

NSW Legislative Assembly Hansard (Proof)

JUVENILE OFFENDERS LEGISLATION AMENDMENT BILL

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Bill introduced and read at first time.

Second Reading

Ms DIANE BEAMER (Mulgoa—Minister for Juvenile Justice, Minister for Western Sydney, and Minister Assisting the Minister for Infrastructure and Planning (Planning Administration)) [10.56 a.m.]: I move:

That this bill be now read a second time.

The Government is pleased to introduce the Juvenile Offenders Legislation Amendment Bill. This Bill amends the Children (Criminal Proceedings) Act 1987, the Children (Detention Centres) Act 1987 and the Crimes (Administration of Sentences) Act 1999 to allow better management of young offenders and, where appropriate, their transfer to a juvenile correctional centre. The bill reflects recognition by the Government that some older detainees are better suited to the environment of the Department of Corrective Services, either due to the seriousness of their offence or because of their behaviour. The bill also reflects the significant changes in the profile of juvenile offenders over the past 10 years. That profile is of more sophisticated, more hardened and violent individuals, with criminal records including gang rape, aggravated assault and murder. The proposals in the bill reflect the Government's ongoing commitment to the rehabilitation of young offenders by ensuring that well behaved offenders who have committed less serious offences are not tainted by association with older, more sophisticated offenders.

Further, it is the Government's view that those older, more serious offenders are best managed in the secure disciplined environment of Corrective Services. That is the reason for the recent decision to transfer the administration of the Kariong Juvenile Justice Centre to the Department of Corrective Services. The detainees located at Kariong are the worst behaved in the juvenile justice system. They are there either due to the severity of their offence, or due to a history of disruption or violence in the juvenile justice system. A significant number are aged over the age of 18. They belong in the adult system; however, because they offended as juveniles, the Government has taken steps to introduce particular arrangements for them. The proposals outlined in the bill will facilitate the smooth functioning of the new Kariong—which will be known as a juvenile correctional centre.

Kariong Juvenile Correctional Centre will be a specialist facility for offenders in the 16 to 21 years category. The centre will accept transfers from the Department of Juvenile Justice of those older detainees who no longer fit into the juvenile system. These individuals have previously been in the adult prison system, charged with a serious children's indictable offence, or are detainees whose behaviour is such that the Director-General of the Department of Juvenile Justice is satisfied that it warrants their transfer to the adult prison system. The Department of Corrective Services already has specialist expertise in dealing with offenders in the 18 to 21 year age group—it operates the John Morony Correctional Centre specifically for such offenders. The Kariong centre will be staffed by 38 uniformed Department of Corrective Services officers who have a wealth of experience in the custodial management of difficult offenders, violent and dangerous young offenders.

The Department of Corrective Services will institute a strict discipline system of privileges and sanctions. Officers will have the disciplinary and use of force powers of their counterparts in the adult system. If an inmate threatens staff or other inmates with violence, or poses a threat to the security of the correctional centre, they may be placed in segregation. A new segregation unit will be built for this purpose. A strict system of a hierarchy of sanctions and privileges has been instituted that requires inmates to behave appropriately, comply with directions and undertake necessary education and programs to earn privileges. Should inmates act up they will lose the privileges they have earned. Those offenders whose behaviour is modified to the point where they are no longer required to be held in a juvenile correctional centre may be transferred back to the Department of Juvenile Justice. An interdepartmental committee will be established to facilitate such transfers.

Honourable members will recall that my predecessor in this portfolio, the Hon. Carmel Tebbutt, brought forward legislation in 2001 that amended section 19 of the Children (Criminal Proceedings) Act 1987. The amendment at that time, set out in the Children (Criminal Proceedings) Amendment Bill, provided that courts had to find that special circumstances existed if a court sought to order an offender to serve his or her time in a detention centre beyond the age of 18. These are young people convicted of a serious children's indictable offence—offences such as homicide, aggravated sexual assault, violent robbery and serious drug offences. That bill also provided that any person sentenced under section 19 was not eligible to serve a term of imprisonment in a detention centre beyond their twenty-first birthday, unless their date of release was within six months of their attaining that age. That legislation became law on 25 January 2002.

The amendments outlined in the current bill further amend section 19. In particular, the section will be amended to provide

for new sentencing arrangements that will provide that young people subject to section 19 orders will be required to serve their order as a juvenile offender, in contrast to the current situation of serving a section 19 order in a detention centre. This allows for such a sentence to be served in either a juvenile justice centre or a juvenile correctional centre. To reflect the primary role of the Department of Juvenile Justice in managing young offenders, all young offenders sentenced by courts to orders pursuant to section 19 orders will be sent in the first instance to the Department of Juvenile Justice. A revised section 28 of the Children (Detention Centres) Act 1987 will allow the Director-General of Department of Juvenile Justice, in consultation with the Commissioner for the Department of Corrective Service, to administratively transfer appropriate young offenders to a juvenile correctional centre.

Various safeguards are built into the bill. The Department of Corrective Services will implement the same standards as those applied to other juvenile custodial facilities, the Australasian Standards for Juvenile Custodial Facilities, with only slight variations. Juvenile inmates under the age of 18 cannot be moved from a juvenile correctional centre to the mainstream prison system without the recommendation of the Serious Offenders Review Council. When hearing such an application, the review council is required to co-opt a person who is either a current or former children's magistrate, or who is a legal practitioner of at least seven years standing with experience as an advocate on behalf of children. Such inmates are permitted to be present at any hearing conducted, and to be legally represented. Placement is one of the most complex issues in corrections—and it should and will be decided by experienced professionals on a case-by-case basis. Placing 18-year-old offenders with older adult inmates may not always be the best option for their safety and security, education and rehabilitation.

However, I can assure all honourable members, if an inmate continues to be violent, dangerous and a threat to the security of Kariong they will find themselves in an adult prison. In relation to those over the age of 18 years, which is the usual age that offenders serving sentences of imprisonment enter the adult system, the Commissioner for Corrective Services can move such juvenile inmates to the general prison population if the detainee's behaviour warrants it, if the detainee wants to be transferred, if it is in the interests of the inmate to be transferred, or if it is reasonable in all the circumstances. A further amendment contained in the bill is to be made to section 28BA of the Children (Detention Centres) Act 1987 to correct an anomaly between detainees on remand and those serving sentences. Currently, adult aged detainees—those over the age of 18—who are serving a sentence as a juvenile and commit an offence in a juvenile justice centre and who are sent to the adult prison system to serve their sentence are required to serve the balance of any juvenile order in the adult system.

However, those on remand in the juvenile system are not dealt with in the same way. The bill provides that all detainees—whether on remand or serving a sentence—will have to remain in the adult system to complete their custody. The bill will further protect the integrity of our system of juvenile detention centres. This is a system focused on dealing with younger offenders, who are more amenable to the rehabilitative programs it has to offer. I commend those who were involved in the smooth transfer within the system last week. Few transfers have been easy, and I commend the Public Service Association for the way in which it has entered negotiations with the department. I commend the bill to the House.

Mrs JILLIAN SKINNER (North Shore) [11.06 a.m.]: It is absolutely extraordinary that the Government would introduce such a serious bill at the eleventh hour of a session of Parliament, with no provision for discussion. All stages of the Juvenile Offenders Legislation Amendment Bill will be rammed through the House today. I am sure that many people will regard the bill, which is known as the blunder bill because in recent times the blunder Minister has blundered her way through the Juvenile Justice portfolio, as a further blunder. I am sorry to say that because I like the Minister for Juvenile Justice. However, there is no doubt that the Juvenile Justice portfolio has been one farcical mistake after another. This is the type of legislation one has when one does not have a Minister. I will go through the history that led to the introduction of the bill, which is in response to a situation that is now out of control. I will not go right back to the early days, but I will start with the Minister visiting Kariong Juvenile Justice Centre on 17 April 2003. The *Daily Telegraph* quoted the Minister saying:

I will personally be keeping a close eye on the situation there. Staff safety and care of the inmates are obviously very important. Education has to be a real focus for us. A lot of the juveniles were saying that it's a difficult balancing act, the safety of staff members and the duty of care owed to the young people.

They are noble words. Unfortunately, they did not reflect what happened in subsequent months. In October 2003 staff walked off the job after a colleague was allegedly assaulted by an inmate. The ministerial spokesman at the time stated that strike action could jeopardise safety and security at the centre.

On 27 November 2003 inmates armed themselves with shards of glass from broken windows. Nine offenders aged under 18 barricaded themselves in a room within the accommodation wing because they were unhappy about some aspects of the centre's management. They destroyed airconditioning fittings and furniture. Two officers suffered minor cuts and one detainee who received a minor head injury was later taken to hospital for observation. I wonder whether the Minister was keeping a close eye on the situation. After that incident the police investigated because there was more than \$120,000 worth of damage. On 7 February this year there were more inmate riots at Kariong when mattresses were set on fire in a violent incident and 20 people were treated at the scene. Five members of staff and one inmate were taken to hospital as a result of smoke inhalation. The Minister called for a full report—hardly a sign of a Minister who is in control of the situation.

More farcical incidents were revealed in a Department of Juvenile Justice incident report concerning a large group of elderly people who were admitted through five sets of electronic gates to the inner compound of Kariong. They entered the administration building, exited and then wandered towards the sullage pit area. When approached by a staff member, they said that they were looking for a cafe. The Minister made a statement on 13 September—some considerable time after the report—and said:

Four people aged in their 60s mistakenly arrived at Kariong while trying to attend a church function at nearby Baxter JJC [Juvenile Justice Centre] ... Human error allowed them into the administration block, well away from any high security areas and well away from detainees. They were escorted out, the incident fully investigated and procedures changed to ensure there was no repeat.

I feel sorry for the Minister because I think she was probably terribly badly misled. If she was not, then she did not know what was happening.

Ms Diane Beamer: You are not telling the truth.

Mrs JILLIAN SKINNER: I can tell the Minister it is quite clear that she was ignorant, then she tried to defend the indefensible, then she went into denial, then she panicked, then she went into cover-up mode and now she is into duckshoving. Frankly, this bill is about breaking up the Minister's portfolio because she cannot handle it. In the end, the losers will be the public because they expect to have a government that will deal appropriately with juvenile offenders and they expect to have a system that is free from farcical incidents involving seniors driving their buses through so-called security gates and getting into an area where visitors are not supposed to be.

I will continue to cite the litany of disasters that have happened at Kariong. On 19 July this year the *Daily Telegraph's Central Coast Extra* reported that staff were punched, head butted, grabbed in the groin, spat upon and verbally abused during a rowdy 12 hours in which fires and other disturbances rocked the centre. On 20 July two minor fires were lit overnight. Approximately 15 staff walked off the job following the incident on 19 July. The union met with the department on 23 July. The State Opposition revealed details of the State Government's refusal in last month's budget to fund \$12 million for urgently needed security projects in detention centres, including the Kariong Juvenile Justice Centre. The response by Treasury to the Minister's written request dated February 2004 for \$12.5 million was an allocation of \$229,000 for Acmena.

A short time later, on 22 July, four workers were bashed by inmates just hours after staff ended a two-day strike over safety concerns. The department accused workers of a serious breach of their agreement to return to normal duties. Police were called and two inmates were charged. On 26 July the Minister visited Kariong and was briefed by staff about problems with management. This was one of a series of briefings received by the Minister from the Public Service Association [PSA] and from a staff member who visited the Minister in her office. On 27 July the Minister advised that a visit to Kariong by the shadow Minister was "operationally not convenient".

Funny that the shadow Minister was proposing to visit but that that was not convenient! I suggest that it was not convenient because there were too many problems occurring and attempts were being made to hide them. On 22 July the department accused staff of inciting violence among detainees after refusing for several hours to unlock inmates after a two-day strike over safety concerns. On 26 July the Minister visited the Kariong Juvenile Justice Centre again, and said that the poor relations between staff and detainees had been "blown out of proportion". An extract from a report in the *Daily Telegraph's Central Coast Extra* on 27 July by Shoba Rao stated:

... despite criticisms from staff who say it has caused a breakdown in discipline, [the Minister] Ms Beamer also said she was not yet willing to review the centre's 'welfare' approach, which has seen a more lax case-management culture develop between staff and inmates.

On 13 November a press release by the Minister announced the objective classification system, which means that detainees' classifications will no longer include the type of offence they have committed. At that time the Opposition observed that the system would enable very serious offenders to have security levels downgraded with the result that Kariong detainees would be transferred into the general prison system. The State Opposition revealed a series of breaches and management breakdown at Kariong, including an incident in which a worker had to apologise to a detainee who had broken the worker's nose. On 15 September an incident occurred regarding a transfer of a teenage gang-rapist to an adult gaol after an incident. The Minister said that she had asked for advice about transferring the then 18-year-old rapist to an adult gaol. The Minister stated:

In this instance the young person was given a control order to a juvenile detention centre until age 21, an application would have to be made, they have a strict protocol in place so I'll be seeking advice on whether that was possible.

The Minister warned the Leader of the Opposition that he may have committed an illegal act by having released a videotape. Police were contacted and they investigated the apparent theft. A *Daily Telegraph* article that refers to "Club Kariong" reveals:

... claims that detainees have pizza delivered to the centre every Friday night from the North Gosford Pizza Hut.

There was also a \$1500 monthly visit by a staff member ... to buy X-Box games, adidas sports wash and sweets for the 36 juveniles ...

That indicates that the place is totally out of control. The Minister obviously has no idea about what is happening. As I have said, she has tried to defend incidents without having been fully informed about what has gone on. Obviously when the Minister is not able to say that nothing occurred, she has gone into denial and has said that issues at Kariong have been well handled professionally and appropriately. On 16 September, in answer to a question about the sexual act displayed in the videotape, the Minister stated on the ABC radio news program *Online* that she was unaware of the incident, despite having made previous statements about it.

The Minister stated that the manager at Kariong had deemed the tape to be inconclusive. Anyone who has seen the tape knows that it showed children and a baby being exposed to a convicted gang-rapist engaging in a sex act with his girlfriend during a visit and also knows that the Minister either had responded before she was fully aware of the facts or did not think the facts would be made public and confirmed. On 14 September the Minister commissioned an independent audit and investigation into procedures and a series of incidents at the Kariong Juvenile Justice Centre. In a really extraordinary move, the Minister expressed concern over the breakdown of reporting procedures that had resulted in her office not being fully informed in a timely manner of incidents at the centre.

I assure the House that the shadow Minister was fully informed of the incidents in a timely manner, because she had taken the time to visit the juvenile justice centre, find out what was going on there and consider the matter with an open mind. Of course, she was not trying to cover up what was going wrong. As shadow Minister for Education and Training I, along with the shadow Minister for Juvenile Justice, have visited other juvenile justice centres, as no doubt the Minister knows. The shadow Minister for Juvenile Justice is held in very high regard by the staff of those juvenile justice centres, because she is determined that young people in juvenile justice centres will be treated appropriately. In passing I should say that I wonder about the legality of the interim arrangements that will see juveniles held in prisons, not juvenile justice centres. The Minister might answer that in her reply to the debate.

Mr Brad Hazzard: If somebody provides her with an answer.

Mrs JILLIAN SKINNER: Maybe one of the Minister's advisers or staff could start drafting a response. I digressed because I wanted to make absolutely clear on the record that I have been to visit juvenile justice centres with the shadow Minister, and I know how well regarded she is by the staff at those centres. She is absolutely committed to going to these centres to inform herself of what is going on. I had visited juvenile justice centres well before I became a member of this Parliament. I did so in my capacity as Chair of the Youth Advisory Council and as Director of the Office of Youth Affairs, working with many young people of backgrounds that sometimes got them involved in the justice system. So this is not a new area for me; I know how difficult it is. But that is all the more reason for the Minister to be fully informed—not to be defending things without asking questions and trying to get to the bottom of what is going on.

Other incidents highlighting the ludicrousness of happenings at Kariong include detainees being given flat-screen televisions in their rooms, a ground maintenance worker being given shifts supervising detainees and a worker being forced to chaperone a high-risk detainee on a visit to the dentist in an unsecured car. Also, staff allege that management refused to initiate a search after a 28-centimetre knife was reported missing from a school within the complex. The knife was found in a hole in a common room sofa. On 20 September this year the *Daily Telegraph* reported the Minister as saying that Kariong "isn't out of control", and saying further:

For the Opposition to make that and other ludicrous claims such as "detainees are running the centre" is untrue and grossly irresponsible.

The outbreaks of violence in Kariong, the operating of Kariong in a way that really meant that the inmates were running the juvenile justice centre, and the detainees bullying the staff and management into letting them have their way make it absolutely incomprehensible that the Minister could continue to defend the centre for as long as she did. On 29 September the Premier came to the Minister's defence, saying that the running of Kariong Juvenile Justice Centre and managing violent young people is no easy task. The Premier said further that Kariong is a problem because it contains very bad young people who are there because they committed serious offences, and it is a hard job to manage them. That is correct, and that is why we must have in charge a Minister who has sufficient strength and understanding of the centre's operations to be able to meet the responsibilities. It is no good saying, "I only want nice children in the juvenile justice system." I am sorry, but that is not the way it is. These are tough young people, it is a tough job, and it requires a tough and determined approach. I am afraid the incompetence and bungling of the Minister demonstrate that she is incapable of taking the lead.

Mr Milton Orkopoulos: Talk about the bill.

Mrs JILLIAN SKINNER: I am outlining events that led to the need for this bill. I know the honourable member does not like to hear about those events.

Mr Milton Orkopoulos: Have you read the bill?

Mrs JILLIAN SKINNER: Yes. How long ago did you read the bill?

Mr Brad Hazzard: Have you prepared a speech, Milton?

Mrs JILLIAN SKINNER: Did you read the bill yesterday? You did. Thank you. It was tabled only this morning, and we have had it for only 10 minutes. I will get to the bill.

Mr Brad Hazzard: Are you telling porkies, Milton?

Mr Milton Orkopoulos: No, I did not have the bill.

Mr Brad Hazzard: You just said you did?

Mr Milton Orkopoulos: No, I did not say that. You did not hear me say I did.

Mrs JILLIAN SKINNER: No, but the honourable member for Swansea nodded his head sagely, indicating he had.

Mr Milton Orkopoulos: So I am sage now?

Mrs JILLIAN SKINNER: Yes.

Mr ACTING-SPEAKER (Mr Paul Lynch): Order! I suggest members stop making comments across the table.

Mrs JILLIAN SKINNER: I am giving some of the background to explain why the bill is necessary.

Mr Brad Hazzard: The member opposite waved around a copy of the bill and asked, "Have you seen the bill?"

Mrs JILLIAN SKINNER: Yes.

Mr ACTING-SPEAKER (Mr Paul Lynch): Order! The honourable member for Wakehurst will come to order. I will not comment on the fact that he tried to verbal the member for Swansea.

Mrs JILLIAN SKINNER: On 22 September in the Legislative Council the shadow Minister for Juvenile Justice moved a motion instructing General Purpose Standing Committee No. 3 to meet on Thursday 23 September for the purpose of hearing evidence from youth workers and staff at the Kariong detention centre, empowering the committee to hold further hearings as required, giving the committee leave to sit during the sittings of the House, nominating a number of witnesses who should appear before the committee and providing that the committee report to the House any evidence made public by the committee by Friday 1 October. On 26 September the Opposition was saying that the Minister had "lost the plot" after it was suggested that Kariong, the State's only maximum-security prison for juveniles, may be closed. Subsequently, the Minister advised of a bill to allow older trouble-making detainees at the Kariong Juvenile Justice Centre to be transferred to adult prisons, and advised that the bill would be introduced when State Parliament resumed.

The *Daily Telegraph* carried further reports of this matter later in the month. It really had a heyday with this issue. Nothing quite like this was hitting the headlines on the Central Coast at the time. My colleague the honourable member for Gosford, who is in the Chamber, would be very well aware of the local publicity surrounding all these issues. I will not relate many more of these events. It is nothing less than a litany of complaints about what happened at the Kariong detention centre. Of course, they demonstrate that the Minister had no idea what was going on. The Minister referred to the review of the Kariong Juvenile Justice Centre conducted by Mr Vern Dalton. There were questions about why the Minister sat on the Dalton report for so long, and why she did not release it when she first received it. Instead there was a cover-up. The Minister repeatedly broke promises made to release the Dalton report, until finally, on 28 October, the New South Wales upper House passed a motion ordering its release by 3 November. On 3 November the Minister announced that Corrective Services would take over responsibility for Kariong.

The Coalition—neither the shadow Minister for Juvenile Justice or any member of this House—had not had an opportunity to see the bill before I got to my feet to speak in this debate. I had had it for exactly one minute before Opposition members had to speak to it. Any member of this House who says otherwise has either been given a private copy by the Minister before it was presented to the Parliament or is not telling the truth. Any members of this Parliament who have seen the bill should let us know, because that is a matter that needs to be investigated. I repeat: the Coalition has not had an opportunity to discuss the details of the bill. We believe this has been not only a deliberate denial of our right to internal scrutiny but a deliberate attempt to undermine the shadow Minister's capacity to consult with stakeholders and apply her intellect to developing a considered response. I know the shadow Minister will deal with the provisions of the bill much more thoroughly in the Legislative Council. I commend her for sitting outside the bar of this Chamber and listening to this debate and for providing advice. The shadow Minister pointed out to me that the Minister said in her second reading speech, which we got a copy of while the Minister was speaking:

The Kariong Juvenile Correctional Centre will be a specialist facility for offenders in the 16 to 21 years category. It will accept transfers from the Department of Juvenile Justice of those older detainees who no longer fit into the juvenile system.

The Government established Parklea prison for just that purpose: to deal with 18-year-olds to 21-year-olds—in effect a youth prison. The Government is now turning Kariong into exactly the same type of establishment. Juvenile offenders in that older age group who have committed serious crimes should be sent to Parklea. What is wrong with sending them to Parklea? The Department of Corrective Services has 600 young people in that age group in prisons. The Minister is trying to create yet another type of centre that is not the responsibility of the Department of Juvenile Justice, but rather a juvenile correctional centre. There is no need for that. Young offenders can be sent to the Parklea prison.

Ms Diane Beamer: You can't.

Mrs JILLIAN SKINNER: The Minister said, "You can't". Why not have the Parklea prison set up to take 18-21 year olds? Obviously, they would not just be put in a car and transferred; they would go through the proper process. Parklea can take serious offenders in that age group who do not fit into a juvenile justice centre. The bill demonstrates that the Minister has made horrible blunders. The bill is known as the blunder bill, and it will not solve the problem. The Coalition reserves its right to consider the bill further and make a further response in the Legislative Council.

Mr MILTON ORKOPOULOS (Swansea) [11.31 a.m.]: I am pleased to follow the contribution by the honourable member for North Shore, who has made a number of assertions that were not connected with the bill but were accompanied by a

lot of colour and movement. Many of those assertions were put to the Minister in questions during the budget estimates hearings. When one remembers that the Department of Corrective Services is now responsible for more than 600 detainees who started in the juvenile justice system—virtually twice the total number of offenders in the juvenile justice system—one can understand why the Government has introduced a bill to deal with the legal and other issues that arose from Vern Dalton's report.

As Mr Vern Dalton found when he undertook his review into Kariong, the detainees at the centre are a small but challenging group who should be distinguished from the mainstream juvenile justice population. In many cases, they have committed offences of the most serious kind: murder, aggravated sexual assault, violent robberies, serious drug crime or seriously assaults of staff and other detainees. Those detainees failed to respond to the structured behaviour management programs in place at other detention centres. In particular, Mr Dalton found that legislation governing the management of young offenders is not suited to that group of detainees, finding that there are inadequate penalties currently available to deal with mature, hardened recalcitrant offenders.

The group of mature, hardened offenders who, in the opinion of Mr Dalton, ought to be in the adult system were, nonetheless, juveniles when the offences were committed. The Government is presented with a significant challenge in both appropriate management and putting in place rehabilitative measures and safeguards to facilitate their eventual safe return to society. For that reason special arrangements have been put in place to transfer Kariong to the administration of the Department of Corrective Services. As a juvenile correctional centre, Kariong will not simply be just another prison. The bill is one part of a systematic approach to the management of that group of young offenders. A working party has been established with representatives from the Department of Juvenile Justice, the Department of Corrective Services and the Attorney General's Department. That varied representation will ensure that a balance is maintained between security concerns and the needs and welfare of the detainees.

Prior to the transfer a training program was conducted for all correctional staff who are stationed at Kariong. Correctional officers were given instruction in the difference between their powers and the powers of juvenile detention officers. The Corrective Services staff now working at Kariong have also undergone the "working with children" checks as required by section 37 of the Commission for Children and Young People Act 1998. The Department of Corrective Services has developed a plan for operating the centre as a juvenile correctional centre. There are safeguards to ensure that the centre is a distinct correctional centre for juvenile offenders. For example, inmates held in Kariong will be classified, through the Corrective Services classification system, no higher than category B or category E2.

Each juvenile inmate will be individually case managed, as are all other juvenile detainees. A case management committee will review each juvenile inmate at least once every month to ascertain whether the programs being undertaken by the inmate, the inmate's security classification, and the inmate's placement should be changed. Each juvenile inmate, upon arrival at Kariong, will undergo a needs and risk assessment. The assessment will cover medical condition, risk of reoffending, literacy and numeracy skills, risk of self-harm and external threats. Following initial assessment, and subject to reasonable compliance while in the reception unit, a juvenile inmate will advance to stage two.

Juvenile inmates demonstrating ongoing compliance will be able to achieve promotion to higher stages and given greater privileges. Just as a compliant juvenile inmate will be progressed higher, a juvenile inmate who infringes discipline will be regressed to a lower level of privileges. The sorts of privileges which a juvenile inmate will be able to earn, and which could be taken away, include more phone calls per week, contact visits rather than non-contact visits, increased association with other inmates, and greater access to books, magazines, newspapers and tapes. There will be no total withdrawal of family contact. Minimum standards for access to phone calls will be established, with bonus calls allowed for good behaviour. The Department of Corrective Services will provide education, counselling in relation to alcohol and other drugs, and programs to address relapse prevention, anger management, personal development and team building.

The department considers inmate education to be particularly important. The department will ensure that Kariong offers full schooling based closely on community educational standards. Corrective Services will implement as many of the standards for juvenile custodial facilities as is consistent with the centre being a juvenile correctional centre. Corrective Services has examined those standards and believes that it will depart from those standards only slightly. Those variations will be considered by the working party. Every correctional centre has at least one official visitor. An official visitor is appointed by the Minister to try to resolve inmate complaints at the local level. The current official visitor and the senior official visitor for juvenile detention centres will maintain their roles until the legislative changes take effect.

In consultation with the Commission for Children and Young People, the working party will propose a number of persons for consideration for the roles after the legislative changes come into effect. It is not uncommon for a juvenile detainee to ask to be transferred to the adult correctional system. Special legislative provisions are in place for juvenile inmates who make such requests to be moved to an adult correctional centre. For an inmate aged over 18 years—

Mr Chris Hartcher: You don't understand any of this.

Mr MILTON ORKOPOULOS: I understand that the honourable member for Gosford is barely over the age of 18, given his attention deficit problems. For an inmate aged over 18 years the Commissioner of Corrective Services will consider the request. If, however, an inmate under the age of 18 makes such a request, or the commissioner believes it is in the inmate's best interests, or the commissioner believes that the inmate's behaviour is such that he or she should be transferred, such a move can occur only after a decision of the Minister for Corrective Services following a recommendation of the Serious Offenders Review Council [SORC].

The Serious Offenders Review Council is an independent statutory authority chaired by a judicially qualified person. Its main role is to make recommendations to the Commissioner for Corrective Services on the management of serious

offenders, as defined in section 3 of the Crimes (Administration of Sentences) Act 1999. That safeguard will give the public confidence that such an inmate will be removed to a mainstream correctional centre only for good reason. The commissioner will not need to obtain approval from the SORC before removing any juvenile inmate from Kariong to a mainstream correctional centre if the inmate concerned is aged 18 years or more.

Upon a juvenile inmate reaching the age of 21 years the Commissioner for Corrective Services will have the power to transfer the inmate to an adult correctional centre unless the inmate had, at the age of 21 years, a period of six months or less to run on his or her non-parole period or sentence, as the case may be. In addition, if the behaviour of a juvenile inmate who has been transferred to Kariong for behavioural reasons improves, there will be an administrative mechanism under which such a juvenile inmate may be transferred back to the juvenile detention system. Under the proposed administrative mechanism the Director-General of Juvenile Justice and the Commissioner for Corrective Services will agree to each transfer. Finally, the existing power of the Minister for Justice to transfer a vulnerable adult aged inmate to juvenile justice will remain. I commend the bill to the House.

Mr BRAD HAZZARD (Wakehurst) [11.41 a.m.]: This bill has serious consequences for our criminal justice system and for the many young people who will come into contact with the criminal justice system and the juvenile justice system. I have been a member of Parliament for 13 years. When debate on this bill commenced about three-quarters of an hour ago I tried to obtain a copy of the bill so that I could establish exactly what the Government was doing. However, only two copies of the bill were available to Opposition members. The honourable member for North Shore and the shadow Minister each had a copy of the bill but other Opposition members were not given one. A Labor member claimed he saw the bill yesterday, but I doubt that. It is appalling that the Government has introduced a bill as important as this on one of the last sitting days of this House and expects us to deal with it effectively.

For the past 20 minutes or so I have been looking at the Government's proposals. What is the Government proposing and why is it in this position? For the past few months the public has seen the spectre of a juvenile justice system in crisis. The problems that are being experienced at Kariong have become evident bit by bit and piece by piece. Kariong Juvenile Justice Centre staff are unable to cope with what is going on at that centre. There have been exposes about the stupidity of management under the Government, including inmates being given birthday pizzas and having access to a swimming pool. There was also the amazing spectre of a serious criminal and a young lady engaging in sexual acts in the common room at Kariong in full view of other members of the public and while children were running around in the room. That translates into a juvenile justice system that is out of control.

The Labor Government, which has been in office for the past 10 years, and the Minister responded in their usual way, that is, to put a media spin on the issue rather than dealing with it. The shadow Minister, the Hon. Catherine Cusack, did a good job of exposing the problems in our juvenile justice system. On 26 October 2004 she issued a press release detailing the history of this matter and revealing what Minister Beamer said when she was asked respond to these issues. Minister Beamer did what ministers do: she called for a report. That is the first thing that Labor ministers do when they are in trouble or they have to deal with a serious issue. She called for a report and appointed Vern Dalton to undertake an inquiry. That gave her some breathing space and things cooled off for a while. On 26 October the Hon. Catherine Cusack said:

Minister Beamer has allowed a complete breakdown of discipline and procedures at Kariong. She has ignored 18 months of warnings. She has defended the indefensible and is continuing to cover up by refusing to release the Dalton report.

The Hon. Catherine Cusack then refers to the history of the Dalton report, which is as follows:

13 September: Mrs Beamer vigorously defends management and operations at Kariong.

17 September: After a week of embarrassing revelations, Mrs Beamer announces the Dalton inquiry.

23 September: Mrs Beamer writes to crossbench MPs saying the Dalton report available next week.

25 September: Minister says Kariong may close and that she is about to release the Dalton report.

27 September: Mrs Beamer announces new legislation for Kariong.

14 October: Minister says Dalton report will go to Cabinet and be made public "next week".

20 October: Minister tells Parliament that the report is going to Cabinet and is Cabinet in confidence.

26 October: Mrs Beamer says the report is going to Cabinet but possibly not yesterday and possibly not next week.

Today, on 18 November, without any warning, the Government introduced this bill, which appears to be the Save the Carr Government's Backside Bill rather than a substantive effort to address juvenile justice issues. I am sure that no-one on in this Chamber would claim that all the inmates who enter the juvenile justice system are one homogenous group. A great number of people come into the juvenile justice system. Yesterday the Auditor-General noted in his report problems relating to the general inmate population in New South Wales. About 90 per cent of all inmates who enter the correctional system in New South Wales either have a mental illness, are addicted to drugs or alcohol or are affected by other factors that have contributed to them becoming part of the corrective services system.

Young people can only be admitted into a juvenile justice correctional facility if they are under the age of 18. Anyone under the age of 18 is not admitted to a mainstream Corrective Services prison; he or she goes into the juvenile justice

system. Anyone who was over the age of 18 at the time of committing the offence of which he or she has been convicted generally would enter the broader corrective services system. Under current arrangements, those who were under the age of 18 when they committed an offence but were over the age of 18 at the time they were convicted might end up in the juvenile justice system.

Young people under the age of 18 are dealt with differently, and for good reason. It is highly unlikely that anyone placed in the correctional system with hardened criminals would have any opportunity for rehabilitation. The rate of recidivism in the correctional system is high. In some prisons it is as high as 70 or 80 per cent of the prison population. The community must have an opportunity to consider a bill that will change the way in which we deal with young people. This bill purports to change that perspective. If that is the case it is incredible that the Government has introduced the bill with no opportunity for consultation or discussion with experts, specialists and groups with knowledge in this area, groups that might have wanted to provide input.

I suspect that this bill is an adjunct to the images that have appeared on our television screens in the past few nights. The Premier and his Government are in a terminal state. Incidents such as the riots at Kariong, an inmate having sex in front of small children—when he should not have been able to have sex at all—and inmates being rewarded with pizzas in spite of their bad behaviour have caused community concern about the Carr Government's lack of management of young people in our juvenile justice system. Honourable members may remember that the Minister did not want us to see any images of the young person having sex in the visitors' area of Kariong detention centre. The Leader of the Opposition and Kariong staff were threatened when that video was made public. But suddenly it is okay to have lots of television coverage of what is happening at Kariong. Images such as bulldozers pushing dirt into the swimming pool are meant to send a message that the system inside Kariong is getting tougher.

The Opposition is not concerned about using the appropriate level of toughness and meting out serious correctional justice to serious young offenders who cannot be dealt with in any other manner. But we are concerned that this bill is a mere adjunct to the visual spin that is designed to make the public think the Minister is suddenly managing her portfolio and the Premier is suddenly managing an area of major social concern. In fact, that is not happening. There is no question that young offenders under the age of 18 must be dealt with differently in our correctional system. I have had only limited time in which to consider the bill but, as far as I can tell, it simply converts a juvenile justice centre into a hybrid correction centre, which will have some aspects of adult corrective facilities but house young offenders. We are somehow supposed to believe that will produce a better result and that, gee whiz, the Minister will make sure the system is tougher.

I do not know whether that is an adequate solution. I think the community is entitled to closer scrutiny of this bill. I believe the Minister should defer ramming this bill through Parliament. I promise the Minister that, if she pushes through this bill and gets it wrong, the spin will last for only a short while. The first time there is a suicide or some other incident with major legal ramifications, the Minister will wear the consequences. If she believes the Premier will stand by her I remind her of what happened to Gabrielle Harrison, who was dumped quick as a flash when it suited him. The Minister should not assume that the passage of this legislation will help her stay on the Labor front bench because it will not. The bill addresses a substantive problem and should not be rushed through Parliament. It will have real consequences for real people. The Minister should back off and allow time for proper discussion of the issues.

Ms Diane Beamer: They're schizophrenic, they're absolutely schizophrenic on this.

Mr BRAD HAZZARD: The Minister, by calling someone "schizophrenic", first, demeans people with a mental illness and, second, demeans a serious debate about a very serious issue. Perhaps that indicates that the Minister should not hold this portfolio. The Minister might, if she is so disposed, answer a substantive question when she replies to the debate. The bill's objects are outlined in the overview of the bill. Paragraph (a) says that it will:

enable offenders who are dealt with under the *Children (Criminal Proceedings) Act 1987* (otherwise than by the Children's Court) to be required to service any sentence of imprisonment imposed on them either at a detention centre or at a proposed juvenile correctional centre ...

What is a "proposed juvenile correctional centre"? As far as I can tell from my scans of it, the bill does not mention that again. What is it? Perhaps it is just another indication of the Government's idiotic approach to this bill. The substance of the bill is wrong and its detail is wrong. We know only that the Minister for Juvenile Justice has had difficulties managing her portfolio. That is understandable: It is a difficult portfolio. But the Minister is making the crucial mistake of trying to ram through a bill that simply provides a framework for media spin, which is the typical Carr Government response to a substantive issue. The community deserves better. The Government must do the right thing by young people. We do not want young people to spend their entire lives in the correctional system. Young offenders should be dealt with appropriately, but the bill does not indicate that the Minister is in command of how to do that.

Ms Diane Beamer: All out at 18?

Mr BRAD HAZZARD: This bill does not guarantee that all young offenders will be out by age 18. It does not do that at all. In fact, it contains a specific provision that allows for transfer from the corrective services system to the juvenile justice system, notwithstanding that an offender is more than 18 years old. The Minister needs to address this issue in a far more substantive manner.

Ms ALISON MEGARRITY (Menai—Parliamentary Secretary) [11.55 a.m.]: The Newcastle *Herald* got it right when, earlier this week, it ran the headline "Creating a Kariong to cope with the climate". That headline appeared above a well-written

and highly informative feature article that explained very fully the Government's decision to transfer the Kariong centre to the Department of Corrective Services. In fact, the article was by one Diane Beamer. The climate the newspaper referred to is, of course, that which now prevails in the modern juvenile justice system of New South Wales. It referred also to the climate of opinion that prevails in the wider community. Like other climates, this one is subject to change, and it has changed markedly in important respects over the past decade.

One of the most significant of those changes has been in the type of young offender who has required special, high-security accommodation within juvenile justice detention centres. These detainees are classified as high risk due either to their very poor, often violent behaviour or to the extremely serious nature of their charges. The sad, grim reality is that in the past 10 years this category of detainee in the juvenile justice system has developed into a more hardened, more cynical and more difficult detainee. A large proportion of them are aged 18 years or older, which is over the age at which our criminal law regards an offender as a juvenile. Of course, they are in the juvenile system because they committed their offences when they were under the age of adult criminal responsibility. In his special report on Kariong Juvenile Justice Centre, the former head of Corrective Services, Vern Dalton, said:

There should be no illusion about the criminality of this population. They have no respect for authority or staff, or anyone else, for that matter.

Mr Dalton highlighted the fact that these young men are detained for much more serious and violent offences than detainees committed 10 years ago. His report stated:

There needs to be far greater differentiation between those offenders who can successfully be managed and assisted in the juvenile justice system and those who really should be in the adult system.

The consequence of all this is that the sorts of detainees held at Kariong have become much more difficult to manage. This is borne out by the unhappy experience to which the honourable member for Wakehurst referred that attracted much publicity. While it would be quite incorrect to attribute all the recent problems at the Kariong Juvenile Justice Centre to the behaviour of detainees, this has been a significant factor.

The climate of change has, as I mentioned earlier, also affected public opinion. There has been a marked hardening of attitudes in the general community against what, rightly or wrongly, is perceived as the overly sympathetic treatment of and conditions for these high-risk offenders. Whatever is the correct view, it is hard to argue that this special category of detainees does not require a new and special approach. That is what this bill is about. It facilitates the changes that had to be made to create a new style of correctional centre, one designed to hold safely and securely the sort of young offender I have described. As the Newcastle *Herald* also said in its preamble to the Kariong article:

The new Juvenile Correctional Centre at Kariong will be the best place to house the worst offenders.

I expected that Opposition members would not allow the facts of this matter to interfere with the debate, and so far they have lived up to my expectations. The Government's bill is the best solution for the community and deserves strong support to enable that solution to be implemented.

Mr CHRIS HARTCHER (Gosford) [12.00 p.m.]: The woman who gave us Orange Grove now gives us Kariong. The massive level of incompetence that Orange Grove reveals is matched only by the level of incompetence that we see at Kariong, and the same person sits in the ministerial chair because the Premier is not prepared to sack her until the Orange Grove inquiry is completed. This is probably the swansong of the Minister for Juvenile Justice. This is most likely the last bill she will present to Parliament before she takes her appropriate place as a backbencher. The bill is an admission of failure. The bill is saying: "I have failed. I have not been able to get Kariong under control. I have not been able to reorganise Juvenile Justice. I have to surrender and transfer my responsibility and my portfolio duties to the Minister for Corrective Services."

the bill should be called the Di Beamer (Failure) Bill 2004. Just as the Orange Grove report has and will expose lots of things about this Minister so the whole debate about Kariong has been a long litany, as the honourable member for North Shore said, of failure. Let us look at the Kariong centre that this bill relates to. If the words "holiday camp" applies to any institution, it applies to Kariong. In fact, the first act of the new Minister was to fill in the swimming pool and take out the barbecue facilities. I have a list of things that occurred at Kariong under this Minister and her predecessor, Carmel Tebbutt. One night a riot occurred at Kariong and what did the manager of the centre do? He bought cigarettes because they had rioted because there were not enough cigarettes available. He supplied them to inmates at the centre, even though most of them were under the age of 18 years. He broke the juvenile smoking suppression laws of this State.

When that complaint was raised, the department admitted it had happened but in the circumstances decided not to prosecute. This centre actually operates by breaking the law. What else do we find out about Kariong, in addition to the pizzas that were raced in there? If an inmate from Kariong was unhappy about their physical appearance they could get cosmetic surgery at Gosford district hospital, and a number of inmates did under the wonderful regime perpetrated originally by Ken Buttram, of unhappy memory, and perpetuated by Carmel Tebbutt and now by the Minister for Juvenile Justice. Inmates at Kariong did not just control the institution but ran riot. The one concern that staff at Kariong raised again and again was that management would not back them when they were assaulted by inmates. They could be physically attacked by inmates but no action at all would be taken by management.

Visits at the Kariong centre from family members were appropriately encouraged, but the department went further and paid accommodation costs at local motels for visitors. Local motel proprietors at Gosford had the accommodation bills paid by the department, not by the visitors to Kariong. A detention centre was transformed into a virtual holiday camp a

phrase that has frequently been used by members on this side of the House. On one occasion Ken Buttram was running around all excited and over the moon when an inmate who was a murderer was enlisted in the Rural Fire Service. Another inmate, who was also a murderer, applied to get into a Surf Life Saving Club. These were vicious, savage murderers. The Kariong centre was run not for the benefit of the community, not to rehabilitate the offenders, but simply to ensure that the outdated anachronistic philosophy of the Buttrams of this world was perpetuated to treat these killers, armed robbers and rapists as though they were boys who had spoken out in class at school and were put on detention.

What happened when the Minister for Juvenile Justice was sworn in as Minister after Carmel Tebbutt departed? Nothing. There was no improvement but there was a constant rise in complaints. The office of Madam Acting-Speaker, the honourable member for Peats, probably received as many complaints as my office at Gosford from staff at Kariong and Frank Baxter about being assaulted and not backed up by management. The whole system was out of control. That has been borne out by the Dalton report, yet the status of being out of control was denied repeatedly by Carmel Tebbutt and has been repeatedly denied by this Minister, until she was dragged kicking and screaming following the total failure of law and order at Kariong to actually commission the Dalton report. As a result of that report, the bill has been introduced, and that is an admission of failure on her part. The bill simply states, "I have failed. Let someone else have a go" in this case Mr Hatzistergos.

Juvenile offenders are in a different category to adult offenders in the sense that the community hopes for and places a greater emphasis on their rehabilitation. At the end of the day the primary focus of any centre is to protect the community. There needs to be an understanding of the type of people who are or were in Kariong. None of them was there for stealing or shop lifting. All of them committed serious crimes, such as murder, rape, armed robbery, or sexual assault. Within the Kariong centre violence perpetuated against staff was the norm. My office would hold more figures than the bureaucracy on these matters as so many staff simply did not even bother to report further up the line the assaults perpetrated against them because they knew nothing would happen. Yet the assaults happened on a regular basis. Recently I have received phone call after phone call from members of staff telling me that residents had locked themselves in rooms and had to be bribed to come out of their rooms, and that staff had been pushed around, assaulted and abused on a constant basis but were never supported by management. No-one backed them up. The front-line troops themselves were abandoned.

These front-line troops are members of the Public Service Association [PSA], an organisation which the Australian Labor Party now in government believes should be supported. Yet these trade unionist members of the PSA received no support from the discredited leadership of the PSA under John Cahill, and they received no support at all from the Government or the Minister. So the staff were forced to take matters into their own hands and maintain a picket line at Kariong which did not get the active support of John Cahill or the PSA. One wonders why the PSA leadership and this Government walked away from them

The position of the Coalition on this bill was put by the honourable member for North Shore, who had all of two or three minutes to present it. The bill was introduced and debated at the same time. The bill is being forced through the Parliament this day because of a suspension of standing orders of the Parliament. The bill deserves no special consideration in the Legislative Council, and the Government, of course, does not have the numbers in the Legislative Council to simply force it through. The Government can expect no co-operation in the Legislative Council when the bill comes before it.

The Minister for Juvenile Justice should admit her failure, just as she will have to admit her failure with Orange Grove. The people of this State can have no confidence in a Government that perpetuates outdated philosophies in dealing with juvenile detainees, that throws up its hands and acknowledges failure, then transfers them to the adult system when it is faced with the problems experienced at Kariong. The Minister may not have read it, but the Ombudsman wrote a report on the riots at Kariong. The Ombudsman reported that the staff were not supported. It was the staff who gave evidence to the Ombudsman. I have seen extracts from the report—they brought them to my office—and I have seen what they said: "We were assaulted. We did not get support. The whole system is out of control". But nothing happened and the problems continued to cascade.

The staff were blowing the whistle officially through the Public Service Association [PSA]—a fat lot of good that did them—and through the Ombudsman and every other legitimate avenue including, I am quite sure, the office of the honourable member for Peats, because they were complaining also to the Gosford electorate office. We had reports long before the Dalton report. We had warning lights flashing, indicating that Kariong had a major problem, yet the Minister and her predecessor tried continually to sweep it under the carpet and tried continually to kid themselves that they could bribe murderers, rapists and armed robbers into good conduct by giving them cigarettes, pizzas and cosmetic surgery, by paying for their relatives to stay at local motels, and by turning a blind eye to sex acts performed in the presence of young children.

The Government would never have acknowledged such behaviour if the Hon. Catherine Cusack had not acquired the videotape and blown the Minister apart. It has been a David and Goliath contest. The Hon. Catherine Cusack, without any resources and without any support, was up against the Minister with all the resources and support of the department and the Government. David has triumphed again. If one person can stand up and claim credit for forcing the Government into this backdown and humiliating the Minister, it is the Hon. Catherine Cusack. I pay tribute to the Hon. Catherine Cusack and to the staff at Kariong. If one name gets a cheer when you talk to the staff at Kariong it is Catherine Cusack. They are proud of her. They probably are sorry that she is not a candidate for Peats. After the redistribution Mr Della Bosca—this is exclusive to this House—has the numbers for preselection in Peats. There will be a lot of talk about that another day.

Mr Tony Stewart: We'll send Marie Andrews after you.

Mr CHRIS HARTCHER: I am pleased to acknowledge the interjection of the honourable member that the honourable

member for Peats will stand against me in Terrigal. I would definitely look forward to it. The Kariong facility has existed for many years. Originally it was Mount Penang and it is now Baxter and Kariong. It has had excellent administrators, one of whom was Laurie Meagher, an outstanding administrator. Up until 1995 it was well run. From 1995 it has gone downhill because of the reinstatement of the Ken Buttram give-them-everything-they-want philosophy, the failure of the Government to rein them in and the failure of the Public Service Association under people like John Cahill, a man who has never been a public servant but was roped in from the Transport Workers Union to head the PSA as part of the right-wing push to take over the PSA. John, of course, will soon be in the Legislative Council telling us what a great job he did in the PSA. I oppose the bill.

Mr ANDREW HUMPHERSON (Davidson) [12.14 p.m.]: Juvenile incarceration is one of the most important responsibilities the Minister or the Government can have. The juvenile correction system deals with offenders who should be under the age of 18 who have committed serious crimes. They are in their relatively formative years and the community believes they have a chance. If the circumstances were suitable many offenders in the juvenile justice system could leave the system, return to the community and lead law-abiding lives. However, the reality is different. Most offenders who go through the juvenile correction system have been there more than once. I understand that more than 80 per cent of them, if not 90 per cent, will spend time in an adult gaol, if not for the sentence that put them into the juvenile justice system then for the commission of further crimes. Sadly, most of them will continue to commit crime probably for 20 years. Inevitably the bulk of those who go through the juvenile justice system will be in and out of gaol until they are in their late thirties or early forties.

The typical cost of incarcerating one offender for one year is \$60,000 to \$70,000, which overall equates to millions of dollars. Any opportunity to rehabilitate an offender in the juvenile justice system and put that offender on the straight path should be grabbed and used. The environment in the juvenile justice system is crucial to encouraging rehabilitation. Offenders in the system with some prospect of rehabilitation who are influenced by murderers, serious sex offenders and offenders over the age of 18 and perhaps as old as 21 are not in an environment conducive to rehabilitation. The influence of such offenders on younger offenders is extraordinary and does nothing to assist their rehabilitation. The Opposition believes that allowing adult offenders over the age of 18 to remain in the juvenile justice system is contrary to all reasonable principles of rehabilitation and the management of young offenders. Sadly, many offenders under the age of 18 inevitably will re-offend upon their release. But a proportion of those who receive guidance and support must respond to rehabilitation in the juvenile system and return to society having learned their lesson and having been put on the straight and narrow.

The juvenile justice system houses some of the worst offenders. They have either committed serious offences or they are repeat offenders of enormous magnitude. For the system to work there must be discipline, punishment, and an environment conducive to rehabilitation and deterrence. Several years ago I visited Kariong and I have no doubt, as the honourable member for Gosford said, that in every respect it is a holiday camp. Once you go through the external fence and the main entrance to enter the central area there is little to differentiate it from the typical school sport and recreational camp, except its high quality. It has a pool, which was filled in yesterday, tennis courts, basketball courts, and a fantastic, well-equipped gymnasium.

The detention centre offers a standard of living that ordinary people almost would aspire to because food, clothing, good accommodation as well as various facilities are all provided. It is a centre that provides very little incentive by way of deterrent. The honourable member for Gosford's observation is spot on: it is a facility that can be seen as nothing but a holiday camp.

Ms Diane Beamer: Who built it, and who planned it?

Mr ANDREW HUMPHERSON: The running of the centre and the way that privileges are managed quite clearly are contrary to the expectations of the community. The legislation before the House does not fix the core problem of separating inmates who are under 18 years of age from those who are over 18 years of age. This legislation has been designed to deliberately cloud the issues. It is a sham, a cover-up, an attempt to punish whistleblowers and an attempt to try to keep the lid on a series of embarrassing incidents that extend beyond Kariong to other juvenile justice centres in New South Wales. Bringing legislation into Parliament at the eleventh hour and filling in the swimming pool are measures that are designed to protect the Minister's hide and the reputation of the Government.

This legislation is an attempt to put a spin on the incidents that have been occurring and it is a cover-up exercise that is similar in scale to incidents that occurred in 2001. Approximately three years ago the Children (Criminal Proceedings) Amendment (Adult Detainees) Bill was introduced in response to concerns that were raised in 2001 about serious adult offenders aged over 18 years and up to 21 years of age who were still at Kariong and who were ringleaders in trouble that had occurred there.

Belatedly, after pressure was applied by the honourable member for Gosford and other members of the Opposition, the Government introduced legislation with great fanfare, suggesting that it would fix the problem. The Government decided to move serious offenders over the age of 18 into the adult gaol system, which is where they should have been, and the Opposition supported the Government's move as appropriate. The legislation was passed, but the reality has been anything but what the legislation was designed to achieve. There were so many caveats attached to the legislation that it has not been utilised to the extent that it could have been and should have been. Very few detainees over 18 years of age have been moved into the adult gaol system. The legislation was designed by the then Attorney General, Jeff Shaw—a name that should ring a bell—and by the then Minister for Corrective Services, Mr Bob Debus.

The legislation was a complete sham. It was deliberately crafted to ensure that nothing would change. It was all part of a

charade and it was based on nothing but Government rhetoric about adult serious offenders being moved out of Kariong. The reality is that very few of them were moved out. The legislation provided so much room for the exercise of discretion by courts, which did not support the movement of offenders who were over the age of 18 years to the adult prison system, that it constituted a natural barrier against applications being made by the Minister to have such detainees transferred. During the period since its introduction, very few applications have been made by the Minister for Juvenile Justice for the transfer of detainees. The ability and will of the Government to move adult detainees out of Kariong has been destroyed by ideologically-based policies that are designed to keep offenders in the juvenile justice system, regardless of age, while turning a blind eye to the crimes that are being committed. The situation is as simple as that.

The Minister during her reply should clarify who is now in control of Kariong. Press statements have been released by the Minister for Justice, but legislation has been introduced into this Parliament by the Minister for Juvenile Justice. Even the provisions of the legislation do not make ministerial responsibility clear. Members of this House have had less than an hour to examine the bill and consider its full implications. That is unsatisfactory because the bill purports to amend several other statutes, one of which is the Crimes (Administration of Sentences) Act. The Minister should address in her reply who is ultimately responsible for this legislation and where the buck will stop. If something goes wrong concerning a detainee in Kariong who is 17 years of age, or 18 years of age, or 19 years of age, after this bill is passed, will the Minister for Justice be answerable, or will the Minister for Juvenile Justice be the responsible Minister? The fact that the legislation does not make clear which Minister is the responsible Minister gives the impression that this bill is a deliberate attempt to cloud the issues and cover up some of the mismanagement to which the Opposition has drawn attention at Kariong.

I place on the record the Opposition's attitude to staff at the Kariong Juvenile Justice Centre, staff throughout the juvenile justice system and the justice system generally, including 3,500 care and containment staff, especially whistleblowers. Staff who are prepared to come forward to express their concerns about the management of prisoners, management problems, assaults on staff and outcomes and who allow those matters to be discussed in the public arena or to become the subject of debate in Parliament, when necessary, deserve our support. Whistleblowers have been deliberately and vindictively targeted by the Minister for Juvenile Justice despite the fact that the Minister stated publicly that staff who had a problem should come to see her and let her know their concerns so that she could address them. When staff took up her invitation, what was the Minister's response?

I understand that 60 staff members went to see the Minister to tell her what was wrong at the centre, and those members of staff together with all their workmates from the Kariong Juvenile Justice Centre were sacked—without notice, without consultation, and without any consideration for their careers, their commitments, their families or their lifestyles. Those staff members were doing the right thing. They were raising concerns that they had about what was going on and the mess that exists at Kariong. They blew the whistle and, as the Minister requested, a number of them came forward, but the Minister betrayed them. The Minister in effect said, "Trust me," but she lied and she betrayed them. Worse than that, she sacked them. That indicates the calibre of the Minister who is running this State's juvenile justice system. Her actions are a disgrace.

Mr Steve Cansdell: Shame!

Mr ANDREW HUMPHERSON: In fact, "disgrace" is hardly an adequate term. It is disgraceful that a Minister would lie to staff for whom she is responsible, entreat them to trust her, and then, figuratively speaking, take them out the back and shoot them. Effectively, that is what the Minister has done. The staff who approached her were shown the door when they had done nothing but the right thing. The members of staff knew about the problems that exist at Kariong and went through the right channels to voice their concerns. The Minister's actions were designed to protect the Government's interests and the Minister's backside first, and the interests of decent people—members of staff at Kariong—came a distant second. That type of action is unconscionable, unprincipled and totally without morality, and this legislation is part of a rubber-stamping exercise.

I do not know how the Minister can face her reflection in a mirror let alone justify how she has treated staff. Her actions are extraordinary. I state clearly that if the Opposition can support and assist staff in the juvenile justice system—and their approach for assistance can be anonymous or otherwise—we will do so. If staff need support, the Opposition will do whatever it can. The principle of supporting staff is a principle that the Opposition will uphold, unlike the Public Service Association, which has abandoned them. [*Time expired.*]

Mr STEVE CANSDELL (Clarence) [12.29 p.m.]: It is with some concern that I speak to the Juvenile Offenders Legislation Amendment Bill. This is a knee-jerk reaction to problems with New South Wales detention centres that have been swept under the carpet and ignored. There have been an embarrassing string of exposures. Excuse the pun, but one of those involved a sex act in the visiting room at Kariong Juvenile Justice Centre recently. That incident started at least the public airing of the problems. Then there was the pensioner bus incident and the conflicting reports about it. The first question asked was:

How many elderly people, and what were they doing there?

The reply in the Minister's media release of 13 September was:

In April this year four people aged in their 60s mistakenly arrived at Kariong while trying to attend a church function at nearby Baxter Juvenile Justice Centre.

A Kariong admissions officer stated:

The writer observed a "large group" (the number of exactly people could not be recalled) of elderly people ... A spokesman for the group stated that "they were looking for the café." The writer at this time informed the group that they were in the wrong area, that this was a detention centre. This amused some of these people.

The second question was:

How many electronic access points were opened for the group?

The Minister told Ray Hadley in a radio interview on 15 September that the group passed through only two electronic gates. But a Kariong admissions officer said:

This group of people progressed from the outer front gate foyer area of the centre into the administration building and after a short time came back through the centre's gates (gates six and five).

A diagram of the centre shows this route passes through the following electronic access points: the boom gate entry to the property, door 1, door 2, door 5, gate 6, plus the administration building door. This is a minimum of five electronic doors and gates. The third question was:

Did they access areas used by detainees?

On 13 September the Minister said:

... claims of a busload of pensioners accessing security areas of Kariong are also untrue ... (The pensioners were) well away from any high security areas and well away from detainees.

The Kariong admissions officer said:

After a short time (they) came back through the centre's gates (gates six and five).

The area between door 5 and gate 6 is the inside compound of the centre. This area includes the swimming pool, the rockery that leads to detainee accommodation and space where detainees move from the admissions unit to accommodation. Detainees undertake programs and activities in this area. The fourth question was:

How did the group exit the centre?

The Minister said on 13 September:

They were escorted out.

The admissions officer said:

The staff report does not support this. It makes no reference to the group being escorted out. It says the group "appeared lost" and after the admissions officer told them where they were "The group left the premises."

The fifth question asked was:

After the incident was the matter properly followed up?

On 13 September the Minister reported:

... the incident fully investigated and procedures changed to ensure there was no repeat.

The Kariong admissions officer said:

This report is a directive of the centre manager dated 14/9/04.

That is, the following day. How could the Minister claim the matter was "fully investigated" when the staff report was not requested until the day after? Those are conflicts between the statements made by Kariong admissions officers and the Minister's answers. The decision to transfer administration of the Kariong Juvenile Justice Centre to Corrective Services is an admission of total incompetence in the running of juvenile detention centres in New South Wales. It is raising the white flag, admitting defeat. It also indicates the Minister is saying, "I would not listen, and I would not take into consideration the concerns raised by many of the workers with me." The Kariong workers had to continue to work and encountered the same problems—because of soft management and soft options, including rewarding detainees for their bad behaviour.

Earlier in this debate there was mention of giving detainees cigarettes. The same thing that happened at Acmena happened at Kariong: inmates played up, demanded cigarettes to be quiet and were given cigarettes to behave. That is not the way to control detention centres. That is now coming back to haunt the Minister. Giving rewards to inmates who misbehave does not encourage good behaviour. All this was despite the fact that concerns were constantly raised. These types of concerns were raised four years ago at Acmena. The staff felt threatened—in fact, were threatened—on many occasions, but received no support from the management, the department or the Minister at the time. Those concerns included an occasion on which a female worker was chased by two inmates. As gross as this may be, I will relate the detail today because it is on report: one inmate masturbated and rubbed semen into the worker's hair. Yet no charges

were laid. Assaults on officers were made without any charge being laid. This is crass. It is ridiculous that this sort of thing could happen at all in a detention centre. If a criminal offence is committed in a detention centre, the offender should be charged under the law and face the judiciary.

The soft approach has not worked. I do support rewards for good behaviour, and I do believe detention centres should be places where detainees are taught about correcting the errors of their ways and are given opportunities that many young people outside the institutions do not get. But to reward them continually for bad behaviour just to keep them quiet is a soft option, and it has not worked in any of the institutions across New South Wales. As I have said, this bill is a waving of the white flag and an admission of defeat because it hands over administration of the Kariong Juvenile Justice Centre to Corrective Services.

Mr WAYNE MERTON (Baulkham Hills) [12.36 p.m.]: I guess most people would have watched television last night and would have regarded the news about the bulldozers being sent into Kariong and filling in the swimming pool as being symbolic of a new start. Of course, that is exactly the message that the Labor Government and the Minister for Juvenile Justice were trying hard to sell to the people of New South Wales. It is strange that such a message was considered necessary, because the same Minister denied not once, but three times, to anyone who would listen to her that there was any problem at Kariong. In fact, it was more than three times that the Minister denied there was a problem at Kariong. The reality is that what the Minister was telling us was simply untrue.

Honourable members have detailed some of the problems that existed at Kariong. The reality is this: many of those problems had not been aired in the public domain. I recall that years ago problems often arose in the juvenile justice system and in the Corrective Services system but few people became aware that those problems existed. When Kariong opened in the early 1990s I understand it replaced a somewhat older detention centre at Tamworth. I think it is fair to say that up until about 1995 the Kariong centre operated reasonably satisfactorily. I visited the centre on a number of occasions and was impressed with the security aspects of that institution. It seemed to be operating as well as one could expect such a centre to function in difficult circumstances.

I am the first to acknowledge that correctional centres, whether they be adult prisons or juvenile justice detention centres, are not simple operations. The inmates obviously are not there of their own choice, they have broken the law and many of them would not be regarded as the cream of our society. Nevertheless, we have to deal with these people fairly and firmly. I do not believe that any detention institution should be about exacting retribution or revenge. Offenders are sent to gaols for punishment, not to be punished. So also are young people not to be sent to detention centres to be punished.

People are sent to gaol for punishment, but not to be punished while they are there. Unfortunately, it seems that Kariong has come off the rails. The honourable member for Clarence gave a graphic and horrific description of an incident that took place at Kariong, which I will not repeat. Under the present Minister things have gone tragically off the rails and the situation has become intolerable.

What is the Carr Government's response to these problems? It went through a period of denial, but it became obvious that people were not accepting those denials. When it became obvious that the problems were ongoing and that they would not go away, and when it became obvious that there was no quick and cosmetic fix, the Government introduced this bill. It is a specialty of the Carr Government to throw a few dollars at a problem and to hope it will go away. A quick fix will not make it go away because it is fundamentally flawed for many reasons. I will not waste the time of the Chamber by going through all the reasons. However, as I understand the situation, it is estimated that at least one-third of the detainees at Kariong are aged 18 years. If that is the situation, it is fundamentally wrong.

I believe that it is fundamentally wrong for people who are no longer children—they are not legally children—to be subject to the juvenile detention system and to be mixing with younger people. Some years ago the authorities got it right when Parklea was set up for very young offenders. Parklea was meant to be a separate institution with very high security. It started its life with the great expectations it obviously deserved. However, young adults are mixing with impressionable younger people at Kariong. Some years ago I had some experience with Corrective Services. I know that the majority of people, irrespective of their political leanings, believe that young people should be given a fair go and given an opportunity to rehabilitate. Many young people who make mistakes eventually make good following careful nurturing and counselling and having been given a chance. The situation at Kariong is entirely different. The Government has allowed younger people to be in an establishment with hardened adult criminals. Minister, that is fundamentally wrong. Today the Minister said that the Government would change the situation, but she then introduced a bill that is almost unworkable. The objects of the bill state:

(a) to enable offenders who are dealt with under the *Children (Criminal Proceedings) Act 1987* (otherwise than by the Children's Court) to be required to serve any sentence of imprisonment imposed on them either at a detention centre or at a proposed juvenile correctional centre

Minister, what is a "proposed juvenile correctional centre"? How can the Minister expect this House to ram this bill through without any consultation? How can we be expected to have the bill introduced today and decided upon today or tomorrow? The Minister talked about people serving sentences at a "proposed juvenile correctional centre", which simply does not exist. The Minister talked about people serving sentences in institutions that are non-entities—they do not exist. The Minister will have to patch-up the situation and introduce a bill that creates a juvenile correctional centre. The Opposition waits with interest to learn what she has in mind. The Minister has introduced a bill that will have long-term ramifications, and involves a very important part of the criminal justice system. For her to ram through the bill and expect the Opposition to deal with it in one day, without having the benefit of consulting with people who have expertise and experience—

Mr Thomas George: What is consulting?

Mr WAYNE MERTON: "Consulting" is a word that the Carr Government knows—it has plenty of consultants who are well paid to come up with the right answers. The Government is asking the Coalition to trust that it will create a juvenile correctional centre. Of course, no details about that have been provided and the centres simply do not exist. A further object of the bill states:

(b) to modify the scheme established under the *Children (Detention Centres) Act 1987* for the transfer of juvenile offenders between detention centres and correctional centres, and

(c) to provide for the management of juvenile offenders within the correctional centre system under the *Crimes (Administration of Sentences) Act 1999*, including, in particular, the establishment of juvenile correctional centres within that system.

If the Minister had administered the situation at Kariong properly, if the Minister had ensured that the people who should have remained there did so, she would not be in this mess. She is the author of her own harm. The Minister rushed through this bill following graphic television footage of a bulldozer filling in the token swimming pool. It was riveting stuff—the Carr Government on the job, the proactive Minister solving problems relating to juvenile detention centres. The solution is a lot more than getting a bulldozer to fill in a swimming pool. This bill is important. Quite rightly, the honourable member for North Shore, who led for the Opposition in this debate, reserved the Opposition's position. We want to consult with people who are involved in this important part of criminal administration in New South Wales. We want to speak to people who have had experience in juvenile justice centres and know a lot more about them than does the Minister or other members of the Carr Government. We are to be denied that opportunity. "Consultation" is a no-no word for the Carr Government. Again, this process is a denial of people's rights.

[Interruption]

Day after day, bills have been introduced in this place and people's rights have been denied. People should have the freedom of choice, including whether they can go shopping on Boxing Day. The same principle applies in this bill: it is a denial of rights. The Opposition listens to the people. We will take no notice of the interjections by the honourable member for Bathurst. He is a lovely fellow, but he is misguided. He was misguided when he joined the Australian Labor Party. I thought he was smarter than that. He made that fundamental mistake and he has not reformed yet. But there is hope for the vilest offender and the vilest sinner to come home. We will not pray for him, he is a lost cause.

Minister, there are serious problems in juvenile detention centres. However, introducing this bill and ramming it through the House within a day is not fair to the stakeholders or to the administration of justice in New South Wales. In some respects, the Opposition believes the bill could be unfair to some offenders, and that needs to be analysed. The simple reality is that people over the age of 18 should not be in close contact with younger offenders. Let us hear more details about the proposed juvenile correctional centres. It would have been fairer if the Government had given the Opposition more time to consult. In the past changes to the heart of the juvenile justice system were done through a series of papers that were put out to the community for consultation. The community was allowed a reasonable time—sometimes three or four months—to consider the papers, to reply and to make submissions. The Opposition works with the community. The Government does not want to do that; it is dictatorial and it is not prepared to consult. It is looking for a quick fix for this mess. The Minister is the author of her own harm. There is no quick fix. The Opposition reserves its position.

Ms DIANE BEAMER (Mulgoa—Minister for Juvenile Justice, Minister for Western Sydney, and Minister Assisting the Minister for Infrastructure and Planning (Planning Administration)) [12.50 p.m.], in reply: It is difficult to work out the position of the Opposition in relation to this issue. Every Opposition member who contributed to debate on the Juvenile Offenders Legislation Amendment Bill has taken a different stance to the way in which offenders should be dealt with. The honourable member for Baulkham Hills said that this bill might be unfair to offenders over the age of 18. The honourable member for Davidson said that as soon as a young person turns 18 he or she should be removed from the juvenile justice system. I have heard a number of contradictory statements. The Hon. Patricia Forsythe, a member of the Legislative Council, made reference to the Government's amendments to the Children (Criminal Proceedings) Act, which provide for the automatic transfer of offenders convicted of serious indictable offences when they turn 18, except under special circumstances. In that debate the Hon. Patricia Forsythe said:

In any review we must be mindful that some young people who commit horrible crimes have particular needs and that transfer to an adult prison will present special problems for them.

She was advocating that they should not be transferred. Other Opposition members said that they should be transferred; that they should be transferred at some stage; that it is unfair; and that they should not be transferred. Opposition members have no idea. The Hon. Patricia Forsythe went on to tell the upper House about a particular case involving a detainee over 21 who she said should be kept in the juvenile system. This Government ensures that detainees leave the system when they turn 21. The Hon. Patricia Forsythe said that the age of this person would have required his transfer to an adult prison. In some circumstances we look beyond the letter of the law and we consider special circumstances.

As I said earlier, I am not able to establish what Opposition members really want to do. Are they clear on this issue? Do they want to transfer detainees at the age of 18, or do they not? Opposition members do not have a clue. They do not know where they stand in relation to this issue. They might get their act together, but this Government is not waiting for them. It has important things to do. It has to implement legislation to ensure the efficient and effective operation of Kariong. That centre must operate effectively. I am pleased to commend this bill to the House. This bill will ensure the secure operation of the Kariong centre. The Government's proposed amendments will ease the transfer of detainees from

the juvenile justice system into the adult correctional system. I thank the honourable member for Swansea and the honourable member for Menai for their contributions to debate on the bill. I said in my second reading speech:

The Government is pleased to introduce the Juvenile Offenders Legislation Amendment Bill. The bill amends the Children (Criminal Proceedings) Act 1987, the Children (Detention Centres) Act 1987 and the Crimes (Administration of Sentences) Act 1999 to allow better management of young offenders, and where appropriate, their transfer to a juvenile correctional centre.

The bill reflects a recognition by the Government that some of the older detainees are better suited to the environment in the Department of Corrective Services, either due to the seriousness of their offence or because of their behaviour.

There has been criticism about the way in which Kariong has been operated. At one stage it was described as a holiday camp. I remind honourable members that the former Coalition Government built that holiday camp and Virginia Chadwick opened it. The senior policy adviser at that time was the present shadow Minister for Juvenile Justice, the Hon. Catherine Cusack. The Kariong Juvenile Justice Centre, which has been condemned in every report, was planned and built by the Coalition. Coalition members have their heads in the sand in relation to this issue. They have not come to grips with the fact that taxpayers' money has been continually wasted retrofitting this centre. That has to stop and we need to find a solution to these problems.

The proposal in this bill reflects the Government's ongoing commitment to the rehabilitation of young offenders by ensuring that well-behaved offenders who have committed less serious offences are not tainted by association with older, more sophisticated offenders. We require a separate structure to house offenders who go into Kariong. Further, it is the Government's view that those older, more serious offenders are best managed in the secure, disciplined environment of Corrective Services. The honourable member for Clarence scared his constituents by telling them that Kariong would close and that serious indictable offenders would be transferred to Clarence. One would have thought he would have applauded this bill, which will ensure that serious indictable offenders and offenders with behavioural problems are best treated in a system that works well for them. Yesterday Opposition members said that prisoners would be transferred to Acmena, Orana, Riverina and Cobham. According to Opposition members, all those centres were going to get detainees. They sent press releases to the Riverina—

Mr Gerard Martin: And to Dubbo.

Ms DIANE BEAMER: And to Dubbo. Those press releases stated that prisoners would be transferred to Dubbo. On many occasions Opposition members issued press releases in which they said that they would close Kariong and make Dubbo the new Kariong.

[Interruption]

They are in Kariong and they will stay in Kariong. This bill will safeguard the integrity of our system of juvenile detention centres. This is a system focused on dealing with younger offenders who are more amenable to the rehabilitative programs it has to offer. The Government is pleased to introduce these amendments. They reinforce the fact that in no way has Kariong been lost from the juvenile justice regime. To the contrary, these changes send a palpable message to other detainees in our system. The centre that deals with the highest risk end of juvenile offenders now provides a compelling focus throughout the system. At the same time, these amendments will ensure that detainees will be able to be moved in and out of Kariong with appropriate safeguards. I commend the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

[Madam-Acting Speaker (Ms Marie Andrews) left the chair at 12.57 p.m. The House resumed at 2.15 p.m.]

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