

REPORT OF PROCEEDINGS BEFORE

**COMMITTEE ON THE OMBUDSMAN, THE POLICE
INTEGRITY COMMISSION AND THE CRIME
COMMISSION**

**2016 REVIEW OF THE ANNUAL REPORTS OF OVERSIGHTED
BODIES**

At Waratah Room, Parliament House, Sydney on Thursday, 12 May 2016

The Committee met at 1:22 pm

PRESENT

Mr L. Evans (Chair)

The Hon. S. Farlow

The Hon. T. Khan

Dr P.J.H. McDermott

Ms E. Petinos (Deputy Chair)

The Hon. A. Searle

FIONA ESTELLE RAFTER, Inspector, Office of the Inspector of Custodial Services, sworn and examined

The CHAIR: Before we proceed, Ms Rafter, do you have any questions concerning the witnesses' procedural information sent to you?

Ms RAFTER: No, I do not have any questions, Chair.

The CHAIR: Would you like to make an opening statement before we commence questions?

Ms RAFTER: Yes. I would like to take the opportunity to make an opening statement to the Committee. Thank you for the opportunity to appear before you today. I also have in attendance with me today the two senior inspectorate and research officers from the Office of the Inspector of Custodial Services, Ms Clara Hawker and Ms Anita Knudsen, who worked with the former Inspector, Dr John Paget, on the two reports that were tabled during the 2014-15 annual reporting period. It is, in fact, Ms Hawker's last day with us for a while as she has taken a 12-month secondment opportunity. I acknowledge before the Committee her significant contribution to the Office of the Inspector of Custodial Services thus far and wish her well during her time away from the office. Could you also indulge me as I mention my other staff in my office, who have coordinated a very busy schedule of stakeholder meetings as well as prison and detention centre visits, as I commenced in the role nearly five weeks ago, as well as the Official Visitors coordinator, who was responsible for making sure that the network of over 60 Official Visitors to adult and juvenile centres runs smoothly.

I already have had the opportunity to meet with a number of Official Visitors. I am pleased to report to this Committee that we are very fortunate to have a group of dedicated, hardworking and intelligent community-minded citizens performing this very important role in the community. The reports they provide to me are invaluable in identifying trends and systemic issues. However, I believe their most important role is to resolve prisoner and detainee complaints and issues at the local level. They do that by building trust with prisoners and detainees and by having strong and positive professional working relationships with centre management. I also acknowledge the assistance that has been provided to me by the former Inspector, Dr John Paget, who is the author of the reports and the annual report. He gave up a considerable amount of his time to ensure that I received a comprehensive handover when I commenced the role.

In addition to discussing the former Inspector's annual report for the year ended 30 June 2015, I will update the Committee on the work that I have been doing since I commenced in the role just over a month ago. I am pleased to advise that a draft inspection report on clothing and bedding was provided to me as soon as I commenced. I am hoping to be in a position to table that report before the end of this financial year. The office also has commenced a review into the management of radicalised prisoners. The terms of reference for the review are now on our website. I have visited 15 centres since I commenced, ranging from Grafton to the Riverina, and have met many of the extremely dedicated Correctional Services officers and staff as well as Juvenile Justice staff who are working across the custodial system. I have been particularly impressed with some of the industries and learning centres in adult centres and the education programs operating in juvenile centres.

I also have had the opportunity to meet with a number of stakeholders and to set up regular meetings. The office has developed a draft future work plan, which has been informed by the legislative requirements in the Act and includes liaison visits to centres, Official Visitor reports, and meetings with stakeholders. The plan will require additional resources in the office, so we are in the process of holding interviews for Ms Hawker's replacement and we have advertised for an additional permanent research officer position in the office. In addition, the network of inspectors from other jurisdictions indicated their ongoing support for the office and we have sought expressions of interest from staff from other inspectorates to assist us with a number of our future inspections.

Rising prisoner numbers remains the biggest challenge to the adult correctional system. The risks identified in the "Full House" report remain as prisoner numbers have reached over 12,600. The largest percentage growth in the remand population, capacity issues, the age of infrastructure, time out of cells, pressure on services and the impact on both staff and prisoners require ongoing monitoring and will remain a focus of the inspectorate. Thank you.

The CHAIR: Thank you very much. You definitely have had your skates on since you started. You have been nearly everywhere so far, so congratulations on that. It has been a mammoth task for you to get around to all those centres.

Ms RAFTER: Thank you.

The CHAIR: Committee members, do you have any questions you would like to ask the Inspector?

Ms ELENI PETINOS: I think a first easy one would be: How are you settling in?

Ms RAFTER: Very well indeed, and that is in large part due to the staff in the office. They were very busy during the time before I started and, as I mentioned, there was already a draft report on the table for me when I commenced. They remain very dedicated staff and have worked in developing the future work plan with me. The visits to the centres have been extremely worthwhile and there are 34 adult centres.

The CHAIR: I apologise, the division bells have rung, which means that we will have to adjourn briefly.

The Hon. ADAM SEARLE: It is a curiosity of this Committee that we can only work if we have at least one member from each House. As all members of the lower House must now depart, we must suspend the hearing.

The CHAIR: We will return shortly.

Ms RAFTER: I completely understand. Do not apologise.

(Short adjournment)

The Hon. SCOTT FARLOW: As an outsider coming in, what are some of the key differences you have seen in terms of the justice systems you have experienced, particularly Queensland? I know that your predecessor had made some remarks about the office. What are some of your perceptions, coming in as an outsider?

Ms RAFTER: In response to the first part of your question around the differences in the system, the age of the infrastructure in New South Wales is a contrast to Queensland. There are still some centres I have been to that, because of the number of prisoners in the system, still use cells that were first commissioned over 100 years ago.

The Hon. TREVOR KHAN: Do you wish to nominate those locations that you have visited of the 15?

Ms RAFTER: Yes. Grafton and Goulburn were using and still have aged infrastructure. They have a mix of infrastructure but they still have some old infrastructure. I also visited Berrima prison, which is—

The Hon. TREVOR KHAN: Old.

The Hon. ADAM SEARLE: One might say historical.

Ms RAFTER: It is not yet open.

The Hon. TREVOR KHAN: Rex Jackson remembers it well.

Ms RAFTER: Berrima is not yet reopened, but it is planned to reopen. One thing I did observe with Berrima is that before it had closed it had had some significant upgrade work on facilities, particularly the bathroom and showering facilities. That was a positive for a centre of that age to be reopening—that it had good kitchen and bathroom facilities for the planned reopening—but it still requires work before it is suitable for occupation.

The Hon. TREVOR KHAN: My recollection is that Berrima was used for what we may describe as special category prisoners. I think it was coppers and pollies and a few others.

The CHAIR: Yes.

The Hon. TREVOR KHAN: Are you aware of what it is to be used for when it reopens?

Ms RAFTER: I cannot say for certain how it will be used. My observation is that, from a security perspective, it will be suitable for a certain class of prisoners; but I am not sure exactly what classification that will be.

The Hon. TREVOR KHAN: Obviously not high security, I take it.

Ms RAFTER: I would very much doubt that.

The Hon. SCOTT FARLOW: In terms of Berrima and its reopening, are you providing a report in regard to things you believe need to be upgraded prior to its reopening? Is that what you have done, or is this just a general observation you have made? How are you treating that? Is that something that you have been commissioned to do?

Ms RAFTER: It is not something that I have been specifically commissioned to do, but I was invited by the Commissioner to come and look at the centre. So I have made those initial observations, and it is my intention to go back to the centre before it reopens to have a look at the work that has been done and make sure that the centre is suitable for occupation.

The Hon. ADAM SEARLE: Are you comfortable with the current governance arrangements that affect your office, in particular, the relationship with the Department of Justice, or do you think there are things that could be done to improve it?

Ms RAFTER: I understand the former Inspector's view—his strong views—on this, but in my time in the office thus far I have no concerns about real independence. My intention is to continue to monitor the perceived independence with my regular meetings with stakeholders.

The Hon. ADAM SEARLE: Has the office received any budgetary enhancements in recent times? If so, what are they? Have you been able to put them to work?

Ms RAFTER: The budget for the office is \$1.9 million per annum. In the annual reporting period for 2014-15 there was an underspend that has been spoken about in the annual report. For this financial year there is also a significant underspend, largely because of the Inspector's position being vacant for a time and, aside from the actual position, the number of inspections that therefore were not completed, which would have entailed bringing in additional resources as well. That has had an impact, so there is a significant underspend. I have put forward a submission to roll over some of the underspent money—

The Hon. TREVOR KHAN: That will be interesting.

Ms RAFTER: —from this financial year into next financial year so that I can increase the number of inspections.

The Hon. ADAM SEARLE: So you have not employed any additional staff in the office since you have been there?

Ms RAFTER: We have advertised for an additional permanent staff member.

The Hon. ADAM SEARLE: It is a 7/8 position is it, or greater?

Ms RAFTER: It is a 5/6 research officer. It is an additional permanent position to the office. It was approved after the former Inspector left office. In the intervening period, from his departure to my arrival, it was approved, so I do not take credit for that; but we have moved very quickly to advertise the position. It closes before the end of May. I intend to recruit as quickly as possible to have that extra resource in the office.¹

The Hon. ADAM SEARLE: Can you tell us, from your perception, why there has been the underspend of the budget? There was an underspend in the previous year and it looks as though there will be an underspend in the current year. Does the office not employ enough people, or is there some structural reason for the underspend, and what is it?

Ms RAFTER: It is a little bit difficult for me to comment around the cause of the underspend, unfortunately, in the financial year to which this annual report relates.

The Hon. ADAM SEARLE: I am happy for you to take it on notice and come back to us, but I would actually like to know.

Ms RAFTER: I will take that part of the question on notice.

The Hon. ADAM SEARLE: Thank you.

Ms RAFTER: The underspend for this year is largely due to not having the Inspector position filled and not having that extra position on board—because, clearly, there was always a recurrent budget for that additional position—and also because the inspections were not taking place without an Inspector in the role.

The Hon. ADAM SEARLE: It is a bit hard to know whether you have actually fully expended your resources or whether you have adequate resources to impact. Have you been measuring the effect of what your office does or the implementation of recommendations and such like? Do you think you have enough resources in your office to undertake those tasks, given that the office's resources have not been fully stretched presently?

Ms RAFTER: You are correct in saying it is a bit difficult for me to fully gauge that at this point. I believe that I have a plan—

Dr HUGH McDERMOTT: A cunning plan?

Ms RAFTER: —a plan that we can resource from within the budget at the moment, but I would have to wait until the end of the next financial year to be better informed about that.

The Hon. ADAM SEARLE: As do we.

¹ See also the Inspector's letter clarifying evidence as published on the [Committee's website](#) (Inquiry: 2016 Review of Annual Reports of Oversighted Agencies, Other Documents), no. 1.

The CHAIR: Is your program of inspections driven by budget as far as planning 10, 20, 30, 40 or 50 inspections? Does the budget actually constrain you from fulfilling a plan because of the constraints of the budget?

Ms RAFTER: The plan that I have developed is based on ascertaining the time that is probably needed to actually conduct inspections using the framework that was established by the Inspector's office. The more resources that you have, there would be capacity to try to run multiple inspections at the same time.

The Hon. ADAM SEARLE: You are not in any danger of not meeting the statutory requirements, though, in relation to the set number of inspections, are you?

Ms RAFTER: There is some danger. The danger is around the ability to meet the requirement to have all of the juvenile centres inspected within three years of the commencement of the legislation. That will be October of this year. That is probably not achievable.²

The Hon. TREVOR KHAN: How many juvenile centres are there?

Ms RAFTER: At the moment there are seven, but that will shortly become six because of a change of use of one of the centres.

The Hon. TREVOR KHAN: How many have been inspected so far?

Ms RAFTER: Two have been inspected, and that is one of the reports that was during this period.

Ms ELENI PETINOS: Is that two of the six that will be remaining, or is that inclusive of the one that is to change?

Ms RAFTER: Deputy Chair, that is inclusive of the one that will no longer be a juvenile centre.

The Hon. TREVOR KHAN: So we have one.

The Hon. ADAM SEARLE: Of the ones that remain, we have one out of six?

Ms RAFTER: That is correct.

The Hon. ADAM SEARLE: Although it may be hard for you to know this, what is the reason for not being able to achieve the statutory requirements? Is it because the office of the Inspector was left vacant for so long? Was that a key component in not being able to meet the target, if in fact it is not going to be met?

Ms RAFTER: That has been a contributing factor.

The Hon. ADAM SEARLE: It is a bit hard to have an inspection without an inspector.

The Hon. TREVOR KHAN: Can I just ask two questions that flow from that? How long was the position vacant?

Ms RAFTER: Six months.³

The Hon. SCOTT FARLOW: In a three-year period?

Ms RAFTER: Yes.

The Hon. SCOTT FARLOW: What were some of the reasons?

The Hon. TREVOR KHAN: So you got one done in three years, or two and a half years. Is that the general drift of where we are at? It is effectively one within two and a half years?

The Hon. ADAM SEARLE: Yes, that seems to be about right.⁴

Ms RAFTER: Yes.

The Hon. TREVOR KHAN: It is effectively one, because one of them is closing. So we have one out of six that has been inspected in two and a half years.

The Hon. ADAM SEARLE: Do you know why that was?

The Hon. TREVOR KHAN: Yes.

² See also the Inspector's letter clarifying evidence as published on the [Committee's website](#), no. 2.

³ See also the Inspector's letter clarifying evidence as published on the [Committee's website](#), no. 3.

⁴ See also the Inspector's letter clarifying evidence as published on the [Committee's website](#), no. 4.

The Hon. ADAM SEARLE: That was going to be your next question. I will ask the question. Do you know why so few were inspected in that period?

Ms RAFTER: I will have to take that on notice; otherwise, I would be speculating.

The Hon. ADAM SEARLE: That is fine. These are not trick questions. We actually would like to know.

The Hon. TREVOR KHAN: Chair, we have two people sitting in the room who might know the answer.

The Hon. ADAM SEARLE: Yes.

The Hon. TREVOR KHAN: Are they capable of being sworn in and answering? It is becoming a more interesting question-and-answer session than I anticipated.

The Hon. ADAM SEARLE: Inspector, does either of your staff know the answer to these questions? Would you be happy for them to give us the answers?

The CHAIR: Would the staff member be willing to be sworn in?

Ms ELENi PETINOS: If she knows the answers.

The CHAIR: There is no pressure.

The Hon. TREVOR KHAN: Yes, there is, actually. I would like to know the answer.

The CHAIR: There is no pressure. The Inspector can take the question on notice.

Ms ELENi PETINOS: Please understand that the staff member is not compelled to be sworn in. There is no obligation to be sworn in now.

The Hon. ADAM SEARLE: There may be a simple answer.

The Hon. TREVOR KHAN: Yes, that is right.

The Hon. ADAM SEARLE: Such as, for example, you were busy doing the adult jails.

The Hon. TREVOR KHAN: We either find out the answer now, Ms Petinos, or what happens is that the Labor members will go out and drop a story to the papers and then we will be trying to clear it up. We might as well find out now.

The Hon. ADAM SEARLE: I can assure you we would.

Ms RAFTER: Chair, I can quickly consult with my staff?

The Hon. ADAM SEARLE: Inspector, we would be happy for you to take that course.

The CHAIR: Yes, we will do that.

(Short adjournment)

Ms RAFTER: Thank you, Chair, for that opportunity to speak with my staff, who obviously were present in the office during that period.

The Hon. TREVOR KHAN: Yes.

Ms RAFTER: The Inspector at the time took the view that the priority was the adult system and the overcrowding; hence the "Full House" report, and then the "Old and inside" report. The forward plan would have enabled the statutory requirement to be met. However, the period of absence has impacted that. Now we also have the Minister's reference of the management of radicalisation in prisoners—an additional important review that we are conducting, which also impacts the timing of the inspections.

The Hon. TREVOR KHAN: What gets priority—the Minister's reference or the statutory obligation?

Ms RAFTER: They are both equally important.

The Hon. TREVOR KHAN: That is the wisdom of Solomon.

The Hon. ADAM SEARLE: Perhaps we could ask a more precise question. Which is the most legally binding, as under the legislation they both have equal weight? Is it a value judgement your office is required to make? What are the competing statutory requirements?

Ms RAFTER: The statutory requirement to inspect the juvenile centres is in the legislation. The legislation also allows for the Minister to refer a matter to us for inspection.

The Hon. ADAM SEARLE: But the legislation does not say that a ministerial reference competes or has a higher priority than a statutory obligation, does it?

Ms RAFTER: No. The legislation does not rank priority of inspections.

The Hon. ADAM SEARLE: And, in fact, the legislation does not give the Minister's reference any particular status with you, does it? I mean, you have to conduct it, but you are not given a time frame.

The Hon. SCOTT FARLOW: Does the Minister's reference have a time frame?

Ms RAFTER: The Minister's reference does not have a time frame. We have a forward plan for that particular inspection that we have placed time frames upon.

The Hon. ADAM SEARLE: To get to the pointy end, if you have limited resources and you have a number of tasks—let us say, more tasks than the time or resources would allow you to do altogether—and you therefore have to prioritise, surely your priority would be meeting the obligations laid down by the legislation, the statutory benchmarks, as it were, rather than anything else that might come to you, from whatever source.

Ms RAFTER: I agree that my priority is to meet the legislative requirement. However, there are some challenges with doing that.

The Hon. TREVOR KHAN: How long does an inspection of a juvenile centre take? What does it involve?

Ms RAFTER: The way that the inspection of the juvenile centres will occur is that following consultation with the Executive Director of Juvenile Justice there are two themes that have been identified. Those two themes will enable the five remaining juvenile justice centres to be inspected.

The Hon. TREVOR KHAN: I do not wish to interrupt too often, but what are the two themes?

Ms RAFTER: Those themes are the use of force in juvenile justice centres and food and nutrition in juvenile justice centres.

The Hon. TREVOR KHAN: I take it that food and nutrition would involve inspecting the kitchens and looking at the menu. Would that be generally the drift?

Ms RAFTER: That would be part of the inspection. It would also involve consulting with the detainees and the staff in the centre. The time on-site at the centre would probably be—well, it does depend on the topic—but would probably be up to about five days on-site.

The Hon. TREVOR KHAN: For each of the centres.

Ms RAFTER: Could be less, could be more.

The Hon. TREVOR KHAN: Does that five days include your two themes, or is that only food and nutrition?

Ms RAFTER: That would be one theme because there are five centres. In three of the centres we will look at the use of force and in two of the centres we will look at food and nutrition.

The Hon. TREVOR KHAN: What are the three centres where you will look at the use of force?

Ms RAFTER: I have not made a final determination on those centres because I have not visited all of the juvenile justice centres. I will make that final determination once I have visited all of the centres. That should happen within the next two weeks but, in determining these topics, it has been through consultation with Juvenile Justice and looking at the Official Visitor reports.

The Hon. TREVOR KHAN: Not being in any way critical of the topics and the like, it is just working out what you do.

Ms RAFTER: Of course.

Ms ELENi PETINOS: Further to Mr Khan's questions around food and nutrition and the time—aside from my understanding of the time that you have taken to make that assessment—how resource intensive is it for your staff? How many of your staff go in and make that assessment?

Ms RAFTER: We have a framework that we work to. With the inspections, we always have two officers on-site at the same time.

The CHAIR: In consideration of your not spending the budget, I take it in rough terms that there has not been an inspector and you wanted to roll that over. In the short term, as far as rolling that over is concerned, would that allow you to go out and do everything that you are statutorily required to do?

Ms RAFTER: That was the submission that I made.

The CHAIR: Excellent. Do you need any assistance with that submission?

Ms RAFTER: The submission is going through the normal processes. Any assistance that can be offered will be greatly appreciated.

The CHAIR: May I suggest that you write a letter stating that you have submitted that to the Committee?

Ms RAFTER: Thank you, Chair.

The CHAIR: So that, basically, we can follow that up for you to make sure that we are on track.

Ms RAFTER: Thank you, Chair.

The Hon. TREVOR KHAN: I do not want to interrupt, but is the Minister aware that there is a possibility that you may breach your statutory obligations with regards to inspection of juvenile centres?

Ms RAFTER: I have not had that formal conversation with the Minister because I am seeking to comply with the statutory time frame. I am just alerting the Committee to there always being a risk.

The CHAIR: Yes.

The Hon. TREVOR KHAN: Can I say again—and I do not in any way impeach the Labor members here—but if you do not say, I suspect you will read it in the *Sydney Morning Herald* in the next few days.

Ms ELENI PETINOS: Yes.

Dr HUGH McDERMOTT: Just wait and let him read it.

The Hon. ADAM SEARLE: That is a matter for yourself, of course. Is there any danger of not meeting the statutory obligation in relation to adult jails?

Ms RAFTER: The requirement in the legislation for the adult jails, as you are no doubt aware, is five years. In the draft plan that we have developed, it does not go out for the full five years. But on the basis of that plan, I am reasonably confident that we will be able to meet the time frame.

The Hon. ADAM SEARLE: That is the plan and the progress achieved against the plan to date. Those two things give you that current degree of comfort?

Ms RAFTER: Yes.

Dr HUGH McDERMOTT: In the key observations, you talk about themes. What I want to talk about or raise with you is deaths in custody or suicides. There have been a number of them in the past 12 months. I know of a more recent one where an inmate was transferred to Long Bay jail and committed suicide two days later, and there is an investigation going on now about that. I am told by the families that that is not the first time that has happened; there have been a number of deaths like that recently. The other theme seems to be—certainly with the last one—that the inmate was denied his medication in regard to a mental health issue. Are there any issues like that at the moment on your radar? If not, are they things that you will look into in the future?

The Hon. ADAM SEARLE: Are they part of the plan?

Dr HUGH McDERMOTT: Yes.

Ms RAFTER: Mr Lynch wrote to me not long after I commenced in the role and alerted me to a concern generally as you have expressed it. I communicated back to Mr Lynch that I am meeting with Justice Health within the next two weeks to discuss issues around health services.

The Hon. ADAM SEARLE: Mr Lynch sends his apology. He has been delayed.

The CHAIR: Yes, I saw that.

Ms RAFTER: The particular matter that he raised which related to an individual case, I have advised the Ombudsman's office and have urged that they make contact with the Ombudsman's office as well.

Dr HUGH McDERMOTT: I would say that it would be the same case.

Ms RAFTER: I do have health services on the forward plan.

Dr HUGH McDERMOTT: Thank you.

The Hon. ADAM SEARLE: Touching on the Ombudsman's office, can you tell us about the sort of relationship between your office and the Ombudsman's office and what the content of the memorandum of understanding is? Is that something that has been achieved while you have been there, or was that the previous Inspector? How does it all work?

Ms RAFTER: The memorandum of understanding was developed by the former Inspector. I met with a representative of the Ombudsman's office within the first week that I commenced and have had a subsequent meeting as well. We are continuing to have regular meetings. The basis of the memorandum of understanding is about information sharing. Having regular meetings relates to the legislation, which talks about the relationship between those two officers. My reading of the legislation is that the intent is that we do not duplicate our functions but that we share information so that my office looks at the more systemic issues and the Ombudsman deals with the individual complaints.

The Hon. TREVOR KHAN: Are you able to provide us with a copy of the memorandum?

The Hon. ADAM SEARLE: You took the words out of my mouth.

The Hon. TREVOR KHAN: I am sorry; I was in opposition once.

The Hon. ADAM SEARLE: You still are.

Ms RAFTER: Of course, but it is on the website.

The Hon. TREVOR KHAN: We can find it there.

Ms RAFTER: Yes.

The Hon. TREVOR KHAN: In terms of the adult facilities, what is the anticipated time that it takes to undertake an inspection of an adult facility?

The Hon. ADAM SEARLE: What does it involve?

Ms RAFTER: Again, it depends on what the particular theme is. I would provide a similar time frame, as in days on-site.

The Hon. TREVOR KHAN: Five. Is that right?

Ms RAFTER: Depends on how many resources. If there is one team of two operating, or two teams of two—depending on what the particular theme of the inspection is and the size of the particular centre—it will potentially vary. But, in advance of attending and conducting the inspection, there is obviously quite a bit of pre-work that needs to occur as per our inspection framework: gathering of information, meeting with relevant parties, surveys that may be conducted with staff or with prisoners. All of that happens before the actual inspection on-site and then there might be some checking of information. Once off-site, then there is the drafting of the report and then there is the requirement to give procedural fairness, if there are any adverse comments to be made, and then there is the requirement to provide the Minister with an opportunity to comment as well. In all of those steps, the minimum time that it would take to do an inspection is around 20 weeks.⁵

The Hon. TREVOR KHAN: I am not quite sure how to phrase this, but is an inspection undertaken of, essentially, prisoner transfer facilities? For instance, the issue was raised of a suicide shortly after transfer. The manner in which prisoners are transferred and circumstances surrounding their transfer often is a time of high tension for prisoners. How do you deal with that issue in your inspections?

Ms RAFTER: It depends on the nature of the inspection. I need some clarification of your question.

The Hon. TREVOR KHAN: Sure. In terms of a prisoner's life, there obviously are periods of great stability. They get sent to a facility and they will remain there for a period of time. That is generally low emotional tension as well in most circumstances. The points of high tension are, for instance, that they get the tip that they might be moved or they get no tip at all. They are given a couple of hours' notice and they do not have access to a phone. They are chucked in the back of a van and are sent on their merry way to they know not where. They eventually end up somewhere else without their gear and in due course their gear turns up and they settle in. They go into a low stress environment again. I am interested in what your inspectorate does to deal with the high intensity period surrounding the transfer of prisoners, including the actual physical transfer of them.

Ms RAFTER: There are a number of things that the inspectorate does, but partly it is around the liaison visits that we conduct. Last week I went to the Surry Hills complex because there are obviously quite a few prisoners in that accommodation, as you describe. They have just come into custody or they have been transferred from some other court cells in a regional area and they are coming in there to go to court. It is a time of high needs. Regular inspections of those—I use the word "inspection", but I am really talking about liaison visits—constitute a presence to check the standards that the centres are operating in. They are the liaison visits that I

⁵ See also the Inspector's letter clarifying evidence as published on the [Committee's website](#), no. 5.

have been conducting during the past five weeks. We also use the Official Visitors to manage any complaints on behalf of those prisoners to make sure that if there are any issues, they are being addressed at the local level, and if they are not addressed at the local level, the Official Visitors will send a report or a message to me, which I can then raise, either with the particular centre or with the Commissioner in my regular meetings with him.

The Hon. TREVOR KHAN: Are you able to tell us how long people are staying in that Surry Hills facility? Obviously, some people stay there for only a matter of hours. Are there extended time frames for people who remain there? Do you have any idea?

Ms RAFTER: How long they are staying?

The Hon. TREVOR KHAN: Yes, how long some of them are staying.

Ms RAFTER: It varies from, as you say, a couple of hours to definitely more than a few days for some people. As to how long some people might have been there, I cannot say with accuracy.

The Hon. ADAM SEARLE: We are happy for you to take it on notice.

Ms RAFTER: I will take it on notice.

The Hon. ADAM SEARLE: One other thing for you, given the shortness of time, is: If your office conducted a review of the Official Visitor Program, we would like some rundown on what has and has not happened, if anything.

Ms RAFTER: Yes.

The Hon. ADAM SEARLE: Is there a document we can see at some point?

Ms RAFTER: Yes. There is a document around the review of the Official Visitors. There has been an appointment of, currently, 64 Official Visitors so there is occasionally some turnover with that. I can provide you with some more detail. I take on notice the rest. I am conscious of the time.

The Hon. ADAM SEARLE: That is fine.

Ms RAFTER: Can I make a clarification before I finish? I made a comment before about the length of time for doing inspections of 20 weeks. I think that probably 16 weeks is what I should have said. I meant to say 16 weeks, not 20 weeks. Some will take 20 weeks, but I put "minimum" in front, and 16 weeks, I think, is a minimum.

The Hon. TREVOR KHAN: No doubt you will be provided with a copy of the transcript in due course. If there are other matters that you think it is appropriate to comment on, this is not a—

The Hon. ADAM SEARLE: It is not a trap. It is not an ambush.

Ms RAFTER: No.

The Hon. TREVOR KHAN: No. They are the other inquiries.

The Hon. ADAM SEARLE: You will know those.

The CHAIR: Thank you for appearing before the Committee today. The Committee will send you some additional questions in writing, the replies to which will form part of your evidence given here today in public. Would you be happy to provide written replies to any further questions?

Ms RAFTER: Yes, of course. Thank you, Chair, for the opportunity to appear before the Committee.

The CHAIR: Thank you very much for joining us today. Good luck.

Ms RAFTER: Thank you.

(The witness withdrew.)

The Committee adjourned at 2.11 p.m.