

GENERAL PURPOSE STANDING COMMITTEE No. 3

Tuesday 2 September 2003

Examination of proposed expenditure for the portfolio area

JUSTICE

The Committee met at 8.05 p.m.

MEMBERS

The Hon. A. R. Fazio (Chair)

The Hon. C. M. Robertson
The Hon. J. F. Ryan
The Hon P. J. Breen

The Hon. P. T. Primrose
The Hon. D. Clarke

PRESENT

The Hon. J. Hatzistergos, *Minister for Justice, and Minister Assisting the Premier on Citizenship*

Department of Corrective Services

Mr R. Woodham, PSM, *Commissioner*

Mr L. Grant, *Assistant Commissioner, Offender Management*

Mr G. Schipp, *Executive Director, Finance and Asset Management*

CORRECTIONS TO TRANSCRIPT OF COMMITTEE PROCEEDINGS

Corrections should be marked on a photocopy of the proof and forwarded by 30 September 2003 to:

**Budget Estimates
General Purpose Standing Committee Secretariat
Parliament House
Macquarie Street
SYDNEY NSW 2000**

The Hon. JOHN HATZISTERGOS: The budget estimates papers really only give a glimpse of the size and the scope of the department and the services that it provides. Budget expenses of \$665.5 million and acquisitions of \$109.6 million appear rather dry when you consider the number of services provided, the number of people involved in the work of the department and the complexity of their tasks. The custodial arm of the Department of Corrective Services administers 22 correctional complexes, 27 proclaimed correctional centres, two transitional centres, 10 periodic detention centres within five custodial command areas, managing a population of some 1,100 inmates, some 800 periodic detainees.

Two-thirds of all the offenders are managed by Community Offender Services, which includes the Probation and Parole Service which has three regional offices, 66 district offices State-wide. Currently it supervises some 17,500 persons in the community, about 3,600 parolees, 250 home detainees and some 13,700 other persons subject to good behaviour bonds, community service orders, drug court orders, bail supervision and suspended sentences. Community Offender Services also prepared some 30,000 reports in the financial year past for courts and the Parole Board, pre-sentence reports, suitability assessments for periodic detention, home detention and pre-release reports. This is a huge operation and one which involves about a third of all Community Offender Services work. The department also provides custodial staff at 54 court and 15 police cell complexes throughout the State, including 15 complexes on a 24-hour seven-day basis.

On any given day the department also transports the equivalent of a complete correctional centre population between correctional centres and courts—that is, a gaol on the road, so to speak. In 2001-02 there were over 100,000 individual inmate movements for court attendance and over 38,000 inmate movements between correction centres. These services are provided by over 6,000 dedicated staff. The numbers at any one time are only part of the picture. The prison population may be some 8,100 but the turnover of individual offenders multiplies the number several times. There are over 15,000 receptions and a comparable number of discharges throughout the year. Every one of these functions is expanding and will continue to expand for the foreseeable future. It is well known the full-time inmate population is rising and in particular the remand inmate population as a result of the Government's legislative reforms and better policing. In particular, the bail reforms and the repeat offender reforms are contributing to a gradual rise in inmate population. Every repeat offender in gaol is one less offender praying on the community.

The recent Parole Board reforms may lead to a slightly higher inmate population, because increased supervision of parolees may well lead to a greater detection of offending behaviour and consequently more revocations of parole. The parole reforms would certainly lead to an increased workload for Community Offender Services; in the order of 800 to 900 extra supervised parolees each year. Greater parole supervision and guidance will translate to a better chance for law-abiding conduct of released inmates.

The demand for pre-sentence and other reports is expected to increase by some 20 per cent to 35,000 in 2003-04; but that is not the end of the matter. It is no good putting the offenders in gaol if that were the be all and end all of criminal justice, because the simple fact is that with few exceptions, every inmate will one day be released. If an inmate is simply released only to reoffend, then you really have not progressed very far at all. That is why the department's mission is important. The mission to reduce reoffending through safe, secure and humane management of offenders applies across the whole of the department, both in the custodial services and community supervision. It is part of the Government's policy direction across the whole criminal justice sphere; not just the detection of crime and punishment of criminals, but the prevention of crime and factors that contribute to crime. All the department's important innovations in offender management revolve around this mission, through care, electronic case management, risk assessment, targeted rehabilitation programs, transitional residential programs and the requirement that inmate privileges are tied to an offender addressing the causes of his or her offending behaviour, to name a few.

The strategic directions: our client in the budget estimates papers are directed to this mission; the reduction of reoffending through safe, secure and humane management of offenders. It would be wonderful if we could totally eliminate reoffending, not just reduce it. But the reality dictates that this simply will not happen. None of the department's clients choose to be its clients. A large proportion of them remain unwilling clients for the duration of the sentence and do not direct their hearts and minds to their rehabilitation. It is no surprise, given such reluctance, that many of them become repeat

clients. There is not a correctional system in the world which does not have to address the same problem.

The department is undertaking an unprecedented capital works program. As part of the budget estimates record, the 2003-04 capital works program totals \$109.6 million and includes eight major new works. I will not repeat what they all are. You have them in the budget estimates before you and no doubt you would have been familiar with them. So please bear in mind, when formulating questions, the scope of the department and its tasks.

Since I have been appointed Minister I have visited many of the correctional centres and the Community Offender Services district offices. I only have about four prisons to go. I still have a number of periodic detention centres and certainly a number of departmental offices. It seems that at virtually every centre or office that I have visited, I have learnt something new about the department and its programs, including many aspects of the department's work that the public rarely hears about. I have also come to appreciate how hard it is to manage many offenders, and the superb job that many correctional officers and probation and parole officers perform on a daily basis. I trust the committee members will also appreciate the difficult job that the department is entrusted with. The efforts of many dedicated staff of the department is outstanding in carrying out that role. Of course, I do not pretend to know every minor detail about the department and I expect that there will be some questions that I will need to take on notice. Thank you for your indulgence, Madam Chair.

CHAIR: Thank you, Minister. We will now commence with the Opposition questions.

The Hon. JOHN RYAN: Minister, there has been some discussion about compensation claims made to an inmate recently. Can you inform the committee as to whether there are any other claims that have been made similarly; what the total value of compensation claims made to inmates—and for that matter, if it is available, compensation claims made to staff—have been with the Department of Corrective Services in the last year?

The Hon. JOHN HATZISTERGOS: I would have to take that on notice, sir. We are doing some reviews and it is going to take some time, I have to say. You are talking about the last year?

The Hon. JOHN RYAN: Yes. Are there details available for previous years?

The Hon. JOHN HATZISTERGOS: I do not know. I will have to take that on notice.

The Hon. JOHN RYAN: Minister, the statistics collected by the Premier's Department across different portfolios where the Department of Corrective Services—with the exception of I think the Fire Brigades—has the worst record for sick leave in the New South Wales Public Service. Are you able to explain why that is the case, and are there any measures being taken to reduce that level of sick leave, given that by and large one of the other statistics that was interesting and seems to contradict it—some of the people working for the department have the longest records of service. So it seems to have some of the most stable staff but they seem to take the most sick leave.

The Hon. JOHN HATZISTERGOS: The issue of sick leave is one that I referred to publicly that the department has to address. I am not aware that we have the worst in—

The Hon. JOHN RYAN: Second worst.

The Hon. JOHN HATZISTERGOS: I am not aware of how it compares. The work of a correctional officer is quite challenging and it is quite difficult. Many of them work extremely long hours. I think the very long hours partly contribute to the ultimate question of sick leave. We have outlined a program to address this. They work long hours. Then there is the sick leave. Then the sick leave creates a need for additional hours to be worked elsewhere in the department. That cycle has to be addressed. We have outlined a program to do that called The Way Forward. We are commencing with the Kempsey Mid North Coast Correctional Centre in rolling that out. We have been in discussions with our unions relating to that. We are hopeful that will make a significant impact in terms of that particular issue.

The Hon. JOHN RYAN: The statistics collected by the Premier's Department relating to sick

leave—are you aware as to whether they address the issue of workers taking time off sick but on workers compensation leave? I can't tell you the number of officers that have spoken to me. They have an argument with their boss or some other issue of grievance within the department and then they say that they are taking time on workers compensation leave, which would obviously add to the leave taken by the department. I think the department also has some pretty horrific workers compensation payment statistics. Is that an issue that is being addressed at the same time?

The Hon. JOHN HATZISTERGOS: I will have to take the question of workers compensation on notice, and whether that includes sick leave or whether there are separate components for that. But obviously occupational health and safety is a very important issue for the department. I have to say it does happen that from time to time there are instances involving officers which could involve allegations of misconduct which result in them making claims for sick leave. A number of those, I understand, the insurers have denied. The extent of it is another issue. I will try and get some information for you in relation to specific matters that you raised, unless there is something else one of my colleagues is able to—Mr Schipp?

Mr SCHIPP: Just in terms of workers compensation, the department has a reasonably good record over the last couple of years in relation to workers compensation, in particular the benchmark funding that we receive and that compares our performance against other similar sorts of organisations within the industry. For example, the premium that we have been charged for workers compensation in the 2003-04 financial year is approximately \$16.7 million, against the benchmark premium of \$19.1 million. That means the department is in surplus, in terms of its workers compensation premium, in the order of \$2.4 million. In relation to sick leave, the cost of sick leave to the department is in the order of 4.6 per cent of salaries, which is roughly equivalent to what the officers' entitlements are.

The Hon. JOHN RYAN: Yes, that is right. It seems to be almost equal to the level of entitlements that officers have. I think what the Minister says in regard to people working long hours is probably the case. But I think an awful lot of prison officers also seem to factor in doing a level of overtime as part of their ordinary salary. Many of them almost manufacture that overtime and watch it—or if it is not manufactured, it is certainly watched very carefully to make sure that they take as much overtime as possible. I would not be surprised that that culture, if you like, is contributing to them working longer hours and then becoming ill.

The Hon. JOHN HATZISTERGOS: That is why we have addressed this issue through The Way Forward. We have embarked on a communication strategy. We intend to commence at Kempsey and our other facilities. The commissioner wants to say something.

Mr WOODHAM: You are right. There is a large number of staff who see overtime as a right, not a privilege. They do watch it, watch what they earn and in some cases watch what others earn.

The Hon. JOHN RYAN: You are very right on that.

Mr WOODHAM: I do not think it is only with prison officers either.

The Hon. JOHN RYAN: No, I do not think so.

Mr WOODHAM: It is in any profession. But the Way Forward is all about reducing overtime, however, keeping the staff numbers on line that maintain staff safety and the safety of the inmates and the community. We are going to factor in, say, a rostered day in a gaol. Where executive officers are sick, instead of calling someone on overtime, we would act people up. Then at the bottom we would call in permanent part-time, to dramatically reduce costs, with the same training and the same numbers on the ground to make it a safe work environment. There is going to be a massive reaction from the unions over this move in the next two to three months. We are prepared for that and we will probably be in the Industrial Court within two weeks and probably be there for some considerable time. But we are committed to it. They know we are committed to it. We have held preliminary inquiries with the State Executives and the branches at each gaol and we believe the first year it is fully rolled out we are saving around \$15 million and we will be giving people days off and probably reduced sick leave as a result of that.

The Hon. JOHN RYAN: Minister, do you know how many formal grievances have been lodged by departmental staff for the Department of Corrective Services under their formal grievance policy?

The Hon. JOHN HATZISTERGOS: We will have to take that on notice.

The Hon. JOHN RYAN: Minister, while I am changing subjects, we have been asking the question about media monitoring. Does the Department of Corrective Services use the facilities of Rehame for the purposes of media monitoring, and are you able to give the Committee details of the cost of that media monitoring?

The Hon. JOHN HATZISTERGOS: I will have to take that on notice. I am not sure what the department uses but we will take that on notice.

Mr WOODHAM: We do use Rehame.

The Hon. JOHN HATZISTERGOS: We do. We do not know the cost.

The Hon. JOHN RYAN: Recently, Minister, the Opposition made a request relating to the interdiction of drugs and contraband into correctional centres. Around the same time that we received that information, you did a media release on the same issue. The Opposition was told, when we were given this documentation, that it was no longer possible to distinguish between drugs and contraband taken from inmates as opposed to that which might have been taken from visitors, yet we notice that your media release was able to give specific details in that regard. If this information is no longer available on FOI requests, where does that information come from?

The Hon. JOHN HATZISTERGOS: I did not see your Freedom of Information application, so I am not sure what you were advised. I can tell you that the calculations that were carried out, were carried out in my office. All documents that I understand were—similar source documents to those which you may have ultimately obtained, although I have not seen those either. I think that that is where they came from. My staff carried out calculations. We did it at the time of the end of the financial year. We also did it for another purpose, and that is—I do not know if you are aware, but my media release is positioned in just about every visiting section of every prison, to alert people to what the consequences are and the level of searching that we do and the penalties that apply. I do not know who advised you of what in relation to FOI. I did not make those inquiries.

The Hon. DAVID CLARKE: Madam Chair, if I could ask a couple of questions of Commissioner Woodham. Commissioner, what percentage of the latest round of random urinalysis tests were positive? Which prisons had the highest positive test rates last year?

Mr WOODHAM: I could not tell you the latest months statistics, what the percentage is. Gaols where we have programs like work release that are mandatory tested, and we do get a fair percentage there that test positive. We still randomly select 5 per cent of the prison population every month. That is done by computer. We also target-test inmates who we have information on or suspicion that they are using drugs. I can tell you the most popular drug is Indian hemp, followed by the opiates and tranquillisers.

The Hon. DAVID CLARKE: You do not have a general idea of what percentage were positive?

Mr WOODHAM: It changes from month to month, by the way, and we have commended a lot of resources to drug interdiction operations in conjunction with the police. There are people arrested nearly every weekend in some prison in New South Wales, bringing drugs in. I would rather check the exact details and get back to you on it.

The Hon. DAVID CLARKE: When you say it changes from month to month, what general variation do you get that goes between what and—

Mr WOODHAM: As an example, the inmate mix changes in prisons and the desire for certain drugs or the demand for certain drugs can change from one prison to another. Then, of course, if you

have major drug interdiction operations, it could stop drugs getting into that prison for quite some time.

The Hon. DAVID CLARKE: So getting back to what I am looking for, what sort of variations are you getting? You say it varies from month to month. Just an approximate—

Mr WOODHAM: I would have to go to gaols to get the exact statistics from gaol to gaol and get them back to you in an accurate form.

The Hon. DAVID CLARKE: Just in a general form, a general idea.

The Hon. CHRISTINE ROBERTSON: Has he not taken it as a question on notice?

Mr WOODHAM: The way I wanted to answer that question is that I will get back to you with exact details and also the changes that have occurred in different correctional centres from time to time.

The Hon. DAVID CLARKE: Thank you. Commissioner, what random scrutiny measures, such as controlled operations or stings, have you put in place to test the honesty of prison officers smuggling contraband, as occurs with police?

Mr WOODHAM: I cannot implement what you call a sting. I presume what you call a sting is by placing some illegal substance or some item that might be stolen in a position and then observe staff. Is that what you are talking about?

The Hon. DAVID CLARKE: I think these operations have been carried out by the police, for instance. It might be a good example of the process that is followed in these situations.

Mr WOODHAM: We do not have the power to do controlled operations, but we have been involved in one recently with the ICAC, which caused the sacking of a prison officer at this stage and possible criminal charges being pursued in the near future.

The Hon. JOHN RYAN: Does the department publish any details in terms of the outcomes of investigations into correctional officers and any correctional officers that have been dismissed? I am thinking of the sorts of reports that used to be given by the New South Wales Police. Their Internal Affairs Bureau used to give details of the outcomes of those sorts of investigations and their outcome in terms of disciplinary action taken against police. Is there any analogous document available within the Department of Corrective Services that could inform the Committee about that aspect of controlling correctional staff?

Mr WOODHAM: We do not publish any formal report in relation to what investigations we have carried out in any one year or the results of those investigations. However, we are bound to inform the ICAC, which we do now, at the earliest stage ever that I can remember. As soon as we get information, it is available to the ICAC. I am about to receive a report on our intelligence section and when that is available the ICAC we will be able to access intelligence information immediately that it becomes known to us. We have that oversight of what we do and how we do it. In some cases they say that they will take over the operation. They informed me that they would run the operation.

The Hon. JOHN RYAN: Forgive me, commissioner, I do not mean you to report on specific operations. What I mean is, I guess, statistical data that would enable someone outside the Department of Corrective Services to determine the level of operation of investigations, their likely outcomes so that you could compare the activity from one year to another, to work out whether one year or other was better or worse in terms of the outcomes, as far as officers being found guilty of misconduct.

Mr WOODHAM: No, we do not make that public.

The Hon. JOHN RYAN: Would you be able to provide the Committee with information that might compare, say, this year and last year in that regard?

Mr WOODHAM: Easily. We have it available.

The Hon. JOHN RYAN: For the purposes of the Committee you are taking that on notice, are you?

Mr WOODHAM: Yes,

The Hon. JOHN RYAN: That recent ICAC matter, one of the things I noticed in the transcript of the ICAC inquiry seemed to indicate that there was a period of time in which a procedure known as "wandering" ceased to operate because the union had objections to it. What capacity does the union movement have to control something like the security of something as important as the HRMU or any part of security at all?

Mr WOODHAM: The procedure you are referring to is searching prison officers, I believe. Yes, there was a union reaction to that. It was discussed with them in detail. The legislation is in place to allow that to happen, but out of something negative some good can come. With the recent ICAC inquiry—and this was handed up in the evidence given by Mr Brian Kelly, Commander of South-West Region at the ICAC hearing—the Public Service Association [PSA] now will fully conform State-wide with that legislation.

The Hon. DAVID CLARKE: Commissioner, have you ensured daily calibration of metal detectors as well as training to ensure staff do not ignore positive detection as claimed before ICAC?

Mr WOODHAM: It is now, yes. When you are talking about screening staff, I was informed recently the Superintendent at Goulburn had to remove his belt to enter the gaol and that is the sort of process we adopt now and it will be the same for me or anyone else.

The Hon. JOHN HATZISTERGOS: Even I was searched when I went there. Additional security measures, I am told, are in place at the HRMU. All staff are searched before they enter the main prison. A further search is conducted before they enter into the high risk management unit. All officers' possessions, including carry bags, are x-rayed. There is a random search conducted of officers' socks and shoes. Administrative procedures have been changed to limit the time an officer is posted in the high risk management unit. A senior officer at the superintendent level has now been specifically appointed to oversight security and administration at the high risk management unit. That is in addition to procedures which exist outside of the high risk management unit. There are specific arrangements that have been put in place. Obviously, following the report of the Independent Commission Against Corruption [ICAC], anything that comes out of that that can be of further assistance will be taken on board.

CHAIR: There is time for one more question.

The Hon. JOHN RYAN: I will finish with this. The issue is finished. Were there any compromises made at all with regard to security after consultation with the union movement? It seemed to us that, important as unions are—I am no union basher—but in my view, they don't have a role in determining something as objective and as important as security.

Mr WOODHAM: I cannot recall the exact date that the legislation came into place, but we started negotiating with the unions prior to that, and we had some difficulty negotiating the searching. It was a previous ICAC recommendation that staff carry clear bags into the gaols, which Goulburn and the MRC—the larger remand gaol at Silverwater—adopted, and it was working very well. Now we are going to roll that out State-wide, but sometimes it does take nine, 12 months to get things to the standard that we require, by negotiating with these people.

The Hon. JOHN HATZISTERGOS: In fairness to the question that raised this issue, members would be aware that following Cadex there was a recommendation made by the ICAC for a review of the culture in the department. The previous commissioner agreed to set up a separate division to deal with probity issues with the divisional head being responsible for that, and that is Mr Woodhouse who is in charge of probity and performance. I can go into pages and pages of its achievements, but I think the department has come a long way since the Cadex days. There is a zero tolerance for corruption. One of the pleasing things that flowed from the ICAC's recent inquiries, the fact that it was public and people would be able to see the capacity, to be able to intercept corrupt

conduct of this nature, will want to clean them out, they have no place. But it is not just catching them, it is also developing an ethical culture. We are the only State that has a dedicated Corrective Services Academy—the only State in Australia—where prison officers, even from Thailand and Malaysia, I think, have come for training.

The Hon. JOHN RYAN: Fascinating experience for them.

The Hon. JOHN HATZISTERGOS: That is an interesting question because I understand someone was talking to them recently about the parole, which they did not quite understand, because it does not exist there. They just turn them out on the street at midnight. Explaining to them how we operate parole was a novel experience and pretty enlightening. In any event, the academy is developing a reputation. It has a very good library. There has been a review and an inquiry, as you know, into it. There is a Board of Management that has been appointed to manage it which will be separate from human resources and has some external input as well. I can give you some more detail if you want it, but I know other people have some questions, so if someone wants to pick it up later, they can. I think the situation is certainly a significant improvement, and that is not to say that there are not problems and there will not be problems in the future, but certainly from where we came from, the situation now is very different.

Mr WOODHAM: I think another thing worth mentioning is the common induction training we do now. When I became commissioner, parole and probation were miles apart from the custodial and the non-custodial arm of the organisation. Again, by negotiating with the unions—and it took some time for agreement—we now have a number of courses that are integrated with all sections of the department so that the parole and probation and the custodial and non-custodial people do common induction training when they join the job. They can all be involved in our executive development program and middle management courses. We think that is a great step forward.

CHAIR: It is time for questioning from the Hon. Peter Breen.

The Hon. PETER BREEN: Thank you, Madam Chair. Minister, the recent ICAC inquiry raised some questions in my mind about the rights of prisoners in relation to information gathering. I was approached by a prisoner who was the subject or was involved, I think, tangentially in the inquiry and wanted to know whether or not he should disclose certain information. The ICAC has certain powers of persuasion which it uses in the rest of the community, I am curious to know whether the ICAC exercises similar powers in respect of prisoners, and whether there is a mechanism in place to allow prisoners to have independent advice about information that the ICAC might want. I can imagine if I were a prisoner, being reluctant to talk to an investigator about information, even if I knew something without the benefit of some kind of independent advice, is there any

The Hon. JOHN HATZISTERGOS: I will take this question on notice. There are some sensitive aspects to the issue that you have raised that I think it inappropriate to discuss publicly, and I may not be able to give you an answer on the record. I am not trying to confiscate the question, but there is a very sensitive issue identified in the question, and, with all due respect to it, I do not think it should be done in this forum. But I will take some advice on it.

The Hon. PETER BREEN: What about the issue generally, though? Would you be willing to make some public comment or go on the public record about the general issue of prisoners having the benefit of independent advice if they are the subject of investigations or if they are involved in investigations?

Mr WOODHAM: As you are probably aware, on our rent-a-phone system, it is programmed in there that they have free calls to these agencies and they can't be monitored. They can write to any of the watchdog agencies of our organisation without us censoring or reading them or even opening letters to and from. Of course, from time to time these agencies take people into hearings and interview them themselves either on site at the gaol or at wherever the hearing may be. We are quite open in that respect and they do have an avenue that cannot be interfered with prison staff.

The Hon. PETER BREEN: Yes, I appreciate that, commissioner, but I would be interested to know whether the Minister is in a position to make some commitment to discuss the issue further, albeit privately, so that prisoners do have the benefit of independent advice when they are the subject

or involved in these kinds of investigations. I think there is a benefit not just for the prisoners, but for the investigation as well.

The Hon. JOHN HATZISTERGOS: Mr Breen, I am not aware of any complaint from a prisoner who has been denied access to legal advice in circumstances such as those that you have identified. There is an ability to access advice in every correctional centre by means of a free call. I do not know whether that was availed of. I would be concerned if someone was to be prevented from accessing that advice, that facility. If you want to draw that to my attention, please do so, because I would like that examined. But in relation to the specific matters of this particular case which is still the subject of final report by the commission and does raise some very sensitive aspects, I think I would prefer not to respond to it on the public record.

The Hon. PETER BREEN: Through you, Madam Chair, the question of ICAC investigating prisons is not something that I am familiar with. Can you say generally what the record is? Has ICAC conducted very many investigations in the prison system?

The Hon. JOHN HATZISTERGOS: Could I say this to you: as the commissioner identified, the probity and performance branch of the department publishes minutes and publishes records. In some cases, even before a matter gets to the probity and performance branch, the ICAC is able to pick it up because there is regular contact on a fortnightly basis in relation to the subjects which are before the probity and performance branch. In some cases the ICAC will take a matter out and investigate it itself. In some cases it will simply oversight the process and monitor what the branch does. As far as I am concerned, and I am confident I speak for the department, there should be maximum co-operation with both the ICAC and the other watchdog agencies.

I think we have a very good relationship with the Independent Commission Against Corruption. We would like them to be more involved in assisting us in what we are doing. I think the commissioner has indicated that in some cases—running a controlled operation, for example, in the high risk management unit does not occur with the ICAC deciding to one day go down to Goulburn. It involves extensive co-operation with the department. Once this case has resolved I am happy, if you want to ask me a question in the House or somewhere else, to go through the types of assistance that would have been needed in that particular case—without compromising any security issues—to run a controlled operation of the nature that was conducted in that case. And it will not be the last.

The Hon. PETER BREEN: It is not the first either.

The Hon. JOHN HATZISTERGOS: It is not the first, but I told the governors when I went to the conference at Kempsey—this issue was advertised, it was identified in the press as an inquiry that was on the horizon—I told them at that particular conference when I met them that the revelations of the ICAC, which I at that point had some knowledge of, are going to be disturbing, they are going to be troubling, and they are going to be painful for some people. But I want a department that is corruption resistant, where officers have confidence that they can report misconduct and corruption and where that can be acted upon.

Occasionally we get situations which are troubling me where things are under investigation and persons put in reciprocal complaints—just before something is ready to hit, they put in a reciprocal complaint about someone else in order to somehow torpedo the investigation; say that it is being done as a consequence of some sort of payback. When the investigation hits them, they say, "That's because I put in a complaint about someone else about some other issue." The department has to manage those. We are getting advice in relation to those from the Ombudsman because we should not be in a position—we are well oversighted—I think we have about 16 agencies on last count—and no-one should be discouraged, if they have a legitimate case, from coming forward and making that complaint and being protected.

We have posters everywhere in prisons about corruption, reporting corruption, about being coming forward and giving us that information. Personally speaking—and I am sure I speak for the senior management of the department—the public revelation of what happened down there was very important. I might add, that whole issue was referred by the commissioner to the ICAC before we had any idea who was involved. The view was taken—and I think it was publicly released and a press release—that that could not have happened unless there was corruption with some officer that was

involved in the high risk management unit.

It was referred to the ICAC. There was co-operation between both agencies that led to that successful revelation that you saw. We want to co-operate with them. If there are any other matters that—I know of no complaint from the ICAC about the department obfuscating or protecting some individual and I would be concerned if that arose.

The Hon. PETER BREEN: Through you, Madam Chair, the Opposition raised the question of drug use, testing prison—at least it was testing prisoners. I am sure it was testing prisoners.

The Hon. JOHN HATZISTERGOS: Analysis.

The Hon. PETER BREEN: And there was a question in my mind about whether random tests as opposed to target tests—I think that Commissioner Woodham mentioned that there were two kinds of testing. Are the results dramatically different in random tests as opposed to target tests?

Mr WOODHAM: There is also administrative testing. Administrative testing is anyone that is on day leave and work release automatically gets a urine sample. Then there is the targeted ones, and you will find that the targeted ones would be more successful than random.

The Hon. PETER BREEN: Can I say that my experience in the Committee overlooking the police is that the targeted tests do not work at all in the Police Department. You can speculate as to why they do not work but I am wondering if—

Mr WOODHAM: Yes, but you are talking about targeting police officers, aren't you?

The Hon. PETER BREEN: Yes.

Mr WOODHAM: We are talking about prisoners.

The Hon. PETER BREEN: Yes, I understand that, but I am curious about whether there is a dramatic difference in the results of targeting tests, as opposed to random tests.

Mr WOODHAM: In outcomes?

The Hon. PETER BREEN: Yes.

Mr WOODHAM: Yes, I am sure I am right.

The Hon. PETER BREEN: I would be curious, if it is possible, Minister, to see the results of those tests.

The Hon. JOHN HATZISTERGOS: I will look into it and see what further information we might be able to provide. I personally think there is a place for both.

The Hon. PETER BREEN: Yes, if the results confirm that, I agree with you.

The Hon. JOHN HATZISTERGOS: It may be that the results are different, but I do not see that necessarily as a reason for abandoning one or the other. I think they both have their place. Obviously, if you get information that suggests that some person is involved in no good, then I think it would be irresponsible to ignore it, because statistically you might think that the outcome might be different to what you expect.

The Hon. PETER BREEN: The results, though, might help you determine whether the information was any good in the first place.

The Hon. JOHN HATZISTERGOS: I do not know about that. I think it is case-by-case information and who gives you the information.

The Hon. PETER BREEN: Anyway, we are keen to see the results.

The Hon. JOHN HATZISTERGOS: I can go into about all the searching that is done, but I identified that. I went to some pains, when I went public about this at the end of June, to identify the various means by which end addiction can occur so that people would know what the capacity is of the department to be able to carry out these searches, and the various means that we use. It is a very extensive process.

The Hon. PETER BREEN: Through you, Madam Chair, could I ask the Minister a question that you may wish to refer to Luke Grant, and it is about case management. The experience of many inmates is that they were unfairly disadvantaged by subjective judgments of prison officers about particular situations which finish up on their case management file. They often feel that the notation on the file is not a fair interpretation of what happened and so in some circumstances I have had the experience of prisoners being reluctant to get medical advice, psychiatric advice, and to take various other opportunities for doing things, including education, because they are concerned about the implications of something that might be written on their file.

Is it generally thought in the department that the case management system is inadequate so far as file notes are concerned, or is there any system in place to improve case management so that perhaps the prisoners get a better opportunity for input into circumstances and what finishes up on their files, because quite often there will be a notation on the file which will be relevant 12 months down the track, and the person that made the notation might not even be about; the prisoner might be in another gaol, for example.

Mr GRANT: I think that there has been some significant changes in case management since it first commenced, and clearly when people first were asked to record comments about inmates on case files, I think that very clearly there was a significant number of comments, all of a negative nature. One of the things that happened during Cadex as well, as a review of case management, a research review completed by the Independent Commission Against Corruption as part of more like a thematic review, and in that they looked at the nature and quality of the type of notes that custodial staff wrote. One of the things that emerged from that, even though it was something that we had considered prior to that, was to give inmates access to their case files so they could see what was written about them, because what people had complained previously was that there was a capacity for people to write notes on case files that could never be challenged, and people could not have an individual view.

One of the things we introduced as a result of that was to ensure that the case notes are accessible to inmates. In addition to that inmates are able to provide text for the case file to have a different view to something that has been represented there. I think that there has been a significant change, I believe, in the quality of the case notes. There are opportunities for inmates to see what is written about them, and opportunities for inmates to have input into it. I think case management is a developing activity. If you look at the changed expectations of custodial staff and you go back to people who started in the job 20 years ago at that stage when they were encouraged to have a very different type of interaction with inmates it has been a very big challenge for them to change their practice, and I think there is evidence of that change.

I think if you look at a case file now and compare the quality of the notes in the case files now with what were there in 1993, there is an extraordinary difference, but to ensure that the quality of the notes is improving, the case files are audited. We ask that they are audited at the local centre, but in addition to that, an independent group from the classification branch attends correctional centres and periodically reviews the case files of a percentage of inmates in the centre, and they talk to the Inmate Development Committees in the centre. There are processes in place to look at it. I think all systems can be improved, but I think there are sufficient mechanisms in place in relation to the case management to improve it. The very next thing we are doing in relation to that is to increase the role of the IS and P—the Inmate Service and Program staff—so that you can have even more of a context to some of the information that is in there, so I think there are sufficient measures in place.

The Hon. PETER PRIMROSE: If I could follow up one thing which was raised. Minister, I realise you probably do not have this information at your fingertips, but just about Commonwealth prisoners. Can you give us an idea how many Commonwealth offenders are imprisoned in New South Wales and also give the associated costs?

The Hon. JOHN HATZISTERGOS: I am advised since 1996-97 the number of Commonwealth offenders imprisoned in New South Wales has increased from a daily average of 299 to a daily average of 381 in 2000-01. It should be made clear that the department does not receive Commonwealth funding for imprisoning Commonwealth offenders. We are obliged, as Mr Breen would be aware, under the Constitution to provide custodial facilities for Commonwealth offenders. I am advised here that according to the Australian Bureau of Statistics [ABS], New South Wales had 630 Federal inmates in custody as at 30 June 2000 and that included persons who were both Federal and State inmates—that is, that they had multiple offences.

Some of these prisoners, I might add, are in for quite significant periods of time because it includes people like drug importers and major tax offenders and so on. According to the date, New South Wales has imprisoned 57 per cent of all the Federal prisoners in custody at that time; 30 June 2000. The next highest is 13.9 per cent; 154 inmates in Western Australia. This probably arises because Sydney is the major point of entry into the country and it is more likely that people will be detected committing various offences here than elsewhere, and these offenders are likely to be tried and imprisoned here.

Typically, Commonwealth offenders imprisoned in New South Wales are convicted, as I said, of drug offences, trafficking in illicit drugs. The ABS statistics state that of the Commonwealth inmates imprisoned in New South Wales as at 30 June 2000, 231 have convictions for drug offences as their most serious offence. As at the end of 30 June 2002, the figure is now 400. That compares with the next highest figure of 69 in Western Australia. It could be reasonably argued that this category—that is the drug traffickers—significantly contribute to the health and security problems currently existing within correctional centres.

The average cost of imprisonment within New South Wales, of the 400 inmates with their most serious offence being a Commonwealth offence, would cost taxpayers \$25 million per annum. I should indicate that whilst we imprison, whilst we provide the containment for these prisoners their parole is not governed by our Parole Board. It is governed by the Federal DPP and the Federal Minister for Justice, and that includes—this is an inquiry that someone raised with me—revocation of periodic detention. We do not have a capacity within New South Wales to revoke a period detention order of a detainee who is in breach. All that information is provided to the Federal DPP who then has to apply to the court to have it revoked. That is a different procedure to New South Wales where those issues are dealt with by the Parole Board so there is a significant impost on us. It makes up for all the people with disabilities in aged care facilities.

CHAIR: We will now take a five-minute break.

[Short adjournment]

CHAIR: We will now resume with a second round of questions.

The Hon. JOHN RYAN: Thank you, Madam Chair. Either Commissioner Woodham or the Minister, I am referring to the recent bomb scare that occurred at Silverwater Gaol that was well covered in the media. Is it a fact that that bomb scare was triggered by some information that came from an inmate to some social workers who waited for nearly 24 hours before that was reported to a senior officer, who himself did not deal with that important issue until he was part-way through a meeting some hours after he had originally heard about it? What action might be taken to make sure similar breaches of security do not occur again on such serious matters?

Mr WOODHAM: That matter is subject to an investigation, but when you say a bomb scare, I do not want to name or identify anybody who may have handled that information, but it was in relation to explosives being in the gaol rather than an actual bomb.

The Hon. JOHN RYAN: As I understand it, relating to the capacity to make one, not necessarily a bomb ready to go off.

Mr WOODHAM: But that matter is still under investigation. I do not want to identify anyone who might have handled that information.

The Hon. JOHN RYAN: Minister, I know this matter has been of some excitement in the House, but nevertheless I am obliged to at least ask this question. I understand there are now proposals to modify the change rooms at the Silverwater Court Escort Unit in order to permit the women's change rooms to be used by transgender staff. Is that the case, and what is the proposed cost of those modifications?

The Hon. JOHN HATZISTERGOS: I would have to micro-manage these things. I pointed that out to you in a letter. Let's get this quite clear, because some of the questions in the House from time to time are really—I do not check to see whether people have Santa Claus suits or whether we have appropriate toilets. That is not the job of a Minister. If you are particularly interested in that sort of detail and minute information, I am happy to take it on notice and get appropriate advice from whoever it is who manages toilets. This is an estimates committee. We have come along to prepare for the budget, and we are happy to take these sorts of questions if they are very important to you, and obtain answers for you, but please bear in mind that I do not manage these things on a day-to-day basis.

The Hon. JOHN RYAN: I did not suggest you did.

The Hon. JOHN HATZISTERGOS: I think if I did, you would think that there would be something wrong with my sense of priorities. I have outlined the broad thrust and the objectives of the department. I do not want to get annoyed, but there are very important aspects of the department that you are entitled to raise questions about, and if that is an important question, or if you have any questions of a similar nature, I am happy to look at them if they are particularly significant to you. But you are here, you have the opportunity to question me about these sorts of issues, please do so.

The Hon. JOHN RYAN: I am prepared to take that on notice, Minister.

The Hon. JOHN HATZISTERGOS: I have indicated to you I do not manage them, but I am quite happy to do it. Someone asked me a question in question time once about a person's sick leave, as if I sit down there like a desk clerk and just approve these things. We have people who run the department who are paid money to organise these things. If you would ask me a question about anti-discrimination and broad policies about those sorts of issues, what we do in the department, I am happy to respond.

The Hon. JOHN RYAN: My concern in asking the question, Minister, had to do with the fact that some women prison officers had approached me and they were concerned about their change rooms. I am not suggesting for a moment that—

CHAIR: Order! The Minister has indicated that he is quite happy to take the question on notice so I do not think there is any need to canvass the background to it any more, particularly given that it is being canvassed at length through questions in question time.

The Hon. JOHN RYAN: Evidently the critique only goes one way. I am happy to explain why I asked the questions, perhaps at a later time.

The Hon. JOHN HATZISTERGOS: I understand the concern, but I indicated in the House the way that issue was being managed. It was being managed appropriately. The concern that I had—and I am quite happy to go on record about this—and the reason why I became a little bit annoyed about that specific issue, as I indicated to you and you may be aware, is that following on from the response to that question about a very sensitive issue which was being handled appropriately from what I could see, the officer in question, who we have an obligation towards, was in a highly distressed state, resulting in that person going on sick leave. Ultimately—I am not sure what the situation is—but the officer was very highly distressed and went to their State Member of Parliament, that person's State Member of Parliament, to complain about what had happened. I had representations from the Transgender Coalition about it.

The Hon. JOHN RYAN: So did I.

The Hon. JOHN HATZISTERGOS: I know you did. Whatever it was, the person was in a very highly distressed state. It required enormous resources. I was down in Junee on the time in

question and enormous resources had to be deployed to prevent some tragedy occurring. I think these things are very sensitive. The matters have to be handled appropriately. From what I could see, they were. In the workplace situation, from all that I have seen, the issue was being handled appropriately; staff were being counselled and advised as to what procedures were in place. But let's get this quite clear. There are obligations that we have which I understand you have supported, under the anti-discrimination laws, to entitle people in this position to be able to fully participate in the workplace, and we respect those obligations.

Having said all that, I do not really want to trouble the Committee unless there is a specific issue that troubles you, and I have only taken time to deal with it because you raised it with me. I was not intending to go on in the way that I have, other than the fact I am responding to you.

The Hon. JOHN RYAN: It is all right. I am up to it, do not worry. It is fine.

The Hon. JOHN HATZISTERGOS: Let's move on.

The Hon. JOHN RYAN: Minister, for some time I have been raising the issue of officers' social clubs. I see it as entirely inappropriate that officers are able to make a financial benefit from selling goods within the prison system during their work hours and, as I understand, one of the social clubs—I think the one at Bathurst—at the end of the year has a surplus which, because of recommendations that have come to them from the ICAC, distributes the proceeds of the club so that they do not carry over a surplus from one year to the next. I think last year it took the form of a distribution of a \$100 meat voucher, and the previous year it was the distribution of actual cash. Minister, they are analogous, in my view, to the school canteen, in allowing officers to profit from operating the school canteen. We would not allow it to happen with teachers. Is there any reason why these things are still operating in the prison system in the 21st century?

The Hon. JOHN HATZISTERGOS: Sorry, are we talking about officers' messes?

The Hon. JOHN RYAN: We are talking about the social clubs that are organised by officers who vend cigarettes, I understand, drinks and other snacks and—

The Hon. JOHN HATZISTERGOS: But where are these things located? Are we talking about officers' amenities rooms? Are we talking about visitors' rooms? Where are these particular—

The Hon. JOHN RYAN: No, I am talking about the funds, Minister, the funds.

The Hon. JOHN HATZISTERGOS: But what funds derive from selling things where?

The Hon. JOHN RYAN: In gaols.

The Hon. JOHN HATZISTERGOS: But where in gaols? Are we talking about visiting areas?

The Hon. JOHN RYAN: Yes, visiting areas.

The Hon. JOHN HATZISTERGOS: In visiting areas?

The Hon. JOHN RYAN: In visiting areas. The things sold to inmates' visitors raise some quite substantial amounts of money.

The Hon. JOHN HATZISTERGOS: I will respond to your question, because you have raised this on other occasions. After the budget estimates hearing in 2001-02, and I think again on 6 May 2003, you have raised a number of issues relating to staff social clubs' use of profits generated by vending machines placed in the visitors' areas of correctional facilities.

The Hon. JOHN RYAN: Not just vending machines.

The Hon. JOHN HATZISTERGOS: The department has advised me that one method that its staff social clubs use to raise funds is from vending machines, and some vending machines are

available for staff only and some are placed in public areas of correctional facilities that can be accessed by staff and visitors. Since 1994 the Department of Corrective Services had a policy on the operation of social clubs in its accounting manual. The policy provides that governors of correctional facilities must approve the operation of social clubs; that social clubs must have a constitution which includes the provision of a board of management that has a president, a secretary, a treasurer; that social clubs must be audited; that social clubs must keep records, books of minutes and separate bank accounts, and must comply with the department's directions for the control of non-Government funds. However, because of the concerns implicit in the question raised in the estimates hearing that I refer to, the department sought the advice of the Auditor-General in relation to the department's policy on staff social clubs.

The Audit Office reviewed the relevant policies and considered them to be acceptable. The Director of Audit went on to state that most public sector agencies, including the Audit Office, foster and support the operation of social clubs. Even though the Audit Office considered the department's policy on social clubs to be acceptable, the department is developing a policy now to regulate the relationship between the department and staff social clubs. I have been advised the department's plan is to introduce guidelines which will require each staff social club to (a) be incorporated; (b) adopt a uniform constitution that provides clear guidelines for their effective management; (c) comply with policy and procedures concerning control over non-Government funds; (d) require the accounts be externally audited; (e) allow a departmental officer nominated by the commissioner to inspect the financial and other records of the social club; (f) require the social clubs to register with the Australian Taxation Office for ABN and GST purposes; (g) require the social club to seek the commissioner's or his or her delegate's approval to conduct activities on departmental property or to use departmental facilities; (h) cease to allow staff social clubs to operate vending machines in areas which are open to the general public, like visiting areas; (i) allow staff social clubs to operate vending machines in areas that are only accessible by staff or in areas where visitors may only have access when escorted.

The department anticipates these measures will ensure that management of social clubs is transparent and accountable, and that they operate with probity. I have to say, however, that this is something that is the current intention. We are negotiating this at the moment. Some of these clubs have been in existence for a very long period of time. There are industrial issues that have to be worked through, but that is the intention. That is the case notwithstanding the fact that the Auditor-General has found the current situation acceptable. I am anxious to regularise the situation, and I hope that that might satisfy the concerns that were identified.

The Hon. JOHN RYAN: If the staff clubs are only raising money from within officers themselves, I personally do not care what they do with their own money.

The Hon. JOHN HATZISTERGOS: That is an issue, but you have to understand that these social clubs vary from place to place. Their ability and their capacity to generate income will vary from place to place. In some of the social clubs, the money generated in the visiting areas does not go to the social clubs. They go to an inmate development fund, as you know, for inmate amenities. We are trying to address those issues.

The Hon. JOHN RYAN: Commissioner Woodham, I am obliged to ask this question because I am sure the public want to know. With regard to the issue of the \$80,000 that it cost the department to defend you in the Administrative Decisions Tribunal in regard to an anti-discrimination complaint, what effort did you make to resolve that matter with Mr Aldridge on an informal basis? If I had ever been five hours late to a meeting, and had perhaps used language as you are alleged to have used, I think I would have been inclined to ring the person up and try to resolve it on an informal basis so that it did not get to the point that it cost \$80,000. One of the reasons I also ask the question is not so much to have a crack at you personally, but the fact that these sorts of disputes are sadly what I would regard almost as playground disputes, occupying an enormous amount of the time and effort of the Department of Corrective Services.

The Hon. JOHN HATZISTERGOS: I am going to answer the second part of your question, because that is incorrect. In the last five years we have had some 18 actions involving allegations of discrimination. They constitute, in terms of payroll, .0002 per cent of the wage bill in terms of cost. The amount is around \$50,000 a year in payments. It is very low compared to any other agency. I might indicate a number of those 18 were resolved. They were discrimination complaints brought by

people who sought positions in the department—that is, they applied. They were refused because they did not meet medical criteria, and they claim that they were discriminated on grounds of some disability. Some other cases were brought and were not successful against the department, so the allegation that this is somehow rampant in the department is fallacious. It is not correct.

The Hon. JOHN RYAN: Minister, I asked some questions designed to get exactly that information.

The Hon. JOHN HATZISTERGOS: No. You made the claim—

The Hon. JOHN RYAN: No, I asked specifically what the details were for legal fees, and payments for that very issue, and the department told me on the notice paper, through you, that it was not possible to calculate that amount.

The Hon. JOHN HATZISTERGOS: The question you asked required quite a bit of—

CHAIR: Order!

The Hon. JOHN HATZISTERGOS: In deference to your question—by the way, we had a deadline to answer that particular question—I asked that this issue be looked at. It took some time. You know why it took some time, because these employment matters, the way they are on the computer required us to go through a large number of files, because they were not identified by reference to the allegations of discrimination; to go through to find out that information, and that is what we found. It took an enormous amount of time and a lot of resources, but I suppose in the end it was useful because it was able to discount the second premise of your question. It is not correct. If you want me to, I can go through the proactive steps that the department takes to ensure that these issues do not arise, to ensure that those issues are resolved and to make staff familiar with obligations in relation to anti-discrimination. Let's be clear about that; this is not rampant in the department. The incidence is very low, even though it cost us an enormous amount of money, to be able to facilitate a response of the kind that I have, bearing in mind that you continued to make the allegation in the absence of the information that I have just given you.

The Hon. JOHN RYAN: Minister, I am sure it did not cost a lot of money to answer my question.

The Hon. JOHN HATZISTERGOS: Well, it did.

The Hon. JOHN RYAN: I am sure it did not. Mr Woodham, would you mind explaining the background as to why it wound up costing the taxpayer \$80,000 and what appears to be rather extraordinary behaviour on your part?

Mr WOODHAM: The matter you are talking about went over some two years, from memory. There were several meetings before any action was taken by the person who took the action against me. Firstly, I want to correct you with your five hours late.

The Hon. JOHN RYAN: Three hours late.

Mr WOODHAM: Three hours late. If you want to check, you will find it was a day that a number of prisons went on strike. I sent word out in advance that I would be late. Then later—because the last gaol, from memory Parramatta, took a decision around 5.30, 6 o'clock in the afternoon to go on strike and join the strike—I was co-ordinating the responses.

CHAIR: Order!

Mr WOODHAM: I am answering the question.

The Hon. JOHN HATZISTERGOS: He has been asked. He should be able to answer.

CHAIR: Hon. John Ryan, cease interjecting when Commissioner Woodham is answering his question, thank you.

Mr WOODHAM: I never approved one cent for my representation. That decision was taken from others. It was initially referred to Chris Puplick, who found no case to answer. Under his legislation he is bound if the complainant so desires, that it be forwarded to the ADB. It went to the ADB, from memory, for a hearing; an appeal; another tribunal to review the evidence; another appeal. It took an inordinate amount of time to get through that process. The legal costs were approved by other people that were advised by our legal team in the department at that time.

The Hon. JOHN RYAN: It was not possible to just call Mr Aldridge in and say "sorry"?

Mr WOODHAM: I tried that. I knew Richard Aldridge far better than I know you. I could talk to him, but everyone at that meeting was swearing. It was that type of meeting. I do not know whether you know Richard Aldridge; have a talk to him, see how often he swears.

The Hon. JOHN RYAN: You are the boss though.

Mr WOODHAM: I am the boss. I was talking to people on a man-to-man basis.

CHAIR: There is time for one more Opposition question.

The Hon. JOHN RYAN: I would like to ask about the provisions for the transition with regard to the Inspector-General. Is there legislation required to make the arrangements that you have proposed and announced from Cabinet?

The Hon. JOHN HATZISTERGOS: The only legislation that may be required—and I still have to finesse this out—is in relation to the proposal to allow the judicial members of the Serious Offenders Review Council to be able to carry out additional functions. At the moment the legislation allows the Minister to require the Serious Offenders Review Council to carry out additional functions, but not the judicial members to be able to carry out specific functions. When we were negotiating with the Ombudsman's Office in relation to the arrangements which would occur on the cessation of the Inspector-General, the Ombudsman was insistent that he would not be directed by a Minister as to what he would investigate. I indicated to him that I found, from time to time, it useful to be able to direct the Inspector-General to be able to examine something. If there was something in the department that was systemic or whatever that I required to be examined, I needed to have a facility to do that. He said that he could not guarantee that he would do it. He would certainly examine it.

The proposal that Cabinet has agreed to is that the judicial members of the Serious Offenders Review Council—who have expertise because they go around to correctional facilities and would be able to perform those functions—if there are additional things that are needed to be done that are beyond them, then there would be a capacity for another person to be able to be chosen to carry out those investigations, at the Minister's direction.

The Hon. JOHN RYAN: I was just wanting to find out what is going to happen to the reports and the annual report that would normally be done by the Inspector-General that would ultimately be published in the Parliament? I do not imagine there would be an annual report produced yet. Will there be one? Will you publish that? For example, reports like the report that the Inspector-General has apparently done on the MRRC, will you be prepared to publish that material so that people do it or do we have to have a standing order?

The Hon. JOHN HATZISTERGOS: If the specific report—I notice a bundle of reports were tabled previously in the House at the response of a motion. I am not aware of any that were not that should have been.

The Hon. JOHN RYAN: There are some that have happened since.

The Hon. JOHN HATZISTERGOS: Which ones?

The Hon. JOHN RYAN: I think the MRRC report that was similar to the Mullawa one has not yet been tabled and there might well be others. There is also a regularly updated schedule that shows action on various reports that I imagine continue.

The Hon. JOHN HATZISTERGOS: The question of response to recommendations flow from recommendations that the Inspector-General carried out. That is a matter for the Ombudsman ultimately if he wants to carry out that function or not. Extra resources will be given to the Ombudsman if he wants to do that. We will give him whatever core information he requires if he wants to take on that function. The probity and performance division of the department is going to take on the responsibility of basically collating data relating to performance of individual correctional centres. One of the recommendations you will recall that was made in the Dalton-Avery review was that there be periodic inspections of correctional facilities. Mr Woodhouse is currently—I have spoken to him about developing how that is going to take place. It will involve an independent person being on the panel that conducts it. I would anticipate that in some form that will be reported on in relation to each. We will not be able to do—I make this quite clear—every prison every year. These examinations will be very thorough.

The Hon. JOHN RYAN: Yes, but Dalton did not do that.

CHAIR: Order!

The Hon. JOHN HATZISTERGOS: These will be very thorough. As I said, they will be independently involved. Obviously the department has an interest in ensuring that the custodial facilities meet appropriate standards. This is a recommendation that was made in Cabinet. It is now the task for the department to be able to work out the practicalities of how it is going to occur. I will, I have to indicate, tomorrow morning be speaking to the Serious Offenders Review Council about these very matters.

The Hon. JOHN RYAN: You table the work the inspector—

CHAIR: Order! Your time for questions has expired. If you wanted to pursue this issue in detail you should not have left it for your last question. You are eating into the time of questions for Mr Breen. I would ask Mr Breen to ask any questions he has.

The Hon. JOHN HATZISTERGOS: Thank you, Madam Chair. The question of forensic patients, the so-called criminally insane patients in the corrections health facility at Long Bay, are you able, Minister to say how many inmates there are currently accommodated in that facility and whether there are other inmates that cannot be accommodated there and who are in the mainstream prison system?

The Hon. JOHN HATZISTERGOS: Mr Breen, I want to clarify something. You say "forensic patients".

The Hon. PETER BREEN: Yes.

The Hon. JOHN HATZISTERGOS: There are two categories of forensic patients, as you know. There are those who are criminals who may be forensic, and there are those who are not criminals, but forensic.

The Hon. PETER BREEN: Yes, not guilty because—

The Hon. JOHN HATZISTERGOS: Not guilty. Then we do not call them criminally insane. They are insane. They are not guilty on grounds of insanity. You mean these are the people who ultimately will be placed in the degazetted forensic hospital?

The Hon. PETER BREEN: Yes, they are the ones.

The Hon. JOHN HATZISTERGOS: I am not aware of the actual numbers. Do you know what the numbers are?

Mr GRANT: We do not have the exact numbers there, but I think there are about 90 forensic patients in the system. Not all of them are managed in the Long Bay Hospital. In addition to that there are other people who may from time to time be regarded as going through an acute phase of a mental

illness. Those people are sometimes in other correctional facilities. Long Bay Hospital has recently had a modification made to it to enable women who may have mental illness to be managed in the hospital as well. Previously there were only men managed there. Recently women have now been placed there.

The Hon. PETER BREEN: The patients that I was concerned about are these ones that are unfit to plead, and who do not have anywhere else to go, but according to my understanding there is not enough room for them in the corrections health facility in Long Bay and they may be elsewhere in the system. I am simply trying to clarify whether that is the fact or not. Would there be anywhere else that a patient or inmate unfit to plead would go, other than the corrections health facility?

Mr GRANT: Not all forensic patients are managed in our system. There are some forensic patients managed in community facilities. In addition to that, it is not by basis of people who are forensic who should be managed in a hospital, but the Mental Health Review Tribunal may make the recommendation that someone does not require to be managed in the Long Bay Hospital. Those people from time to time are managed in correctional facilities. The fact that someone is identified as a forensic patient does not mean they are acutely mentally ill. When people are in the acute phase of their illness, they are generally in the hospital, or they are awaiting an assessment to go into the hospital.

The Hon. PETER BREEN: When the new facility is finished, is it likely that all these patients will then be in the one place? Is that the intention?

Mr GRANT: Not all forensic patients because, as I mentioned, some forensic patients are managed in community mental health facilities like Bunya, Kestrel and so on in the community. Not all of them would be intended to be there. The forensic hospital will be providing a maximum secure type of environment for people who need that particular regime.

Mr WOODHAM: It will be totally run by Health. We will not have any input into the management of it.

The Hon. PETER BREEN: That is the point that I was trying to get to. It ought to be run by Health.

Mr WOODHAM: Yes, that is the way it will be.

The Hon. PETER BREEN: My fear at the moment is that there are some inmates who ought to be in the health system and they are in the corrections system.

The Hon. JOHN HATZISTERGOS: There will still be a forensic hospital at Long Bay, apart from the health facility of the degazetted land, as you would be aware, for those persons who do not meet the criteria that I referred to earlier.

The Hon. JOHN RYAN: So are you saying there are unsentenced forensic patients in the general prison population without a sentence being managed as if they are doing a prison—

CHAIR: Order! It is time for questioning for Mr Breen.

The Hon. PETER BREEN: That is a fair question.

Mr WOODHAM: Sorry, what was it?

The Hon. PETER BREEN: Madam Chair, the question was whether there are inmates in the prison system who have not pleaded, because they are unfit to plead, and they are being managed as prisoners instead of health patients.

Mr GRANT: From time to time there are individuals. There are small numbers of those people. I could not say if there are any at the moment. That decision is made by the Mental Health Review Tribunal. That is something that is determined by that body and not by the Department of Corrective Services, as to the appropriateness of the placement; as an example someone who has not

been convicted who is found not guilty on the grounds of mental illness may still be kept in custody for a period of time, where they do not need additional support. The environment that hospital provides is not regarded as the most appropriate environment. For that group there are options in the community from time to time. There are individuals who are managed with the correction centre, but they are not acutely mentally ill at that stage.

The Hon. JOHN HATZISTERGOS: I think the inquiry which you sat on, on mental health, identified those practices.

The Hon. PETER BREEN: Yes, the Mental Health Inquiry identified those patients. That is right, yes. I was just concerned if they were going to be accommodated in the new system.

The Hon. JOHN HATZISTERGOS: They will go into the new system. They are not criminals. They should not be in prison.

The Hon. PETER BREEN: Minister, this is another question that I have posed before. I do not think it has been answered but I am sure you will correct me if it has. There is a question about keeping prisoners in what I call solitary confinement. These are prisoners who are on protection of one form or another. Many of them are housed, for example, at the Silverwater complex in Pod 16. According to my information, some of these prisoners have been in that Pod 16 for up to two years, and they only get out of their cells for half an hour a day. If that information is correct, then I think that is a cause of great concern. I have asked you about it before and, for whatever reason, I have not been able to get a clear answer. The fault may be mine, and if it is I am sure you will tell me.

The Hon. JOHN HATZISTERGOS: These are people who placed themselves on that level of protection voluntarily.

The Hon. PETER BREEN: No, that is not the case. Many of them determined by the prison authorities—

Mr GRANT: There are a number of ways that people can be managed on protection. One of them is when people elect to be placed by themselves. Basically, they are people who choose not to associate. In addition to that, under the same provisions that are available for segregation, where it is determined that that person may be at risk by being accommodated with other people, they can be placed separately. There are issues of placement from time to time for people within that category. The category requires someone to be managed by themselves. If they are non-associating, they cannot associate with someone else. I do not know the time frames. That would be something we would have to take on notice. There is a facility in the MRRC that was purpose-built for that group. From time to time that group overflows into other areas of the correction centre. That requires a more restrictive regime because they do not have access to a cell yard adjacent to the cell.

The Hon. PETER BREEN: Yes, and I recognise that there are problems moving these prisoners because of their non-association classification. Nevertheless, if it is the fact that there are a large number of prisoners in that section who are only being allowed out of their cells for half an hour a day, I think that is a problem. I simply ask on notice whether you can address that and indicate how many prisoners there are in that category and, if there are any prisoners in that category, what steps will be taken to make sure that they are given the proper exercise and allowed the absolute minimum of one hour out of their cell each day, rather than half an hour, which is what I understand is presently happening.

Mr WOODHAM: I am sure that is the case now; more than one hour. We will get back to you on that but that came to my knowledge some months ago and action was taken.

The Hon. PETER BREEN: It may be that it has been fixed.

Mr WOODHAM: We will get back to you.

The Hon. PETER BREEN: It is certainly more than several months ago that I asked the question and I do not think it has been answered.

Mr GRANT: If I can make one additional point in relation to it as well, it is very important to recognise that people who are managed in that environment have a capacity, if they are managed for more than two weeks in that environment, to lodge a review with the Serious Offenders Review Council, which is available to people under segregation. The same provisions apply to people who are under that cover of non-associating protection, whereby they can ask to have a review completed of the order under which they are placed in that environment.

The Hon. JOHN HATZISTERGOS: By the way, did you know we had our 50-thousandth prisoner at the MRRC last week?

The Hon. PETER BREEN: In six years.

The Hon. JOHN HATZISTERGOS: It is a busy place. I know you go there from time to time.

The Hon. PETER BREEN: Yes, I do go there from time to time.

The Hon. JOHN HATZISTERGOS: We did not bake a cake or anything, but it is just a matter of noting on the record.

CHAIR: Thank you for telling us.

The Hon. JOHN HATZISTERGOS: I just thought I would grace the record with that interesting piece of information.

The Hon. PETER BREEN: A record that you should not be too proud of, with respect. It is a lot of prisoners.

The Hon. JOHN HATZISTERGOS: It is a lot of work. It is a lot of work managing, over six years, 50,000 very troubled people.

The Hon. PETER BREEN: The other question that I would like to ask, Madam Chair, is in relation to something that Commissioner Woodham said that I thought was of great interest—that is, the new system that is being introduced to allow permanent part-time people to supplement the rosters. I think you indicated that there would be a saving of something like \$15 million as a result of that. The question is whether or not that is likely to result in less lockdowns in the prison. It seems to me that there are many cases, even on a weekly basis, where there are lockdowns because of insufficient staff. I think that causes concern and consternation amongst prisoners. I am sure it creates a level of aggravation that would be solved if there were more staff. Is it likely that this new system that you are introducing will result in less lockdowns because of the additional people that are going to be in there working?

Mr WOODHAM: Yes, we believe that it is going to address a lot of problems that exist now. It most definitely will get prisoners out of cells and out of buildings for longer periods of time. One of the ideas is to move the officers with the inmates. Wherever the inmates go, the officers go with them. As it stands now, people that manage the accommodation blocks stay in the accommodation blocks and the prisoners leave to go to work or to education or whatever. What we are doing now is rolling the officers with the inmates wherever they go. We believe we will have better supervision of the inmates as well, where they are. That means that some of the buildings will be locked with no-one in them, rather than buildings locked with people in them. We think that this is going to shake down a lot of the issues that have been worrying me at the head of the department in the last 12 months.

The Hon. PETER BREEN: If I can say, my own experience is that often I will want to go to a prison and I will be told, "You cannot go on that day. There is going to be a lockdown." That seems to me to be a staff problem. It is not a security problem.

The Hon. JOHN HATZISTERGOS: Can I answer this issue. I will do it by referring to some recent advice that I obtained from the Acting Inspector-General, Mr Griffin. This is what he said to me. He said there has been a downward trend in the number of locked-in-cell incidences, which is a notable achievement given the considerable increase in inmate numbers. Locked-in-cell occurrences

are necessary and are incidental to the effective running of a correctional centre. The need to lock in inmates to conduct searches, escorts, security and staff training are prime examples. Problems arise when the number of locked-in-cell occurrences due to staff shortages or sick leave become the main reason for a complete or partial lockdown of a centre. He then said that compared with previous years the department has been successful in achieving a significant reduction of 15 per cent in the locked-in-cell occurrences due to these factors.

So there has been some improvement which has been recognised. The Inspector-General, someone said, has not been reticent in criticising but he has given an acknowledgment in this advice that the situation has shown some improvement, bearing in mind also that lockdowns are necessary for the reasons identified. Of course, these things are managed so that you do not have total lockdowns. You stage these things when they occur.

The Hon. PETER BREEN: Thank you, Madam Chair, no further questions.

CHAIR: Do you have any Government questions?

The Hon. CHRISTINE ROBERTSON: Thank you, Madam Chair. I am interested to know the resource implications and how the correction system is getting ready for the possibility of people being put into prison who have been charged with or convicted of terrorism.

The Hon. JOHN HATZISTERGOS: Thank you, Madam Chair. This is an important question. The Commonwealth has informed us that terrorists will be dealt with as criminals, not prisoners of war. As such, they would not be held in Federal facilities but they would be held in State correctional centres. Back on 1 July, at the Ministerial Conference that I attended in Melbourne, I sought and, with the commissioner, received an assurance from the Federal Minister for Justice, Senator Ellison, that he would take this issue up with the Prime Minister. He told us at that stage that he thought it was an important issue and that he was going to communicate it to him and get a response back to us about convening a national corrections forum dealing with this issue. Regrettably, the Commonwealth has failed to follow up on this request, which was backed by all the State Ministers at the conference.

It is really very difficult for me to understand why the Commonwealth continues to exclude State correction services authorities around the country from direct involvement in the counter-terrorist talks with the Federal authorities. I have to make the point that the States have decided to have their own conference on this issue. It will take place in Sydney at the end of this month, the 29th and 30th, to be able to examine these issues. The reality is that even at this particular point in time we do have people in correction centres who have sympathies with terrorist organisations. We have provided leadership. We put it on the agenda for the Ministerial Conference, and we have organised this conference for the 29th and 30th of this month in Sydney. We do have sophisticated intelligence capabilities which have identified inmates with sympathies to these groups, without going into the specific details or identity of these persons or their whereabouts, as this may compromise our ongoing intelligence gathering.

The commissioner and the department have been proactive in tackling this issue. I am happy to congratulate him on that account. But there is no room for complacency and that is why I will continue to agitate, as I have, for such things as Commonwealth action for jamming mobile phone signals inside correctional authorities—an issue, I might add, that had the support of all the State and Territory Ministers, I might add even the sympathies of Senator Ellison, who promised to take it to Senator Richard Alston. When that issue was raised, we were told that the appropriate response would be forthcoming from Senator Alston to our request seeking amendments to the Radio Communication Act to allow the jamming of mobile signals in correctional centres.

I was told at that time that there were some concerns; that if they did it in a correctional centre, that might affect the signals in surrounding areas and that might impact on emergency services and other agencies. I said to Senator Ellison at that meeting that what we would do is, we would offer a trial. Give us a trial at Lithgow—which is isolated, it is away from the metropolis of the town—and see how it works. Then you would have the data to be able to make an informed decision. We never even got off first base. The proposal to have a trial was blocked. We got a five-page diatribe from the Australian Communications Authority, which was basically a letter of apology from the carriers, who

do not want this because they do not want to be bothered. They are worried that if one agency gets the capacity to intercept these particular signals, what would be the next agency, the flow-on effect. So they have done everything possible to frustrate this proposal to have a trial or to even have an examination of what we are talking about, even though other facilities around the world do use this equipment.

This is an issue, amongst the others that I have identified, that we will be discussing at the conference, which will take place at the Corrective Services Academy at the end of the month. We will invite the Commonwealth. We hope that they attend, even though they did not want to be proactive in organising it, and we hope that flowing from that we will get much better co-operation on this issue than we have had so far.

CHAIR: I have a question for you, which you could take on notice if you like. I have been speaking to people in the community who have been helping to facilitate videoconferencing for visits, and they have provided me with some very positive feedback from that. I was wanting—because it is very difficult talking to the community providers—to find out what the actual take-up rate is of videoconferencing for visits between inmates and their families.

The Hon. JOHN HATZISTERGOS: The commissioner can answer it. I might add that it is something that we are doing everything we can to encourage, but the commissioner can tell you the take-up rate.

Mr WOODHAM: We now have videoconferencing in every institution in the State that has a significant number of unconvicted inmates. It was an initiative of mine to use the down time. There is a certain amount of down time, especially of a weekend when courts are not sitting, and of an afternoon and early in the morning. We have piloted a trial of visits, and I know an Aboriginal woman in Grafton in the last few weeks has talked to her son in Goulburn, and we are naturally getting positive feedback from those trials. Another thing that we are trialling is with the mothers and their children, and that is even going to the stage of tutoring, being involved in their school process with videoconferencing because the video studios—some schools have them and of course every major health centre has them—and we want to expand it. We are very encouraged from the trials that we have had, and we believe that we can now link inmates and their families, particularly those with extended families that we have in custody, in a more effective way, and hopefully keep the family unit together. But we will be rolling it out in a much larger scale.

CHAIR: I would like to thank you, Minister, and the representatives of your department and your staff, for attending tonight's hearing. I would ask that you remain seated for a moment while the public is allowed to vacate the room.

The Committee proceeded to deliberate.

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