancient facility and if you take into consideration that the prison population is fundamentally unwell, the prison administration needs every therapeutic tool in its armoury to address drugs issues, mental health issues and the like, and that includes prison design. There is a whole corpus of literature that will tell you about environmental design for prisons and custodial facilities and how they contribute to inmate well-being and recovery. The universal view is that Nineteenth Century facilities, what they call First Generation prisons, are not consistent with those objectives; it will not help the outcomes.

**The Hon. SCOT MacDONALD:** I found this report very useful, Dr Paget. It was objective, it was not subjective, and there are a lot of good observations about what is happening overseas. I found it very helpful. I have a couple of quick questions. You have already answered a question about Generation One jails and the likely impact on rehabilitation and recidivism. Is there anything else you can add to that in terms of rates of recidivism?

**Dr PAGET:** Only that since I left the ACT I have been consulting and I have been involved with bids by various consortia for the South Australian Secure Facilities project, the Northern Territory one, Eastern Gold Fields Prison, Wiri Prison, Mt Eden Prison, Parklea and a few others—and mental health facilities. One of the key issues that came out of that was looking at the specifications the clients, governments, give the designers and how they can be achieved. It will not surprise you that many jurisdictions, when they write the specifications, now are very mindful of the architecture and the possibility of the architecture influencing the outcomes they seek.

**The Hon. SCOT MacDONALD:** In terms of rehabilitation?

**Dr PAGET:** Yes. The designs will be very much developed trying to achieve those aims. That will affect everything from the actual cell design right the way through to the whole footprint. It is that level of detail: What sort of windows, how many windows, what is the temperature in the place, what are the airflow rates, what is the lighting rate, what is the ambient noise rate.

**The Hon. SCOT MacDONALD:** It probably was not in the minds of the nineteenth century builders?

**Dr PAGET:** I can tell you it was not.

**The Hon. SCOT MacDONALD:** Can I go over some of the figures here? The Grafton township population is increasing by about 0.6 per cent per annum. I did a back-of-envelope calculation and that is an increase of about 120 people in the township lately. That is the trend. The Deputy Premier is saying even before the 150 new jobs, if we accept 28 people have left Grafton that is about six months for recovery, according to my back of envelope figures. It has set it back six months?

**Dr PAGET:** The figures I got about the population growth came straight off the Shire Council web site, they are the statements I got. I was interested in the statements of how this was going to economically impact upon this rural community to see whether or not—

**The Hon. SCOT MacDONALD:** The sky was going to fall in?

**Dr PAGET:** To have a look at what the economic statements were from the council itself. That is the source of the information, but I cannot vouch for its veracity.

**The Hon. SCOT MacDONALD:** Looking at those figures, 28 staff is roughly equivalent to 65 residents, which would be approximately six months of normal growth. If we have 150 new jobs, as the Deputy Premier is saying, there will probably be a net increase if you are looking at public sector people?

**Dr PAGET:** I am not in a position to dispute your figures.

**The Hon. SCOT MacDONALD:** I think all my questions were really about recidivism and rehabilitation. I know you have already talked about it but will you explain further the barriers to rehabilitation that you see in the correctional services system? We seem to be stuck on about 42 per cent to 43 per cent recidivism. Is Grafton jail a barrier to rehabilitation? I have asked the same question a couple of different ways but it is important to me.

**Dr PAGET:** I can probably make the observation after all my time in this business that to some extent all prisons are a barrier to rehabilitation, with the caveat that we know that there is a small proportion of characters that are not going to be rehabilitated and are such a risk to the community, what I am about to say generally perhaps does not apply. The research is quite clear, if you want to rehabilitate somebody the more effective domain environment to do that is the community. That is why you see all this research in America and Europe about Justice Reinvestment. The idea that if you can close down the prisons, for whatever reasons, it is more effective to take that funding and pour it into alternatives for folks with mental health problems or drug and alcohol problems. That is the blindingly obvious thing that has dawned on some American settings, that putting people with drug and alcohol problems into prison where they are going to get very little help is probably a very ineffective way of dealing with their problems.

You have this environment which is acknowledged by most research as not the most favoured setting in which to rehabilitate somebody with mental health problems, drug problems or other problems which may be amenable to some sort of cognitive behavioural intervention. There is a lot of research that says it will make them worse. That is the first comment about that. There are very few Nineteenth Century facilities still in service: One in the jurisdiction I ran—Yatala in South Australia—is an appalling place. That was to be replaced in the big Secure Facilities project in that state, that was cancelled at the eleventh hour for reasons best known to the government. There is an acknowledgement that those First Generation prisons built in the Nineteenth Century do not contribute to the tools that administrators can get their hands on to try and address the fundamental problems of a fundamentally sick population.

**The Hon. MELINDA PAVEY:** What years were you in NSW Corrective Services?

**Dr PAGET:** It was 1991 or 1992 to 1997.

**The Hon. MELINDA PAVEY:** Just after you left there was an increase in the prison population from 1999-2009 of 65 per cent, increasing from 6,261 to 2,322 prisoners during that period. A lot of the planning for the prison system over the past decade has been worked out on those figures, is that right?

**Dr PAGET:** I am trying to think back. I do not have access to departmental documentation, but I think you can assume that growth of the prison population was extrapolated out and referred to in the documents and that may have led to the commissioning of the far north Kempsey prison and the south coast, one down at Nowra. Presumably there were documents that went to Government that said, this is the extrapolated growth of the prison population—such as those figures that Don Weatherburn's team have reported in that Bureau of Crime Statistics and Research [BOCSAR] paper—and hence the need for these capital works.

I have referred to the State Government asset plan which refers to what buildings were forecast at that stage. They were part of the infrastructure program. As that BOCSAR paper points out, the population is now declining. It is very difficult. I have pointed out comments by the Victorian Ombudsman and Auditor-General on how difficult it is to predict the prison population when the capital planning process takes you so long. Then a government can make a decision overnight about a particular condition of bail which can create a demand overnight for one prison. Demand for one prison can be developed very quickly.

The classic case that I found when I put this paper together was Colorado, where they have just built a massive great prison and it is empty. It would have built an awful lot of schools or hospitals or old folks' homes, and now they have a thundering great prison. As the paper indicated, one of the things that the Americans are now wrestling with is, having closed so many prisons, what do you do with them. The idea of turning some of them into backpacker hostels and stuff like that is not very disciplined.

**The Hon. MELINDA PAVEY:** It is not disciplined to have got to a situation where you finish an empty prison, but you have to do something with it to get a return. That was something that I think confronted the Committee when it went to Grafton. There were two jails. There was the maximum security section, which housed up to 64 people, and I think we were all shocked that you could see the hanging platform from when we had capital punishment. I think there is no question that that model of prison care is outdated and dysfunctional. We also saw the other part of the prison, which was built in the mid-1980s and housed 264 people in a low-risk accommodation area. That was a modern facility with modern characteristics in terms of housing that prison population. Have you looked at the figures in terms of the future, about the growth of the north coast and that region or what sort of use that modern facility could be put to?

**Dr PAGET:** I think I heard from the Department on day one of this hearing what they did propose to do with it. The problem with places like that is a little like with places such as Cooma. Those sorts of places grow up, so in the end you get this really dysfunctional mix of architecture. You get the old bit and you get all these other bits tacked on. As I have pointed out, as a result of all those additions over many years you have this very convoluted movement structure, how people move around the place, which means Movement Control is difficult, and that adds to the issue that the Department raised on day one about the reasons why they did close it down. That is what happens when those Nineteenth Century facilities get bits built onto them. In the end they become very difficult to operate.

You can call into question whether, in the end, those sorts of mixes of population are appropriate in the one facility anyway. The idea of trying to refurbish a Nineteenth Century facility I think is spurious. All you get is a refurbished Nineteenth Century facility. They are just appalling. So you are very limited, and it is very difficult, as with Cooma, unless you vacate the thing and bulldoze it or give it to somebody else, you might end up going back. That happened at Cooma, as an example. It may have happened at Parramatta too, I am not quite sure, but unless you move out of those places and bulldoze them and get rid of them totally off your estate, there is always a risk that you are going to be brought back into them at some stage.

**The Hon. MELINDA PAVEY:** I am wondering—this is not in your paper and you may not be aware—are there any international trends in dealing with traffic offences? That seems to be an area that limits people's lives in terms of the time they have to spend not driving or being able to get to work or having a functional life and we have a large population in New South Wales facing those challenges. Have you come across any international research on that front, or any justice recommendations or work happening in the United States or anywhere on that front, dealing with people being able to be functional members of the community?

**Dr PAGET:** I cannot specifically address the issue of driving offences, but it fits within what is happening with the issue of many jurisdictions revisiting what is the proper role of prisons in society? What is the proper role of community corrections in society? Probably what you have asked fits within the question that many jurisdictions are wrestling with, that is the question of short sentences. The idea generally coming out in many jurisdictions is that these short sentences are totally dysfunctional. There have been calls in Britain by I



think the Auditor-General or the Ombudsman who produced a paper advocating getting rid of short sentences. I think some European countries have investigated the same thing. It has been an issue several times in Australia in different jurisdictions.

**The Hon. MELINDA PAVEY:** And, in lieu of that, doing home detention?

**Dr PAGET:** Some other alternative which may be more effective, because in many cases with short sentences there is not enough time to address the reason why they are in there. They will pick up some additional skills in six months, if not a dose of hepatitis, or worse. There is a general recognition, I think, in many jurisdictions that the opportunity for this change in the criminal justice or penal environment gives you an opportunity to go back and revisit what the true and proper role of a prison is in society, and to ensure that it is not being overused.

**CHAIR:** We might leave that until the end, because Dr Paget needs to answer some questions from the Hon. Robert Borsak, but in light of the recommendation in terms of Aboriginal deaths in custody that basically they really should be close to their families, which would help the rehabilitation of Aboriginal people in custody, your submission on page 15 says that only 20 per cent of visitors to the correctional centre at Grafton had Grafton postcodes. In your investigation of the statistics, have you found that the correctional service in New South Wales is actually trying to implement this or that the statistics are probably telling a different story from the recommendation from the Royal Commission?

**Dr PAGET:** I think it would be fair to say that New South Wales Corrections would be well aware of that recommendation of the Royal Commission, as would all jurisdictions around Australia, and would do their best to implement it. I had a look at the submissions and some of the comments from the Aboriginal Legal Service, and I have documented them in the paper. They did not seem to raise that as a particular issue—and, in fact, were quite supportive of the move to Kempsey. Perhaps one can draw from that an inference that, were they concerned about that particular issue, they would have raised it in their submission. As far as I could see, that was not the case.

**CHAIR:** They were complimentary of the global exercise of moving someone from a Nineteenth Century prison to a Twenty-First Century prison. I think that was the spirit of their submission.

**Dr PAGET:** And better services.

**CHAIR:** I think the other thing they mentioned as quite important was having Aboriginal prisoners in their area of country.

**Dr PAGET:** Yes.

**The Hon. ROBERT BORSAK:** You have talked about governing incarceration trends in parts of the United States and Europe. Do you think there is any similar thinking developing in the government of New South Wales and other parts of Australia? You can say yes or no.

**Dr PAGET:** I think, from what I have read on the public record, it varies. I have been doing some work in Western Australia with the Inspector over there and there were some articles in the paper about the forthcoming election there, where issues of juvenile rates of incarceration in that State and forecast amendments to statutes received critical comment from various legal bodies saying that this was going to increase the incarceration rate. On the other hand, we have had changes to legislation in some other jurisdictions like Victoria which lower the remand rates in that jurisdiction compared to other rates, so it is a bit of a mixed picture around Australia.

One would think that any jurisdiction which is reinvesting in community corrections will be doing so to make more use of that. The problem is that the last report that I read of the Productivity Commission gave a synopsis that the prison population grew in the last reporting period, I think by 1.7 per cent across Australia, while the community corrections rate declined by 1.9 per cent, which is contrary to what I have just suggested. Certainly, there are various groups and people who are well aware, particularly here in New South Wales, of the possibilities that bail law reform may bring about. Recently a paper was produced—I refer to it in my submission—which documents what changes to the Bail Act have occurred over many years, and what have been the outcomes of that in terms of the growth of the prison rate.

**The Hon. ROBERT BORSAK:** New South Wales does not have a particularly good record compared to the rest of Australia, does it, in terms of changes to the Bail Act and consequent results? What were longer-term increases in the populations of prisons are now in the short term a decrease again.

**Dr PAGET:** If you look at the University of New South Wales Prison Project website, they do record that New South Wales has a quite different record of punitive changes to the Bail Act than have other jurisdictions.

**The Hon. ROBERT BORSAK:** I think the paper you quoted showed New South Wales having 23 changes, Queensland 6 and Victoria 5, or something like that.

**Dr PAGET:** And that is very expensive. Most people who do not get bail are remanded. If you are remanded, you are usually remanded in high security, which is the most expensive accommodation you can get. If you then look at how many who go before the court get a custodial outcome, it is quite low. In South Australia we were doing the same; people were being remanded at a very high rate for very short periods of time. If you locked up a group of people for two weeks in high security, at more than \$200 a day, and then they did not get a custodial outcome, you think, "What was the point of that exercise?" That would have operated a lot of hospital beds or schools. This does not get thought through.

**The Hon. ROBERT BORSAK:** I guess that is the nub of the question I was asking; the overall policy that government may or may not be or should be following given what is actually happening in the long-term growth of prison populations, but in the end actually responding to short-term election-based stimulus. You quoted a term that someone used about "prison auction".

**Dr PAGET:** That was a term coined by Tony Vinson when he talked about what happened in the past in New South Wales at election time; he called it the "Devil's Auction". I am certainly conscious of the fact that right now one of the prisons is being converted in an intensive drug prison. That is directed at the issue that prior to that institution being created there was a huge unmet demand for people whose risk of reoffending was in the medium to high category because of their drug problem. That was an unmet demand. To answer your question: if anything is being done, that is something that I am aware of in this jurisdiction that has been done.

**The Hon. MELINDA PAVEY:** As well as the State Plan goal.

**Dr PAGET:** Yes.

**The Hon. MELINDA PAVEY:** Which was the first time that it was acknowledged that we have the worst recidivism rate in Australia, and we are aiming to fix it.

**CHAIR:** If there are no further questions, I thank you Dr Paget. Committee members did not ask you to take any questions on notice, but I note that members may want to put a question on notice through other means. If that is the case, the responses would need to be returned within 21 working days. I thank you for your submission. It was very helpful to the Committee. The information you have given this morning will be helpful to the overall needs of Corrective Services NSW.

**(The witness withdrew)**

**PETER SEVERIN**, Commissioner, Corrective Services NSW,

**BRIAN KELLY**, Assistant Commissioner, Custodial Corrections, Corrective Services NSW, and

**GLEN SCHOLES**, Director Custodial Operations, Security and Intelligence, Corrective Services NSW, on former oath:

**CHAIR:** Thank you, gentlemen, for presenting this morning. I note that you have all been sworn in on a previous occasion. Does anyone wish to make a short opening statement?

**Mr SEVERIN:** I do not want to make an opening statement; I trust that the responses we provided to the questions on notice and subsequent questions were comprehensive. I am happy to take further questions in that regard. I also refer to our onsite visit at Grafton, where we had quite ample opportunity for a more detailed insight into some of the issues relating to that particular facility and its operation today. So I am happy just to take questions.

**CHAIR:** Now that you have had a bit of time to get around New South Wales and see some of our facilities, and in light of your visit to Grafton, where we saw that it was quite an aged facility, what is your take across correctional facilities for the future of New South Wales?

**Mr SEVERIN:** New South Wales, with its sheer size as the largest jurisdiction in Australia, with some 30-odd facilities currently managed by Corrective Services NSW, has a variety of facilities. Some date back to the first generation of note of prisons in this country; and we do have very modern, contemporary, best practice design facilities, such as the recently commissioned maximum security expansion of our Cessnock correctional centre. The landscape of prisons in this State is quite varied; and, likewise, we obviously manage various classification ratings across all of those facilities. The agency is currently engaged in a process of identifying the actual status of those facilities and various other aspects, with a view to developing a comprehensive future plan for governments in relation to utilisation of assets, possibly construction of additional ones or replacements, or indeed if trends continue of reduction of prisoner numbers we would obviously also identify those facilities that are best suited for closure or downsizing.

**CHAIR:** After the Grafton visit—and thank you for that, it was very helpful—you might agree that the older part of the jail asset is obviously quite aged. You were present and would have heard Dr Paget mention barriers to rehabilitation. I am not certain of the title of the section that we visited.

**Mr SEVERIN:** Minimum security.

**CHAIR:** The minimum security section, which was empty. Would you anticipate that we would use that again before we develop any brand new systems?

**Mr SEVERIN:** Certainly if there is a need to expand minimum security beds in that particular part of the State that would be a very useful facility. As I mentioned at the time, this facility is by no means decommissioned with a view to bulldoze it or to use it for other purposes. It will be maintained as an option that we can utilise in future if need be for minimum security or other suitable prisoners in that particular region.

**CHAIR:** I noted that you were present while Dr Paget made his presentation to the Committee. Can you provide the Committee with the statistics for remand numbers? I think he said they were high security in any case in dollar cost terms versus penal outcomes. Could you present something to the Committee on that at some stage?

**Mr SEVERIN:** I will see if I can access the detailed statistics otherwise I will have to take that on notice. I can give you a breakdown of classifications to start with. This is the 2011 prisoner census, which is done by the Australian Bureau of Statistics: 19.4 per cent of inmates were classified maximum security, 23.9 per cent were classified medium security, 53.7 per cent were classified as minimum security and 3 per cent of inmates were unclassified at that time because they would have just entered custody a short while earlier.

**CHAIR:** When prisoners are remanded do they all come into one system at one level until they front the court—that is my understanding—and the court delivers an outcome and you facilitate whatever the outcome is?

**Mr SEVERIN:** The remand prisoners are classified as well so they could have an unsentenced classification status obviously of high security, and that is the majority, but there would be some that could also be classified lower.

**CHAIR:** Do all of them have the same cost per person per night per bed in those classifications?

**Mr SEVERIN:** Not all remand prisoners have the same costs but the majority of them would. I have just found the statistics—

**CHAIR:** Do you see an opportunity for improvement there alone in budgetary outcomes?

**Mr SEVERIN:** In relation to the remand population?

**CHAIR:** In relation to the levels of remand.

**Mr SEVERIN:** I believe the key issue, and Dr Paget mentioned some of those aspects in relation to remand populations, is to address the churn—the very short-term incarceration for those that come in and organise a few issues to meet the bail requirements and are then out of prison within a very short time. It is not an insignificant number. I do not have the statistics with me for New South Wales but I can give another example, of South Australia, which Dr Paget referred to as well: 40 per cent of remand prisoners spend less than 13 nights in prison. The figures would be lower in New South Wales because legislation is slightly different but it would still be a relatively high number. It is not about the long-term remands who generally would be of a higher classification rating in any case. It would be the very short-term remands that really churn through the system.

Ideally, of course the revised bail legislation will be effective and hopefully will result in a change in relation to those that do not require incarceration as a result of ensuring that they do not evade prosecution and turn up for court vis-a-vis those that require incarceration because of the high risk of breaching their conditions of bail. The statistics in relation to most recent trends show that on 3 February 2013 we had 6,592 sentenced prisoners in custody, 33 appellants in custody and 2,812 people on remand in custody. That gives you a broad statistic in relation to the breakdown of those categories of offenders by custodial program.

**The Hon. MICK VEITCH:** Have you had an opportunity to visit all the facilities in New South Wales?

**Mr SEVERIN:** Almost all. There are a couple to go.

**The Hon. MICK VEITCH:** I think when we went to Grafton that was the first opportunity you had had to inspect that site.

**Mr SEVERIN:** That is correct.

**The Hon. MICK VEITCH:** Have you been back to have a look since?

**Mr SEVERIN:** I have not been back to Grafton. That was my first, and to date only, visit to Grafton.

**The Hon. MICK VEITCH:** The Hon. Melinda Pavey asked some questions earlier about that site, particularly the rear section which is the newer part of the facility. Since you have had a chance to inspect that site have you revised the plans for Grafton? Are there any plans or is there any possibility that that rear section could be recommissioned at some stage?

**Mr SEVERIN:** As I said before, no plan has been devised. The blueprint that we are currently developing for all of the infrastructure in New South Wales will certainly deal with that. My comments basically referred to the fact that it is a facility that I believe is still useful for minimum security inmates if indeed we have a demand in that particular classification group in that part of the State. That is why we are not going to divest ourselves of that asset. Some work would obviously be required to bring it up to an operational state again but the work would certainly not be as extensive as it would be if we had to construct something new.

**The Hon. MICK VEITCH:** If you needed to recommission it how quickly could that happen?

**Mr SEVERIN:** I would not want to speculate on that because I am not across all the asset details, so I would not be able to answer that. We could certainly do some modelling on this, however I believe we really need to start—and that is the purpose of the work we are currently doing—by looking at the whole system in the context of demographics, geography, age of facilities and fit-for-purpose status. It is within that context we then identify where it would be useful to build new, decommission or reorganise operations such as the minimum security area of Grafton. The short answer is certainly one that we will continue to maintain with a view to use it if indeed the need is there based on demand.

**The Hon. MICK VEITCH:** Is Cessnock fully commissioned now, fully operational?

**Mr KELLY:** Yes it is.

**The Hon. MICK VEITCH:** Is the prisoner population being accommodated?

**Mr KELLY:** Yes, it is occupied now.

**The Hon. MICK VEITCH:** How many prisoners are there now?

**Mr SCHOLES:** There are 229 out of 250 in the new section, with 10 fluid beds for the Hunter region courts.

**The Hon. MICK VEITCH:** Thank you for your answers to my questions on notice. I am trying to get my head around the size of the voluntary redundancies. The question asked about the total cost of voluntary redundancies issued due to the closing or downsizing of the facility and the answer was \$8,543,606. Does that come out of your budget or do you receive supplementation from Treasury to fund those voluntary redundancies?

**Mr SEVERIN:** No, the voluntary redundancies are funded through Treasury. Initially they come out of the agency budget but they are recouped.

**The Hon. MICK VEITCH:** Another question related to the transferred officers' packages. What do those packages comprise? What sorts of things are funded?

**Mr SCHOLES:** Basically there is a disturbance allowance or depreciation allowance for the removal of their furniture and so forth. It runs to about \$600. There is the cost of the sale and purchase in terms of legals and stamp duty on residences. There are also removalist costs.

**The Hon. MICK VEITCH:** There were four at Grafton and the amount is not a lot—\$6,700 for the Grafton facility. Is there nothing else included in those transferred officers' packages, just removal and legals involved in the sale and purchase of residences?

**Mr SCHOLES:** Absolutely. I have spoken to some of the staff personally. I was involved in some of the discussions with staff about their placements and some staff decided to hang on to their houses. They were moving, but they were hanging on to them as investment properties. It depends on the individual and their circumstances.

**The Hon. MICK VEITCH:** With regard to the downsizing exercise at Grafton, has the department had an opportunity to review the process that was followed? If you have, are you able to make the findings available to the Committee?

**Mr SEVERIN:** There has been no formal evaluation undertaken in relation to the exercise at Grafton. However, there has been a very careful note taken, particularly of the submissions that were made to this Committee and the feedback that we received from the Public Service Association. Fundamentally, and Dr Paget mentioned it in the context of some similar questioning, all the issues that were identified as not being managed in the best practice were related to communication. I appreciate the fact that this had to be done in a way that was swift and obviously needed to be implemented expeditiously. However, we have subsequently downsized Long Bay, for example, with a lot of staff being involved. We used our internal learnings from Grafton to revalidate a communication process, which we then put into place with careful planning. That has certainly been met with some positive reactions from all the people who were affected.

It is never easy, particularly if personal careers of individuals are affected. We will never have an exercise of this size and nature that will be able to be managed without anybody feeling aggrieved, but the principle that I would like to adopt—I am not suggesting it has not been adopted, but once the announcement was made, the human resource aspect was managed exceptionally well—is that we communicate as much as we possibly can, as early as we possibly can, regardless of whether the information is negative, problematic or positive. It is about being open in the context of dealing with staff who will be displaced or who will have to consider other options regarding their future careers with the department.

**The Hon. MICK VEITCH:** Clearly you have moved from Grafton, and there has been downsizing activity at Long Bay. Are there other facilities that are in a position that if you had to downsize further, you could?

**Mr SEVERIN:** As I mentioned before, we are currently undertaking a comprehensive analyses that will inform Government, and indeed future governments, what is the best way forward to deal with the demand increases or decreases. I believe it is necessary, particularly in a jurisdiction like ours where we do have a quite varied level of infrastructure in respect of age, functionality and physical location. We need to ensure that we base all our considerations on very careful planning. We need to get the prisoner mix; we need to get the role and functions right; we need to ensure that we can deliver our critical services effectively, particularly when it comes to intervention programs, rehabilitation initiatives; and we also have to be mindful of the demographics. If we have a very high demand for remand beds in the metropolitan area, we need to be reflecting that in the way we configure our system.

The work that has been done at this point in time will inform that process. There will be some short-term opportunities to adjust, not in terms of downsizing, opening or closing but in terms of roles and functions, reconfiguring the system. I have every expectation that there will be longer term strategies and, in some cases, that may mean that we will look at retiring old stock and use newly built prisons instead. Prison accommodation is an expensive infrastructure. I clearly understand that we need to be clear about our demand requirements, because we are competing with a whole range of other government priorities at the best of times.

**The Hon. MICK VEITCH:** What is the updated status of Berrima? I know Parramatta has been transferred across to the State Property Authority. Kirkconnell has been mothballed.

**Mr SEVERIN:** I will ask my colleagues to add to that, but my understanding is that Berrima is subject to an Aboriginal lands claim. That is being managed at this point in time. Once that is resolved, it is our intention to hand that facility over to Government for other use in the future. The community, I understand, is keen to have that facility being used for heritage purposes and other purposes. I have not been there physically, of course. I am still visiting the operating prisons so I am not going to visit the ones that are closed. Is there any additional information?

**Mr KELLY:** That is the same information I have. We continue to provide support with inmate labour and people on community orders to maintain the grounds. It is the same work we provided to the community in the Berrima area.

**The Hon. MICK VEITCH:** Can you provide the current number of people on community orders that you are managing? You might have to take this on notice.

**Mr SEVERIN:** I will have to take that on notice.

**The Hon. MICK VEITCH:** You have clarified the cost issues that were raised by the Hon. Robert Borsak last time you were here. There were concerns regarding the Kirkconnell numbers in the submission. In your answers you say that the main component is the security at Kirkconnell. There does not appear to be a lot of money allocated for ongoing maintenance. From memory, it was approximately \$3,000 or \$6,000 a year. That does not seem to be a lot of money budgeted for ongoing maintenance for a large site.

**Mr SEVERIN:** We are maintaining that ourselves with prisoners from the Oberon Correctional Centre.

**The Hon. MELINDA PAVEY:** How clever.

**Mr SEVERIN:** We have not added that cost in because we pay for those prisoners regardless—

**The Hon. MICK VEITCH:** It is internal.

**Mr SEVERIN:** It is minimum security.

**The Hon. MELINDA PAVEY:** That is brilliant, is it not, Mick?

**The Hon. MICK VEITCH:** It would be facetious to ask what happened at Mannus.

**Mr SEVERIN:** Can I go back to the community service order statistics?

**The Hon. MICK VEITCH:** Yes.

**Mr SEVERIN:** I have found it in my notes. At that time of the report for January 2013 we had 2,499 community service orders and two community service orders as a result of a fine default. That does not include all offenders who have got a requirement to provide community service, so those offenders on an intensive corrections order also have to do community service. This is just the number of community service orders in their own right.

**The Hon. MICK VEITCH:** Thank you. They are all managed by probation, parole or—

**Mr SEVERIN:** Community corrections.

**The Hon. MICK VEITCH:** With regard to the Grafton facility and the community, would it be fair to say there is still a fair bit of work to do regarding what has happened with that facility? For how long do you see the role of Corrections in repairing the damage done to the Grafton community or getting the Grafton community on board? Is there a role for Corrections, or do you just let time heal them?

**Mr SEVERIN:** There is a role for Corrections in continuing to contribute to the community. The feedback that I have received and also through my personal discussions that I have had with staff on the very day that I ended up visiting our community correctional facilities is that the community really wants this to heal and they do not want to be reminded of this every time that somebody like myself or a committee comes to town. That was by no means a critical comment on the work that the committee is doing but I can understand it, that it is opening up issues that the community has moved past. However, the community does have an expectation that we continue contributing to the community through community service work projects. And, if we are looking at the minimum security area, that we are going to do that in the context of also organising mobile outreach camp work there. It is certainly my intention to see, even if we do not use the minimum security area, what scope there is to make those types of programs available to the community. They are very welcomed.

A lot of particularly regional communities very heavily rely on our support because often the work that our community partnership programs are doing cannot be done otherwise. We obviously are very careful that we do not displace small business in that context, but we just do work that councils want us to do or other community groups. So there are no detailed plans for that but certainly a commitment to continue supporting the community in the future through, if at all possible, increased community service type activities.

Of course we remain an employer at Grafton. We have actually since we have been up there had our first vacancy to fill, so we offered somebody an opportunity to transfer to Grafton. It is business as usual for corrections in that changed role and function for the facility, but it is good to see that that process has certainly been managed quite well. Also I have to say when we visited on the day it was quite genuine the staff reactions. I did not get a sense that staff showed too many concerns regarding the past, that they were really just getting on with the job as we would expect them to.

**The Hon. MICK VEITCH:** With regard to the figures in the questions I placed on notice about the voluntary redundancies and transfers, is there an updated version of those? Would they still be accurate at the moment?

**Mr SHOLES:** They are still accurate. They were the final figures. There were only a couple of people left outstanding for personal issues, I think four in total. I understand those people have all been dealt with in terms of HR and are happy with placements. That is my understanding.

**Mr SEVERIN:** There is one placement pending and then there are three officers who are still subject to Industrial Relations Commission consideration following disciplinary action.

**The Hon. MICK VEITCH:** Have the lessons out of the Grafton exercise been taken on board? Because it would be fair to say—and I think the Chair has said this—that it takes a long time and it is difficult to get particularly regional communities on board when you build a new facility, but of course once they get them they do not want them to go, they want to keep the facilities. I just want to be assured that there were lessons learnt and that they have been taken on board.

**Mr SEVERIN:** There are always lessons to be learned. These are very complex exercises. They do not just involve us moving a role and function away; they impact individuals. We always undertake good debriefs and reviews. We do that sometimes in a more formal sense and sometimes based on information that we glean through that process. We will do exactly the same with Long Bay and the decommissioning of Cessnock. Despite the fact we get a sense that has worked very well, we still need to ensure that if we have to do this again we improve even further. So the answer is yes.

**The Hon. MICK VEITCH:** You have conducted the review of the Grafton exercise or you are about to conduct a review?

**Mr SEVERIN:** We have not done a formal review of Grafton, certainly not in my time, but we have certainly taken very careful note of the information that we gleaned from the submissions made to this inquiry and obviously also the information that I picked up since I have been here in relation to future projects. We have also used that already as it relates to intensive and very proactive staff communication when we start the Long Bay downsizing.

**The Hon. MICK VEITCH:** Dr Paget in his submission and testimony was asked about the capital asset planning processes within the department. I think it would only be fair to give you an opportunity to also speak on that.

**Mr SEVERIN:** That is the blueprint I was referring to. The work that has progressed to date is that the group that is undertaking this work has now visited every facility, has undertaken a very detailed assessment not just of the state of the infrastructure, we already had that information, but in particular they looked at roles and functions and demands because often our facilities service courts and have other multiple roles to play in a region. That information will now be pulled together. It will be put into a very concise plan with a horizon up to 2030.

We have also undertaken an independent exercise on forecasting inmate numbers. We have engaged a crime trend analyst to undertake that work that is in the final stages now. John Walker is his name. He ran a workshop the week before last which was attended by eminently suitable and qualified experts from the whole of criminal justice and associated fields. We had judges there, we had academics there, we had representatives from various departments. That is really to look at trends, to look at developments and we will base our planning of course also on those trend analyses. They are much shorter term analyses because obviously inmate number fluctuations are also due to a whole range of factors that you cannot necessarily accurately forecast, but we need to ensure that our planning is not just based on very short term, recent developments but on longer term analyses of what may affect the State and indeed the criminal justice system.

**The Hon. DAVID CLARKE:** Commissioner, you heard the expert evidence given by Dr Paget. You are in general agreement with the general thrust of what he was saying?

**Mr SEVERIN:** Yes I am, in particular as it relates to some of the international trends that he cited and their relevance for our system.

**The Hon. DAVID CLARKE:** And he is respected as an expert in this area?



**Mr SEVERIN:** He has got a long-standing involvement with corrections. He indeed was my predecessor as CEO of the South Australian correctional system and he has gained additional expertise obviously through his academic studies.

**The Hon. DAVID CLARKE:** In all the circumstances, with all your knowledge, with all your practical expertise overseas, is what has been done and is being done with the Grafton facility in the best interests of what Corrective Services in New South Wales is meant to do and also in the best interests of justice in New South Wales?

**Mr SEVERIN:** In the context of responding to a declining inmate population that had been experienced at that point in time it certainly was a right decision, as I also outlined in my original statement and my original response to this Committee. So the opportunity to change a facility significantly is always preferred to just doing small bits of a downsizing. The fact that the decision at the time involved not just decommissioning that one particularly old block but to completely change the role of the centre to a transient centre from what was previously a placement centre is a step that then allowed these resources to be otherwise directed. That could have not been achieved if the back part, for example, would have remained open at that time. Because the demand did not require it to remain open, the opportunity existed to change the role and function. In the broader context of what Dr Paget outlined and the opportunity that exists to reallocate resources, reprioritise resources, the decision was accurate.

**The Hon. DAVID CLARKE:** What has been done and what is being done in regard to Grafton you believe will effectively assist in the aim of reducing recidivism?

**Mr SEVERIN:** Closing a prison is always, obviously, a positive step if it is done for the right reason—for example, in response to declining prisoner numbers. A closure in itself contributes to affecting recidivism, but not on its own.

**The Hon. DAVID CLARKE:** No.

**Mr SEVERIN:** There are a whole range of factors, of course; not just factors relating to Corrective Services.

**The Hon. DAVID CLARKE:** What has happened there is a positive factor in the aim of reducing recidivism.

**Mr SEVERIN:** Yes.

**The Hon. DAVID CLARKE:** Let us be very clear. What has happened at Grafton generally will help to reduce recidivism, and that means to reduce reoffending. At the end of the day, that means it helps to reduce crime.

**Mr SEVERIN:** It is a contributor.

**The Hon. DAVID CLARKE:** That is right. I am saying that. It is not the sole factor.

**Mr SEVERIN:** Certainly in that context it will assist with the overall objective to reduce reoffending, and the only way you can reduce reoffending is by reducing crime.

**The Hon. DAVID CLARKE:** It is a factor in this overall process, is it not?

**Mr SEVERIN:** It is one factor. That is right.

**The Hon. DAVID CLARKE:** Right. And what has been done has been a constructive process in assisting in that general way. The Hon. Mick Veitch put the question a couple of time to you about the lessons to be learnt from this. That implies that there were mistakes out of this.

**The Hon. MICK VEITCH:** That is right. There were.

**The Hon. DAVID CLARKE:** I think your response to that was that you will always seek to improve. I mean, that is a natural thing. That does not imply that there were major mistakes made at all. You will always

seek to improve, no matter how well a process may have gone, and the process that has been involved in this has been a normal process and a competent process, has it not?

**Mr SEVERIN:** The process, in particular of how the human resource side of the project was managed, was exceptional. That is certainly my continued experience in the agency when we have had to move through significant change of our human resource aspect. That is what the staff obviously are most interested in, and it was managed well. The lessons we have learnt are that we need to be very mindful of proactive communication and do not surprise people. Even though the merits of the decision are perfectly understandable and they are acceptable, still the fact that this came as a surprise to our staff is one that we certainly are very mindful of.

**The Hon. MICK VEITCH:** It was a surprise all right.

**Mr SEVERIN:** While I understand the way it had to be done at the time, I would like to think that in future projects we can improve the original and initial communication strategy. In saying that, I again make it very clear that the merits of the decision are not in question here. The way it was managed in the context of the agency responsibilities to look after the staff and to ensure that staff had every opportunity to get their first preferences in relation to relocation and in relation to voluntary retirement were managed very well, by all accounts.

**The Hon. DAVID CLARKE:** Mr Kelly, you are the Assistant Commissioner, Custodial Corrections.

**Mr KELLY:** That is correct.

**The Hon. DAVID CLARKE:** You agree that what has happened with Grafton has been in the best interests of what Correctional Services NSW is meant to do.

**Mr KELLY:** Yes, I do.

**The Hon. DAVID CLARKE:** You have a lot of expertise in this area.

**Mr KELLY:** Yes. I have 35 years experience in New South Wales.

**The Hon. DAVID CLARKE:** That is a long time. Mr Scholes, you are the Director of Custodial Operations, Security and Intelligence, for Corrective Services. Do you agree that the process that was engaged in with Grafton and what has been sought to be achieved is what is meant to be done by Correctional Services here in New South Wales, and is in the best interests of justice, and what Correctional Services is meant to achieve?

**Mr SCHOLES:** Yes.

**The Hon. DAVID CLARKE:** You also have come here with a great deal of expertise.

**Mr SCHOLES:** I have 25 years in the system.

**The Hon. SCOT MacDONALD:** Thank you for addressing all the terms of reference in your submission point by point. Can I begin by asking a question that might be a bit outside the terms of reference? I think we get why we are here, but if an outsider listening was to this and just took a brief interest in it, I think some people would think, "What's this about? Is this about the inmates, or is this about the staffing?", if you like. Can you tell me this: Do you have a mission statement?

**CHAIR:** Order! The member will be aware of the need to adhere to the terms of reference and stay within them, and not ask about matters outside them.

**The Hon. SCOT MacDONALD:** I am going for paragraph (i).

**The Hon. MICK VEITCH:** "Any other related matters". Well done, Scot.

**CHAIR:** It is your opening statement, but be aware of that.

**The Hon. SCOT MacDONALD:** Do you have a mission statement? If you were listening to this, I am wondering whether you would be thinking, "Is it to be a private sector or public sector employment generator, or an economic generator, or is it to be a builder of State-owned assets?" If you were listening to this, you would sort of wonder. Is it anything to do with the inmates, I wonder?

**Mr SEVERIN:** Entirely. So of course our mission is to reduce reoffending and increase public safety as a result of that. Our purpose is very clearly defined as one of ensuring that we have safe, secure and humane supervision and incarceration of people in custody and that we have got safe supervision of people who are under community supervision—all aimed to ensure a reduction in reoffending. So they are our primary objectives and that is what the commonality of purpose across the whole of Corrections is all about. So it does not matter whether we have an operation in the community or in a prison; we all are aiming for the same objectives in relation to the purpose within which we undertake our work on a daily basis.

**The Hon. SCOT MacDONALD:** So you do not wake up in the morning and say, "How can I convince my Minister to build another jail or some more assets or more infrastructure?"

**Mr SEVERIN:** Of course, infrastructure is an important part of it. As we heard from Dr Paget, contemporary modern-designed infrastructure can clearly assist with us achieving our objectives.

**The Hon. SCOT MacDONALD:** It is a tool. It is not an objective.

**Mr SEVERIN:** Very much so.

**The Hon. SCOT MacDONALD:** We have had a lot of questions about rehabilitation. We would like to hear from Mr Kelly and Mr Scholes a bit about the staff. I had never been to a jail before I went to Grafton—I promise. Can you tell me from the officers' point of view what it is like to work in a modern complex versus maybe what it might have been like to work in a G1? Does that impact on staff churn, staff safety and staff wellbeing?

**Mr KELLY:** I can start to answer that. Absolutely it does, particularly staff safety in relation to lines of sight and response. Old jails—you will have seen the old wing at Grafton; I assume you went through there—have the type of layout where that are often blind spots and everything else. In relation to the behaviour of inmates, architecture and infrastructure will affect people's behaviour. When you go into those old wings, there are simple things. Our aim includes the safe, secure and humane custody of offenders. In the very old ones, the Gen 1 type of jails, if there is an event when the inmates are locked in their cells, they do not have access to a shower. In all modern facilities, there is a shower that comes off the cell. I am probably jumping all around the place here. So it is much more humane. That affects an inmate's behaviour. If there has been an industrial dispute and inmates have been locked in their cells for a number of days or something like that, understandably their behaviour will change as a result.

**The Hon. SCOT MacDONALD:** Can I interrupt there, I am sorry? You just mentioned industrial disputes. Maybe in your answer you can elaborate on that a little bit. Are there more or less industrial disputes in Gen 1s versus the other ones? Maybe you could just include that.

**Mr KELLY:** I do not have any figures, but anecdotally I would think that there were more industrial disputes in our Gen 1 types of jails than there are in modern facilities. Modern facilities have had benefits for everybody who is located at that location—the inmates, the staff, the visitors, and all the stakeholders. So that for those people who are aware of the layout of the jail down at Nowra, they can make a comparison of that jail and Gen 1 jails. It is a much more open-type environment. It is not a concrete and razor-taped jungle.

**CHAIR:** It is most excellent.

**The Hon. SCOT MacDONALD:** Do you recommend it?

**Mr KELLY:** That has a reflection the behaviour of people and directly affects staff society because staff amenities and everything else are in a much better environment from a work, health and safety perspective and the amenities are much better.

**The Hon. SCOT MacDONALD:** Do you see that in your staff churn figures?

**Mr SCHOLES:** I have been involved in the opening and commissioning of centres both in New South Wales—Lithgow initially—and at Wolston in Queensland. The difference in terms of the inmate and staff behaviour as far as how they view their circumstances, what they are there for, both of them in terms of their role which is to reduce reoffending and going back without committing crime and the other in terms of the staff being directly involved in helping them do that, is demonstrably something that you can feel as soon as you walk in the door. The motivation, the commitment and certainly when you look at places like Grafton and when you walk around you can feel that old-style when you are walking; it is not conducive to that sort of outcome that you get in a new facility.

*[Interruption]*

**Mr KELLY:** Yes.

**Mr SCHOLES:** Those sorts of Gen 1 jails were designed in an era where Correctional staff would not talk to inmates; they were discouraged from talking to inmates. Now we have case management. We have interaction with inmates to try to change their behaviour to address reoffending, look after their welfare, and there is a dynamic security going on there. We know what inmates behaviours are about to change their attitudes, that something has happened to them. They might have been quite settled in the minimum security area and something might have happened outside which might bring their security rating into question. They might have to be more secured.

Those facilities are built around those principles that there was not an interaction between staff and inmates where the new ones we see there are open living areas, there is a much higher degree of surveillance, there is the way that the accommodation areas, the yards and everything else is built. There is a lot more accountability with electronics, identification, closed circuit television, response abilities through electronics. There is just no comparison. Your question is how that affects the staff? It probably affects the staff just as much as it affects the inmates.

**The Hon. SCOT MacDONALD:** Would you expand on Outreach. What is it?

**Mr SEVERIN:** A mobile outreach. Mobile work programs where inmates stay overnight in a location mainly camping and they are doing work for National Parks and Wildlife Service and those type of departments and agencies. That is a program where you are not confined just to the physical location where the prison is, you can organise trips away to do work in national parks, in particular, building paths et cetera and assisting through that kind of work.

**The Hon. MELINDA PAVEY:** Was there a suggestion that they could use the accommodation at Grafton to stay in to do work locally?

**Mr SEVERIN:** There is certainly a commitment that we are looking at: what can we do for the benefit of the community? Of course, we would have space there to accommodate inmates if, indeed, we go down that path. We would like to think that through community corrections we can do more with community service, with some support from the facility. The first objective was to settle down the new operation and the next plan will be to identify opportunities to support the community.

**The Hon. MELINDA PAVEY:** Will you provide an update in respect to the State Plan. The Attorney General and the Government is very much behind the plan in terms of reducing our recidivism rate. We went into government with those recidivism rates being the worst in the country. Do you have an update on how we are reaching the goals of our State Plan?

**Mr SEVERIN:** The Productivity Commission report for the 2011-12 financial year identified a slight reduction in the re-incarceration rate which is what we are measuring, meaning people coming back to prison within a period of two years' after discharge. The statistics in relation to the overall recidivism rates are not yet available because we need a longer horizon for those but the initiatives that we are looking at in particular at the moment through the intensive drug and alcohol treatment program at John Moroney prison to try to make some significant inroads in relation to that very problematic group of inmates who have significant substance abuse issues.

We are intensifying our approach to inmate education which is a funded priority. We are also undertaking a review of the way we can increase our intensive treatment program such as sex offender treatment

programs and, most recently, with the legislation that has just been introduced in Parliament regarding the ongoing supervision of serious violent offenders in the community, while that affects people post-release, there is an expectation that pre-release we try to make every effort to give those persons in those categories opportunity to address their violent behaviours so we do expect a demand increase there. Often prisoners are very motivated when they know that at the end of their term of imprisonment there may be continued supervision or, indeed, continued imprisonment. That would certainly be a motivator for them to engage in treatment earlier rather than just let it slide.

**CHAIR:** The Committee is looking to the future. I have heard about lessons learnt but we want to have this blueprint of exiting a Correctional Centre, not just building one for the community. My experience on the South Coast is the way that the community was led in and partnered with Corrective Services NSW is nothing short of excellent. As you note, there will always be questions in those processes. Certainly in my experience it was nothing short of excellent. This inquiry is trying to get to a place where we can close the facilities just as excellently as we open them. There are lessons learnt—implies mistakes—what are you doing to improve the system? What blueprint are you putting together to exit the system, given the technological advances and different other initiatives to stop locking people away but to educate them so they can become functional citizens? What are your comments?

**Mr SEVERIN:** I will answer your question in two ways. The most critical part of us being effective is how well we manage transition from inside the prison to outside the prison, particularly for those that continue to be under our supervision on parole. Through our own approaches but also through engagement with the non-government sector we need to continuously look at opportunities to improve. I will mention a number of areas that are of particular importance there. Homelessness is one, housing, work, opportunity to continue with education where that is still an outstanding issue but, more importantly, preparing people for discharge through a very strong focus on education, and of course all the criminogenic issues in relation to treatment of those factors that brought somebody into prison in the first place.

The research has clearly identified that a measure of success will be how effectively you actually facilitate the re-integration into the community and we will have continued focus on that area as we move forward. That also contributes obviously directly as far as we can influence it to the objectives of the State Plan. The smart use of technology is an essential part of this, not simply just in the context of using electronic monitoring, which is tried and tested and will continue to be used extensively as we move forward. Indeed, we are engaged at the moment in preparing for tender to look at the next generation technology that is available to replace the one we have been using for many years. There is also technology now available that looks at very proactive, dynamic management of low-risk type issues. For example, there is technology available that measures if you consume any alcohol, if that is an issue, or if you consume any drugs, without doing a drug test. I not suggesting we are engaging in that immediately but I am trying to say it is not just GPS that matters, there are a range of other technologies we can look at at the lower end to more effectively supervise people in the community and/or provide opportunities for people as alternatives to incarceration.

The third area that is important is to work very closely with communities where we do operate facilities. I am obviously aware of the history of getting the Nowra prison organised and engaging with the community. We have community consultative committees in all our facilities. We need to ensure they continue to be effective, not just in relation to building a new prison or having ongoing issues with an existing prison, but also being an active link between us and the local community in relation to quite understandable community concerns about offenders' families moving into town or offenders not leaving town, even though they do not come from the particular place, when they are discharged, or, if they do continue to live in that community, that that is done in appropriate way, supervised and so on. All those aspects are very important. They are at the essence of what we need to ensure we have covered and we need to ensure we are mindful of when we operate facilities in the region. So, we are not just an employer but also a citizen. That has been part of commissioning and will certainly continue to be part of our work.

**CHAIR:** I want to give the department praise for its technology. Certainly in the South Coast Correctional Centre I have been most impressed in recent times where I have seen the prisoners were encouraged not only to participate in the arts but also to turn those arts into anti-hepatitis B messages within the prison, through prison TV and prison radio. I thought the quality of work and ownership was second to none. The totem poles out the front of the prison were outstanding. I think everyone is trying to get the system to focus that way. It is unfortunate that sometimes when we want to downgrade something it does grieve families and communities because of their circumstances.

One of the comments we had, the Aboriginal Legal Service was talking about technology. It notes in its submission that solicitors at Grafton now have to travel over three hours to visit inmates for ongoing court matters if the inmate is being held in the mid North Coast correctional centre. It goes on to say, "The nearest audio-visual link facility accessible for legal conferences with inmates is at Coffs Harbour Legal Aid or Lismore Legal Aid office." I am wondering have you followed this issue through to ensure there is no disadvantage in the legal needs of inmates who have been resided from the Grafton prison?

**Mr SEVERIN:** I have not specifically followed through on Grafton but I have had discussions with Legal Aid here in New South Wales, and certainly internally a range of discussions, to very proactively start introducing video link-type technology, and for those legal visits you do not need the fully fledged court-based technology. You can use applications, not necessarily Skype but similar to Skype, to achieve the same outcome. You can locate computers that have that technology in accommodation areas and prisoners would obviously be controlled in using it, but they can have legal visits that way. It is not only an advantage for lawyers not having to travel for long distances but certainly in metropolitan Sydney, where we have so many competing demands on the operation of our large facilities, it is often quite difficult for a lawyer to see their clients for extended periods of time. Using this type of technology would eliminate that problem. Clearly we have acknowledged that. We will very proactively look at the introduction of that technology throughout the State. It is not expensive. Certainly the legal profession, as far as Legal Aid is concerned, is very welcoming of that approach.

**CHAIR:** Maybe Grafton will be one of the first places you look into that. Another comment that came from that submission is that applications for residential rehabilitation were able to be facilitated by staff from the Grafton Aboriginal Legal Service office attending Grafton Correctional Centre and assisting inmates to fill out rehabilitation applications. The requests for assistance came from inmates from all over the State of New South Wales and were referred through the Aboriginal Legal Service office. Due to the relocation of inmates, the process of assisting inmates with rehabilitation applications is more difficult and more reliant on correctional centre staff at other centres. Do you want to comment on that?

**Mr SEVERIN:** I am not entirely familiar with the arrangement that existed at Grafton prior to the downsizing in relation to the Aboriginal Legal Service. We obviously have Aboriginal Legal Service coverage in all our facilities. We also employ Aboriginal staff specifically for those purposes in our major facilities, but I am happy to take that on notice.

**CHAIR:** One of the issues, as we have noted, is that inmates having access to their families or not being able to see their families because they are relocated to other correctional facilities. One of the ways they do make contact is obviously by telephone. It is suggested in the submission that telephone contact with families is reliant on inmates having money on their phone accounts. I am not aware of this phone account business, but some inmates drain that account, for whatever reason I do not know, but it is suggested special arrangements should urgently be made to facilitate extensive phone contact between those prisoners removed from Grafton and their families. Do you have a comment on that?

**Mr SEVERIN:** The information I have is that we did not have a very large number of Aboriginal or Torres Strait Islander prisoners who came from the Grafton area. We had a much larger number that came from the Kempsey area, so the move to Kempsey of that inmates group has been beneficial rather than disadvantaging those inmates. We do have a prison telephone system. Yes, prisoners have to fund their own calls and they are time-limited. There is provision for welfare calls, as I understand it, facilitated through our staff free of charge. Again, those calls are available but they are obviously not unlimited in duration due to competing commitments.

**Mr SCHOLES:** Can I just add to that, all sentenced inmates get access to two free calls a week and remanded inmates get access to three calls a week, as per the legislation.

**CHAIR:** And that cannot be taken away from them?

**Mr SCHOLES:** No, they are automatic as soon as they get there.

**CHAIR:** I would see that being a lifeline to sanity.

**Mr SCHOLES:** Yes, they are

**CHAIR:** Some questions were taken on notice. You are required within 21 days to basically answer those, and the Committee may want to submit some further questions to you. The secretariat will be in contact to you in relation to those questions that you have taken on notice.

**(The witnesses withdrew)**

**(The Committee adjourned at 10.50 a.m.)**

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