

## **Budget Estimates - Attorney General and Minister for Justice**

### **Correspondence from Chief Magistrate about retiring Magistrates**

**The Hon. ADAM SEARLE:** Has he written any letters to you or engaged in any correspondence with you about this issue other than in face-to-face conversations?

**Mr GREG SMITH:** I think there has been at least one letter about it.

**The Hon. ADAM SEARLE:** Are you able to table that letter?

**Mr GREG SMITH:** I cannot at the moment.

**The Hon. ADAM SEARLE:** No, but are you happy to provide it to the Committee?

**Mr GREG SMITH:** If it is there and subject to it not being privileged in some way or another; yes, I cannot see why that would not be available.

### **ANSWER**

I can advise that I did not receive a letter from the Chief Magistrate regarding the replacement of retiring magistrates.

## **Budget Estimates - Attorney General and Minister for Justice**

### **Job cuts**

**The Hon. ADAM SEARLE:** On the issue of job cuts, have you determined how many jobs will be lost, outside the corrections area, from the department?

**Mr GLANFIELD:** I do not have the figures with me.

**The Hon. ADAM SEARLE:** I am happy for you to take it on notice.

**Mr GLANFIELD:** Could I just make the point that court support is actually sheriffs, court libraries and transcription reporting services branch, not the actual court registry staff who are under courts.

### **ANSWER**

As advised by the Director General during the hearing no job cuts have been determined for the Attorney General's Division of the Department. Savings may be achieved through improved service delivery models, improved processes and other changes. Any reduction in employee numbers is anticipated to be achieved primarily through natural attrition. Inevitably in organisational change, some staff may be excess to the Department's needs.

As advised by the Acting Chief Executive Officer, Juvenile Justice, approximately 114 positions have been targeted for deletion as part of a savings strategy, many of which are vacant positions. The savings strategy was developed to reflect lower client numbers and consequent changes to the nature of service delivery to young offenders.

## **Budget Estimates - Attorney General and Minister for Justice**

### **Tender – Graffiti Removal Day**

**The Hon. AMANDA FAZIO:** What was the basis for declaring it a superior tender? Was it cheaper?

**Mr GREG SMITH:** I was not part of the tender process, so I do not know.

**The Hon. AMANDA FAZIO:** Can Mr Glanfield—

**Mr GLANFIELD:** I was not part of the tender process either. It was independent and it included an independent police officer on the panel. As best I am aware, they transparently dealt with the tenders they had and formed a conclusion, and that is what was passed to the Minister.

**The Hon. AMANDA FAZIO:** Can you take on notice to provide the Committee with the criteria for the tender and the membership of the tender assessment panel?

**Mr GREG SMITH:** Yes.

### **ANSWER**

I am advised:

The tender submissions were assessed by a three person panel. The panel consisted of two officers of the Department of Attorney General and Justice and a representative from the NSW Police Force.

Submissions were assessed against the following criteria:

1. Knowledge, experience and expertise in developing and implementing large scale community programs, including demonstrated resources and ability to develop project methodology and implement practical strategies that are relevant, realistic and within achievable program (Weighting - 30%).
2. Identification and management of key issues – including project opportunities and project risks and accompanying mitigation strategies (Weighting - 10%).
3. Sound understanding of program-specific subject matter and role of community groups including a demonstrated understanding of graffiti vandalism and its impact on the community (Weighting – 20%).
4. Demonstrated capacity to work in a sensitive and collaborative way with community groups and local government (Weighting – 20%).
5. A competitive service that offers value for money (Weighting – 20%).

## **Budget Estimates - Attorney General and Minister for Justice**

### **Legal services expenditure**

**The Hon. ADAM SEARLE:** What is the progress of your legal services blueprint?

**Mr GREG SMITH:** My legal services—

**The Hon. ADAM SEARLE:** The blueprint that was announced I think in August last year.

**Mr GREG SMITH:** There have been regular meetings with senior general counsel from the leading departments to progress a whole-of-government legal services procurement strategy.

**The Hon. ADAM SEARLE:** Perhaps I can be a bit more focused then. What is your target expenditure on legal services and what was the expenditure on legal services in the 2011-12 financial year?

**Mr GREG SMITH:** I do not have that figure off the top of my head.

**The Hon. ADAM SEARLE:** I am happy for you to take that question on notice.

**Mr GREG SMITH:** Yes, I will take it on notice. Our aim is to reduce the expenditure by government on legal services.

### **ANSWER**

I am advised:

Targeted expenditure on legal services is yet to be determined. The target will be set in the course of establishing a whole of government legal services procurement strategy. The Department of Attorney General and Justice has been working closely with NSW Procurement and Senior General Counsel to progress this strategy.

Total legal services expenditure for the 2011/2012 financial year has not been finalised as data is currently being collected and analysed. Once completed, total expenditure will be published on the Department's website.

## **Budget Estimates - Attorney General and Minister for Justice**

### **Consultations for reforms to spousal privilege**

**Mr DAVID SHOEBRIDGE:** Who did you consult before you put forward the law reform removing spousal privilege?

**Mr GREG SMITH:** I am not sure. I think I got some advice from the department but I had considerable knowledge of that area of the law in any event having argued the issue in the Court of Criminal Appeal, having read Acting Judge Lerve's judgment in the case involving a prosecution under section 316 and having read the High Court's decision in a case that came out of Queensland, which said that the so-called immunity never existed.

**Mr DAVID SHOEBRIDGE:** So who did you consult with?

**Mr GREG SMITH:** I did not need to consult much having read that but I did get advice from the department.

**Mr DAVID SHOEBRIDGE:** Did you get advice from the Director of Public Prosecutions?

**Mr GREG SMITH:** I do not think so. I had discussed the question of an appeal against Judge Lerve's decision at one stage.

**Mr DAVID SHOEBRIDGE:** Could you take it on notice whether you got advice from the Director of Public Prosecutions or anyone other than the department?

**Mr GREG SMITH:** Yes, I can take it on notice.

### **ANSWER**

I can advise that consultation took place with a number of stakeholders, including the Director of Public Prosecutions, before putting forward the reforms to abolish the spousal immunity defence. Legal Aid NSW, the Law Society of NSW, the NSW Bar Association, the Public Defender's Office, the Chief Magistrate, the Chief Judge of the District Court and the Chief Judge at Common Law of the Supreme Court were also consulted.

## **Budget Estimates - Attorney General and Minister for Justice**

### **Consorting laws**

**Mr DAVID SHOEBRIDGE:** How many convictions have there been under those new consorting laws?

**Mr GREG SMITH:** As I understand it, there was only one and that plea of guilty was withdrawn and the matter was referred back to the magistrate. I think that is all, but I gather there are well over a hundred people who have been warned for consorting since then.

**Mr DAVID SHOEBRIDGE:** So, not a single bokie, not a single member of organised crime—no-one has been caught by the change in consorting laws?

**Mr GREG SMITH:** I do not know. That is more in the area of the police. They enforce the law. There is talk of a High Court challenge by some so-called bikies who are charged at the moment. There are a number of people charged at the moment but they are talking about a challenge to the law, so they are defending the case.

**Mr DAVID SHOEBRIDGE:** Of those charged, do you know how many would fit within the category of being an alleged bokie or an alleged member of organised crime and how many are not?

**Mr GREG SMITH:** The only ones I know of are all so-called bikies. They are in the same matter or before the same court, and there are about three or four of them.

**Mr DAVID SHOEBRIDGE:** Could you provide those details on notice?

**Mr GREG SMITH:** Yes, we will.

### **ANSWER**

I am advised by NSW Police that to date, six people have been charged with the new consorting offence under s.93X of the *Crimes Act 1900*. I am informed that five of those people are involved with Outlaw Motorcycle Gangs. There has been one conviction to date. That matter did not relate to a member of an Outlaw Motorcycle Gang, and was set aside on appeal. The matter has been remitted to the Local Court for a new hearing before a magistrate.

## **Budget Estimates - Attorney General and Minister for Justice**

### **Move on orders**

**Mr DAVID SHOEBRIDGE:** How many convictions have there been for breaches of a move-on order under the Government's new legislation?

**Mr GREG SMITH:** I do not know. I will have to take that on notice.

**Mr DAVID SHOEBRIDGE:** When you do that could you advise what proportion of those persons who have been convicted for breach of a move-on order were identified as Aboriginal?

**Mr GREG SMITH:** Yes, we could look at that.

### **ANSWER**

The Bureau of Crime Statistics and Research advised that between September 2011 and June 2012, 28 people were found guilty of the principal offence of *continue intoxicated etc behaviour after move on direction* (s9(1) *Summary Offences Act 1988*). Of these 28 people, three were recorded as Indigenous, 24 were non-Indigenous and one person's Indigenous status was unknown.

## **Budget Estimates - Attorney General and Minister for Justice**

### **Complaints to Legal Services Commissioner**

**Mr DAVID SHOEBRIDGE:** How many complaints have been made in the last 12 months to the office of the Legal Services Commissioner?

**Mr GLANFIELD:** I will have to take that on notice but it is in the order of a few thousand, I think. I do not have the figure.

**Mr DAVID SHOEBRIDGE:** Do you know what proportion of those complaints ultimately result in a finding of either professional misconduct or unsatisfactory professional conduct?

**Mr GLANFIELD:** Not many because the way it works, and the new model national legal profession regime kind of reinforces this, the emphasis in that office is to try to resolve matters and only take the ones that involve professional misconduct. The vast majority of complaints that Steve Mark, the Legal Services Commissioner, receives involve communication misunderstandings between lawyer and client and issues about costs, most of which can be resolved through a process of discussion and maybe even mediation. It is only where it is clear that there has been professional misconduct or unsatisfactory professional conduct that the matter would go forward. I think I can be fairly safe saying the vast majority of complaints are resolved without the need to do that. That is positive, not a negative.

**Mr DAVID SHOEBRIDGE:** Could you provide the figures on notice?

**Mr GLANFIELD:** They would be published in the annual report of the Legal Services Commissioner so it would all be on the website of the Legal Services Commissioner. I am happy to take it on notice but it is there and published.

### **ANSWER**

I am advised:

The Office of the Legal Services Commissioner (OLSC) received 2758 written complaints in 2011/2012. Of these, the OLSC retained 2147 complaints, 556 were referred to the Councils (Law Society of NSW and the NSW Bar Association) and 55 were dismissed as beyond jurisdiction.

Findings of unsatisfactory professional conduct or professional misconduct can only be made by the Legal Services Division of the Administrative Decisions Tribunal or by the Supreme Court. During 2011/2012 there were 217 disciplinary findings. Of these, 79 were referred to the Tribunal and 138 were dealt with summarily by way of caution, reprimand or compensation order by the Commissioner and Councils. These statistics will be published in the OLSC's Annual Report.



## **Budget Estimates - Attorney General and Minister for Justice**

### **Random home visit found paedophile with child in house – why not advised of incident**

The Hon. AMANDA FAZIO: Earlier I referred to a case where during a random home visit a paedophile was found with a child in his house. Are you aware of that case?

Mr GREG SMITH: No.

The Hon. AMANDA FAZIO: Why not? Is that not of suitable importance that it should have been brought to your attention?

Mr GREG SMITH: Yes, I would expect to be told but when I say "no" I have great concern about paedophiles and the damage that they cause to children. It is something I would have hoped to have got but an enormous amount of activity goes on within my departments and I cannot be sure of everything that is happening at once. I expect officers in my departments to handle those matters properly and I being aware may not change anything except to emphasise that that must not happen again.

The Hon. AMANDA FAZIO: Will you take it on notice to find out why you were not advised of that incident?

Mr GREG SMITH: Yes, but I think it is more a police matter. I think police should be told of that. For example, if a breach of parole is committed I would imagine that matter would be reported to the Parole Board and if an actual offence is committed the police would arrest and charge.

#### **Answer:**

I am advised that Corrective Services NSW has one record of an incident where a sex offender was found at home by staff of the Community Compliance and Monitoring Group (CCMG) alone in the company of a child.

The incident occurred on Friday 24 December 2010. A sex offender subject to an extended supervision order was given permission by CCMG to stay at his daughter's home over the Christmas period. Two CCMG officers conducted a visit to the home. The door was answered by a 12 year old boy, the offender's grandson. The boy advised that the offender was the only adult at home and that he was asleep. After the offender was woken and spoken to by the CCMG officers to confirm that he was the only adult present in the house, the officers reported the matter to local police. The offender was arrested and charged with failing to comply with his extended supervision order. The charge was dismissed by the Local Court on 7 March 2011.

Corrective Services NSW is aware of an incident on 14 March 2012 where a sex offender was found by police at his home alone in the company of a 3-year old boy. That offender was subject to a child protection prohibition order under the *Child Protection (Offenders Prohibition Orders) Act 2004*. Offenders subject to child

protection prohibition orders are not subject to supervision by staff of Corrective Services NSW.

The offender was arrested and charged by police for contravening the child protection prohibition order. He was convicted at Bankstown Local Court on 28 August 2012 on 4 counts of contravene a child protection prohibition order and 1 count of loitering in a public place frequented by children without reasonable excuse. He is currently serving a total sentence of imprisonment of 1 year and 4 months for these offences, which expires on 8 October 2013.

The Commissioner of Corrective Services advised me of this incident shortly after it occurred and I approved a recommendation that an application be made to the Supreme Court for an extended supervision order against the offender. In accordance with section 6 of the *Crimes (Serious Sex Offenders) Act 2006* the application will be made in the last 6 months of the offender's sentence. Should the Court grant the application, the offender will be subject to strict supervision and monitoring by Corrective Services NSW.

## **Budget Estimates - Attorney General and Minister for Justice**

### **Prisoner education program budget for last year and this year**

The Hon. ADAM SEARLE: Attorney, just to be clear: Are you saying that the prisoner education programs have not been affected at all by the Government's \$1.7 billion cuts to education?

Mr GREG SMITH: No. It is my understanding that this is in our budget, not in Education's budget.

The Hon. ADAM SEARLE: Can I have the budget figure for last year as opposed to this year for prisoner education programs in total?

Mr GREG SMITH: We will take that question on notice.

#### **Answer:**

I am advised:

The prisoner education programs budget in 2011/12 was \$161 million.

The prisoner education programs budget in 2012/13 is \$159.6 million.

The reduction in the budget for 2012/13 is reflective of the allocation of savings targets across Corrective Services NSW. These savings, however, are being introduced with a view to achieving efficiencies, without compromising service delivery.

## **Budget Estimates - Attorney General and Minister for Justice**

**What is the projected net reduction in CSNSW staff over this budget year?**

The Hon. ADAM SEARLE: What is the projected net reduction in employment in Corrective Services over this budget year?

Mr SEVERIN: Net employment of specialist staff?

The Hon. ADAM SEARLE: Is there projected to be a net reduction in staff?

Mr SEVERIN: I will take that question on notice.

### **Answer:**

I am advised:

At this stage, it is not possible to state the projected net reduction in employment for the 2012/13 financial year.

## **Budget Estimates - Attorney General and Minister for Justice**

### **Staff shortages at new facility at Cessnock**

Mr DAVID SHOEBRIDGE: Will you provide on notice how many staff you are short for the new facility and how many staff Cessnock is short otherwise than for the new facility?

Mr SEVERIN: We are not short at all in relation to the new facility because we do have a large number of applications for staff to transfer. I can certainly take on notice any information in relation to the current staff establishment and actuals.

#### **Answer:**

I am advised:

Cessnock Correctional Centre requires additional staff to fully commission the new facility.

Custodial staff numbers will increase from 99 full time equivalent (FTE) positions to 151 FTE positions.

Corrective Services Industries (CSI) overseer numbers will increase from 32 FTE positions to 44 FTE positions.

Administration staff numbers will increase from 12 FTE positions to 13 FTE positions.

Offender Services and Programs staff will increase from 22 FTE positions to 25 FTE positions.

There are currently sufficient numbers of staff on transfer lists to fill the custodial positions, which means that external recruitment for those positions is unlikely to be required.

It may, however, be necessary to recruit externally for some of the other positions, subject to the selection criteria and qualifications for those positions.

## **Budget Estimates - Attorney General and Minister for Justice**

### **Projection of number of adult inmates in NSW Correctional facilities over next 12 months**

Mr DAVID SHOEBRIDGE: What are the current numbers for adult inmates in New South Wales correctional facilities and what is the projection over the next 12 months?

Mr SEVERIN: On 30 September we had 9,624 inmates in custody across all facilities, male and female, remand and sentence. I would have to take the question in relation to our forward projections on notice because I am not across that detail at this point in time.

#### **Answer:**

I am advised:

The recent decrease in the inmate population marks a major break in prison population trends over the past decades. The population has declined from its highest point of 10,492 in 2008-2009 to 9,624 on 30 September 2012. Of the 9,624 inmates held in Corrective Services NSW custody, 25 offenders were held at Kariong Juvenile Correctional Centre (Kariong). Seventeen (17) of these offenders were under 18 years of age.

It is difficult to accurately project where the inmate population will be in 12 months time, or whether it will continue to decrease, remain stable, or increase.

The factors that drive prison population trends are complex and largely external to Corrective Services NSW. Furthermore, a number of reviews and initiatives are occurring which may have some direct impact on prison trends, such as the NSW Law Reform Commission's reviews of sentencing and the *Bail Act 1978*, the Social Benefit Bonds Trial and the introduction of the Intensive Drug and Alcohol Treatment Program.

Corrective Services NSW will continue to closely monitor the prison trends. It routinely reports on the prison population trends on a weekly basis and is working towards making this information more freely available.

## **Budget Estimates - Attorney General and Minister for Justice**

### **Accommodation support services for homeless young people**

Mr DAVID SHOEBRIDGE: Do you know what proportion of those young people who are being held on remand are ultimately acquitted or given a non-custodial sentence?

Ms LO: Eighty-four per cent of young people who are held on remand do not go on to receive a custodial order within 12 months.

Mr DAVID SHOEBRIDGE: And do you believe that is an acceptable outcome for the hundreds of young people held in remand in New South Wales juvenile correctional facilities?

Ms LO: I would agree with the Attorney's comments on remand rates.

Mr DAVID SHOEBRIDGE: Attorney, what is your Government doing to reduce those extraordinary figures with more than one in two young people held in our correctional facilities being held on remand and a staggering 84 per cent of them being acquitted or given a non-custodial sentence?

The Hon. TREVOR KHAN: The mere fact that they have been in remand is why they get a noncustodial sentence.

The Hon. AMANDA FAZIO: You are not the Attorney General. Don't you try answering!

Mr GREG SMITH: Our Government is giving assistance to non-government organisations to provide accommodation for homeless young people. A substantial number apparently are bail refused because they cannot comply with that condition.

Mr DAVID SHOEBRIDGE: Is there any funding for that?

Mr GREG SMITH: There has been funding.

Mr DAVID SHOEBRIDGE: How much?

Mr GREG SMITH: I do not know.

Mr DAVID SHOEBRIDGE: Could you take that question on notice and provide that information?

Ms LO: Yes.

Mr DAVID SHOEBRIDGE: For those young people who cannot provide a fixed address to the court and who are having bail refused for that reason.

## Answer

Juvenile Justice funds several projects that provide accommodation support to young people who are homeless or at risk of homelessness. In the 2011-12 financial year Juvenile Justice provided accommodation support services in partnership with Non Government Providers to the total value of \$3,216,693. In 2012/13, \$3,249,731 has been allocated to provide accommodation support services.

<b>2011/12</b>	
CatholicCare: Joint Tenancy Assistance Program	\$225,128
Bridge Housing	\$6,164
CatholicCare: Juniperina Housing and Support Program	\$77,426
Marist Youth Care Ltd: Bail Crisis Accommodation	\$149,000
Southern Youth and Family Services Association Inc.	\$119,050
CatholicCare: Impact	\$111,684
Regional Youth Support Services Inc: SHY	\$133,784
Albury/Wodonga Youth Emergency Services: Stay Safe	\$236,916
Mission Australia: Riverina Murray HAP	\$523,000
CatholicCare: South West Sydney HAP	\$378,000
YP Space MNC/ Northern Rivers Social Development Council HAP	\$488,000
Bail Assistance Line	\$768,541
<b>Total</b>	<b>\$3,216,693</b>



## **Budget Estimates - Attorney General and Minister for Justice**

### **Proportion of prisoner population having Hep C when enter NSW prisons and when they leave NSW prisons**

Mr DAVID SHOEBRIDGE: Commissioner, do you know what proportion of the prisoner population has hepatitis C when they enter New South Wales prisons?

Mr SEVERIN: No, I do not have that information available. I am not even sure whether Justice Health tests for hepatitis C on entry. The assumption that our staff makes is that anybody who is in custody potentially could have an infectious disease and therefore they have safe handling practices in place when they have to deal physically with prisoners. We do not segregate offenders in relation to any of those communicable diseases but I am not aware of any—

Mr DAVID SHOEBRIDGE: Could you take that question on notice to see whether those figures are held by the department?

Mr SEVERIN: They would be held by Justice Health; they would not be held by us.

Mr DAVID SHOEBRIDGE: They would be held by Justice Health?

Mr SEVERIN: And certainly Justice Health comes under a different portfolio.

Mr DAVID SHOEBRIDGE: Could you look to see whether or not the department has figures on the prevalence of hepatitis C in both inmates when they enter New South Wales prisons and inmates when they leave New South Wales prisons?

Mr SEVERIN: I am certainly happy to take that question on notice but I am almost certain that we would not have those figures available.

#### **Answer:**

I am advised that Corrective Services NSW does not hold data on the prevalence of Hepatitis C in inmates on entry to or release from prison. Inmates in correctional centres in NSW are not compulsorily tested for Hepatitis C on entry to or release from prison. The Justice Health and Forensic Mental Health Network implements a targeted testing policy focused on those inmates most at risk.

The National Prison Entrants Blood Borne Virus and Risk Behaviour Survey was conducted by independent researchers in 2004, 2007 and 2010. Data from this study is publicly available and shows that in 2010 the prevalence of Hepatitis C among prison entrants in NSW was 24%, down from 42% in 2007.

## **Budget Estimates - Attorney General and Minister for Justice**

### **TRANSCRIPT PAGE 36 - Improvement notice for Lithgow Correctional Centre for exposure to second hand smoke from prison officers: Aware or not**

Mr DAVID SHOEBRIDGE: Are you aware of an improvement notice issued to Lithgow Correctional Centre because of exposure to second-hand smoke for prison officers?

Mr SEVERIN: No, I am not aware of that.

Mr DAVID SHOEBRIDGE: Could you take on notice whether or not an order was issued and what response, if any, Corrective Services had?

Mr SEVERIN: Yes.

#### **Answer:**

I am advised that WorkCover issued improvement notice no 7-238615 to Lithgow Correctional Centre concerning staff exposure to environmental tobacco smoke on 30 November 2011.

The improvement notice required action on reducing exposure to environmental tobacco smoke to be implemented by 1 June 2012.

Corrective Services NSW worked with WorkCover and kept them informed on the development and implementation of the smoke-free buildings pilot, which commenced on 28 May 2012.

WorkCover inspected Lithgow Correctional Centre on 17 August 2012 and subsequently confirmed that the improvement notice has been complied with.

## **Budget Estimates - Attorney General and Minister for Justice**

### **Emu Plains Juvenile Justice Centre**

**Mr DAVID SHOEBRIDGE:** How long has the Emu Plains Juvenile Justice Centre been in operation?

**Ms LO:** I will have to check that for you.

**Mr DAVID SHOEBRIDGE:** Perhaps you could give that answer on notice together with whether or not it is compliant with the Australasian Juvenile Justice Administrators Standards.

**Ms LO:** Certainly.

**Mr DAVID SHOEBRIDGE:** And, if it is not compliant, in what circumstances it is not compliant.

**Ms LO:** Certainly.

### **ANSWER**

Emu Plains Juvenile Justice Centre opened on 8 October 2008 with a 6-bed capacity. While full operations commenced on 23 October 2008 it was closed in late December 2008 for further works to be carried out.

It was reopened on 20 January 2009.

All Juvenile Justice NSW centres, including Emu Plains, comply with the Australasian Juvenile Justice Administrators' Standards for Juvenile Custodial Facilities.

## **Budget Estimates - Attorney General and Minister for Justice**

### **Testing for Compliance**

**Mr DAVID SHOEBRIDGE:** Do you test your facilities for compliance?

**Ms LO:** I will take that on notice, but there are regular reviews of centres.

**Mr DAVID SHOEBRIDGE:** To the extent that there is any non-compliance, could you provide details of non-compliance?

**Ms LO:** I can give you details of rectification, yes.

### **ANSWER**

Juvenile Justice NSW has a well-established program of cyclical and preventative maintenance and is fully compliant across all custodial centres.

## **Budget Estimates - Attorney General and Minister for Justice**

### **Juvenile Justice Expenditure**

**The Hon. SHAOQUETT MOSELMANE:** Attorney, if the budget has been cut, can you explain why Budget Paper No.3 shows a 3.1 per cent increase in expenditure for Juvenile Justice?

**Mr GREG SMITH:** No, I cannot. If Ms Lo cannot, we will take that on notice.

**Ms LO:** I think we will take that on notice. I do not have the budget paper in front of me.

**The Hon. SHAOQUETT MOSELMANE:** Would it be right to say there is other incorrect information in the budget paper?

**Ms LO:** I do not know. I will take that on notice.

**The Hon. SHAOQUETT MOSELMANE:** You will provide that information and other mistakes that could be in the budget paper?

**Mr GREG SMITH:** That it is a mistake is subject to your interpretation of course.

**Mr GLANFIELD:** Can I ask you to draw our attention to where you are referring to? It would help us in understanding the point that you have made.

**The Hon. SHAOQUETT MOSELMANE:** It is Budget Paper No. 3, which shows a 3.1 per cent increase.

**Mr GLANFIELD:** For community-based services, it shows total expenses reducing from \$70 million to \$68 million effectively. That is a reduction, as I see it. Anyway, we will take it on notice and come back to you.

### **ANSWER**

The Juvenile Justice NSW budget is made up of two service groups, "Community Based Services" and "Juvenile Custodial Services". One of those services groups, Juvenile Custodial Services, has increased by 3.1 % while the Community Based Services group has reduced by 3.8%.

The Juvenile Justice NSW budget includes increases due to the annual CPI increase of 2.5% and an additional allocation of \$2 million for non-cash depreciation. These increases have been offset by the savings target to reduce the increase in budget to only 0.7%.

Information in the budget papers as it relates to Juvenile Justice NSW is correct.

## **Budget Estimates - Attorney General and Minister for Justice**

### **Duty of care for prisoners. Dental work not restored after been assaulted in gaol**

The Hon. AMANDA FAZIO: I might put some more questions about that on notice. I have one further question in relation to a matter I find quite disturbing, that is, the duty of care for prisoners. Why would a young man who is placed into a Corrective Services facility and is attacked by another prisoner, losing his front teeth in the process, be released on parole without having that rectified when he obviously has a criminal record after having served time? Who on earth will employ that person when his front teeth have not been restored after being assaulted in jail? Why was that not rectified before the person was released?

Mr GREG SMITH: I will have to take that question on notice, unless Mr Severin knows.

Mr SEVERIN: I am certainly not aware of the case. I could make some very general comments. Of course, dental services are provided through Justice Health. We have very comprehensive procedures in place to ensure that the transition of inmates from custody into the community is well managed and facilitated. Those matters should be taken care of, provided there is sufficient time and no other reasons prevent these medical treatments from being carried out. I am certainly prepared to have a look at that. I am not aware of that case. It most probably happened before my time, but we can take that question on notice.

#### **Answer:**

Corrective Services NSW has no record of any complaint or claim for compensation made by an inmate concerning the loss of front teeth caused by an assault by another inmate.

## **Budget Estimates - Attorney General and Minister for Justice**

### **Number of staff positions cut from CSNSW since 1 July 2011**

The Hon. ADAM SEARLE: I understand. How many staff positions have been cut from Corrective Services since 1 July 2011?

Mr SEVERIN: I can give you the figure of those voluntary redundancies that have been effected during the past financial year and up to 5 October.

The Hon. ADAM SEARLE: Sure.

Mr SEVERIN: I would have to take on notice the detailed question in relation to how many net position reductions there were.

The Hon. ADAM SEARLE: I am happy for you to take that on notice.

#### **Answer:**

I am advised that 671 positions have been deleted from Corrective Services NSW as a result of correctional centre closures and workplace reforms.

## **Budget Estimates - Attorney General and Minister for Justice**

### **Lack of transport for families of prisoners moved from Kirkconnell to Windsor**

The Hon. AMANDA FAZIO: A fair percentage of Indigenous prisoners were at Kirkconnell and many of them were transferred to Windsor. That means there is no provision for their families, who were able to visit them in Kirkconnell, to get down to Windsor. It has made it difficult for them to keep their family contact arrangements. Given that that was one of the prime recommendations of the Royal Commission into Aboriginal Deaths in Custody, what arrangements have you made, or will make, to ensure that some transport assistance is provided to the families of those prisoners so that they are not isolated from their families due to being transferred to Windsor?

Mr SEVERIN: I can make some general comments. I need to take on notice the detail of that question in relation to the impact of the closure of the Kirkconnell Correctional Centre. Consistent with the recommendations of the royal commission, we obviously endeavour to place Aboriginal prisoners and, indeed, non-Aboriginal prisoners, as close as possible to their place of origin or where their families are. At times that proves to be very difficult, particularly when we have security matters that need to be considered or given high consideration. That limits the ability to place prisoners in a number of facilities. That principle is very strong and certainly since I commenced in early September I review the recommendations from the Serious Offender Review Council. It makes placement recommendations very much based on those considerations. I have a high degree of confidence in that continuing to be a guiding principle. I have just been provided with advice that funding is available to support families without means to visit prisoners, the details of which I am happy to provide in due course.

#### **Answer:**

As at 1 September 2011 (one month prior to closure) there were a total of 22 Aboriginal offenders held at Kirkconnell Correctional Centre. I am advised that as a result of the closure of this correctional centre, most of the inmates (Aboriginal and non-Aboriginal) were transferred to the minimum security wings at Bathurst Correctional Centre and Parklea Correctional Centre.

Corrective Services NSW (CSNSW) recognises the importance of maintaining contact between inmates and family members, and places inmates close to their family wherever possible, subject to an inmate's security classification, the availability of accommodation in a correctional centre of the relevant security classification, and operational requirements.

To date, no general arrangements have been made to provide transport assistance to family members of inmates relocated from Kirkconnell Correctional Centre, although such assistance can be provided on a case by case basis.

In this regard, it is noted that members of an inmate's immediate family may be eligible for financial assistance in certain circumstances. For example, travel costs may be reimbursed based on economy public transport costs, and CSNSW may authorise a contribution to the cost of one motel room, up to a limit of \$110 for



overnight accommodation, during a visit to an immediate family member in a correctional centre.

In order to improve contact between inmates and their families, CSNSW uses video conferencing facilities that were installed to facilitate the core business of delivering inmates to court. These facilities are able to connect to locations throughout the NSW, interstate and overseas. The newly remodelled Family Video Contact Program uses non government organisations such as SHINE for Kids and Community Restorative Centre (CRC) to support families through the process of video contact.

Also offering family support are court locations such as Moree, Walgett, Wagga and surrounding areas. This re-modelled program has been developed in conjunction with the Shine for Kids, CRC and the Aboriginal Services Division, Attorney Generals and the Video Conferencing Unit, CSNSW. The program is available at nominated centres with video conferencing equipment including the John Morony Complex, within JM1.

Furthermore, the Aboriginal Support and Planning Unit of CSNSW is currently in discussion with the Aboriginal Transport Network about options to facilitate inmate family visits from remote locations to rural correctional centres.

## **Budget Estimates - Attorney General and Minister for Justice**

**Is the Government considering death/disability scheme to assist injured CS officers?**

Mr DAVID SHOEBRIDGE: Minister, are you aware that the injury rates of Corrective Services officers are comparable with the injury rates of police officers as assessed by WorkCover New South Wales?

Mr GREG SMITH: No.

Mr DAVID SHOEBRIDGE: I ask you to assume that that is true. Given that, is the Government or the department considering any death and disability scheme to assist injured Corrective Services officers given the recent cuts to their workers compensation entitlements?

Mr GREG SMITH: I will take that question on notice.

### **Answer:**

Neither the Government nor CSNSW is considering a death and disability scheme for correctional officers.

## **Budget Estimates - Attorney General and Minister for Justice**

### **Details of computer in cells trial at Nowra**

Mr DAVID SHOEBRIDGE: Has the Government or the department reviewed the Computers in Cells Program that has been implemented at the Alexander Maconochie Centre in the ACT?

Mr SEVERIN: I am aware of the program. Of course, the Alexander Maconochie Centre is a very new facility that has been cabled to allow for that access. We are somewhat limited in that regard in the majority of our facilities. However, I have been advised that our new facilities have the technical ability to achieve that. More importantly, we are introducing kiosk arrangements that enable inmates to access their personal details. In the future they will also be able to access information about their trust accounts, their buy-ups and their program schedule. I have also been advised that we are commencing a trial of computers in cells at the South Coast Correctional Centre.

Mr DAVID SHOEBRIDGE: That is the Nowra facility, which is wired for it.

Mr SEVERIN: Yes. Personally I think that we should have a very open approach to new technology. That being said, there are some significant risks and they must be very carefully managed. The technologies already being used at Nowra are an enhancement of what we are doing.

Mr DAVID SHOEBRIDGE: When is that trial due to commence, or has it already commenced?

Mr SEVERIN: My advice is that we are about to commence it.

Mr DAVID SHOEBRIDGE: Can you provide some details on notice?

Mr SEVERIN: Certainly.

### **Answer:**

I am advised that the computers in cell program for the South Coast Correctional Centre has been scoped and costed as part of the CSNSW education budget for 2012/13. An implementation plan is in progress, with an anticipated completion date of 30 June 2013.

## **Budget Estimates - Attorney General and Minister for Justice**

**Is it lawful to strip search 16 year old girl visiting a CSNSW facility following a so-called positive sniffer dog indication?**

Mr DAVID SHOEBRIDGE: Is it lawful for Corrective Services officers to demand a strip search of a 16-year-old girl who is visiting a Corrective Services facility following a so-called positive indication from a sniffer dog?

Mr SEVERIN: I would have to take that question on notice because it is subject to a policy. General practice would indicate that we would not strip search underage people. I have just been advised that any strip search of visitors can be carried out only by police and not by Corrective Services officers.

### **Answer:**

I am advised that Correctional officers only have authority to strip-search correctional centre inmates.