

# GENERAL PURPOSE STANDING COMMITTEE NO. 3

Tuesday 2 September 2003

Examination of proposed expenditure for the portfolio areas

## JUVENILE JUSTICE, AND WESTERN SYDNEY

The Committee met at 5.30 p.m.

### MEMBERS

The Hon. A. R. Fazio (Chair)

The Hon. I. W. West  
The Hon. J. R. Ryan  
The Hon. K. F. Griffin

The Hon. C. E. Cusack  
The Hon. P. J. Breen

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### PRESENT

**The Hon. D. Beamer**, *Minister for Juvenile Justice, Minister for Western Sydney, and Minister Assisting the Minister for Infrastructure and Planning (Planning Administration)*

#### Ministerial Office

**Mr M. Meagher**, *Chief of Staff*

**Mr C. Munnings**, *Senior Ministerial Adviser*

#### Department of Juvenile Justice

**Mr D. Sherlock**, *Director-General*

**Mr P. Muir**, *Assistant Director-General (Operations)*

**Ms S. Cross**, *Assistant Director-General (Management Services)*

**Ms M. Wilson**, *Manager Executive Services*

#### Office of Western Sydney

**Mr L. Harris**, *Director-General (State and Regional Development)*

**Ms J. Moxham**, *Acting Director*

**Mr M. Milligan**, *Manager Human Resources*

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**CHAIR:** I declare this meeting open to the public and I welcome you to this public hearing of General Purpose Standing Committee No. 3. First I wish to thank the Minister and the departmental officers for attending this evening. At this meeting the Committee will examine the proposed expenditure for the portfolio areas of Juvenile Justice and Western Sydney. Before questions commence, we need to deal with a few procedural matters. The Committee has determined that the allocation of questions will be left in the hands of the Chair, and I have decided to allocate questions in approximately 20-minute segments, to the Opposition, crossbench and Government members. The Committee has agreed to the following format for the hearing. We will entertain questions on Juvenile Justice first, and when those questions have been exhausted we will then move on to questions on Western Sydney. Is that going to be satisfactory for the people that you have brought along, Minister?

**The Hon. DIANE BEAMER:** Certainly, Madam Chair.

**CHAIR:** There are a couple of other things we need to run through. Part 4 of the resolution referring the budget estimates to the Committee requires evidence to be heard in public. The Committee has previously resolved to authorise the media to broadcast sound and video excerpts of its public proceedings, and copies of the guidelines are available from the attendants. I point out that in accordance with the Legislative Council's guidelines for the broadcast of proceedings, only members of the Committee and witnesses may be filmed or recorded. People in the public gallery should not be the primary focus of any filming or photos. In reporting the proceedings of this Committee you must take responsibility for what you publish or what interpretation you place on anything that is said before the Committee.

I might also advise people that we have a new PA system in this room, that is quite sensitive. If you are not asking a question—you are making a few comments or, heaven forbid, you are talking to yourself—it is advisable to move back from the table a little bit, otherwise your private comments will be broadcast along with the business of the meeting. In respect of the delivery of messages, there is no provision for members to refer directly to their own staff while at the table. Witnesses, members and their staff are advised that any messages should be delivered to the attendant on duty, or through the Clerk of Committees.

For the benefit of the members of the Committee and for Hansard, could departmental officials identify themselves by name, position and department or agency before answering any questions referred to them. Where a member is seeking information in relation to particular aspects of a program or subprogram, it would be helpful if the program or subprogram is identified; that is referring to the entry in the budget estimates paper. As the lower House is sitting, could you advise whether you will need to be attending any divisions this evening, Minister?

**The Hon. DIANE BEAMER:** I will not.

**CHAIR:** I declare the proposed expenditure open for examination and offer the Minister an opportunity to make a brief opening statement.

**The Hon. DIANE BEAMER:** Thank you, Madam Chair. I would like to make some introductory comments about the budget provided for the Department of Juvenile Justice for the year 2003-04, as well as give some details about what has happened in the last year. This budget emphasises the Government's strong commitment to the important work of the Department of Juvenile Justice. It highlights the Government's determination to ensure our communities are made safer by addressing juvenile crime through a range of effective programs.

The department's allocation for recurrent funding, its operational expenses, has risen from \$119.7 million last year to \$122.7 this year; a 2.5 per cent increase, generally in line with inflation. In my short time as Minister I have managed to visit each of the juvenile justice centres around the State, some of which are eagerly anticipating very strong growth in the department's capital works funding. A highlight of this year's budget is the \$34.5 million major capital works building budget for 2003-04. This funds substantial construction progress toward the goal of making all detention centre accommodation consistent with national standards in care and security.

\$14.3 million has been allocated in 2003-04 to commence work on a new young women's facility at Lidcombe, to replace the existing Yasmar Centre at Haberfield. \$9.4 million has been

allocated for substantial infrastructure improvements at the Cobham Juvenile Justice Centre in St Marys, where intake, visitor, educational and recreational facilities will be upgraded. At the Reiby Juvenile Justice Centre in Campbelltown \$10.8 million will be spent in the coming year to replace dormitory style accommodation with single room accommodation and on upgrading other areas of the centre. The Government has committed \$57.95 million to this capital improvement program over the next three years. This construction work will bring the New South Wales system into conformity with national standards for juvenile detention.

Over the next two years \$6.1 million is being made available to upgrade the department's information systems. The new information systems will provide a comprehensive resource of client details which will help improve casework services and upgrade the department's internal management systems. Almost \$5 million in total funding has been made available in 2003-04 for the department to address specific programs to counter drug and alcohol abuse by young offenders. These programs expand and continue measures introduced in the past four years under the Government's drug action plan. During the 2003-04 financial year the department will be making approximately 39 community grants available to non-Government organisations. That is \$4.102 million going to support the community to reintegrate juvenile offenders. The Government will provide a total of \$1.64 million in the budget for the department to extend its juvenile justice transport service in an expanded north coast region. A further \$3.9 million has been allocated over the following three years to facilitate the juvenile transport scheme introduction throughout New South Wales.

Funding for the very successful youth justice conferencing scheme has been maintained at \$4.2 million. This budget is clear evidence of the Government's continuing commitment to ensure safer communities by grappling with the problems of juvenile crime. It consolidates the improvements to our juvenile justice system that the Government started seven years ago. Finally, I wish to acknowledge the request by the Hon. Catherine Cusack to have a witness present in relation to the Tingha Bail Facility. For operational and fiscal reasons, we could not get someone from the area to come specifically for the estimates hearing tonight, but be assured that the Director-General and the Assistant Director-General of Operations, Peter Muir, are more than able to answer questions in this respect.

**CHAIR:** We will commence questions with Opposition members.

**The Hon. JOHN RYAN:** Madam Chair, Minister, to ask a general question which we asked last year, but we tended to get a very general and an unspecific answer, so we are asking them during the hearings; are you able to give the Committee details of how much money is spent by your department on media monitoring; particularly from the organisation known as Rehome.

**The Hon. DIANE BEAMER:** From the department?

**The Hon. JOHN RYAN:** From the department. Then, if possible, from your office.

**The Hon. DIANE BEAMER:** I would have to take the question on notice from my office; from the department.

**Mr SHERLOCK:** I can give an answer on behalf of the department.

**The Hon. DIANE BEAMER:** That is good.

**Mr SHERLOCK:** The department has spent in the last financial year \$14,295 on media monitoring.

**The Hon. JOHN RYAN:** Does the department meet the budget for media monitoring of the Minister's office or is that met from another cost centre?

**Mr SHERLOCK:** No, that is a separate source.

**The Hon. CATHERINE CUSACK:** Minister, what was the direct cost to the department of pay increases that came into effect on 1 January this year, and then the ones that came into effect on 1 July?

**The Hon. DIANE BEAMER:** I can talk generally about the effect of those. You want specific dollar terms?

**The Hon. CATHERINE CUSACK:** Yes, I am wondering if you had the cost, yes, for the department.

**The Hon. DIANE BEAMER:** I will refer that to the Director-General.

**Mr SHERLOCK:** I do not have the exact cost with me.

**The Hon. DIANE BEAMER:** We can take that on notice.

**The Hon. CATHERINE CUSACK:** Yes. Do you have an idea then of the total amount of money to be spent enhancing existing and new programs in the department this year; your enhancements, as opposed to—

**The Hon. DIANE BEAMER:** Are you also including capital enhancements on that?

**The Hon. CATHERINE CUSACK:** No, excluding capital; operating.

**The Hon. DIANE BEAMER:** Excluding capital enhancements?

**The Hon. CATHERINE CUSACK:** Yes.

**The Hon. DIANE BEAMER:** The department has, as I outlined it, a 2.5 per cent increase in its overall budget. It has made significant differences to the staff ratio over the past few years, which is probably one of the biggest costs that we have had to bear, bearing in mind at the same time we have had a decrease in the number of detainees over the past few years. Whilst there have been offsets there, there have been increases in the way in which within detention centres we have been able to increase staff numbers. If you want a specific number, I am unable to—

**The Hon. CATHERINE CUSACK:** The 2.5 per cent would be a net increase in your budget. I am trying to find out what the funding requirement is for new initiatives, or for expanding existing initiatives. Mr Sherlock, do you know what I am referring to?

**Mr SHERLOCK:** In terms of the recurrent budget, there is additional funding of approximately \$1.6 million for the department to pick up the responsibility for the transport of juvenile offenders from the Police Service. Other than that, the budget essentially maintains services at their existing level.

**The Hon. CATHERINE CUSACK:** Can you tell me what the savings requirement is then in the department, in order to fund the pay rises and other initiatives?

**Mr SHERLOCK:** It is the shortfall between what is provided by Treasury for the wage increases, and the cost of those wage increases, and the percentage shortfall this financial year is 2 per cent. Last financial year, I will check with the Director of Management Services, I think was also 2 per cent.

**The Hon. CATHERINE CUSACK:** That is on the salaries?

**Mr SHERLOCK:** On salaries, yes.

**The Hon. CATHERINE CUSACK:** Are there additional savings that need to be made in the department, apart from salaries?

**Mr SHERLOCK:** No, not of any significance. The department has been able to allocate out its budget across the State to its regional operations in a way that maintains existing services.

**The Hon. CATHERINE CUSACK:** Treasury has given you what, 2 plus 2 per cent to assist

with the salary rises?

**Mr SHERLOCK:** Yes.

**The Hon. CATHERINE CUSACK:** What is the dollar amount that you need to find to fund those pay rises?

**Mr SHERLOCK:** I do not have that with me now.

**The Hon. CATHERINE CUSACK:** Would you be willing to provide that?

**Mr SHERLOCK:** It is essentially 2 per cent of the total salaries budget. I will ask the Director of Management Services. Do we have the total salaries budget here with us? No.

**The Hon. CATHERINE CUSACK:** As I understand it, the pay rises are in the order of 5 per cent plus 6 per cent.

**Mr SHERLOCK:** Five per cent this year, sorry?

**The Hon. CATHERINE CUSACK:** Sorry; 5 per cent on 1 January and 6 per cent on—

**Mr SHERLOCK:** No, I think it was 4 per cent 1 January and 5 per cent for 1 July.

**The Hon. CATHERINE CUSACK:** Can I request details of what those savings strategies are then.

**Mr SHERLOCK:** The department has made savings in a number of areas. Firstly, in relation to workers compensation, where our premium level has reduced significantly over the last several years, that has helped us. We are also looking at the use of motor vehicles; those sorts of things, to try to ensure that we live within our budget, and we have been able to do that.

**The Hon. CATHERINE CUSACK:** What were the savings from motor vehicles? Is it requiring employees to pay the fringe benefits tax?

**Mr SHERLOCK:** The fringe benefits tax will be a saving, yes, because the department has introduced a policy where all motor vehicles have to be garaged at our offices. That minimises staff taking the vehicles home, which will obviously reduce running costs, but also fringe benefits tax.

**The Hon. CATHERINE CUSACK:** That applies to on-call staff?

**Mr SHERLOCK:** On-call staff will need to take a vehicle home usually.

**The Hon. CATHERINE CUSACK:** But they do not have to contribute to the fringe benefits component of that?

**Mr SHERLOCK:** I am not sure precisely how that works in terms of fringe benefits tax. My understanding generally would be that that would be exempt, because it is business use.

**The Hon. CATHERINE CUSACK:** I am not sure that that is the case. In relation to the budget papers, the papers in 2001-02 indicated that there were 92 self-harm incidents in detention centres. The department hoped to reduce that to 80 last year, but in fact the numbers increased to 133. I am wondering, what is the cause of this increase, and was this increase in self-harm incidents consistent across all the detention centres?

**The Hon. DIANE BEAMER:** The department does recognise that young people are at heightened risk of either suicide or self-harm while in detention. Young Aboriginal people and young people with a history of self-harm are particularly at risk. The department has implemented new policies as suggested by the inquiry into the Aboriginal deaths in custody. After assessment, all detainees who are considered at risk of self-harm are placed under more intensive supervision to help them manage their stress. The level of monitoring is determined by the clients' assessed degree of risk.

Centre-based psychologists provide mental health assessments for all detainees that are identified at risk, so that appropriate and sensitive management strategies are used. At-risk detainees are also offered supporting counselling and access to a psychiatric consultant, and after-hour support to juvenile justice centres is provided by a specialist crisis team made up of both centre and community psychological and specialist service staff.

Staff of juvenile justice centres maintain links with NSW Department of Health, Area Mental Health Services, to facilitate local mental health services. Funding assistance from the Commonwealth Department of Health and Aged Care will provide suicide awareness training to centre-based and community based staff in 2003. There was a total of, as you say, 133 incidents of self-harm recorded in the year 2002-03.

**The Hon. CATHERINE CUSACK:** Do you have any feeling for why there has been such a big increase in the number of incidents?

**The Hon. DIANE BEAMER:** I would not have a feeling as to why. I do not think I could quantify a feeling.

**The Hon. CATHERINE CUSACK:** Mr Sherlock, do you mind if I—

**Mr SHERLOCK:** One reason is that I believe that our staff have a heightened awareness of self-harm, and the need to provide very close supervision of young people who threaten self-harm and are seen as at risk of harming themselves in any way. I should point out that the self-harm category on our database now includes not only incidents of actual self-harm but also incidents of attempted self-harm and in fact threats of self-harm. That has not always been the case in the past, so we have a more sophisticated—

**The Hon. DIANE BEAMER:** Comprehensive system.

**Mr SHERLOCK:** —way of detecting threats of self-harm certainly being responsive to that and our staff training has heightened the awareness of that potential amongst our staff.

**The Hon. CATHERINE CUSACK:** Would it be fair to say under reporting in the past?

**Mr SHERLOCK:** That could be argued, yes, but I cannot provide clear evidence of that, but what I can say is that certainly there is a heightened awareness now and we feel that those incidents have been reported in a way that perhaps they were not in the past. Secondly, with the restructure of our centres last year we now have a unit management structure with more staff working directly with young people. Obviously the potential for staff to become aware of those issues is much higher than it was in the past.

The other thing I should point to is the custody health survey that we have recently conducted with Corrections Health. That survey found that 18 per cent of young people reported that they had seriously thought about hurting or injuring themselves at some point in their life. Thirteen per cent of males and 5 per cent of females reported actual self-harm at some time, so that we are dealing with detainee population in our centres who have a history of threatened or actual self-harm even before they come into custody. Obviously when they arrive in custody there is an increase in anxiety on their part and the potential for self-harm is fairly high.

**The Hon. CATHERINE CUSACK:** Were there more incidents? Did the situation get more intense last year than in the previous year? The figures would suggest it.

**Mr SHERLOCK:** The figures would suggest that. I do not believe that to be the case, no.

**The Hon. JOHN RYAN:** When did this new statistical definition commence, Mr Sherlock? I thought it had been around for a while.

**Mr SHERLOCK:** It has been around for about two years.

**The Hon. JOHN RYAN:** This year's statistics are comparable to last year's. Is that right?

**Mr SHERLOCK:** Yes, that is correct.

**The Hon. JOHN RYAN:** The 133 reports of self-harm incidents do represent an increase on the previous year's 92?

**Mr SHERLOCK:** Yes, they do.

**The Hon. JOHN RYAN:** I remember my colleague asked about the consistency across the whole system. Was there any particular juvenile justice centre that recorded a higher number of self-harm incidents than previously, that was unusual given there is something like a 40 per cent increase in incidents of self-harm?

**Mr SHERLOCK:** Might I ask the Director of Operations whether he has a view about that? I do not have the figures with me for each centre across the State.

**Mr MUIR:** I do not have the precise figures. In my experience, there are some age groups and situations that are more prone to self-harm than other areas, for example, younger detainees are more prone to threatening self-harm. Detainees, and it is a very broad generalisation, under the age of 16 years, in my experience, have a higher incidence of impulsive behaviour and tend to act very quickly. That the centre at Reiby at Campbelltown that houses the younger detainees in the past has had a higher incidence of self-harm. We have found that certainly the incidents of threatened self-harm and attempted self-harm amongst young women is quite variable and that is almost dependent on the cohort really that you would have in at Yasmar at any one time. There are times when the incidents of self-harm at Yasmar are quite low. The other thing this figure does not explain very clearly is that this will also record multiple incidents of self-harm on the one person.

For example, you can have one young person come in with a quite high state of anxiety or significant mental health problems who may threaten self-harm or attempt self-harm on multiple occasions. That will show up in these figures as a discrete incident. We are not counting individuals in these figures but rather we are counting incidents. In some centres you find some young people who will come in in various states of mental health and they sometimes can throw figures out in quite erratic ways.

**The Hon. JOHN RYAN:** This appears to be a key performance indicator which Juvenile Justice regards of some significance. The figures show that it has gone up by nearly 40 or 50 per cent in a year. I cannot believe that there has not been some discussion at management level of whether this is a problem or that we need to address, because one imagines if it goes up by 50 per cent next year, you will be slashing your own wrists, one imagines. Has there been some discussion about the issue of increases in self-harm? Has there been any discussion about a strategy to address it or to work out what has caused the increase and whether anything special needs to be done to bring it back to the levels that existed the previous year at least?

**Mr MUIR:** Madam Chair, the department has been looking at this issue closely over the last few years. As the committee will be aware, we have conducted the Young People in Custody Health Survey to look at these very issues. The department has been presented with an increasingly complex client group and the department does not choose its client groups. We take who comes through the door. We have looked with Corrections Health and the University of Sydney at the mental health status. Now, for example, what this study has shown this year and what we have tried to do in the first instance this year is to look at the nature of the problem we are dealing with. We found in that survey that around 80 per cent of young people surveyed had some form of mild, moderate or severe mental health problem.

In dealing with the issue we first need to understand the nature of the problem. What we have done in that regard is to look at the mental health status. We have been working with the Corrections Health Service who provide health services in our centre. They indeed have hired a specialist clinical nurse consultant to assist the department with dealing with the more complex mental health issues. They have made available to the department a 24-hour mental health line that enables our staff to deal more—

**The Hon. JOHN RYAN:** Not that I want to be difficult, but you are kind of talking about a historical trend over a period of time and we were comparing last year with this year and wondering whether there have been anything special between the two. We do not seem to be getting at that point. You take it on notice to give us an explanation for it, but the general issue about what lies behind self-harm was not quite what my question was aimed at.

**The Hon. CATHERINE CUSACK:** The increase, yes. Can I ask about incarceration and I am conscious time is very short. Minister, can you confirm that 45 per cent of young people incarcerated are of Aboriginal background and that this equates to around 130 detainees in the average daily population?

**The Hon. DIANE BEAMER:** The figure as at today is somewhat less than that. The figure as at 8 August was 38.32 per cent—that is, 110 detainees of the 287 were from Aboriginal and Torres Strait Islander background.

**The Hon. CATHERINE CUSACK:** Why have those numbers increased, and how do they compare with the proportion of Aboriginals incarcerated under the Coalition Government?

**The Hon. DIANE BEAMER:** The overall numbers of detainees have, as you are aware, decreased. Certainly the department is well aware that we have a large over-representation of the Aboriginal community in our juvenile justice system. We are aware of that through not just the quantity of data but obviously that shows through and we developed, as you are aware, a strategy which was launched in October 2001. The implementation of the strategy has commenced. The department participates in a whole of government strategy to ensure that we have effective and efficient outcomes in the provision of services to young people in the juvenile justice system.

I will say at this point I do not believe that we have significantly impacted on the percentage terms, while we have decreased the overall numbers as such, which is why a number of other initiatives have been looked at, one of which was launched recently; "A Journey to Respect" which is designed to talk to young people about the way in which they interact with elders within their community and that is going to be rolled out through each of the detention centres, as well as in some community areas. We would like more Indigenous communities to access diversionary programs, and Youth Justice Conference being one of the diversionary programs, we would think, that can be more readily accessed. Would you like to comment?

**Mr SHERLOCK:** It is important to understand that the numbers have reduced dramatically over the last four to five years in particular; mainly as an outcome of the Young Offenders Act. As of today, I think we have a total of 286 in custody; 109 of those are Aboriginal young people. New South Wales now has the third lowest detention rate of young people in Australia of the eight states and territories. We have gone from being near the top of that list to only being bettered by Queensland and Victoria in terms of the rate of detention.

Aboriginal issues, the issue in relation to over-representation has to be looked at in the context of social and economic disadvantage, high rates of offending, different treatment in the justice system. There are a whole range of factors that impact on that, and the Department of Juvenile Justice has some capacity to influence that; but a fairly limited capacity. Our efforts are mainly directed towards working with the other human service agencies and the other justice agencies to try and impact on those very issues. These young people are received into our system at the end of a line, if you like, partly because of the failure of other systems, and it needs to be seen in that context. Certainly there are fewer young people in custody than there were. There are far fewer Aboriginal young people in custody than there were, but the percentage is certainly very high, and one that we are very concerned about.

**The Hon. CATHERINE CUSACK:** Mr Sherlock, can I put it to you that prior to 1995, 25 per cent of detainees were Aboriginal, and that was around 100 young people. In actual fact there are in numerical terms, as well as proportional terms, more Aboriginal young people in custody, and all of the decline in numbers has been on people serving custodial sentences, and on non-Aboriginal people. I will ask questions about the bail facility and I put it to you, Minister, that there has been a large number of programs and a lot of worry and effort, and an absolute fortune—\$1.3 million spent on Nardoola near Moree, which ended up burning to the ground—and the end result of all of this



effort has been that Aboriginal numbers have increased in absolute terms as well as relative terms.

**The Hon. DIANE BEAMER:** I have to concur with the Director-General that we are at the end of a process, and that process whereby young people are given custodial orders. We do not sit at the beginning of that process.

**The Hon. JOHN RYAN:** You do with conferences.

**The Hon. DIANE BEAMER:** Although with custodial orders and the question was specifically about custodial orders, and numbers were quoted of that. Although, since I have been the Minister I have spent more time talking to other Government agencies in regional areas about a strategic approach that Juvenile Justice could have input with. We are at the end of that process line, and if someone is given an order then we—

**The Hon. CATHERINE CUSACK:** Not much can be done.

**The Hon. DIANE BEAMER:** We have to take them into a centre; at the same time, as I have said, looking at ways in which we can break that cycle. Certainly, for example, an increased number of Indigenous employees of the department to talk about the way in which we can break that cycle, as well as programs within the centres themselves are ways in which we are looking at and will certainly evaluate, trying to keep young Aboriginals from re-offending.

**CHAIR:** It is now time for questions from the Hon. Peter Breen.

**The Hon. PETER BREEN:** Thank you, Madam Chair. Minister, I am interested in the figures for the daily average detainee population. A couple of times you have said that they have been on the decrease in the past few years. The projected figure for 2003-04 would indicate that you are anticipating that that number will now go up. Is there an explanation for that?

**The Hon. DIANE BEAMER:** We are anticipating that with the introduction of the Bail Amendment Repeat Offenders Bill in 2002, and anticipation of that legislation, is one that we believe will have impact on the numbers of detainees within our juvenile justice system.

**The Hon. PETER BREEN:** Is that projected increase based on an estimate by some person, or some authority and, if so, can you indicate what it is?

**The Hon. DIANE BEAMER:** I would have to defer to Director-General.

**Mr SHERLOCK:** The department estimates that based on trends in terms of previous years and what the trend line is; what factors there may be, as the Minister indicated; changes to the Bail Act, with—

**The Hon. PETER BREEN:** The trend line has been down though.

**Mr SHERLOCK:** It has, yes.

**The Hon. PETER BREEN:** Now you are suggesting that it will go up.

**Mr SHERLOCK:** We are not expecting a dramatic increase, but we have factored in a modest increase, based on some tightening of the bail laws, and the impact that may have.

**The Hon. PETER BREEN:** I assume that it is the estimate of the department without necessarily consulting any outside judicial body.

**Mr SHERLOCK:** It is at this time. However, we have had some discussions with the Bureau of Crime Stats and Research in this State and BOCSAR are going to do some work for us to try and more accurately model and predict the impact of that legislation, amongst other things.

**The Hon. PETER BREEN:** Has there been any test period, so to speak, that has been in operation so far, or are these simply projections based on the anticipated impact of the legislation?

**Mr SHERLOCK:** The projections at the moment are based on our estimate of a modest increase but, as I said, BOCSAR have done some work in relation to the adult system and the impact of bail legislation. We have done a lot of work with them to link our database to theirs, and we expect that they can also provide us with some fairly accurate information.

**The Hon. PETER BREEN:** I notice also that the total admissions figure is up from last year. It is up 4,416 for this year and last year it was 4,296. Is there a simple explanation for that? Are there more people coming through the system? It seems to me that an increase in the number of admissions possibly could also be reflected in an increase in the number of people in detention.

**Mr SHERLOCK:** It does not necessarily reflect more individuals. It is the number of occasions of admission to a centre. It may in fact involve fewer individuals who have come in more frequently. That is a factor that the department of course has limited control over in terms of that these are the outcomes of court decisions obviously.

**The Hon. PETER BREEN:** Yes.

**Mr SHERLOCK:** Approximately half those young people are on remand. The remainder have been sentenced to a control order, or a period of imprisonment which is being served in a centre. It is a minor fluctuation and one that we have limited control over. It is the outcome of court processes.

**The Hon. PETER BREEN:** Is there any way of breaking those figures down, so that we can see whether in fact there are fewer people coming into the system with more offences?

**Mr SHERLOCK:** We could do that, yes.

**The Hon. PETER BREEN:** I would be interested in those figures if they are available.

**The Hon. DIANE BEAMER:** I will take that on notice.

**The Hon. PETER BREEN:** The other question that I have in relation to the figures concerns the number of escapes per thousand admissions. I notice that there has been a dramatic drop really in the figures for this year; five per 1,000 compared with 10 per 1,000 in the previous year. Is there a simple explanation for that? Are people happier in custody? Are there more severe restrictions on what detainees can do?

**The Hon. DIANE BEAMER:** There has been increased security at detention centres throughout the system; that probably is the simple answer to that.

**Mr SHERLOCK:** Certainly that is a significant factor. The other factor is the increased staffing that we have provided in those centres and increased supervision of young people, the staffing changes, the improved supervision, the better physical security of centres which, taken together, has resulted in that outcome.

**The Hon. PETER BREEN:** Do you consider that is a good outcome; less escapees?

**The Hon. DIANE BEAMER:** Yes.

**The Hon. PETER BREEN:** But I have had a few cases myself in the past where people who escaped from detention centres can wreak havoc in the community, and it seems to me also that it is a good outcome.

**The Hon. DIANE BEAMER:** Not only that, of course, it then also means further charges laid, et cetera. I would not like to see an increase.

**The Hon. PETER BREEN:** Again, is it possible to find out, or perhaps you can tell me, whether those figures relate to individuals, or are they relating to the number of charges?

**The Hon. DIANE BEAMER:** They also relate to all escapes from detention which means

they relate to young people on leave. They are not just people who are escaping from centres. We had one young person who escaped from a detention centre. I do not have the breakdown of that figure but a lot of them are on leave at the time which they escape, as such, but because they are in our custody, they are looked at as escapes. There is an opportunity, without the security arrangements, to talk about escaping, but we think with better supervision we have been able to effectively decrease the rates.

**Mr SHERLOCK:** There are three categories included in that. There are escapes from the grounds of a centre. There are escapes from outings when young people are out of the centre on some approved outing. The third category really is those who fail to return from approved leave, whether day leave or overnight leave.

**The Hon. PETER BREEN:** Is it possible to get a breakdown of those three categories?

**Mr SHERLOCK:** Yes, we could certainly provide that.

**The Hon. DIANE BEAMER:** For the five people?

**The Hon. PETER BREEN:** It is five per 1,000, I believe.

**The Hon. DIANE BEAMER:** Per 1,000, yes.

**The Hon. PETER BREEN:** I assume you multiply that by four, do you not? Is there not 4,000 admissions?

**The Hon. DIANE BEAMER:** Yes.

**Mr SHERLOCK:** Yes. The actual numbers last year were 21.

**The Hon. PETER BREEN:** I would be interested in those figures because the figures may indicate a trend in terms of where people are escaping from. I have had a couple of incidences myself where they do escape from outings because they have opportunities on outings they do not otherwise get. Those figures are available, are they?

**Mr SHERLOCK:** We have them here.

**The Hon. DIANE BEAMER:** Ten escapes from centre grounds last year; four failures to return from outings or educational programs; three failures to return from day or overnight leave; and four escapes from police or Department of Juvenile Justice escorts.

**The Hon. PETER BREEN:** Those figures are roughly a 50 per cent improvement on the figures from last year?

**The Hon. DIANE BEAMER:** Correct.

**Mr SHERLOCK:** The previous year the number was a total of 39.

**The Hon. PETER BREEN:** I was out at the old Minda and Menali Centres the other day and saw that it was all razed to the ground. I assume that is the site for the new female detention centre, is it?

**The Hon. DIANE BEAMER:** Yes, that is the site.

**The Hon. PETER BREEN:** How many females will that accommodate? I know it is a question you may have to take on notice, but I am curious to know how many it will accommodate compared with the numbers that were there before.

**Mr SHERLOCK:** There will be a total capacity of 45 in the new centre. That includes some specialist units, a transition unit for young people and some capacity for young women to have very young children with them for limited periods of time.

**The Hon. PETER BREEN:** Are you able to say what the figures were before when it was Minda and Menali? How many were accommodated?

**Mr SHERLOCK:** Minda was quite a different centre; it was a remand centre. I cannot recall off the top of my head the actual capacity, but about 90. Menali was a quite separate unit which was a unit essentially for State wards. It was not a detention centre, it was a separate service.

**The Hon. PETER BREEN:** What was the capacity of Menali? Does anyone know?

**Mr SHERLOCK:** I do not know, but it was not a Juvenile Justice facility. It was a Department of Community Services facility for State wards.

**The Hon. PETER BREEN:** Is it also the case though that it was used sometimes for detention of children in custody?

**The Hon. DIANE BEAMER:** No, some kids could be under orders and placed at Menali.

**The Hon. PETER BREEN:** I am not one for understanding the economies of the scale of these things but it seems to me that the new centre, if it is going to take up all the area that was occupied by Minda and Menali, is not a good use of resources in terms of the number of people being accommodated.

**Mr SHERLOCK:** There are some major differences in the way that young people are accommodated in detention to the way they were in those days. The current standards of detention require single room accommodation for young people. They are Australasian standards that the department now, with changes being achieved at Reiby Detention Centre, will meet right across the State. The Minda and Menali facilities would have been largely dormitory accommodation for young people, and it is quite a different concept.

**CHAIR:** Are people desirous of a tea break for five minutes?

**The Hon. CATHERINE CUSACK:** I would like to ask more questions, but can I?

**CHAIR:** Yes, but I wanted to know if you needed to have a break before we started your next question.

**The Hon. CATHERINE CUSACK:** Yes, that would be very nice.

*[Short adjournment]*

**CHAIR:** We will resume the hearing now and at present we have a segment of questions from the Opposition.

**The Hon. CATHERINE CUSACK:** Thank you, Madam Chair. Minister, I completely take on board the comments that you made earlier about Juvenile Justice being at the end of the system, and that there are a lot of failures along the way. My comment would be that we need to be realistic about what can be achieved through the Juvenile Justice system. This brings me to the new bail facility that is proposed near Tingha. Can I ask, does the new facility have a name?

**The Hon. DIANE BEAMER:** I am not sure it does at the moment.

**The Hon. CATHERINE CUSACK:** Do you think of it as Stannifer or Tingha?

**The Hon. DIANE BEAMER:** Tingha.

**The Hon. CATHERINE CUSACK:** I will refer to it as the Tingha Bail Hostel. Can I ask when you plan to have the first intake of young people on bail?

**Mr SHERLOCK:** Currently the organisation that the department has contracted to run the service is recruiting and training staff. Once that process is completed we will be able to take young

people into the facility. We are looking at probably about another month.

**The Hon. DIANE BEAMER:** September.

**Mr SHERLOCK:** Probably at the end of this month; early October.

**The Hon. CATHERINE CUSACK:** I understand that they do have all the staff in place, and they have been training them, so any day now from the sound of it.

**Mr SHERLOCK:** We have been waiting on the development application being approved, which has now been approved, and that has caused some delay. That has only been approved in the last week..

**The Hon. CATHERINE CUSACK:** Is it fair to say that was the nineteenth option that was looked at by the department?

**Mr SHERLOCK:** Nineteenth option?

**The Hon. CATHERINE CUSACK:** Yes.

**Mr SHERLOCK:** Not that I am aware of.

**The Hon. CATHERINE CUSACK:** There were 19 properties identified, investigated.

**Mr SHERLOCK:** Certainly there were several properties looked at. I am only aware of two others that were seriously considered.

**The Hon. CATHERINE CUSACK:** I referred earlier to Nardoola, which was 50 kilometres outside of Moree. I understand it was a bail hostel which took young people also to complete community service orders. It took young people who had been sentenced and it held young people who had been convicted but were awaiting sentencing, and it operated for two and a half years and then burnt down in July of 1999, after some difficulty with the service. Is this facility the replacement for Nardoola?

**Mr SHERLOCK:** Not strictly. It is a facility. I do not have a detailed understanding of Nardoola. I was not in the organisation then and if you wanted to discuss the way in which that operated, I can get the Assistant Director-General Operations to provide that information for you. But essentially it is a new service to cover the north-west of New South Wales. You may be aware that there was very extensive consultation in terms of the location of that service. We do not see it strictly as a replacement for Nardoola, no. It is a new service with new programs, new organisation running it. I imagine it would be quite different to Nardoola in terms of my understanding of some of the difficulties that that service experienced.

**The Hon. CATHERINE CUSACK:** Can I ask about the organisation. They appear to me to have a lot of expertise in aged care. Is it possible, and you might like to take this on notice to get a list of the programs they are providing—the publicly funded programs they are providing at the moment, a full list.

**Mr SHERLOCK:** One that they are providing is a post-release support service for the department, and for young offenders; very similar work.

**The Hon. CATHERINE CUSACK:** I understand that. But I also understand that they run a number of aged care facilities. The residential facilities they run are for aged care, and they have recruited aged care workers to run the new bail hostel.

**The Hon. DIANE BEAMER:** Can I clarify the question. You want to know all of the things that they—

**The Hon. CATHERINE CUSACK:** Like their CV, in terms of publicly funded programs that they are operating. Yes. I understand that it is quite extensive and I am interested, in getting more of a

background of the organisation and where their area of expertise is.

**The Hon. DIANE BEAMER:** Certainly in the areas of expertise that they appointed from, which is running other services within Juvenile Justice, that I could furnish those. If there is anything that we are aware of, we could then do that, but I do not know whether we have an extensive list of other services outside the ones that are already provided to Juvenile Justice, but we will attempt to answer that as thoroughly as possible.

**The Hon. CATHERINE CUSACK:** I would appreciate that, thank you. The green paper in 1993 which I read and is a fantastic document, these bail hostels; looked at the issue of over-representation of Aboriginal people in custody, and they recommended a number of different strategies to address this, including licensing families so that young people could be accommodated locally, and where the demand was in existence, a bail hostel. I am unconvinced that 13 kilometres outside of Tingha is a high demand area for a six-place bail hostel.

**The Hon. DIANE BEAMER:** It is in between Inverell and Armidale and we think it is well placed to target the population of New England.

**The Hon. CATHERINE CUSACK:** I understand the towns it is servicing include Tenterfield, Tamworth, Carinda, Gunnedah, Narrabri, Boggabilla; all more than 200 kilometres away. There are a number of towns inside that 200-kilometre circle and none of them are accessible to the bail facility by public transport. I am wondering if you can really genuinely say that that is a local service for those towns.

**The Hon. DIANE BEAMER:** It is probably one of the greatest difficulties in Juvenile Justice is given the fact that we have such a large State, and we do have to provide accommodation on a regional basis, which is going to in some circumstances be kilometres from any other major town. That is probably one of those problems that we would like to address. This is for New England, and we would like to have somewhere where when bail is going to be refused because of accommodation reasons, that we can have bail accommodation which then supports the young person outside the detention system. This is a positive way of reinforcing that support without going into detention.

**The Hon. CATHERINE CUSACK:** When they go into detention, and I understand the philosophy very clearly, one of the reasons we don't like them in the centre is because they are dislocated from their families and their communities, but this hostel seems to translate the dislocation to a different place which is even more isolated, but offers none of the benefits of being in detention, like the health programs; the education programs; the literacy programs; the assistance to families to come and visit; the phone call system; single accommodation. None of these things are going to be available in this hostel.

**Mr SHERLOCK:** No, that is not true. I am quite happy to cover the programs and the educational programs in particular, if you want. In relation to the location, by its very nature, by definition, in that part of the State, we are talking about very remote areas in which young people are drawn from, and wherever you put the facility people are going to have to travel long distances. That is something that is a given in that part of the State. But in relation to the actual location, the department did quite a detailed statistical analysis of where young people on remand were coming from in that part of the State, and there are a whole range of towns being serviced, some of which you have mentioned, but Armidale, Guyra, Glen Innes, Inverell, Elsmore, Tenterfield, Emmaville, Torrington, Warialda, Tingha. There are a whole range of communities being serviced by that facility, and certainly some will have to travel long distances, but if are in detention at Acmena at Grafton, that would also be the case. The distance argument is one that we struggled to solve in that part of the State but, given the analysis that we did, it was the most central location. The educational programs I can take you through but they are quite extensive, as are the work-based employment options for young people there.

**The Hon. CATHERINE CUSACK:** Could you take me through them.

**Mr SHERLOCK:** Sure. All residents of legal school age must attend or participate in educational programs and they will be assisted by the service to do that.

**The Hon. CATHERINE CUSACK:** Sorry, how will they get to school?

**Mr SHERLOCK:** Those already attending local schools will continue to go there. Those who are not already—

**The Hon. CATHERINE CUSACK:** Sorry to interrupt, Mr Sherlock, this is exactly what I mean. Moree is 200 kilometres away. How does a child who goes to school at Moree get—

**Mr SHERLOCK:** When I say "local schools", I am not suggesting Moree. I am talking about Inverell or the immediate environment around Tingha. If it were Inverell, for example, they could continue to attend that school, but all residents enrolled in school will receive what is called a suspension package from the Department of Education and Training. Community Programs being the organisation that operates the service with a suitably qualified person there to supervise that work. Arrangements have been made with DET for other residents of school age to be assisted by distance education programs. Inverell TAFE have agreed to take enrolments from other residents into courses as determined by the assessment process in the service.

Community Programs Inc is in fact a registered training organisation. It will be providing opportunities for residents to learn skills for which statements of attainment can be awarded. Any residents, as I said before, that are enrolled at a high school in the Inverell district will continue to attend those schools. The statement of attainment that I mentioned will assist residents in achieving recognition of prior learning towards TAFE and university courses. Courses to be offered on the site include introduction to horticulture and agriculture, woodwork and furniture production, marketing, financing and commerce, small engine repair and maintenance, gardening, landscaping. They are a range of some of the TAFE offerings that will be available to young people. Other on-site programs and development are local Aboriginal language programs and arts and crafts. I can go on, if you wish, to cover a whole range of living skills programs, recreational programs.

**The Hon. CATHERINE CUSACK:** Can I seek an assurance from you perhaps, Mr Sherlock, that you will monitor this very closely? My understanding is that there really are not going to be any qualified teaching staff—I think that there is a qualified nurse—and that all of these education programs other than farm work, on a section of the property leased by one of the employees, and I do not know if that is going to be paid or unpaid, but all of these issues that you have referred to rely on the workers individually driving the children into school or out of school. I really would suggest that in terms of the case management plans, it will need to be monitored carefully.

**Mr SHERLOCK:** There certainly will be intensive case management plans. Each resident will have a case management plan that will identify very clearly their needs, their goals in terms of educational programs and other programs for that matter.

**The Hon. CATHERINE CUSACK:** Is that managed by the department or by the service?

**Mr SHERLOCK:** The case planning?

**The Hon. CATHERINE CUSACK:** Yes.

**Mr SHERLOCK:** By the service, but overseen by the department in terms of the way in which we would oversight any service that we fund. I think the important thing to stress here is that this is a program modelled on the Ja-biah Service in Western Sydney which has been operating since 1997. I concede that it is not in a remote location, but in terms of the programs, the way the service operates, this new service will be very similar to Ja-biah which has had an outstanding success rate. Something like 90 per cent of the young people that have been resident in that service who are on bail when they appeared court have been given a community-based order. Had they been remanded in custody, the chance of a custodial order would have been much higher.

**The Hon. CATHERINE CUSACK:** Ja-biah is an outstanding service, but it is very closely located with a lot of mental health services, departmental services, on-call staff. They can be there within five minutes and none of these things will apply at Tingha. Can I ask what the funding is going to be for the Tingha Facility, and what funding has been spent already establishing it?

**Mr SHERLOCK:** The annual funding is about \$417,000 a year. As to what has been spent already, I do not have that information with me, I am sorry. It is very early days. The place is not operational yet, but it would relate to, obviously, the funding provided to the organisation to date, and they have been recruiting additional staff and establishing the service.

**The Hon. CATHERINE CUSACK:** Can I ask that that figure be obtained in terms of that set-up up funding. I have to ask what arrangements are being made for girls who also have accommodation issues relating to bail?

**Mr SHERLOCK:** We do not have a bail hostel.

**The Hon. DIANE BEAMER:** No, at this stage we have no arrangements for young girls to be held in bail accommodation.

**The Hon. CATHERINE CUSACK:** Is that something you would consider in the future? I know your girls and young women action plan envisages some action relating to accommodation issues for girls.

**The Hon. DIANE BEAMER:** Yes, it is. Having one centre throughout the whole of New South Wales, whilst we have very small numbers—and I think today we are around 14 across the State—makes it difficult to have a place which is near your offenders. But looking at the way in which we accommodate young women within that system, particularly given that places like Ja-biah are so successful, should be something that we can consider. Given the rates of detention that we have might be hard then to find a place which is located—

**The Hon. CATHERINE CUSACK:** Can I put it to you though that bail hostels are not the only solution and there are other accommodation strategies which I feel would have worked better in the New England case, quite frankly, and could be a solution for girls.

**The Hon. DIANE BEAMER:** Licensed homes, yes.

**The Hon. CATHERINE CUSACK:** In relation to the redevelopment of Yasmar, that was announced in 2000 and it seems way behind schedule. There was meant to be about \$5.5 million spent in the last financial year, but only planning money seems to have been spend. The completion date has gone from 2003-04 to 2006. The cost has blown out. I wonder can you tell me what has gone wrong with this redevelopment?

**Mr SHERLOCK:** Nothing has gone wrong. There have been some delays certainly in the original time frame. They have been due to a number of reasons. One is it was necessary to ensure that the Council on the Cost and Quality of Government recommendations were adequately dealt with in the design of the new centre. There were some delays in relation to tender prices escalating, building price index escalating which made it necessary for the department to go back to Treasury for additional funds. But the new centre is now out to tender, and the tender will close in October. We do not expect any significant delay in the occupation date for the new centre. It was always forecast it would be 2005. At the outside we think that it will be commissioned very early 2006. All of those delays in fact were beyond the control of the department.

**The Hon. CATHERINE CUSACK:** Were there any design issues involved?

**Mr SHERLOCK:** Design issues were involved to the extent that we wanted to consult very widely on the design for the new centre. That involved consultation with staff. It involved an advisory group that the former Minister had established for that purpose. That work took some time, and it was very important to get the right design. It is the only centre for young women in the State. It is the only centre that has been purpose built, as I understand it, for young women ever perhaps. It was very important to get the right design, to consult widely and it is a facility that will need to be available for a long period of time.

**The Hon. CATHERINE CUSACK:** Was the old Public Works Department managing the project and design phase initially?



**Mr SHERLOCK:** Yes.

**The Hon. CATHERINE CUSACK:** Has the design changed since their management of it?

**Mr SHERLOCK:** In its development it was continually being refined, but certainly now that it has gone to tender, the design has finalised.

**The Hon. CATHERINE CUSACK:** And similar issues in relation to Cobham?

**Mr SHERLOCK:** The building work has commenced at Cobham, as it has at Reiby. There were not the same design issues there. The work in terms of the design was done some years ago, but not funded at that time, so the work was ready to proceed. With the new young women's centre, the design work had to be done and that is what has taken a little bit longer.

**The Hon. CATHERINE CUSACK:** In relation to Acmena Detention Centre, it was completed about three or four years ago?

**Mr SHERLOCK:** 1999.

**The Hon. CATHERINE CUSACK:** I understand it has had to undergo a major refurbishment. I was wondering if you could tell me what the cost of that has been.

**Mr SHERLOCK:** I might ask the Assistant Director of Management Services.

**Ms CROSS:** The expenditure on Acmena for the last financial year was \$0.406 million.

**The Hon. CATHERINE CUSACK:** Why was that necessary so close to the commissioning of the facility?

**Ms CROSS:** The facility was initially designed on a domestic style of accommodation. That domestic style has proven suitable for adult offenders but it has not proved suitable for young offenders. We have had to do some minor works in making some improvements to the facility in terms of strengthening doors, strengthening some walls, those type of matters.

**The Hon. CATHERINE CUSACK:** Thank you. Can I ask if it is finished?

**Ms CROSS:** No, it is not quite finished. There is some minor work to be done up there at the moment. There is shadecloth to be installed over the swimming pool, and some other minor details like that.

**The Hon. PETER BREEN:** Madam Chair, I have one question, which is not really a budget question but the Minister may consider whether it is worth answering. It is a question about privacy. Are there any issues in relation to young people, on obtaining 18 years, having their identities and their records exposed in the media or elsewhere? The relevant legislation is the Children (Criminal Proceedings) Act. Section 11 of that act was amended in 2001 to prevent publication of information about children on obtaining 18 years of age, but that does raise a number of privacy questions. I wonder if there is any history or any record of people having problem accessing their records, for example, because of privacy issues or other cases of children being exposed to press and so forth?

**The Hon. DIANE BEAMER:** Can I take that on notice, if you are talking about incidents of that?

**The Hon. PETER BREEN:** Yes. I am curious to know whether it is an issue. I mean, privacy generally is a problem and I am wondering if it is also a problem in relation to juvenile offenders.

**The Hon. DIANE BEAMER:** I will take that on notice.

**CHAIR:** Have you a few more Juvenile Justice questions?

**The Hon. CATHERINE CUSACK:** Last year's budget papers estimated the number of

detainees on remand would increase to 45 per cent in 2002-03. I calculate this to be about 130 of the 289 in the Darling population. The figures have not been included in this year's budget papers. I was wondering if you could provide the actual figures for last year and the estimated figures for this year, and explain why the numbers are so high.

**The Hon. DIANE BEAMER:** Sorry, the actual numbers for those on remand?

**The Hon. CATHERINE CUSACK:** Yes. In the outcomes and outputs section of last year's budget papers they included statistics on remand; the number of detainees on remand. Those output and outcome figures are not in this budget paper. I was going to ask you, on notice, if you would supply that information to make the two sets of budget papers consistent. A shorthand way of asking it is, what was the actual result in terms of the number of young people on remand over the last financial year? What was the average number?

**The Hon. DIANE BEAMER:** I do not have a figure with me, but what I can say is that it is fairly consistently at about 48 to 50 per cent of the total number of young people in custody or on remand. It is a fairly constant figure.

**The Hon. CATHERINE CUSACK:** Again going back to 1993, the proportion on remand was about 26 per cent, which is about a hundred. What seems to me to have happened is that the numbers in detention on custodial orders have declined very significantly, but the numbers on remand have not. I imagine that there are a number of explanations. The accommodation issue and people not being able to get bail is one issue, but if it were that alone you would say, "Well, open the new facility at Tingha and close six beds in Acmena," and I am sure that you are not going to do that. Also, it would suggest to me it is a specific problem confined to the Aboriginal community, because they seem to be the ones that we have not been able to reduce their numbers.

**The Hon. DIANE BEAMER:** Another reason is that once a young person has served that period in remand, it is often considered that that has been the control order. I can only give you figures in front of me as at a current date, which puts the number of remand at around 48 per cent, which is at 8 August. There are several reasons for that. I think one of the reasons is it is also considered that the amount of time spent on remand has been the sentence.

**The Hon. CATHERINE CUSACK:** Right. Do you have information tracking the sentences of young people in detention? Can you give us an idea of whether the sentences are getting longer?

**Mr SHERLOCK:** Yes. That is in the budget papers; the average length of committal.

**The Hon. CATHERINE CUSACK:** Yes. Does that count time spent in custody on remand?

**Mr SHERLOCK:** It usually would, but generally courts take that into account when they are sentencing a young person—that they have spent a period in custody—but that is not always the case.

**The Hon. CATHERINE CUSACK:** I understand. If someone spent three months on remand, they would appear in your figures as being a person on remand. Then when they were sentenced, if they were given a three-month custody order which they have already served, how is that accounted for; is that included in the custody calculations?

**Mr SHERLOCK:** It would be included in the number of custodial orders made, which are in the budget papers. Certainly it is an order that is made. Whether they stay in custody any longer as an outcome of that, does not change that at all. What we are counting is the number of orders that are made.

**The Hon. CATHERINE CUSACK:** Right, so that is a straight mathematical calculation, "We had this many orders for this amount of time," but many could have been time spent on remand included in that custody thing. That could be an explanation.

**Mr SHERLOCK:** It is a similar issue to the Aboriginal issue. The total numbers have fallen. In this case the percentage of those on remand is increasing, as is the percentage of young Aboriginal people. In terms of absolute numbers, I was certainly surprised at the figures you gave earlier. We can

have a look at that.

**The Hon. CATHERINE CUSACK:** Yes.

**Mr SHERLOCK:** I would have thought, even in terms of absolute numbers, they have come down significantly.

**The Hon. DIANE BEAMER:** Probably another thing that you can draw from those numbers—which is average length of committals—is the fact that the diversionary programs that are working are leaving us with people who are in front of the court system with more serious offences. If you look at the length of time in months being increased, that could be seen as the actual severity of the charge.

**The Hon. CATHERINE CUSACK:** Thank you. If you do check those figures, could you let the Committee know the results of those figures, because it is pretty interesting to look at. Can I go back to the Tingha Bail Facility. This facility is taking young people on remand only. Is that correct? Will they take anybody who has been sentenced?

**The Hon. DIANE BEAMER:** It is for people on bail, not remand.

**The Hon. CATHERINE CUSACK:** Sorry, on bail. Yes, I understand.

**The Hon. DIANE BEAMER:** We are looking at taking people who otherwise would not be granted bail, because of their accommodation or lack thereof—accommodation needs—not for people who have been sentenced or are held in remand.

**The Hon. CATHERINE CUSACK:** What if they have been convicted but not sentenced?

**Mr SHERLOCK:** That would be unusual. It is intended to cater for young people who are on bail and have not been sentenced. That is the purpose of it.

**The Hon. CATHERINE CUSACK:** But may have been convicted?

**Mr SHERLOCK:** No, well—

**The Hon. CATHERINE CUSACK:** My understanding is it is not uncommon for a person to be convicted—who is, say, at Ja-biah—to then have a very extensive delay between conviction and sentencing.

**Mr SHERLOCK:** And to be given bail during that period, yes.

**The Hon. CATHERINE CUSACK:** Correct, and they return to that facility.

**Mr MUIR:** They are still on bail even though they may have had a finding of guilt. Not all young people who have had a finding of guilt are convicted, but if there has been a finding of guilt, in the intervening period very frequently the courts will ask the department to make reports and assess, so that before the sentencing process we would have them there in preparation for a final sentence.

**The Hon. CATHERINE CUSACK:** All of the people who have done those assessments—do they travel from Tamworth up to the facility, or are they going to have them transported from the facility to where the specialists are?

**Mr MUIR:** We will travel there. They would be serviced from our Glen Innes, Tamworth and Armidale offices.

**The Hon. CATHERINE CUSACK:** I am wondering why the facility was not located in one of those centres, given that wherever you put it people will have to travel, but there is going to be a huge travel requirement for those court reports.

**Mr SHERLOCK:** As I said earlier, we surveyed where the young people were coming from.

That was in fact the most central location. Tamworth is not the only location where we can get specialist support services. Armidale is another location. We have an office at Glen Innes, and we have specialist services staff working in that northern part of the State who are required to travel all over that area.

**The Hon. CATHERINE CUSACK:** You would have to concede in a major centre like Tamworth or Armidale there would be much better options available to the young people who are in the facility; much better options available to them, and much better access for professional people to come and assist them with their needs in the way they can do it in Sydney.

**Mr SHERLOCK:** Wherever it is located, people have to travel, families have to travel, professionals have to travel, and wherever you place the service in that part of the State, travel is a reality of life, as it is for any other service. Indeed, it would be if they were in detention at Grafton.

**The Hon. CATHERINE CUSACK:** On the issue of convictions, the community has been given very clear information that no young person who has been convicted will be kept at the facility. It has been an undertaking that was given by you, Mr Sherlock, in the *Inverell Times* on 2 August. Young people have not been convicted. Then, as you are aware, it was approved by council with a tied vote, a Meares vote. The Meares casting vote clears the way for the bail house on 29 August. It was reported that Councillor Bob Dacey argued the youths to be accommodated at the bail house were innocent until proven otherwise and deserved a bit of a go. Would you say it is a fair thing that the community do not expect anyone who has been convicted to be at the facility?

**Mr SHERLOCK:** I do not recall giving that assurance, but if I did, and if the department has given that assurance and that has been part of the development approval, we will have to honour that commitment.

**The Hon. CATHERINE CUSACK:** Which will be unfortunate for the young people who—

**Mr SHERLOCK:** We are talking about a limited number of young people. The great majority of these people have not been sentenced.

**The Hon. CATHERINE CUSACK:** But it clearly would be more desirable for them to have a continuity. If they are doing a program, it would be better to have a continuity of that program rather than at that point being sent to a detention centre.

**Mr SHERLOCK:** We are talking about a very limited number of young people for a very short period of time generally, because we are not going to have serious offenders there. Typically in those cases where there is a trial, or even if they plead guilty, there may be some delay before the sentencing. In Children's Court matters that is not common at all.

**The Hon. CATHERINE CUSACK:** Given the remoteness of the facility, I am not sure where the nearest accommodation would be available, maybe at Glen Innes or Inverell. Will the department be assisting families who wish to visit the young people who are on bail?

**Mr SHERLOCK:** We would certainly assist them, yes, as we assist them if they are in detention.

**The Hon. CATHERINE CUSACK:** Will community programs be funded to provide that assistance, or will the department provide it directly?

**Mr SHERLOCK:** I certainly have not had a discussion about that level of detail, but the department generally provides the assistance. I would need to look at the way in which it operates at Ja-biah. I see it as no different to there.

**The Hon. CATHERINE CUSACK:** They do not provide assistance at Ja-biah, but everyone can catch a bus there and do it in a day. This is a completely different scenario.

**Mr SHERLOCK:** The facility will have its own transport. It will be able to collect people from neighbouring towns; that sort of thing.

**The Hon. CATHERINE CUSACK:** Like Tamworth and places like that?

**Mr SHERLOCK:** Whatever the closest point is—Inverell presumably—they are collected, I imagine.

**The Hon. CATHERINE CUSACK:** Are you aware that community programs have approached the Byron Bay Beach Resort, which is subject of a development application—a very controversial issue in Byron Bay at the moment—with an offer of taking their demountable accommodation that is at the beach resort at the moment, and relocating it to the Tingha Bail Facility so Aboriginal families can be accommodated? What would be your reaction to that proposal?

**Mr SHERLOCK:** My understanding is that the accommodation there is quite adequate. The Assistant Director-General Operations has visited the site. He was impressed with the facilities that were there. I do not know for what purpose. It may be perhaps for some particular program, rather than accommodation.

**The Hon. CATHERINE CUSACK:** I think they are a very entrepreneurial group, and they are looking to get some SAC funding and some other funding to accommodate Aboriginal families there.

**CHAIR:** Perhaps it might assist the Minister and her responding to that question if you were able to give the source of the information.

**The Hon. CATHERINE CUSACK:** It was the CEO of the organisation. He is based at Yamba I think, and I cannot quite recall his name. Anyway, he is the CEO of the organisation I met and discussed with.

**Mr SHERLOCK:** We would certainly obviously encourage them to be creative and entrepreneurial in the way they operate the service, but the department would expect to be kept informed about issues such as that, and it may well be that our Regional Director or Assistant Regional Director in that part of the State is aware of this. I am not personally aware.

**The Hon. CATHERINE CUSACK:** Can I ask, would it be your assessment that the amount of accommodation services for displaced adolescent people who are in crisis in their families, or unable to be accommodated by their families for some reason—has that reduced in recent years, or has the number of young people involved increased?

**The Hon. DIANE BEAMER:** The question you ask really relates to probably a different portfolio, and you are asking for an opinion on that. I would rather ask you to direct it to the appropriate Minister.

**The Hon. CATHERINE CUSACK:** We are asking it differently then. You have a huge demand on your officers. Some of them are spending half their time trying to accommodate young people in order to help them achieve their bail conditions, and it seems to be getting harder and not easier to find accommodation in the community. What do you think are the main drivers of that? Do you think that is increasing?

**The Hon. DIANE BEAMER:** My initial response to that is working with the Department of Community Services—the Department of Juvenile Justice and the Department of Community Services are working now closely together in certain areas to have a look at the ways in which we can use our cross-agencies, in the same way as we are now working closely with Education and with Police to talk about issues that are of general concern and outside to us. We are now looking at the way in which we have an action plan to ensure better outcomes for our joint clients within the community, and we have at the moment a draft memorandum of understanding that has been developed between the two departments to identify our responsibilities of both departments when it comes to those who have obviously had contact with DOCS and contact with Juvenile Justice.

We have an action plan with specific strategies that has been developed to progress the way in which we can work together. These need to be implemented State wide. We have to look probably

more specifically at other areas. We have been working together closely in some areas. We need to draw those whole of government approaches I think across the State. We would be looking to do that to improve the way both the Department of Community Services and Juvenile Justice work together.

**CHAIR:** The Juvenile Justice portion of the portfolio has expired, and given that we are going to have a few questions on Western Sydney it might be appropriate now to do the changeover. I thank the people from Juvenile Justice. I ask the representatives for the Office of Western Sydney to fetch me the Minister.

**The Hon. DIANE BEAMER:** Thank you, Madam Chair. Can I introduce to the Committee Loftus Harris, State Regional Development; and Jane Moxham, Acting Director of the Office of Western Sydney.

**CHAIR:** We will start with the Hon. John Ryan.

**The Hon. JOHN RYAN:** Thank you, Madam Chair. I notice that the current budget papers suggest that the Office of Western Sydney has now been incorporated into the Department of State and Regional Development. Is that where the office is going to stay, or do you have other plans? What has happened as a result of the review that you ordered when you made changes to the office, when you took office as Minister?

**The Hon. DIANE BEAMER:** Perhaps if I could start with the review. In May this year a budget subcommittee of cabinet requested the Department of State and Regional Development to undertake further work to better define the role and desired outcomes for the office. The office had been in operation for five years and we thought it an appropriate time to ensure that it best serve the needs of the region. Also, given the fact that we had at the same time looked at ministerial roles for Illawarra, the Hunter and the Central Coast, probably it was very timely to look at the ways in which we could see that these offices, that were to be created there, could have a framework which might be able to well duplicated in the other areas. It was timely to have the review and it was timely to look at the way in which that organisation was structured. There were independent consultants engaged; a reference panel to the review, made up of personnel from Local Government, from industry, from education and community sectors. That review has been completed and its final report is now subject to the budget subcommittee of Cabinet.

**The Hon. JOHN RYAN:** Who were the representatives in the reference group?

**The Hon. DIANE BEAMER:** I could take that on notice. I have all the names, if you want me to read them out.

**The Hon. JOHN RYAN:** Certainly the Local Government ones. The rest of them we could have on notice.

**The Hon. DIANE BEAMER:** We had Jim Bosnjak, the Chairman of Bosnjak Group; Leah Godfrey, the Executive Officer of Western Sydney Community Forum; Keith Gomes, the New South Wales Chairman of the Australian Information Industry Association; from Local Government, Alex Gooding, the Executive Director of WSROC; Gillian Shadwick from TAFE New South Wales; Paul Tosi from Campbelltown City Council, MACROC; and Professor Chung-Tong Wu from the University of Western Sydney.

**The Hon. JOHN RYAN:** Regardless of what happens with the review, is the Government still committed to its election policy of establishing the Office of Western Sydney as an independent agency, with its own legislation and charter, whatever that means?

**The Hon. DIANE BEAMER:** In terms of having a review, if I really wanted to pre-empt it by saying, "Regardless of what a review says, I am doing something else," I think it makes the idea of having a review somewhat pointless. I wanted to make sure that we had the best functioning office of Western Sydney, and the best way in which it could deliver services for Western Sydney. The issues that are involved in the region are facilitated by that office. How we got that structure together, how it was put together, I left to the review, rather than pre-empt it by saying it must have outcome X.

**The Hon. JOHN RYAN:** But this was your election policy, Minister. You have already said that this was your election policy. Do you say that your election policy is now up for grabs, pending the outcome of the view?

**The Hon. DIANE BEAMER:** I am quite comfortable with my answer that I am not going to pre-empt that review by saying how it should formulate its outcome. I look forward to saying that the Office of Western Sydney has the autonomy that it needs to best carry out the functions that Government want it to do.

**The Hon. JOHN RYAN:** Is the Government still committed to the election policy that it announced only a few months ago?

**The Hon. DIANE BEAMER:** I do not want to pre-empt the release of that review, but I am quite happy that the autonomy of the office will be best served by the new structure.

**The Hon. CATHERINE CUSACK:** Are you more committed to the review or to the promise that you made before the election?

**The Hon. DIANE BEAMER:** I am committed to the best outcomes for the people of Western Sydney and the best outcomes for the Office of Western Sydney. If the review does find that that is not the way to go, then I am more than happy to accept that.

**The Hon. JOHN RYAN:** How the election policy could go?

**The Hon. DIANE BEAMER:** The election policy could go.

**The Hon. JOHN RYAN:** Somehow I feel it probably will. Minister, while the review has been taking place, what has the Office of Western Sydney been doing? You changed its leadership, obviously, rather radically. What has the office then been doing whilst it has been reviewed?

**The Hon. DIANE BEAMER:** There are certain things that the Office of Western Sydney has continued to do that are its core roles within Government. Certainly being placed within Department of State and Regional Development has given it closer links with other agencies. Some things are its core responsibilities outside agencies. For example, Corporate Partners For Change very shortly will have the beginning of the Western Sydney Industry Awards. The functions that it has carried out have continued to function. Some have not continued to function within the Office of Western Sydney. There are a few things which other lead agencies have seen as very good policy that they are looking at taking over or using, because they have more State significance. But the Office of Western Sydney has also been involved in the review itself, and seeing how it thinks it can best function and deliver, but it has been delivering its core services.

**The Hon. JOHN RYAN:** I was wondering what the core services were, Minister. It does not produce an annual report.

**The Hon. DIANE BEAMER:** It does produce an annual report, if you like, to budget. But if you would like the Acting Director to go through the daily workings of what they have been doing in the past few months—

**The Hon. JOHN RYAN:** The difficulty is there is nothing in the budget papers which indicates its size, who its personnel are, what its activities are. There is nothing in the budget papers which would assist me in being able to question you on anything, because there is nothing to question you on. I am not being silly. Literally, we have to have something to start with.

**The Hon. DIANE BEAMER:** It has continued to—

**The Hon. JOHN RYAN:** Look, let me guess this. It could be said that the Office of Western Sydney is nothing more than a public relations guise for the Government, suggesting that it puts together papers and it has an interest in Western Sydney, and its one and only major task is to organise the Western Sydney Awards. Has it been doing more than that, and if so, what?

**The Hon. DIANE BEAMER:** It certainly has been doing a lot more than that. Examples of the way in which it has looked at things like the IT clusters and the way in which they have been brought together in a cohesive way so that they can best market themselves within not only Western Sydney but within New South Wales—so the IT cluster which was established in 2001 has 200 active members. It has been supported by the Office of Western Sydney.

**The Hon. JOHN RYAN:** It has a mailing list of people involved in information technology. What else does it do?

**The Hon. DIANE BEAMER:** It has played a significant role in raising the profile of Western Sydney's IT industries. I could go through some examples where the cluster has in fact generated movement to Western Sydney of certain IT groups. Network Logic and Exinda are two examples that have been attracted because of the way in which they have networked outside of Western Sydney, to look together at those synergies they can find with the IT cluster and that is one example of the work it has done, as you say, outside the awards. If you want me to talk about the IT cluster or the things it has done, I shall.

**The Hon. JOHN RYAN:** It is all right; I am capable of walking and chewing gum at the same time.

**The Hon. DIANE BEAMER:** I asked a question, that was all. The IT cluster promotions, it participated in CBIT 2003 Trade Show, profiling members to 40,000 visitors and generating new business opportunities in sales. The IT Sydney West Directory promotes over 350 businesses nationally and abroad. Australia's first IT Start-up Awards led to seven new start-up businesses, creating 35 new jobs. There are mentoring programs within this, and if I can tell you one of the success stories, Animated Biomedical Productions at Westmead derived more than 90 per cent of its sales through exports since joining the cluster, and it will open its first global office in Kobe, Japan, within months. One of the main reasons that was cited by the GM—the decision to open a new office—was the information and advice that he had received from the IT cluster.

**CHAIR:** We have probably only time for one or two more questions.

**The Hon. JOHN RYAN:** Minister, it might help the Committee if you were able to provide the Committee with a budget for what happened last year, with what happened this year for the Office of Western Sydney; how many staff it currently has and so on. I recognise it is just an office, but there is really no way of making a comparison of last year's with this year's operations, or proposed operations; a budget paper that does that. Is it possible for you to do something; the equivalent of that, for the information of the Committee?

**The Hon. DIANE BEAMER:** Because it is absorbed in the department, you want that to be taken on notice?

**The Hon. CATHERINE CUSACK:** Do they have a budget?

**The Hon. DIANE BEAMER:** They do, yes.

**The Hon. JOHN RYAN:** Are there discrete resources that belong solely to the Office of Western Sydney, other than obviously the Director of the Western Sydney office?

**Mr HARRIS:** All the funding for the Office of Western Sydney is absorbed within the core budget of the Department of State and Regional Development. There is no discrete package such as you are describing, Mr Ryan. It is possible for us to look at it and to determine what the staffing costs will be. We can break it down into a number of areas, but this office at the moment within the budget process is treated in the same way as the other 18 offices that the department runs around the State. In the same way, we do not break down the particular budget components for Orange or Dubbo or Wagga Wagga or wherever else it may be. We can work out some of the component parts of it and I think that would meet your requirements.

**The Hon. JOHN RYAN:** Because it is fully integrated in the Office of State Development now?



**Mr HARRIS:** It is, certainly for budget purposes.

**The Hon. CATHERINE CUSACK:** Does someone answer the phone, "Hello, Office of Western Sydney"?

**Mr HARRIS:** At the moment, yes, that is perfectly true.

**The Hon. JOHN RYAN:** Minister, you have said that in regard to development in Western Sydney, in particular Bringelly, the New South Wales Government would never support or allow an environmentally unsustainable development at Bringelly without adequate transport links. In view of the recent announcement by Mr Costa, the Minister for Transport, that the Government will now focus on maintaining the existing rail network rather than adding to it with new lines, do I take it that there will not be any further development in Western Sydney?

**The Hon. DIANE BEAMER:** That does not just relate to transport links, but I have to say that if you want to talk about transport and line items and that, you will have to direct your question to the Minister for Transport.

**The Hon. JOHN RYAN:** But you comment regularly on transport issues in the media and Western Sydney. Surely you have a view, or do you not have any influence on the issue of transport in Western Sydney?

**The Hon. DIANE BEAMER:** I am expecting a report regarding the options for Bringelly; not a clear and succinct "this is what we are doing", but options. As I said at the time, and this is probably you talking about my role as Assistant Planning Minister rather than Western Sydney, what was being explored there was from a very low and minimal amount of housing to quite a large amount, and what that amount of housing could achieve in terms of its infrastructure. Now, if it were not supportable to have any of the higher order amounts of land yields, then we would not be able to look at rail as being the infrastructure. For example, if it were at the lower order of housing yields, it would be at the lower end. I do not intend to pre-empt with you here which one of those options seems to be stacking up the best, as I have not seen the full—

**The Hon. JOHN RYAN:** But if there was no rail link, there could not be the level of development some people have anticipated in Western Sydney.

**The Hon. DIANE BEAMER:** It is farcical to suggest if the report came out and said you can only have 2,000 homes that that could support a rail link at all, is it not?

**The Hon. JOHN RYAN:** I agree with that.

**The Hon. DIANE BEAMER:** What we are talking about is somewhere between 10,000 and 110,000.

**The Hon. JOHN RYAN:** I guess what I am asking—

**CHAIR:** The Hon. John Ryan, excuse me, I indicated before—

**The Hon. DIANE BEAMER:** May I also answer. I will answer this in this way: that what we also talked about is the impost that we were going to take on the development with developers for getting infrastructure costs. If we are talking about additional rail resources, it might not be a cost that was an impost on the State Government, and something different. We were looking at ways that we could see, depending on the numbers that were able to be built there, the kinds of infrastructure that could be generated from those numbers.

**The Hon. JOHN RYAN:** You cannot get that sort of infrastructure in early though, can you? If you are going to have an impost on selling something, you cannot get it in early.

**The Hon. DIANE BEAMER:** You obviously cannot do it if you are at the lower order, and I am not going pre-empt the report to me.

**CHAIR:** The time available for questioning has expired. I would like to thank the Minister and Mr Harris, BOCSAR, for attending this evening, along with the ministerial staff, advisers and other departmental staff. Before you go, Mr Harris, I was wondering if you might be able to leave that list of names who were involved in the review with Hansard.

**Mr HARRIS:** Yes, indeed.

**The Committee proceeded to deliberate.**

