

GENERAL PURPOSE STANDING COMMITTEE NO. 6
Friday 4 September 2015

Examination of proposed expenditure for the portfolio areas
CORRECTIONS, EMERGENCY SERVICES,
VETERANS AFFAIRS

AMENDMENTS

Responses to Questions on Notice
from uncorrected proof

The Hon. DANIEL MOOKHEY: Minister, when was the last time in any New South Wales prison that inmates refused to return to their cells and seized control of part of a facility and created a disturbance which included the setting of a fire or the throwing around of a garbage bin or television set? When was the last time that happened?

Mr DAVID ELLIOTT: That is an operational matter so I am going to refer that to the commissioner.

Mr SEVERIN: We had a disturbance of that nature that you have just questioned yesterday afternoon at lock-away time at Lithgow Correctional Centre, which fortunately was able to be managed very quickly and swiftly by the staff. No injuries were sustained. No inmate or staff had an injury and staff did not have to use force. Obviously, in environments like maximum security prisons from time to time inmates refuse to follow lawful orders and refuse to enter their cells. In that case, various strategies are deployed to ensure compliance and they commence, obviously, with a de-escalation strategy to talk to the inmate and reason with them. However, if need be, force may be used and that includes the use of chemical munitions. However, that is very much limited to very few occasions.

The Hon. DANIEL MOOKHEY: Did the use of chemical munitions occur yesterday?

Mr SEVERIN: Yesterday chemical munitions were deployed, which immediately resulted in compliance of all inmates involved in this particular incident.

The Hon. DANIEL MOOKHEY: How many prisoners are currently in Lithgow Correctional Centre?

Mr DAVID ELLIOTT: In Lithgow there are 422.

The Hon. DANIEL MOOKHEY: How many staff were on duty yesterday?

Mr SEVERIN: I would have to take that on notice but there were 20 staff responding to this incident.

A: On 3 September 2015 there were a total of 111 custodial officers and 26 overseers on duty in the 24 hour period.

The Hon. DANIEL MOOKHEY: What is the design capacity of the Lithgow Correctional Centre?

Mr DAVID ELLIOTT: The maximum state for Lithgow is 460.

The Hon. DANIEL MOOKHEY: But what is the design capacity?

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

A: 460 is the current maximum capacity.

The Hon. DANIEL MOOKHEY: Is it the case that the prisoner who escaped was a gentleman by the name of Mr Stephen Jamieson?

Mr SEVERIN: Yes, that is his name.

The Hon. DANIEL MOOKHEY: What exactly was he imprisoned for?

Mr SEVERIN: I would not have that information available at this point in time. I would have to take that on notice. From memory, and we will correct the record with the proper information, he was convicted of armed robbery offences.

A: Robbery armed with offensive weapon.

The Hon. DANIEL MOOKHEY: That was how the media reported

The Hon. DANIEL MOOKHEY: How long was he in the exercise yard for prior to his escape?

Mr CAPPIE-WOOD correction: MR SEVERIN: I would have to take that on notice.

A: Approximately 2 hours 20 minutes

The Hon. DANIEL MOOKHEY: Can I ask again, through you of course, Minister, was this Mr Jamieson's first escape attempt?

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

The Hon. DANIEL MOOKHEY: Is the Commissioner able to shed any light on that?

Mr DAVID ELLIOTT: We will take it on notice.

A: No. He previously attempted to escape from custody in 2009

The Hon. DANIEL MOOKHEY: Minister, are you personally aware of any previous attempt to escape made by Mr Jamieson? So not in respect of this latest incident but rather any previous attempts.

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

A: No

The Hon. DANIEL MOOKHEY: So is the case therefore that the media reports that refer to a previous attempt by Mr Jamieson to escape via tunnel are incorrect?

A: Yes

Mr DAVID ELLIOTT: The Hon. Daniel Mookhey, I can answer that; if we have to respond to every single media report, I would probably prefer you to table them.

The Hon. DANIEL MOOKHEY: I am happy to table them.

Mr DAVID ELLIOTT: Can you table the media report you are referring to?

The Hon. DANIEL MOOKHEY: We will have that tabled by the end of the session, no problem.

Mr DAVID ELLIOTT: Okay, well then we will take that question on notice.

The Hon. DANIEL MOOKHEY: Thank you. Minister, were there any other escape attempts prior to that of Mr Jamieson that you are aware of? Are you aware of any attempted prison escape by any prisoner other than Mr Jamieson—so the last one prior to that?

Mr DAVID ELLIOTT: Since Federation?

The Hon. DANIEL MOOKHEY: We will start with the period since you have been the Minister.

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

A: My office has been advised of 3 attempted escapes from prison during the period 2 April to 4 September 2015

Mr CAPPIE-WOOD: correction MR SEVERIN: We had two incidents of inmates escaping from outside of Kirkconnell Correctional Centre. In the first incident, it was from an honour house—where inmates are literally just locked into the house of a night-time but they can basically climb out of a window. These are minimum-security inmates. The second one was an inmate in a maintenance group who walked away. This inmate was apprehended within a very short period of time by Corrective Services NSW staff. The first inmate ended up giving himself up a day later and reporting to police. I need to stress of course that we are talking about minimum security environments with no physical barriers stopping the inmate from leaving the gazetted prison reserve—as opposed to an escape from secure custody like the one that Mr Jamieson was involved in.

The Hon. DANIEL MOOKHEY: Thank you. When did those two incidents occur?

Mr CAPPIE-WOOD: correction MR SEVERIN: I would need to take that on notice as to the exact dates.

A: 1 August 2015 and 13 August 2015

The Hon. DANIEL MOOKHEY: Can you give us an estimate? It is not have to be exact.

Mr CAPPIE-WOOD: correction MR SEVERIN: It would have been in about June or July.

The Hon. DANIEL MOOKHEY: Was Mr Kyle Baker one of the prisoners who escaped?

Mr DAVID ELLIOTT: It is an operational matter that the Commissioner can either answer or put on notice.

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

A: Yes

D15/523515

The Hon. DANIEL MOOKHEY: Thank you. I will ask you this as a supplementary question either for now or to take on notice. Was it the case that Mr Baker was at large for five days?

Mr SEVERIN: Again, I need to take that on notice.

A: No. He was returned to custody on 4 August 2015.

The Hon. GREG DONNELLY: In terms of the number of mobile phones entering prisons, do you have the figures for the year 2011-12 with you?

Mr SEVERIN: I do not have them with me. I just know that we—

The Hon. GREG DONNELLY: You can take that on notice.

Mr SEVERIN: I will take that on notice.

The Hon. GREG DONNELLY: Do you have the figures for 2012-13?

Mr SEVERIN: I do not have any figures in terms of mobile phones with me.

The Hon. GREG DONNELLY: Presumably you do not have the figures for 2013-14 either. I ask that you take those figures on notice as well. Do you have the figure for 2014-15?

Mr SEVERIN: I do not.

Mr DAVID ELLIOTT: The number of what?

The Hon. GREG DONNELLY: Mobile phones that have entered prisons.

Mr DAVID ELLIOTT: We will have to take that on notice because it is obviously part of the data that would be collected.

The Hon. GREG DONNELLY: So the figure 320, which has been widely reported in the public domain, does not resonate with you?

Mr DAVID ELLIOTT: You are talking about 2014-15?

The Hon. GREG DONNELLY: Correct.

Mr DAVID ELLIOTT: The Security Operations group and Corrective Services actually conducted 77,592 searches. The list of contraband that I am about to read out is not the total list of things—

The Hon. GREG DONNELLY: I am talking about mobile phones specifically.

Mr DAVID ELLIOTT: I will get to that. The list of contraband that was found in those 77,592

searches included green vegetable matter, powder and tablets, needles, jail-made brews, mobile phones, chargers and sim cards. The information I have about what you are referring to is that 320 mobile phones were located and seized during the targeted searches.

The Hon. GREG DONNELLY: Those 320 mobile phones had actually entered the prisons, is that correct?

Mr DAVID ELLIOTT: Is that a trick question?

The Hon. GREG DONNELLY: No. They were not stopped at a security point; they actually entered into the security system. Is that correct? Were they intercepted or within the prison?

Mr SEVERIN: First of all, I think it is very important to realise that this number is in no way higher or more escalated than previous numbers. Unfortunately, for many years hundreds of phones have made their way into our searches.

The Hon. GREG DONNELLY: How many did you say?

Mr SEVERIN: Hundreds of phones. I will take the exact number on notice.

A:

Year	Number
2011-2012	68*
2012-2013	74*
2013-2014	327
2014-2015	320

* Includes only mobile phones confiscated during searches of correctional centres by the Security Operations Group of Corrective Services NSW. The number of mobile phones confiscated in correctional centres was not collected in these years.

Mr DAVID SHOEBRIDGE: In April this year the report titled "Full House: The growth of the inmate population in New South Wales" was delivered. When will you be providing a response to the 47 recommendations contained in that report?

Mr DAVID ELLIOTT: We are progressing on the implementation of those recommendations. We have already implemented a number of the strategies recommended in the report and we are working to implement others all aimed at reducing potential adverse impacts arising from that particular report. As you would be aware, both the Inspector's report and Corrective Services' response are publicly available on the Inspector's website.

Mr DAVID SHOEBRIDGE: Perhaps on notice you could tell me which of the 47 recommendations are supported, which have been implemented and which are not supported?

Mr DAVID ELLIOTT: I will have to take that on notice. I appreciate your interest in this.

A: Supported: 29: Recommendations 1;2;3;4;5;6;7;8;9;16;18;19;20;25;26;27;28;29;31;

33;34;35;36;39;40;41;42;43;45

Implemented: 6: Recommendations 1;2;3;4;7;8 are being progressed or have existing systems or strategies in place

Not supported: 1: Recommendation 21

Mr DAVID SHOEBRIDGE: That report said that the prison population as at February 2015 was 11,022 inmates.

Mr DAVID ELLIOTT: Yes.

Mr DAVID SHOEBRIDGE: What is your best understanding of the number of inmates as of today?

Mr DAVID ELLIOTT: In preparation for that question, I have 11,898.

Mr DAVID SHOEBRIDGE: About 870 additional prisoners or almost a 7 per cent increase in prisoner numbers between February and now. Is that correct?

Mr DAVID ELLIOTT: Sure.

Mr DAVID SHOEBRIDGE: Do you know what has been the primary cause of that increase in prisoner numbers? (between February 2015 and September 2015)

Mr DAVID ELLIOTT: We will probably have to take that on notice because this is something the other portfolios would have to provide advice on.

A: Analysis by the NSW Bureau of Crime Statistics and Research indicates the increase in the NSW adult prison population in the period between April 2015 and June 2015 is almost entirely attributable to a growth in prisoners on remand. The Bureau's report for the period July to September 2015 is not yet available.

Mr DAVID SHOEBRIDGE: What was the longest period that someone spent in a court cell?

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

A: 14.1 days

Mr DAVID SHOEBRIDGE: Perhaps you might give me the average time that people spent in a court cell.

Mr SEVERIN: Again, I will have to take that on notice.

Mr DAVID SHOEBRIDGE: I understand.

Mr SEVERIN: The average time average 72 hours, but that is not to say that there have not been times when people have spent longer in court cells.

A: The median number of days offenders were held in court cells during 2014/15 was 0.59 days (just over 14 hours)

Mr DAVID SHOEBRIDGE: Do I take that answer to mean that you do not believe that the current 8.3 hours is acceptable and you are looking at increasing accommodation to increase the out-of-cell hours?

Mr DAVID ELLIOTT: I will take the question on notice and give you a considered response. I am addressing the capacity issue that you raise.

A: The decrease in the time out of cells figure reported in the Productivity Commission Report on Government Services between 2010/2011 and 2013/2014 was due in part to a more strict interpretation of the time out of cells counting rule being applied in 2012/13. In NSW the average daily time out of cells increased from 7.8 hours in 2012/13 to 8.2 hours in 2013/14. CSNSW is committed to increasing time out of cells. In order to achieve this significant work practice reform will be required.

CHAIR: It was alleged that management told to staff to return cigarettes and smoking apparatus to prevent potential riots. The commissioner might be aware of that.

Mr DAVID ELLIOTT: I am reluctant to respond to allegations. Although I have been in the job for only four months, I am aware that allegations, suggestions and innuendo can reflect unfairly on frontline members of the department. I think we might put that on notice so we can give you an accurate reflection on what happened.

A: Items of contraband that are seized are not returned to inmates. Contraband is disposed of in accordance with Corrective Services NSW policy, or, depending on the offence, it may be retained for use as evidence in charges for breaches of custodial discipline, or criminal offences. During the amnesty period for the Smoke-Free policy there were isolated incidents that occurred as a result of misinterpretation of instructions.

CHAIR: I note that five custodial officers at the Metropolitan Remand at Silverwater have been suspended from duty after being charged with allegedly assaulting inmates. Do not worry, my question is not directly on that, but what is the Government doing to ensure this kind of behaviour is not repeated?

Mr DAVID ELLIOTT: The matter is before the court—

CHAIR: That is why I am not referring to that.

Mr DAVID ELLIOTT: I am very, very careful about answering that question.

CHAIR: I am merely asking about a systematic approach to make sure it is not—

Mr DAVID ELLIOTT: If you are asking for programs as part of their training, I will take that on notice and we will be able to explain the program and the training of our officers.

A: Correctional officers undergo a nine-week training program. The importance of ethical and professional behaviour is emphasised throughout the curriculum. Two formal sessions and several informal sessions are dedicated to professional behaviour. Training modules include: Code of conduct; Duty of Care; Legislation; Use of Force Policy & Procedures, including alternatives to use of force.

The Hon. DANIEL MOOKHEY: Minister, how many prisoners do you forecast will be in prison in New South Wales jails in the years 2016 and, if you have it, 2017?

Mr DAVID ELLIOTT: I have to take that on notice because I do not have an understanding of what the courts are going to give us.

A: In April 2015, NSW Bureau of Crime Statistics and Research forecast that the prison population would reach 11,835 in 2016, and, if all else remains constant NSW will have 12,191 prisoners by March 2017.

The Hon. DANIEL MOOKHEY: Does the department undertake any modelling or any projections?

Mr DAVID ELLIOTT: We will take that on notice.

A: Corrective Services NSW uses population projections prepared by the NSW Bureau of Crime Statistics and Research.

The Hon. DANIEL MOOKHEY: Minister, are you aware of any other government agency or bureau that does provide such forecasts?

Mr DAVID ELLIOTT: I will have to take that on notice too. I do not know what other agencies do.

A: The NSW Bureau of Crime Statistics and Research.

The Hon. DANIEL MOOKHEY: Minister, are you aware of a forecast by the NSW Bureau of Crime Statistics and Research that suggests that if relevant influences remain unchanged, New South Wales will have 12,191 prisoners by March 2017?

Mr DAVID ELLIOTT: Can I have a look at that? I am not familiar with this. The research was done prior to my tenure as Minister, but I can refer you to my previous answer about preparing for any potential increase in numbers, and that is the reason why this budget has dedicated the funds to reopen Grafton jail with an extra 600 beds, that is the reason why this Government has an investment for an extra 400 beds in Parklea and that is why we have reopened Kirkconnell and Kariiong. I am reluctant to respond to research that was done before I was made Minister.

The Hon. DANIEL MOOKHEY: The projects that you just described, were any of those capacity expansions planned with the use of any form of modelling as a part of the decision to build those jails and invest the money that you have spoken of—build them, let them out of to the private sector, prepare a contract summary? Was any modelling undertaken that informed the decisions that you have described?

Mr DAVID ELLIOTT: I will take that on notice.

A: Yes, modelling was undertaken.

The Hon. DANIEL MOOKHEY: How many guards currently work in Corrective Services NSW?

Mr DAVID ELLIOTT: I am reluctant to correct you, but they do not like being called "guards"—they are officers. I apologise for correcting you on that, but I have a lot of respect for them, so let us not call them guards. We have a total in Corrective Services NSW of 7,200 employees and, to potentially foreshadow your next question, 2,775 of them are female.

The Hon. DANIEL MOOKHEY: I congratulate you on your attempted tuition, but in this case it was not correct. Can you repeat that figure in respect of the number of employees?

Mr DAVID ELLIOTT: The employees, as of 1 July, the beginning of this budget year, are 7,200.

The Hon. DANIEL MOOKHEY: How many of them are the officers that you just—

Mr DAVID ELLIOTT: I will have to take that on notice, because you would understand the difference between uniformed staff and the clerical staff.

The Hon. DANIEL MOOKHEY: Minister, through you, I ask the same question to the commissioner.

Mr DAVID ELLIOTT: I will have to take that on notice. Do you understand the difference between uniformed staff and the clerical staff?

The Hon. DANIEL MOOKHEY: That is precisely what I was asking.

Mr DAVID ELLIOTT: I will take that on notice.

The Hon. DANIEL MOOKHEY: Minister, may I ask the same question of the Commissioner?

Mr DAVID ELLIOTT: I will take it on notice. It is not going to be difficult for him to find out but let us put it on notice.

The Hon. DANIEL MOOKHEY: Minister, again either to you or, through you, to the Commissioner: Do you know whether there are more officers this year than there were three or four years ago?

Mr DAVID ELLIOTT: There are fewer—did you say four years ago?

The Hon. DANIEL MOOKHEY: About four years.

Mr DAVID ELLIOTT: Four years ago or last year?

The Hon. DANIEL MOOKHEY: Four years—2011-2012.

Mr DAVID ELLIOTT: In 2012 there were 4,097 Corrections officers and in 2015 there are 4,253 officers.

The Hon. DANIEL MOOKHEY: Can you repeat the statistics?

Mr DAVID ELLIOTT: In 2012 the number of Corrections officers was 4,097 and the number in 2015 is 4,253.

The Hon. DANIEL MOOKHEY: It is approximately 140 higher—sorry, more.

Mr DAVID ELLIOTT: I think you will find it is a bit more.

A:

	Correctional Officers		
Year	Ongoing	Casual	Total
2011/2012	3841	256	4097
2012/2013	3700	236	3936
2013/2014	3704	258	3962
2014/2015	3868	385	4253

The Hon. DANIEL MOOKHEY: On the basis of those figures, and relating it to the previous answer you gave about prisoner numbers, does that mean the prisoner-to-officer ratio is now higher?

Mr DAVID ELLIOTT: Without a calculator I am going to have to take that on notice.

The Hon. DANIEL MOOKHEY: If you are going to take it on notice, I will also put to you my specific arithmetic so you can come back and tell me whether I am wrong. The specific question I wish to ask is:

Has the ratio of prisoners to officers increased from 1.64 to 1.88? We will make it from March 2013 to June 2015.

Mr DAVID ELLIOTT: Let us take that on notice. I will get out my calculator and test your figures.

A: The approximate ratio of inmates to correctional officers in NSW correctional centres is as follows:

2012/13	2013/14	2014/15
2.7 to 1	2.8 to 1	3 to 1

In the context of the changes to staff numbers it must be noted that in 2011/2012 three correctional centres were closed and since then additional inmates have been accommodated in existing facilities.

The Hon. DANIEL MOOKHEY: In respect of the additional capacity that you have just described regarding bed capacity, how many additional officers are you intending to employ over the same period?

Mr DAVID ELLIOTT: I am going to have to take that on notice as well. As has been said by some of your colleagues, I do not have a crystal ball. In the four months that I have been the Minister I have been to four graduation ceremonies. The numbers we are recruiting are healthy and I will be more than happy to take that on notice. As I have mentioned, I have been to four graduation ceremonies since I have been the Minister but certainly, in the previous financial year, a total of 574 staff were recruited.

A: These are the number of correctional officers recruited, including casuals:

2013/14	2014/15
126	433

The Hon. DANIEL MOOKHEY: Minister, either to you or, through you, to the Commissioner: How much money was expended on overtime for prison officers in the past financial year?

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

A: The overtime expenditure for prison officers in 2014/15 was \$23,638,779, down from \$32.8 million during 2009-10.

Contraband at High Risk Management Correctional Centre (p.17)

The Hon. PETER PRIMROSE correction The Hon. GREG DONNELLY: There are reports that at the Goulburn SuperMax prison there was a prisoner found to have in his possession three mobile phones, a charger, a USB and a 30-centimetre homemade knife in his cell. Is there any further update on the investigation into that matter that you can provide to the Committee?

Mr DAVID ELLIOTT: I am not going to answer that question because there is an ongoing investigation and it would be inappropriate for me to comment.

The Hon. GREG DONNELLY: You have nothing to add?

Mr DAVID ELLIOTT: No.

The Hon. GREG DONNELLY: When does the investigation conclude?

Mr DAVID ELLIOTT: It is a police investigation so if you want to put it on notice I will find out whether the Police Force will provide an answer on when it is going to be concluded.

A: The matter is being investigated by Corrective Services and it is ongoing.

Mr DAVID ELLIOTT: I spent some of my teenage years at the Bimbadeen Aboriginal college in Cootamundra, which was a very heartening experience and probably a great opportunity for me to get an understanding of the problems facing young Aboriginal people. Ms Hanley mentioned that we have a focus on mentoring. The best mentoring is going to come from Aboriginal people. If you have young Aboriginal people who are prepared to be mentors I want to get their resumes because we can use them.

Mr DAVID SHOEBRIDGE: Would you be looking at going to Cabinet for a fresh program that is properly funded to get those kinds of Aboriginal mentors?

Mr DAVID ELLIOTT: I am not going to make policy on the run right here.

Mr DAVID SHOEBRIDGE: I am happy for you to take it on notice.

A: We are always looking for ways to improve outcomes across the correctional system.

Presently, Juvenile Justice delivers mentoring programs for young people in both community and custodial settings in collaboration with a number of not-for-profit and community organisations including:

- SHINE for Kids;
- Save the Children;
- University of Sydney;
- Bell Shakespeare;
- Youth Connection; and
- Aboriginal Elders

Mr DAVID SHOEBRIDGE: I think the proportion of Aboriginal prisoners in the Long Bay facility is something in the order of 20 to 25 per cent. Is it true that there is not a single Aboriginal teacher employed at Long Bay?

Mr SEVERIN: I would have to take that question on notice in relation to Long Bay. An average of 23.7 per cent of our inmates are Aboriginal or Torres Strait Islander.

A: There are presently Aboriginal Teachers at Silverwater Complex, Goulburn Correctional Centre and John Morony Complex.

CSNSW is working with the Aboriginal job network and other organisations to try to recruit suitably qualified staff for other sites.

CHAIR: When the recent floods took place down south the dam at Kiama was in the process of being decommissioned. Is there anything we can learn from that? Was it just bad timing or a freak of nature or should the Government be changing its policy on how it decommissions dams?

MR DAVID ELLIOTT: The storm you are referring to was known as an east coast low. The State Emergency Service (SES) responded to 1,810 jobs, which I put on record because the 900 personnel in the field deserve to be highly commended and thanked. However, the specific question about the dam is not in my portfolio. I will have to take it on notice.

This is a matter for the Minister for Primary Industries.

CHAIR: Can you provide the Committee with details on what the funds will be used for, what initiatives are in progress and if they will include the replacement of the radio base at Lake Macquarie?

MR DAVID ELLIOTT: I will have to take that on notice. Marine Rescue is not owned by the Government. It is a volunteer non-government organisation. They do a fantastic job. I am in constant contact with Commissioner Stacey Tannos. In fact, I met with him as recently as last week. But I will have to take on notice how the money is going to be spent.

D15/523515

An Operational Funding Agreement 2011-2016 provides monthly funding instalments to MRNSW

In 2014/15, MRNSW received a total of \$7.5 million under this arrangement which included a lump sum of \$1.6 million and \$5.9 million from a levy on boating licences and vessel registrations. The Operational Funding Agreement notes that this funding is to be used to support both capital and non-capital expenditure, as follows:

- Item 4b) “the maintenance of units, marine radio bases and Search and Rescue Coordination Centres”
- Item 4d) “the development and maintenance of a marine safety radio network”
- Item 4e) “fuel and other vessel operating costs”.

MRNSW is not a government agency. It is the responsibility of MRNSW to ensure the funding they receive is spent appropriately and in line with the conditions of the funding agreement. The funding provided via the Government is used to support its 45 units, rescue operations, marine radio communications safety net, extensive Information Technology development, training, and support services for volunteers.

In relation to the Lake Macquarie radio base, MRNSW advises it is currently undertaking a major review of all its premises (which it occupies under Crown Lands lease or licence) to identify and prioritise essential capital works projects in coming years.

The Hon. DANIEL MOOKHEY: Minister, to return to one of your previous answers, I think you stated that the number of employees in Corrective Services NSW is 7,200?

Mr DAVID ELLIOTT: Yes.

The Hon. DANIEL MOOKHEY: Minister, can you explain why the budget papers only forecast 6,330 then?

Mr DAVID ELLIOTT: That 7,200 figure I gave you included casuals. So I will take that question on notice. I should warn you that that 7,200 included casuals.

The Hon. DANIEL MOOKHEY: I understand. But you are aware that the employee figures listed in the budget papers are for full-time equivalent [FTE] employees?

Mr DAVID ELLIOTT: I will take that on notice.

A: The figure in the budget paper is the full-time equivalent (FTE) number. The figure of 7,200 is a headcount and includes casuals; staff who job-share; and staff on any type of leave.

Current lease of the Rural Fire Service Headquarters (page 24):

The Hon. GREG DONNELLY: When was the lease last renegotiated?

Mr FITZSIMMONS: That would have been in recent years.

The Hon. GREG DONNELLY: When was that?

Mr FITZSIMMONS: It is the subject of periodic review. I could get you the specific date but it would be in recent years.

The Hon. GREG DONNELLY: So you do not know but you can take that on notice?

Mr FITZSIMMONS: That is correct. I can get you the specific date.

The lease was last renegotiated on 2 September 2014

The Hon. GREG DONNELLY: Minister, in light of what the Committee has been told, have you taken steps to make representations to the Goodman Group about an ability to further extend the lease for this purpose-built multimillion dollar building the RFS occupies at Lidcombe?

The Hon. CATHERINE CUSACK: Point of order. If the member is representing a commercial interest at the time when there is a commercial negotiation going on over a lease then I ask that he disclose that interest or he should at least reflect on the appropriateness of what he is doing.

The Hon. GREG DONNELLY: I am not.

The Hon. CATHERINE CUSACK: You are. You are championing –

The Hon. GREG DONNELLY: That is not a point of order. I am asking a question.

CHAIR: Order! There is no point of order.

The Hon. CATHERINE CUSACK: You absolutely are and I suggest if there is a disclosure to be made that you should make it.

The Hon. GREG DONNELLY: There are no disclosures to be made.

CHAIR: It is at the discretion of an individual to make a disclosure as to any matter before the Committee.

The Hon. GREG DONNELLY: Let us be clear. I do not here in any way whatsoever represent any company. I am asking a question of the Minister.

CHAIR: Will the Minister indicate if he is going to answer the question or take it on notice?

Mr DAVID ELLIOTT: I am going to take it on notice because it is probably not something that I have put have thought into.

The Hon. GREG DONNELLY: Minister, I put this to you. We have a lease that is to expire relatively soon. It is a multimillion dollar –

Mr DAVID ELLIOTT: A lease signed by Tony Kelly.

The Hon. GREG DONNELLY: –purpose built building at Lidcombe and it is accessible to a number of other agencies working very closely with the RFS. The clock is ticking down. I would have thought that you would have been turning your mind as to whether or not –

Mr DAVID ELLIOTT: It is a management issue so I will take it on notice.

The lease was due for renewal on 12 November 2014. On 14 February 2014 the lessor provided Government Property NSW with proposed lease extensions.

On 20 February 2014 the lessor withdrew these options and advised of the intention to assess the future use of the site. At this time Planning & Environment announced the 'Carter Street Urban Activation Plan,' to redevelop the area into 5,500 new residential properties.

An agreement between Government Property and the lessor was reached on 2 September 2014 for a four year term concluding on 13 November 2018.

The Hon. DANIEL MOOKHEY: How much money has the Government spent on legal fees and investigations for bullying and harassment in the Rural Fire Service in the financial years 2013-14 and 2014-15?

Mr DAVID ELLIOTT: We certainly take any allegations of bullying very seriously but the figure that you are referring to will have to go on notice.

Total legal and investigation costs relating to claims from NSW RFS members (staff and volunteer) containing allegations of bullying:

2013/14 = \$86,535.29

2014/15 = \$28,385.23

Mr DAVID SHOEBRIDGE: I ask Commissioner Dent what has been the expenditure of the State Emergency Service on legal costs and disbursements in relation to employee disputes in 2013-14 and 2014-15?

Mr DENT: I will take that on notice.

The total cost during 14/15 was \$118,347.66 and \$214,963.40 in 13/14.

Payout to Deputy Commissioner Pearce (page 30):

Mr DAVID SHOEBRIDGE: Can you provide that figure on notice?

Mr DENT: I am not sure that I am able to do that.

Mr DAVID ELLIOTT: We will let you know whether it is available or confidential.

Mr Pearce's termination payment was determined by the Statutory and Other Offices Remuneration Tribunal (SOORT) in accordance with the terms of his contract of employment.

Mr DAVID SHOEBRIDGE: For how long did Deputy Commissioner Pearce not work but receive payment prior to formally exiting the agency?

Mr DENT: Deputy Commissioner Pearce was working in the agency until the day he left. There was a period to my tenure when Deputy Commissioner Pearce was not actively in the agency.

Mr DAVID SHOEBRIDGE: For how long?

Mr DENT: I cannot answer that question. I will take it on notice.

The NSW State Emergency Service, as a Government agency, complies with the Department of Premier and Cabinet guidelines on the suspension of public service employees from duty.

The guidelines allow an employee to be suspended from duty in particular circumstances with full pay. An employee may only be suspended without pay in exceptional circumstances. Such circumstances would include when the employee had been remanded in custody, or has admitted to behaviour that under the circumstances renders the employee unfit to continue in paid employment with the agency.

Mr DAVID SHOEBRIDGE: My colleague asked questions earlier about the number of bullying complaints and instances of bullying over the last two full financial years and the financial year to date. The question was asked of the Rural Fire Service. Could I ask the other commissioners here to take the same question on notice as directed to their own agencies?

Mr DAVID ELLIOTT: Sure.

Mr MULLINS correction Mr FITZSIMMONS: Which question?

Mr DAVID ELLIOTT: Allegations of bullying and the cost of it.

Mr DAVID SHOEBRIDGE: The legal costs in relation to bullying, the number of bullying complaints and the number of complaints that have been upheld are the areas that I am interested in.

Mr DAVID ELLIOTT: All the emergency services agencies will take that on notice.

FIRE & RESCUE NSW			
Financial year	Legal costs (\$)	Number of bullying complaints	Number of bullying complaints upheld
2013 – 2014	Nil	40	4
2014 – 2015	26,399*	45	5
2015 – date	Nil	9	Nil

*Treasury Managed Fund

NSW SES			
Financial year	Legal costs (\$)	Number of bullying complaints	Number of bullying complaints upheld
2013 – 2014	214,963.40	No data available	No data available
2014 – 2015	118,347.88	14	4
2015 – date	\$15,048.97	7	1

NSW RURAL FIRE SERVICE			
Financial year	Legal costs – (\$)	Number of bullying complaints	Number of bullying complaints upheld
2013 – 2014	9,133.27	18	1 partially upheld; 2 upheld
2014 – 2015	2,145.00	23	1 upheld
2015 – date	No data available	No data available	No data available

Mr DAVID SHOEBRIDGE: Could you provide on notice details of your issues in relation to the mapping that you are having provided to you from OEH and from Planning?

Ms MACKANESS correction Mr ROGERS: The quality of that mapping?

Mr DAVID SHOEBRIDGE: The quality of that mapping.

Ms MACKANESS correction Mr ROGERS: Certainly.

The issues relate to the granularity of mapping layers when used at a fine scale. Additionally, some work needs to be carried out to rectify data from multiple government sources in order to provide the best product to the community.

Mr DAVID SHOEBRIDGE: You say there was a range of submissions, but could you take on notice the number of submissions that supported your code and the number of submissions that were critical of your code? It was in the order of 95 cent per cent, was it not?

Mr FITZSIMMONS: It is published on our website, the code review and the submissions.

The submissions are published on the NSW RFS website.

