



Office of the Hon Brad Hazzard MP

Attorney General
Minister for Justice

Ms Sarah Mitchell MLC
Chair GPSC 4
NSW Legislative Council
Parliament House, Macquarie Street
SYDNEY NSW 2000

Dear Ms Mitchell,

Please find attached responses to the questions on notice asked during the Budget Estimates Hearing on Wednesday 20 August for the portfolios of Attorney General and Minister for Justice.

Yours sincerely,

Brad Hazzard MP
Attorney General
Minister for Justice

QUESTIONS ON NOTICE

QUESTIONS TAKEN ON NOTICE DURING THE BUDGET ESTIMATES HEARING ON 20 AUGUST 2014

Topic: Report on the State Parole Authority

Ref: Page 28 of Uncorrected Transcript

The Hon. ADAM SEARLE: You recently tabled in Parliament the 2013-14 annual report of the State Parole Authority. In that report former Chairperson Ian Pike referred to the sexual assault of a woman at a bus stop in Hunters Hill by someone on parole for murder. In a subsequent review Justice James Wood expressed his concern that the report of this review was not made public. Will you release a copy of the review to members of the State Parole Authority?

Mr BRAD HAZZARD: Adam, I do not know the case you are talking about, but I will take it on board. I cannot give you a guarantee on that because, obviously, I will have to form a professional view.

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

Mr BRAD HAZZARD: But now that you have put it on the radar, if you can give me any more information that you have on it, I am happy to look at it.

The Hon. ADAM SEARLE: Okay.

Answer:

The decision not to release the report was due to the parolee facing further charges and a view that the report may prejudice the legal proceedings.

Topic: Correctional Officer Vacancies

Ref: Page 29 of Uncorrected Transcript

The Hon. ADAM SEARLE: How many prison officer vacancies do you have?

Mr BRAD HAZZARD: Ah, good. In that case, I will find out for you and let you know, but I have not heard of any wild stampeding campaign on that at the moment, so I will give you that in writing.

Answer:

Vacancies vary and are not indicative of positions not being filled.

Topic: Number of Employees in Community Corrections Directly Supervising Offenders on Community-Based Orders

Ref: Page 30 of Uncorrected Transcript

The Hon. ADAM SEARLE: Okay. How many employees in Community Corrections directly supervise offenders or community-based orders?

Mr BRAD HAZZARD: We have actually increased the programs that are happening through Community Corrections. I will get you the specifics. Do you have any particular areas that you are interested in?

The Hon. ADAM SEARLE: Just a general—

Mr BRAD HAZZARD: Or is this just a shooting the breeze question?

The Hon. ADAM SEARLE: No. The question was: How many employees in Community Corrections directly supervise offenders or community-based orders?

Mr BRAD HAZZARD: I can tell you that there are more now than there were under you guys—

The Hon. ADAM SEARLE: Sure, but you can give me the figures.

Mr BRAD HAZZARD: —doing their job—

The Hon. ADAM SEARLE: I am happy for you—

Mr BRAD HAZZARD: —considerably more doing far better jobs.

The Hon. ADAM SEARLE: I am happy for you to actually come back with a number on notice, Mr Attorney.

Mr BRAD HAZZARD: Sure.

The Hon. ADAM SEARLE: How many vacancies are there for those positions, if any?

Answer:

During 2013/14, 520 full-time equivalent staff were employed to supervise offenders in the community. Vacancies vary and are not indicative of positions not being filled.

Topic: Unannounced Home Visits

Ref: Page 30 of Uncorrected Transcript

The Hon. ADAM SEARLE: ...Can you tell the Committee how many unannounced home visits have been carried out by Corrective Services over the past 12 months?

Mr BRAD HAZZARD: Seriously, do you expect an Attorney General to know that sort of matter or is this just—

The Hon. ADAM SEARLE: You have the head of your agency there, if you do not have that information.

Mr BRAD HAZZARD: I am not going to get him to answer any questions of that sort of the ilk. If you have some major issues, fine. But I will take it on notice and we will give you an answer to it in writing.

The Hon. ADAM SEARLE: Thank you. When you come back with that number, you could also provide how that compares to the previous 12 months.

Answer:

Corrective Services NSW (CSNSW) does not collect data separately for announced and unannounced home visits.

Topic: Rate of Parolees Meeting Required Contact Frequency from 1 July 2013 to 30 June 2014

Ref: Page 30 of Uncorrected Transcript

The Hon. ADAM SEARLE: That is your prerogative. What has been the rate of parolees meeting the required contact frequency in the period from 1 July 2013 to 30 June this year?

Mr BRAD HAZZARD: Take it on notice.

Answer:

Corrective Services NSW ratings are for all supervised offenders based on risk and do not specifically target parolees.

Topic: Urinanalysis of Community-Based Offenders

Ref: Page 31-32 of Uncorrected Transcript

The Hon. ADAM SEARLE: Mr Attorney, how many random urine analysis tests were carried out on offenders on community-based orders from 1 July 2013 to 30 June this year? How does that compare to the previous year?

Mr BRAD HAZZARD: I am sorry, just repeat the question.

The Hon. ADAM SEARLE: How many random urine analysis tests were carried out on offenders on community-based orders from 1 July 2013 to 30 June this year?

Mr BRAD HAZZARD: On community-based orders?

The Hon. ADAM SEARLE: Correct, from 1 July 2013.

Mr BRAD HAZZARD: Not within the prison system.

The Hon. ADAM SEARLE: Not in the prison system.

Mr BRAD HAZZARD: I do not know the answer to that off the top of my head so I will need to find that out for you.

The Hon. ADAM SEARLE: Okay, thank you. Can you confirm that current Corrective Services urine analysis testing at pathology labs only gives a negative or positive result, but no indication as to the level? If that is the case, does that not make it impossible to determine if a offender's drug use is increasing or decreasing?

Mr BRAD HAZZARD: I do not know the answer to that, either, I have to say.

The Hon. ADAM SEARLE: Okay.

Mr BRAD HAZZARD: But I am fascinated if that is the case. I would have thought scientifically they could have determined the levels.

The Hon. ADAM SEARLE: I am happy to be wrong about this, but my last question on this topic is—

Mr DAVID SHOEBRIDGE: The question is not what can they do; the question is what do they do.

Mr BRAD HAZZARD: I am sorry, what is the question?

Mr DAVID SHOEBRIDGE: The question is not what can they do; the question is what do they do. What do the tests show?

Mr BRAD HAZZARD: I will find out.

The Hon. ADAM SEARLE: If the supposition behind that question is correct, is that because levels testing costs about \$160 per test and local managers are not authorised to approve that?

Mr BRAD HAZZARD: I do not know the answer to that, either, but I will find out. I guess it goes to another and broader issue and that is: Do we need to know the actual levels? Is that something that then plays into on a substantive basis decision-making about how their behaviours are being managed? Obviously, like everything else, one would have to weigh that up in a cost-benefit analysis. Is that what we need to know? Is it therefore worthy of taxpayers' dollars being expended on it? I will take advice on it and see what is what.

Answer:

Drug tests on offenders on community-based orders has risen by 10.2% from 2012-13 to 2013-14.

Laboratories test and report on the presence of drugs or drug metabolites according to cut-off levels set by the Australian Standard AS/NZS 4308:2008.

A positive drug test indicates that the specific drug is present in the urine at the designated cut-off level.

Test results form a basis for actions taken in relation to the offender's order. This may range from breach action to engagement in programmes to address drug abuse.

Topic: Number of Psychologist Positions and Number of Vacancies

Ref: Page 32 of Uncorrected Transcript

The Hon. ADAM SEARLE: How many positions are there for psychologists in Corrective Services? How many of them are currently vacant?

Mr BRAD HAZZARD: All right. I will find that out for you.

The Hon. ADAM SEARLE: Thank you.

Answer:

Vacancies vary and are not indicative of positions not being filled.

Topic: Costs for Adults in Prison

Ref: Page 36 of Uncorrected Transcript

Mr DAVID SHOEBRIDGE: Could you provide me with the average cost and also that range of costs for an inmate in juvenile detention in New South Wales?

Mr BRAD HAZZARD: Sure, but it would not be far from what I have just said.

Mr DAVID SHOEBRIDGE: That might be the case.

Mr BRAD HAZZARD: That will be the case.

Mr DAVID SHOEBRIDGE: Could you do the same also for adult male and adult female inmates?

Mr BRAD HAZZARD: Yes, sure.

Mr DAVID SHOEBRIDGE: Perhaps we could track them over the past few years to see where those costs are going? Would that be possible to take on notice?

Mr BRAD HAZZARD: What do you mean? I do not understand.

Mr DAVID SHOEBRIDGE: To see how they have changed and tracked over the past two financial years?

Mr BRAD HAZZARD: We will answer that in writing. What I have just said to you, I really answered that in a broad range. If you need the specifics, sure, I will find the specifics for you. But there is a fair bit of variation from institution to institution. What you have to understand, David, is if you are in, for example, an adult prison facility, when you are working out your costs you have to factor in—I do not know whether you want this factored in—the cap ex costs. Do you want that factored in or not?

Mr DAVID SHOEBRIDGE: Often the figures vary whether capital costs are included. Could you provide the recurrent costs but also the separate figure that factors in the cap ex costs as well? I would appreciate that.

Mr BRAD HAZZARD: I will do it, but probably what I will be doing is copying the Productivity Commission report that detailed all of this. So if you want a copy of the Productivity Commission report—

Answer:

Corrective Services NSW does not report costs per inmate by gender. Information on the range of costs per inmate per day is reported in the Productivity Commission's Report on Government Services.

Topic: Proportion of the Adult Prison Population held on Remand Predicted to Receive a Custodial Sentence

Ref: Page 38 of Uncorrected Transcript

Mr DAVID SHOEBRIDGE: What proportion of the adult prison population is being held on remand currently?

Mr BRAD HAZZARD: I will just double check. It is 26.37 per cent—so about a quarter.

Mr DAVID SHOEBRIDGE: What proportion of those prisoners who are held on remand is predicted to receive a custodial sentence?

Mr BRAD HAZZARD: I think it depends. Custodial sentence as opposed to some other forms of penalty makes it a little difficult because it depends on whether they are dealt with by full-time custody or periodic—now detention in the community. I will find out those figures. My recollection is that it ranges of the order of about 50 per cent to 60 per cent that eventually are found guilty and given some sort of penalty, but I am just not sure of the fine detail.

Mr DAVID SHOEBRIDGE: You have jumped to the next question. What proportion is found not guilty or has charges withdrawn?

Mr BRAD HAZZARD: Can I just point out that the secretary/director general has just said to me, which is right, sometimes it is a little difficult to look at those figures because on occasions—quite a few occasions, sadly—people are not given a custodial sentence prospectively because they have already served the time while they were waiting on remand. So what are you looking for and I will try to get it for you?

Answer:

Projections for the proportion of prisoners held on remand who receive a custodial sentence are not conducted.

Corrective Services NSW does not routinely record information on the judicial outcomes of remand prisoners who are released without a custodial sentence.

Topic: Completion of Parole Orders from 2011 to 2014

Ref: Page 40 of Uncorrected Transcript

The Hon. ADAM SEARLE: The Opposition has obtained some information under the Government information regime about community-based—

Mr BRAD HAZZARD: Closure of courts, Adam?

The Hon. ADAM SEARLE: No, not closure of courts, community-based offender management. As at April 2011, the figures showed that the successful completion of parole was 80 per cent, but by April 2014 the successful completion rate for parole had declined to only 63 per cent.

Mr BRAD HAZZARD: Sorry, from what percentage to what percentage?

The Hon. ADAM SEARLE: From 80 per cent to 63 per cent. Can you or the Corrective Services Commissioner provide the Committee with an explanation for that?

Mr BRAD HAZZARD: Are you talking about over one year?

The Hon. ADAM SEARLE: From 2011 to 2014.

Mr BRAD HAZZARD: First of all, the question in my mind would be: Is that statistically significant? It may or may not be, depending on the total population we are looking at and the period of time it has been looked at. I think any successful completion needs to be looked at in a broader perspective than simply the numbers, and it may be that a particular cohort of inmates that were going through at that time

had a much different make-up in terms of the offences that brought them into the corrective system.

The Hon. ADAM SEARLE: These are all suppositions. Do you have an answer or do you need to take it on notice?

Mr BRAD HAZZARD: No, I am saying you cannot draw conclusions from that.

The Hon. ADAM SEARLE: There has been a significant decline, from 80 per cent to 63 per cent. Whatever the explanation is—

Mr BRAD HAZZARD: Is it statistically significant overall?

Mr DAVID SHOEBRIDGE: It is a 20 per cent reduction.

The Hon. ADAM SEARLE: Yes, I think it is.

Mr BRAD HAZZARD: Well, 20 per cent may or may not be statistically significant—

The Hon. ADAM SEARLE: It is one-fifth. That is a pretty significant change.

Mr BRAD HAZZARD: It may or may not be. I am sorry, if you want to do some—

The Hon. ADAM SEARLE: You are debating the question. Can you answer the question or do you have to take it on notice?

Mr BRAD HAZZARD: I do not know that there is any need to take it on notice. I do not know that we need to get too excited about that. If you are particularly interested, I will get someone to have a look at it for you and find out. I do not think you will get any definitive answers on it.

Answer:

The figure quoted for completion rate for April 2011 is incorrect. The rate of successful completion for people on parole in April 2011 was 64.9%.