

## GENERAL PURPOSE STANDING COMMITTEE NO. 3 - BUDGET ESTIMATES 2006-2007 - QUESTIONS ON NOTICE

### Budget Estimates Supplementary Questions

Q #	QUESTION	ANSWER
Q1 (a)	What is the status of staff investigations? I.e.: at 30 June 2006 how many had been completed for previous financial year; how many were actively being investigated and how many were pending investigation?	The Department has about 6,000 members of staff. The Department's Employment and Administrative Law Branch received 569 matters for consideration in 2005-2006. As at 10 October 2006, there were 86 staff-discipline related matters under investigation.
Q1(b)	What is the average wait for an investigation to commence?	The Department does not collate this information. The Department's Professional Conduct Management Committee meets every week. Should the Committee recommend that a matter proceed to investigation, the appropriate documents are prepared forthwith and submitted for formal authorisation. As soon as an investigation is authorised, documents are served on both the officer subject to the investigation and the officer who is to carry out the investigation.
Q1(c)	What is the average cost of these investigations?	The cost of individual investigations is not calculated. Investigations generally utilise the resources allocated to the Department's Probity and Staff Development Division.
Q1(d)	In 05-06 How many staff have been (i) disciplined (ii) suspended or (iii) terminated?	The Department has about 6,000 members of staff. In 2005-2006, 110 of these were disciplined, 8 were suspended and 7 were dismissed.
Q2	How many claims were lodged for Workers Compensation payments in 2005-06; what was the total cost and what is the trend in the cost of Workers Compensation?	The Department publishes information on Workers' Compensation in its Annual Report each year.
Q3	What is the salary and non-salary for Juvenile Justice community based services? (i.e.: non-Detention centre)? Can you please provide this by region?	Not applicable to Department of Corrective Services.
Q4(a)	What was the staffing and actual expenditure (accrual) for each of the 8 Detention Centres for 2005-06?	Not applicable to Department of Corrective Services.
Q4(b)	What is the staffing and budget (accrual) for each of the 8 Detention Centres for 2006-07?	Not applicable to Department of Corrective Services.

Q #	QUESTION	ANSWER
Q5	During 2005-06 how many detainees had their classification reduced from A1 or 2(o) to B classification? How many A1 or 2 (b) detainees were reduced to B Classification?	Not applicable to Department of Corrective Services.
Q6	Can the Minister advise whether there are any departmental guidelines or targets for ensuring the timely dealing with complaints from the public?	The Department has broad guidelines in respect of the general correspondence that it receives. The Department aims to reply to the majority of letters within 28 days. The circumstances of a complaint will, however, determine the amount of time required to deal with that complaint. The Department aims to deal with all complaints in a timely manner according to the nature of the complaint and the resources required to process the complaint. Of course, matters that are able to be raised orally by inmates with Official Visitors or the Corrective Services Support Line are likely to be addressed even more promptly.
Q7	If yes, what is the timeframe for acknowledgement of a complaint?	If an acknowledgement or interim letter is required that letter is drafted as soon as practicable.
Q8	If yes what is the timeframe for fully answering a complaint?	A number of factors, including the circumstances of each complaint will determine the amount of time taken to fully answer a complaint.
Q9	If there are no guidelines or targets in place, will the Minister introduce them?	The current practice of treating each case on its merits will continue.
Q10	Is the Minister aware that complaints often come from vulnerable relatives of prisoners who often become distressed if their complaints are not even acknowledged as being received?	The Department is expected to respond to complaints at the earliest opportunity.
Q11	Can the Minister advise whether the department has a policy on the banning of visitors?	The Department's policy in respect of the banning of visitors reflects the relevant legislation.
Q12	Is this policy an exercise of discretion at each individual correctional institution?	The <i>Crimes (Administration of Sentences) Regulation 2001</i> authorises a governor of a correctional centre to refuse to allow a person to visit the centre or an inmate if of the opinion that such a visit would prejudice the good order and security of the centre. The Regulation also provides for the Commissioner of Corrective Services to bar persons from visiting correctional centres.

Q #	QUESTION	ANSWER
Q13	Is there any avenue of appeal from a ban by a visitor?	A visitor who has been banned from visiting a correctional centre is able to ask for that decision to be reconsidered. In the first instance, the officer who imposed the ban will usually reconsider the decision. Any subsequent reconsideration will be by a more senior officer, where appropriate.
Q14	Is there any process of independent investigation of a ban to test the evidence on which the ban was based?	Banned visitors are entitled to contact the NSW Ombudsman should they be dissatisfied with the Department's decision.
Q15	Is the Minister aware that some visitors have been banned for simply having goods such as mobile phones and substances such as alcohol found in vehicles they have travelled to the correctional facility in for a visit?	It is an offence under the <i>Summary Offences Act 1988</i> to, without lawful authority, bring or attempt by any means whatever to introduce into any place of detention any spiritous or fermented liquor. A correctional complex is a place of detention. It is also an offence under the Act to deliver or attempt to deliver anything to an inmate. In respect of the claim that visitors have been banned because mobile phones have been found in their motor vehicles, I invite the Committee to provide details of any such bans so that the claim may be tested.
Q16	Is it possible for a visitor to be banned by a simple suspicion by a prison officer that an illegal substance or good has been passed to a prisoner during a contact visit?	Visitors are banned on the basis of observations by correctional officers and other intelligence.
Q17	Is the Minister aware that safe cells have video surveillance cameras installed?	Yes.
Q18	Does the Minister agree that juveniles in these safe cells are vulnerable?	Safe cells are purpose-built where the occupant can be kept under close watch.
Q19	Will the Minister consider facilitating this existing and installed technology to be used by the juvenile to communicate with a visitor to the facility?	An audio-visual link facility was recently made operational at Kariong Juvenile Correctional Centre. The system is only being used at this point for court matters. The Department is currently conducting, in the adult correctional system, a limited trial of allowing some inmates from remote areas to use audio-visual link facilities to be 'visited' by their children.

#### Questions taken on notice on 21 September 2006

p23 Q(1)	How many staff have been HealthQuested in the past year? In other words, how many staff have left the Department because of their health?	In 2005-06, 48 staff were retired on medical grounds.
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Q #	QUESTION	ANSWER
p25 Q(2)	Can you provide details of the periods that Ian McLean has been acting Commissioner in the past 6 years?	Mr McLean has received a higher duties allowance for acting as the Commissioner of Corrective Services for 4 periods, including the period commencing 10 July 2006. Prior to the period commencing 10 July 2006, Mr McLean acted as Commissioner for a 12-day period around Christmas 2003; for a 7-day period in October 2004; and a 6-day period in 2005.
p26 Q(3)	Do you know whether Commissioner Woodham has entered a new 5-year contract?	I can advise the Committee that Cabinet has recently approved a recommendation to the Governor of New South Wales that Commissioner Woodham be reappointed for another 5-year period commencing January 2007.
p26 Q(4)	If Commissioner Woodham has entered into a new contract, when was that contract entered into?	See above.
p29 Q(5)	What can you tell the Committee about a vicious stabbing incident in John Morony prison yesterday (20 September 2006)?	A stabbing did occur at John Morony Correctional Complex on 20 September 2006. The stabbing is subject to a police investigation.
p29 Q(6)	What was the weapon used in the stabbing at John Morony prison?	The details of the stabbing should be known at the conclusion of the police proceedings.
p29 Q(7)	How did the weapon come to be in the possession of the inmate?	The findings of the police investigation into this matter may establish how the weapon came to be in the possession of the inmate.
p29 Q(8)	How long after this inmate was released from solitary confinement did the attack occur?	There is no such thing as "solitary confinement" in the NSW correctional system. Clause 153 of the <i>Crimes (Administration of Sentences) Regulation 2001</i> details prohibited punishments which include such things as: solitary confinement, corporal punishment, torture and cruel, inhuman or degrading treatment. The attack at John Morony Correctional Complex is reported to have occurred approximately 1 hour after the inmates involved had been released from their cells on the day of the incident.
p32 Q(9)	In relation to Phuong Ngo, has the decision to put him in the HRMU have any kind of end time to it?	The High Risk Management Unit is designed to accommodate inmates who have been assessed as posing a high risk to the safety of the community, correctional centre staff or inmates, or who present a serious threat of escape. Offenders remain in the unit whilst ever the perceived risk exists.
p32 Q(10)	In relation to Phuong Ngo, is the period that he has been in the HRMU a long time for such a placement?	Inmates remain in the HRMU for however long they are deemed to pose an unacceptable risk if accommodated within the mainstream population. There are inmates who have been housed at the HRMU for longer periods than has Phuong Ngo.

Q #	QUESTION	ANSWER
p32 Q(11)	When is Phuong Ngo's placement in the HRMU next scheduled for review?	Phuong Ngo is a serious offender and as such is reviewed by the Serious Offenders Review Council (SORC) every 6 months. Phuong Ngo was last reviewed by SORC in August 2006. He is scheduled to be reviewed next by SORC in February 2007. Phuong Ngo has been designated by the Commissioner of Corrective Services as an "Extreme High Security Inmate". As such, his case is considered every 3 months by the High Security Inmate Management Committee (HSIMC), which is a sub-committee of SORC. The HSIMC last met in September 2006 after which Phuong Ngo's designation as extreme high security inmate was confirmed. Finally, every inmate in the HRMU is reviewed each month by local staff to consider the progression or regression of the inmate in the HRMU program as part of the inmate's individual management plan.
p 34 Q(12)	In relation to Wayne Clark, who came in from Queensland, has he made an application to return to Queensland?	The Department is not aware of any request by this inmate to return to Queensland. This inmate transferred to NSW on welfare grounds.
p34 Q(13)	In relation to Wayne Clark, who came in from Queensland, what is his classification? Why is his classification different to that which he had in Queensland? Were the self-improvement programs and other programs related to drugs and alcohol that he undertook in Queensland taken into account when he was being classified?	As at the beginning of October 2006, Wayne Clarke was a C1 category inmate. Such an inmate is to be confined by a barrier unless in the company of a correctional officer or some other person authorised by the Commissioner. This inmate is a serious offender and as such his placement is reviewed by the Serious Offenders Review Council (SORC). The original C1 classification was due in part to limited documentation being received from the Queensland Department of Corrective Services at the time of the inmate's transfer. SORC last considered this inmate's case in August 2006 following receipt of additional information from the Queensland authorities. At that time, SORC recommended that the inmate remain classified as a C1 inmate. The inmate's case is to be reviewed again in mid-October 2006.
p37 Q(14)	How many chaplains are there from each religious faith with access to prisoners in the New South Wales prison system?	As at 3 October 2006, there were 75 chaplains working in the correctional system. There were 33 full-time Christian chaplains. Of these, 13 were Anglicans, 10 were Catholics, and 10 represented other Protestant churches. There were also 30 sessional Christian chaplains. Of these, 6 were Anglicans, 10 were Catholics, 11 were other Protestant churches, 2 were Greek Orthodox and 1 was Maronite Catholic. There was also 1 full-time and 3 sessional Muslim chaplains, 5 sessional Buddhist chaplains, 2 sessional Jewish chaplains and 1 sessional Seventh Day Adventist chaplain.
p39 Q(15)	What can you tell the Committee about allegations that male prisoners housed at Silverwater have been in physical contact with female prisoners housed at Mulawa?	Silverwater Correctional Centre and Mulawa Correctional Centre are separate correctional centres on the Silverwater Correctional Complex and as such are secured accordingly. A discrete, secure and fenced section of Mulawa currently accommodates some male inmates.

Q #	QUESTION	ANSWER
p39 Q(16)	Has a female prisoner become pregnant to a male prisoner at Silverwater while both were in custody?	The Department is not aware of any such event. Refer to answer to Q140 submitted on 3 October 2006 for further information.
p39 Q(17)	Did Paul Nash say that DCS had failed to properly put in place programs that might have helped Maddison Hall to be re-integrated into the community sooner?	No. Mr Nash, when making a submission on behalf of the Acting Commissioner of Corrective Services on 21 September 2006 to the State Parole Authority in the matter of Maddison Hall, said that 'perhaps' the Department should have done more to ensure that a plan was available for this inmate earlier. It should be recognised, however, that guidelines for the treatment of persons such as Ms Hall have only recently begun to emerge in the psychological literature. Internationally, knowledge and experience in the treatment of such individuals is relatively rare.
p40 Q(18)	In relation to Maddison Hall, what is the costing of the program that would be suitable for Maddison Hall that could reduce the risk of her reoffending?	The intervention program for this particular inmate is to be delivered by a therapist working under the joint supervision of the Department's Clinical Co-ordinator for Violent Offender Programs and Clinical Co-ordinator for Sex Offender Programs. As such, there is no new cost to the Department in the provision of this program.
p40 Q(19)	How many tenderers were there for the security contract, which was eventually awarded to Advance Securities?	Refer to answer to Q47 submitted on 3 October 2006.
p41 Q(20)	How many times has Advance Security been called out to fix faults in the system at John Morony and Dillwynia?	Refer to answer to Q49 submitted on 3 October 2006.
p41 Q(21)	What was the nature of the security problems?	Refer to answer to Q50 submitted on 3 October 2006.
p41 Q(22)	What was contract worth to Advance Security?	Refer to answer to Q51 submitted on 3 October 2006.
p42 Q(23)	In relation to all 2003 audits conducted by the Audit Branch (Arthur Abraham), did any of the audit reports make adverse findings about inappropriate dealings with private companies who supplied the Department of Corrective Services?	In the 2002-2003 financial year, the Department's internal Audit Branch completed 31 audits. Of these, two are reported to contain findings of the kind referred to in the Committee's question.
p42 Q(24)	If a 2003 audit report made an adverse finding (that is, a finding of improvement required) what has been done about it?	The Commissioner took appropriate action to implement recommended improvements, address the identified policy and procedural shortcomings and any related probity issues. The Commissioner engaged external investigators to investigate the audit findings. Where appropriate, matters were referred to the Independent Commission Against Corruption and NSW Audit Office for consideration. Appropriate action was also taken by the Department's Professional Conduct Management Committee.

Q #	QUESTION	ANSWER
p44 Q(25)	Can you provide data on how many half-day and full-day lockdowns there have been at Long Bay in the past financial year?	Long Bay Correctional Complex is comprised of several correctional centres and each of those centres contains numerous wings and units. A lockdown could be of any or all of the above. The number of lockdowns is not, therefore, a useful measure. Accordingly, the Department does not report on the specific number of lockdown events. The nationally-agreed correctional indicator is 'average time out of cells'. This measure assures relevance as it reflects any partial lockdowns of correctional centres and the partial lockdown of wings and units within those centres. Refer to answer to Q92 as tabled on 21 September 2006.
p44 Q(26)	What is the situation with lockdowns at Junee?	Refer to answer to Q92 as tabled on 21 September 2006 and to the above response.
p44 Q(27)	Does Junee provide the Department with details of the number of lockdowns at Junee? If so can the information be released?	The operators of Junee Correctional Centre comply with the Department's reporting requirements which are intended to inform the Productivity Commission's annual Report on Government Services. Refer to answer to Q92 as tabled on 21 September 2006.
p45 Q(28)	For what period was Maddison Hall accommodated at Mulawa?	Prior to gender reassignment surgery, Maddison Hall was accommodated at Mulawa Correctional Centre for about 3 months in 1999.
p47 Q(29)	Are you aware of the matter of correctional officer, Ronald Singh, who claims he was bashed by fellow officers at Parklea Prison? Do you know anything about the matter?	Yes.
p47 Q(30)	After the charges against 2 officers were dismissed, was any action taken by the Department against two of those officers?	The Department did not take disciplinary action against the 4 officers accused by Mr Singh. Remedial action was taken by way of transfer and restriction of duties. As advised in answer to Q9, tabled on 21 September 2006, all 4 officers were transferred out of the Immediate Action Team.
p47 Q(31)	I think that a court dismissed the matter, but that subsequently the Department took action against 2 of those officers. Is that correct?	The charges against 4 correctional officers were dismissed. See above.
p47 Q(32)	Will you provide the Committee with details of the action that was taken against those two officers?	See above. Refer to answer to Q9 tabled on 21 September 2006.

Q # QUESTION  
p48 Q(33) Who are the current members of the Parole Authority? Are they identical to the membership that is listed in the annual report, or have they changed?

ANSWER  
The members of the State Parole Authority are as reported in the State Parole Authority's 2005 Annual Report with the following exceptions: Dr Jennifer Anne Sefton and Mr Geoffrey McNeil are no longer members; and Mrs Marion Dawson, Ms Martha Jabour (Executive Director, Homicide Victims' Support Group), and Mr Barry Kilby (member of the Victims of Crime Assistance League) are now members. Mrs Dawson was appointed in September 2006, and Ms Jabour and Mr Kilby were appointed in October 2006.