

# **PORTFOLIO COMMITTEE NO. 4 – LEGAL AFFAIRS**

**Tuesday, 5 September 2017**

**Examination of proposed expenditure for the portfolio area**

## **CORRECTIONS, COUNTER TERRORISM, VETERANS AFFAIRS**

**UNCORRECTED PROOF**

### **ANSWERS TO QUESTIONS ON NOTICE**

**The Committee met at 9.00 a.m.**

#### **MEMBERS**

The Hon. Robert Borsak (Chair)

The Hon. David Clarke

Dr Mehreen Faruqi

The Hon. Trevor Khan

The Hon. Natasha Maclaren-Jones

The Hon. Shaoquett Moselmane

The Hon. Lynda Voltz

#### **PRESENT**

**The Hon. David Elliot**, *Minister for Counter Terrorism, Minister for Corrections, and Minister for Veterans Affairs*

## **CORRECTIONS TO TRANSCRIPT OF COMMITTEE PROCEEDINGS**

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

**Budget Estimates secretariat  
Room 812  
Parliament House  
Macquarie Street  
SYDNEY NSW 2000**

**The CHAIR:** Welcome to the public hearing of the inquiry into budget estimates for 2017-18. Before I commence I acknowledge the Gadigal people, who are the traditional custodians of this land, and also pay respect to the elders, past and present, of the Eora nation and extend that respect to other Aborigines present. I welcome Minister Elliot and accompanying officials to this hearing. Today the Committee will examine the proposed expenditure for the portfolios of Corrections, Counter Terrorism and Veterans Affairs.

Today's hearing is open to the public and is being broadcast live via Parliament's website. In accordance with broadcasting guidelines, while members of the media may film or record Committee members and witnesses, people in the public gallery should not be the primary focus of any filming or photography. I also remind media representatives that they must take responsibility for what they publish about the Committee's proceedings. The guidelines for the broadcast of proceedings are available from the secretariat.

There may be some questions that witnesses could answer only if they had more time or with certain documents to hand. In these circumstances witnesses are advised that they can take a question on notice and provide an answer within 21 days. Any messages from advisers or members' staff seated in the public gallery should be delivered through the Committee secretariat. Minister, I remind you and the officers accompanying you that you are free to pass notes and refer directly to your advisers seated at the table behind you. Transcripts of this hearing will be available on the web from tomorrow morning.

Finally, could everyone please turn their mobile phones to silent for the duration of the hearing. All witnesses from departments, statutory bodies or corporations will be sworn prior to giving evidence. Minister, I remind you that you do not need to be sworn as you have already sworn an oath to your office as a member of Parliament. I also remind Mr Cappie-Wood and Mr Diakos from the Department of Justice that they do not need to be sworn as they have been sworn at an earlier budget estimates hearing.

**ANDREW CAPPIE-WOOD**, Secretary, Department of Justice, on former oath

**ARTHUR DIAKOS**, Chief Financial Officer, Department of Justice, on former oath

**CAROLINE MACKANESS**, Director, Office of Veterans Affairs, Department of Justice, sworn and examined

**MELANIE HAWYES**, Executive Director, Juvenile Justice, affirmed and examined

**PETER SEVERIN**, Commissioner, Corrective Services NSW, sworn and examined

**MARY-ANN O'LOUGHLIN**, Deputy Secretary, Social Policy Group, Department of Premier and Cabinet, affirmed and examined

**PAUL DANIELL**, Director, Countering Violent Extremism, Department of Premier and Cabinet, affirmed and examined

**The CHAIR:** I declare the proposed expenditure for the portfolios of Corrections, Counter Terrorism and Veterans Affairs open for examination. The questioning of the portfolios of Corrections, Counter Terrorism and Veterans Affairs will run from 9.00 a.m. until 11.00 a.m. As there is no provision for a Minister to make an opening statement before the Committee commences questioning, we will begin with questions from the Opposition.

**The Hon. SHAOQUETT MOSELMANE:** Minister, could you tell me what is the logic of you announcing Operation Purge running for 11 weeks?

**Mr DAVID ELLIOTT:** Operation Purge was announced about two weeks ago and will go for the subsequent 11 weeks. We expect all jails across New South Wales to be subject to a special raid. As much as the officers in Corrections do a sensational job, as much as the technology that we are using at the moment—whether it is the scanning technology for mobile phones or jamming technology—and the dogs that we have in use, there is still contraband getting in. Of course you will be aware that only last month there was some contraband found in Parklea jail. For that reason I decided that we would have Operation Purge in consultation with the commissioner.

**The Hon. SHAOQUETT MOSELMANE:** I understand that but the intent of my question is to find out why you would tell the inmates that you are now conducting a purge when you could have done it without giving notice to the inmates that you are about to do it.

**Mr DAVID ELLIOTT:** If you let me finish the answer—

**Mr DAVID SHOEBRIDGE:** Telling the *Daily Telegraph*.

**The Hon. SHAOQUETT MOSELMANE:** Is that what it was?

**The CHAIR:** Order! Allow the Minister to answer his question.

**Mr DAVID ELLIOTT:** The inmates know the contraband is illegal. It comes with a possible conviction and an extra two-year custodial sentence. It is not as if there is something new in the public domain when it comes to the war on contraband, but I—

**The Hon. SHAOQUETT MOSELMANE:** So why tell them? Why tell them that you will be doing it for 11 weeks?

**Mr DAVID ELLIOTT:** They know it; it is already a matter of public record. It is illegal to bring in contraband.

**The Hon. LYNDA VOLTZ:** No, no. Why are you—

**The Hon. SHAOQUETT MOSELMANE:** No, I am asking why you are telling them.

**Mr DAVID ELLIOTT:** Mr Chairman, who is asking the questions?

**The CHAIR:** Order!

**The Hon. SHAOQUETT MOSELMANE:** I am. Why are you telling the inmates that you are conducting a purge within 11 weeks?

**Mr DAVID ELLIOTT:** Because it is a matter of public record that contraband is illegal.

**The Hon. SHAOQUETT MOSELMANE:** Yes, we know that.

**Mr DAVID ELLIOTT:** I was quite—

**The Hon. LYNDA VOLTZ:** Minister, if you could—

**Mr DAVID ELLIOTT:** I am sorry, Mr Chairman: Is Ms Voltz asking the questions?

**The Hon. SHAOQUETT MOSELMANE:** Between us, I am happy for my colleague to jump in.

**The Hon. LYNDA VOLTZ:** I assumed you had paused. Had you finished your answer?

**Mr DAVID ELLIOTT:** No. I paused because I was being interrupted. If I can just conclude—

**The Hon. LYNDA VOLTZ:** You were not being interrupted.

**Mr DAVID ELLIOTT:** We had something like 61,000 searches being conducted in the last financial year, so this is a matter of public record that there is an ongoing campaign against contraband. I felt it was in the best interests of public confidence in the prison system for us to let the communities know that we were not going to accept this as a given.

**The Hon. SHAOQUETT MOSELMANE:** Has public confidence in the community dropped while you are running this system?

**Mr DAVID ELLIOTT:** I do not believe so. I have no evidence that suggests that.

**The Hon. SHAOQUETT MOSELMANE:** You have implied that.

**The Hon. LYNDA VOLTZ:** Minister, if you give inmates notice that you are about to do raids—

**Mr DAVID ELLIOTT:** They do not get notice that we are about to do raids.

**The Hon. LYNDA VOLTZ:** You have announced it.

**Mr DAVID ELLIOTT:** We announced that every person would be raided. We certainly did not tell them when it was going to occur.

**Mr DAVID SHOEBRIDGE:** In the next 12 weeks.

**The Hon. LYNDA VOLTZ:** You announced that in the next 11 weeks you are going to be searching every prison. Is that not giving prisoners notice you are about to do it?

**Mr DAVID ELLIOTT:** And I also warned them that I reserve the right to continue the program or the operation.

**Mr DAVID SHOEBRIDGE:** It is normally called a tipoff, is it not, Minister?

**Mr DAVID ELLIOTT:** I will take that as an opinion.

**Mr DAVID SHOEBRIDGE:** No. Is it not normally called a tipoff?

**Mr DAVID ELLIOTT:** No.

**The Hon. LYNDA VOLTZ:** We are asking you: Why did you give the prisoners notice?

**Mr DAVID ELLIOTT:** I have just said that we have got 61,000 people being searched going into prisons every year. There is nothing secret about doing a search for contraband when you enter a prison. There is certainly nothing secret when you are an inmate.

**The Hon. SHAOQUETT MOSELMANE:** You are supposed to search them anyway, but the point is: Why give notice to inmates on a loudspeaker that you are about to conduct an 11-week purge? What happens after that? Do they go back to normal practice?

**Mr DAVID ELLIOTT:** No. If you had heard my previous answer I said I am reserving the right to continue the operation, or repeat it.

**The Hon. SHAOQUETT MOSELMANE:** For how long would this operation go?

**Mr DAVID ELLIOTT:** Until we rid this State of contraband in prisons. As I said, we have got 61,000 inmates being searched. In the last financial year there were 93,000 visitor searches. This is not something that is a secret. This is not something that people are going to be tipped off about because I have made an announcement that there is going to be a specific operation.

**The Hon. SHAOQUETT MOSELMANE:** You shall have made it non-secret. But anyway, Minister—

**Mr DAVID ELLIOTT:** Ninety-three thousand people got searched going into a jail, so there are plenty of people out there who know that this occurs.

**The Hon. SHAOQUETT MOSELMANE:** It is not about the people going into the jail; it is about the inmates. You have given them notice, and the communication that you conduct ensures they know that there is a purge going on. But anyway, we will move on. Minister, how many dogs do you have that are mobile phone sniffer dogs?

**Mr DAVID ELLIOTT:** We have two sniffer dogs at the moment for mobile phones. The commissioner has just reminded me that these are the only two in Australia, so we are leading the way.

**The Hon. SHAOQUETT MOSELMANE:** I understood you have about 14 dogs. Is that right?

**Mr DAVID ELLIOTT:** There are two sniffer dogs for mobile phones. The commissioner may want to expand on that.

**The Hon. SHAOQUETT MOSELMANE:** You have two sniffer dogs for the entire State?

**Mr DAVID ELLIOTT:** The commissioner might want to expand on the fact that we have more than just two sniffer dogs.

**The Hon. SHAOQUETT MOSELMANE:** But I am asking you, Minister, and if you cannot—

**Mr DAVID ELLIOTT:** Okay. I am deferring to the commissioner. It is an operational matter, so I will defer to the commissioner.

**The Hon. SHAOQUETT MOSELMANE:** But you are the Minister. You can make policy decisions. You have got two dogs.

**Mr DAVID ELLIOTT:** Dogs are not policy.

**The Hon. SHAOQUETT MOSELMANE:** But you can make policy decisions to have more dogs, can you not?

**Mr DAVID ELLIOTT:** I will defer to the commissioner.

**Mr SEVERIN:** Thank you, Minister. The training of dogs in detecting mobile phones is obviously highly specialised in New South Wales, which is the only jurisdiction in Australia that has two dogs specially trained. Obviously, there are other means of identifying contraband like mobile phones coming into the system. There are metal detection devices, there is a special chair which is being used in the high-risk management centre in Goulburn, and there is a range of intelligence-led initiatives, not the least of which will be the mobile phone jamming, which is the ultimate way of keeping mobile phones off the system. The canine unit has about 45 dogs, and two of those are specially trained for the detection of mobile phones. They are used in very specific exercises, where we have indication that there may be a mobile phone.

**The Hon. SHAOQUETT MOSELMANE:** Minister, given that mobile phones are one of the highest rating items of contraband in New South Wales prisons, why do you have only two dogs?

**Mr DAVID ELLIOTT:** This is a new technology, a new concern for us. We do not only have dogs; we have a holistic approach to attacking the war on contraband. We have scanners—

**The Hon. SHAOQUETT MOSELMANE:** If the dogs are so effective, why have only two?

**Mr DAVID ELLIOTT:** We are not going to get very far if you keep interrupting me.

**The Hon. SHAOQUETT MOSELMANE:** You are not answering the question.

**Mr DAVID ELLIOTT:** I certainly am. Mobile phones are detected by dogs, but that is just one of the many ways that we are detecting mobile phones. We have scanners. In Lithgow we have jamming technology.

**The Hon. SHAOQUETT MOSELMANE:** Are two dogs sufficient?

**Mr DAVID ELLIOTT:** That is an operational matter. If the commissioner deems that to be an insufficient number, we will look at increasing the number of mobile phones. The fact that we have had—

**Mr DAVID SHOEBRIDGE:** Mobile phone dogs.

**Mr DAVID ELLIOTT:** Mobile phone detection dogs. In my mind the fact that so much of this contraband has been found is a good thing, because look at the options. Possibly this contraband would have been kept inside jails, which would be unacceptable to me. If you are saying to me let us stop the war on contraband because we do not want it to be found, that defeats the purpose of the exercise of having a prison.

**The Hon. SHAOQUETT MOSELMANE:** I am not saying that. I am saying you should have more dogs if they are so effective.

**Mr DAVID ELLIOTT:** Okay. I am sure the commissioner will take that operational advice from you on notice.

**The Hon. DAVID CLARKE:** Give it the weight it deserves, I guess.

**The Hon. SHAOQUETT MOSELMANE:** I am glad to have given some advice. Minister, can you describe to me how Paigh Bartholomew got access to heroin in prison?

**Mr DAVID ELLIOTT:** The inmate you are referring to was before my tenure as Minister, as you are probably well aware.

**The Hon. SHAOQUETT MOSELMANE:** Yes, it was 2012.

**Mr DAVID ELLIOTT:** The inquest has only just been finalised, about five weeks ago.

**The Hon. SHAOQUETT MOSELMANE:** You would have the report and can tell me.

**Mr DAVID ELLIOTT:** As I said, it predated my tenure. But I understand that the Deputy State Coroner suggested that security checks should have been conducted by officers the night before Ms Bartholomew died. Obviously, in response to that, we have introduced a number of initiatives to improve prisons in New South Wales and to improve the detection of contraband.

**The Hon. SHAOQUETT MOSELMANE:** What are the security check failures, and what initiatives are you suggesting?

**Mr DAVID ELLIOTT:** We have increased the number of visitor searches in the first two years of my tenure as Minister by something like 14,000. The number of visitor searches when I was sworn in was 79,850 and in the last financial year there were 93,267. That is just one of the many responses to improve the safety and good order of the running of our jails.

**The Hon. SHAOQUETT MOSELMANE:** Minister, is it not the case that in minimum security jails, like the one where Ms Bartholomew was, the intel officer is only at the jail for five days a week, whereas at maximum security jails they are there seven days a week? Why is there a two-day break for intel officers at minimum security jails?

**Mr DAVID ELLIOTT:** It is an operational matter, which I would like the commissioner to answer.

**The Hon. SHAOQUETT MOSELMANE:** I know that, but you give prisoners two days a week to do as they please.

**The Hon. DAVID CLARKE:** Different levels of risk.

**The Hon. SHAOQUETT MOSELMANE:** I am asking questions.

**The Hon. TREVOR KHAN:** It is a good answer.

**Mr SEVERIN:** Obviously, the use of intelligence officers stretches 24/7. We have a centralised unit based at Silverwater, which operates along those lines. We have deployed intel officers in all of our facilities, who are also specially trained. Minimum security is an environment where prisoners generally are at the end of their sentence and the immediate requirement for intel analysis is not as precious as it is in a maximum security environment. Therefore it is quite responsible to run a five-day-a-week intelligence-based system in minimum security. The response to the question is that there is no link, to my knowledge, between a five-day-a-week intel service at Emu Plains and the death of prisoner Bartholomew in 2012.

**The Hon. SHAOQUETT MOSELMANE:** Prisoner Bartholomew was known as a drug user, and it was known that on two days there was no intel police officer at the jail, including on that day of the overdose. Is there not a need for a review process to address the gap in the intel during that time?

**Mr DAVID ELLIOTT:** I might answer that because I am reminded that in 2012, when this incident occurred, the Coroner's report highlighted that the officers concerned did admit that they erred in not conducting the required security checks. That is not intelligence based; that is an admission that the officers erred.

**The Hon. LYNDA VOLTZ:** Minister, how many staff are employed in your ministerial office?

**The Hon. TREVOR KHAN:** Is this a question about Corrective Services?

**Mr DAVID ELLIOTT:** There are 10 full-time equivalent positions.

**The Hon. LYNDA VOLTZ:** Do the four staff in the prison program only cater to adult inmates, or do they work with juvenile justice as well?

**Mr DAVID ELLIOTT:** Prison, as in the—

**The Hon. LYNDA VOLTZ:** Proactive in the greater support model.

**Mr DAVID ELLIOTT:** It only runs in the adult section of the prison system.

**The Hon. LYNDA VOLTZ:** How many staff are employed to de-radicalise youth in juvenile justice centres?

**Mr DAVID ELLIOTT:** I might invite the executive director to answer that question.

**Ms HAWYES:** Currently, numbers of young people on terror-related offences in juvenile justice are low. All our staff work with young offenders. We have psychologists in every centre, as well as caseworkers and youth officers all working to manage and supervise all young people including those on terror-related offences.

**The Hon. LYNDA VOLTZ:** How many staff are specifically employed to de-radicalise youth in juvenile justice centres?

**Ms HAWYES:** With those low numbers, we utilise our centre-based psychologists.

**The Hon. LYNDA VOLTZ:** How much funding has been provided to the prison program?

**Mr DAVID ELLIOTT:** Do you want the capital or the recurrent funding?

**The Hon. LYNDA VOLTZ:** You can give me both.

**Mr DAVID ELLIOTT:** It comes from the Commonwealth prison funding, so I will take it on notice. The grants come from the Commonwealth Government.

**ANSWER:**

I am advised:

The grant funding received from the Commonwealth to date is:

2015/16 – \$598,789

2016/17 – \$200,153

Corrective Services NSW has not yet received funding for the 2017/18 financial year. No capital funds were received for PRISM. Funds are available for up to three years (each year is subject to an approved submission). The 2017/18 financial year will be the final year for potential funding.

**The Hon. LYNDA VOLTZ:** Given only approximately 20 inmates have voluntarily engaged in the prison program since its inception, why has the program not been made mandatory given there is a real risk of radicalisation in New South Wales prisons?

**Mr DAVID ELLIOTT:** We have a number of de-radicalisation approaches, but there is no evidence at the moment that they have been an outstanding success. It is voluntary at the moment, as you say, because we want to make sure that it is assessed and we get it right. To answer your previous question, I think 13 inmates have engaged in the prison program since it started.

**The Hon. LYNDA VOLTZ:** Given the Government has splashed out \$3.8 billion on pop-up prisons and inmate capacity expansions in New South Wales correctional centres, can you explain why correctional centres are still refusing intakes of offenders due to operational capacity constraints?

**Mr DAVID ELLIOTT:** The premise of your question is incorrect. We are not spending \$3.8 billion on pop-up prisons.

**The Hon. LYNDA VOLTZ:** How much are you spending?

**Mr DAVID ELLIOTT:** On the two rapid-build prisons, we are spending \$188 million on the one in Wellington and \$199 million on the one in Cessnock.

**The Hon. LYNDA VOLTZ:** How much are you spending on inmate capacity expansions, the second part of that statement?

**Mr DAVID ELLIOTT:** Can you repeat the question?

**The Hon. LYNDA VOLTZ:** Given the Government has splashed out \$3.8 billion on pop-up prisons and inmate capacity expansions, can you explain why correctional centres are still refusing intakes of offenders due to

**Mr DAVID ELLIOTT:** It depends on the prison, but I invite the commissioner to answer that.

**Mr SEVERIN:** The Prison Bed Capacity Program will obviously inject a substantial amount of additional beds into the system. Obviously they will not come online all at once. There is a useful operation capacity set down for each facility from time to time, and once that capacity is reached the centre will no longer be able to accept new admissions until additional capacity is freed up. That is not a daily occurrence. It is clear and well known that the system has experienced significant demand pressures. Its growth has been quite unprecedented over the past two years. The growth has slowed down a little. There is also redistribution between remand and sentenced prisoners which allows for more efficient and effective utilisation of the whole capacity of the system. Two rapid-build prisons will be operational later this year and next year: 400 beds each, maximum security, one at Wellington and one at Cessnock. Then there is a whole range of expansions of existing facilities ranging from Parklea to Junee, the mid North Coast, the South Coast, Bathurst and other facilities that will be expanded within their existing operational footprint.

**The Hon. LYNDA VOLTZ:** You are saying that, when you are back at budgets estimates next year, you will not have any operational capacity constraints.

**Mr DAVID ELLIOTT:** If that is a question to me, I will refer to the Prison Bed Capacity Program, which includes a number of prisons we are hoping to have opened in the course of the next 12 months including, as I mentioned and as the commissioner has just mentioned, the Wellington rapid-build, which will see an extra 400 beds, a Cessnock rapid-build, which will be open in the middle of next year with 400 beds—I hope it will be at the end of this year. Mary Wade at Lidcombe should be open this year. There will be an expansion at Cessnock of 280 prison beds as well. All in all, by the end of 2019, we are looking at 3,500 extra beds. I pause to clarify my previous answer about staff. The 10 staff in my ministerial office include two departmental liaison officers who are not directly employed by me.

**The Hon. LYNDA VOLTZ:** When will the Mary Wade Correctional Centre open?

**Mr DAVID ELLIOTT:** It will be open by the end of this year at a date yet to be determined.

**The Hon. LYNDA VOLTZ:** What are the reasons for the delay, and what was the cost of repurposing the facility?

**Mr DAVID ELLIOTT:** I will have to take that on notice. It is imminent. I will take the cost of the refurbishment on notice and get that figure to you.

**ANSWER:**

I am advised:

Refinements to the design of new centre have been necessary to ensure it is fit for purpose and delivers value for money. The total cost of repurposing the new centre to date is approximately \$12.9 million.

**The Hon. LYNDA VOLTZ:** What were the reasons for the delay?

**Mr DAVID ELLIOTT:** It is a construction job. Unfortunately sometimes there are delays. I want to make sure that it is right. I might invite the commissioner to answer that question, if he has any further details, but we are not far from it.

**Mr SEVERIN:** There was a late identification by the engineers that a range of footings needed to be upgraded in order to refurbish the buildings, which caused a delay in finalising the construction work. Operationally we are ready to commission that facility. Staff have been recruited. It will be a 93-bed facility for women.

**Mr DAVID SHOEBRIDGE:** Minister, do you read the NSW Bureau of Crime Statistics and Research [BOCSAR] reports on imprisonment? Did you read the June 2017 report entitled "Indigenous imprisonment in New South Wales: A closer look at the trend"?

**Mr DAVID ELLIOTT:** I am familiar with them. I read most of them.

**Mr DAVID SHOEBRIDGE:** Did you read the June 2017 one, the most recent one, "Indigenous imprisonment in New South Wales: A closer look at the trend"?

**Mr DAVID SHOEBRIDGE:** I am asking you about this document. Have you read it?

**Mr DAVID ELLIOTT:** Primarily I suspect I would have. It was a couple of months ago.

**Mr DAVID SHOEBRIDGE:** "Primarily I suspect I would have." It is a simple question: Have you read the document, "Indigenous imprisonment in New South Wales: A closer look at the trend", from June 2017?

**Mr DAVID ELLIOTT:** I have read the substantive part of it, yes.

**Mr DAVID SHOEBRIDGE:** Did you read the part—you might have got to this; it is on page 1—where it says:

The Indigenous imprisonment rate in this State is now 13.5 times higher than the non-Indigenous imprisonment rate (Australian Bureau of Statistics 2016). By way of comparison, the African-American imprisonment rate in the United States is only 5.6 times higher than the white imprisonment rate (Carson & Anderson 2016).

Did you read that bit?

**Mr DAVID ELLIOTT:** The proportion in the last financial year of detainees who were Indigenous in New South Wales prisons was 53 per cent, which is actually a decrease from the previous financial year.

**Mr DAVID SHOEBRIDGE:** Sorry, are you telling me the proportion of Indigenous prisoners in New South Wales is 53 per cent? As the Minister for Corrections is that really your evidence on an important issue like that? Do you not know your brief? Do you have so little grasp of your portfolio that in budget estimates you tell us that the proportion of Aboriginal prisoners in your jails is 53 per cent? Do you have such a poor grasp of your portfolio?

**Mr DAVID ELLIOTT:** The previous figure I gave you was for juvenile justice. What I can say to you is that the Indigenous population for the last financial year was 24.3 per cent, which was steady on the previous financial year of 24.3 per cent.

**Mr DAVID SHOEBRIDGE:** Minister, did you read page 1 of the June 2017 report, "Indigenous imprisonment in New South Wales: A closer look at the trend", which said that the State is now jailing its Indigenous people at 13.5 times the rate of non-Indigenous people? Did you read that?

**Mr DAVID ELLIOTT:** Yes, I have read most of it. I am also conscious of the fact that the main recommendation is that prison sentences could be reduced by more than 500 a year if those who are currently given short-term prison sentences for assault occasioning bodily harm, common assault, stalking, breaching apprehended violence orders and breaching section 9 or 12 of their bonds were placed on an intensive correction order or home detention. I do not know what you are suggesting that I have missed. As we have said at the last two budget estimates committees, I am as horrified as you are at the number of Indigenous people in prisons. I do not put people in prison; judges do.

**Mr DAVID SHOEBRIDGE:** If you are horrified at the rate of Indigenous imprisonment, why did you say:

Incarcerations rates should not be necessarily things we need to look at through the prism of the colour of someone's skin ...

It is clear that the colour of our Indigenous people's skin—the fact of being Indigenous—is seeing them imprisoned at such a horrific rate?

**Mr DAVID ELLIOTT:** As I said, I do not put them in prison; the judges put them in prison. The police arrest them; judges put them in prison. If you are asking what I am doing about Indigenous incarceration—

**Mr DAVID SHOEBRIDGE:** No, I am asking you about your comment that someone's skin colour is irrelevant when our first peoples are being jailed at 13.5 times the rate of non-Indigenous people.

**Mr DAVID ELLIOTT:** I am horrified at the number of Indigenous people in jails—

**Mr DAVID SHOEBRIDGE:** Why did you say race is not an issue?

**Mr DAVID ELLIOTT:** I did not say race is not an issue. I said it is not something you should look through, the colour of somebody's skin.

**Mr DAVID SHOEBRIDGE:** What did you mean by that?

**Mr DAVID ELLIOTT:** I meant that under the law people are treated the same way, and I think that is probably the way you will see the judges look at it.

**Mr DAVID SHOEBRIDGE:** Under the law, the BOCSAR report that I referred to, you made it clear that Aboriginal people are more likely to be arrested for the same conduct, more likely to be refused bail, more likely to be brought to court, more likely to be imprisoned and more likely to spend a longer time in prison—and you seriously sit there and say that race is not an issue.

**Mr DAVID ELLIOTT:** And that is a tragedy—

**Mr DAVID SHOEBRIDGE:** What are you doing about it?

**Mr DAVID ELLIOTT:** The police arrest them; the judges convict them. If you are asking what I am doing about it inside jails—

**Mr DAVID SHOEBRIDGE:** Your system refuses them parole, does not rehabilitate them and, for the range of offences you mentioned earlier, keeps them in prison without providing them with alternative options. You are part of the problem, Minister.

**The Hon. TREVOR KHAN:** Point of order: This seems to be developing into an argument as opposed to a question session. I ask that the Minister be given the opportunity to answer the question before Mr Shoebridge repeatedly jumps down his throat.

**Mr DAVID ELLIOTT:** If you are asking what I am doing within my portfolio to reduce the number of Indigenous people incarcerated, we have a whole range of programs that are specifically directed towards Indigenous peoples. Before I talk about them I will remind you, as I did last year and the year before, that as a young man I spent a lot of time at the Bimbadeen Aboriginal Training College at Cootamundra. Nobody is more sympathetic and empathetic towards the plight of our ancient peoples than me, so your assertion and your suggestion that I do not give a tinker's cuss about the way Indigenous people are treated in our justice system is false; it is misleading—

**Mr DAVID SHOEBRIDGE:** They are your words, Minister.

**Mr DAVID ELLIOTT:** It is misleading and it is quite offensive. I will tell you about the positive things that we are doing. We have a number of programs. I visited one in Brewarrina not long ago in which young adult men in prison in north-western New South Wales are given life skills for pre-release, including making sure they are culturally sensitive about their environment. It gives them education, vocational training and a chance to change their behaviour. I was there a month ago and I was thrilled at the way they have embraced this opportunity they have been given to be rehabilitated. Unfortunately, many of them had survived their life to date without parental figures. The way that the officers at Brewarrina have stepped up to the mark and not only provided these academic and culturally sensitive programs but also given them a father figure, has been wonderful.

We have many wonderful case studies, which I am more than happy to talk to you about, as to how Juvenile Justice is making a very positive contribution to the lives of young people. As well as the Brewarrina program we have a criminogenic intervention program in Tabulam. It is also providing cultural connection, but more importantly, employment-seeking assistance. As I have said from day one in my role as Minister for Corrections, unless we give people an opportunity to get employment, the rehabilitation programs they undertake in prisons will probably be null and void. The whole concept in rehabilitation of making a positive contribution to society starts and finishes with a job, and in many respects a healthy lifestyle and literacy skills.

There is another program at St Heliers Correctional Centre which is dear to my heart, the Gundi program that provides construction skills. As the Committee would know we are going through a construction boom in New South Wales, thanks to the Berejiklian Government. Providing those people with hope for employment and the skills for employment is another positive attribute that we can offer as part of the rehabilitation program. Bathurst and Goulburn correctional centres each have art production business units called Girrawaa and Nurra Warra Umer. If you have ever been to a prison you would know that some Indigenous inmates have artistic skills that would blow your mind. For us to be able to nurture that while they are in prison and hopefully give them an opportunity to take up a career in the arts fraternity when they leave is another positive contribution that we can make to their rehabilitation.

In Long Bay we have a community-based program called Clean Slate Without Prejudice. That sees inmates working with community and local police for assistance and reintegration into their communities. In Eden we have the Bundian Way project that is engaging Aboriginal inmates with the Eden Local Aboriginal Land Council to assist with the establishment of the restoration of the Bundian Way. I am sorry, I am not interrupting you?

**Mr DAVID SHOEBRIDGE:** I was asking you about the systemic results, not the individual cases.

**Mr DAVID ELLIOTT:** And I am telling you what we are doing within my portfolio, so show a little bit of interest and you might be able to give me some support in some of these programs.

**Mr DAVID SHOEBRIDGE:** Why not just finish your answer, Minister?

**Mr DAVID ELLIOTT:** The Dubai Gunya program is delivered in partnership with the Aboriginal Housing Office around Marrickville. That supports Aboriginal women exiting custody with medium term housing. The Youth on Track program within Juvenile Justice has been another wonderful success story for the Government. That was opened up to 10- to 17-year-olds who were at risk of long-term involvement in the criminal justice system. I advise the Committee that 86 per cent of participants who have been exposed to Youth on Track have had their formal contact with police in the past 12 months reduced or stabilised. I do not know what better evidence we need that sees 86 per cent of those people going through that program reducing or stabilising their interaction with police. This is all part of the \$14.4 billion announcement that was made in the last financial year. We are using Aboriginal elders to mentor programs by attending juvenile justice centres and providing one-on-one mentoring.

The Committee may recall that on day one in my position as the Minister I very much wanted to find people to mentor young people in juvenile justice centres. I will use this as an opportunity to talk about some of the success stories. While we have heard this morning a lot of criticism about the way that some people think that Juvenile Justice and Indigenous people are being used, there have been some wonderful success stories in Juvenile Justice, not just in the Indigenous population. They include people now going to university through the juvenile justice system. Do I like having people in jail? Do I like having Indigenous people in jail? No, I hate it. It is the worst part of my job. It is offensive. My heart breaks every time I see young Indigenous people in juvenile justice centres. What are we doing? I have just explained the specific programs that we are running for Indigenous people. I think they are succeeding. I will not rest until we do not have any Indigenous people incarcerated in the State.

**Mr DAVID SHOEBRIDGE:** Minister, I put this proposition to you: that that list of ad hoc programs that you have put forward is fundamentally failing because in the period that your Government has been in office there has been a 35 per cent increase in the number of Aboriginal people in our jails. Your ad hoc programs, your non-systemic approach is comprehensively failing our first peoples. What do you say to that, given the 35 per cent increase in Aboriginal imprisonment on your watch?

**Mr DAVID ELLIOTT:** I will take that as an opinion because there has been an increase in the prison population across the board.

**Mr DAVID SHOEBRIDGE:** Are you seriously saying that the increase in the non-Aboriginal population is even closely or moderately related to the increase in the Aboriginal imprisonment rate? Or do you not understand the basic goings-on in your system?

**Mr DAVID ELLIOTT:** I will refer you to my last answer.

**Mr DAVID SHOEBRIDGE:** The increase in Aboriginal imprisonment has been a multiple of the increase in non-Aboriginal imprisonment. Do you not understand that? Do you not know what is happening in your own system and what is happening to our first peoples?

**Mr DAVID ELLIOTT:** I am sorry to disappoint you but the statistics that I have are that in the last financial year 24.3 per cent of the prison population was Indigenous. The previous year 24.3 per cent of the prison population was Indigenous. If you are asking me am I happy with that figure, the answer is no.

**Mr DAVID SHOEBRIDGE:** Minister, I show you a document. Page 2 of that report you obviously have not read. I invite you to look at the graph in the top left-hand side of page 2 and then reconsider your evidence about whether or not you say the increase in Aboriginal imprisonment rate is similar to or proportionate in any way to the increase in non-Aboriginal imprisonment. The graph on page 2. You are not even looking at the right page, Minister.

**Mr DAVID ELLIOTT:** I am looking at what you have highlighted. You have said between 2013 and 2016.

**Mr DAVID SHOEBRIDGE:** Page 2, the red graph. Do you stand by your evidence that the increase in Aboriginal imprisonment whilst you have been in office is anything like commensurate with the increase in non-Aboriginal imprisonment? Or can you not read a basic graph?

**The Hon. TREVOR KHAN:** Do not be rude, Mr Shoebridge, it is offensive.

**Mr DAVID ELLIOTT:** That is not an increase in total numbers, that is a cumulative percentage of the residents placed in custody.

**Mr DAVID SHOEBRIDGE:** Absolutely. The cumulative increase is more than 16 per cent per year for the Aboriginal people but less than 2 per cent for non-Aboriginal people. Do you not understand what that means? That is what has driven since 2011 a 35 per cent increase in the number of Aboriginal people in your jails. You are just in denial Minister, are you not?

**Mr DAVID ELLIOTT:** No. This is a very complex issue. I am going to refer you to my previous answers.

**Mr DAVID SHOEBRIDGE:** Do you not think you could get your head around a complex issue by reading the report and not being surprised about a key report in budget estimates?

**Mr DAVID ELLIOTT:** I refer you to my last answer.

**Mr DAVID SHOEBRIDGE:** Minister, do you seriously expect Aboriginal people in this State to be impressed by your \$14.4 million investment in rehabilitation when in the same budget papers you are spending \$3.8 billion in the forward estimates building more jails and putting more of them in jail?

**Mr DAVID ELLIOTT:** I do not think anybody is impressed with the prison budget. I think it is awful. I think the money should be spent on schools and hospitals.

**Mr DAVID SHOEBRIDGE:** On the one hand you are spending \$3.8 billion building new jails and on the other hand you are spending \$237 million on rehabilitation. Do you not think those priorities are skewed?

**Mr DAVID ELLIOTT:** I refer you to my last answer. If you are asking whether I like spending taxpayers' money on prisons, the answer is no, I would prefer to spend it on hospitals and schools.

**Mr DAVID SHOEBRIDGE:** Given all of the studies, particularly from the United States, confirming that justice reinvestment and investing in education, schooling and basic primary health care are the best way to reduce the prison population, why do you not redirect the \$3.8 billion from building new prisons to programs which we know will work and which will meet your avowed target of having no Aboriginal people in jail?

**Mr DAVID ELLIOTT:** I will take that as an opinion. I am not aware of the studies to which you are referring.

**Mr DAVID SHOEBRIDGE:** Are you aware of no study on justice reinvestment success in the United States?

**Mr DAVID ELLIOTT:** I am aware of a number of studies.

**Mr DAVID SHOEBRIDGE:** But you know it works?

**Mr DAVID ELLIOTT:** I will take your previous comment as an opinion.

**Mr DAVID SHOEBRIDGE:** It is a question. Why do you not reallocate money from jailing people to helping them?

**Mr DAVID ELLIOTT:** I just told you that we are spending \$237 million to do that.

**Mr DAVID SHOEBRIDGE:** Do you not think that with a budget allocation of \$3.8 billion for more and bigger jails, most of them private, your priorities are grossly out of whack?

**Mr DAVID ELLIOTT:** First, the majority of them are not private; two of them are private. I will take that question as a comment.

**Mr DAVID SHOEBRIDGE:** Is it your evidence that 53 per cent of the juvenile jail population is Aboriginal?

**The Hon. TREVOR KHAN:** It is.

**Mr DAVID SHOEBRIDGE:** He is so confused about his figures. I want this clarified.

**The Hon. TREVOR KHAN:** It is 53 per cent and you know that.

**Mr DAVID ELLIOTT:** I refer you to the previous answer, which I corrected.

**Mr DAVID SHOEBRIDGE:** Is it 53 per cent? Ms Hawyes might be able to answer.

**Ms HAWYES:** It is 53 per cent.



**Mr DAVID SHOEBRIDGE:** Has that grown or remained stable over the past four years?

**Ms HAWYES:** It is relatively stable, although there has been a small decrease in the past year.

**Mr DAVID SHOEBRIDGE:** What is going wrong in our system that sees more than half of the kids in jail being Aboriginal? What is driving that?

**Ms HAWYES:** As you know, it is a complex issue. Aboriginal young people are overrepresented in a range of human services. I can speak to how we work with them when they come into the custodial population. However, the reasons driving it are complex and multiple.

**Mr DAVID SHOEBRIDGE:** Have you looked at the population of those Aboriginal young people in jail and determined what proportion have had a history with the Department of Family and Community Services [FACS] or have been in the foster care system? Is FACS doing any kind of longitudinal study to understand whether there is a direct correlation between interaction with the FACS system—particularly the foster care system—and juvenile imprisonment?

**Mr DAVID ELLIOTT:** We have a number of programs. Are you referring specifically to Indigenous people? I mentioned Youth on Track, which is kicking goals as far as I am concerned. We also have the Dthini Yuwali program, which is delivered in both community and custodial environments. I mentioned that we have Aboriginal elders mentoring detainees and we have chaplains and pastoral assistance.

**Mr DAVID SHOEBRIDGE:** If the answer is that there are no longitudinal studies, it would be much quicker if you said so. Is the answer that you are not doing any longitudinal studies?

**Mr DAVID ELLIOTT:** We have conducted a census of detainees, which found that 283 people in custody had current FACS involvement.

**Mr DAVID SHOEBRIDGE:** Is that young people?

**Mr DAVID ELLIOTT:** Yes.

**Mr DAVID SHOEBRIDGE:** Can you provide a copy of the census report to the Committee?

**Mr DAVID ELLIOTT:** Yes, I will take that question on notice. To clarify this, the data-matching exercise I referred to involved Juvenile Justice NSW and FACS. It showed that prior to 2010, 40 per cent of Juvenile Justice NSW clients had a record with FACS. I think that answers the question, but I will take it on notice.

**The Hon. LYNDA VOLTZ:** I refer again to capacity. Are you aware that in 2016-17 at least one centre refused to take offenders on 39 occasions?

**Mr DAVID ELLIOTT:** Which centre?

**The Hon. LYNDA VOLTZ:** Amber Laurel Correctional Centre.

**Mr SEVERIN:** The Amber Laurel Correctional Centre is a custody centre that is used for police bail refused inmates in the first instance pending their appearance in court. There have been situations in the recent past where we have had no space on a very short-term basis at Amber Laurel and at the Surry Hills complex. That would mean a defendant would have to remain in police custody for up to four hours, after which time we obviously receive them into our custody. It is clearly a direct result of the pressure the system has experienced at the front end, particularly at times when there are police operations or actions happening with higher risk rates than we would normally experience.

**The Hon. LYNDA VOLTZ:** Can you confirm that there were 39 occasions? **Mr SEVERIN:** I will take the exact number on notice.

**ANSWER:**

I am advised:

During the period from January 2016 to May 2017, the Amber Laurel Correctional Centre was not able to accept offenders on 39 occasions.

**The Hon. SHAOQUETT MOSELMANE:** I would like to follow up on your comment that you spent \$273 million on initiatives to reduce reoffending, and particularly rehabilitation programs. Is that correct?

**Mr DAVID ELLIOTT:** Yes.

**The Hon. SHAOQUETT MOSELMANE:** What percentage of that is spent on rehabilitation programs? Is all of it spent on rehabilitation programs?

**Mr DAVID ELLIOTT:** Yes. The policy is called a "reducing reoffending" strategy; it is a strategy designed to reduce reoffending.

**The Hon. SHAOQUETT MOSELMANE:** What percentage of inmates reach their earlier release date without having access to therapeutic programs while incarcerated?

**Mr DAVID ELLIOTT:** I will take that question on notice.

**The Hon. SHAOQUETT MOSELMANE:** You are spending \$237 million to address reoffending and you have to take that question on notice?

**Mr DAVID ELLIOTT:** Yes. This is expanding the current program. We have system-wide priority offender programs over four years, which account for \$36.2 million. We also have an enhanced offender management model costing \$42.1 million over four years. Improved custodial case management will cost \$67.2 million over four years; a generic expanded program will cost \$76 million; improved exit planning and reintegration support will cost \$5.2 million; evaluation of performance of reoffending will cost \$5.2 million; and the project management of a domestic violence and reoffending office will cost \$4.9 million. That gives a total of a little more than \$237 million. Are you asking specifically how many inmates have been released without going through those programs?

**The Hon. SHAOQUETT MOSELMANE:** Yes.

**Mr DAVID ELLIOTT:** I will have to take that question on notice because it will be a complex figure to calculate.

**ANSWER:**

I am advised:

Eligible inmates assessed with a medium to high risk of re-offending and who have more than three months left in custody are offered a place in therapeutic programs. In 2016/17, 3,223 of the eligible 4970 inmates with an EPRD in that financial year had not participated in any therapeutic programs. Importantly, approximately 75% of these inmates are released automatically due to court imposed parole periods (sentences of less than 3 years) and could participate in programs in the community.

**The Hon. SHAOQUETT MOSELMANE:** I accept that. Is there an increasing proportion of offenders being sentenced for sexual assault and related offences and serious violence offences? Has the number of intensive programs for these specific offences increased?

**Mr DAVID ELLIOTT:** I will take on notice whether there has been an increase in sexual assaults. We have two types of treatment for sex offenders. There are sex offenders serving sentences in the community, and they are involved in a group therapy program. There is also a program for men who have sexually abused other adults or children that is available for offenders who have either not received a custodial sentence for whatever reason or completed a custodial sentence but who were unable to participate in programs while they were in jail. High-risk sex offenders who are deemed unsuitable to participate in group programs can be provided with risk-management interventions on a case-by-case basis. The second program is a maintenance program for those that have completed the treatment in custody. That is the Custody-based Intensive Treatment [CUBIT] program—that is while they are in custody. They may be required to attend a post-release maintenance program during their parole period. It is usually a parole condition.

**ANSWER:**

I am advised:

From 2012/13 to 2016/17, there has been a decrease in the proportion of offenders sentenced for serious sexual assault and violent offences as a proportion of all offences/sentenced offenders over the past five years. In these five years, sexual assault and serious violent offences as a percentage of all offences fell from 3.1% to 2.7% and 18.1% to 17.3% respectively.

The number and variety of programs offered in both custody and the community for these specific offences has increased in these five years. These options include more sex offender programs, the Violent Offender Therapeutic Program, EQUPS, remand domestic violence/addictions programs and Intensive Drug & Alcohol Treatment Program, as addiction and other criminogenic factors contribute to sexual assault and serious violent offences.

**The Hon. SHAOQUETT MOSELMANE:** You have mentioned serious violent offenders and particularly sex offenders. What percentage of sex offenders and serious violent offenders are accessing these programs now as opposed to the percentage accessing them prior to this funding allocation?

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

**ANSWER:**

I am advised:

The reoffending strategy is expanding participation in violence, addiction and sex offender programs for prisoners and parolees in the community.

**The Hon. SHAOQUETT MOSELMANE:** What are the rates of reoffending among prisoners who have access to these specific programs?

**Mr DAVID ELLIOTT:** Again, I will have to take that specific question on notice.

**ANSWER:**

I am advised:

Data is currently being collated and analysed to determine the rates of re-offending among prisoners with access to these specific programs.

**The Hon. LYNDA VOLTZ:** On what date was the new private training provider, BSI Learning, appointed as the successful tenderer for Corrective Services?

**Mr DAVID ELLIOTT:** It was only this year. I can certainly confirm to the Committee that they have been given it this calendar year. I will get the specific date for you. I think it was in about May. I will take that on notice and I will give you the specific date when the contract was signed.

**ANSWER:**

I am advised:

The contract was awarded to BSI Learning on 24 May 2017. The contract commenced on 1 July 2017.

**The Hon. LYNDA VOLTZ:** Can you explain why there was a delay in their appointment?

**Mr SEVERIN:** It was a direct result of the tender process, which was quite complex and involved a whole range of organisations that tendered for the work. There was a range of complexities which obviously were subject to very clear and strict probity arrangements which then unfortunately resulted in a slight delay. Nevertheless, having signed the contract, it is now starting to be implemented across the system and also augmented by an increase in the engagement of TAFE NSW, particularly for the provision of vocational training.

**The Hon. LYNDA VOLTZ:** Would you not have known it was going to be complex when you decided to go down this path?

**Mr SEVERIN:** We always knew that this was going to be a complex transaction. Obviously you can only really assess the complexity once you receive the tenders and the bids and look at the offerings from various proponents.

**The Hon. LYNDIA VOLTZ:** What date did the new private training provider commence language, literacy and numeracy training in all New South Wales correctional centres?

**Mr DAVID ELLIOTT:** We anticipate that the full range of programs will be rolled out from this month.

**The Hon. LYNDA VOLTZ:** Does that mean they are currently not being run?

**Mr DAVID ELLIOTT:** They are being run. You have asked about the full—

**The Hon. LYNDA VOLTZ:** Yes.

**Mr DAVID ELLIOTT:** I just mentioned about the full range of programs. Mr Severin may want to answer that.

**The Hon. LYNDA VOLTZ:** I will go back to the question: What date did the new private training provider commence language, literacy and numeracy training in all New South Wales correctional centres?

**Mr SEVERIN:** It will be this month. Up until now we had a memorandum of understanding [MOU] with TAFE NSW, where we continued to provide the suite of programs that we provided prior to the change of the operating model. Interestingly and most significantly we have almost doubled the core skills assessment in this process, meaning that for the first time this system is in a position to tailor the program to the identified needs of an inmate rather than having what can only be described as more of a watering can approach where we hoped that something would make a difference rather than targeting the intervention specifically to the need of the individual inmate.

**The Hon. LYNDA VOLTZ:** Why is there a delay in commencing the language, literacy and numeracy education?

**Mr SEVERIN:** It is not a delay at all. This was always the period of time required for a new service provider to engage staff, to go through all the relevant security requirements they have to satisfy—we cannot just let people come into the prisons without security vetting—and to undergo induction training that is necessary for a safe way of delivering programs. This is very much in keeping with the pre-programmed time line. The delay that I referred to was part of the tendering process, not part of the implementation process.

**Mr DAVID ELLIOTT:** Through you, Mr Chair, can I just clarify something in that last question? This was a genuine attempt from the Government to increase training and education opportunities. So far there has already been an 82 per cent increase in inmates completing core skills assessments and a 105 per cent increase in inmates participating in education planning on the last financial year. I am thrilled at the figures so far. As I think I said in last year's estimates committee hearing, in my mind the focus on rehabilitation should always start and end with literacy skills.

**The Hon. LYNDA VOLTZ:** That is good. While you are on figures, what are the current literacy and numeracy rates amongst inmates following the introduction of the education and vocational training services?

**Mr DAVID ELLIOTT:** It is only just being rolled out this year, so I will have to take that on notice. I suspect the best figure will not come for you until the end of the calendar year.

**ANSWER:**

I am advised:

Approximately 32% of inmates have been assessed at below *Australian Core Skills Framework* level 3 and have been identified as requiring education intervention to develop literacy and numeracy skills.

**The Hon. LYNDA VOLTZ:** What do the 82 per cent and the 105 per cent relate to?

**Mr DAVID ELLIOTT:** That is planning and assessment, as I said.

**The Hon. LYNDA VOLTZ:** Planning and assessment?

**Mr DAVID ELLIOTT:** Yes.

**The Hon. LYNDA VOLTZ:** Minister, how many adult inmates have juvenile records?

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

**ANSWER:**

I am advised:

Corrective Services does not hold the juvenile records of inmates.

**The Hon. LYNDIA VOLTZ:** Do you not have any census figures on that?

**Mr DAVID ELLIOTT:** To get you an accurate figure as of today, I will take it on notice.

**The Hon. LYNDIA VOLTZ:** What programs are currently in place to deal with incarcerated juveniles who have been charged with serious offences and those showing violent behaviour?

**Mr DAVID ELLIOTT:** There are a number of programs being offered. Before I invite the executive director to comment on them, I think it is important for the Committee to know that we have in New South Wales a significant reduction in the number of juvenile justice detainees. The figures that I have for the last financial year are 273. That is down from the previous financial year. That is also down from five years ago. In the 2011-12 financial year it was 353. As you can see, there has been a comfortable decline in the number of juvenile justice detainees in New South Wales. I think the Committee should be aware that as of last—

**The Hon. LYNDIA VOLTZ:** Are you saying that is a decrease in the last 12 months?

**Mr DAVID ELLIOTT:** There was certainly a decrease in the last 12 months and a decrease over the last six years. We have gone from the 2011-12 financial year with 353 detainees to 2016-17 with 273 detainees.

**Mr DAVID SHOEBRIDGE:** Minister, are you sure that is a decrease in the last 12 months? Are they the figures you have in front of you?

**Mr DAVID ELLIOTT:** The figure is 292 for 2015-16 and it is 273 for 2016-17. In my mind, that is a decline of 19, which is about a 7 per cent reduction. As of last week, there were 272 incarcerated. I think this Government has a proud record. I make no secret of the fact that I think intervention programs like Youth on Track have had a significant effect on those figures.

**The Hon. LYNDIA VOLTZ:** All right, Minister. That is—

**Mr DAVID ELLIOTT:** I have not finished answering your question. You asked about programs—

**The Hon. LYNDIA VOLTZ:** Point of order, Mr Chair: My question specifically relates to incarcerated juveniles who have been charged with serious offences and are showing violent behaviour.

**Mr DAVID ELLIOTT:** That is right—what programs.

**The Hon. LYNDIA VOLTZ:** I am not asking about the figures of how many are in there but those that have been incarcerated with serious offences and are showing violent behaviour—you can give me those figures if you like.

**Mr DAVID ELLIOTT:** I had said that before I handed over to the executive director to talk about the specific programs I thought it was important to highlight that we have had some success in this regard, particularly in light of the previous question.

**The Hon. LYNDIA VOLTZ:** What do you mean by "in this regard"? I am asking about incarcerated—

**Mr DAVID ELLIOTT:** Mr Chairman, can I continue my answer?

**The CHAIR:** Order!

**The Hon. SHAOQUETT MOSELMANE:** That is not an answer.

**The Hon. LYNDIA VOLTZ:** An answer to the question would be nice—serious offences and violent behaviour.

**Mr DAVID ELLIOTT:** Let us refer it to the executive director who will talk about the programs.

**Ms HAWYES:** As at today, the custodial population is 269. Of that population, 31 are categorised as of a high risk by virtue of either their offence or their behaviour when they enter custody. That is a classification outcome. We then obviously manage and supervise them according to the risk as presented on the day. Your question went to how we manage violent behaviour.

**The Hon. LYNDIA VOLTZ:** No, my question was: What programs are currently in place?

**Ms HAWYES:** Our overall approach with all detainees is to seek to engage them in educational and vocational activity, sport, counselling and programs that contribute to their rehabilitation. If and when a young person presents a particular risk we assess that risk on an individualised basis and apply individualised strategies to deal with it. It depends on the risk.

**The Hon. TREVOR KHAN:** And the behaviour.

**Ms HAWYES:** That is right.

**The Hon. LYNDA VOLTZ:** You do not have a newly implemented program; you have an individual risk assessment?

**Ms HAWYES:** We have a suite of programs in the different centres. They range from education, school, vocation and all kinds of things—from rehabilitating guide dogs through to working with young people with disabilities. We have a suite of programs. We have trained psychologists in every centre who intervene with young people to address their offending behaviour on a case-by-case basis.

**The Hon. LYNDA VOLTZ:** Do you support the creation of a specialised therapeutic unit or the creation of a special purpose centre to manage and reform high-risk detainees?

**Mr DAVID ELLIOTT:** Is that question addressed to me or to the executive director?

**The Hon. LYNDA VOLTZ:** All questions are directed to you. You can decide whether you answer them or your people answer them.

**Mr DAVID ELLIOTT:** The Public Service Association has approached me about the need for it, but with only five inmates at the moment on remand for terrorism-related offences, although I remain open-minded, I have taken the executive director's advice and at the moment I am comfortable with the infrastructure that we have at present. As I said, I am aware that the Public Service Association executive is lobbying for that.

**The Hon. LYNDA VOLTZ:** Minister, you say five, yet Ms Mackaness just said there were 31.

**Mr DAVID ELLIOTT:** No, I said five for terrorism-related offences.

**The Hon. LYNDA VOLTZ:** But I am not asking about terrorism; I am asking about serious offences and violent behaviour.

**Mr DAVID ELLIOTT:** I was gratuitously offering you some further figures.

**Ms HAWYES:** Of those 31, 11 are on risk plans today, if that gives you an indication of perspective.

**The Hon. LYNDA VOLTZ:** Minister, the difference between 31 and five—I am asking about whether you support the specialised therapeutic unit?

**Mr DAVID ELLIOTT:** That is still under review at the moment. As I said in my earlier answer, I am going to remain open-minded about everything, but I will take the advice of the executive director at the moment.

**The Hon. LYNDA VOLTZ:** Minister, when youths are charged with terror-related offences, a tactical response team escorts them to and from court, but when individuals are sent back to the juvenile justice centre, they are simply put in with the general population to be managed by staff, with no weapons, gas, dogs or batons. Why does this anomaly exist?

**Mr DAVID SHOEBRIDGE:** They are kids. Do you want weapons, dogs and batons on kids when they go to jail? Is that seriously the Opposition's questions? You want weapons, dogs, batons and gas on kids when they go to jail? That cannot be your question; it is a disgrace.

**The CHAIR:** Order!

**The Hon. TREVOR KHAN:** I agree with Mr David Shoebridge.

**Mr DAVID ELLIOTT:** At the moment I have to admit that I am agreeing with Mr Shoebridge.

**The Hon. LYNDA VOLTZ:** Let us set Mr Shoebridge apart.

**Mr DAVID ELLIOTT:** That is an operational matter.

**The Hon. LYNDA VOLTZ:** Tactical response teams escort them to and from the court, but when they get back to the prison—

**Mr DAVID ELLIOTT:** Obviously there is a big difference in the risk associated to flight when they are in transport and when they are incarcerated. As I said, I know that the Public Service Association has expressed an opinion on that. I am open-minded. At the moment I think Mr Shoebridge and I are at one on this matter.

**Mr DAVID SHOEBRIDGE:** We are both disturbed by that.

**The Hon. LYNDA VOLTZ:** You can take it up with the union.

**The CHAIR:** We are all disturbed by it.

**Mr DAVID ELLIOTT:** At the moment I am taking the advice of the executive director. With the small figures we are seeing in our system related to those on remand for terrorism-related offences, I am comfortable that the executive director's approach to this is an appropriate one.

**The Hon. LYNDA VOLTZ:** You are comfortable they pose no risk to non-violent offenders?

**Mr DAVID ELLIOTT:** I invite the executive director to answer that.

**Ms HAWYES:** Any young person can present a risk at any given time. They are not currently the subject of risk management plans. As to your question about transport, that is a risk mitigant that we operationalise in concert with the police. As the Minister outlined, the risks on the outside are different to risks within the custodial environment.

**The Hon. TREVOR KHAN:** They are not only related to the individual who is being transported.

**Ms HAWYES:** That is right.

**The Hon. LYNDA VOLTZ:** Will we open it up to debate?

**The Hon. TREVOR KHAN:** No, it is self-evident.

**The Hon. LYNDA VOLTZ:** Have you received any correspondence from anyone in the Department of Corrective Services regarding the need for more perimeter patrols, drug detection dogs, swabs at prison entry points or additional staff training for the detection and identification of prohibited drugs in New South Wales correctional centres?

**Mr DAVID ELLIOTT:** Sorry, have I received any correspondence from inside—

**The Hon. LYNDA VOLTZ:** Have you received correspondence from anyone in the Department of Corrective Services regarding the need for more perimeter patrols.

**Mr DAVID ELLIOTT:** As in an inmate, an officer or a chaplain?

**The Hon. LYNDA VOLTZ:** I am sure the inmates would be writing asking for more drug detection dogs.

**Mr DAVID ELLIOTT:** You would be surprised what the inmates ask for. I will invite the commissioner to answer that. I am not aware of any specific correspondence that I have received from anybody.

**Mr SEVERIN:** We always invite staff to come forward with suggestions and ideas. Of course, there would always be a requirement to look at what else we could do. That would include more provision for relevant interventions when it comes to the identification of drugs or other contraband coming into the system. As the Minister outlined earlier, a concerted effort is happening. It is a serious challenge for corrections services worldwide—the introduction of contraband. Unfortunately, that affects us as much as it affects every other jurisdiction. We are proactively dealing with that and we will continue to do that. The various technologies that are available assist. Fundamentally, it comes down to our staff being vigilant, which they clearly are, and also, of course, us having an absolutely relentless approach to controlling our borders, meaning the passages by which this contraband can find its way into custodial centres.

**The CHAIR:** Minister, going back to an earlier line of questioning relating to phones, what is the current status of the mobile phone jamming technology in prisons at the moment?

**Mr DAVID ELLIOTT:** As I mentioned in my earlier remarks, at the moment the jamming technology is in Lithgow and we have the Commonwealth's approval to trial it in Goulburn, but the commissioner may have further commentary on that.

**Mr SEVERIN:** We are currently in the market as part of our tendering process for the Goulburn Correctional Centre. Obviously we cannot talk in great detail about that. The complexity involved with the mobile phone jamming is clearly related to the fact that it is fundamentally not legal in Australia, so there is not a big market out there for this type of equipment. We obviously rely on our telecommunications companies and the Commonwealth regulator to be involved in that process. The Australian Communications and Media Authority [ACMA] has been outstanding in recent times and provided exemptions for Goulburn and Lithgow. We are confident that we will be able to finalise the tendering process in the not too distant future. Hopefully following that we will be able to implement the solution for Goulburn, which is far more complex than Lithgow, for obvious reasons—it is an old facility.

**The CHAIR:** Why is that?

**Mr SEVERIN:** It is because the Goulburn Correctional Centre is largely heritage listed. There are limitations on what you can do in touching infrastructure when it comes to heritage values. It is also a distributed design. We are identifying solutions for that. They are possible. But we do not want simply to sign up to something without having confidence that it will deliver what we set out to deliver.

**The CHAIR:** Further to that, what is the current status of telephone scanning and intervention in prisons at the moment?

**Mr DAVID ELLIOTT:** Again, the commissioner will be much more articulate on this matter.

**Mr SEVERIN:** We mentioned before that we have a range of interventions. The most significant is the 24 scanning devices that we now have deployed in our system. They are mobile, you can move them from place to place and they are not intrusive. That means you can simply walk past a beacon and it identifies whether you are carrying a mobile phone on you. Mobile phones are getting more sophisticated. They are very small. You can buy them on the internet and they are not even as big as my thumb, so it is a challenge to identify useful technology to detect them. We are also looking at our intelligence and we are investigating other technologies such as technologies that will identify whether a mobile phone is in use at a particular point in time so we can target it for retrieval out of the system. It is a relentless approach to keeping mobile phones out of the system. We take very careful note of anything that is out there that might assist us in getting on top of this complex matter.

**The CHAIR:** I turn now to counterterrorism. Given the importance of protecting the community against a terrorist attack, can you explain what measures you have initiated to protect citizens from a terrorist attack, particularly attacks involving vehicles in public places.

**Mr DAVID ELLIOTT:** In the eight months since I was made the Minister for Counter Terrorism we have undertaken an audit of the Government's response and preparedness for a terrorist attack. In relation to your specific question about vehicles, as you are probably aware the concept of vehicles being used by lone wolf attackers is real. We have seen it, not only in Australia but primarily in western Europe. On 19 August this year I joined with the Prime Minister and the police Minister to launch the strategy to protect crowded places from terrorism. This is a strategy that was put together primarily by the NSW Police Force. It sets out the roles, responsibilities and strategies that individual landowners might want to consider. It is a point system online. I think it certainly will be a start in ensuring that we protect crowded places across the State.

On top of that there are always vulnerability checks that are made by the NSW Police Force. That is appropriate, but with the announcement of the strategy by the Prime Minister on 19 August we now finally have a document and a template which everyone can take ownership of. I might see if Ms O'Loughlin has anything further she would like to say about the matter.

**Ms O'LOUGHLIN:** This response to crowded places was led by the NSW Police Force. It was something that the Commonwealth Government started but which New South Wales police took the leadership in. It has been extremely well received by the owners of infrastructure and assets where crowded places could be a problem. It is something that everyone in those locations needs to take responsibility for. It gives them a very clear check list and guidance in how to do it.

**The CHAIR:** You have spoken about infrastructure and assets. What sorts of infrastructure are you talking about, Minister?

**Mr DAVID ELLIOTT:** Bollards, for example.

**The CHAIR:** And?

**Mr DAVID ELLIOTT:** For a lone-wolf, single-vehicle attack a bollard is probably the best defence we will be able to provide unless we want to put spikes on every road.

**The CHAIR:** I would like to show you something, Minister.

*[A short video was then shown]*

**The CHAIR:** This video shows a bollard test in Germany.

**Mr DAVID SHOEBRIDGE:** It is showing a truck going through concrete barriers.

**Mr DAVID ELLIOTT:** I note that those bollards were not anchored. You would probably be aware that the preference is for the pole bollards.

**The CHAIR:** Each one of those barriers weighs over 500 kilograms. Minister, following the deadly truck attacks in Nice and Berlin, and the car attack in London, concrete vehicle barriers have been undergoing testing in several parts of the United States and in Europe. Tests in that video were conducted in Germany by DEKRA, one of Germany's largest transport safety companies. Researchers drove a 10-tonne truck into the barriers at 50 kilometres an hour and found the concrete blocks were simply pushed aside by the power of the vehicle. The vehicle only came to a halt when it hit the wall. I know you talked about the bollards being secured. Each one of those concrete barriers was simply pushed aside. Are there any other areas of investigation you could be undertaking, other than on bollards or concrete barriers? We have all seen the concrete barriers installed in Martin Place. They would not do the job, would they? I think you accept that.

**Mr DAVID ELLIOTT:** You are quite right. Those concrete bollards, as I said, were not anchored down. They are risk assessed before they are used. The poles that are used in other parts of the city are probably more appropriate but they are certainly a lot more expensive. We have seen them in other areas in other public spaces, but they are just one way to mitigate the risk. As the Deputy Commissioner of Police has said, mitigation has to stop somewhere. We can have bollards and poles, and police on every single corner to protect us, but we have to make sure that we have a realistic approach to this. Those tests will be referred to the police. The police are obviously providing us with advice on what is the best way to mitigate the risk to the city against the lone wolf attacks.

**The CHAIR:** As an aside, how many in your office do you have specialising in counterterrorism?

**Mr DAVID ELLIOTT:** I have a policy adviser who has had experience in counterterrorism. My police adviser has served in Afghanistan under the command of the Australian armed forces in the Middle East, and also as a policy adviser on Middle Eastern service. She has received the Overseas Service Medal for her activities. I have another policy adviser who has worked for another combat agency in emergency services. I have a parliamentary liaison officer who is doing a masters degree in counterterrorism. Obviously we have the deputy secretary of the department. She may want to speak further on the expertise in her office.

**Ms O'LOUGHLIN:** In the Department of Premier and Cabinet we have special units on counterterrorism and counter environmental extremism under my social policy group. In that area we have a full-time equivalent staff member working on counterterrorism and counter environmental extremism. As well, it is a significant part of the work of the executive director responsible for that area. It is also a significant part of my role as the deputy secretary.

**Mr DAVID SHOEBRIDGE:** Minister, does that mean for your counterterrorism portfolio there are 12 staff—two in your office, the executive director and the nine people under the executive director?

**Mr DAVID ELLIOTT:** The executive director reports to me on matters of counterterrorism, if that is what your question is.

**Mr DAVID SHOEBRIDGE:** Are there 12 staff for the portfolio? Is that right?

**Mr DAVID ELLIOTT:** You also have 15,000 New South Wales police.

**Mr DAVID SHOEBRIDGE:** They do not report to you. I am asking about people who report to you in your counterterrorism role. Is that 12 staff?

**Mr DAVID ELLIOTT:** From a policy point of view, yes.

**Mr DAVID SHOEBRIDGE:** I have a question about the Chisholm Behaviour Program, which has now, thankfully, been terminated. Are there any legal proceedings in relation to alleged abuses under that? If so, how many legal proceedings and how many plaintiffs?

**Ms HAWYES:** I am not aware of an action you describe. The advisory committee that we initiated shortly after I came into the role includes Legal Aid NSW and the Aboriginal Legal Service. I imagine that they would have raised this with me; we have a positive working relationship. There may very well be actions at some point. I cannot speak to that.

**Mr DAVID SHOEBRIDGE:** Minister, have you read the Auditor-General's report of May 2017 about rehabilitation in Corrective Services?

**Mr DAVID ELLIOTT:** Yes, I am familiar with the report.

**Mr DAVID SHOEBRIDGE:** Have you read it?

**Mr DAVID ELLIOTT:** Yes.

**Mr DAVID SHOEBRIDGE:** The conclusion commences:

Corrective Services NSW does not ensure that eligible prisoners receive timely programs to reduce the risk they will reoffend on release.

That is a fail, is it not Minister? Do you accept that it is a fail?

**Mr DAVID ELLIOTT:** Sorry, could you repeat the question?

**Mr DAVID SHOEBRIDGE:** It says:

Corrective Services NSW does not ensure that eligible prisoners receive timely programs to reduce the risk they will reoffend on release.

I will read the rest of the first paragraph of the conclusion. It says:

Most prisoners who need programs do not receive one before their earliest release date. These prisoners can be released with no intervention or held in prison longer awaiting a program. Additionally, programs have not been systematically evaluated to confirm they are helping to reduce reoffending in NSW.

**Mr DAVID ELLIOTT:** That is—

**Mr DAVID SHOEBRIDGE:** That is like an F, F, F for Corrective Services and rehabilitation, is it not?

**Mr DAVID ELLIOTT:** I am going to take that as an opinion but I will add my commentary to it. That is why we are spending \$237 million on rehabilitation programs. If you are asking me whether am I comfortable with the amount of reoffending that is going on in this State, absolutely not. One of the reasons why we do not have, and inmates are not able to access, programs is that they have been on remand and the sentence that they have been given is eaten up by the remand period. By the time they have been to court and been given a sentence, the period as an inmate is too short for us to do a rehabilitation program. That is what we are changing with the \$237 million investment.

**Mr DAVID SHOEBRIDGE:** Are those programs then going to be rolled out at the start of remand? Is that the plan?

**Mr DAVID ELLIOTT:** That is the plan, yes. Commissioner, do you want to answer that?

**Mr SEVERIN:** On remand?

**Mr DAVID SHOEBRIDGE:** Yes. The Minister quite rightly pointed out that there is systemic failure for prisoners on remand. When they receive a relatively short sentence, their remand counts and therefore they are not eligible for the rehabilitation because of the remaining length of the sentence. Is that being fixed up with the \$237 million program?

**Mr SEVERIN:** There is certainly a significant initiative called the high intensive program units, which targets short-term offenders—offenders who literally otherwise would fall through the cracks because they are not in custody for long enough.

**Mr DAVID SHOEBRIDGE:** But the question is about remand, though, commissioner. Is it going to apply to prisoners on remand?

**Mr SEVERIN:** What we have started is offering remand prisoners intervention programs. Obviously, given that there is no finding of guilt at this point in time, it is entirely voluntary. A remand offender would have to voluntarily participate in a high intensive intervention program. It cannot be made conditional on anything and you would understand that, of course. We are looking at identifying opportunities for remand prisoners to be far more intensively engaged. The John Morony Correctional Centre, which was recently the subject of a market test that the in-house contestant won, will have a strong focus on providing programs and interventions for remand inmates, which is a concept that previously did not exist in this form.

Most importantly, what we have identified is that the group of inmates that we need to target far more effectively are short-term inmates—people that literally come into the system and spend a relatively short time, be it on remand or sentence, before they get back out again. That is what we are doing with the high intensive program units. Ten of those have been established in six facilities, for women and men, and they are about to commence operating. They will be providing a daily high intensive intervention for short-term offenders.

**Mr DAVID ELLIOTT:** I will just add to that, Mr Shoebridge, to clarify. The Auditor-General's report to which you are referring was tabled and published before the \$237 million announcement. I am very conscious of the concerns raised in that report, and that is why I was so thrilled that we are able to secure the \$237 million.

**Mr DAVID SHOEBRIDGE:** All right. Minister, the Auditor-General said that in 2015-16, 75 per cent of prisoners who needed rehabilitation programs reached their earliest release date without receiving one. After your \$237 million spend, what is your target for that number? What are you going to reduce it to?

**Mr DAVID ELLIOTT:** I have not given myself a target for the \$237 million but, as I have said to you repeatedly, my target is to get everybody out of prison and nobody reoffending.

**Mr DAVID SHOEBRIDGE:** Minister, surely you have some type of systemic evaluation in place for the \$237 million program? What is the systemic evaluation that you are doing?

**Mr DAVID ELLIOTT:** It is like any government money. It will be evaluated on an annual basis.

**Mr DAVID SHOEBRIDGE:** Minister, you say it is like any government program but you are in charge of Corrective Services and this is what the Auditor-General says about your rehabilitation programs: "Programs have not been systematically evaluated to confirm that they are helping to reduce reoffending in New South Wales." Why not?

**Mr DAVID ELLIOTT:** I refer you to my last answer, Mr Shoebridge. That report was published before we announced our \$237 million reoffending program.

**Mr DAVID SHOEBRIDGE:** Okay. Are you spending that on existing programs that have not been systematically evaluated?

**Mr DAVID ELLIOTT:** That is a different question.

**Mr DAVID SHOEBRIDGE:** Is that what it is being spent on?

**Mr DAVID ELLIOTT:** That is an excellent question.

**Mr DAVID SHOEBRIDGE:** Have the programs you are spending it on been systematically evaluated, or are you just repeating the errors of the past?

**Mr DAVID ELLIOTT:** There is no past in the \$237 million; it is new money. We are targeting persistent reoffenders as part of the strategy, particularly domestic violence offenders. We are building on a current evidence-based community corrections model to improve the ability to effect behaviour change in individuals. There will be reintegration needs of inmates identified on their entry to prison so they can start planning for their release from day one, which is something that I know the commissioner is passionate about. Of course, he already has mentioned the 10 high-intensity units through which we are delivering programs.

**Mr DAVID SHOEBRIDGE:** Minister, with due respect, you are not answering my question. My question is: Is the \$237 million being spent on the existing suite of programs that the Auditor-General has said have not been systematically evaluated to confirm that they are helping to reduce reoffending?

**Mr DAVID ELLIOTT:** We will be evaluating it. I can assure you at the end of the 12-month period we will be able to make sure that you access the information.

**Mr DAVID SHOEBRIDGE:** You are going to publish data on the evaluation of your rehabilitation programs? When will you publish the data?

**Mr DAVID ELLIOTT:** When we have collected it.

**Mr DAVID SHOEBRIDGE:** When the 12 months is up? When is that?

**Mr DAVID ELLIOTT:** That is right. It is a four-year program. I am sorry, I have just been reminded that it is a four-year program. But this is new money, Mr Shoebridge. You have just referred to an Auditor-General's report that I have said is flawed.

**Mr DAVID SHOEBRIDGE:** But is it a \$237 million experiment without an evidence base behind it? Are you spending on the existing programs that have not been systematically evaluated? What are you spending the money on? Have they been systematically evaluated? Is it going to work?

**Mr DAVID ELLIOTT:** We can take that on notice and I can give you full and thorough details on notice.

**ANSWER:**

I am advised:

The strategy to reduce adult re-offending includes interventions that are either innovative and being piloted or existing programs that were developed in accordance with evidence based best practice. Evaluation is an integral part of the strategy. An Evaluation and Monitoring Framework has been developed that provides an overarching plan to monitor and evaluate all aspects of the strategy. Programs that make up part of the strategy will be evaluated by Corrective Services Corrections Research, Evaluation and Statistics and the NSW Bureau of Crime Statistics and Research once sufficient numbers of inmates and offenders have participated to ensure the evaluation is meaningful. The funds will target areas including:

- improved case management within correctional centres
- establishing 10 dedicated program units, which target inmates with short sentences
- engaging external facilitators to assist with program delivery in the community (with an emphasis on targeting domestic violence)

enhancing community corrections supervision.

**Mr DAVID SHOEBRIDGE:** It is a pretty simple question.

**Mr DAVID ELLIOTT:** I have just told you the programs and told you what we are spending it on, and you told me that I was not answering the question.

**Mr DAVID SHOEBRIDGE:** You have given me a list of programs that the Auditor-General says have not been systematically evaluated. That is hardly comfort.

**Mr DAVID ELLIOTT:** The Auditor-General's report was written before this \$237 million was announced, Mr Shoebidge.

**Mr DAVID SHOEBRIDGE:** Minister, you are talking about programs that have been on the books for years. The Auditor-General has found they are not systemically evaluated.

**Mr DAVID ELLIOTT:** I refer you to my last answer.

**Mr DAVID SHOEBRIDGE:** It is just an experiment—a non-evidence based experiment.

**Mr DAVID ELLIOTT:** I refer you to my last answer. Commissioner, would you like to talk about any of the programs?

**Mr SEVERIN:** I think it is important to recognise two things. One is that the Auditor-General has not said that the programs are ineffective. The Auditor-General has not asserted—

**Mr DAVID SHOEBRIDGE:** He says that nobody knows.

**Mr SEVERIN:** But we do know. We are not using programs that are just homemade—that are made up in the minds of people in New South Wales. We are using evidence-based programs that are used worldwide. We are not only using these programs in an ad hoc fashion; we are using them quite systematically. Both our Violent Offender Intervention Program and our Sexual Offender Intervention Program follow best practice that is currently known to exist around the world. They are tailored to the specific requirements here. However, they are fundamentally based on programs that have been evaluated, both directly and systemically.

**Mr DAVID SHOEBRIDGE:** Commissioner, they are fundamentally failing.

**Mr SEVERIN:** Are they?

**Mr DAVID SHOEBRIDGE:** This is from the same Auditor-General's report in which she finds that 79 per cent of those who had been convicted of an offence in 2004 had been reconvicted of another offence within 10 years. That is a 79 per cent failure rate. It is not working.

**Mr DAVID ELLIOTT:** Can I just clarify? We responded to that Auditor-General's report because we had a lot of disputes about some of the comments that were made. I am reminded on one of them where that report implied that a large percentage of inmates were refused parole and held in custody past their earliest

possible release dates because they had not completed a program, which I understand was factually incorrect. I also have mentioned the fact that we responded directly after the Auditor-General's report with a budget announcement, which had received no consideration in the report. It also failed to acknowledge one of our successful suite of programs called Explore, Question, Understand, Investigate, Practice and Succeed [EQUIPS], which was only introduced in 2015.

**Mr DAVID SHOEBRIDGE:** Minister, I will give you the opportunity to correct anything on notice.

**Mr DAVID ELLIOTT:** Yes.

**Mr DAVID SHOEBRIDGE:** Feel free. I will give you that opportunity now.

**Mr DAVID ELLIOTT:** I will take the question on notice. I will certainly highlight the errors that we already have shown in response to the Auditor-General's report that you just mentioned, and I will also have on notice the list of programs that we are running as well out of that money, and the evaluations so far.

#### ANSWER:

I am advised:

The majority of therapeutic programs are funded by operational funding. These programs include Sex Offender Programs, the Violent Offender Therapeutic Program (VOTP), Intensive Drug & Alcohol Treatment Program (IDATP), Ngarra Nura, EQUIPS, Remand Domestic Violence Intervention and Remand Addictions Support groups.

The major program funded from the \$237 million Reducing Re-offending Strategy is the creation of then High Intensity Program Units (HIPU) which are dedicated to delivering additional programs in various prisons. They will deliver intensive EQUIPS programs and reintegration services to prioritised offenders sentenced to six months or less. There will be 400 program places and the four-month program will be run three times per year. This means a further 1200 inmates will receive treatment. These units will be fully operational by late 2017.

Outcome evaluations are yet to be completed for programs funded from the \$237 million package as sufficient follow-up time is needed after the completion of any programs or interventions to determine their effect. Most programs were successful in reducing recidivism and/or therapeutic goals and program graduates were more likely to achieve program goals than those who didn't. Program evaluations are on the Department of Justice's website under 'CSNSW Response to Auditor-General's Report

(<http://www.correctiveservices.justice.nsw.gov.au/Pages/CorrectiveServices/programs/reducing-reoffending/CSNSW-Response-to-Auditor-Generals-Report.aspx>).

**The CHAIR:** Minister, do you wish to table your response—your response to the Auditor-General's report which you just mentioned?

**Mr DAVID ELLIOTT:** Yes. We certainly will table that.

**Document tabled.**

**The Hon. LYNDA VOLTZ:** Minister, when did your new chief of staff obtain her security clearance for level one vetting and level two?

**Mr DAVID ELLIOTT:** She has not completed her security clearance yet.

**The Hon. LYNDA VOLTZ:** What other provisions are you putting in place to ensure all your staff working in the area of counterterrorism have obtained the necessary security clearances?

**Mr DAVID ELLIOTT:** I can assure the Committee that anybody on my staff who needs a security clearance for their role will get that security clearance. But it is not the practice to discuss security clearances in a public domain.

**The Hon. LYNDA VOLTZ:** You just informed us that your chief of staff has not got security clearance.

**Mr DAVID ELLIOTT:** She has not applied for it yet. As you well know, it is not the practice in this space for security clearances to be discussed in a public domain.

**The Hon. LYNDA VOLTZ:** Minister, it is not the practice because we have not had a Minister for Counter Terrorism before. Maybe it is a new practice.

**Mr DAVID ELLIOTT:** That is the practice in Canberra.

**The Hon. LYNDA VOLTZ:** Minister, are you meeting the requirements of the New South Wales policy and guidelines for protecting national security information? Have you met the criteria for reporting annually to the New South Wales Department of Premier and Cabinet on the percentage of compliance with those guidelines?

**Mr DAVID ELLIOTT:** I will take that on notice.

**ANSWER:**

Yes.

**The Hon. LYNDA VOLTZ:** Minister, how many meetings have you had with the Minister for Education specifically regarding counterterrorism measures?

**Mr DAVID ELLIOTT:** I have had bilateral meetings with most Ministers. I have already had one meeting with the Minister for Education to talk about countering violent extremism in schools. Obviously, we meet every week at Cabinet. We also have regular conversations.

**The Hon. LYNDA VOLTZ:** How many meetings have you had with the Minister for Family and Community Services regarding counterterrorism measures?

**Mr DAVID ELLIOTT:** I will have to take that on notice and check my diary.

**ANSWER:**

I have met with the Minister for Family and Community Services on one occasion since my appointment to the Counter Terrorism portfolio to specifically discuss counter-terrorism measures.

**The Hon. LYNDA VOLTZ:** You may also want to check on the number of meetings you have had with the Minister for Multiculturalism.

**Mr DAVID ELLIOTT:** I have met with him. Most of the Ministers attend the Cabinet subcommittee that I chair. I have had separate bilateral meetings with the Minister for Multiculturalism.

**The Hon. LYNDA VOLTZ:** How many meetings of the Cabinet subcommittee have there been?

**Mr DAVID ELLIOTT:** Two.

**The Hon. LYNDA VOLTZ:** How many national and international counterterrorism meetings have you attended since your appointment?

**Mr DAVID ELLIOTT:** I have attended a number of meetings in Canberra with Federal agencies and one counterterrorism conference in the United States.

**The Hon. LYNDA VOLTZ:** Who attended the conference in the United States with you?

**Mr DAVID ELLIOTT:** The commissioner and my chief of staff.

**The Hon. TREVOR KHAN:** And lots of other people, I suspect.

**Mr DAVID ELLIOTT:** I take this opportunity to clarify that this was an annual international intelligence conference, which is hosted by the New York police under the umbrella of the Five Eyes. A number of combat agencies and intelligence agencies from the Five Eyes nations attend the conference.

**The Hon. LYNDA VOLTZ:** How much did it cost to send a delegation?

**Mr DAVID ELLIOTT:** I will take the question on notice, but I think registration for the conference was about \$300.

**ANSWER:**

I am advised:

The cost of the Minister for Counter Terrorism's attendance at the LinCT/NYPD conference is available online as per the Ministerial guidelines.

**The Hon. LYNDA VOLTZ:** The full cost of sending the delegation.

**Mr DAVID ELLIOTT:** The commissioner's costs were covered because he presented a paper. The information about my travel costs is online. I cannot give you an exact figure, but it is disclosed as per the ministerial guidelines.

**The Hon. LYNDA VOLTZ:** Minister, you would be aware of the deadly bombing at the Ariana Grande concert in Manchester on 22 May. What discussions have you had with the various government and non-government agencies involved in organising and operating the upcoming Ariana Grande concert at the Sydney International Convention Centre this weekend?

**The Hon. TREVOR KHAN:** Do you really want to go there?

**The Hon. SHAOQUETT MOSELMANE:** It is a genuine question.

**Mr DAVID ELLIOTT:** That conversation would be had between the police and the promoters and the landholders for the concert. With the recent announcement of the Prime Minister's strategy for protecting creative spaces, there would be a compulsion for the concert organisers to ensure that the concert is safe. I invite the deputy secretary to make further comment on that.

**Ms O'LOUGHLIN:** I agree with the Minister that it is a matter for the New South Wales police.

**The Hon. LYNDA VOLTZ:** Minister, who is responsible for the coordination of agencies around such State significant landmarks as the Sydney Opera House?

**Mr DAVID ELLIOTT:** I refer you again to the strategy that was announced on 19 August. It is the land owners who are responsible for the wellbeing and safety of people on their own land.

**The Hon. LYNDA VOLTZ:** It is State land, so who would be responsible for it?

**Mr DAVID ELLIOTT:** The department that manages the land.

**The Hon. LYNDA VOLTZ:** Minister, you will have noted the Prime Minister's suggestion that New South Wales would require the Army to be called in to intervene in the event of a terrorist threat in New South Wales.

**Mr DAVID ELLIOTT:** Can you source that? When did he say that?

**The Hon. LYNDA VOLTZ:** July 2017.

**Mr DAVID ELLIOTT:** In an article or in a speech?

**The Hon. LYNDA VOLTZ:** In a number of places. What do you think the NSW Police Force lacks that would require the presence of the Army?

**Mr DAVID ELLIOTT:** The concept of bringing in the Defence Force or a civil power is not new; it has been around for quite some time in various capacities. If you are asking about a specific circumstance, it would depend on the circumstance.

**The Hon. LYNDA VOLTZ:** Can you not think of any reason why the New South Wales police would need the support of the Army?

**Mr DAVID ELLIOTT:** You would have to give me a case study or a scenario. As you know, under the protocols between the Commonwealth and the State, the New South Wales police are the first responders in the event of an operation or terrorist incident. Then there are a number of protocols that may or may not see the Commonwealth supporting that operation.

**The Hon. LYNDA VOLTZ:** Unfortunately, when the Prime Minister made these comments, he did not give any examples, so we are not sure what he is talking about. That is why I am asking for clarification.

**The Hon. TREVOR KHAN:** Why do you not ask the Prime Minister?

**The Hon. LYNDA VOLTZ:** I am asking the Minister for Counter Terrorism.

**Mr DAVID ELLIOTT:** The operational response to a terrorist incident is the responsibility of the Commissioner of Police and, obviously, the police Minister. I am not going to speculate on any individual comment by the Prime Minister.

**The Hon. TREVOR KHAN:** As good as he is.

**The Hon. LYNDA VOLTZ:** Minister, is it appropriate for the Liberal Party to take donations from an organisation that raises funds for the welfare of veterans?

**Mr DAVID ELLIOTT:** No.

**The Hon. LYNDA VOLTZ:** Have you written to the New South Wales Liberal Party asking for the return of all donations they received from RSL LifeCare over the last decade?

**Mr DAVID ELLIOTT:** Not for the last decade. The only incident I am aware of is one donation, and I have written to the Liberal Party president asking for that donation to be returned to RSL LifeCare.

**The Hon. LYNDA VOLTZ:** There are certainly declarations for more than one donation.

**Mr DAVID ELLIOTT:** I am not aware of that, so you would have to ask the Liberal Party.

**The Hon. LYNDA VOLTZ:** Why would you not write to the Liberal Party and ask for the return of all donations received from RSL LifeCare?

**Mr DAVID ELLIOTT:** I am only aware of the one and I have written to the Liberal Party about it. If you have any further evidence, take it up with the Liberal Party.

**The Hon. LYNDA VOLTZ:** Minister, you just said it is inappropriate for the Liberal Party to take donations from organisations that raise funds for the welfare of veterans. You spent a significant part of the last 12 months talking about inappropriate behaviour in the media. As the Minister for Veterans Affairs, why will you not demand that the Liberal Party repay all the donations it has received from RSL LifeCare?

**Mr DAVID ELLIOTT:** What donations were received?

**The Hon. LYNDA VOLTZ:** You can go to the declarations and have a look.

**Mr DAVID ELLIOTT:** If you would like to table it—

**The Hon. LYNDA VOLTZ:** There are declarations going back to 2008. Minister, as you are well aware, Federal donations up to \$13,000 do not need to be declared. That does not mean donations have not been received, does it?

**Mr DAVID ELLIOTT:** If you have evidence, take it up with the Liberal Party.

**The Hon. LYNDA VOLTZ:** Minister, you have been very vocal in the public domain about inappropriate behaviour. Here is an example of the Liberal Party partaking in inappropriate behaviour, and you have no comment on that.

**Mr DAVID ELLIOTT:** I just told you that I have written to the Liberal Party asking it to refund the money that I am aware RSL LifeCare donated. If you have any further evidence—

**The Hon. LYNDA VOLTZ:** What actions have you taken to ascertain—

**Mr DAVID ELLIOTT:** What evidence do you have?

**The Hon. LYNDA VOLTZ:** The declarations that are available on the Electoral Commission's website. **Mr DAVID ELLIOTT:** Table them.

**The Hon. LYNDA VOLTZ:** Why do I need to table them? As the Minister for Veterans Affairs, will you not write to the Liberal Party and ask for donations to be returned?

**Mr DAVID ELLIOTT:** I refer you to my last answer. I have written to the Liberal Party.

**The Hon. LYNDA VOLTZ:** As the Minister for Veterans Affairs, will you not write to the Liberal Party and ask for donations to be returned?

**Mr DAVID ELLIOTT:** Table them. I refer you to my last answer.

**The Hon. LYNDA VOLTZ:** Are you only going to ask for donations to be returned—

**The Hon. TREVOR KHAN:** Point of order—

**The Hon. LYNDA VOLTZ:** I am allowed to ask questions. Stop covering up for the Liberal Party donations. You do not want to talk about Liberal Party donations, do you? Just let me ask the question.

**The CHAIR:** Order!

**The Hon. TREVOR KHAN:** It is one of the few parties I have not joined.

**The CHAIR:** I will give the Opposition extra time because of the interference.

**The Hon. TREVOR KHAN:** The question has been asked and answered repeatedly. The member is getting excitable and should move on to the next matter.

**The Hon. SHAOQUETT MOSELMANE:** How can the member table the list of donations on the Electoral Commission's website?

**The Hon. LYNDA VOLTZ:** Minister, why will you not write to the Liberal Party and ask how much it has received from RSL LifeCare? As the Minister for Veterans Affairs why will you not look after money that is meant to go to veterans? Why will you not do that?

**Mr DAVID ELLIOTT:** I have. When I was—

**The Hon. LYNDA VOLTZ:** Have you written—

**Mr DAVID ELLIOTT:** Chair, can I answer the question?

**The CHAIR:** Order! Allow the Minister to answer the question.

**Mr DAVID ELLIOTT:** I am aware of one donation. I referred that straight to the Liberal Party state director and the president, asking them to return the money. If the member has any evidence that refers to her question, under the guidelines published for estimates committee, the member has to table that evidence. Please table the evidence, and I will take the appropriate action. Better still, refer the evidence straight to the Liberal Party.

**The Hon. LYNDA VOLTZ:** Minister, why will you not satisfy yourself as to how much money has gone from RSL LifeCare to the Liberal Party? Why will you not, as the Minister concerned about veterans' welfare, find out how much money has been donated, when you know that the Liberal Party is only required to declare donations federally when they reach \$13,000?

**Mr DAVID ELLIOTT:** If you know that more donations have been made, table that. You have been the shadow Minister for how long, and this is the first time you have asked me a question about welfare of veterans, so the hypocrisy is breathtaking.

**The Hon. SHAOQUETT MOSELMANE:** She is in the upper House; you are in the lower House.

**Mr DAVID ELLIOTT:** You have not asked a question on notice either. I have answered your question. Chair, under the rules of the estimates Committee, if she is referring to any evidence, she needs to table it but at the moment I am dismissing the suggestion.

**The Hon. LYNDA VOLTZ:** Point of order: I would like the Minister to answer the question. It is relevant. I would also like him not to mislead the Committee by saying I have asked no questions on notice.

**Mr DAVID ELLIOTT:** You have not asked me any questions on veteran welfare on notice.

**The Hon. LYNDA VOLTZ:** I have asked you a significant number of questions.

**Mr DAVID ELLIOTT:** In the time you have been the shadow Minister for Veterans Affairs, you have never asked me a question on veteran welfare. The only question you have ever asked is about a one-off donation which I have already told you I have asked the Liberal Party to return. If you have evidence of anything else, either table it and stop referring to it or send it straight to the Liberal Party.

**The Hon. LYNDA VOLTZ:** Did you write to the Minister responsible for ageing and disability when you became aware that Jim Longley—the deputy secretary of Ageing, Disability and Homecare in the Department of Family and Community Services, who was also a director of RSL LifeCare—was receiving payments from RSL LifeCare, asking that he be stood aside?

**Mr DAVID ELLIOTT:** Given that this is under investigation, I am not going to provide any more commentary in the public domain on the people that are under investigation.

**The Hon. LYNDA VOLTZ:** You have asked for plenty of other people to be stood aside in the public domain.

**Mr DAVID ELLIOTT:** Who?

**The Hon. LYNDA VOLTZ:** You asked for John Haines to be stood aside.

**Mr DAVID ELLIOTT:** I never asked for him to be stood aside. You should table that.

**The Hon. LYNDA VOLTZ:** It was in a *Sydney Morning Herald* report. Minister, you cannot just sit there and deny something. Have you never asked for John Haines to stand aside from his duties?

**Mr DAVID ELLIOTT:** No. The only thing that I asked John Haines to do was not lead the Anzac Day march while he was under investigation. I certainly did not ask for him to be stood aside. You have made an allegation. Please table the evidence.

**The Hon. LYNDA VOLTZ:** Standing aside from his duties is standing aside.

**Mr DAVID ELLIOTT:** No, from leading the march.

**The Hon. LYNDA VOLTZ:** Do you think it is appropriate that Jim Longley received director fees?

**Mr DAVID ELLIOTT:** That matter is under investigation.

**The Hon. LYNDA VOLTZ:** Do you think it is appropriate that he received them?

**Mr DAVID ELLIOTT:** I am not going to provide any commentary on something that is under investigation.

**The Hon. LYNDA VOLTZ:** You have actually given plenty of commentary on these matters. In fact, given that you called in the NSW Police in December 2016, why did you keep commenting on matters to do with the RSL?

**Mr DAVID ELLIOTT:** I just told you I did not ask anybody to be stood aside.

**The Hon. LYNDA VOLTZ:** Why did you keep making media comments?

**Mr DAVID ELLIOTT:** What media comments?

**The Hon. LYNDA VOLTZ:** About the RSL, transparency and RSL LifeCare.

**Mr DAVID ELLIOTT:** They are the same comments that the Federal Labor shadow Minister for Veterans Affairs made at the conference in Albury.

**The Hon. LYNDA VOLTZ:** Why did you keep making comments?

**Mr DAVID ELLIOTT:** I wanted the RSL to be cleaned up.

**The Hon. LYNDA VOLTZ:** Why did you not write and ask for Jim Longley to be stood aside?

**Mr DAVID ELLIOTT:** The matter is under investigation. I am not going to continue a commentary. Jim Longley did not answer to me.

**The Hon. LYNDA VOLTZ:** But you said you wanted the matter cleaned up. Why did you not write and ask for Jim Longley to be stood aside?

**Mr DAVID ELLIOTT:** I am not going to comment on something that is under investigation, for reasons you very well know.

**The Hon. LYNDA VOLTZ:** Do you agree with the Hon. Scott Farlow's comment that the money we donate should not be used "to line the pockets of a contemptuous few"? Why do you think that should not apply to Jim Longley?

**Mr DAVID ELLIOTT:** Are you suggesting that Jim Longley kept the money?

**The Hon. LYNDA VOLTZ:** Am I suggesting that Jim Longley took directors fees? Yes, I am.

**Mr DAVID ELLIOTT:** No, I thought you were referring to the political donation. I am not going to comment on an ongoing investigation. What I will say is that I am very happy with the fact that the Federal Minister for Veterans Affairs, the Federal shadow Minister for Veterans Affairs and I all expressed our concern about the governance of the RSL and that matter has been rectified with the new administration.

**The Hon. TREVOR KHAN:** A unity ticket, you might call it.

**Mr DAVID ELLIOTT:** It was very much a unity ticket—thank you, Mr Khan.

**The Hon. LYNDA VOLTZ:** How many Australian Defence Force [ADF] personnel are in prisons?

**Mr DAVID ELLIOTT:** I have to take that specific figure on notice, but the commissioner may talk about the new practices that we have to identify veterans who are incarcerated.

**ANSWER:**

I am advised:

Since 1 January 2017, 21 inmates have nominated themselves as former ADF personnel.

**Mr SEVERIN:** Following an incident that involved a person who ended up not being a veteran but who was involved with the ADF in an earlier part of his life, we have introduced a system of disclosure. We have got to communicate with the ADF as to how we can best do that. As part of a normal intake interview, any new offender coming into custody is asked whether he or she has had a history with the ADF. If that is answered in the affirmative, then we make sure that, as required, management interventions are taken to ensure the safety of that person if indeed this connection becomes an issue in their management.

**The Hon. LYNDA VOLTZ:** How many current and former ADF personnel are currently incarcerated in New South Wales prisons?

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

**ANSWER:**

I am advised:

Since 1 January 2017, 21 inmates have nominated themselves as former ADF personnel.

**The Hon. LYNDA VOLTZ:** What are the measures you have put in place?

**Mr SEVERIN:** Could you say that again?

**The Hon. LYNDA VOLTZ:** What are the measures you have put in place? You just said you have put measures in place.

**Mr SEVERIN:** The ones that I have just outlined. Every inmate who comes into custody as part of the intake interview is asked if he or she has had any connection to the ADF. If that is confirmed, it is noted and taken into consideration in structuring the appropriate management regime for that particular offender.

**Mr DAVID ELLIOTT:** But I can clarify that since the commissioner and I introduced the register to monitor veterans incarcerated, 16 who have been identified then had their service confirmed. As you are aware, the number of people who claim to be veterans who are not veterans can make the data questionable.

**The Hon. LYNDA VOLTZ:** Does it matter if someone is identifying in prison as former Defence personnel? The risk is that they identify that way; it is not a matter of whether they have served.

**Mr DAVID ELLIOTT:** It can be. We have the situation where we may need to ensure that people in prison who have had operational service have the appropriate psychological support. Obviously we have to make sure that, as police are protected in jail, some of them who may have been responsible for acts that may upset other demographics within the prison are protected. That is all noted.

**The Hon. LYNDA VOLTZ:** Yes, but I mean for people who have not served who identify that they have served or who may have served only briefly in the reserves.

**Mr DAVID ELLIOTT:** A lot of people make claims about wearing medals—there is one in your party room—so there is nothing that I can do to stop an individual saying that they have had operational service.

**The Hon. LYNDA VOLTZ:** I think you are missing the point: The risk is that they identify that way to people they may be exposed to. Regarding a person who was attacked, there was some question about whether

**Mr DAVID ELLIOTT:** Do you have an example of that happening?

**The Hon. LYNDA VOLTZ:** That is the example. There were question marks around that person's service. But is it not irrelevant whether or not they have served? It is the fact that they are identified that way.

**Mr DAVID ELLIOTT:** I will take that as an opinion.

**The Hon. LYNDA VOLTZ:** You will take that as an opinion?

**The Hon. SHAOQUETT MOSELMANE:** Will you come back with a response?

**The Hon. LYNDA VOLTZ:** How many escapes have occurred this year?

**Mr DAVID ELLIOTT:** In the last financial year, 16 inmates escaped. All of these inmates have been recaptured. This is lower than the rate of the previous year.

**The Hon. LYNDA VOLTZ:** All have been recaptured. What were the circumstances that led to a female prisoner being caught in a barbed wire perimeter fence at Silverwater jail?

**Mr DAVID ELLIOTT:** Do you have any further details of the incident?

**The Hon. LYNDA VOLTZ:** June 2017.

**Mr DAVID ELLIOTT:** The commissioner will answer that because it is operational in nature.

**Mr SEVERIN:** This was reported, so it is on public record. There was an inmate who had mental health issues who was able to scale a chain mesh fence and got caught in the razor tape on top of that fence. Fortunately she was able to be removed from that without using any force or without her sustaining any injuries. This was not an attempt to escape. At least at this point in time we are convinced that is the case. It was quite a spontaneous reaction by this offender. As I mentioned, the offender had been diagnosed with mental health issues prior to this incident happening. It was very unfortunate. The staff responded very professionally and were able to finalise this matter within a short time frame without any injury being sustained.

**The Hon. TREVOR KHAN:** That is very good.

**The Hon. SHAOQUETT MOSELMANE:** What is the ratio of staff to prisoners in Junee and Parklea compared to that in the State-run correctional facilities?

**Mr DAVID ELLIOTT:** I will take that on notice because obviously Junee and Parklea are privately run prisons.

**ANSWER:**

I am advised:

On a weekday day shift Parklea Correctional Centre has about 10 inmates to every custodial staff member. For Junee Correctional Centre the ratio is about 12:1.

Similar sized State-run correctional centres have an inmate to custodial staff ratio of about 7:1. It is to be noted the number of staff at a correctional centre is affected by factors such as the security classification profiles of inmates and the number and types of programs delivered.

**The Hon. TREVOR KHAN:** Have a look at the work practices while you are there.

**The Hon. SHAOQUETT MOSELMANE:** What is the reason for the delay in rolling out mobile phone jamming technology at the Goulburn Correctional Centre following the successful trial at Lithgow?

**Mr DAVID ELLIOTT:** I think we have already answered that question.

**The CHAIR:** I asked a question on that earlier.

**The Hon. SHAOQUETT MOSELMANE:** Did you? Fair enough.

**The Hon. TREVOR KHAN:** You were not listening.

**The Hon. LYNDA VOLTZ:** Tick it off.

**The Hon. TREVOR KHAN:** It was a good answer too.

**The Hon. SHAOQUETT MOSELMANE:** I just ticked it off.

**The Hon. LYNDA VOLTZ:** With all the interjections that are coming from the Government benches it is hard to follow.

**The CHAIR:** Order!

**The Hon. SHAOQUETT MOSELMANE:** Documents obtained under the Government Information (Public Access) Act [GIPAA] reveal that a tomahawk was among the weapons found in New South Wales prisons this year. At which prison was the tomahawk found and do you know how a tomahawk managed to get into the prison?

**Mr DAVID ELLIOTT:** No. I will take that on notice. I can confirm that in the contraband found in New South Wales in the last financial year there were 146 weapons. That specific example I will need to take on notice.

**ANSWER:**

I am advised:

A tomahawk was found in a visitor's car on the grounds of the Goulburn Correctional Complex. It was *not* in the prison.

**The Hon. SHAOQUETT MOSELMANE:** Commissioner Severin, were you nodding?

**Mr SEVERIN:** I would have to take that on notice as well.

**The Hon. SHAOQUETT MOSELMANE:** I thought you were nodding to answer that question. Where is the New South Wales offender census for the years 2015, 2016 and 2017? Why has it not been made available online?

**Mr SEVERIN:** The census is conducted by the Australian Bureau of Statistics. I would have to refer you to the website of the Australian Bureau of Statistics. If we are talking about the report on government services, which is the annual Productivity Commission report, that is due to be released, for the last financial year, on 30 January 2018.

**The Hon. SHAOQUETT MOSELMANE:** Do you have your own offender census for 2015, 2016 and 2017?

**Mr DAVID ELLIOTT:** I can tell you how many inmates were in jail in 2015 and 2016, if that is what you are asking.

**The Hon. SHAOQUETT MOSELMANE:** Yes, that is the offender census.

**The Hon. LYNDA VOLTZ:** There used to be a publicly available inmate census, which is what you want—the New South Wales offender census.

**Mr DAVID ELLIOTT:** At the end of the financial year in June 2016 it was 12,737.

**The Hon. LYNDIA VOLTZ:** How come you no longer publish the New South Wales offender census? Why has that not been published on the web since 2015?

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

**ANSWER:**

I am advised:

Publication of the 2015 and 2016 Census reports has been delayed. The reports will be published shortly. The 2017 Inmate Census will be published in November this year.

**Dr MEHREEN FARUQI:** Minister, I am interested in what your reaction or your response is to Senator Pauline Hanson's stunt of wearing a burqa in Federal Parliament recently and any damage that that or similar stunts can do to the fight against terrorism?

**Mr DAVID ELLIOTT:** My attitude towards Pauline Hanson is probably not printable, so I will not respond to that.

**The Hon. SHAOQUETT MOSELMANE:** Try.

**Mr DAVID ELLIOTT:** The second part of your question is what it did for community disharmony?

**Dr MEHREEN FARUQI:** What that stunt can do to the fight against terrorism.

**Mr DAVID ELLIOTT:** It is not helpful.

**Dr MEHREEN FARUQI:** Will you provide me with a little more detail? When you say it is not helpful, what do you mean? I will quote what the Federal Attorney-General, George Brandis, said:

It has been the advice of each director-general of security with whom I have worked and each commissioner of the Australian Federal Police with whom I have worked that it is vital for their intelligence and law-enforcement work that they work cooperatively with the Muslim community. And to ridicule that community, to drive it into a corner, to mock its religious garments is an appalling thing to do.

Would you agree with that statement?

**Mr DAVID ELLIOTT:** I am very comfortable with the Attorney-General's speech to the Senate but it is not related to my portfolio.

**Dr MEHREEN FARUQI:** Do you not have the Counter Terrorism portfolio?

**Mr DAVID ELLIOTT:** His speech was about her dress in the Senate. That is outside my jurisdiction.

**Dr MEHREEN FARUQI:** Which obviously will have an effect—

**Mr DAVID ELLIOTT:** I said that it was unhelpful. My major concern is community disharmony. I do not think that is helpful in achieving community harmony. That is as much commentary as I will provide on something that is outside my jurisdiction. The Federal Attorney-General has adequately responded to it and it is certainly not something I would condone.

**Dr MEHREEN FARUQI:** Minister, you are probably aware of the arrest last year of Phillip Galea in Victoria. He has been charged with intentionally collecting and making documents connected with preparing for a terrorist act, and committing acts in preparation for a terrorist act. You would also be aware of the recent arrest of Michael James Holt on the Central Coast, an alleged white supremacist who expressed an intention to commit a mass shooting at a popular Westfield shopping centre. I am interested in what you and your Government are doing to curb this sort of right-wing extremism?

**Mr DAVID ELLIOTT:** I wish I had more time to answer that question. It is the reason why the Premier appointed a Minister for Counter Terrorism. I cannot comment on the situation in Victoria. That is not in my jurisdiction so I will not be providing an answer. The matter you referred to on the Central Coast I understood from your question is still before the court. In relation to countering violent extremism, this is an important part of the Government's approach to counterterrorism.

**Dr MEHREEN FARUQI:** Just to clarify, I am looking particularly at violent right-wing extremism.

**Mr DAVID ELLIOTT:** At a conference I attended recently it was made very clear that the vast majority of people who are victims of terrorism in the United States are victims from the extreme Right. It is also forgotten quite regularly in this type of debate that the majority of victims of terrorism in the world are Muslims. I am very conscious of and sympathetic to the tone of your question. We have in New South Wales a countering violent extremism package that will be rolled out over a four-year period. That will have a \$47 million budget. It will include \$21 million to support schools, \$14.8 million to build community resilience and cohesion and \$8.3 million to support communities, including a recently announced telephone service called Step Together, which was launched in June this year. There will be another \$1.96 million to coordinate best practice. This is at the front of the Government's mind. I might invite Mr Daniell, the Government's countering violent extremism expert, to make any further comments.

**Dr MEHREEN FARUQI:** If you could keep the context of the question in mind as well. I am looking for specific programs that will target right-wing extremism, not overall budgets and overall programs.

**Mr DANIELL:** I start by saying that the \$47 million package that the Minister spoke to is in its entirety about all forms of violent extremism, whether they are right wing or from other perspectives. In regard to whether there are specific programs that target right-wing extremism, the social cohesion components of that package—which are predominantly run by the Minister for Multiculturalism and the agency responsible to him for those programs—include a range of community grants. Some of those are longer term grants under the compactor program. Some of those are short-term community grants to hold specific events. Where there are communities that wish to come forward to nominate for those programs that can include driving extremism programs, I would have to defer to the Minister for Multiculturalism and that agency as to the specifics of what they might include.

The Minister also referenced Step Together, the helpline that was launched a couple of months back to help friends, family, peers and also service providers where they may engage with people who would be aware of people that they might be worried about but for whom there is not a need yet for law enforcement to be involved. That service has also specifically been designed to include all forms of violent extremism. I encourage you to take a look at the website to see that that has been framed in that way. As far as I am aware, we have not had any calls yet from anyone relating to right-wing violent extremism for that service. The service is still very new. The service has been designed to combat all forms of violent extremism.

**Dr MEHREEN FARUQI:** When did the service start?

**Mr DANIELL:** It was launched on 28 June.

**Dr MEHREEN FARUQI:** How many calls has it had?

**Mr DANIELL:** I think it is about five calls that have been received by the service provider. They provide a monthly report. We do expect that call volume to grow over time. We have taken a cautious marketing approach that will expand based on early calls that have been received and the way that service has been run. We are also receiving about 20 to 30 hits on the website each day.

**The CHAIR:** Thank you Minister and your officers for attending. I note you have taken a number of questions on notice. You have 21 days to respond to them and the secretariat will be in contact with you.

**(The witnesses withdrew)**

**The Committee proceeded to deliberate.**