



LEGISLATIVE COUNCIL

SELECT COMMITTEE ON CRONULLA FISHERIES RESEARCH CENTRE

MEDIA RELEASE
**UPPER HOUSE COMMITTEE REPORTS ON THE
CRONULLA FISHERIES RESEARCH CENTRE CLOSURE**

FOR IMMEDIATE RELEASE
23 October 2012

The Chairman of the Select Committee on the Closure of the Cronulla Fisheries Research Centre of Excellence, Revd the Hon Fred Nile MLC, today tabled the Committee's report on the Inquiry.

Revd Nile said: "The inquiry was initiated in response to the Government's announcement of the closure of the Cronulla Fisheries Research Centre in September 2011. The closure caused a great deal of public concern and led to questions about the rationale for the decision and the way it was implemented."

"The Committee has concluded that there is an overwhelming case to retain the scientific staff, facilities and support personnel at the Centre and we have recommended that the Government reverse its decision."

"Overall we have concluded that the closure of the Cronulla Fisheries Research Centre of Excellence has been an example of how not to undertake decentralisation. The Government's failure to conduct any kind of economic appraisal before deciding to close the Centre is unacceptable."

"The Committee was disappointed that the decision had been made with no stakeholder consultation, in particular, the Government did not consult then Chief Scientist of the Department of Primary Industries, and Director of the Centre, Professor Steve Kennelly."

The Committee received 108 submissions and heard from 21 witnesses, including the Minister for Primary Industries, the Hon Katrina Hodgkinson MP. The Committee also conducted site visits to the Cronulla Fisheries Research Centre, the Sydney Institute of Marine Science, Mosman and the Port Stephens Fisheries Institute and held a public forum where staff at the Centre expressed their personal views.

"The Committee thanks the submission authors, witnesses and forum participants for their important contribution to the Inquiry."

To obtain a copy of the report either visit the NSW Parliament website at www.parliament.nsw.gov.au/cronullafisheries, or contact the Committee secretariat on (02) 9230 3081 or email cronullafisheries@parliament.nsw.gov.au

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*For further media information please contact the Committee Chairman,
Revd the Hon Fred Nile MLC on 9230 2478*

Recommendations

1.1 The Committee makes the following recommendations:

Recommendation 1

That the NSW Government reverse the decision to close the Cronulla Fisheries Research Centre of Excellence and not proceed with the closure.

1.2 The Committee is working on the expectation that the NSW Government will accept Recommendation 1 based on the evidence of this report. In the event that the Government does not accept Recommendation 1, the Committee believes that the Government should consider the following recommendations.

Recommendation 2

That the NSW Government give all Cronulla Fisheries Research Centre of Excellence staff moved to other Sydney locations the opportunity to return to the Centre, and that all the Centre's scientific staff and their support staff moved to locations around NSW also be given the opportunity to return.

Recommendation 3

That the NSW Government halt any further progress on the closure of the Cronulla Fisheries Research Centre of Excellence.

Recommendation 4

That the NSW Government conduct a comprehensive economic appraisal of whether to close the Cronulla Fisheries Research Centre of Excellence and relocate its functions in accordance with the *New South Wales Government Guidelines for Economic Appraisal*. This appraisal should be completed by a body that is independent of the Department of Primary Industries and the Minister for Primary Industries.

Recommendation 5

That the NSW Government conduct a detailed analysis of the economic and non-economic value of the science carried out at the Centre. This analysis must involve consultation with the marine science community and scientists based at the Centre and take into account the impact on sustainable fisheries management arising from the potential loss of scientific expertise.

Recommendation 6

That the NSW Government comprehensively review the decision to close the Cronulla Fisheries Research Centre of Excellence on the basis of the economic appraisal referred to in Recommendation 4 and the analysis of the science referred to in Recommendation 5.

Recommendation 7

That the NSW Government publish on completion the appraisal, analysis and review referred to in Recommendations 4, 5 and 6 to ensure transparency and accountability in Government decision-making.

Recommendation 8

That the NSW Government make provision to meet its commitment to keep the Cronulla Fisheries Research Centre of Excellence site in public ownership, including by providing funding for ongoing upkeep of the site, should a decision be taken to proceed with the Centre's closure.

Recommendation 9

That the NSW Government immediately put in place a plan to ensure that research and scientific knowledge from Cronulla is not lost. The plan should include detailed project by project analysis of knowledge and data, it should include appropriate succession planning to ensure knowledge is passed on when change of personnel does occur.

Recommendation 10

That the NSW Government review all long-term temporary staff working at the Cronulla Fisheries Research Centre of Excellence and appoint those who meet the criteria for appointment as permanent officers.

Recommendation 11

That the NSW Government, for any temporary staff made redundant since the announcement of the decision to close the Cronulla Fisheries Research Centre of Excellence, restore the severance entitlements that were in place prior to the decision being made.

Recommendation 12

That the NSW Government make every effort to re-employ Professor Steve Kennelly and reinstate him to a position equivalent to the position of Chief Scientist of the Department of Primary Industries because Professor Kennelly is internationally recognised for his expertise in marine science and has an extensive and irreplaceable personal knowledge of NSW marine science research.

Recommendation 13

That the NSW Government develop a comprehensive policy document defining its 'Decade of Decentralisation' policy, setting out its principles, objectives and measures of success and that any relocation plans for the Cronulla Fisheries Research Centre of Excellence, or any other agency or site, be assessed against this policy, and this should include best practice guidelines for the decentralisation of agencies. Further, that any future proposal to relocate centres engaged in scientific research be accompanied by thorough planning for the retention of intellectual capital.

Chapter 5 Conclusions

This Chapter brings together the Committee's views on the evidence it has received. It contains the Committee's conclusions about the decision-making process and the Committee's view on the proper approach to making and implementing major Government decisions. Such decisions should adhere to the principles of transparency and accountability upheld by the conduct of economic appraisals and consultation with stakeholders. The Chapter also highlights the Committee's concerns about the closure's impact on marine science and heritage. Before concluding with the Committee's recommendations the Committee expresses some concerns about the Minister's approach to the inquiry.

Decision making and implementation

- 5.1** The Committee agrees with the principle of decentralisation and acknowledges the benefits that such initiatives have brought to regional communities in the past. We also accept that decisions to decentralise government services will not always be popular initially. The Committee believes that decentralisation provides an opportunity to bring real benefits to regional areas including by providing opportunities for regional employment.
- 5.2** However, we also believe that decentralisation will not always be appropriate and that every proposal should be considered on its merits. Any decentralisation process should be preceded by thorough consideration of the business case, weighing costs and benefits to come to a reasoned conclusion and to ensure the responsible use of public money. As far as possible Government decisions should be transparent. Indeed, it is for these very reasons that there are procedures and guidelines in place for making and implementing major decisions of Government.
- 5.3** This process has been an example of how not to undertake decentralisation. There was no proper planning or consultation. The Committee concludes that the Minister's administration of this process has failed to meet the required level of Ministerial responsibility or accountability.

The rationale for the decision

- 5.4** The Committee finds the rationale provided by the Minister and the Department justifying the closure of the CFRC to be wanting in a number of respects. We empathise with stakeholders' frustration in regard to ascertaining the impetus for, and the reasons behind, the decision.
- 5.5** Given that the Government has cited its commitment to decentralisation as the prime rationale for the decision, the Committee was surprised to learn that approximately 25 jobs are earmarked to stay in Sydney,¹ including in such central locations as Mosman, Newington and Parramatta. If these jobs are to remain in Sydney, the Committee questions why they cannot remain at Cronulla and whether the decision is really about decentralisation.

¹ Mr Kevin Cooper, Relocation Project Manager, Department of Primary Industries, Evidence, 6 August 2012, p 20.

- 5.6 We also believe that concerns expressed by the Government regarding site accessibility and the capacity to expand the CFRC were not based on solid evidence or investigation. Similarly we have found concerns about buildings and facilities being outdated and no longer useful for marine science to be unsubstantiated.

Upholding the integrity of decision making processes

- 5.7 The Committee's terms of reference require consideration of any documents, records and economic or financial analyses that were considered by the Minister in reaching the conclusion that the CFRC should be closed. Although the Committee was informed of a May 2011 briefing that may have formed the basis of the decision, Minister Hodgkinson advised the Committee that she had no recollection of having seen that memo.²
- 5.8 Despite repeated questioning on the subject, the Minister and the Department produced no documents or records, and no economic or financial analyses which were relied upon in making the decision. Instead, the Minister explained that the decision was based on private discussions, including with the Director General of the Department of Primary Industries.³ In this respect we note the decision was also not considered by Cabinet prior to being announced.⁴
- 5.9 The Committee is very concerned by what appeared to be evasive responses by the Minister and her directors-general to questions put to them as to the genesis of the proposal to close the CFRC.
- 5.10 The Committee is very concerned by allegations from some stakeholders that the decision may have been prompted by motives contrary to those publicly stated. Given the Minister's and the Department's inability to provide the Committee with sufficient documentary evidence to support the decision, these concerns cannot be dismissed. The Committee notes that had a proper business case and cost benefit analysis been conducted prior to the decision, such allegations could have been dealt with.

Economic appraisal and cost benefit analysis

- 5.11 The Committee agrees with stakeholders that the decision to close the CFRC was made in contravention of key Government policies. The Committee is especially concerned that organisational change was commenced before a comprehensive economic appraisal was conducted to determine whether the closure would be supported by robust economic

² Answers to questions on notice taken during evidence 10 September 2012, the Hon Katrina Hodgkinson MP, Minister for Primary Industries and Minister for Small Business, Question 1, p 1.

³ The Hon Katrina Hodgkinson MP, Minister for Primary Industries and Minister for Small Business, Evidence, 10 September, p 30; Answers to questions on notice taken during evidence 10 September 2012, the Hon Katrina Hodgkinson MP, Minister for Primary Industries and Minister for Small Business, Question 1, p 1.

⁴ Dr Richard Sheldrake, Director General, Department of Primary Industries, Evidence, 6 August 2012, pp 14-15.

argument. This approach is in direct conflict with the Government's own policies including in particular the *NSW Government Guidelines for Economic Appraisal*.

- 5.12 We question the evidence of the Department that employment entitlements were not quantifiable thus impeding the conduct of an economic appraisal. An economic appraisal can take account of contingencies, including predicted employment costs.
- 5.13 The Committee acknowledges that the Department has since completed a cost benefit analysis which was tabled by the Minister at the 10 September hearing, some 12 months after the decision was taken. Mr Mark Paterson AO, Director General of the Department of Trade and Investment, Regional Infrastructure and Services, admitted under questioning that the analysis was only completed on the morning of the Minister's appearance before the Committee.
- 5.14 The three page analysis does not include sufficient detail for meaningful conclusions to be drawn from it. It refers to several potential benefits including greater efficiencies, more university collaboration and new opportunities for community access to the site, the economic benefits of which have not been factored in.
- 5.15 Although not mentioned in the three page document, a number of costs appear to have been omitted including the impact that the sudden and contemporaneous loss of some of the State's leading marine scientists may have on the State's fisheries, the loss of existing university collaboration at the Cronulla site and the damage to community engagement programs run out of the CFRC.
- 5.16 Overall, the Committee finds that the cost benefit analysis produced by the Department was unprofessional, rushed and created only for the purpose of forestalling the anticipated line of questioning at the Committee's hearing.
- 5.17 In the Committee's view, the failure to undertake a cost benefit analysis prior to closing the CFRC is a fundamental flaw in the decision making process. It contradicts sound policies to ensure that government decision making is accountable and transparent. The Committee draws attention to the Auditor-General's correspondence to the Committee which states that in general, cost benefit analyses are generally best conducted prior to a decision being taken. The Committee agrees with this approach and finds that a thorough economic appraisal should have been conducted and indeed may have led to a decision not to close the Centre.

Organisational change and change management planning

- 5.18 The Committee acknowledges that the Department complied with some aspects of the Department of Premier and Cabinet's *Agency Change Management Guidelines*. That is, Ministerial approval for the closure was obtained and a change management plan developed. However, in other respects the Department did not follow the Guidelines.
- 5.19 The Guidelines provide that organisational change should commence after a change management plan has been developed and approved by the Director General of the Department. In the Committee's view, the closure of the CFRC took the reverse approach and commenced organisational change before finalising a plan for doing so. Correspondence

from the Director General of the Department to the Assistant Auditor-General acknowledged that as at January 2012 a change management plan had not been finalised.⁵

- 5.20** Overall, the Committee finds that the implementation of the decision has been characterised by poor planning. Destinations for job movements were changed over time, leaving staff not only uninformed about key information but also feeling disenfranchised. The evidence suggests that the CFRC workplace has shifted from one of convivial productivity to one characterised by mistrust and profound disappointment. This too could have been avoided.
- 5.21** The Committee notes the retention of long-term temporary employees appears to be a feature of the Centre's employment practice. We are concerned that the long-term temporary staff at the CFRC lost their rights to certain employment entitlements only a short time before the decision to close the Centre was announced. A consequence of this was substantially reduced redundancy payments in some instances. The Committee is critical of the use of long-term temporary positions at the Centre as a mechanism to minimise job security and entitlements in circumstances where positions are ostensibly permanent.

Consultation with stakeholders

- 5.22** While the Committee agrees with the Minister that the people most affected by a decision should be informed of it as soon as possible, substantial planning is necessary to ensure that each step in the process runs smoothly and that the people affected are not alienated in the process.
- 5.23** In the Committee's view consultation should have occurred prior to a decision being made. In fact we were alarmed to learn that the Minister appears to have undertaken no consultation whatsoever before determining the closure of the Centre. As a matter of prudence the Committee would expect that a recently appointed Minister with a new portfolio would make major decisions cautiously and seek a range of advice in doing so. The need for consultation and advice is heightened where the relevant decision involves such specialist subject matter as marine science.
- 5.24** Moreover, the Committee has received no evidence that the decision needed to be made urgently. Indeed, in this instance a more moderate pace for decision-making and change management would be appropriate given the interruption to scientific research.
- 5.25** The Committee was especially surprised and disappointed that the Minister did not consult the Director of Research for NSW Fisheries Professor Steve Kennelly, the lead scientist based at Cronulla, and former Chief Scientist of the Department of Fisheries and the Department of Primary Industries, either about the decision to close the CFRC or the process for implementing that decision.⁶ Professor Kennelly is a world renowned scientist, a senior NSW

⁵ Answers to supplementary questions 6 August 2012, Dr Richard Sheldrake, Director General, Department of Primary Industries, Attachment, Letter from Dr Richard Sheldrake, Director General, Department of Primary Industries to Mr Rob Mathie, Assistant Auditor General of New South Wales, 16 January 2012.

⁶ Professor Steve Kennelly, Director of Research, NSW Fisheries and Director, Cronulla Fisheries Research Centre of Excellence, Evidence, 3 September 2012, p 16.

public servant with substantial success over 12 years in decentralising fisheries scientists throughout regional NSW and the head of the CFRC, thus perfectly positioned to provide sound advice as to the impact on science that the closure might have.

Marine science

- 5.26** The Committee is grateful to the staff at the Port Stephens Fisheries Institute and the Sydney Institute of Marine Science (SIMS) for facilitating our visits to each. The Committee was impressed by the professionalism and dedication of staff at these sites. We were also struck by the high standard of facilities to support the work currently being conducted at those scientific research centres.
- 5.27** Although the Port Stephens Fisheries Institute and SIMS each have excellent facilities for the work they do, the Committee is not convinced that they can replicate the research currently conducted at the CFRC. We have received strong evidence that the scientific research conducted at the CFRC is unique. Some projects would have to be ‘redesigned’ if they are to continue and because key senior scientists are unable to relocate, others may halt entirely. Such a loss may have implications not only for marine science generally but for the monitoring and assessment of fish stocks to ensure sustainable fisheries management.
- 5.28** Unlike other forms of employment, scientific research of marine life is highly specialised. We note that this inquiry was characterised by the volume of submissions received from scientists with high-level postgraduate education. The Committee considers that the scientists at the CFRC are a special kind of public servant who cannot be easily replaced. We note, as outlined in Chapter 4, that this view is supported by the independent assessment of the Industrial Relations Commission, which found in a 1986 interim judgment that ‘the fisheries research group is very specialised, that specialisation being to the advantage of the employer and is such that alternative employment in this area is very restricted’.⁷
- 5.29** The Committee is very concerned that where fisheries scientists feel forced to give up their careers in the public sector, this results in a significant loss to the State of that person’s knowledge and expertise which may have been built up over decades.
- 5.30** The Committee is also concerned that the decision to close the CFRC has either overlooked or ignored the research value of the Centre to the local, national and international community. It is rare indeed for a decision about the relocation of staff and services to attract such widespread local and international attention and criticism.
- 5.31** We also note the view that the site was entrusted to the NSW Government by the Commonwealth Government for the purpose of marine research, and questions whether the Commonwealth Government should have been consulted regarding its views on closing the CFRC.

⁷ *Re Crown Employees (Scientific Section, Fisheries Division, Department of Agriculture – Relocation Compensation) Award* [1987] 21 IRJ 100 per Bauer J citing the 1986 interim judgment on findings of fact: *Re Crown Employees (Scientific Section, Fisheries Division, Department of Agriculture – Relocation Compensation) Award* (1986) 16 IR 458.

Heritage and community value of the site

- 5.32** The Committee has received strong evidence that the CFRC is not just an international centre for marine science but also a site that is of historical significance and a hub for other community activity.
- 5.33** The Committee acknowledges the historical significance of the CFRC for its Aboriginal middens and as the first marine science institution in Australia. We note that the entire site is heritage listed and holds specific listings for some buildings and the aquaria. Community members described years of personal involvement with the CFRC and expressed a reluctance to see the Centre closed. It is important that this unique piece of New South Wales history is preserved and that these considerations are taken into account in any decisions about the future of the site.
- 5.34** Although the Minister has indicated that there are no plans to sell the site, the Committee notes that the Minister would not ‘guarantee’ this, and that the terms of reference for the consultant reporting on the future use of the site do not rule out its sale.
- 5.35** The Committee commends the work undertaken by the Fishcare Volunteer Program such as running school holiday programs, fishing clinics and working with people with disabilities. We think it is important that the Sutherland Shire does not lose this valuable program. We hope that the Department will work to ensure that current volunteers can continue to be involved in the program.

The Minister’s approach to the inquiry

- 5.36** Before moving to discussion of the Committee’s recommendations, the Committee feels compelled to express concern about the Minister’s approach to some aspects of the Committee’s inquiry.
- 5.37** The Committee notes that its initial invitation to the Minister to appear as a witness⁸ was declined on the basis that the Minister had clashing Ministerial meetings.⁹ A week later the Minister rearranged her schedule and offered to attend a hearing on 3 September 2012 but a suitable room was not available within the Parliament. The Minister then agreed to attend on 10 September 2012.¹⁰ At that hearing, the Minister commenced a lengthy opening statement which took up a substantial portion of the dedicated hearing time.
- 5.38** The Committee notes with concern that in her evidence to the Committee at that hearing, the Minister stipulated that the closure of the CFRC was fait accompli and would not be reconsidered, whatever the Committee found or recommended: ‘[t]he decision was made 12

⁸ Correspondence from Chair to the Hon Katrina Hodgkinson MP, Minister for Primary Industries, 8 August 2012.

⁹ Email from Cassandra McNamara, Executive Officer, Office of the Hon Katrina Hodgkinson MP, to Chair, 22 August 2012.

¹⁰ Email from Cassandra McNamara, Executive Officer, Office of the Hon Katrina Hodgkinson MP, to Chair, 30 August 2012.

months ago. It was a decision of the Government and the decentralisation will be proceeding regardless of the recommendations made by this Committee, with all due respect.¹¹

- 5.39** Later in her evidence, when questioned on this matter by the Chair, Minister Hodgkinson qualified her response as follows: ‘I can assure you that I will treat the report that is brought down by this Committee with the due respect and reverence that you will put into it.’¹²
- 5.40** As the transcript of evidence attests, the Committee has found the Minister to be evasive in failing to answer questions in the Committee’s hearing such as the date at which the decision was taken and when she last visited the Cronulla Fisheries site.
- 5.41** The Committee also notes that the Minister was adamant that reversing the decision to close the CFRC would be unfair to those employees who had already left the Centre or were making arrangements to do so.¹³ Similar reasons were provided for refusing to suspend the relocation until such time as the Committee had concluded its inquiry.¹⁴ At the same time the Minister refused the Committee’s request to facilitate the Committee’s conduct of a staff survey to test this view. The Committee was surprised at this: if the Minister was certain of her position, she might have been expected to welcome an opportunity to confirm it through the conduct of the survey.
- 5.42** Overall, the Committee has been disappointed with the spirit in which the Minister has approached this inquiry. We trust that this does not reflect the manner in which the Government will respond to the Committee’s recommendations.

Concluding statements

- 5.43** The Committee concludes that there is an overwhelming case to retain the scientific staff, facilities and support personnel at the CFRC location.
- 5.44** That Committee is working on the expectation that the Government will accept Recommendation 1 on the basis of the evidence of this report. However, in the event that the Government does not reverse its decision to close the CFRC, the Committee has put forward additional recommendations about how the Government should proceed.
- 5.45** In the Committee’s view, it may be possible to achieve some of the advantages of the decentralisation without losing the scientific expertise and associated benefits to the State of the CFRC. This is not something the Committee can determine based on the current evidence. Such a significant decision should be subject to a rigorous economic appraisal in accordance with NSW Government policy.

¹¹ The Hon Katrina Hodgkinson MP, Minister for Primary Industries and Minister for Small Business, Evidence, 10 September 2012, p 42.

¹² Minister Hodgkinson, Evidence, 10 September 2012, p 44.

¹³ Minister Hodgkinson, Evidence, 10 September 2012, p 41.

¹⁴ Correspondence from the Hon Katrina Hodgkinson MP, Minister for Primary Industries, to Chair, 3 September 2012.

- 5.46 The Committee recommends that the Government halt any further progress on the closure of the CFRC until such time as a comprehensive economic appraisal has been concluded in accordance with the *NSW Government Guidelines for Economic Appraisal* and NSW Government policy. We note that most employees are still based at the Centre.
- 5.47 In the interests of ensuring that Government decision-making is accountable and transparent, and to attempt to restore the damaged trust of stakeholders, this economic appraisal should be made available for public scrutiny. Time is of the essence for those affected and the appraisal should be completed by the end of the year.
- 5.48 In Chapter 4 we described Professor Kennelly's distinguished and lengthy career as a world leading marine scientist. Because he is unable to relocate, his career is coming to an end. Professor Kennelly's circumstances exemplify the unique problem of this closure; that is, the loss of highly specialist knowledge possessed by the scientists at the Centre. His situation is illustrative of the type of special consideration that should be given to such unique public servants.
- 5.49 As noted previously, the lack of consultation with key stakeholders, in particular the scientists at the CFRC, was a critical flaw in the decision-making process. Accordingly, we recommend that the findings of the economic appraisal should be considered in conjunction with a detailed analysis of the value of the science conducted at the CFRC. This might include the potential loss of scientific expertise that would arise as a result of the closure. This analysis should involve thorough consultation with the marine science community, including scientists at the CFRC.

Recommendations

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