

PORTFOLIO COMMITTEE NO. 5 - REGIONAL NSW AND STRONGER COMMUNITIES

Monday 24 October 2022

Examination of proposed expenditure for the portfolio area

CORRECTIONS

CORRECTED

The Committee met at 09:30.

MEMBERS

Ms Sue Higginson (Acting Chair)

The Hon. Scott Barrett
The Hon. Tara Moriarty
The Hon. Peter Poulos
The Hon. Peter Primrose (Acting Deputy Chair)

PRESENT

The Hon. Geoff Lee, *Minister for Corrections*

CORRECTIONS TO TRANSCRIPT OF COMMITTEE PROCEEDINGS

Corrections should be marked on a photocopy of the proof and forwarded to:

**Budget Estimates secretariat
Room 823
Parliament House
Macquarie Street
SYDNEY NSW 2000**

The ACTING CHAIR: Welcome to the initial public hearing for the inquiry into budget estimates 2022-2023. I acknowledge the Gadigal people of the Eora nation, the traditional custodians of the lands on which we are meeting today. I pay my respects to Elders past and present, and celebrate the diversity of Aboriginal people and their ongoing cultures and connections to the land and waters of New South Wales. I also acknowledge and pay my respects to any Aboriginal and Torres Strait Islander people joining us today. I welcome Minister Geoff Lee and accompanying officials to this hearing. Today the Committee will examine the proposed expenditure for the portfolio of Corrections.

Before we commence, I make some brief comments about the procedures for today's hearing. Today's hearing is being broadcast live via the Parliament's website. The proceedings are also being recorded, and a transcript will be placed on the Committee's website once it becomes available. In accordance with the broadcasting guidelines, the House has authorised the filming, broadcasting and photography of Committee proceedings by representatives of media organisations from any position in the room and by any member of the public from any position in the audience. Any person filming or photographing proceedings must take responsibility for the proper use of that material. This is detailed in the broadcasting resolution, a copy of which is available from the secretariat.

All witnesses in budget estimates hearings have a right to procedural fairness according to the procedural fairness resolution adopted by the House in 2018. There may be some questions that a witness could only answer if they had more time or with certain documents to hand. In those circumstances, witnesses are advised that they can take a question on notice and provide an answer within 21 days. If witnesses wish to hand up documents, they should do so through the Committee staff. Minister, I remind you and the accompanying officers that you are free to pass notes and refer directly to your advisers seated at the table behind you. Finally, would everyone please turn their mobile phones to silent for the duration of the hearing.

All witnesses will be sworn prior to giving evidence. Minister Lee, I remind you that you do not need to be sworn as you have already sworn an oath to your office as a member of Parliament. I also remind Mr Michael Tidball and Mr Brendan Thomas that you do not need to be sworn as you have already been sworn at an earlier budget estimates hearing before this Committee.

Mr BRENDAN THOMAS, Deputy Secretary, Transforming Aboriginal Outcomes, Department of Communities and Justice, on former oath

Mr MICHAEL TIDBALL, Secretary, Department of Communities and Justice, on former oath

Mr KEVIN CORCORAN, Commissioner, Corrective Services NSW, sworn and examined

Ms SANDRA CRAWFORD, Assistant Commissioner, Community Corrections, Corrective Services NSW, affirmed and examined

Mr LEON TAYLOR, Assistant Commissioner, Corrections Industry & Capacity, Corrective Services NSW, sworn and examined

Ms JENNIFER GALOUZIS, Assistant Commissioner, Offender Management and Programs, sworn and examined

The ACTING CHAIR: Today's hearing will be conducted from 9.30 a.m. to 5.30 p.m. We are joined by the Minister for the morning session from 9.30 a.m. to 12.45 p.m., with a 15-minute break at 11.00 a.m. In the afternoon, we will hear from departmental witnesses from 2.00 p.m. to 5.15 p.m., with a 15-minute break at 3.30 p.m. During these sessions, there will be questions from the Opposition and the crossbench members only. If required, an additional 15 minutes is allocated at the end of the morning and afternoon sessions for Government questions. Thank you for your attendance today. We will begin with questions from the Opposition.

The Hon. TARA MORIARTY: Good morning, everybody. It is nice to see you all again. Good morning to all of the hardworking, fantastic Corrections officers who I know tune in to these hearings, because they always tell me that they do. So good morning to all of you who are listening. I will start asking about whether any of your facilities are affected by the floods, given what is going on across New South Wales. Are there any facilities currently facing any issues with what is going on with the weather?

Dr GEOFF LEE: I will start off. Can I just start off by apologising to the Committee about last time—my appearance at estimates. I had an unfortunate accident at home. I was in hospital. It happened on the Saturday and then, by the Monday, I was still in hospital and I did not get out. But I am all fighting fit—nothing to worry about now.

The Hon. TARA MORIARTY: We would have been happy to have you, despite you being medicated.

Dr GEOFF LEE: Thank you, Tara. I will let Commissioner Corcoran give you the latest update.

KEVIN CORCORAN: The latest update is that we still have Emu Plains closed at the moment. The floods are impacting that particular area. Also, the Moree Court cells are an issue at the moment, but everything else is functioning, as far as I am aware.

The Hon. TARA MORIARTY: Hopefully it stays that way. Next, I am going to ask you about contraband. I want to know how it's possible that mobile phones are getting into our prisons and how they are being accessed by inmates. What's going on?

Dr GEOFF LEE: Obviously, contraband remains a persistent problem within our centres at all times. We do everything we possibly can to prevent any contraband—whether it's mobile phones or other items—from coming into our jails. A good thing that was done prior to my becoming Minister was the use of the body scanners, which I think are the non-intrusive way, or a less intrusive way, than strip searching. That's been rolled out to many of our facilities, which I think has done an excellent job at being able to detect even the smallest items coming in there that shouldn't be detected. But, obviously, from time to time there are other problems, whether, you know, people throw it over the fence, whether people manage to avoid it by young children, for instance, bringing it in. I notice that we've even gone to the significant lengths of photocopying people's mail—except for their legal mail—even their birthday cards and Christmas cards because they were smuggling stuff in that way. So there are quite significant ways.

The Hon. TARA MORIARTY: Yes. I am interested in teasing out all of those things in more detail, but phones to start with. I mean, are they coming in in one piece? Are they coming in in bits and pieces? How are phones coming in, specifically?

Dr GEOFF LEE: I'll ask the commissioner to give you learned advice about mobile phones and, of course, we do detect them from time to time with our searches.

KEVIN CORCORAN: Yes, that's correct. Yes, they do come in from a variety of means. So, for example, things can be thrown over fences. Things can come in through visits. As we've reintroduced visits, we've noticed that there's been an increase in contraband coming in—drugs and mobile phones—but we do have new

technologies, which are really making an impact on people bringing contraband in through visits. We've done around 100,000 searches with the new transmission X-ray body scanners, which have significantly, I think, reduced the amount of contraband that would have come into facilities.

The Hon. TARA MORIARTY: I am interested to hear more about that as well, but just sticking with the phones for the moment, as of about roughly a month ago, I understand there were about 94 phones found. Have there been more found since then? I mean, two years ago there were nearly 300.

KEVIN CORCORAN: Yes.

The Hon. TARA MORIARTY: Are we checking for them properly? What are the current numbers?

KEVIN CORCORAN: I'll have to take that one on notice. We don't have that number in my documents, sorry.

The Hon. TARA MORIARTY: About a month ago you would be well aware that there was a story about a couple of inmates who were making TikTok videos from their cells. I mean, how is that possible, first of all? How did they get the phone? How did they access the internet? How did that happen?

KEVIN CORCORAN: Okay, so how they get the phone is through drops over the fence and inmate visitors, and possibly other methods that are used with material coming into correctional centres. Now, we can't make sure that we guarantee everything coming in. We X-ray a lot of things coming into the prison but it's not 100 per cent guaranteed that we'll find everything.

The Hon. TARA MORIARTY: But, I mean, there was a guy in Parklea who had a phone and was broadcasting TikTok videos to his over 11,000 followers. He posted a number of videos before he was caught. How is that possible?

KEVIN CORCORAN: Well, it's possible because they are able to access the internet with phones, so once they get a phone in, they can access the internet.

The Hon. TARA MORIARTY: How are they able to access the internet? Because you've been trialling blocking technology, from memory, since 2013.

KEVIN CORCORAN: Yes.

The Hon. TARA MORIARTY: Why is that not rolled out across the whole system?

KEVIN CORCORAN: That technology is only in two facilities at the moment, Lithgow and the Goulburn facility. We're examining other methodologies which we can use to intercept phones. I've got my security people working on it at the moment. It's an incredibly expensive operation to block mobile phones. If we were to roll that out right across the system, we'd be up for significant ongoing maintenance costs and every time we get a new—I guess, what would you call it?

LEON TAYLOR: New generation.

KEVIN CORCORAN: New generation of—we'd have to then upgrade the technology. So incredibly expensive if we're going to roll that across the whole system—so we are concerned about that and we are looking at whether we can come up with some other form of technology that would be a lot cheaper than we could roll out.

The Hon. TARA MORIARTY: Sure. But surely the Minister can help you with that expense, because—you know what my follow-up question is going to be. It's all well and good for one man to be filming TikTok videos, but what else are these phones being used for? Are people contacting victims? Are they contacting their families? Are they conducting business?

KEVIN CORCORAN: Probably all of the above. But that's the reason we are going all out to try to prevent phones from getting in—number one—through those new technologies we've put in place and try to detect phones whilst they're in the centres. Because a lot of times they will hide them internally and now we've got the technology to actually find them.

Dr GEOFF LEE: Can I say for the benefit of the Committee and specifically for you, Tara, that we're more than happy—I think during this session we'll get the details on that specific Parklea incident. From memory—and that's why I'd like to be able to get back to the Committee—I think that was a historical case. That TikTok video that he put out there was done a number of years ago. It hasn't been a recent occasion, but I'm more than happy if one of the people can get that. I don't think it's been a recent one. I think it's two years old.

The Hon. TARA MORIARTY: I think that one is more recent but there's been another person at Goulburn who—he's out now as I understand it. But he's reported that he made an entire rap album and posted it online from Goulburn. So it's more than one incident.

Dr GEOFF LEE: If we can't get it today, I'm more than happy to take it on notice and report on those specific incidents. I just think there's a historical nature to some of those comments in the media. I saw that in the media as well. Obviously, we were concerned at that time.

The Hon. TARA MORIARTY: Sure. I'm asking about, again, TikTok videos but, really, there are much more serious concerns about these phones. Social media is one thing. Making rap music and being able to broadcast an entire album from your cell is pretty crazy, but that's another thing.

Dr GEOFF LEE: I appreciate that.

The Hon. TARA MORIARTY: But if people have access to mobile phones, can you guarantee that they're not calling their victims or calling witnesses if they're on remand or conducting criminal activities via prison?

Dr GEOFF LEE: Obviously, mobile phones pose a significant security risk. I can just say that the officers I've seen—the targeted searches have been able to locate many of those phone and other contraband items as they do their searches. I think that's one of the benefits of those body scanners—to eliminate significant numbers of pieces of contraband coming in. But there are lots of other ways that people—people are very ingenious these days, especially when they've got a lot of time on their hands. But we'll do everything we can.

The Hon. TARA MORIARTY: I'm interested in getting the numbers of the phones, which I think you've already taken on notice. Can you guarantee that there aren't phones being used to contact victims or witnesses or conduct illegal activity from inside of prisons?

Dr GEOFF LEE: Obviously, I can't personally guarantee that things won't get smuggled in, whether there are any contraband items. As I said, there are multiple ways that people can get them in. As the commissioner said, you can smuggle them in through visitations. You can smuggle them in throwing things over the fence. People can drop—they have drops in public areas or not-so-public areas. So there are various ways but we'll do everything we possibly can to make sure that we try to eliminate as far as possible. As I said, we've gone to the extreme lengths—I think they're extreme; I think it was before my time—where we photocopied people's correspondence. We are even at the point now where we're seeing fake legal advice, which is privileged, coming in with contraband in them—so they fake the solicitors' letters and then they're smuggling stuff in there. But in terms of social media—

The Hon. TARA MORIARTY: I accept that you're working on trying to capture this stuff before it comes in. And I get that people are very creative about how they try to get this stuff in. I think you should be doing more to stop it from getting in, given that mobile phones are being used. But my question was can you guarantee that these phones are not being used right now to conduct criminal activity from inside of prison?

Dr GEOFF LEE: No, obviously I can't guarantee it because how can I guarantee it? We want to try to stop every single piece of contraband coming in, mobile phones included. We will do everything we possibly can within our operations to prevent any contraband, whether it is mobile phones—of course, I agree with you that mobile phones pose a risk to see whether they are harassing their victims or organised crime or doing all sorts of other unsavoury things. Certainly, we will do everything we can.

The Hon. TARA MORIARTY: I will go back to the commissioner's answer about blocking technology or other technologies. I understand that that would be expensive. Minister, are you doing anything to help fund that?

Dr GEOFF LEE: As a security risk—they are experts. The commissioner has provided advice to me in terms of 3,000, is it, that have blocking at the moment, or two?

KEVIN CORCORAN: Two.

Dr GEOFF LEE: I will let the commissioner talk about it, but the cost effectiveness of blocking technology is prohibitive and outweighs the benefit of that. We are better off doing other forms of monitoring and stopping contraband coming in. I will let the commissioner talk about it. We have considered this. It sounds a simple solution, but it isn't so simple.

The Hon. TARA MORIARTY: I understand it has been on trial essentially since 2013 at Lithgow and Goulburn?

KEVIN CORCORAN: Yes.

The Hon. TARA MORIARTY: So I assume it's working at those two facilities, or is it not?

KEVIN CORCORAN: It works in the cells, in the areas where the actual blocking technology is placed, but once you get out of the cells into yards and so forth, then it is a problem. There are still phones being found

in those areas. But we are looking at all sorts of other things to deal with this. We have been working with a private company and a university to develop technology to enable us to detect small objects coming over fences. This is a world first, and it is using radar. We have pretty much finished the trial. In fact, I might ask Assistant Commissioner Taylor to talk a little bit about that aspect.

LEON TAYLOR: We have been trialling a number of technologies to address the problem of contraband introduction, which is a challenge for every correctional jurisdiction. Mobile phone detection is a technology that was trialled in New South Wales. It doesn't exist in other jurisdictions, nor overseas, that we are aware of. The other technology that the commissioner mentioned we developed ourselves. That technology is deployed in two of our correctional centres. There is quite a bit of interest in that technology by other jurisdictions. The benefit of that technology is that it was developed in New South Wales. As a side comment, we used inmates to assemble that technology and get them involved in a high-tech industry within prison. That technology now exists at a couple of our centres. We are about to roll it out to two others. That captures small objects that are thrown over the fence, like mobile phones. Our ability to detect mobile phones inside the walls and also that come over the fence are now assisted by the technologies of the X-ray body scanners and the over-the-fence radar.

The Hon. TARA MORIARTY: Can that technology find SIM cards, including the body scanners?

LEON TAYLOR: The body scanners can, and something thrown over the wall in a golf ball or tennis ball and the other usual methods, things like SIM cards come over, absolutely.

The Hon. TARA MORIARTY: I will ask about other contraband. I understand you have talked about the mail. I understand that is an issue with drugs. But what other contraband have you found? You can take this on notice but, if you have it, I would appreciate the numbers, for example, of drugs that you have found, and weapons?

KEVIN CORCORAN: I would have to take that on notice if it is drugs and weapons you are looking at.

The Hon. TARA MORIARTY: All kinds of contraband. The details of all of it.

KEVIN CORCORAN: Sure. Yes, we certainly can.

The Hon. TARA MORIARTY: Can you give us some information now?

KEVIN CORCORAN: We do thousands of searches a year, so obviously there is a lot of contraband found.

The Hon. TARA MORIARTY: But I am sure you record what you find and I am sure there are details that you can provide.

KEVIN CORCORAN: We absolutely do.

Dr GEOFF LEE: We are happy to take it on notice, Tara.

The Hon. TARA MORIARTY: Sure. The numbers you can take on notice.

Dr GEOFF LEE: Just so we give you the numbers, that's all.

The Hon. TARA MORIARTY: Sure, but what other things have you found over the course of, say, the last year?

KEVIN CORCORAN: Certainly tobacco is very popular as contraband and just drugs in general. I guess the drug of choice at the moment is buprenorphine strips. They are very difficult to detect, but we have had some success with the X-ray body scanners in detecting visitors bringing buprenorphine strips into facilities.

Dr GEOFF LEE: USBs, for some reason. I don't know why they are bringing USBs in.

KEVIN CORCORAN: USBs, yes.

Dr GEOFF LEE: If they don't have a computer, it is pretty hard to use a USB, I would have thought.

KEVIN CORCORAN: There are all sorts of things smuggled in or made in prison that we find in searches. We also have dogs that can sniff out mobile phones as well. So we're doing absolutely everything we can to make prisons as safe a place as possible for staff and inmates.

The Hon. TARA MORIARTY: What kinds of things are being made? There are home-brew alcohol or drug products, for want of a better way of describing them, and then I'll come to weapons after that.

KEVIN CORCORAN: Yes, that doesn't seem to be featuring too much, the alcoholic brews, in finds. But certainly the weapons that they make internally to protect themselves.

The Hon. TARA MORIARTY: What are some examples?

KEVIN CORCORAN: Well they choose, generally, iron bars that are sharpened at the end.

LEON TAYLOR: Toothbrush.

KEVIN CORCORAN: Toothbrush, yes. Anything they can get their hands on to make a weapon.

The Hon. TARA MORIARTY: Can you tell me some circumstances where those have been found over the course of last year? Again, you'll give me numbers and details on notice, which I appreciate.

KEVIN CORCORAN: Yes. We do searches in every correctional centre, and we've got staff that search every day in correctional centres and do a really good job. We've also got a security operations group, which are a specialist group that come in to conduct searches with dogs and targeted searches. We've got an intelligence group, which enables us to identify particular individuals who might be holding contraband, and then we do targeted searches. I have some numbers for you. We've done 41,704 intelligence-based search operations.

The Hon. TARA MORIARTY: That is this year?

KEVIN CORCORAN: In 2021. In 2021-22 we conducted 22,158, and 293 visitors to correctional centres were searched by the security operations group. They do that outside with dogs and run the dogs past the visitors.

The Hon. TARA MORIARTY: Is that before or after X-ray scanners, or is it random?

KEVIN CORCORAN: It's random; it continues on with the X-ray body scanners. Of those visits, 34 visitors were denied entry in 2021-22 and 24 were charged by police. We have 31 search and detection dogs in use that look after phone detection. There's one phone detection dog, seven multipurpose dogs and 23 passive alert detection dogs.

The Hon. TARA MORIARTY: Are they spread out over different facilities?

KEVIN CORCORAN: Yes, spread out over the State. The security operations group has regional bases as well as a metropolitan base.

The Hon. TARA MORIARTY: Searches of cells are presumably random and intelligence-based?

KEVIN CORCORAN: Yes, it's random and targeted.

LEON TAYLOR: I might be able to assist, Ms Moriarty. In every wing across the State—and there are hundreds of wings—the system generates the number of cells to be searched each day at random. It's a minimum of six. Those cells are searched by staff thoroughly every day, a minimum of six in every one of our hundreds of wings across the State. They're recorded in our system—every find and every cell that's searched and something isn't found.

The ACTING CHAIR: Minister, last week the inspectors from the UN were denied access to our prisons. Are you concerned that our prisons don't meet the UN minimum standards?

Dr GEOFF LEE: Can I say that you're absolutely right. Last week we did deny the OPCAT inspectors entry to some of our facilities—or one particular Queanbeyan facility. I think it was the courthouse cells. Can I say that, in principle, we support the objectives of OPCAT, and this Government will continue to work with the Federal Government in reaching a solution to that over time. We're concerned at the moment we haven't been able to reach a landing point where we are happy with its operational security and funding negotiations with the Federal Government. Until we do that, we will continue to not allow the UN inspectors to look at it.

I have every faith in our custodial facilities. We already have very strong—I should say very strong, for the Committee—oversight in terms of our custodial facilities. We have, for instance, the Inspector of Custodial Services, an independent body that looks at all of our custodial facilities and make reports on those facilities. They are legislated in terms of that, and their oversight. The inspector is very thorough. I have met with the inspector a number of times about their recommendations about what we do. We also have the Ombudsman. The Ombudsman is able to investigate specific complaints at different times. We have the Auditor-General. All of these are independent. In addition, we have our own professional standard branch that investigates our own officers. If there are any allegations brought forward, we have very well-trained staff throughout our centres.

I think it is a system where we actually aim to help people change their behaviours. We have many different programs of cognitive behavioural therapies that allow us to give people the skills that they may need for their future so they can get out and get a job. It allows them work experience. But it also allows them to change their behaviours and how they think so that when they do get out, they don't actually reoffend. But I am very confident. I have been to many of our correctional facilities. We were trying to add it up this morning. I think we

got to about 20 different correctional facilities that I have actually visited and had a look at. I am very satisfied with the professional conduct of our officers. As I said, they do a terrific job in cases where it is very difficult sometimes.

Let's not forget we're housing some of the most dangerous, worst criminals. These are murderers, these are terrorists, these are paedophiles. There are some really bad people in there. Whilst the majority just want to serve their time and get out—there were a very few of them, but you don't know when it is going to happen. Many of them have drug addiction issues, alcohol addiction issues, comorbidity of alcohol, drugs, mental health and a whole range of different issues that affect their lives. There are some very deeply troubled people in our system. I guess you wouldn't be in our system if you didn't have deep troubles in your life.

Certainly, one of our priorities is to reduce reoffending. We are going to continue. It is a Premier's priority. To answer your question, I'd say yes. I have every confidence in our correctional facilities. They meet and in many times often exceed those of many other countries. I would say that we have some of the best correctional facilities in the whole world in New South Wales. I was just in Tasmania at our conference and talking to the other States and jurisdictions, which we can learn from—

The ACTING CHAIR: Thank you, Minister. I have such limited time. Do you mind if I interrupt? You have answered my question.

Dr GEOFF LEE: No problem. I am just confident.

The ACTING CHAIR: Thank you very much. Who made the decision that the UN officials wouldn't be allowed access?

Dr GEOFF LEE: There was a government decision. I think it was a Cabinet decision. I will allow the secretary to talk about that process.

The ACTING CHAIR: Very briefly, who made the decision, Mr Tidball, if you are aware of that?

MICHAEL TIDBALL: My response would be a policy response and decision of government, and I'm happy to speak to the chronology of that. But, immediately, the decision is in keeping with a correspondence issued by my predecessor to the secretary of the Commonwealth Attorney-General's Department on 21 February 2020, which indicated that, until such time as the operational and funding issues were resolved, visits would not take place.

The ACTING CHAIR: To confirm, we actually have a policy in New South Wales that we won't allow UN inspectors to undertake their routine inspections of our facilities?

MICHAEL TIDBALL: No, the protocol is not scheduled to be operational until, from memory, 20 January 2023. This is a process of preliminary steps being worked through for the implementation of the protocol.

The ACTING CHAIR: What are the concerns? Why did we form this policy and what were our concerns in terms of cost? What are the cost implications that you are concerned about?

Dr GEOFF LEE: Firstly, it's the security of the people. Secondly, it's the operation—

The ACTING CHAIR: Sorry, the security of which people?

Dr GEOFF LEE: Of our correctional facilities. We operate a very large correctional facility—

The ACTING CHAIR: Sorry, do you mean the staff of the correctional facility?

Dr GEOFF LEE: I'm saying the good order of the centres we run. We run 36 different facilities right across the State. The number one concern is keeping everybody safe—whether it's our staff, who are our priority, or whether it's the inmates—and the good order of those operations. That goes to the security of those operations. In answer to your first question, there is no policy. Mr Tidball was quite right. It was before our time as secretary or Minister. We are working with the Federal Government at finding a satisfactory resolution to that agreement. I took the view that they should not be allowed in until we reach that satisfactory response in terms of security, operational and funding arrangements. We will continue to not let them in until we reach those levels of agreement and satisfaction to our system. We have to run the good order of something like 12,600 prisoners a day that we look after. We are not going to be compromised and dictated to by an unelected body. I started off by saying we are more than happy to support the principles and support the agreement as long as we can work out with the Federal Government—

The ACTING CHAIR: Sorry, Minister, that's very inconsistent with your view that you want an ombudsman and an auditor-general. On 2GB last week you said that "These people should be off to Iran looking for human rights violations".

Dr GEOFF LEE: Yes, 100 per cent they should be. These are an unelected body. They are coming in to try and pick on us—

The ACTING CHAIR: So, Minister, are you actually telling us here that you don't think we should be under the purview of the inspection of the United Nations?

Dr GEOFF LEE: No, what I was trying to say—and maybe I was unclear then—is that I think the UN has much better things to do than try and find spurious issues with our correctional facilities, considering that they have places like Iran where there is torture.

The ACTING CHAIR: Minister, are you aware that Iran is not a signature to this convention, but we are?

Dr GEOFF LEE: Can I say, maybe the UN's job is to look at those issues. I'm saying that we are more than happy, in principle—and I said it when I first started—as long as we reach a satisfactory agreement with the Federal Government. The Federal Government did sign it up and they said that they would consult and work with us. We haven't reached that point. I think the positions are very consistent. I think that, for me, anyway, those comments were made to say that there are bigger problems in the world than looking at our professional correctional facilities. What I'm worried about are things like them coming back and saying that our white bread is sliced too thinly or our stairs are too narrow or we should have blinds on our cells to give the inmates more privacy.

The ACTING CHAIR: Are these not important matters if they are in accordance with the standards?

Dr GEOFF LEE: I would suggest to you that these are trivial matters when we are trying to stop or not have any torture, which is their objective, or cruelty within our facilities. I've been to close to 20 different facilities, and I have not seen any evidence. I have every faith in our 6,500 correctional officers, who do a magnificent job in keeping the community safe. What you're saying is that our officers—you shouldn't downgrade our officers. They work in a fantastic manner. The reason why we have these oversight bodies—it was a previous Coalition government in 2012 that actually brought in the Inspector of Custodial Services as an independent body to look at our facilities on an ongoing basis and an independent agency to look at those issues if and when they occur and make corrections and suggestions about how we better do it. I'm very satisfied that, at the moment, the system works well and is professionally managed. Our priority is the good and safe order of our facilities.

The ACTING CHAIR: How do you reconcile that with the letter that you received—and that many other people around this table received—that was addressed to the Commissioner of Corrective Services, dated 22 June, from a group of correctional officers writing to you directly about the practices and conditions at the Goulburn Correctional Centre?

Dr GEOFF LEE: Can I just have a look at that? I just don't have a copy of that letter.

KEVIN CORCORAN: I think that was an anonymous letter.

The ACTING CHAIR: It was an anonymous letter for all of the obvious reasons, signed off by a group of people who work in that facility. I am sure, Minister, you would agree with me that—

Dr GEOFF LEE: If you show me the letter I can then make comment.

The ACTING CHAIR: —in no uncertain terms, it is shocking and harrowing.

Dr GEOFF LEE: Can I have a look at the letter? I have asked to have a look at the letter. I think it is only fair that I get the opportunity to have a look at the letter you're referring to.

The ACTING CHAIR: It was addressed to you, Minister.

Dr GEOFF LEE: May I have a look? With all due respect—

The ACTING CHAIR: I think one of your staff members is assisting you there.

Dr GEOFF LEE: If you show me a copy of the letter—I don't have a copy of the letter, so if you show me the letter, I can make comment. I am more than happy to make comment.

The ACTING CHAIR: It is very harrowing, Minister. It talks about terrible conditions—about inadequate shower facilities and toilet facilities, and the stress of inmates. This is coming from one of our trusted staff members, or a group of them, Minister. In these sorts of circumstances, would you not think that we should

be allowing external inspectors to come in and that that degree of transparency would be in the absolute best interests of everybody in New South Wales?

KEVIN CORCORAN: Can I just mention that there has been a recent report on Goulburn by the Inspector of Custodial Services which raised many of these issues, and these are issues which we are actively addressing. I also sent a message to some senior people that anybody who wants to speak to me individually about any of these issues that were raised in this letter could speak to me. I think five or six individuals have come forward and spoken to me about things there, so we are actively looking at how we address those issues at the moment.

The ACTING CHAIR: Minister, does it concern you?

Dr GEOFF LEE: Of course. Any issues raised with me—there is a due process we put them through. It is good that we want to encourage people to come forward. I think my record in terms of encouraging people to come forward with any issues—in fact, as I said, at the 20 different facilities I often try and make it a point at just about every single one that I go and talk to the staff and they can ask me any question they want. With regard to this specific anonymous complaint, from memory—and I will ask my staff to check, but certainly from memory anyway—we sent it off to the commissioner and your office to thoroughly investigate those issues and I think the commissioner has just outlined those issues.

But, certainly, as he said, we have the Inspector of Custodial Services looking at that and providing a report. Wherever we can do better, we will do better. I am more than happy to do that. I don't think we are perfect. In a system so large as ours you can never get it perfect, but what we've got to do is try every day to become more and more professional. But, as I said, we have 6,500 staff in our custodial system that operate very well and from time to time issues will happen. What we want to do is learn from those past mistakes and actually get better at what we're going to do.

The ACTING CHAIR: Do you recognise that the very letter goes to the heart of the need for the anonymous complaint—that this is more that there are significant issues raised? One is the culture, which is so deeply entrenched, suggesting that we're going back to the 1800s in terms of culture and punishment, and therefore the need for the anonymous complaints made, and just rocking up to a facility and talking to people is not going to change culture. The second part is that that letter addresses some of the most basic, almost unbelievable, concerns about facilities—things that if a UN inspector would look at they would realise that we don't actually reach the minimum international standards, such as showers only outside, toilets that are shared facilities in an entirely communal space. Do you accept this is really problematic?

Dr GEOFF LEE: Can I say that a first thing to do, and I will let the commissioner talk, but first to say that, as I said, our staff do a magnificent job. They keep the community safe. They're the ones that look after some pretty awful people. Can I say, they do their best in sometimes trying situations. Can we do better in terms of developing culture? Of course we can. Every modern organisation needs to evolve to suit their situation. I think the problem or the issues raised in that letter stem from a few issues, and number one particularly is that parts of the Goulburn facilities are very old.

We will continue to look at that. That's a consideration of Cabinet, to upgrade those facilities, but it is a very old facility. We have some limitations in terms of its—as you said, the outdoor showers are not good, and we want to try to modernise those but obviously that's a decision. Before your time—and before my time, actually—I think this Government spent \$3.8 billion on upgrading some over 6,000 cells and retiring another 2,500. You will understand from such a big system that from time to time you have to retire those old cells and those old facilities that have reached their life expectancy. Some of them should have been retired a lot longer ago, but we will continue to do that.

The ACTING CHAIR: A lot longer ago.

Dr GEOFF LEE: No, I agree. Absolutely. We should retire those cells as quickly as we can.

The ACTING CHAIR: Are you working hard in Cabinet to advocate the position that we have facilities that probably don't meet the UN standards?

Dr GEOFF LEE: I think that's the duty of every Minister to argue for more funding for their portfolio, especially important issues like the facilities. We're currently working through that process, but I will continue to work as hard as I can. This year has been a good year for us in terms of a record funding of \$2.5 billion and, from memory, \$189 million worth of capital expenditure, looking at a whole range right across our facilities. But these things are very expensive, and I give credit to my predecessor, Minister Elliott, who now I think as of the weekend is going to retire from politics.

The ACTING CHAIR: That he is.

Dr GEOFF LEE: And \$3.8 billion on refurbishment.

The ACTING CHAIR: Do you accept that we have an actual live duty of care for all of these terrible people that you say are in the system?

Dr GEOFF LEE: I'm saying that, yes, of course we have. We are legislated, and we treat them with a humane, safe way as best we can at all times. Incidences do occur from time to time. Can I say that in the vast 99.99 per cent of the time we try to do the right thing, but it's a very hard population to deal with. Maybe the commissioner can talk about the lengths that we go to treat people with respect and dignity. It's great to see that the initial training of people reinforces that.

The ACTING CHAIR: Minister, based on what you just said in terms of the facilities in quite chronic need of upgrading—some of them are very old—is that fair, then, to conclude that some of them wouldn't quite meet the UN standards, the most basic standards?

Dr GEOFF LEE: I haven't looked at their—

The ACTING CHAIR: You haven't looked at the UN basic standards that we signed up to?

Dr GEOFF LEE: No, because—

The ACTING CHAIR: And that we are denying the inspectors to come and look in your facilities under your watch?

Dr GEOFF LEE: Can I just say that the Federal Government signed up to those and we're in negotiations, as I said, between the State and the Federal governments about those facilities. But I'm more than happy for the assistant commissioner, Leon, to talk—is Leon the right one to talk about that?

KEVIN CORCORAN: If I might, before I hand over to Assistant Commissioner Taylor, this is something I'm very concerned about. We did get a report from the Inspector of Custodial Services, which highlighted the fact that these facilities are inadequate. We have our own standards and they don't meet those standards. So we're actively pursuing that at the moment. I've had the assistant commissioner—

The ACTING CHAIR: Commissioner, how many people are held at Goulburn at the moment?

KEVIN CORCORAN: I think in that older part—obviously numbers vary—it's getting close to 400.

The ACTING CHAIR: That is 400 people being kept in, according to your standards, substandard conditions?

KEVIN CORCORAN: Yes. So we need to—

The ACTING CHAIR: Yet we're seeking to rehabilitate these people?

KEVIN CORCORAN: Yes, it is very, very difficult because those conditions are really not conducive to—

The ACTING CHAIR: To rehabilitation—

KEVIN CORCORAN: —rehabilitation.

The ACTING CHAIR: —and exercising our duty of care.

KEVIN CORCORAN: We also need to be cognisant of the fact that we need to protect those regional jobs. We also need to come up with a solution for that particular facility that enables us to ensure that all the things and all the services we provide at the moment can continue to be provided. That's what I've got Assistant Commissioner Taylor working on right now, so I will just hand over to him.

LEON TAYLOR: There are slightly over 12,000 cells in the New South Wales correctional system. Of those 12,000 cells, 3,874 were delivered through the Prison Bed Capacity Program since 2016. It is true that Victorian-era infrastructure does not easily support contemporary correctional practice without a lot of effort that we certainly apply through our diligent staff. We have five correctional centres that we still operate of the Victorian era. Happily, 18 months ago that was seven. Since the Prison Bed Capacity Adjustment Program, Grafton and Berrima correctional facilities, which were of a similar era, were retired. We now have centres like Bathurst and Goulburn, where we have brand-new beds adjacent to 140-year-old beds, so we have to operate both levels of infrastructure together.

The standards are the same by which we operate those facilities in terms of the services that inmates have, the out-of-cell time that they have and all the other things that inmates have access to in custody. But certainly the agency will continue to advocate for Government reinvestment. It's been terrific that we've had the

substantial investment that we've had in recent years, and we are working through, as an agency, our infrastructure strategy for the next 20 years at the moment. We will certainly advocate for continued Government investment, particularly around our Victorian-era infrastructure, which, as you say, doesn't have showers in cells and some of the other facilities that modern cells do.

The Hon. TARA MORIARTY: I will follow up on that. So the five Victorian-era—what are the others?

LEON TAYLOR: They are Tamworth, Cooma, Broken Hill, Goulburn and Bathurst. Long Bay is 1909, so not technically Victorian.

Dr GEOFF LEE: Close to it.

LEON TAYLOR: Georgian perhaps.

The Hon. TARA MORIARTY: It is in need of work, though. I accept that you're working on plans for the next 20 years. But what is the Government actually doing to assist with that? These places do need refurbishment. I certainly wouldn't want to see them closed, because of the jobs and the importance of these places to the communities that they are situated in.

LEON TAYLOR: That's right.

The Hon. TARA MORIARTY: Minister, what are the Government's plans?

Dr GEOFF LEE: Certainly we are working on our infrastructure plans at the moment. Of course, as you'll appreciate, they will have to go through the Cabinet process for approval and funding. That's a Cabinet process that I really can't tell you. But, regardless, we will continue to work very hard at trying to replace those cells.

The Hon. TARA MORIARTY: Does that mean that there is work being done, though? I'm not asking for in-confidence information.

Dr GEOFF LEE: Yes, we're working on the infrastructure program at the moment.

The Hon. TARA MORIARTY: So potentially there's more funding for that?

Dr GEOFF LEE: One would hope so, but I can't pre-empt what—

The Hon. TARA MORIARTY: I don't want to hope. This is budget estimates; I'm asking you for the budget.

Dr GEOFF LEE: I will continue to advocate very strongly for our portfolio, our agency, to receive money to upgrade and expand our facilities and retire the old facilities as soon as possible.

KEVIN CORCORAN: Given that it was a recommendation of the Inspector of Custodial Services, which we take very, very seriously, that is why I've had Assistant Commissioner Taylor work on that separately from the infrastructure strategy: so that we can start really homing in on what we need to do to provide something to Government in relation to that issue with Goulburn.

The Hon. TARA MORIARTY: Yes, I appreciate that. I've read the inspector's report into Goulburn, and there were a number of concerning things in it. I also have a copy of the letter that was referred to by the Chair with a number of concerns raised by staff. But I will also say that once the inspector's report came out, I also received a number of concerns from staff who felt they weren't supported and they don't want the place to close. They want it to be fixed, but they don't want to lose their jobs in the town where they live.

KEVIN CORCORAN: That's right.

The Hon. TARA MORIARTY: It's coming from every angle. We want to make sure that the facilities are right for rehabilitation and also fit for the staff.

KEVIN CORCORAN: As I said, I'm very focused on providing the best infrastructure possible for staff to do their work. But in these regional communities, it is very, very important to make sure jobs are looked after as well. So the instructions that I've given to Assistant Commissioner Taylor about how we pull something together there are really focused on making sure that we deliver the existing services but also look after those jobs that are there.

The Hon. TARA MORIARTY: I am going to come back to the Goulburn letter and some other issues around that later, but I want to turn to the issue of assaults. Can you give me some information or numbers on assaults on officers over the course of the last year?

Dr GEOFF LEE: Too many. Sorry. I will ask the commissioner.

The Hon. TARA MORIARTY: It is too many, however many there are.

Dr GEOFF LEE: One is too many.

KEVIN CORCORAN: In 2020-21, there were 233 inmate assaults on staff involving injury, and in 2021-22, there were 216.

The Hon. TARA MORIARTY: Would you say that all assaults, from the extreme to the not so extreme, are reported and recorded?

KEVIN CORCORAN: Yes, that's certainly our procedure manual requirements that all assaults are reported and recorded.

The Hon. TARA MORIARTY: And would you say that there are any hotspots? I hear more about this issue from some facilities than others—maybe because the staff are vocal. But you can tell me if there are places that are worse than others.

KEVIN CORCORAN: Certainly, that would be the case. There are some places that are worse than others for staff assaults.

The Hon. TARA MORIARTY: What would those places be, from your perspective?

KEVIN CORCORAN: Some of the maximum-security areas where we have people coming in off the street with mental health issues—

The Hon. TARA MORIARTY: MRRC is the top.

KEVIN CORCORAN: Silverwater Women's. Metropolitan Remand and Reception Centre—I think yesterday we had officers king-hit—three officers assaulted or three particular incidents, multiple officers assaulted, a number of king hits. You get these really ill people coming in off the street and this is what happens unfortunately. Those officers in MRRC, on top of dealing with all of the COVID issues they've had to deal with, deal with some pretty serious inmates coming in off the street. But the women in Silverwater Women's—the inmates there—are also involved in a lot of assaults on staff. They are probably, if you ask me to nominate the hotspots—

The Hon. TARA MORIARTY: They are on my list, so yes.

KEVIN CORCORAN: And places like Parklea—possibly to a lesser extent Parklea because I think MRR gets the bulk of the really mentally ill inmates. That is where we get a lot of assaults.

The Hon. TARA MORIARTY: This is a constant issue; it's not new. Are there additional protections in place? Obviously you are getting people at a particular point—it's a reception centre; I get that—and potentially mental health issues or affected by other substances plus—again, for want of a better way of putting it—the shock of being perhaps in for the first time or back in. Are there additional protections in place for the staff? Despite it being a difficult situation for people, they can't be punching bags.

KEVIN CORCORAN: You've been out to MRR.

The Hon. TARA MORIARTY: Yes.

KEVIN CORCORAN: It's a very structured environment and very contained, and we do our absolute best to make sure that we have always got sufficient staff on deck to deal with any issues. But when people just out of the blue start assaulting staff, sometimes it is very difficult to prevent those types of assaults. But the protocols we've got in place and the risk management we've got in place is pretty comprehensive at those two facilities.

The Hon. TARA MORIARTY: A couple of others have come to my attention that you might have some information about. Mid North Coast—assaults seem to be up there.

KEVIN CORCORAN: Yes. Mid North Coast. Again, we're talking about reception centres, and that's where we do get those. Wellington is another one where we get these people coming in off the street, and that is a real problem for us.

The Hon. TARA MORIARTY: Lithgow?

KEVIN CORCORAN: I wouldn't have put that up into the top of the—

The Hon. TARA MORIARTY: It may just be that people are reaching out to me more from there, so I'm asking about it.

KEVIN CORCORAN: We've changed the cohort there recently, so it's a very different cohort to what it was a couple of years ago. But I wouldn't have put that up to a sort of Metropolitan Remand and Reception Centre level of—

The Hon. TARA MORIARTY: No, I wouldn't necessarily compare it to the remand centre, but it's on my radar because staff are reaching out with concerns.

KEVIN CORCORAN: All of those maximum security centres are generally, except for a couple—there are a couple of maximum security centres that are very low, but others do have staff assaults.

The Hon. TARA MORIARTY: And Clarence. But there's a whole bunch of issues at Clarence, which we will get to in more detail. That's one that is on my radar for this as well.

KEVIN CORCORAN: Again, it's a remand centre for the north.

The Hon. TARA MORIARTY: Are there also lack-of-staffing issues there?

KEVIN CORCORAN: There are staffing issues, just as there are staffing issues right across the board in Corrective Services. We had to put on a whole range of additional staff for COVID-related duties over and above our establishment over the last couple of years, which has put enormous pressure on public and private sector facilities.

The Hon. TARA MORIARTY: Assaults on inmates, inmate to inmate, have you got numbers on that for the past year?

KEVIN CORCORAN: Yes.

The Hon. TARA MORIARTY: You'll take it on notice?

KEVIN CORCORAN: No wonder I couldn't find it.

Dr GEOFF LEE: It's not in the folder. We'll take that on notice and get back to the Committee.

The Hon. TARA MORIARTY: If you can give me an overall number, as well as by facility. It would be great to get it by this afternoon, but I'm sure your team will be working on that.

Dr GEOFF LEE: I'm sure they will.

The Hon. TARA MORIARTY: I want to ask about your use-of-force policy. I assume the one that I have is currently in place. Is there any work being done on that? Do you stand by the current policy?

KEVIN CORCORAN: Yes, I do.

Dr GEOFF LEE: I was going to say it's an operational issue. The commissioner is best to—you wouldn't want a politician to run everything. Certainly, the commissioner is the expert, and his team are the experts, in looking at the operational policy, which I know he looks at on a regular basis and he upgrades it as required.

KEVIN CORCORAN: It has been the subject of a lot of consideration over the last few years. We had a steering committee that was looking at the implementation of recommendations as a result of a number of inquiries. We formed a use-of-force committee that meets regularly and reviews every use of force, which is divided into tiers. They're reviewed first by the governors of the centres and then referred through to the committee if they meet a certain threshold. We are able to examine those and determine whether they're meeting the policy or whether we need to have a look at that and investigate that further.

The Hon. TARA MORIARTY: Are there any that haven't met the policy? Are there any events or incidents in recent times that have caused you to review the policy?

KEVIN CORCORAN: Not to review the policy, but there have been incidents of use of force that don't meet our policies. They have been referred through to investigation. In some instances, officers have been referred for misconduct.

The Hon. TARA MORIARTY: How many times has that happened?

KEVIN CORCORAN: I'll have to take that one on notice.

The Hon. TARA MORIARTY: If you can take the numbers and whatever details you can provide?

KEVIN CORCORAN: Yes.

The Hon. TARA MORIARTY: Your officers went on strike in August because of an issue in this regard.

KEVIN CORCORAN: Yes.

The Hon. TARA MORIARTY: I'm not going to discuss an issue that is before the court, so I don't want the details about that. I want to ask if that has caused any reason to review the policy?

KEVIN CORCORAN: Obviously, we, as an executive, have been looking at this very closely over the last five or six months. In the same context, I really don't want to comment on—

The Hon. TARA MORIARTY: I'm not asking about the specifics, but I'm asking about any reviews.

KEVIN CORCORAN: I can certainly brief you outside of this on what we are contemplating. But it would be inappropriate to say anything at this stage in public.

The Hon. TARA MORIARTY: Which I can appreciate. I am genuinely not asking for specifics but in general terms about reviews. Anytime there is an incident I would have thought that these things are looked at and reviewed. I think that's an appropriate thing to do. You should treat these things as living, breathing documents because you always have to have best practice in place. I'll accept that because I know this is going to sound weird for the transcript. I don't want to talk about the specific matter that's before the courts, but I do want to make sure that these things are being looked at.

KEVIN CORCORAN: They're definitely being looked at very seriously, with the intent to make sure that staff are in the best possible position to understand their responsibilities and that we have the mechanisms in place to support staff.

The Hon. TARA MORIARTY: Yes, okay. You are going to come back to me with assaults on inmates. Are there any other details that you can provide—

LEON TAYLOR: I may be able to assist, Ms Moriarty. In the review of government services report for last year—the current year has not been published—for New South Wales, the prisoner-on-prisoner serious assault rate per hundred prisoners in New South Wales was a rate of 0.27 for the financial year 2021. The prisoner-on-officer serious assault rate for the same period was a rate of 0.01.

KEVIN CORCORAN: I have just been advised that we have the full list by centre that we are getting printed off for you.

The Hon. TARA MORIARTY: Terrific. That will have numbers, but are there any details that you can provide? Are we seeing trends in particular types of assaults either on staff or inmate to inmate? We will start with staff if that's—

LEON TAYLOR: I'm not sure we have any trend data, Commissioner.

KEVIN CORCORAN: I'm pretty sure I saw it somewhere in these notes. The rate of assaults on staff, the trend is that it's decreasing. In 2021-22 it was 1.72 per hundred inmates compared to 1.80 per hundred inmates in 2020-21.

The Hon. TARA MORIARTY: Was that anything to do with COVID?

KEVIN CORCORAN: Sorry, in 2019-20 it was 2.3 per hundred inmates. It has dropped off since the COVID issues. There were a lot of assaults that were—there were a lot of people upset with visits being stopped and other things that occurred during this COVID period that really generated a lot more assaults on staff. There were a number of disturbances as well that have dropped off that were associated with COVID.

The Hon. TARA MORIARTY: That reminds me to ask you about COVID. Where are we at with COVID numbers in—

Dr GEOFF LEE: It is quite good news.

The Hon. TARA MORIARTY: Hopefully, like the rest of the community, we're just—

Dr GEOFF LEE: As of the twenty-first of this month we have 11 prisoners with COVID. As of the twenty-first of this month we have 41 staff off with COVID. I put on record my commendation to the Commissioner and Corrections. We've had something like 915,000 RAT tests since we began. I think we were the first agency to introduce RAT tests. Out of those 915,000 RAT tests, some 2½ thousand had positive results. I think that is a great tribute.

At the moment we have four centres which partially have an orange declaration, where we have people with COVID. But I think the command post has actually done a sensible thing and changed the way that we are managing. Instead of locking down the whole centre now—and I will let the commissioner talk about it, or Jennifer Galouzis—but we actually quarantine it where it is in the centre itself rather than the whole centre. Visitors are

still required to do a RAT test and wear a mask when visiting, but there are no mandatory vaccine requirements. The prisoners are all asked to be vaccinated and I think the number of prisoners—I don't have those exact details—nearly 90 per cent of inmates have actually had the first dose of the vaccine.

So it has been a good story in terms of your dedication, Commissioner, and your agency's dedication to getting people vaccinated and managing it. I think the last time we were here we talked about closing down whole centres and overseas experiences, where jurisdictions had 98 per cent of their facilities and people had COVID, but we were very well managed through the command post. Commissioner, maybe you would like to give an update?

The Hon. TARA MORIARTY: Is the COVID command centre still in place?

KEVIN CORCORAN: Yes, it is. We work very closely with the Justice Health and Forensic Mental Health Network and the population health section of the Department of Health to ensure that we're in lock step with them, and with other things like aged-care facilities and hospitals, to ensure that we're making sure that everybody is as safe as possible—that's staff and inmates.

The Hon. TARA MORIARTY: Is it still working to the same extent that it was last year—daily meetings? Are you still putting the same resources into it?

KEVIN CORCORAN: Yes, we've certainly got about eight or nine people still working in that particular area.

The Hon. TARA MORIARTY: How long are you planning on keeping it going?

KEVIN CORCORAN: As long as we need. COVID is still there, we still need to keep it out of the prisons, and we still need to keep people safe. We have done well over 600,000 tests of staff coming into facilities. Over 2,500 staff have been identified as having COVID, who were prevented from going into the facilities. So we have really put a huge effort into making sure that facilities are safe.

The ACTING CHAIR: Minister, the rates of First Nations imprisonment have increased consistently since 2015. The overall prisoner population, however, is trending downwards. What are you doing, Minister, to address this? It is, clearly, a massive problem.

Dr GEOFF LEE: I know, and I agree with you that the rates of Aboriginal incarceration are too high compared to the general population. I think this is a persistent problem that many governments, including our own, face in terms of how do we reduce that rate and offer a system that better reflects community. I will hand over to Brendan Thomas to talk about some of those things but one of things that we are doing, which I think is very important is a Premier's priority in terms closing the gap. One of those important targets is reducing reoffending. We're trying many different programs within our centres. Quite often, they are locality-based in terms of what we're doing in terms of individual place-based initiatives as well as access as all of the other cognitive, behavioural therapies that we offer most of our inmates.

We have something like 12,620 inmates as of the sixteenth of this month and 3,311 Aboriginal inmates—that's nearly 29 per cent and that's far too high. I absolutely agree with you: That's slightly trended up, I think. The last time I was in estimates it was about 28.5, from memory, so it's gone about half a per cent in that time. I think the special concern is our women: We have something like 815 women in custody at the moment and 326 have Aboriginal heritage and that's 40 per cent. That's the one that has trended significantly higher. It's something that we look at and focus a lot of effort in terms of how we must solve these rates of incarceration for our First Nations people, which I think is an absolute indictment on our society and all governments that have led this.

I don't think it's unique to New South Wales nor other jurisdictions in Australia but around the world. I'll ask Brendan Thomas to talk about what we're doing in terms of the whole picture. At the end of the day they come to our reception centres and then we have to manage that population so we don't get to choose who comes there. So, I think it's a whole-of-the-government approach. As a Premier's priority, the Ministers meet regularly, come together and look at things like the Family and Community Services, the judicial aspects, and then the custodial and educational aspects. But I'll let Brendan Thomas—

The ACTING CHAIR: Before Mr Thomas does, can I just ask you this one point that I imagine Mr Thomas will end up addressing too? It's really hard to talk about this, but the tragic figure of the deaths in custody of the past year being 16 is the highest on record.

Dr GEOFF LEE: Wow.

The ACTING CHAIR: The 2021 figure in terms of deaths in custody was 16, the previous highest being eight deaths in 1998.

Dr GEOFF LEE: One death is too many in custody.

The ACTING CHAIR: We're talking about 16.

Dr GEOFF LEE: Well, is it my turn to answer?

The ACTING CHAIR: Please.

Dr GEOFF LEE: One death is too many in custody and we do everything we possibly can, as I said, to minimise and try and stop any deaths in custody. The reality is that people do die in jail. We operate in a very—right across the board, I'm not just talking about Aboriginal people; I'm talking in terms of general population. We actually have very vulnerable people. The aging population of our correctional facilities, of our inmates—

The ACTING CHAIR: Minister, with respect, I am talking about Aboriginal people, please.

Dr GEOFF LEE: But I think it's important to note that our officers do remarkable things at actually keeping people alive, but people do pass away, and they go to great lengths to try and revive them and try to look after them. My figures are very different from your figures. I think you may be putting together the other deaths in custody. My figures certainly do not reflect your figures. So, in the 2022-23 financial year we've had two deaths in custody who have Aboriginal heritage. In the 2021 financial year, we've had five deaths in custody for Aboriginal people and in the 2020-21 financial year we've had four Aboriginal deaths in custody, and each one of those is looked at. Obviously, we have a coronial inquiry into every death in custody. I think Jennifer can speak about it in terms of the committee that actually looks at every death, plus the thematic review of the last 10 years. In other words, statistically, they're very small numbers. Before my time and I won't have any credit, but really looking at seeing if there's any systemic issues that we can solve in terms of Aboriginal deaths in custody.

The ACTING CHAIR: Minister, just for clarity, are you referring to only those deaths in correctional facilities and not in police custody?

Dr GEOFF LEE: Yes.

The ACTING CHAIR: So, the figure of 16 is overall deaths in custody, including—

Dr GEOFF LEE: Well, I can't—as you would know, I can't—

The ACTING CHAIR: Absolutely. I accept that. I'm just doing that to clarify for the purpose of the record.

Dr GEOFF LEE: Yes.

The ACTING CHAIR: Sixteen deaths in custody in terms of what the community of New South Wales understands is a death in custody and you're breaking that down to a correctional facility as opposed to in the custody of police.

Dr GEOFF LEE: Yes.

The ACTING CHAIR: Thank you.

Dr GEOFF LEE: I can only comment about my agency, Corrections New South Wales, in terms of their deaths in custody but maybe Assistant Commissioner Galouzis or Brendan Thomas want to talk because this is a very live issue that we're concerned about. We regularly talk about what we have to do and plan and implement different changes.

BRENDAN THOMAS: There is a statutory definition of a death in custody which those 16 relate to.

The ACTING CHAIR: Yes.

BRENDAN THOMAS: And the increases in police operations, as I understand it, last year—just in relation to Aboriginal people in custody, the numbers had been coming down until this year and have increased this calendar year. It's important to note the sentenced population—the number of Aboriginal people sentenced to prison in New South Wales—has been declining and continues to decline. The increase of Aboriginal people in custody has almost entirely been remanded people—people being bail-refused—and it's a trend not only for adults in New South Wales this year; the increase of people in juvenile detention are remandees. The best solution that we can have in relation to Aboriginal people in custody is keeping them out in the first place and doing whatever we can to stop that referral of people into custody. We are this year expanding a whole range of activities specifically focused on that.

The circle sentencing courts are being expanded to 20 locations around New South Wales. They're really important because they've been shown to have a 10 per cent reduction in the likelihood of a person going to prison—a really strong effect rate for Aboriginal people in New South Wales. The more people we can get through

those kinds of sentencing processes, hopefully the more we can see that kind of a decline. There has been a contributor for the last number of years of people breaching court orders, going and being sentenced to prison. Our colleagues in Community Corrections are working very hard on increasing the proportion of Aboriginal people that successfully complete those kinds of orders. The likelihood of going to prison for breaching a parole or an intensive corrections order is reasonably high, so the more people we can keep to those orders, the greater effect we're going to have on reducing the number of people coming into the prison system.

The Drug Court is being expanded to Dubbo this year. We're expecting at least 75 per cent of the people going to that court in Dubbo to be Aboriginal people. There are additional resources to the courts in Sydney, where they've got now specific Aboriginal list days and Aboriginal support staff to try to increase the volume of Aboriginal people coming into the Drug Court in Sydney and the Central Coast, and to make sure that they stick to that. Drug Court, again, has a really strong, proven evidence base for keeping Aboriginal people out of jail. So the more people we can get into that program, the better. The merit program is being expanded to every court in New South Wales this year, as is Justice Health's mental health liaison officer program—two really important programs at the Local Court, really important because they deal with large numbers of people. Both have had proven effect of diverting people out of the system and reducing the number of people that are flowing into custody.

So it's really important that we focus on expanding those and making sure we're getting as many Aboriginal people as we possibly can appropriately through those programs. We're working with the police at the moment in a number of locations in New South Wales to test getting Aboriginal people involved in working with them around making police bail decisions. That's really specifically trying to target that growth of people coming into remand in the justice system. As we sit here, there's a meeting going on about what we can do to try to divert a greater number of Aboriginal women from coming into the remanded system.

The ACTING CHAIR: Mr Thomas, do you think that's having an effect, in terms of that relationship Corrections has currently with police and that communication flow?

BRENDAN THOMAS: It is, although we are seeing an increased number of people being brought by police to the court this year. So the volume of people coming into court has gone up. In looking at this increase of remanded people, we've had a look at the likelihood of getting bail, both by police and court, and that seems to be the same. It doesn't look like people are less likely to get bail. There are more people coming into the system this calendar year than there have been in the last two. That's really driving the number of people coming into remands.

The ACTING CHAIR: Minister, have you read the most recent Coroner's report?

Dr GEOFF LEE: Which one, sorry?

The ACTING CHAIR: The 2021 Coroner's report that was tabled in relation to the findings around a Wiradjuri man, Bailey Mackander, and the tragic circumstances of that young chap. Did you find the Coroner's findings concerning? She made findings particularly on the risk intervention team and the management plan. In her words, "He was expected to tough it out. Suck it up." In the most significant part of those findings, Minister, if this will assist, she said:

These findings and recommendations will not stop the courts sending young Baileys to prison. They will not cause the correctional system to cater for all kinds in better and more ways or cause the government to invest more money in alternatives so that young people with drug problems are not treated like criminals and I suspect they will not even result in better mental health and psychological support in prisons which are full of people who need it. But perhaps they will save one or two from being placed in a RIT cell to battle their demons alone.

Dr GEOFF LEE: I will ask Commissioner Corcoran to talk about that specific case in terms of our response to the Coroner's findings.

KEVIN CORCORAN: What we do with all those Coroner's findings is review them and undertake to deal with them. That is a process that we are going through at the moment. I don't believe we have concluded that process on that particular individual.

The ACTING CHAIR: But you are cognisant of the findings around this risk intervention team and the way they conduct these brutal, quite gruesome, heartless and quiet foul plans, perhaps, for people dealing with chronic mental health issues?

KEVIN CORCORAN: We do our best. I think it is probably not a good way to describe it, but they are teams that look at an individual's circumstances and come up with the best opportunity to protect that particular individual. We are looking at other mechanisms to deal with people in those unfortunate circumstances where they are at risk of self-harm. In fact, we are looking at a whole range of plans, but we are also looking at some technologies which will enable us to put people into a normal circumstance, in a cell, with access to the normal things that they would have in a cell, rather than taking everything off them. That is work that we are actively

looking at at the moment. In fact, we have a trial kicking off in the Metropolitan Remand and Reception Centre at the moment. I might hand over to Assistant Commissioner Taylor to talk about that trial.

LEON TAYLOR: We mentioned a couple of the other technologies that we are trialling. The commissioner, as one of his strategic priorities that the executive is really focused on, is reducing deaths in custody, and that is all deaths in custody. The trial that the commissioner mentioned is at the Metropolitan Remand and Reception Centre. It uses radar technology fitted within the light fitting to monitor inmates 24/7 while they are in their cell in a very unobtrusive way. It is not a camera; it is a radar. It detects vital signs in real time. We have deployed it into one cell and it is working. We are deploying it into six cells at the moment and it appears very successful at the moment.

Telstra is leading that trial. It has all the strength of its research and development behind it, and a couple of international partners. That technology, along with our risk intervention protocols that we use for managing at-risk inmates, is part of a suite of measures that are working to that strategic priority of doing everything we can to reduce the deaths in custody for those who are identified as at risk, but also for inmates who have not necessarily been identified as at risk—methods that we can use, in a cost-effective way, to monitor inmates' health, be it through self-harm or even natural causes, so that we can intervene when people in our care become unwell for any reason.

KEVIN CORCORAN: But it is all about making sure that we can treat people appropriately and not take everything off them, which is what we have had to do in the past to protect them from self-harm.

Dr GEOFF LEE: Can I say, for the benefit of you, Chair, if you like, my office has just informed me that on that specific case we have some note that will be brought down and we can further our response, if you like? I think they are going to bring it down.

The ACTING CHAIR: Thank you very much. I think it is in everyone's best interest if this is brought to the cold light of day because the reading, as everyone knows—and it was featured—even brought the Coroner to absolute tears and despair with this case and this tragic loss of a young person's life. What about simple things, can I just ask? Sorry, I don't mean to trivialise it at all, but it seemed like a relatively achievable but tangible measure to me—for somebody coming into this space relatively recently—when a First Nations prisoner is asked, or where we ask and their family asks if they could be placed in a facility that is on country that they belong to and that is close to family. Recently I wrote to you and you said no, that wasn't possible. It wasn't remotely clear to me why it wasn't possible. It was simply an answer of, "No, we've looked at that and we are satisfied he is in the appropriate facility." It's literally not an appropriate facility because there is a desire to be on country, wherever you are and in whatever condition.

Dr GEOFF LEE: I think they'll give me a note about that specific letter, the one that I remember you writing to me about that. I'll just check. I think—and I'll be corrected later on if I make a mistake, because I wouldn't like to mislead you—that that inmate did not want to be located on country, and they wanted to be located where they were. They didn't want to move back on country where they came from. But, in general, I would suggest to you—barring operational risks or operational requirements, and I'll let the commissioner talk about the placing of prisons—we do amazing things in terms of locating people right around the State. In fact, we often accept or recommend people who transfer to go to other jurisdictions and territories to actually locate them in the best possible environment, where they want and their choice. Obviously that's not always possible with 12½-odd thousand prisoners, but we do what we can to locate them in the best possible place.

Our whole focus is that the incarceration is the punishment that the judicial system has ordered. What we're trying to do is rehabilitate people to give them the best chance of not offending again so, when they come out, they can just go back into society and live as productive members. But in general I'd say we go to great lengths to, whenever we can, accommodate the wishes of our inmates in terms of moves. But I'm more than happy for the commissioner—

KEVIN CORCORAN: We obviously have a case management system where we consider things, but the primary focus for us is reducing reoffending. For instance, if there's a particular program—a specialist program, a violent offender program or a sex offender program—that we need to place someone into a particular area, we don't have that operating right across the system. We've got particular specialist facilities where those things are offered, and that's where people would have to end up. Often minimum security facilities aren't replicated right across the State as well. When somebody moves to minimum security, that would necessitate a move to somewhere other than country. But I might hand over to Assistant Commissioner Galouzis to just talk a little bit more about that.

JENNIFER GALOUZIS: Just to clarify, the classification and placement process is done by a dedicated team. The classification always occurs first, and so we determine what security level the person is and what

security facility they need to attend. Once we've identified that, we can then look at placement. In placement we consider, as the commissioner said, how long the person has to serve on their sentence and what programs and services they require. We absolutely consider where their family is and have high regard to trying to keep them on country. That's a very important consideration for us. We also consider other security elements, like associations and whether or not the person requires protective custody. With all of that information, we make the most appropriate decision about where the person can be placed.

The ACTING CHAIR: On that note, we are at our morning tea break. We will break for 15 minutes and will return at 11.15 a.m.

(Short adjournment)

The ACTING CHAIR: We recommence with questions from the Opposition.

The Hon. TARA MORIARTY: I want to turn to an issue that I have asked about at previous budget estimates sessions. Minister, I am happy to start with you, but I suspect the commissioner will take over. About 18 months ago there was a report that found 570 of your employees in Corrections had reported sexual harassment, and 1,647 have made bullying complaints. I understand that since then executives from the department have gone out and done face-to-face meetings in various facilities. Can you tell me what the result has been, so far?

Dr GEOFF LEE: Can I just start off by saying that there is no place for sexual harassment, bullying or vilification within any of our correctional facilities or our Community Corrections and that it is totally wrong to do any of those things. But, certainly, the commissioner has proactively looked at how we can actually change any of those behaviours and get rid of the people that shouldn't be there, including training and complaints reporting, and trying to get people to come forward so that we can actually investigate those issues. And then, if there is some evidence to say that it is true, investigate those and bring the perpetrators to justice and kick them out and get them charged, if it is appropriate. But I am more than happy for the commissioner to look at that.

The Hon. TARA MORIARTY: That is not what is happening, but I will come to that. I just want to get an idea, at least from back when we first talked about this, of what your visits and meetings have resulted in.

KEVIN CORCORAN: Those visits were really important for us to gain an understanding of what is going on. I have been working with our executive now for about the last eight or nine months on a plan to deal with this. It is just an aspect of the plan, but staff safety and psychological safety in the workplace is very much going to be our number one priority over the next four or five years. We want to create environments in the workplace which are obviously conducive to the things that we need to do to reduce reoffending, but getting that workplace culture right is our number one priority. We have been working on this plan for some time. We are just about to release it to staff. It really does focus on how to get those foundations right in the workplace. And, look, Corrections is a difficult workplace. We are dealing with some very, very difficult people and we have to have a command and control environment and make sure that everybody knows the rules and follows those rules.

The Hon. TARA MORIARTY: You do, but these are questions about—they are difficult environments because of the people you are managing.

KEVIN CORCORAN: Yes.

The Hon. TARA MORIARTY: It is made more difficult when staff have to dodge other staff—

KEVIN CORCORAN: Absolutely.

The Hon. TARA MORIARTY: —in relation to sexual harassment and bullying, which happens too much in this area.

KEVIN CORCORAN: Not only are we working on it, but we are working with DCJ human resources to develop plans in relation to bullying and harassment, sexual harassment and just generally safety in the workplace. I have been having those discussions as recently as late last week to make sure that we come up with the best solutions possible. Over the next few months we will be refining what we are doing to that. That will be implemented early next year.

The Hon. TARA MORIARTY: What are some of the solutions? What is in the plan that should be coming out? What has resulted from those meetings?

KEVIN CORCORAN: I would like to reveal that to staff first.

The Hon. TARA MORIARTY: You can do that here. I am sure they're all watching.

KEVIN CORCORAN: Yes, that is true. But, no, we have a very comprehensive communication plan ready for implementation in the very near future.

The Hon. TARA MORIARTY: What is the time line for that?

KEVIN CORCORAN: In the next week or two.

The Hon. TARA MORIARTY: So post budget estimates?

KEVIN CORCORAN: I would have loved to have revealed it before budget estimates, but the time frames to get approvals and so forth have just—we just had to wait until those things were approved by the secretary, and the Minister still has to have a look at it too.

The Hon. TARA MORIARTY: Have you seen the report?

Dr GEOFF LEE: Not to my knowledge, I haven't. It could have come in to my office but I haven't seen it personally.

KEVIN CORCORAN: No, we only just managed to get it—I mean, it is a really complex thing that we are looking at here. We had to get it right. As I said, we have been working on it for about nine months to get this to the point it is now. We have done a lot of consultation with staff already. We have been putting this six-point plan that we've got out to staff at a very senior level. We have had very large conferences with executives and with middle managers to work the strategies through. The executive has come back and we have finally settled on strategies and on how we are going to implement that. It has been a very complex process.

The Hon. TARA MORIARTY: I am glad to hear that because the complaints were many and significant. As I have just said, 18 months ago there were 570 complaints of sexual harassment and 1,647 of bullying. That was 18 months ago and there have been more since then.

KEVIN CORCORAN: That's right.

The Hon. TARA MORIARTY: It is the most common thing I hear in my office. I won't name people, but I am going to give you some details since then. What has been some of the feedback? I get that you won't give me a scoop on the report, but what—

Dr GEOFF LEE: May I just update you on a couple of things that the department has done? Certainly, there have been a range of relevant policy procedures and resources that have been released to address some of the workplace issues reported by the 2020 survey. These include the DCJ *Code of Ethical Conduct*, the *Bullying and Harassment Policy* and the managing workplace issues procedure. The range of training and workplace culture sessions on offer include respectful workplace relations, our values, developing a workplace charter, doing the right thing and workplace ethics, in addition to training on resilience and mental health awareness, and having crucial conversations. They are ongoing but, obviously, the plan is very important.

KEVIN CORCORAN: They are the interventions that we have been doing in, I guess, hotspots around the place. But we really want a comprehensive plan that addresses it right across the organisation. Everybody in the organisation—in Community Corrections, custodial corrections and security intelligence—can avail themselves of the things we are going to be putting in place.

The Hon. TARA MORIARTY: Commissioner and Minister, are you both satisfied that the process has been good enough, given the number of complainants? A lot of this predates you, and I accept your response that you are dealing with it now, but there are a lot of complaints. I understand that a lot of the process over the past however long it has been—the face-to-face tours have involved group meetings across facilities. Some of the complaints that were made to me were that people were asked to come forward and raise issues, and they were asked to do that in front of people they were complaining about. That is not really a great way to deal with issues in the first place. There were also a number of complaints about what I would describe as nepotism, so people feeling like there is no point because the same people are going to be in charge and nothing is going to change. How do you respond to both of those things?

KEVIN CORCORAN: I think once you see our plan you will understand that we have listened to staff and we have, as an executive, come up with a plan that addresses all of those issues.

Dr GEOFF LEE: To be quite frank, we can always do better and we are not perfect. We have to continue our progress towards stamping out any bullying, harassment and vilification. Clearly there is no place in our agency for that, and we will work hard to make sure that happens. Hindsight is a great thing. Can I say that I have had many agencies under my control and the one thing that—and it's not the commissioner; it's all the agencies. It takes a long time to change. We are a big agency. We have 10,000 staff. We are fairly remote sometimes, from Broken Hill, Moree and Bourke to right down south and right up north to Sydney. To change that culture where there are incidents of poor behaviour takes a while.

Can I say to you that I just don't want the few bad apples to reflect the general correctional officers. They are outstanding professionals and they do, day in and day out, keep the community safe. It would be wrong to characterise that as a whole system. Of course, Corrections is just a microcosm of general society. The vast majority of people do the right thing. But where there are incidents of unwanted bullying, harassment and vilification, we have to stamp those out, identify them and provide support to those staff that report that and provide every mechanism to do that. I think one of the good things, Commissioner, that you haven't mentioned is your promotions policy. Maybe you can talk about the way that we actually stop that nepotism happening within the system itself.

The Hon. TARA MORIARTY: I am sure people would be happy to hear about it.

KEVIN CORCORAN: Certainly. That is something that we have been working on for a number of years. What I am looking at doing, certainly in the custodial area, is getting a promotion course in for the first rank, which is the senior correctional officer; the middle manager, which is the senior assistant superintendent rank; and the manager of security rank, which is the first rank that looks after a correctional centre, as a governor. Those will be two-week residential courses run by external agencies, like a university. It will be a pass-fail course. They will have to go through a GSE-compliant process to get on to the course and they will have to pass the course to get into a position where they can be appointed to a role. We really want to make sure that the decision-making in relation to that is as transparent as possible and that we get the best possible leaders in place right around the system.

The Hon. TARA MORIARTY: That is good. I think that will go some way to fixing the complaints of nepotism that, as I said, I hear a lot.

KEVIN CORCORAN: Yes.

The Hon. TARA MORIARTY: I am sure you do too.

KEVIN CORCORAN: Yes.

The Hon. TARA MORIARTY: Going back to the process of dealing with the complaints that have come in, were there any consequences? Has anyone been sacked as a result of allegations? Has anyone been reprimanded in any way?

KEVIN CORCORAN: Well, yes, they have. If you want details, we will have to take that on notice.

The Hon. TARA MORIARTY: You can take it on notice, but I can also give you examples and case studies. I spoke to a person last week who raised issues of assault—or sexual harassment, sorry. I'll have to decide if I name the facility, but she was threatened with a weapon.

KEVIN CORCORAN: Yes, I can give you some—

The Hon. TARA MORIARTY: I am sure you know about that one. Were there any consequences? There are other people who have come forward, complaining about the same person, who were also threatened with a weapon and asked to take their clothes off. Were there any consequences of that?

KEVIN CORCORAN: I won't comment on individual cases, but I can give you some information that you asked for. Corrective Services Professional Standards Branch has received 17 formal allegations of sexual harassment over the last 12 months and, of the 17 allegations, 10 remain ongoing professional standards matters and seven matters, which involve eight Corrective Services staff, have been finalised and closed with the following outcomes: One officer's employment has been terminated; five misconduct outcomes have occurred which haven't involved termination; one officer has been diverted to a monitoring outcome; and one had no further action taken as the allegations were unable to be substantiated.

The Hon. TARA MORIARTY: Again, I have received a lot of complaints that people were asked to participate in group sessions and make complaints. It was good that they were invited to come forward—

KEVIN CORCORAN: Yes.

The Hon. TARA MORIARTY: Because you need to have an open culture about this so people can come forward about allegations so they can be dealt with, but people complained that they were asked to do that in front of people that they were making allegations against.

KEVIN CORCORAN: Yes.

The Hon. TARA MORIARTY: Are you satisfied that this process has been conducted in order to get the best result, or should it have been done independently?

KEVIN CORCORAN: Yes, I think it should have been done differently, and this is part of the plan that we've got moving forward in the future, that we have a lot more support for people who come forward with allegations, which is something that probably we don't do as well as we could at the moment. So basically we're reviewing, as part of this process that we're going through, the way we do business in terms of professional standards, in terms of investigations and in terms of support for staff who come forward.

The Hon. TARA MORIARTY: That is good, but these reports are 18 months old.

KEVIN CORCORAN: Yes.

The Hon. TARA MORIARTY: We haven't seen a final report yet. Minister, you don't seem to have seen a final report yet. Is there any sense of urgency about this? This is a big chunk of your staff working in Corrections.

Dr GEOFF LEE: As I said to you, when I go out and address staff I continue to reinforce there is no place for workplace harassment and bullying. Where those complaints come forward and we can substantiate those complaints, that is certainly what, you know, the full force of the authorities come down on those people up to when they are getting charged occasionally. But, as I said to you, the vast majority of our staff are very professional. We are a microcosm of the rest of society, no different from any other portfolios, but certainly we've got some work to do and, as I said before, we can always do better. I think the commissioner is on the right path in terms of a plan for the whole 6,500 staff—36 different centres—to actually improve the situation where there is no place for bullying and harassment within our centres.

Can I say to anyone listening, if they have any complaints, they should come forward. I will talk to the commissioner about the way that we can do it so that it is managed in an appropriate forum. Obviously, when you said that they are asked to come forward in front of their colleagues, maybe that is not the right way to do it, there may be alternate measures—I'm sure there are some alternate measures—but getting that information out is probably more important. We need to investigate and substantiate those things so that we provide every level of support for our staff that we can, because it is not okay.

The Hon. TARA MORIARTY: I look forward to the report, but how have you improved dealing with significant workers comp claims? Obviously we've raised in the past there have been findings—very significant findings—against the department in terms of how evidence has been provided for these claims, and false evidence in fact. I don't intend to rehash that because we have dealt with that in the past. But there are three facilities grouped together in the Hunter—in one, there are 24 people on workers comp; 22 at another; and 37 at another. We need the end that I just talked about where people can raise issues so they can be dealt with, but we also need to fix the end where they're so serious that they're not dealt with and people can't come back to work. What are we doing about that?

Dr GEOFF LEE: Ms Moriarty, I think you are bringing up a good point, and I agree with you that we can improve workers comp as well. Our objective simply is to get staff back as soon as possible. The last possible outcome is when they leave our system and have to find employment somewhere else. So our whole objective—and we have extensive investigations into how we can actually not just reduce our workers compensation bills but also how we can better look after our staff that face some very traumatic incidences at work and how we can improve that.

Can I say, as I said before, that I try to ring as many staff as I can that had been injured at work, and I talk to those people. One of the overriding issues with that is looking at—people may have been on the job for five, 10 or 20 years' time and just a small incident triggers off their inability to return to work. We've certainly formed a task force looking at our workers comp and how we better can support beyond the typical EAP solutions—I don't think they're sufficient. We have a very unique setting with our custodial officers and our Community Corrections officers in which they work, seeing and dealing with some very traumatic issues, but I'm more than happy to talk about the secretary who provides—DCJ provides our workers comp functionality.

MICHAEL TIDBALL: If I can just briefly indicate to the Committee that the commissioner and I have recently convened a joint steering committee, I think it's called, to look at workers comp, with a view to trying to better coordinate and deal with things such as agility in return to work as well as to look at—I acknowledge the difficult history of claims and how they have been trending the right way. We actually do, in DCJ, have some very useful experience from child protection and other areas of high stress and anxiety in the workplace, where I hope together we can work to see those streamed down, and that's something that has met. Once it has a very focused work program, we're hoping before we get to the end of this year to have really refined our plan.

The Hon. TARA MORIARTY: The end of this year? What do you mean by refining the plan? I have raised this at a number of estimate hearings. We all know there's a problem with how workers comp is dealt with, and your premiums are utterly ridiculous. From your perspective as the secretary looking at this particular part of

your department, I'm glad that it has been dealt with, but it has to be dealt with. I've heard it from many, many, many, many staff who are in this situation, and all of them want to go back to work. They love their job. But the way this is being handled over many years and many circumstances has just made it impossible.

MICHAEL TIDBALL: I acknowledge that it is challenging. I acknowledge that it is something that needs to be dealt with quickly. One of the areas of focus for us is to really sharpen our collection of data and our capturing of numbers quickly so that we can see where the movement, where the claim trends are and how we can seek to do things such as get people back to work quickly, as I've said, with more agility and flexibility.

KEVIN CORCORAN: Can I just add that there was a review in 2020 undertaken by DCJ corporate services, which resulted in an uptick in the number—I guess, an uptick in the service delivery. Case managers are only looking after 40 individuals, as opposed to over 100 previously. That has contributed significantly to people having greater contact with their case manager.

Dr GEOFF LEE: Chair, may I just update the Committee on a number that I said before in terms of the Aboriginal inmates? I've been just passed the latest one that they advise me. I previously quoted a slightly different number, not that much different. Certainly the number of people with Aboriginal heritage is 3,637, which represents 28.8 per cent of our peoples incarcerated. It's a slight difference. It's not material probably.

The ACTING CHAIR: No, it's important, thank you. Just sticking with the workers compensation scheme for a moment—I don't want to labour the point too much—I have two questions on that. One goes back to 2015 to one of those original complainants who was subject to the failings of the system, shall we say. After all the years and all the deep investigations, we know that those complainants, in the way they were dealt with under the workers compensation scheme for psychological injury, were treated wrongly and were rightly compensated under the scheme. I know of one particular person who is trying to take up with you about assisting them with some of their costs in relation to dealing with the matter. Minister, is that something that you're going to make good before the end of this term of Parliament?

Dr GEOFF LEE: Chair, just to clarify, I think you are referring to the Brett Fitzpatrick case.

The ACTING CHAIR: Correct.

Dr GEOFF LEE: As the Minister, I'm certainly empathetic to the case of Mr Fitzpatrick, and I understand why he feels very let down by the system after seven years. Mr Fitzpatrick wrote to former Minister Roberts last December, and this matter was brought to my attention early on when I became Minister. As Ms Moriarty can probably attest, last budget estimates I committed to meet Mr Fitzpatrick. I met with him in March this year to discuss his requested ex gratia payment. I understand that he subsequently met with the secretary and the commissioner. I've also received correspondence from the Hon. Daniel Mookhey and from Mr David Shoebridge, prior to his resignation, in support of the ex gratia request. My office has kept both offices updated on the progress of assessing Mr Fitzpatrick's ex gratia request. Ms Sue Higginson—that's you, obviously, Chair—has also written to me on that behaviour.

The ACTING CHAIR: That is me.

Dr GEOFF LEE: I apologise, Chair. I was trying to focus on the words.

The ACTING CHAIR: It's fine, Minister. Carry on, thank you.

Dr GEOFF LEE: It is a very important issue.

The ACTING CHAIR: It absolutely is.

Dr GEOFF LEE: As you would appreciate, under the New South Wales Government policy there is a process to be followed when considering whether to grant or decline an ex gratia payment request. Earlier this year I formed a view that pursuant to the Government Sector Finance Act 2018 special circumstances may exist to warrant the making of an ex gratia payment to Mr Fitzpatrick for the amount that he requested, which is approximately \$167,000. I wrote to the Attorney General seeking a delegation from him to make the ex gratia payment from the Consolidated Fund. In addition, the department has engaged an independent, external party to review further specific and concerning allegations made by Mr Fitzpatrick during my meeting with him in March. These related to allegations of officer misconduct that had not previously been investigated.

In June 2022 the Attorney General responded to my request indicating that he would await the receipt of the report and consider its findings before making a decision. The review concluded in July 2022 and found no reasonable suspicions of officer misconduct or corruption. The review was completed at arm's length from me. However, when it was completed, I became aware that Mr Fitzpatrick had not been interviewed as part of the review process. Mr Fitzpatrick also contacted my office and expressed the concern at his exclusion from the

process. Following Mr Fitzpatrick's contact, I sought for him to be interviewed as part of the review. A lengthy interview with Mr Fitzpatrick took place and a supplementary report was completed in September 2022.

The supplementary report did not find any evidence to change the original finding. However, it did note that Mr Fitzpatrick had genuine concerns and had suffered hardship. It is recommended that Corrective Services procedures be improved to avoid confusion around investigative procedures and complaint handling. I remain of the view that an ex gratia payment is warranted and, once again, signed off on the decision on 18 October of this year. The decision regarding the delegations remains with the Attorney General and I certainly appreciate Mr Fitzpatrick's patience during this time, which has been an overly lengthy period.

The ACTING CHAIR: We will take that up with the Attorney General and perhaps we will call on your assistance to help us with that. I think that it only takes half an hour to read the case, and have a look at what has happened and what has gone on to reach the same findings that you did.

Dr GEOFF LEE: Chair, if it aids yourself or the Opposition, we're more than happy to offer a briefing on that specific—there are a few technical things that we have to work through. That's the difficulty. An ex gratia payment, I believe, is warranted.

The Hon. TARA MORIARTY: You have to pay him. This is ridiculous. You have to sort this out.

Dr GEOFF LEE: I agree. Personally, I agree. I just have to work through the process, and we're more than happy after this Committee to offer a briefing about what has transpired, but we've put a lot of work in to try and resolve this matter in favour of Mr Fitzpatrick.

The ACTING CHAIR: It's more in favour of doing the right thing.

Dr GEOFF LEE: Absolutely. I agree.

The ACTING CHAIR: Just on that point—again, I don't want to labour it—in terms of the insurance, one of the things that strikes anybody that looks into it is perhaps a problem about Corrections and its self-insuring capacity and the notion that it's Corrections that instructs QBE to do the work that it does and send those nasty letters in the past that we hope won't repeat. Is that something that you are looking at as the Minister for your department and system in terms of how we actually break this cycle and we stop this from happening into the future?

Dr GEOFF LEE: I have worked with the commissioner and the secretary looking at our Corrections workers compensation to make sure that we case manage each person, especially on these serious cases, and that they need to be given every opportunity to come back. I think it's incumbent on us to do everything we possibly can to get people back. I agree that we should manage everybody in their particular circumstances. It is not okay to send people nasty letters or not communicate with people for a time. We have to get better at doing this.

The ACTING CHAIR: The question is is there a systemic issue or a structural issue, perhaps I should say, with the way we're operating? The costs are quite astronomical to the public in terms of how we've conducted it and the errors we've made. I suppose the question here is: Do you have confidence that the current system, where we have Corrections as the self-insurer that operates the way it does, is the most appropriate structure going forward to avoid what we've just seen over the past seven years, which has been pretty horrendous?

Dr GEOFF LEE: I think in the case of the incident from Mr Fitzpatrick and his colleagues, that was totally inappropriate for that to happen. Can I suggest that we've got to improve the system to make sure that every officer feels like they're supported in returning to work and that we'll work very hard, and that's why I've asked the commissioner and secretary to look at our workers comp and how we better support, understanding the unique position of Corrections officers must be similar to police and those sorts of people that face very difficult situations.

I think the structure where we just simply have an EAP line to ring up is very problematic, and I've heard that straight from officers. We need to manage each individual so that they can return to work as quickly as possible. Because they want to return to work and we've got to do everything we possibly can to reduce those long-term consequences of not having people getting back to work. We're going to work really hard and there wouldn't be a meeting that goes by that I don't mention that in terms of what we are doing and what we are up to. It is one of 19 different objectives. It is one of the main priorities that is reported on every two weeks to me about the progress of our workers comp and how we get better at doing it.

The ACTING CHAIR: Perhaps if we weren't running Victorian-era facilities that might help as well. Sorry. Minister, can I just move on to—

Dr GEOFF LEE: I'll take that as a comment.

The ACTING CHAIR: Thank you. It was. Can I just move on to how we are dealing with our prisoners who are suffering from chronic illnesses. Again, perhaps the case studies help us because we know behind every single case study there are multiple. I recently received—and I think we've written to you about this one. Somebody who has a condition such as Crohn's disease or an ulcerative colitis type of disease requires a prisoner to have consistent access to toilet facilities, basically. Without them, they are in a position where they are literally left to soil themselves and that sort of thing. If they are in a shared facility or something like that, there is a cascading impact on a person like that in a facility. In this case, Minister, one of the things that I found absolutely horrendous was that, when they were transported from one facility to another, they were given a plastic bag within which to do their business while they were in a prison vehicle and handcuffed. I'm just wondering, Minister, firstly, are you aware that those sorts of things are happening? If so, what are you doing about it?

Dr GEOFF LEE: My office may have received notification of that specific incident. I'm not aware of that individual, specific incident. As you would know, our medical treatment is done by Justice Health. I know that the department—Corrections—does cater for people with significant need in terms of physical wellness, and we work very closely with Justice Health. We certainly adapt our procedures and operational procedures to meet those people. Certainly, it's an operational issue. I am more than happy if the commissioner or one of his staff talks about some of the lengths that we go to. I'm not aware of the specific—

The ACTING CHAIR: Commissioner, if you could, while you're addressing this, I think it's right to assume that the problem commences where Justice Health would report to a court, saying, "Hey, we can deal with this kind of condition", when perhaps they can't. Is that something that you would identify as where the problem arises?

KEVIN CORCORAN: There is an issue of how a magistrate might report that through to Corrective Services or Justice Health. I have had a recent conversation with the Deputy Chief Magistrate to deal with that. We're going to put an addendum onto the warrant that is actually specifying particular health conditions that we need to take into account when we receive someone into custody. In general, if Justice Health comes to us and say, "This particular individual has got these particular needs", then we can deal with it. We do have a hospital down at Long Bay. It's an 80-bed hospital where, if somebody is ill, we can put that person into that facility. It's not as if the system doesn't have the capability of dealing with people with anything from dialysis through to severe mental illness.

The ACTING CHAIR: Commissioner, the reason I give this specific example is that this is not a hospital condition. This is an every second of the day living—suffice to say, it's not even a dialysis issue where you go and have that at a regular time. This is literally living every single waking and sleeping moment with a particular condition that requires some form of circumstance that allows you to have some dignity and live with that condition. Is the system fit for purpose or are there some conditions that we need to either modify the system for or we need to divert these people elsewhere?

KEVIN CORCORAN: Certainly, in one of these Victorian-era facilities, where everybody is doubled up, it would be an issue. In general, in the new facilities that we've built around the place, we can more than adequately cope with a person in that circumstance.

The ACTING CHAIR: Do you see that people with these particular circumstances would be highly susceptible, through their vulnerability, to mistreatment and, in fact, malicious treatment?

KEVIN CORCORAN: I could see that, yes. I am not familiar with this particular case, unfortunately.

The ACTING CHAIR: I accept that. What do we do about that? What is our system for the parents of this 38-year-old man, say, who has had this condition for most of his life?

KEVIN CORCORAN: Generally, it would be that Justice Health says, "This particular individual needs this condition", and we are able to provide that. Across the system, we have the capability. As I said, it's not everywhere. But we certainly have a capability of providing it if Justice Health would advise us that this particular individual requires these capabilities or these amenities.

LEON TAYLOR: I might be able to assist, Commissioner. The cell placement of inmates takes in a range of information, including HPNF—a health priority notification form. Where Justice Health has a particular health condition that relates to an inmate that could affect their placement—they may not be able to be in a top bunk, they may need to be placed with another inmate, they may need an accessible bathroom, they may not be able to climb stairs—those types of placement conditions are placed on that form that accompanies an inmate who has a particular health need that needs to be accommodated. The staff that allocate cells and do the classification—that's in Assistant Commissioner Jennifer Galouzis' area—take those health conditions into consideration when making placements.

KEVIN CORCORAN: That's not to say that somebody hasn't fallen through the cracks in this instance, maybe.

LEON TAYLOR: Certainly.

The ACTING CHAIR: If somebody has fallen through the cracks, is the best thing we can do to draw this to the Minister's attention and then we try to go back and redress it?

KEVIN CORCORAN: Yes. Look, even my attention would be fine. I get representations from parents all the time about conditions and I certainly act on them.

The ACTING CHAIR: If, by chance, there was video footage of somebody being transported in a Corrections vehicle, would that be able to be made available to the parents who are really concerned about what actually happened and what their son had to go through?

KEVIN CORCORAN: I'd have to look at the individual case, sorry, before I made a judgement on that.

The ACTING CHAIR: How are we going with taking out hanging points in prisons?

Dr GEOFF LEE: You have identified another difficult part of the system: ligature points in our custodial corrections. One of the areas that we continue to be focused on is removing those ligature points. I'm more than happy for the commissioner to talk about our program that we've got in. There's a constant program to remove as many ligature points as possible. Obviously it's not always possible to remove every single point, but certainly we're trying to reduce the number of ligature points. We have a capital program—maybe Assistant Commissioner Leon Taylor can talk about the program that we're driving through the system and the funding that we've got for that, even this year.

LEON TAYLOR: Sure. Chair, I mentioned earlier in evidence we have around 12,000 cells in New South Wales. Certainly the reduction of ligature points is a focus in those maximum security cells where inmates are contained overnight. There are 8½ thousand maximum security cells; I mentioned earlier that nearly 4,000 of those are new.¹ The challenge is a significant one, but certainly one that the commissioner is keen for the agency to make progress on—and we are doing that. On those older cells, including some of the really old cells that we've spoken about already, we have a program. The Government has invested \$6 million of new money this year in the 2022-23 budget.

On top of that, through the DCJ minor works program, additional moneys have been committed for the refurbishment of cells. In the last 18 months that program has refurbished 262 cells. Those cells are 85 cells at MSPC3 at Long Bay, 105 cells at Long Bay Hospital, 34 cells at Tamworth and 76 cells at the MRRC. We are about to start—that crew is about to move onto Silverwater women's and do 43 beds in the induction area there. We are making progress. It costs around \$15,000 a cell on average—using Corrective Services industries, inmate labour and trade overseers—to refurbish a typical cell.

But on top of cell refurbishment, as I mentioned earlier, there are other strategies that we are adopting in New South Wales to make cells safer. I've mentioned once or twice already the new beds. We retired, through the Prison Bed Capacity program, 411 obsolete cells from five correctional centres. That was part of the 2,500 beds that were retired as part of that program. In addition to that are the new technology trials that I mentioned in evidence earlier. As well, some of the temporary beds that were put in at the front end of the Prison Bed Capacity Program are largely bunk beds in single cells. So the Prison Bed Capacity Program enabled us to turn what was a double cell, in emergency situations, back to a single cell. We now have a program separate to the refurbishment program that I mentioned a minute ago, where we are going into those centres and removing those top bunks to return those cells to their original condition.

Having said that, I want to be really sensitive to this issue. It's a very sad and tragic reality that inmates with enough distress and enough motivation do find ways to self-harm and suicide apart from hanging points. There are other ways that inmates do themselves harm—overdose, other forms of asphyxiation and harm. So it is really the focus on the technology that really motivates us, and there are other technologies that are aligning to assist that radar technology that I mentioned earlier. The Digital Restart Fund that is allowing us to rollout the inmate tablets has a—I would say unintended, but I say that in a positive sense—benefit that there is likely a

¹ In [correspondence](#) to the committee received 22 November 2022, Mr Leon Taylor, Assistant Commissioner, Corrections Industry & Capacity, Corrective Services NSW, Department of Communities and Justice, clarified the evidence given.

positive outcome of that, that we can use the wi-fi associated with that system in a really cost-effective way to deploy the technological solution that I mentioned earlier.

The ACTING CHAIR: We're in Opposition time. Can I ask a yes or no question?

The Hon. TARA MORIARTY: Sure.

The ACTING CHAIR: Do we have a date set to achieve all hanging points being removed from cells? It is just a yes or no.

LEON TAYLOR: No.

The ACTING CHAIR: Thank you.

The Hon. TARA MORIARTY: Why not?

Dr GEOFF LEE: I think that is a bit unfair, Chair.

LEON TAYLOR: I got a yes or no, Minister.

Dr GEOFF LEE: I know. I think that's a bit unfair. We operate 36 facilities, right around—the Assistant Commissioner is being very upfront in saying—

LEON TAYLOR: If I can give a broader answer, on this issue we need to walk and chew gum. We need to close particular parts of centres, refurbish them. We had funds during COVID to do refurbishment in our most vulnerable areas, which are our remand and reception centres. We are focusing our funds there, which is why I mentioned the MRRC. What I didn't mention earlier was Parklea, which the Committee will be aware is our other major reception centre and, when we assess risk, is a centre of higher risk. Part of that centre is brand new, part of it is old. So part of the funding that has been committed this year through MTC, the operator there, will be used there to refurbish beds as well. We will continue, as an agency, to advocate to government to fund cell refurbishment to reduce and eliminate hanging points.

And it needs to be comprehensive. There is no use leaving a single hanging point in a cell, for obvious reasons. So we've actually had to go back—and I mentioned Tamworth earlier, which is a centre that in earlier estimates was discussed around deaths in custody up there. It was a centre we went back to and did further works, because we eliminated most of the hanging points. So the review and the risk assessment we're doing now is comprehensive. We will seek, as an agency, for government to continue to invest. We're doing that incrementally at—\$6 million will do around 400 cells, and with the support of government we'll continue incrementally in the years ahead to work through our older cells. But it's going to take some time. But we're committed to that, and it's good employment for inmates as well. It makes them safer, but it also keeps our inmates busy manufacturing cell furniture, giving them construction skills. So it's a good program, it's a good investment and it's making cells safer, and it's training inmates in skills they can use on their exit from custody as well.

The Hon. TARA MORIARTY: To continue with that line, it's not happening fast enough and that is, I accept, because of the budget. So if I'm reading this year's budget correctly, you've got \$6 million this year to do that?

LEON TAYLOR: Yes. I think—and I'm happy to answer on notice—there is another \$2 million to make that \$8 million, that has been made available for that program through the DCJ minor works program.

The Hon. TARA MORIARTY: How far does that get you?

LEON TAYLOR: At about \$15,000 a cell, \$6 million does 400 cells and \$8 million does around 600 cells.² Having said that, there's a little commercial sensitivity with the actual cost of the Parklea cells that we're negotiating with MTC. They will do those works themselves using a private contractor, which will come at a greater cost than when we do it with inmate labour. But, Ms Moriarty, it is around 600 cells at \$15,000 a cell.

The Hon. TARA MORIARTY: That's around 600 this financial year based on this year's budget allocation.

LEON TAYLOR: For \$8 million.

The Hon. TARA MORIARTY: Which is six plus two.

² In [correspondence](#) to the committee received 22 November 2022, Mr Leon Taylor, Assistant Commissioner, Corrections Industry & Capacity, Corrective Services NSW, Department of Communities and Justice, clarified the evidence given.

LEON TAYLOR: Yes.

The Hon. TARA MORIARTY: How many more are there to go? So this includes refurbishing to get rid of the hanging points but also to make the cells safer, redoing the furniture and getting rid of, in some places, the hooky-type things that are still on the wall? Does this include the monitors? Commissioner, you brought a monitor in last time, I think, to show us. Does that include those?

KEVIN CORCORAN: That monitor was the radar that Assistant Commissioner Taylor was talking about.

The Hon. TARA MORIARTY: Does that mean this financial year there'll be 600 more cells with all of that done, based on this budget?

KEVIN CORCORAN: They won't have that. We'll have to go for separate funding for that.

The Hon. TARA MORIARTY: This is the new furniture and taking stuff off the walls?

KEVIN CORCORAN: Yes. But in reality, when you ask how many cells we have got left, some of those cells are cells that we want to retire as well. We don't want to be throwing good money away after—it's a very expensive process. We want to make sure that we come up with something that's going to work properly. We've got other mechanisms where we would only put people that weren't at risk into those particular cells. Have you got a number?

LEON TAYLOR: I'm happy to respond on notice. There are around 5,500 cells that are between 1880 and the early 2000s. I'm happy to respond on notice. If all of those needed a full refurb, at 600 a year, that's eight or 10 years, but it's a little more nuanced than that, Ms Moriarty.

The Hon. TARA MORIARTY: I accept that. Where are we at with the iPads and that technology rollout?

Dr GEOFF LEE: Great news about iPads—6,500 deployed in the latest numbers.

KEVIN CORCORAN: Yes, 6,500 in 17 correctional centres.

Dr GEOFF LEE: And more to come.

The Hon. TARA MORIARTY: Is that what the \$29.6 million to continue digital transformation and rehabilitation programs is in the budget? Is there anything else that that covers?

KEVIN CORCORAN: That pretty much covers—the Digital Restart Fund is all about the inmate tablets.

LEON TAYLOR: And the enabling technology—the wi-fi.

KEVIN CORCORAN: The real cost is actually fitting out the correctional centres with the wi-fi that Assistant Commissioner Taylor was referring to earlier, because that's quite a bit of infrastructure alteration required there.

The Hon. TARA MORIARTY: Ideally with wi-fi that only the iPads could access, not the phones, yes?

KEVIN CORCORAN: That's right. It's locked wi-fi.

The Hon. TARA MORIARTY: So where are we at with that? What's remaining?

KEVIN CORCORAN: We've still got another 6,000-odd inmates to go.

JENNIFER GALOUZIS: If I can just add, Commissioner, we've got another 2,000 inmates who are in private correctional centres who have access to tablets and their IPTVs, at the two rapid-build centres. So that brings us to about 8,500 inmates who have access to that in-cell technology.

The Hon. TARA MORIARTY: Are they the only places that will have the in-built TV system, whereas the rest of them are going to have the portable, wheel it in, wheel it out, plug it in—

KEVIN CORCORAN: That's right, yes. Rapid builds will have the screens in their little cubicles.

The Hon. TARA MORIARTY: The others are timed access?

KEVIN CORCORAN: Yes. They'll have the tablets.

The Hon. TARA MORIARTY: Yes.

Dr GEOFF LEE: I think Corrections should be complimented on and acknowledged, in the setting, for the rollout of the tablets, something that came through COVID but has proved very successful, not only with the officers but the inmates as well, to let them remain connected to their family. Hopefully they get out and don't recommit crimes.

The Hon. TARA MORIARTY: Indeed. Congrats, Commissioner.

KEVIN CORCORAN: I can't claim credit for that one. But I could.

The Hon. TARA MORIARTY: So \$4.9 million for increased supervision of high-risk offenders when exiting facilities, so this is 20 over four years—this is the increasing Community Corrections budget, which I'll come to in a bit.

Dr GEOFF LEE: That's correct.

The Hon. TARA MORIARTY: What's happening with the \$600 million for Closing the Gap supports? What's that for? Obviously, it's for Closing the Gap, but what is specifically being done with that money?

Dr GEOFF LEE: It's an amalgamation of a few agencies, but I'll let Brendan Thomas—

BRENDAN THOMAS: That's \$600 million across the whole government, not just for Corrective Services.

The Hon. TARA MORIARTY: Okay.

BRENDAN THOMAS: There are specific funds in the justice area around Closing the Gap that benefit Corrective Services. One of those is the design of improved through-care for Aboriginal inmates, and that's being led in partnership with Corrections by the Aboriginal Legal Service, so a non-government Aboriginal organisation working with Corrections this year to design better through-care for Aboriginal inmates.

The Hon. TARA MORIARTY: And where are we at with the \$10 million to establish the Aboriginal bail advocacy and support service?

BRENDAN THOMAS: Yes, that's again another funding arrangement that's being done in partnership with the Aboriginal Legal Service and that's to establish bail advocacy for Aboriginal people in a number of court locations. We're currently in the process of signing a contract with the ALS to get them the funds to then get that service up as soon as we can after those funds get to them.

The Hon. TARA MORIARTY: Do you know the time frame for that?

BRENDAN THOMAS: It depends on their recruitment, basically. Once we get the money to the ALS, it's up to them to recruit the staff. My understanding is that they're hoping to get them on before the end of the calendar year.

The Hon. TARA MORIARTY: Speaking of recruiting staff, Project 800 was a mess. It was a significant failure, wasn't it?

Dr GEOFF LEE: There were some delays. I think "mess" is a strong word.

The Hon. TARA MORIARTY: "Significant failure"?

Dr GEOFF LEE: Well, no. I think you're doing a disservice to the people that have been recruiting in DCJ, but can I say that it has taken too long. You're exactly right. It has taken too long and I think there are a number of issues. As we know, there have been skill shortages right across our State in every agency, not just Corrections. To recruit the requisite people is always tough going, especially when we're at the lowest rate—I think 3.3 per cent unemployment is the lowest ever across our State. So I think that while it's good to see so many people employed, the bad news is that it's actually difficult to recruit people. You mentioned Project 800. It has taken too long, I agree with you, but external forces have made it very difficult to make sure that we get the right number of people applying. In fact, I can update the Committee, if I may. They even gave me a note on it.

The Hon. TARA MORIARTY: How many have we recruited? I think we want 800.

Dr GEOFF LEE: Can I say off the top of my head?

The Hon. TARA MORIARTY: We want more staff.

Dr GEOFF LEE: Yes, I think that's a great thing.

The Hon. TARA MORIARTY: But, Minister, in February you came out swinging—

Dr GEOFF LEE: No, no. I think—

The Hon. TARA MORIARTY: —and repeated it in May and repeated it in June—

Dr GEOFF LEE: No, no. I have actually good news on this one.

The Hon. TARA MORIARTY: —that we would have 800 by the end of the financial year.

Dr GEOFF LEE: Just off the top of my head—

The Hon. TARA MORIARTY: We had 50 and 190 in training. So where have we gotten to since then?

Dr GEOFF LEE: No, no, and you're exactly right that we talked about it last estimates. I can confirm that the DCJ's talent acquisition team have received 6,691 applications under the program. They've also interviewed, out of those people, 2,314. You must accept that the recruitment of officers provides unique characteristics. Not only, you know, they have to be leaders in themselves; they have to be honest and reliable, have the right psychological disposition and, just off the top of my head—I'm sure someone will pass it to me now—I think there was just over 600 that have been through training or are in training—

KEVIN CORCORAN: Recruited.

Dr GEOFF LEE: Recruited.

KEVIN CORCORAN: It's 602.

The Hon. TARA MORIARTY: What does "recruited" mean?

MICHAEL TIDBALL: If I can clarify, 602 trainee correctional officers have been recruited under the program and booked for training and then, since March of this year, 360 have completed their training and commenced their employment.

The Hon. TARA MORIARTY: How many was that, sorry—360?

MICHAEL TIDBALL: It was 360.

The Hon. TARA MORIARTY: Completed the training and commenced employment.

MICHAEL TIDBALL: Yes, and an additional 137 are currently undergoing their primary training at Brush Farm.

Dr GEOFF LEE: So it's kind of good news. I mean, it took too long, I agree, but there are 600.

The Hon. TARA MORIARTY: You shouldn't have bragged about it so hard.

Dr GEOFF LEE: What's that? We want more officers.

The Hon. TARA MORIARTY: We do—fully onboard. We need more. So that was 137 in training now?

Dr GEOFF LEE: Yes.

The Hon. TARA MORIARTY: How many people started training but didn't complete it?

MICHAEL TIDBALL: I do not have that on me.

Dr GEOFF LEE: We'll take it on notice, unless someone has that.

KEVIN CORCORAN: Sorry, no. I don't have that figure.

The Hon. TARA MORIARTY: So, what does that give us? My maths isn't that quick.

Dr GEOFF LEE: Over 600 in training or have completed it.

The Hon. TARA MORIARTY: Okay, but how many are actually on the job?

KEVIN CORCORAN: Three sixty.

The Hon. TARA MORIARTY: On the job, as part of the—

KEVIN CORCORAN: On the job, yes.

Dr GEOFF LEE: So, since last estimates, it's gone up significantly.

The Hon. TARA MORIARTY: Yes, it has. So there are 137 doing training now. That still leaves a couple of hundred that haven't started it yet. Is that a timing thing and capacity of the training facility, which I can understand, or—

KEVIN CORCORAN: No, we still have to find the people to fill those roles.

Dr GEOFF LEE: It's really tough to recruit in this market, as you would appreciate. People have a multitude of vocations that they can choose for. We need the right people, as I said. There are over 6,000 people that put in their applications. Not everybody, obviously, is selected. If you look at those numbers, only one in 10 actually get selected. When you have people bound to get employed just about in any field, it is tough to find those people, especially in the rural and regional areas where there's full employment. The agriculture and mining industries are going full steam ahead. It's very hard to recruit officers to those positions.

The Hon. TARA MORIARTY: What's the breakdown? Because this was going to be—correct me if I'm wrong, but the project was supposed to be spread. Your facilities are spread across regional New South Wales—

KEVIN CORCORAN: They are, yes.

The Hon. TARA MORIARTY: —and metropolitan. What's the breakdown in terms of recruitment? Is it easier, I assume, to fill the roles in metropolitan Sydney compared to regional New South Wales. How is that going?

KEVIN CORCORAN: It certainly is. We're having significant difficulties getting regional applicants.

The Hon. TARA MORIARTY: Can you give us a breakdown on the numbers recruited? You can take it on notice if you want.

Dr GEOFF LEE: We'll take it on notice.

KEVIN CORCORAN: I meet every couple of weeks with the team that's responsible for this and those numbers—we can take it on notice, but in the region of like 40 or 50 here that are vacant in those regional areas. So it really is difficult to continue staffing those areas at the moment, which results in lockdowns and things of that nature.

The Hon. TARA MORIARTY: That is a problem that I'm going to come to because there are some that are suffering that more than others. Just to wrap up on this project, I accept you'll take it on notice, but what are we thinking, like 80 per cent are metropolitan?

KEVIN CORCORAN: Yes. I'd have to take that one on notice, but we're having a lot more luck getting people into metropolitan vacancies than we are in regional. Regional is a real problem. We've undertaken a lot of different mechanisms to try to interest people. That's almost 7,000 people that have applied. The bar is set, as the Minister said, higher because—

The Hon. TARA MORIARTY: They should be.

KEVIN CORCORAN: —these are permanent roles. Previously, we used to recruit 100 per cent casual. These were 100 per cent permanent roles. So we have to be very careful about who we employ.

The Hon. TARA MORIARTY: We need those people. We need the roles to be filled. I know that there are staff shortage issues even outside of the COVID period with people being off, so I accept that. But are there other targeted recruitment—is there targeted recruitment being offered in some of these regional areas?

KEVIN CORCORAN: Yes. Well, obviously we've got the normal social media stuff with Seek and so forth and the secretary has been kind enough to allow us to use the DCJ comms team to really ramp up a whole range of social media campaigns. But we've also targeted things like veterans coming out of the military and we've sent teams up to various parts of Australia where they're having transition conferences. We've also had difficulties recruiting women. We've had to look at how we can deal with that and make it more attractive to women. And also Aboriginal and Torres Strait Islanders, we really want to increase. That's one of, certainly, my big key target areas—to increase the employment of Aboriginal staff in Corrections and find jobs that are really very attractive to them.

The Hon. TARA MORIARTY: You would know as well as I do that—look, I accept the job market is what it is. But the longer it takes, the more burnt out people feel because they're doing extra shifts—which is great financially for a period of time, but burnout is real. We don't want to be in a situation where we can't—we've talked about retaining staff at previous estimates. That's an issue because of the stuff I talked about earlier but also because of this.

KEVIN CORCORAN: We have very low attrition rates, around about 5 per cent, which is pretty low. But, nevertheless, because of all these additional resources that we're required to deal with COVID, it's really put a huge strain on the staff in the facilities. I am looking at how we deal with that in the short term by perhaps

mothballing some areas so that we can concentrate inmate numbers in a particular area and transfer those staff to that area to prop up the staffing levels required.

The Hon. TARA MORIARTY: Does that mean closing some facilities temporarily?

KEVIN CORCORAN: Yes, it would mean closing parts of some facilities or maybe a whole facility just for a short period of time so we can wait until we get the numbers we require. But also, we've got to consider that there were a couple of thousand beds set aside for COVID isolation and quarantine. We are gradually turning beds off there, so that will mean we can release the pressure on the system in that fashion as well. But just in answer to your previous question about how many people have started training and not finished, I can say around 50. They have either left of their own volition or didn't pass the firearms training.

MICHAEL TIDBALL: If I may just add that one of the things we are trying to do and are getting better at is to work through the screening processes. That is a challenge. Just some of the things—psychometric testing, police checks, medicals, interviews, references. Those things do take time, but we have tried to streamline those. But the plan remains to recruit and commence 800 people this year.

The Hon. TARA MORIARTY: This year?

MICHAEL TIDBALL: Yes.

Dr GEOFF LEE: That will be the March-April estimates, won't it?

The Hon. TARA MORIARTY: We have just discussed committing to numbers.

Dr GEOFF LEE: I won't be here. Just saying.

The ACTING CHAIR: Minister, can I just go to the funding differences between private prison operators and other facilities, and the difference in terms of maintaining the facilities? I suppose we are looking at, you know, is there a profit margin on those private facilities that is paying for themselves, or how are we broaching that difference?

Dr GEOFF LEE: Can I say that we have 36 correctional centres right across the State. Out of those, three, as you would know, are privately run facilities. They are under significant contracts—significant in terms of voluminous and detailed contracts, as I understand it—to run those facilities. One would expect—and I am not in a position to say what the profit levels are in terms of those private facilities. However, can I say that there are some advantages that private facilities run. They bring a sense of new ideas and innovation into the system so that we can look at what they are doing and learn from what private operators are doing. But in terms of direct comparison, I will let the commissioner talk about what we are doing in that space. But it is a very hard space because some are remand prisons, some are minimum security, some are transitional centres.

It is very hard to say, "This is the average cost of a prisoner," because they all vary between locations. You may have Broken Hill, for instance—I was out there and we have less than 50 prisoners. It is very small, yet you still need to run the full operations. You have some that are very large. You have some remand prisons where it is very expensive to have them. As we talked about before, the biggest risk to prisoners is in the first six weeks of being put in custody. That is when all the problems happen. They come off the street, they may have a comorbidity of different issues and the officers have to deal with those. I will let the commissioner talk about the work we are doing in terms of looking at those costs but, just to confirm, there are contractual obligations that we must observe and that we enforce about our commercial partners.

The ACTING CHAIR: Is it fair to say that it is cheaper for you as the Minister to be contracting to a private facility than a public facility?

Dr GEOFF LEE: I don't think it is as easy to say as that. It depends on what measures you are using. I would say we are just—Commissioner, if you would like to talk about the work we are doing around that.

KEVIN CORCORAN: Sure.

Dr GEOFF LEE: As I said, they are all different, which is the remote and regional type of prison and type of prisoners and the number of prisoners that they actually have. It is a very difficult comparison. It's not easy just to say, "This is the average cost". It would be great if we could, but it's not.

KEVIN CORCORAN: Yes, the Inspector of Custodial Services recommended in her Parklea report—I think it was recommendation 1—that we engage in a process to examine the value for money for private sector prisons. I'll also include the John Morony Correctional Centre in that as well. They're the four facilities that we're examining at the moment to understand what is the value-for-money proposition and what is the performance proposition in comparison to the public sector.

The ACTING CHAIR: Who is doing that work?

KEVIN CORCORAN: A private firm. The individual that we've got contracted to do that is someone who's had a lot of experience—probably almost a decade in Corrections in New South Wales, examining costs and writing business cases for the agency, so very experienced in understanding public and private costs. But nevertheless it's been an incredibly complex situation, because you have to get the right assumptions. Those assumptions are critical in terms of determining where you situate the public and the private in terms of their cost, because we really want to look at the overall cost. That might be all the overheads associated with managing the private sector, costs of tendering et cetera, and all the overheads associated with the public sector.

Dr GEOFF LEE: I think it's fair to say we're trying to look at the value for money rather than the net individual cost of the things.

KEVIN CORCORAN: Yes, that's right.

Dr GEOFF LEE: We're interested in lots of other things—things like recidivism rates or assaults or other aspects which play an important role in what we do.

KEVIN CORCORAN: It's not just cost; it's performance as well.

The ACTING CHAIR: Of course. Are there any plans on our part or any private partners' part to build any new prisons at this point?

Dr GEOFF LEE: No.

The ACTING CHAIR: None whatsoever?

Dr GEOFF LEE: No.

The ACTING CHAIR: Are there any plans to extend existing facilities?

Dr GEOFF LEE: We continue to modify—

The ACTING CHAIR: Not just upgrade.

Dr GEOFF LEE: It depends what you mean by "extend" and "upgrade". It's like painting the Harbour Bridge: You start at one end and as soon as you get to the other end, you still have to paint. We have an infrastructure plan which we're working on at the moment, and I'll maybe talk—

The ACTING CHAIR: Does it involve an expansion—so more bed capacity, more prisoner capacity?

Dr GEOFF LEE: Yes, we will try and expand. Maybe, Commissioner, you want to try to talk about that capacity. Some of them will be changed from one use to another use, but certainly we'll continue to evolve our sites over time. I think it always has to be the same: We have to continue to change to meet the demand of the people that we have incarcerated and the new ways of doing things.

KEVIN CORCORAN: There are two facets to that. There are obviously those beds that are not fit for purpose in terms of being able to provide contemporary correctional practice, but also we are cognisant of the fact that BOCSAR is predicting increases in the prison population. We need to plan ahead for that because, as you would be aware, the whole process of getting a new prison is probably about a seven-year process to get all the plans done, the business cases, the funding and design and construction. It's something where you have to really look ahead if you want to keep ahead of the game.

The ACTING CHAIR: In terms of looking ahead, what figure are you using? In terms of planning, what increased prisoner figure are you planning on?

KEVIN CORCORAN: I might hand over to—I can see Assistant Commissioner Taylor is looking at me expectantly.

LEON TAYLOR: Did I give that—oh, thank you, Commissioner.

Dr GEOFF LEE: Champing at the bit—he's eager.

LEON TAYLOR: The Bureau of Crime Statistics and Research do model the growth of prisoner numbers. It's an imperfect science, as I'm sure the Committee might agree. But they are forecasting that in late 2027, the total cell capacity in New South Wales will be exceeded. As the commissioner mentioned, we're working on our Corrective Services infrastructure strategy so that we can advocate to Government to avoid another prison bed capacity crisis. The Committee—or certainly the agency—remembers well the prison bed crisis that emerged in 2015, when we literally ran out in beds.

The ACTING CHAIR: Are we planning to move to the Thailand model at that point?

KEVIN CORCORAN: Let's hope not.

LEON TAYLOR: What's the Thailand model?

Dr GEOFF LEE: That's very unfair, Chair. You know you shouldn't do that.

The ACTING CHAIR: Where we release people and because—anyway, sorry to interrupt. I know it's rude and I apologise, but we have very little time left. Is it your understanding that that modelling and what you're planning on based on our current recidivism rate, which is not a particularly good one by international standards—

LEON TAYLOR: AC Galouzis is best placed for that. Notwithstanding the very best efforts on reducing reoffending, that forecast of 2027 by BOCSAR bakes in reducing reoffending based on population growth at around whatever the RoGS number is: 200 per 100,000. The best successes of reducing reoffending move that horizon maybe out six months or a year, so it's prudent for the department to be planning now and have the plans in place and a strategy in place in front of the Government so that investment can be made to deal with future capacity constraints in a non-emergency context. We are ever so ambitious around our reducing reoffending efforts, but the department still needs to continue to plan for that 2027 horizon based on the BOCSAR forecasts that bake that in.

Dr GEOFF LEE: It should be noted that you have had some success with reoffending rates—eight quarters of downward pressure on those reoffending rates. So some of the signs of the program before my time seem to have come forward. Assistant Commissioner?

The ACTING CHAIR: It is absolutely commendable, but we were starting from an alarming place on recidivism based on—

Dr GEOFF LEE: Chair, that was before my time, I would just like to say.

The ACTING CHAIR: I acknowledge that. We will have plenty of time this afternoon on that, if that's okay. Back on the private prison operations point, does the motivation or need to generate a profit from these institutions have different pressure mechanisms in terms of performance that you are aware of, Minister?

Dr GEOFF LEE: Those performance mechanisms, as I understand them, are all contractually bound, and they are strictly monitored by operations. Perhaps I will ask Kevin to talk about that. Whether they make a profit is none of my concern whatsoever. I just want them to perform at the highest ability they can, and fulfil and exceed their contracts. But I don't care whether they—

The ACTING CHAIR: Minister, are you gauging that? Do you do the comparative analysis of performance and you are satisfied with how things are tracking?

Dr GEOFF LEE: The commissioner just talked to us about doing that value for money analysis across not only our private but our public sector to see what is best value for money. I'm not trying to be evasive but it is a very difficult thing. If you look at somewhere like Parklea, which is a high-remand prison, it's very hard to estimate the cost and all the assumptions underlying that, and the model that you are using for it. As I said, it doesn't worry me if they make money or they don't make money. What concerns me is that they live up to their contract performance specification and hopefully they will exceed those specifications. I have met all the operators and they seem to me very dedicated to doing that. But there is an operational element in terms of the whole team that worries about the contracts. I will let the commissioner talk about those.

KEVIN CORCORAN: Yes, there is. The contracts are written in such a way at the moment that there are abatements if they fail to meet their contractual obligations, which are those KPIs that are set as targets. There are also significant, I will call them "abatements", but there is another word for them, if a significant incident occurs, such as a death in custody or an escape.

The ACTING CHAIR: There has been some recent coverage on the deal between Corrective Services and Unisys. There has been some concern about the use of technology and the idea of capturing facial recognition and biometrics data in prisons. Minister, are you aware of the concern and the fears around that?

Dr GEOFF LEE: I think in the general public there is always a concern about the capturing of biometric data. Can I say that our prisons, right across, whether it is public or private, actually capture biometric data anyway. I will let the commissioner talk about what we actually capture and how we use it to make our prisons more secure and safer.

KEVIN CORCORAN: Thanks, Minister. Yes, we do capture biometric data at the moment in the form of fingerprint and iris scans. We would like to move to facial recognition. But I think what people need to understand is that these are data points that we are capturing. We've also got palm vein readers as well, so we are capturing the veins inside the hand. There is a number of different types of technology that we are using. Of

course, just taking a photograph of an inmate and putting it on their card is a capture of biometric data as well. That is something we have been doing for a long time. We are in the process of upgrading our biometric systems and that is a project that is being run through the DCJ infrastructure and assets division.

The ACTING CHAIR: And this relates to Unisys and the \$13 million contract over the next four years?

KEVIN CORCORAN: Yes. I might hand over to Assistant Commissioner Taylor, who is right on top of this.

LEON TAYLOR: In 1996 inmate George Savvas walked out of Goulburn with a fake moustache and a wig, which was particularly embarrassing for the agency in those times. Our biometric technology was first installed in New South Wales prisons in the year after that event, in 1997. Since then, it has been rolled out and it has become quite a mature network system across all of our correctional centres. It is essential for us to know, without any question, the identity of everyone who goes in and out of a correctional centre—be that inmate, staff or visitor. The current system in place is over 10 years old. The vendor went insolvent a couple of years ago and the system is no longer supported.

The modern way of capturing biometric data is no longer iris scans or fingerprints. As the commissioner mentioned, facial recognition is a better way to capture people's unique data. What I will point out, importantly, is, unlike perhaps the system for pokies or that might exist in the retail sector, people's facial data is captured when they submit to the actual reader that exists at the prison gatehouse. It doesn't capture their data if they are walking outside the prison or just walking around inside the gatehouse. It is the same system that exists at the moment where someone needs to come to the gate and, in the instance of a visitor, voluntarily offer their biometric data. The data is held only in Corrective Services' database. It's not connected with other external databases that may also hold biometric data. The system that is replacing the current system is faster. It's safer in terms of cybersecurity.³

The ACTING CHAIR: And, is it fair to say, much more sophisticated?

LEON TAYLOR: Much more sophisticated. Quicker for staff to get in the gate, and is a good investment and—

The ACTING CHAIR: Are you satisfied that you have—there are concerns around this, because obviously we have made enormous leaps in this technology. One of the concerns, for example, from the former Human Rights Commissioner, was that we don't really have, yet, a sort of adequate protectionist legal system that copes with this incredible leap.

LEON TAYLOR: I think that—and I'm heading into territory that's not my expertise. But, yes, there's probably a broader issue in the community in terms of artificial intelligence around these types of things. There are also potential incredible benefits around this technology. I mean, the type of artificial intelligence that we don't have and we're not investing in at the moment, but would be capability that would be excellent in prisons, is to be able to do some of our manual processes, like mustering inmates, using artificial intelligence—dealing with associations within prison.

As you would appreciate, with 12,500 prisoners and the very difficult process of keeping different cohorts of inmates apart, a system that could ensure that two inmates that it isn't safe for them to associate—artificial intelligence could certainly keep them apart. We are watching what's happening internationally with interest. I think there is real opportunity for Corrections to adopt artificial intelligence technologies to do some excellent things that would make our prisons safer and more efficient.

The ACTING CHAIR: Do you accept that that has to be commensurate to the right protections that don't currently exist?

LEON TAYLOR: I imagine the community and government will catch up with certain processes that we will, as an agency, need to adhere with in the future, which is why artificial intelligence isn't part of the system that we are installing at the moment. I suggest that perhaps the article to which you reference made assumptions that we were providing a more intelligent system than in fact we are, which is a replacement system of our current identity system.

³ In [correspondence](#) to the committee received 7 December 2022, Mr Leon Taylor, Assistant Commissioner, Corrections Industry & Capacity, Corrective Services NSW, Department of Communities and Justice, clarified the evidence given.

The ACTING CHAIR: Minister, you would accept that we are talking about the cohort of some of the most vulnerable people—as you alluded to earlier—in the community. So when they are released there needs to be extra cautious measures with this biometric data et cetera. Whether it is right we do it in the first place is another question but if, in fact, that is the path you are going down—look at the hacks we have just seen recently. We are talking about the most vulnerable people who will be released into the community and possibly all of their data as well.

Dr GEOFF LEE: I agree with you that we must be extra cautious in terms of how we collect, manage and share that information. I am assured on my note here that all our information is stored on the DCJ internal network and encrypted. For those that are visiting, the new system, which is the contactless modes of identification, and the images will be deleted after the nominated period. My advice is that it is six months or earlier by written request for those visiting. The system is not connected to any other external biometric databases and cannot match people that have not enrolled at Corrective Services NSW entry points for those visitors or people seeking entry. Data created upon enrolment at a Corrective Services NSW facility is not shared with any other agency or database. Identification only occurs when the enrolled persons present in front of a biometric work station at a correctional facility. Persons entering a correctional centre will experience faster enrolment and verification than the current system. But I think you do bring up a good point that what we do with that data and how we store it is particularly important. It does offer some particular advantages for the safe management of our correctional facilities, if we get it right.

LEON TAYLOR: The Minister mentioned that it's an enhancement from the current system that if someone doesn't present to one of our facilities within a six-month period, the system deletes their biometric data. When they come, they will need to re-enrol if they have not entered a facility in that period.⁴

The Hon. TARA MORIARTY: I am going to come back to this in the afternoon but in 2018 there were some more flexible ways of dealing with people on community corrections orders. Are you confident that if people breach those orders or breach parole arrangements that they are being dealt with appropriately?

Dr GEOFF LEE: Can I say that there has been an emphasis with the changes in the Bail Act and various other pieces of legislation—I think Sandra Crawford, the assistant commissioner, is best to talk about the Community Corrections and the way that we actually monitor those individuals in the community, whether on bail or on parole. Depending upon your classification and the individual nature of the criminal or the inmate or the offender—whichever you like to call them—and the orders that are produced, they have a rigorous system to monitor those people in the community. That is subject to their risk of reoffending and the nuances of their particular situation.

The Hon. TARA MORIARTY: I will come back to this in the afternoon. I want to spend some time on it. But I do hear from your staff that sometimes things are reported through the proper channels and then things are not done for people who breach.

Dr GEOFF LEE: I would say to you that if any breaches are notified and they are not followed up, they should contact either the commissioner or the assistant commissioner or myself and we will thoroughly investigate them. Can I say that it's a big system; we have 35,000 people currently under community service orders or on parole or on bail. That is a big system and, through all the best intentions and the modelling you can do, occasionally problems happen. Whilst we don't like them, and they can become very embarrassing, certainly we review those cases, when there are those, and find out what went wrong: Were they systemic errors? Sometimes people just do the wrong thing, no matter what they are out for, or they commit another type of crime that you're not really expecting. It's just a fact of human nature. But the dedicated staff that we have in Community Corrections—I've been to about 20 of your offices now—

SANDRA CRAWFORD: You have.

Dr GEOFF LEE: —and spoken to the wonderful staff there. They do a really good job. They compile all this evidence and then work very closely with some of those offenders, even to the point that I was at Bourke, I think it was, Community Corrections and they actually drove an offender who was released on bail, I think—or it could have been parole. Anyway, he was released on bail and they drove him two hours to get back to his outer town, because they have the tyranny of distance out there where there is no public transport to get home, or there is one bus a week that goes to and from. They actually drove him two hours home, just to make sure he got home

⁴ In [correspondence](#) to the committee received 7 December 2022, Mr Leon Taylor, Assistant Commissioner, Corrections Industry & Capacity, Corrective Services NSW, Department of Communities and Justice, clarified the evidence given.

okay, because if you're sentenced in Dubbo it may take you three days to get back to your home town, which is, you know—what are you going to do with no money, no family and no support? It's a very difficult situation because of that distance of the communities that they actually come from.

The Hon. TARA MORIARTY: Yes, they do do a good job. I will come back to the details this afternoon. I think my time is up.

The ACTING CHAIR: Minister, what is your view right now on raising the age of criminal responsibility to 14?

Dr GEOFF LEE: I agree with the Government policy where it is.

The ACTING CHAIR: That we shouldn't be raising the age? Is that Government policy? It's very, very sketchy at the moment—I don't actually understand clearly what is Government policy—so I'm asking what your view, as the Minister for Corrections, is.

Dr GEOFF LEE: I agree with the Government policy, as I should.

The ACTING CHAIR: Which is what, Minister?

Dr GEOFF LEE: The Government policy.

The ACTING CHAIR: Which is not to raise the age, or to raise the age?

Dr GEOFF LEE: Not to raise the age up.

The ACTING CHAIR: Okay. Thank you. What about—

Dr GEOFF LEE: That is my own personal opinion. These are matters that obviously Cabinet will consider from time to time and that's what the AG will put forward and we'll discuss it.

The ACTING CHAIR: Does it concern you that your view, Minister, is absolutely in conflict with so many other States and jurisdictions and international standards of what the criminal age of responsibility ought to be?

Dr GEOFF LEE: No. That is why we have the Cabinet process, so that you can actually debate those issues within Cabinet. That's what happens. As a Minister, you present your ideas and your policies, it goes to Cabinet and it is discussed in confidence, and then we come out with a clear and united position.

The ACTING CHAIR: I'm sure there are millions and millions of people that hope you're not at the next Cabinet meeting putting forward your view.

Dr GEOFF LEE: Well, that may be.

The ACTING CHAIR: Because, really, if your opinion is that we should not be raising the age, that is terribly controversial.

Dr GEOFF LEE: I'll take that as a comment.

The ACTING CHAIR: Minister, how do you feel that your system right now compared to international systems of Corrections, that we are in the hybrid of public-private and that our recidivism rates are not good compared to systems like the Nordic systems and others, where we are seriously focused on rehabilitation as the primary goal, consistent with punitive, as opposed to ours that tends to look and appear as if it is punitive first?

Dr GEOFF LEE: As a personal comment, can I say that I must commend the agencies for the great work that they do, day-in, day-out, 365 days a year. I've run many agencies now. I've had good experience across agencies. As I always say, there is no better agency well run than Corrective Services NSW. We run some of the best Corrective Services centres—world-class, some of them. We have best examples. Can we learn from other people, like the Nordic system? Absolutely. We can learn different ways, but we are in our own unique set of circumstances. I understand that their system is slightly different or different from us. Can we learn from other States or jurisdictions? Yes, we can, and we should continue.

The ACTING CHAIR: What are we doing, do you think? What is one specific thing we're doing to learn from, say, the Nordic system?

Dr GEOFF LEE: I will give you an example of what we're learning from, say, South Australia. We were at a conference recently with other commissioners and other Ministers looking at their rates of reoffending and their use of electronic monitoring. In actual fact of keeping people out of jail I think what we've got to do is aim for those people that, if it's appropriate to put them in things like home detention or keep them out of jail, we should, wherever possible. If they are non-violent, non-sex based offences, we should do everything we can to

keep people out of jail as our first thing. Like many of the other problems we suffer from, they turn up to a Corrections facility and we are legislated to take care of those people, to put them in safe, humane conditions and look after them. We are trying very hard to stop recidivism, but I think we have heard before that the problem happens way before that in those broken families and broken communities or the drug addiction issues or the mental health issues that we've got to get right as well, and that we're actually symptomatic of what's happening.

When they get to us, we've got to look after them in terms of giving them safe, humane treatment, but I'm always saying we should provide the best of training that we can possibly do—give them work experience so that they can get some skills so they can get out with a job and give them as many programs that we can to address their reoffending rates. But we can only do our part in the puzzle. I think we're symptomatic of a whole—from Family and Community Services right to the judicial system to us—and then we have to play our role in stopping reoffending. I think it's a complicated answer to our part of the puzzle that we've got to work better with our colleagues, but certainly we can learn from lots of other jurisdictions.

The ACTING CHAIR: Over to the Government, if Government members have any questions.

The Hon. SCOTT BARRETT: I actually don't. I think that was a pretty good summation that we just heard from the Minister a moment ago, so I might leave it at that.

The Hon. TARA MORIARTY: Farewell, Minister. Enjoy your retirement, unless we have supplementary hearings.

Dr GEOFF LEE: I would love to come back!

The ACTING CHAIR: Thank you, Minister Lee, for attending this hearing. We are finished with your questioning. The Committee will now break for lunch and will return at 2.00 p.m. for those of you that are coming back for further questioning.

(The Minister and Mr Brendan Thomas withdrew.)

(Luncheon adjournment)

The ACTING CHAIR: We will now recommence the hearing. Over to the Opposition.

The Hon. TARA MORIARTY: Does anyone have any answers that they want to provide from earlier this morning? It's just the usual open request at this point.

KEVIN CORCORAN: Yes, I have some documents that I would like to table in relation to assaults. Thank you.

Documents tabled.

The Hon. TARA MORIARTY: Thank you for that. Any other answers? Okay. No problem. I just have a couple of follow-up questions that I want to follow up on from this morning. There was some discussion about a report that was being done on public versus private. We didn't quite get to the answer about who was doing the report. Can I ask who is doing the report and, more importantly, whether it will be public or if I will have to go fishing for it?

KEVIN CORCORAN: Do you want the name of the person?

The Hon. TARA MORIARTY: Yes.

KEVIN CORCORAN: His name is Kyran Bradley. I guess the report will potentially be used to inform Cabinet about future decisions, so it may well be Cabinet in confidence. Not 100 per cent certain of that at this point in time.

The Hon. TARA MORIARTY: But at the moment that's where it's supposed to go? It will be due to go to the Minister and then to Cabinet?

KEVIN CORCORAN: Yes, that's what it's being treated like at the moment.

The Hon. TARA MORIARTY: Sure. What's the time line for that?

KEVIN CORCORAN: Well, I had hoped it would be finished by now, but the complexity of it—it's probably two or three weeks away before it's complete.

The Hon. TARA MORIARTY: Two to three weeks that it will be finished by the person, go through you, presumably, and then to the Minister. So, what, two months before Cabinet, roughly? I wouldn't hold you to this, but just so I have an idea.

KEVIN CORCORAN: Yes, potentially that would be the time frame, I would say.

The Hon. TARA MORIARTY: Okay. When we were talking about staff recruitment, there was some discussion about, because there are some issues with filling some roles, potentially closing some sections or some facilities.

KEVIN CORCORAN: Yes.

The Hon. TARA MORIARTY: Can you give me an idea of—you must have given some thought to what those places might be.

KEVIN CORCORAN: We have, yes. I think we put up a brief to the Minister on that, and there are probably four or five areas that we are considering. Some we've already mothballed, just to release staff to go and work at other parts of the centre or other parts of the complex. We are constantly reviewing that, and the areas that we have mothballed at the moment include parts of Long Bay and Emu Plains. But I just want to reiterate that these are only temporary solutions because we just don't have the staff.

The Hon. TARA MORIARTY: Yes, and you're recruiting—understood.

KEVIN CORCORAN: We're trying to work out ways in which we can get more staff on the ground to make sure we can do the business that we need to do.

The Hon. TARA MORIARTY: Yes, understood. So it is just those two?

KEVIN CORCORAN: Yes, I think they are the only two we've got at this point in time, but I think there are probably about another two or three that we're considering. Once we get ministerial approval, then we'll start the consultation process.

The Hon. TARA MORIARTY: Do you want to tell us what those three are?

The Hon. SCOTT BARRETT: Point of order: That is clearly a question for the Minister, not for the officials.

The Hon. TARA MORIARTY: To the point of order: The officials are the ones who are doing the planning and have to run the facilities, or not. If they want to take it on notice or can't answer it, that's a matter for them, but it's about the running of these places.

KEVIN CORCORAN: I'd prefer to talk to the staff first before we announce it in public.

The Hon. TARA MORIARTY: But we are at the point where you've decided—not decided, but you know which places.

KEVIN CORCORAN: We have put proposals up to the Minister for consideration.

The Hon. TARA MORIARTY: So they have been provided to the Minister?

KEVIN CORCORAN: Yes.

The Hon. TARA MORIARTY: What's the time line around that?

KEVIN CORCORAN: Hopefully in the near future because we are experiencing this stress on staff around the system at the moment.

The Hon. TARA MORIARTY: Yes, understood.

KEVIN CORCORAN: And there are places where we just can't do this that are experiencing severe stress. We're just trying to relieve the pressure on staff.

The Hon. TARA MORIARTY: Yes, I totally understand. When was that provided to the Minister?

KEVIN CORCORAN: Probably a couple of weeks ago, I'd say.

The Hon. TARA MORIARTY: Has the Minister responded?

KEVIN CORCORAN: Not yet.

The Hon. TARA MORIARTY: Regarding recruitment, there were a number of vacancies for psychologist positions and other mental health positions. I understand there's a distinction between Justice Health and you, but can you tell me where we're at? Have those positions been filled? Are we still recruiting?

KEVIN CORCORAN: Sorry, which positions are you talking about?

The Hon. TARA MORIARTY: Vacancies for psychologists and other mental health professionals. Are they recruited by Justice Health or Corrections?

KEVIN CORCORAN: That's our recruitment. I might hand over to Assistant Commissioner Galouzis to respond to this one.

JENNIFER GALOUZIS: Over the last 12 months, we've undertaken quite an extensive recruitment campaign for psychologists and we have increased the number of psychologists we have on staff. But at the same time we've increased the number of psychologist positions, so we still have a vacancy rate that we need to address. We've got a number of things that we're exploring at the moment. We've got a cadetship program for Aboriginal psychologists, where we're looking to attract and retain Aboriginal psychology students and provide them with a vocational pathway into a psychology career with Corrective Services.

We are also looking at establishing some partnerships with universities in the forensic psychology space so that we can create a pathway for people coming through that program. We're also looking at other incentives to attract psychologists to regional areas. That's where we have the biggest challenge in attracting psychologists: in our regional locations.

The Hon. TARA MORIARTY: Yes, it's a problem everywhere with that profession. I know there's not enough of them to go around. How are you going with it? How many vacancies are there? Where are they?

JENNIFER GALOUZIS: I would have to take that on notice. I wouldn't want to give you the wrong answer. But I do have those figures—just not with me at the moment.

The Hon. TARA MORIARTY: Sure. That would be good.

JENNIFER GALOUZIS: When we started that campaign about 12 months ago—it has been very successful, but we still have a gap because we increased the number of positions that we had. The percentage is still higher than we would like it to be. But I'll take that on notice for the exact number.

The Hon. TARA MORIARTY: Thanks. I'd appreciate it. I get why there is a gap. I am glad that there are more that you want to recruit. I understand that there is an issue, but the lack of mental health support in a lot of these places is something I have asked about before. I am going to ask about it again. In fact, I might as well do it now. This has come up at every budget estimates that I've been at and I know before, and it has come up in a number of these inspectors' reports. People are at the worst point in their lives. Whatever their circumstances are, we need to make sure there is support available. Again, I know there is a distinction between what Justice Health does and how it works in with you and St Vincent's and in the other private places, but what are we doing to address the gaps in mental health support?

KEVIN CORCORAN: Did you want to respond to that one?

JENNIFER GALOUZIS: Yes. We have a couple of initiatives at the moment. Obviously the attraction and retention of psychologists is key to providing that service, working closely with Justice Health. We're working with them on an initiative to provide through-care support for people being released from custody. We do have a statewide specific needs service that works with people when they come into custody around their mental health needs and works with the Mental Health Review Tribunal to support them when they're coming out of custody. That is a statewide service. We are looking to expand that service as well, but they're the main areas that we're working on to address that mental health need.

The Hon. TARA MORIARTY: That is statewide, but what about when these issues are raised in inspector reports, say, for example, the most recent ones we've talked about this morning—Lithgow, Goulburn, I think Parklea was the one before that. All of these places raised specific issues in each of these facilities about a lack of mental health support or access to that support. I hear you about the broad approach to this, but how are we making sure that each of these facilities are providing that service properly?

KEVIN CORCORAN: Justice Health would respond to those recommendations of the inspector. It would probably be more of a Minister for Health question.

The Hon. TARA MORIARTY: So it's just a matter for Justice Health and not a matter at all for you or how Corrections deal with it?

KEVIN CORCORAN: If we're talking about mental health nurses, yes, it would be a question for Justice Health.

The Hon. TARA MORIARTY: What about people getting access to appointments, which was also an issue that has been raised? That is a matter really for you in terms of getting them to appointments.

KEVIN CORCORAN: It is a matter for Justice Health and us, and to that point we have recently put in place a new Medical Escort Unit and that is servicing the metropolitan area and the Hunter. I think what we're doing there is really relieving the pressure on correctional centres to provide medical escorts for specialist appointments or hospital appointments. That initiative I think has really enabled a lot more people to have access to specialist appointments than there were in the past. We also have the schedulers working in the same office as the Medical Escort Unit staff, so there is a real liaison happening now and a rationale behind when people can go to their appointments. We're really making sure that we're maximising the escort usage to get people out to particular appointments.

The Hon. TARA MORIARTY: I don't have the report in front of me, but I did ask about it last time—the Auditor-General's report in terms of missed health appointments.

KEVIN CORCORAN: Yes.

The Hon. TARA MORIARTY: Probably there will be people who refuse to go to appointments. I accept that, but there shouldn't be as many missed appointments as there were, based on the fact that people don't have control over their own movement. That is a matter for you to make sure they get them.

KEVIN CORCORAN: That is right. The initiative we have put in place doesn't address all of the regional areas, but it has certainly made a big difference in the metropolitan area.

JENNIFER GALOUZIS: If I can add to that too, one of the other initiatives we have is around technology, so using building alcoves within those regional centres so that people can access psychologists in the metropolitan area. We don't necessarily need psychologists at every single prison. We can still provide that emergency access and access to appointments to try and reduce the number of cancellations.

The Hon. TARA MORIARTY: This is a private room where people can meet with a medical professional online.

JENNIFER GALOUZIS: Or a psychologist.

The Hon. TARA MORIARTY: How many facilities do you have those facilities in?

JENNIFER GALOUZIS: I would have to take that on notice.

KEVIN CORCORAN: Yes, I'm not sure if I have that in the notes. Yes, we will have to take that one on notice.

The Hon. TARA MORIARTY: There was an idea floated publicly a couple of months ago, I think, about an Aboriginal-run facility or a facility being handed over to be run by Aboriginal people for Aboriginal inmates. Where is that up to? Is it any further than an idea? Is there any planning for it?

KEVIN CORCORAN: It is an idea, and it's something we are working on with Brendan Thomas. It's not a correctional centre per se; it's more of a transitional centre. We would maybe release people under section 26 out into that centre or have it as a diversion centre. We do have a diversion centre and operation already up in the north of the State for Aboriginal inmates, but that's run by us. The concept here would be to look at NGOs to see whether they'd be interested. We've already had discussions with the Canadians, who run a similar First Nations facility over there. New Zealand has something similar. Obviously, we need to nuance it to the New South Wales experience. We listen to what is happening in those other jurisdictions, but we will come up with our own solutions. We're consulting with Aboriginal groups at the moment. It will be some time, I think, before we get to a point where we can make a recommendation to the Government. The Minister is always asking us to innovate, so that's what we are looking at doing—coming up with something that might or might not work. We don't know yet. We're just going to have a look at the concept and see if anything comes of it.

The Hon. TARA MORIARTY: So you're meeting with groups from other countries where a similar sort of thing is in practice, and the people who can potentially run it is where it's up to—

KEVIN CORCORAN: That's right.

The Hon. TARA MORIARTY: —in terms of potential planning?

KEVIN CORCORAN: We've raised it at various committees and other places.

The Hon. TARA MORIARTY: My colleague asked some questions about deaths in custody earlier. I want to ask some more broad questions about deaths in custody. First of all, can I get some numbers? I know you provided some earlier. You can correct me if I'm wrong, but I think they were specifically Aboriginal deaths. Or were they total? I am after both, anyway.

KEVIN CORCORAN: I can say that in 2021-22 there were 29 non-Indigenous deaths and five Indigenous deaths—a total of 34.

The Hon. TARA MORIARTY: That's this year?

KEVIN CORCORAN: That's 2021-22. For 2022-23, my numbers are four non-Indigenous and two Indigenous—a total of six.

The Hon. TARA MORIARTY: We've talked about this before as well. I understand this was being reviewed, but I'm not sure where it got to in terms of reporting deaths. You used to report deaths in custody. I know some of them are natural causes, and some of them are not. You used to report them, and then you stopped. I think there was some discussion about potentially starting to report them again. Is that something that's going to happen or not?

KEVIN CORCORAN: When you say "reporting", how do you mean? A publication?

The Hon. TARA MORIARTY: Yes.

KEVIN CORCORAN: I think those figures are published in the RoGS data every year.

The Hon. TARA MORIARTY: So once a year there will be a total figure, as opposed to the circumstances around when something might happen?

KEVIN CORCORAN: Unfortunately, with deaths, they are subject to a coronial inquiry. There is a report online that happens after notification to the family. In terms of the circumstances, we are circumspect about that. Obviously, it's a police investigation and coronial inquiry. We would always wait for that coronial inquiry to conclude.

The Hon. TARA MORIARTY: I think that might be the change that I'm talking about. Between last estimates and now, I understand—that's probably the change. Things were reported in some form, and then they were not, except for at the end of the year. I accept that. I accept that families have to be notified and comfortable with all of this information, but people die in facilities that are run by the State, so it is of interest that the public be told the circumstances when people die. What information is available in this online report?

KEVIN CORCORAN: What information is available is the details of the inmate's age, gender, Aboriginality, custodial location and place of death.

The Hon. TARA MORIARTY: There are no plans to change that?

KEVIN CORCORAN: No.

The Hon. TARA MORIARTY: That will still be in place?

KEVIN CORCORAN: That will continue on.

The Hon. TARA MORIARTY: We talked about the issue of storage of people's information with the biometric stuff earlier. The X-rays—what happens to the information that is collected from the body scanners?

KEVIN CORCORAN: The last information I saw is that we are required to retain that information for I think it might be 70 years.

LEON TAYLOR: For inmates?

KEVIN CORCORAN: For inmates.

LEON TAYLOR: Yes. For the public it's not, though.

The Hon. TARA MORIARTY: You have to keep a scan of each person who goes through an X-ray machine for 70 years?

KEVIN CORCORAN: Correct.

The Hon. TARA MORIARTY: Do you have any idea why?

KEVIN CORCORAN: That is the last information that I recall seeing, yes.

The Hon. TARA MORIARTY: That's a legal requirement?

KEVIN CORCORAN: It is a legal requirement, yes.

LEON TAYLOR: Full body X-ray scanning records are stored for 45 years for inmates and seven years for visitors.

KEVIN CORCORAN: Sorry, I got a little bit mixed up. Forty-five.

LEON TAYLOR: Individuals may apply to access their information to see what's there, but those are the time frames.

The Hon. TARA MORIARTY: That is still extraordinary. Why would you have to keep a scan for 45 years? You would know at that moment in time if there was an issue with the scan, if someone had something on their person.

KEVIN CORCORAN: No, it's not that. It's the fact that it's a radiation-producing device that's not being used for medical purposes; it is being used for security purposes. I think that's why the EPA chose to—

LEON TAYLOR: We can come back on notice. The EPA regulate us in this space.

The Hon. TARA MORIARTY: Yes.

LEON TAYLOR: My assumption is it's part of our licence agreement. But happy to respond—

KEVIN CORCORAN: No, that is a—

The Hon. TARA MORIARTY: What is the radiation level? I know this has come up before.

KEVIN CORCORAN: It depends on the machine. We have two different types of machine. One of them produces a radiation level of around 2 to 3 microsieverts and the other produces a radiation level of about 0.1 of a microsievert, I think.

LEON TAYLOR: Yes, 0.25.

KEVIN CORCORAN: It is 0.25, sorry. It is 0.25 of a microsievert.

The Hon. TARA MORIARTY: Right. Where is the information stored? I'm interested in that answer, but also a follow-up question. I don't want to hold up the whole picture, but I get that you guys want to show when you find things on a person.

KEVIN CORCORAN: Sure.

The Hon. TARA MORIARTY: But a couple of months ago the department posted a picture that had too much information about the person. I understand that you want to let us know when you find contraband, but I don't need to know if a person is circumcised or not. That's the information that was provided to the public. After people complained about it, some dignity was provided to the person involved. But have you now got rules in place to make sure that we don't need every detail of human anatomy in order to show that you've found contraband, particularly if people can be identified? I have the picture here; I don't want to hold it up.

LEON TAYLOR: We do de-identify images for training and education materials, which would cover the image that you're talking about.

The Hon. TARA MORIARTY: This one was released to the public. It was put on social media by your department.

LEON TAYLOR: This is a new area for us and we probably maybe need to be more circumspect in the materials we release, I think we would agree.

The Hon. TARA MORIARTY: I get that you want to show—

LEON TAYLOR: As you've described it, absolutely.

The Hon. TARA MORIARTY: But the public doesn't need to know that about each person, particularly if they can be identified.

LEON TAYLOR: Yes, totally.

The ACTING CHAIR: In the prisoner intake, what are your guarantees—particularly the commissioner—that people with disabilities are being identified on their intake? What are the procedures, and are you satisfied at this point?

KEVIN CORCORAN: Yes, not only do we have our staff go through an intake process but also Justice Health staff. So if there was someone with a particular disability that required special treatment in the system then, yes, I would be very confident that Justice Health staff would be able to identify that and provide us, as Assistant Commissioner Taylor referred to this morning, the notification form from Justice Health to advise us of those issues.

The ACTING CHAIR: What is the skill set that they are assessing? The reason I bring this up is there have been studies—and I think the most recent Coroner's report is questioning some of these things—about whether we are identifying thoroughly enough. What are we doing to try to make things better? Clearly, there are gaps and people are slipping through. I know it's a complex system. I think the first real point of inquiry is: What is the skill set that we are relying on in that early intake to identify people with disability and underlying conditions?

KEVIN CORCORAN: Justice Health have nurses that would be engaged in that process. But we also have a Corrective Services statewide disability service that provides training. It's got specialist staff which provide advice and training to staff and external stakeholders and, basically, also provide training to staff in terms of the management of inmates with disabilities. They also liaise with the National Disability Insurance Agency as well, on release, for referrals. So we do have part of the agency looking after that, as well as the support we get from Justice Health.

The ACTING CHAIR: How often is that training taken up? Is that something that is regular, ongoing training? Is it a one-off? Is it all intake staff that do that?

KEVIN CORCORAN: I might hand over to Assistant Commissioner Galouzis, to specifics.

The ACTING CHAIR: Sure.

JENNIFER GALOUZIS: Thank you, Commissioner. So, just to go back one step, when people come into custody they are screened by our intake screening officers and there are a number of questions that are asked that are designed to provide an indication of whether or not somebody has a sensory, a physical or cognitive disability, and then that will trigger a referral for a specialist assessment. So that could be to a psychologist for a cognitive assessment, or our services and programs staff can undertake sensory assessments or assessments of acquired brain injury. And then, depending on the assessment of that, which is ratified by our statewide disability service, there will be an alert put on our offender information system, so that everybody in the system is aware of the specific disability for each inmate, and then services are provided in line with the person's disability.

The ACTING CHAIR: I'm referring to some of the case studies where we think people have fallen through the gaps. If somebody's condition has a dietary component or requirement to it, and it's significant and that link is made, particularly if it's a bowel issue—that sort of thing—does our system then provide for assisting people with their dietary requirements?

JENNIFER GALOUZIS: It does, yes. I might refer that to Assistant Commissioner Taylor.

LEON TAYLOR: Thanks. Correctives Services Industries produces all the meals—almost 14 million meals—in the system. That covers all sorts of diets including religious diets, therapeutic diets that deal with allergies and particular health needs. So if Justice Health identified a particular nutrition need because of someone's health, we have a kitchen—that's down in Goulburn—that deals with those specific diets and, any needs that are health related or religious related. A special meal is made for those inmates and distributed to them.

The ACTING CHAIR: If somebody gets transferred or moved, is that information passed on? Is it speedy enough? Do you think the system operates in real time or is there a process of catch-up, looking at the magnitude and the scale of the system?

JENNIFER GALOUZIS: From a disability service perspective, it's recorded on our central information system, so it follows the person everywhere they go. So whichever centre or whichever area they're accommodated in, staff will have access to that information all the time.

The ACTING CHAIR: Are you satisfied? You think that it has pretty much followed—

LEON TAYLOR: That's the same for nutrition. Particularly allergies can be life threatening if someone gets a meal that can change allergens. Particularly with religious diets as well, it's important that the people that need a particular meal receive that. So we keep all those meals ready on hand.

The ACTING CHAIR: Do we have facilities that are disabled purposed? If somebody has particular physical or high physical disability needs, do we have facilities across the State that can house them?

LEON TAYLOR: Yes, we do. We have the ASU—the Additional Support Unit—at Long Bay. It's where inmates with a disability are housed as a separate cohort. Throughout the system, depending on inmates' disability, we have a number of accessible cells. If someone has a physical disability but they are otherwise able to be housed with a mainstream cohort, then those arrangements may be in place to place them with a mainstream cohort, with particular infrastructure selections for their particular disability.

The ACTING CHAIR: I'm referring to the fact that we've known for some time that people with disability are another cohort that is over-represented in the system. Is it your experience at that operational level that we are able to provide, or are we in a position where we're not keeping up with the need at this point?

LEON TAYLOR: In terms of providing the right facilities for people that present with a disability, that's not on our radar as being insufficient. One cohort that is—which isn't a disability but it's a cohort—is aged and frail inmates. We have an aging inmate population that reflects somewhat the community, so we are repurposing more areas across the system to house that cohort that have greater mobility issues to do with their age and their frailty. In the next couple of months, we will be repurposing, I think it's 38 beds at the MRRC to deal with fresh receptions who may be aged or frail so we can provide for their specific mobility and other needs to do with their age and frailty.

The ACTING CHAIR: If a family feels like their family member is not being accommodated in the best possible way for their condition, what's the best mechanism? What's the best thing they can do to draw that to attention and try and get remedy? Is it coming to someone like me so we write to you, or is it coming straight to you? What's the best process?

KEVIN CORCORAN: Often just getting in touch with the governor of the facility would be the best process. If they don't have the capability within that facility, then they can talk to staff that work in the offender management programs area and get that person moved to a more appropriate location.

The ACTING CHAIR: Is your system that you believe the governor is the best place, or is there any check and balance on that or measure or accountability to see whether those complaints are being dealt with?

KEVIN CORCORAN: I guess they're not a complaint. They're just asking for appropriate treatments. Yes, I would see the governor as the person who would be best placed to deal with that in their facility.

The ACTING CHAIR: If there's a complaint or a communication made to Justice Health, do you become aware of those? Is that something that's in your system and on your radar, or do you treat that as something very different?

KEVIN CORCORAN: Generally we work very, very closely with Justice Health. So if they had an issue with the provision of service to a particular person with a disability, they would be speaking to us, either at the facility level or at the more senior level.

The ACTING CHAIR: How many messages, concerns, complaints, records are made to you? Just give us a wild estimate. How many are made to you or your governors about people with disability, in need of assistance, or not having what they believe they need?

KEVIN CORCORAN: I personally don't get a huge amount. I get complaints from people about placement, generally, as opposed to, you know, they want to go to another facility, or the parents would like them closer to them or something of that nature. But in terms of disabilities, not a huge amount, but I would have to take it on notice in terms of the numbers that are coming through to governors or to senior personnel in the agency.

The ACTING CHAIR: Probably the last point on this is what is the chain of custody for that mechanism to make sure that people—if somebody comes and says, "Our family member has got these needs and they're struggling and they're suffering", is there a way of looking at that systemically about how we might be addressing those needs for the next person and the next person, or do we just treat these as isolated concerns?

KEVIN CORCORAN: Not at all. As I mentioned before, we've got this statewide disability service whose whole focus is on delivering services to people with disabilities in the system. So it's not a mechanism that only deals with an individual; it deals with system-wide issues. Anything else to add to that, Jen?

JENNIFER GALOUZIS: No.

The ACTING CHAIR: Is it connected with the NDIS? Is there a relationship there with your systems and services and the NDIS?

JENNIFER GALOUZIS: Not directly, but staff in that statewide disability service play a key role in working with people in custody to help them get access to the NDIS. So they help them fill out the forms and get the paperwork ready to enhance their access to the NDIS, but the two systems don't communicate directly. But we do keep information on our system if somebody is registered with the NDIS and has access to services through that system. We keep that information and we also assist people to get access through that process, and we work with providers as well in the community to make sure that they're as skilled and as equipped as possible to work with people with a disability coming out of custody. So we're engaged with the NDIS and a number of touchpoints in the process.

The ACTING CHAIR: In the research at the moment there is a suggestion that people with disability are kept in isolated confinement at quite high levels. Do you have a particular practice around that—or a policy, or a procedure—and is that something we try to avoid?

KEVIN CORCORAN: There's no policy per se, which says we put everybody with a disability in this area. No, they're definitely spread throughout the system.

LEON TAYLOR: Very much our preference is to make adjustments in normal placement, be that in a protection area or in a normal cohort, to support people's disability. If it's cognitive impairment, they may end up in that unit that I mentioned earlier, but where it's possible to make an adjustment within an existing wing, we house people with a disability in our normal wings with appropriate adjustments in place.

The ACTING CHAIR: Do you feel that Corrections staff, beyond intake, are appropriately trained to be dealing with people with disability? Again, there's a body of work that's suggesting that people incarcerated with a disability are more susceptible to instances of intolerance, leading to bullying of those people by staff and others.

KEVIN CORCORAN: There is, yes, a vulnerability there that we have to be careful of and that's where the placement issues come into play. We certainly have got very comprehensive assessments about whether people are going to be vulnerable if you put them into a mainstream environment and, consequently, we're very careful about placement from that perspective.

JENNIFER GALOUZIS: I'll just add that there was a study published recently by Julian Troller from the University of New South Wales. He actually found that Corrective Services NSW is actually better than Health at identifying cognitive disability with people coming into the system. I guess that indicates support for our processes and that we are actually quite good at detecting that at the reception process.

The ACTING CHAIR: I think that was the same study that found that there are high incidences of these people being kept in solitary confinement. But, yes, that is extremely good to know. Have you had to take any disciplinary action against anybody—I know that definition can be quite broad, but any action against anybody that has been found within the system for, perhaps, unfairly treating somebody with a disability?

KEVIN CORCORAN: I've not heard of any disciplinary action taken against anybody, but we can certainly take that one on notice because we could be talking 10 or 20 years ago. I wasn't around then. It may have occurred.

The ACTING CHAIR: Well, I'm talking perhaps more recently—in the last five years, I suppose. Because it's just that the studies are finding that this is a tendency. But if it's happening but we're not addressing it and we don't have actual instances of addressing it, that would perhaps suggest that it's not—

KEVIN CORCORAN: Detected, possibly.

The ACTING CHAIR: Yes. That would be good if we could know. Because if it is happening, then obviously it's important that it is being addressed. Obviously I don't want to know the names of anyone.

The Hon. TARA MORIARTY: I'm going to come back to the cultural issues with staff and we're going to rehash the stuff we did this morning, but I do want to ask about a couple of things, including the most recent people matter survey that was conducted across the department. From reading this, most of, or a big chunk of, the respondents were from Corrections—not most but a large number, a large percentage. There were quite a few concerns raised, including the fact that—I assume you've seen the review, all of you?

KEVIN CORCORAN: Are you talking about the DCJ review?

The Hon. TARA MORIARTY: Yes.

LEON TAYLOR: It's just turned up.

KEVIN CORCORAN: It's only just arrived.

The Hon. TARA MORIARTY: Custodial Services were the most respondents, so it's safe to say that some of the issues raised have come from Corrections. One of the concerning things was that only 48 per cent of respondents felt that, if they raised a grievance in their workplace, it would be handled in a fair matter, which is a drop since the last time. Following up from the stuff that I asked about earlier—and I know that there's a report due, but that's a pretty crazy figure. Less than half of the staff who have responded feel like it'll be dealt with.

KEVIN CORCORAN: It's not a report. We're actually looking at what we can do about that and how we can address that and how we can make that a very different landscape going forward in the future.

The Hon. TARA MORIARTY: What are the things that will do that? I'm not talking about—although it probably is joined for some of the respondents—specifically the workers comp or harassment issues. But 48 per cent of your staff who've responded to this feel like they just won't have their issues dealt with.

KEVIN CORCORAN: Yes. Well, I think what we're looking at going forward in the future is providing skill sets for staff at the workplace—the managers at front line to be able to deal with these things very quickly and to get them out of the way. At the moment there are a lot of referrals going through to our professional standards branch that take a long time to deal with. We are looking at ways in which we can have a much more efficient and effective delivery of service to staff who have a grievance or have a complaint about harassment or sexual harassment in the workplace.

The Hon. TARA MORIARTY: Why is the stuff that goes to the professional standards branch taking so long? Is it not resourced enough? Are there too many complaints?

KEVIN CORCORAN: I have doubled the number of staff over the last 12 months there, but I think too many complaints coming forward and not enough being dealt with at the coalface. One of the other things the secretary has been able to do for us is give us a whole range of HR business partners that will be out in the field helping managers deal with some of these issues. We have a plan that we will be able to brief you on shortly. We are really looking at making sure that we build the skill sets of our managers in the field to deal with these issues as rapidly as possible and to get them resolved quickly. I have been, as recently as last week, talking about this with the executive director of HR for DCJ to see if we can work together to come up with a strategy to really supercharge the way we deal with these sorts of things in the workplace.

The Hon. TARA MORIARTY: I will wait for the briefing for the details, but is this generally in terms of management training—from governors down through to executive teams inside individual facilities—to be able to manage people better, to know where to send these kinds of issues so that people don't—

KEVIN CORCORAN: Yes, it is a whole repertoire of strategies that we are going to be putting in place to support staff, to support managers, to have staff feel more confident to come forward. So we anticipate there will be a lot more staff coming forward as well and reporting.

The Hon. TARA MORIARTY: That's a good thing. We want this stuff to be flushed out.

KEVIN CORCORAN: Yes, and we want to have effective mechanisms for staff and support for staff who come forward as well.

The Hon. TARA MORIARTY: Yes, because, as I referred to earlier, that is certainly a big gap.

KEVIN CORCORAN: That is right.

The Hon. TARA MORIARTY: One of the other things that is concerning that has come up in this survey is that in the last 12 months 19 per cent of employees say that they were aware of misconduct in the organisation, 24 per cent said they witnessed bullying, 16 per cent said they experienced bullying and 6 per cent experienced sexual harassment. These are just people who have bothered to complete the survey. We have talked about the bullying and harassment stuff. I acknowledge that there is work being done on that. But I am concerned that 19 per cent of people say they have witnessed misconduct. What is that about?

KEVIN CORCORAN: How do you mean what is it about?

The Hon. TARA MORIARTY: I assume that would be something you would want to be looking into. That is concerning.

KEVIN CORCORAN: Yes, it definitely is.

The Hon. TARA MORIARTY: Staff are saying, without providing specific details—

KEVIN CORCORAN: We want staff to come forward and tell us about these things, but they need to feel confident that we are going to do something about it and make sure that they are not suffering any retribution for coming forward in the workplace. These are the issues we will be working on over the next four or five years to get this right. We've got a big system. We have 6,500 people working in correctional centres and another 6,000-odd working in other offices around the State. There is a lot of work to be done, but we have been listening to staff. As you say, we did a lot of listening. We have done a lot of listening over the last couple of months to senior executives in the agency as well.

MICHAEL TIDBALL: If I may just add, in respect of the PMES data and report just released, I am looking right across the department. Clearly Corrections and Commissioner Corcoran and I are talking. Those results are very important. They are new. There are a couple of challenges for us. One is to look at the impact with—for something like engagement, we had the COVID period. Curiously we had higher engagement during

that period. It has come off slightly. There are challenges specifically for Corrective Services, but there are challenges right through. You would be aware that one of the new measures in there pertains to burnout, but we don't have context on that. But the point I make is that please do not think that those results are in. They haven't been in for that long. We will, at a granular level, be working through them very carefully, and also looking at how we can better, from the corporate centre of DCJ, support Corrective Services where it has particular results which we wish to uplift in the next survey.

The Hon. TARA MORIARTY: I don't know if this has been publicly released—it has obviously fallen off the back of a truck to me—but how will you get more specific information about the things that have been raised?

MICHAEL TIDBALL: That's a good question. The board of DCJ—which is the deputy secretaries, the commissioner and myself—meet, and we are in that process. We've started doing it, but we'll be doing it with increasing detail—we'll do a number of deep drills into the data. We'll choose the areas where we think there is a particular need to focus and we will interrogate that data, because we want to see those results move in the areas of concern next year.

The Hon. TARA MORIARTY: Yes, I think it's in everyone's interest. Like I said, just short of 20 per cent of people have reported that they've seen misconduct, but they don't seem to be reporting it. I think I phrased it the wrong way around—48 per cent of people felt that their grievance would be handled, so it's 52 per cent that feel that it won't. Both of those things are quite damning. Will both of you be drilling down into the details of where this is coming from? Again, it's really serious stuff. People say they've seen misconduct, they don't feel there's anywhere to go and 52 per cent of people feel like it won't be dealt with.

KEVIN CORCORAN: We've also conducted our own survey recently about how people feel about the organisation, and we had about 1,800 respond to it in about two weeks. There's a depth of feeling out there, and we understand that. That's why we're developing plans to deal with this. Sorry, Secretary.

The Hon. TARA MORIARTY: Can I have a copy of that survey?

MICHAEL TIDBALL: I clearly am very comfortable with that, but I would add that—

The Hon. TARA MORIARTY: Sorry, I'm just going to re-ask the commissioner: Can I have a copy of that survey?

KEVIN CORCORAN: You will see the high-level response shortly.

MICHAEL TIDBALL: I would want to be secretary of an organisation where clearly the truth is important, and having measures and surveys and instruments that tell the truth is important. I also want an organisation where people feel able to tell the truth. Although we will interrogate the data, clearly one of the really beautiful things about the PMES is it's entirely anonymised. It's important that we have a culture that also allows for that.

The Hon. TARA MORIARTY: Absolutely, but we need the follow-up because, as I've said, those are quite significant numbers and people certainly reach out to me with those concerns. The other number that sticks out is that only 60 per cent of respondents feel a sense of wellbeing and feel good about going to work. That's not great. The integrity staff are saying that they've seen misconduct. That is important in every department, but it's particularly important in a department where they're responsible for overseeing people who have done the wrong thing and are paying the price for it. We need a very high level of integrity in that area, so I look forward to seeing the results of both of those follow-ups. Some community legal centres and other legal organisations have sent in a few questions that I have promised that I will ask. One of the main complaints from across the State is that they can't get access to their clients to provide representation in a timely manner. I understand those questions may have been sent Mr Corcoran or to the Minister.

KEVIN CORCORAN: I have regular meetings to hear about this, yes.

The Hon. TARA MORIARTY: Yes, I don't know if it's you or the Minister, so you might already have a prepared answer. But I raise it because it is concerning, and people are entitled to access legal representation. Is there an issue?

KEVIN CORCORAN: Yes, there is an issue. Unfortunately, it's something that was happening during the COVID lockdowns. The MRRC and Silverwater Women's were the epicentre of how we dealt with COVID. Unfortunately, the staff in the MRRC had to cope with people coming in off the street and isolating. If they were COVID positive, they had to work in those centres with full PPE all day long. It was very difficult. We tried to come up with other solutions utilising mobile phones, which was an innovation we thought might work. We had all sorts of trouble with signals and things of that nature.

The local officers came up with another idea where they would have the phones that were normally attached to the walls, and they would get a big long cord and then wheel them around to the cells where obviously they get a better signal and better conversation. We were trying absolutely everything, but you can imagine how difficult it was for those staff trying to get around to individuals in cells to provide them with that service when their legal officer wanted to speak to them. We also tried to put in place a situation where we had one single person they would contact in the centre and then try to get access to their clients, but it was incredibly problematic during that period. The officers at the MRRC and Silverwater women's did a pretty magnificent job of trying to deal with it because, as I said, we were using those areas not only as the hub for remand and reception but also the hub for dealing with COVID-positive inmates.

The Hon. TARA MORIARTY: I understand the issues during COVID—not that we're out of COVID yet—but it's a different situation now. Are these issues fixed? Are people able to have timely appointments with legal representatives?

KEVIN CORCORAN: That shouldn't be a problem now. It certainly was three or four months ago. But, from my perspective and from my knowledge of what's happening there now, we've certainly pulled back on a huge number of restrictions in those facilities. We should be in a position where people can get access to AVL and phones much more rapidly now.

The Hon. TARA MORIARTY: The same issue has been raised about access to counselling. I talked about mental health support more generally earlier. Victim support services have raised with a number of legal representatives the lack of access to counselling. Was that just a COVID issue or a lockdown issue? Is that now fixed?

KEVIN CORCORAN: Was it any particular centre they were referring to?

The Hon. TARA MORIARTY: Particularly relating to women, but it's a broad question about access full stop.

KEVIN CORCORAN: Do you know anything about that?

JENNIFER GALOUZIS: I'm not aware of any limitations for counsellors getting access to correctional centres. There is generally pressure on having sufficient availability of counsellors for women who have been victims of violent crime or have got a trauma history being able to access those services. Generally, there's a lack of available counsellors who are willing and able to come into correctional centres rather than it being an issue at our end about not providing sufficient access.

MICHAEL TIDBALL: Can I suggest—obviously, whilst totally respecting confidentiality—that if there is additional information you can give to me, I would be very happy to have a look at that.

The Hon. TARA MORIARTY: Sure.

MICHAEL TIDBALL: I am very keen to double down and understand what is happening there.

The Hon. TARA MORIARTY: Yes, I am happy to do that. We talked briefly about Emu Plains this morning, and we have talked about it before. What's happening with the mothers and babies unit? What's happening? What are the plans? It is being reviewed, yes?

KEVIN CORCORAN: I'm very keen on making sure that that facility is used to a much greater extent than it has been in the past. The restrictions on it in the past have been that it's like a minimum security area, so we can't be putting all sorts of classifications in there. I've asked Assistant Commissioner Taylor to come up with a plan to rectify that. What we're trying to do is put a fence far enough out from the facility so it doesn't impact on the aesthetics. I've even asked for it to be painted in a certain colour so it blends in with the background. What that will enable us to do is put inmates of all classifications into that. I'm hoping we can get up to that number of about 15 mothers with their children in that facility.

The Hon. TARA MORIARTY: Is there a time line on that?

KEVIN CORCORAN: A time line?

LEON TAYLOR: I will take that one on notice. We are in the planning phase. It's a funded project, so I'll take that on notice.

The Hon. TARA MORIARTY: I have one follow-up question that I forgot to ask. Importantly, it goes back to the cultural issues. Where did we get to with the inquiry into Bathurst?

KEVIN CORCORAN: I'd better refer to my notes on this just to make sure that I get it absolutely correct. The independent review into the claims of allegations of inappropriate sexual conduct at Bathurst and

Kirkconnell was, I think, commenced in July 2022. Jane Seymour, with the assistance of Kingston Reid, conducted interviews with complainants in Bathurst and attended a site visit of Bathurst with the Government. In September 2022, following interviews with staff and a documentary review of relevant material, Ms Seymour and Kingston Reid provided their report to Corrective Services. We're currently reviewing that report but, as a first step, we've commissioned a task force to address matters raised by the review, and that task force will be supported by Kingston Reid. The task force is addressing issues concerning management's response to inappropriate sexual conduct. Obviously, this sort of behaviour is unacceptable.

The Hon. TARA MORIARTY: Yes.

KEVIN CORCORAN: We're going to be doing everything possible to make sure that we have all the mechanisms in place to sort this out right across the system. We're also looking at bringing in another expert in bullying and harassment to do a more overarching review of the whole system. That person is an academic from South Australia, who is one of Australia's leading experts in bullying and harassment.

The Hon. TARA MORIARTY: Okay. That's good. But the Bathurst report was finalised in September, so when will we see action off the back of it? I get that these things need to be reviewed, but it is really serious.

KEVIN CORCORAN: No, we've commissioned a task force to take actions.

The Hon. TARA MORIARTY: Okay. What is that going to involve, and what is the time line for that?

KEVIN CORCORAN: Obviously, there's a whole range of sensitivities associated with some of the allegations that are made. I would be reluctant to give you a time line. But I've just been advised that, because this was a preliminary report, the time line would probably go into next year for a finalisation of the process.

The Hon. TARA MORIARTY: I get that there's a lot of reviews going on and a lot of reports and a lot of work being done on fixing the culture, but I would want it to move faster when there's really serious allegations. Serious assaults have happened in this workplace. We've got to have better than "preliminary this and next year that". People are expecting proper results.

KEVIN CORCORAN: As I said, there is a task force established and we will work as quickly as we can with the legal firm that's been advised—well, we have been working with Jane Seymour.

The ACTING CHAIR: Mr Tidball, could I go back? I know you were helping the Minister earlier to answer about the denial of the UN inspectors. Would you be so kind as to just elaborate what you were sort of getting at?

MICHAEL TIDBALL: It may be helpful, Ms Higginson, if I talk quickly about the time line with OPCAT.

The ACTING CHAIR: Please do. That is exactly part of my inquiry.

MICHAEL TIDBALL: It is just a little bit of history which I think does contextualise it. In my mind, there are four critical dates in bringing OPCAT to life in Australia. The first of those is that the Commonwealth signed OPCAT in 2009. The second is that OPCAT was ratified in December 2017. Thirdly, it was due to commence on 20 January 2022, but the Commonwealth sought an extension from the SPT for implementation. It is now due to commence, as I indicated in my evidence this morning, on 20 January 2023.

One of the key elements in bringing to life and operationalising OPCAT is the creation of a national preventative mechanism. From memory, the Meeting of Attorneys-General discussed the form that OPCAT would take. In essence, what is being developed is a federated model for that mechanism. In respect of the Corrective Services facilities, that would be the Inspector of Custodial Services.⁵ Rolling forward to where the process is at now—in my evidence this morning I referred to a letter of my predecessor, which was issued to the Commonwealth on 21 February 2020. Clearly, I should stress, although I think it has been stated, that the New South Wales position is supportive of the principle of OPCAT.

The issue, as set out in that correspondence, is around the difficulties of overcoming operational issues or ensuring that there is appropriate agreement on the operational issues which need to be resolved. Second is the issue of funding. Ms Higginson, what I should also say, notwithstanding the publicity around this in recent days, is that I am communicating with the secretary of the Commonwealth Attorney-General's Department with a view to seeking to resolve the funding issues, particularly. But that is something that does need to be worked through

⁵ In [correspondence](#) to the committee received 10 November 2022, Mr Michael Tidball, Secretary, Department of Communities and Justice, clarified the evidence given.

by the Government in New South Wales. The work on the costings is proceeding and that is clearly work which is crucial. The work by the various agencies impacted is being undertaken.

The ACTING CHAIR: Do you think that it will be resolved by January 2023, operationally?

MICHAEL TIDBALL: That is a decision for government. I don't believe that I'm in a position to respond to that question.

The ACTING CHAIR: Sorry, I should rephrase that. Will the department and the service have presented everything that's required to the Minister before 2023?

MICHAEL TIDBALL: I have been asked and required by government to be doing that work or coordinating that work, and that work is well and truly underway.

The ACTING CHAIR: Operationally, have you identified that there are specific security issues that would need to be overcome? That was one of the reasons presented. Can I just premise that it's been a bit inconsistent as to the reasons. Today, we've got more concrete reasons as to why there was a denial of access. This may be a question to the commissioner, I'm not sure, but are there particular security issues in terms of allowing inspectors to come into the system and do their job?

MICHAEL TIDBALL: I know, even though I'm not a very commissioner-like figure, that there is always primacy of security in entering or visiting a facility. That is always something which needs to be carefully arranged and planned and proceduralised. That, of course, is the commissioner's role in the issuance of commissioner's directions.

KEVIN CORCORAN: We conduct security checks of people coming in and generally people are polite enough to tell us when they're coming in. Unannounced visits by people we've never seen before is not something that we would normally contemplate.

The ACTING CHAIR: So is the answer that we will never cooperate with this or that we will at some point in the future? Everybody out there realises that one of the purposes and the design and structure of the random visits is an inbuilt part of the transparency and accountability mechanism that the UN seeks to report on. Is that something that we will be participating in?

MICHAEL TIDBALL: As I have indicated, New South Wales has supported, and is supportive of, the principles of OPCAT. In terms of the operational issues, as opposed to the funding issues, the more difficult issue is that of funding, in that the New South Wales position—which has been clearly stated—is that it will cost. It is an agreement that was ratified by the Commonwealth, and the State of New South Wales seeks to be funded for that purpose.

The ACTING CHAIR: Just to be clear, with this particular delegation, Commissioner, did you advise that, "We don't have the security capacity to let them in at this point in time", or was it the Minister who said, "No, they won't be allowed in at this point of time"?

KEVIN CORCORAN: No, as I said to you, if we had people turning up to correctional centres then we would normally do security checks—you know, criminal history checks et cetera. We don't allow random people turning up to facilities unannounced to enter our facilities. That is our protocol at the moment. There are certain groups that can come along, you know, such as the Inspector of Custodial Services, who could come along and have a random visit. They have all been checked out. But just random people turning up at a facility unannounced, we're not going to allow that sort of thing to happen.

The ACTING CHAIR: Is it fair to say UN inspectors are just random people that rock up?

KEVIN CORCORAN: We don't know who they are.

The ACTING CHAIR: Okay.

KEVIN CORCORAN: We've not conducted any checks on them.

MICHAEL TIDBALL: Can I assist the Committee further by indicating that this, as I see it, was a visit in anticipation of something which hasn't yet happened, which is the go live of the arrangement.

The ACTING CHAIR: I appreciate that.

MICHAEL TIDBALL: And I think a key point in all of this is that the Inspector of Custodial Services, if it were in fact the national—sorry. There are issues of whoever was to have a role in the ongoing arrangements needing to be resourced for that purpose. So I think the point I make is that, for the purpose of supervising the OPCAT, it is not as if there will be inspectors flying in; there will be a homegrown instrument used or capability for that purpose, and it needs to be appropriately resourced so that that can occur—i.e., funded and resourced.

The ACTING CHAIR: Just for clarity, Commissioner, was it you or was it somebody else that advised that security was an issue and we couldn't let these people in?

KEVIN CORCORAN: Well, I can advise that, unless people are authorised to come into a correctional centre, we won't let them in. That is the reason they were not permitted to enter our correctional centres.

The ACTING CHAIR: And there was no sort of checking—

KEVIN CORCORAN: It was unannounced. As the secretary said, this was a preliminary visit; this wasn't the normal OPCAT arrangements. These were supposed to be preliminary visits and you would have thought that somebody would have told us who was coming and when they were coming. This is not in accordance with their mandate to have unfettered access to any facility in the country. This was a preliminary visit to just move around the country and have a look at what was going on. That's our understanding. So there was no notification to me who was coming, when they were coming, and that would just be normal protocol for anybody else.

The ACTING CHAIR: Just to be clear then, you were notified and then nobody took steps to authorise them or—

KEVIN CORCORAN: The first time I heard that something was happening was when our staff members were ringing and saying there were these people purporting to be UN delegates demanding to enter the Queanbeyan court cells.

The ACTING CHAIR: And then there were no steps to facilitate that or authorise that? I think that is the main question.

KEVIN CORCORAN: As I said, we would normally go through a process of doing criminal history checks on individuals coming into our facilities. That didn't happen. We weren't notified. Consequently, they weren't permitted to visit.

The ACTING CHAIR: Just to be clear, you do understand the very purpose and need of these particular inspections to perhaps be a bit random and for things to be able to be seen by the inspectors as they would be if nobody knew the inspectors were coming in advance? That's the very—

KEVIN CORCORAN: Yes, that's fine if the mechanism was in place. If we knew who it was that were coming in to visit our facilities on a random basis, unannounced, that's fine because that's what happens with the Inspector of Custodial Services.

The ACTING CHAIR: We expect that may be in place after next year or when the Government sorts it out and gets things organised.

MICHAEL TIDBALL: Yes. There are things, though, that will need to be worked out, and I will give you but one example. The role of the Inspector of Custodial Services as the NPM, to overcome issues of conflict, that would need to not be funded by DCJ. The arrangements around this and the detail are important for the process to have integrity and independence. It may also be helpful for the Committee to know, just for completeness, that there were discussions that ensued in the week before the visit. It wasn't just that the party arrived. There had been discussions, and it has always been very clear that the matters of resolution of the operational issues and the funding are, from the position of New South Wales, immutable.

The ACTING CHAIR: In terms of the costing—which I understand is very significant and the Premier has publicly made the point as well that it is the costing—are you aware, Mr Tidball? Have we got that figure?

MICHAEL TIDBALL: That is work on foot. I am very close to that process. That work is on foot now—actively on foot.

The ACTING CHAIR: Even though we ratified in 2017. I understand the world has been in a bit of chaos as well since then.

MICHAEL TIDBALL: If I can just respectfully add, though, that the NPM arrangements were subject to discussion by the meeting of the Attorneys-General, which took place in August. So, yes, it has been a long, slow process, but at a federated level and a national level there have been a lot of discussions that have been on foot. It was in recognition of those that the final commencement date for OPCAT was postponed to, from memory, 20 January 2023, which is the date when it is set to commence proper.

The ACTING CHAIR: Can I just go back to the commissioner's point that they rocked up on the twenty-second at Queanbeyan? It was actually reported by the New South Wales Government publicly on the eighteenth that we were not going to let access happen. So we knew in advance.

KEVIN CORCORAN: Why so did they turn up?

The ACTING CHAIR: Well, to exercise their functions, naturally. They're inspectors from wherever they have come from as part of a UN delegation.

KEVIN CORCORAN: It was a preliminary visit.

The ACTING CHAIR: Clearly, they were being good, tenacious UN officials that we would hope they would be doing elsewhere in other countries that sign up. I suppose, given the conversation earlier about the fact and the admission that our facilities don't even meet our own standards, perhaps there's something in that. Perhaps, as we all work in good faith to facilitate the UN inspection under this incredibly important United Nations framework, we will get somewhere better for next time and whatever random inspection it is. Thank you, Mr Tidball, for being so thorough about this. Moving to another topic, in terms of our rehabilitation focus, are you satisfied—there are significant issues about people held on remand not being able to access programs and people being held for quite long periods of time. Is there anything that we are doing as Corrections and Justice to try to remedy this in terms of people having access to programs?

KEVIN CORCORAN: Yes, it is definitely something that we are doing. One of our correctional facilities, the John Morony Correctional Centre, which is predominantly a remand centre, has a suite of programs that we offer remand inmates. We also give them a five-day induction process so we understand what their needs might be when they're potentially released back into the community on bail a few weeks after entry into that facility. We've also got a significant employment, or industrial, program going on in that facility as well, which is not normally the case with remand. So we are experimenting with what we can do better with remand inmates. Do you want to add to that, Jen?

JENNIFER GALOUZIS: I will add that there are some challenges in providing our traditional rehabilitation programs to people on remand because they're generally offence related. The programs are focused on the offences that people have committed and the specific drivers of that offending behaviour. When people are on remand, they haven't been convicted of their offences, so we can't deliver our traditional suite of programs. But we do have some adapted programs for people on remand. We offer a domestic violence program for people on remand and an addictions program for people on remand. They carefully don't require people to admit to an offence or address specific offending behaviours, but they can help people to address substance abuse issues or patterns of behaviour around domestic violence and also understanding DVO orders as well. We do offer those programs. As the commissioner said, it is an area of interest for us. We're looking at how we can expand programs and services to people on remand.

MICHAEL TIDBALL: If I may add a sentence, that is that clearly within DCJ, recognising that there is this ability to look at some of the levers and the interdependence of one part of the system with the other—it's not in order for me today to repeat things like the evidence that the Attorney General gave to his estimates hearing, but, clearly, there is a need for tight coordination—for the policy levers and all of the levers of the justice system and the support services to be coordinated. That is a very real focus of the department, but, clearly, it is very, very challenging work.

The ACTING CHAIR: Recently we have made some legal changes to bail. In certain circumstances we've reduced the flexibility of the court and we've mandated that bail has to be refused. Is that something that the system, on your side of it, has taken into account? In turn, is that something that you've had to plan for regarding more people being on remand? Have you factored that into your system?

KEVIN CORCORAN: We've certainly got sufficient remand beds in our system to cater for considerably more remand inmates, if required. We do take that into account when we do our planning. Our plan for the next 20 years will be looking at what will be the mix of remand and sentence and where they come from. At the moment about 60 per cent of our population come from the metropolitan area and we've got about 60 per cent of our beds in regional areas. It does make it difficult to make sure that we put people in the right place, which also makes it difficult for remand. Because the bulk of remands are happening in the metropolitan area, we are constantly having to send people off to other areas to await court appearances.

The Hon. TARA MORIARTY: I want to ask one follow-up question based on a story that has just appeared online. I just asked some questions about deaths in custody. In fact, it's now been reported that there were two over the past couple of days. From memory, and you will correct me if I am wrong, you reported six in this year. Does that make the two over the last couple of days part of that six, or is it eight?

KEVIN CORCORAN: That's a question I asked this morning. I will just confirm. The answer is yes, it does include those deaths.

The Hon. TARA MORIARTY: It includes those?

KEVIN CORCORAN: Yes.

The Hon. TARA MORIARTY: I'm going to just come back to the community corrections questions I was raising before the lunchbreak. I want to just get some information about up-to-date numbers for people, first of all, who are on community corrections orders. Hopefully you've got some sort of breakdown or you can take it on notice.

SANDRA CRAWFORD: In terms of the numbers of people on the different types of orders, I do have those for 2021-22. Is that what you're seeking?

The Hon. TARA MORIARTY: More up to date than that.

SANDRA CRAWFORD: In terms of more up-to-date figures, I would need to take that on notice.

The Hon. TARA MORIARTY: That's fine. I think the most recent published ones are up to March. That's what I have, so whatever you have between then and now. If you can give it to me broken down by the types of orders.

SANDRA CRAWFORD: Sure. We can do that by intensive corrections orders, community corrections orders, conditional release orders and parole.

The Hon. TARA MORIARTY: Yes please, and if you can do it by gender and Aboriginal people as well.

SANDRA CRAWFORD: Yes.

The Hon. TARA MORIARTY: I think BOCSAR recently reported about some results in this space. One of the things that they've reported on is a completion rate of 78 per cent. What's happening with the people who aren't completing these orders? Are they breaching, ending up in prison? What is going on with the 78 per cent?

SANDRA CRAWFORD: Yes, that's what would be happening. For those people that aren't completing their orders, they would be being breached.

The Hon. TARA MORIARTY: As I asked before to the Minister in terms of this, I understand that in 2018 we changed the laws around giving some flexibility for people on these types of orders, but I am hearing from people in the sector that there are far too many occasions where people are breaching and it's reported through but nothing is happening. I want these things to work, so I'm just interested to get some information from you about what's happening there. Is there a process in place?

SANDRA CRAWFORD: I have to say, I am also concerned in terms of that feedback that you're receiving. Within Community Corrections, we actually have a very strong policy framework in relation to how we deal with breaches. We manage all individuals in line with the conditions of their orders. There are some breaches that are considered to be mandatory breaches. In those instances, we need to report those breaches to the State Parole Authority, and then the State Parole Authority determines what response they will take to that. In terms of those orders, they are parole orders and intensive corrections orders. Instances where a breach is mandatory includes where we can't contact an offender or their whereabouts are unknown, where the offender is actually charged with or convicted with a new offence, and in terms of how we find out about those instances, that information is transferred from the police system, so the COPS system, through to our OIMS system. We get notified about those particular occurrences on a regular basis.

The Hon. TARA MORIARTY: So it should automatically get picked up, right?

SANDRA CRAWFORD: That's exactly right.

The Hon. TARA MORIARTY: If you're on an order, you are picked up by the police for breaking the law again; it should automatically be flagged in the system. Then what should happen from there? Some of them have to be reported to the parole authority?

SANDRA CRAWFORD: That's exactly right. The third area, which is a mandatory breach, is where someone tampers with or removes their electronic monitoring tag. In those particular instances, electronic monitoring of offenders under orders in the community is managed through our electronic monitoring room. They would notify the local office that the tag has been tampered with or removed. Again, in those instances, justice officers must submit a breach report to the State Parole Authority. They're our mandatory breaches. With the legislative reforms that occurred in 2017-18, with how we manage people on parole and on ICOs, there are also discretionary breaches. That's where an officer can make a decision about how to respond to a more minor breach. A more minor breach might be something like the person under supervision hasn't turned up to a scheduled appointment with a drug and alcohol counsellor and we find out about that. That's not a mandatory breach.

What would usually occur in those instances—again, this is clearly outlined in policy—is that the Community Corrections officer would need to have a discussion with their team leader about that in terms of how to respond. In terms of the framework, or what a Community Corrections officer needs to do, there are a few options available to them as well. They can record the breach and take no action. They can actually have a conversation with the person and say, "You really need to be attending your appointments. It is really important in terms of looking at supporting you to reintegrate back into lawful community life." They would have that conversation with the person that they're supervising. They can issue them with a warning. If they've missed a couple of appointments, they can escalate their response and issue them a warning. They can also give them a reasonable direction. Again, if it escalates in seriousness and the offender hasn't responded appropriately, they can issue them a reasonable direction. They can impose a curfew in certain circumstances as well.

As I've outlined, our breach framework is really comprehensive. We manage it very well in terms of the quality assurance framework that we have. Every Community Corrections officer is supervised by a team leader. We have four Community Corrections officers to one team leader. Team leaders are supervised by managers, and managers report to their directors. Certainly, in terms of Community Corrections directors, they have got a very strong focus on governance and ensuring compliance with all Community Corrections policy. Where breaches are discretionary, there is also guidance provided in the legislation and in policy in terms of how Community Corrections officers should respond. Things that they consider are things like what the impact is on the community of the offender's breach if it's a minor breach; what impact it is having; whether the person is generally compliant and this is just an aberration; and what other measures they can put in place to protect community safety.

They may need to provide the particular individual with some extra support or require additional reporting. The last thing that is available to them is whether they actually need to go back to the State Parole Authority and ask for a variation of a condition of an order. For example, if someone has been required as a condition of their order to attend a residential rehabilitation program and that's no longer relevant, the Community Corrections officer can go back to the State Parole Authority. I'm really confident that, with the legislation and our policy framework, that is very sound. If you are receiving advice that there are staff who are not compliant—

The Hon. TARA MORIARTY: No, I will put it a different way. I think Community Corrections officers do a terrific job. I have not heard any complaints about how people exercise that judgment and discretion. What I've had feedback on is that when they have formed a view that things should be dealt with in a different way, that is not necessarily always being supported. I'm happy to give you some better details offline, but it is not the discretion that is being misused; that has never been reported to me. It's the next step. All of that information that you've just given is really helpful. What is the next step if an officer feels as though something needs to be reported formally? What is the process there, other than the mandatory ones?

SANDRA CRAWFORD: Are you talking specifically about a breach report being submitted to the State Parole Authority?

The Hon. TARA MORIARTY: No, not when it's mandatory, but perhaps you might assist me if there is a place in between those two things. Certainly I've had no complaints or issues with that discretion being misused. It's whatever the next stage is.

SANDRA CRAWFORD: I think what you're referring to is that an officer makes a report to the State Parole Authority recommending a particular course of action and then the State Parole Authority may or may not follow that course of action. I would say that that is a matter for the State Parole Authority.

The Hon. TARA MORIARTY: Okay. That's what I'll follow up. Thank you. They do a good job. I wanted to, if I could, get a breakdown on the staff numbers that you have—full-time, part-time?

SANDRA CRAWFORD: Yes.

The Hon. TARA MORIARTY: How many officers have you got across the State?

The Hon. TARA MORIARTY: I do have those figures. I will just locate them. At the moment the total full-time equivalent staffing in Community Corrections is 1,807 staff approximately. I can give you a breakdown as well in terms of full-time equivalents.

The Hon. TARA MORIARTY: Yes, please.

SANDRA CRAWFORD: Our Community Corrections officers, including our seniors, we have 987.5. We have 268 team leaders. We've got 32 community engagement and cultural officers. This includes 27 Aboriginal-identified roles. In terms of our administrative assistants, we have 144.5. Our grade 3/4 administrative staff—a large portion of those actually supervise our administrative officers—we have approximately 94. In terms of our grade 9/10 managers, we have 48, and our grade 11/12 managers, we have 37.

We have 196 other roles, and those roles would be staff in central office in our strategic operations team and in our strategy team.

The Hon. TARA MORIARTY: And how many offices—not officers, but offices—have you got?

SANDRA CRAWFORD: That's a tricky question. We have over 60 Community Corrections offices.

The ACTING CHAIR: I'm just noting the time. Ms Moriarty, do you want to continue?

The Hon. TARA MORIARTY: I do. I've just got one more series of questions, which is really quick, and then I'm happy to put stuff on notice.

The ACTING CHAIR: All right.

The Hon. TARA MORIARTY: That series of questions relates to reoffending rates—I will see if I can wing it without finding my paperwork! The Premier's priority is still in place, even with the change of Premier, for reducing reoffending rates—and we're not doing that. That's a whole-of-government response rather than just Corrections, but I want to hear, from your perspective, what's not working.

KEVIN CORCORAN: I'm just wondering who you're addressing your question to. Is it me?

The Hon. TARA MORIARTY: Yes, Commissioner, and then the secretary.

KEVIN CORCORAN: I should have said Jen!

The Hon. TARA MORIARTY: Well, it was to both of you, but either one can go first.

KEVIN CORCORAN: The target was set in the Premier's priority for a reduction of 5 per cent by 2023. In the baseline year, the percentage was 26.8 per cent so we had to reduce the thing by 5 per cent from that baseline. The measure is actually the proportion of adult offenders released from custody who have a proven personal property or serious drug offence in the 12 months post release. We've had eight successive reductions in that reoffending rate over those last couple of years; that's each quarter. At this stage it's tracking reasonably well. I think the data in the last 12 months—actually, I might just refer to Jen because she is much more of an expert at explaining this than I am.

JENNIFER GALOUZIS: Thanks, Commissioner. I think I'd probably challenge the assertion that we're not doing well. The former Premier announced this priority in early 2019 and we set a baseline for the end of 2017—that was our baseline year. Between that baseline and the announcement of the Premier's priority, the rate of reoffending actually increased by about 20 per cent, so we went from a baseline of 26.8 per cent up to 29.9 per cent when the Premier's priority was announced. Since that time, since the priorities were announced and we have developed our Reducing Reoffending Strategy and implemented those strategies, as the commissioner said, we've had a continuous downward trend in the rate of reoffending. In fact, if we'd set the baseline target for the beginning of 2019, we would have achieved that target—we've had a 5 per cent reduction.

The Hon. TARA MORIARTY: How do you factor COVID into that? It's a genuine question because rates were affected by people's conditions of having to stay at home and all kinds of other things. How will that be factored in, in terms of what has to be reported for next year?

JENNIFER GALOUZIS: We started to see the reduction in reoffending about 15 months prior to COVID and the trend has continued. So there may be some effect of COVID and effect on policing practices, but it is still in line with the trend that we were observing from the beginning of the implementation of our Reducing Reoffending Strategy. With this strategy we did take a very holistic approach, a multi-level approach. We're really trying to address the rehabilitative culture that's been talked about a couple of times here—creating rehabilitative environments. We've modified the way we deliver our programs and services so that they're much more targeted to those highest risk people. So we're not spreading those resources across a broader population; we're really targeting those people who are at the highest risk of reoffending.

We're delivering services to people with complex needs, people with serious mental illness and women in custody with children. We've also got our digital technology strategy, so the rollout of the tablets, the creation of the alcoves and our capacity to continue to deliver programs and services even during interruptions like COVID. Because of that multi-level approach, we've achieved success in terms of the Premier's priority and, as I said, if it wasn't for that continued increase from the baseline to the announcement of the priority, we would have achieved the target. Not only have we achieved a 5 per cent reduction since the Premier made the announcement, but we were able to arrest that continuous increase in the rate of reoffending and achieve a consistent decrease since 2019.

The Hon. TARA MORIARTY: Thanks. I'm happy to put everything else on notice.

The ACTING CHAIR: Thank you. I will too. Thank you, Government officers, for your attendance today. The Committee secretariat will be in touch in the near future regarding questions taken on notice and any supplementary questions. On behalf of the Committee, may I also thank your staff behind you, who I know worked incredibly hard to make today possible and to assist all of you to look as good as you do.

(The witnesses withdrew.)

The Committee proceeded to deliberate.