

CORRECTED

REPORT OF PROCEEDINGS BEFORE

SELECT COMMITTEE ON JUVENILE OFFENDERS

At Sydney on 17 May 2005

The Committee met at 10.30 a.m.

PRESENT

Reverend the Hon. Dr G. K. M. Moyes (Chair)

The Hon. C. E. Cusack

The Hon. A. R. Fazio

The Hon. C. J. S. Lynn

The Hon. E. M. Roozendaal

The Hon. Dr P. Wong

CHAIR: Members of the media present will be aware of the normal media restrictions. You do not need me to read the official document setting these out but you are to focus not upon members in the public gallery but upon witnesses and Committee members. I welcome everyone to this hearing of the inquiry by the Select Committee on Juvenile Offenders. As you are aware, the inquiry will examine the provisions of the Juvenile Offenders Legislation Amendment Act 2004 and the resulting transfer of the management responsibility for the Kariong Juvenile Justice Centre from the Department of Juvenile Justice to the Department of Corrective Services. The Committee is examining a range of issues in relation to the legislation and the management of Kariong as well as the broader issues, including the classification and placement of detainees, recidivism, rehabilitation of juvenile offenders and staffing issues. Before we commence the taking of evidence I would like to make some comments about aspects of this Committee's inquiry. It should be remembered that the privilege to speak freely as part of the parliamentary proceedings exists so that Parliament can properly investigate matters such as this. This privilege is not intended, however, to provide a forum for people to make attacks or adversely reflect upon other individuals. This inquiry is about examining broader issues of legislative change in policy decision-making with a view to assessing the appropriateness of these changes and, where possible, recommending improvements to the system.

Committee hearings are not intended to provide a forum for people to make adverse reflections about others. The protection afforded to the Committee witnesses under parliamentary privilege should not be abused during these hearings and I therefore request that witnesses avoid the mention of other individuals unless it is absolutely essential to address the terms of reference. In this regard Committee members do not propose to make public references that might identify individuals staff members or juvenile offenders or their families. If a witness makes serious allegations that the Committee believes reflect adversely upon a specific person then, as a matter of procedural fairness, the Committee is obliged to provide that person with the opportunity to respond to the criticisms. We do this either in writing or in person. This process may divert the Committee from its deliberations. The process is complex and lengthy and may impede the Committee's ability to meet its reporting deadline. It is also important to remember that the parliamentary privilege under which witnesses speak does not continue outside this Committee hearing. Therefore I warn you to be cautious about your comments to the media and others after you complete your evidence and are outside this meeting. If it is said within the confines of this building such comments would not be protected if, for example, another person decided to take action against you for defamation. That is a lot of commonsense and I just wanted to pass that on to you.

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GLEN RAYMOND MENSER, Senior Youth Worker, Transport Branch, Department of Juvenile Justice,

STANLEY WILLIAM PARKES, Senior Youth Officer, Frank Baxter Juvenile Justice Centre,

MARK STEPHEN FITZPATRICK, Senior Youth Officer, Frank Baxter Juvenile Justice Centre,

PETER HAWTHORNE, Youth Officer, Frank Baxter Juvenile Justice Centre,

BRIAN FITZPATRICK, Youth Officer, Frank Baxter Juvenile Justice Centre, sworn and examined:

CHAIR: In what capacity do you appear, as individuals or speaking on behalf of the department?

Mr MENSER: As a private individual.

Mr PARKES: As an individual.

Mr M. FITZPATRICK: As an individual.

Mr HAWTHORNE: Privately.

Mr B. FITZPATRICK: Individual.

CHAIR: If you should consider at any stage during your evidence that certain evidence or documents you may wish to present should be heard or seen in private by this Committee the Committee would consider such a request. However, the Committee or the Legislative Council itself may subsequently publish the evidence if it is decided that it is in the public interest to do so. I recognise that you have come here as individuals but you have also related as a group. Is there anyone on behalf of the group who would like to make an opening statement?

Mr M. FITZPATRICK: I would like to thank you for the invitation to appear. We appreciate it very much. It is a great outlet for us to have our say here and hopefully we will get something resolved, perhaps at least emotionally. The closure of Kariong has been devastating for everyone. For those that are left to now carry the baggage at the Baxter centre it still is a traumatic experience as we continue to do our jobs. All of us have our own individual feelings about the effects of the closure of Kariong, none more so than me. I have suffered more through the way Kariong was close and the personal trauma that ensued for me before, during and after the closure even now as we speak. As the guys next to me and other individuals have their say you will find out how traumatised they have been. Eighteen of us were supposed to come. Some are working and some have just got jobs, thankfully in the nick of time for them and their families. Some people have not turned up because they feel too traumatised to even talk about it at work let alone face a hearing such as this. Families have split and guys are now living by themselves. Guys turn up to work totally depressed about the whole thing, all through the closure of Kariong. They did not want to come. They probably wanted to wallow in their own misery. They did not want to shed any tears at this table. That is not an exaggeration: you will hear of our feelings as the hearing continues. Once again I thank you for the invitation.

CHAIR: Would anyone else like to make a general statement at the start? As there is none, the Committee is now open for questions and we will start with Government members.

The Hon. AMANDA FAZIO: I wanted to go into the issue of the Department of Corrective Services now running Kariong. What do you believe to be the positive and negative outcomes of the transfer of Kariong to the Department of Corrective Services?

Mr M. FITZPATRICK: The positive outcome is the somewhat serenity of the place now as opposed to the violent nature that it was before. The reason that is, is because they have a strong management that is capable of running a centre to punish those who are breaking the rules. As before, it was so lax, workers' hands were tied by management, and the result of workers being assaulted does not exist there anymore for that reason.

But I must say, in addition to that, that when Kariong failed twice before, with two managers being replaced, each time they were replaced by an interim manager from the Baxter unit and at their time, during that interim stage, the centre was run properly, in order, without incident. So it just goes to prove to me that the success of Kariong now was not because of the transfer to Corrective Services; it was the transfer of management and also the structure from which they work.

The Hon. AMANDA FAZIO: Can I just ask if any of the other witnesses have any comments they would like to make on that topic?

Mr HAWTHORNE: Yes. In regards to Corrective Services taking over Kariong, we have found in the juvenile justice centres throughout New South Wales that there have been less assaults on staff from detainees wishing to gain access to Kariong. If you look just at Baxter Centre alone, in the previous two years before Corrective Services took over, there were numerous staff assaults and nearly 100 per cent of those were related to detainees wanting to go to Kariong. That is now not the case. However we have arrived, we have arrived at that point now where we do not have detainees assaulting staff, wishing to go to Kariong.

CHAIR: Mr Hawthorne, just to make sure that we clearly understand what you have said, is my understanding correct that you are saying that in other juvenile detention centres, juveniles would prefer to be at Kariong and, therefore, they would deliberately assault staff because that would then place them at Kariong. What was the reasoning behind the juveniles wanting to go to Kariong?

Mr HAWTHORNE: Yes, Dr Moyes, the reason why detainees would assault staff at other centres to get to Kariong was probably the crux of our problem, that Kariong was built as a deterrent for these offenders. It was the end of the system for them. It was built for the behavioural management boys and serious indictables and the behavioural management boys that were in other centres—it was built as a deterrent for them to assault staff or behave in that way. It was built as a harsh environment for these offenders.

CHAIR: Normal logic would say that the offender would not want to be in a tougher, more harsh environment, so why would offenders want to go to a place that was specially designed?

Mr HAWTHORNE: Yes, right. The reason they wanted to come to Kariong in 2004 was because it was not a harsh environment; that things had slipped, that things were not in place that should have been in place—routines, procedures.

Mr B. FITZPATRICK: Punishment.

Mr HAWTHORNE: For whatever reasons, they had all been eroded and when they got to Kariong they felt as though, for those reasons, that they would be treated less harshly than what they would be where ever they were; at whatever centre they were.

The Hon. AMANDA FAZIO: Brian, I think you wanted to add something?

Mr B. FITZPATRICK: Just that we got a lot of boys who come down and said, "We are finally here". They had been trying for months to get to our centre because it was just so easy. They could assault staff and nothing would happen to them. We would lock them up and our manager will ring his cluster director and be told to let them out of confinement. They would assault staff days on end and nothing would happen to them. And if they had done that at other centres, they would get locked up for 12 hours and then they would do something else to get sent. And that happened.

The Hon. AMANDA FAZIO: Do you think the fact that a lot of inmates viewed going to Kariong as being a badge of honour had something to do with their wanting to go there? What about access to cigarettes, do think that had—

Mr B. FITZPATRICK: That badge of honour, they must have lost that because they do not want to do that now.

The Hon. AMANDA FAZIO: It is too hard for them. Do kids at other juvenile detention centres have access to cigarettes because I think they did at Kariong?

Mr HAWTHORNE: It is not about cigarettes. It is about a culture now that, in the end at Kariong, for juvenile justice we did not have the tools left. We could not lock a boy up for an hour without him being let out. There were no consequences to their behaviour. They could behave in any way and they found no consequences. Now, at Kariong, they have not got the—

Mr M. FITZPATRICK: Got the freedom.

Mr HAWTHORNE: Guards there now have the tools. They have got more than an hour. The boys are looking at time—one hour, one day, one week, one month confinement. That is why they do not play up. It is nothing to do with cigarettes.

The Hon. CATHERINE CUSACK: Can I clarify what was the official policy in relation to cigarettes at Kariong?

Mr M. FITZPATRICK: They were not allowed to smoke.

The Hon. CATHERINE CUSACK: In what circumstances did they have access to cigarettes?

Mr M. FITZPATRICK: In no circumstances. The only circumstances they would have access to cigarettes would only be for two reasons: through visits or a worker has brought them in. There is no other way. But I do recall one incident where the cluster director gave them cigarettes and our manager gave them cigarettes, which was against the policies and against the law.

The Hon. CATHERINE CUSACK: Why did they give them cigarettes?

Mr M. FITZPATRICK: Because the situation was that the boys were rioting or doing something on a roof and because they had no visits—no-one got visits and no cigarettes were brought into the centre, therefore, they are hanging out for cigarettes, therefore they would do something drastic in order to create a situation where they could get cigarettes. "Let's go on the roof; let's all riot here; let's all riot there"; it was a negotiation tool for cigarettes, and that is what happened in this situation.

In order to reiterate what Brian and Peter were saying, boys would want to come down to Kariong because it had lost the plot; it was easy; they would run amuck; they would get away with assaulting and, invariably, the boys that did break rules at other centres, assaulted staff at other centres, was the result of how lax Kariong was. You have assaults at other centres because of the lackadaisical nature of Kariong, and the guys who did come down were in gangs from the outside and were joining their mates in Kariong. On top of that, they had a structure where they put them all in the one unit and there goes the problem. That is why Kariong was brought to its knees and the stupid system of chocolate, chips and drinks as a reward with no punishment—10 years I was there and I haven't seen anything more ridiculous and that is what brought Kariong to its knees.

Mr PARKES: Just going on from what Mark has said, just to put everyone in the picture, Kariong was under the same legislation, policies and procedures as any other juvenile justice centre in New South Wales. The only difference between Kariong and any other centre was that Kariong had two fences. We had the same procedures, same punishment that we could push out or whatever.

When we had 36 residents at Kariong, they were supposedly the worst juvenile offenders for violence and behaviour in New South Wales. We had no other tools to deal with them. We had been at the department and at local management for a number of months about trying to get some sort of a management plan in to deal with these problems that we were experiencing. Nothing was coming forth. Staff were being abused and assaulted. Staff that they were bringing in to fill positions on shifts were staff that we had never seen in the centre before, from outside. The whole thing was slowly going to a catastrophe and no-one in the department or local management seemed able or willing to do anything about it until the total collapse of Kariong.

The Hon. AMANDA FAZIO: Can I just ask those of you who are working at Frank Baxter whether you have noticed a change in the behaviour of inmates at Frank Baxter since Corrective Services took over Kariong? Has it had a flow-down effect, with better behaviour throughout?

Mr B. FITZPATRICK: We don't really know because we were not at Baxter before. We have only been at Baxter since Kariong has been taken over by Corrective Services, so really, first-hand, we wouldn't know.

Mr M. FITZPATRICK: Yes.

The Hon. AMANDA FAZIO: Yes, but have the other more long-term employees at Frank Baxter made comments to you?

Mr HAWTHORNE: A lot of the staff at Frank Baxter harbour animosity towards us because we have taken their positions. We have come down and we pose a threat to their jobs. Our relationship with them and finding out what happened before and what happens now is up in the air because, at the end of the day, we don't know whether we have got jobs; they don't know whether they have got jobs. Nobody knows where they really stand. The big thing is that down at Corrective Services, they only hire permanent staff. That is why they can manage and that is why they are having success where we are not; because we are running on a 50 per cent casual pool. Everybody is up in the air. Nobody knows what they are doing.

Mr M. FITZPATRICK: I can answer your question directly, Ms Fazio. There have been two that I know of, of workers being assaulted who have gone down at Kariong, if that is what you wanted to know. Prior to that I have no idea. I know that it is run like a detention centre. It is structured, marching to their programs, no tolerance for staff, assault, and staff abuse. It is a totally different ball game to Kariong as it used to be. I am supposing that Kariong, the way it is now, is at least a deterrent to the boys going down there.

But you will never stop staff assaults in certain situations—three seconds of madness, or however you want to put it—at any centre. They will always occur and, therefore, they will end up at Kariong. But they are no longer breaking their necks to get there. They are no longer breaking workers' necks to get there. They will do so if necessary, but they will not. That is the way it is at the moment. They do not want to go there.

The Hon. CATHERINE CUSACK: What is your current employment status and expectations for the future in relation to your employment with the Department of Juvenile Justice?

Mr MENSER: I went back up there on 11 November last year when Kariong closed. I went into the units there as a youth worker. I was a permanent staff member at Kariong, not a casual permanent. When I went up there I enjoyed working at Baxter very much. I loved working in the units there. No-one was able to give me any guarantees as to longevity as far as my employment went. Consequently, there were two positions advertised for the juvenile justice transport unit that I applied for. I was successful in gaining one of those. So I am now working in the transport unit. Had I had a permanent position available to me at the Baxter centre as a youth officer, I would have much preferred to have worked with the boys in that scene. But that was not to be.

The Hon. CATHERINE CUSACK: Mr Parkes?

Mr PARKES: I obtained a permanent substantive position at Baxter after competitive interviewing. As far as I am concerned, Baxter is like a permanent holiday camp after experiencing five years at Kariong.

The Hon. CATHERINE CUSACK: I take it you mean for staff rather than detainees?

Mr PARKES: For staff, yes.

Mr M. FITZPATRICK: I was at Kariong for 10 years. Two of those years I had off. I had private work and I decided to have a break. Then I was back there. I have seen something like seven

managers at Kariong. Two of them have just brought the place to its knees, in particular, the last one. I have seen just about everything at that place.

The Hon. CATHERINE CUSACK: That would be seven managers at Kariong in the space of five years?

Mr M. FITZPATRICK: Yes. There has probably been something like 11 managers since I have been there, but I can remember seven. Those interim ones were management from Baxter. If you exclude those you have something like seven managers. Personally, I saw it deteriorate over the last six months. By the way, I have been given eight commendations in the last six years. I saved four boys' lives in a fire not long before that. I have seen colleagues getting their noses broken. I have seen colleagues covered in blood, leaving, stressed, and not coming back. It was just intolerable.

Since then we have had to do something about it because management was not listening. I had the Minister for Juvenile Justice at Kariong in the declining stages, not long before it closed. I told the Minister everything about the place, why it was not working, how it was failing, the implementation of the stupid routines we had to do and the new structure. The Minister just fobbed me off without doing anything about it and then it closed. Five or six months later it closed. I figured that if I could not get answers from the Minister, and I have tried everything to get this place running how it should, where do I go to?

Left to pick up the pieces and left holding the baby are the workers. Management has moved on. We have been basically stuck in a vacuum of indecision and a vacuum of no future. Not long after it closed I and couple of other guys got a letter from the Department of Juvenile Justice stating that as from the end of June, from 30 June, we will now be on salary maintenance. I have been a permanent for eight years and I have been there for 10 years. I have received commendations and now I am going to be on the scrap heap and for what? All that experience is gone. Now they are putting other people on, new recruits, to come and work at these centres, yet they are getting rid of me. Why? Because I blew the whistle, because I told people how it was? Management moves on.

On top of all that an incident happened at Kariong just before it closed. You probably heard about the well-documented masturbation thing down at the visits area. I happened to be a unit co-ordinator in a unit that was very short of staff. All the unit co-ordinators and I had to run down to the visits area. I happened to be the one down there at the time when this happened because we were short of staff. I got put under investigation. I got cleared from that investigation. For the first time ever in all my years I got put under investigation for that particular incident.

Within the department they investigated it and said that I had no charge to answer. They brought in an independent. He said that I had no charge to answer. The director-general overruled both of them and said, "You have a charge to answer." He could not tell me what it was, on what basis, or where I went wrong within the department's rules. I had to suffer through Christmas and New Year without an answer. I went in to him at Christmas time and I said, "Can you tell me what is going on?" He said, "Nothing." January, February and March all passed. I had the worst Christmas and New Year of my life, not to mention the fact that all my friends at Kariong are not talking to one other or to me. I feel responsible for everything.

The director-general was then at the Baxter centre. I saw him and I asked him, "Please, tell me what is the outcome of this?" He said, "Oh, did you not know that you were cleared?" I suffered through Christmas and New Year with my family. It is just not fair that people can do the right thing and just be come down on. It is just not fair.

The Hon. CATHERINE CUSACK: When were you advised that you were going to be put on salary maintenance?

Mr M. FITZPATRICK: About a month after Kariong closed.

The Hon. CATHERINE CUSACK: What does it mean to go on salary maintenance?

Mr M. FITZPATRICK: It means that after the end of the financial year we will no longer have substantive positions. After 12 months of salary maintenance, whatever that means—I have been

trying to find out exactly what it means—we will be probably be disengaged from the department. Now for a guy who is 45 years old, like myself, I want to know: Where do I go and what do I do? We are here really as a forum to vent our views on how this closure of Kariong has affected the workers and how it has affected us.

That is part of my story. These guys have another part of the story as well and how it has affected them. I just cannot see how it is fair. We come in and give evidence in camera and it was hinted in the last *Hansard* report that because we were nervous that was one of the reasons why they suppressed the evidence. I am a little nervous but does that mean that I am going to tell lies? How does that particular situation or that statement work for a start?

The Hon. CATHERINE CUSACK: Do you feel that you have been targeted?

Mr M. FITZPATRICK: Absolutely, without a doubt, 100 per cent.

The Hon. CATHERINE CUSACK: Mr Hawthorne?

Mr HAWTHORNE: I was at Kariong five years before the closure. I have been up at Baxter since then, at the centre up there. I think it was in December last year that I applied for a temporary position, as we all did, and I received a six-month temporary position. Now that is up in June, at the end of the financial year. We are still up in the air and we have received notification that we are to reapply for another temporary position and that we are to be interviewed for that position. That means that people with no experience will be coming off the street. We will be pitted in against them. Whether or not we get a job is not for me to say. I would say that there is a fair chance that we will not get a job.

The Hon. CATHERINE CUSACK: So you were a permanent worker?

Mr HAWTHORNE: I am still classified as a permanent worker.

The Hon. CATHERINE CUSACK: Do you feel that you are losing your permanency?

Mr HAWTHORNE: I feel it trailing away, yes. I think in an underhanded way the department has not been up-front with us. I think some of the Kariong workers were given substantive positions and, of course, everything goes to an interview. I am not that savvy with the way things operate, as far as getting jobs and who gets them, or whatever. But all I know is that I am an able officer. I feel as though I do my job all right and that I have a lot to offer the Department of Juvenile Justice, otherwise I would not be there. But because Mark, Brian and I have been outspoken in the past, I think that is a big contributing factor to why I have not got a job now.

The Hon. Dr PETER WONG: You referred earlier to the failure of management. Is it to do with government policy, inaction, or wrongful action? Furthermore, when you are talking about the selection of management, are they selected on skill, knowledge, or favouritism, or are they selected through protocol, directives, or training?

Mr M. FITZPATRICK: The fault definitely lies with management at Kariong. I can say that without reservation. That is proven by the amount of reports that we have written. Workers have put reports on management's desk and they have said, "This is not working. This happened or that happened. What can we do?" He just slides those reports across and says, "Deal with it." What do we have to deal with? As soon as we deal with it they are going to bring us into line. I sincerely believe that management was given directives from above, namely, the cluster director was giving him information on how to run the centre. It really did not matter who got hurt.

You must realise—and this is what I did not want to say—that the department is run by former Department of Community Services workers, benevolent people who think that these children are poor and underprivileged and that they are from broken homes or underprivileged upbringings. That is not the case. They are not little pimply-faced 10-year-old or 12-year-old kids; we are talking about 17-year-old, 18-year-old and 19-year-old hardened criminals. We have a 22-year-old boy at Baxter. These are not juveniles; they are men. You put them all in one centre with the mentality of

earning chocolate, chips and drinks if they do something right, and not having it if they do something wrong.

Can you imagine a 22-year-old hardened criminal not getting a chocolate bar? He will assault a worker. He will not get locked up either because that is not part of the system they want to work under. They want to work under a system of, "Here are chocolate, chips and drinks because you behaved." We had a thing called negative and positive notes. We would put down negative if they played up, and positive if they were good boys. Invariably, at Kariong it was negative because they just played up like anything. But what was not backed up, which was the bit that started getting workers bashed, was that the boys were allowed to see the notes and who wrote them. Then the worker came in the next day and copped it off the boy.

If this boy assaulted a worker he was only going to lose a chocolate bar, chips or drinks. He was not going to go into confinement, yet the worker goes into hospital. These things were brought to the attention of the manager, the cluster director. One night 11 of us ended up in hospital from smoke inhalation because of a riot. The cluster director got on the radio and said, "Only four were hurt", when 11 of us were lined up. That night all the boys were given pizzas, including the perpetrators. What does that say? Workers are really nothing, yet give the boys whatever they want. And that mentality is still running Juvenile Justice today is not run with an iron fist, it is run with feather dusters, gloves.

The Hon. Dr PETER WONG: At the end of the day how much is the Minister responsible for the policy and protocol and direction and the management?

Mr M. FITZPATRICK: What I have just told you is exactly what I told the Minister six months before Kariong closed and she stopped me in midsentence and says, "Excuse me, Mark, is it true female staff are being harassed by male staff?" Truly, no, it is not true for a start and, secondly, where up on the care factor tree is that statement coming from when Juvenile Justice, and Kariong particularly, is falling apart?

The Hon. Dr PETER WONG: In that case, why is it from earlier statements that Frank Baxter seems to be different? Are you saying that Kariong was a one-off situation, that we are unlikely to see other detention centres in Juvenile Justice repeat down the track?

Mr M. FITZPATRICK: I am not sure what you are—

Mr HAWTHORNE: I can do that. At Baxter there is a structure and there are strong managers. Our experience is that, since we have been up there, the boys toe the line.

The Hon. Dr PETER WONG: In that case you cannot really blame the Minister or her advisers and, therefore—

Mr HAWTHORNE: We do not want to blame anybody. We would like to fix or remedy the situation, if we could, but it seems nearly impossible. We have been to forums like this before and to us this is just another forum. There has been a lot of talk, but we have talked and talked until we cannot talk any more. But nothing has happened. Where does the buck stop? I do not know that. All I can do is explain to you what happened at Kariong and it is now really up to you guys.

The Hon. Dr PETER WONG: The fact that Kariong, obviously, has improved as far as discipline is concerned and the fact that you are mentioning Frank Baxter is in a much better situation, are you expecting that the department has got the message and, therefore, what you have been suffering in Kariong will not be repeated in the future?

Mr HAWTHORNE: Just hang on a second. Your question was related. Who was responsible? Was it the Minister? We were given, at different times when all the structures fell down at Kariong, the Baxter managers at different times. As soon as we had access to the Baxter managers everything fell into place. The minute they walked through the door the ball game had to change. Us workers were standing there. We could now do our job. For whatever reason above that, I do not know. I cannot lay the blame, but what we did see was what was coming out of the department. There probably have been 500 workers in a matter of 14 years worked at Kariong. There was a great

turnover of staff all the way through. The department was saying, "It is the workers. The workers are not getting the job done." But each time you had different workers with the same issues. From 12 years ago that set of workers had the same set of problems we did. For the department to keep on coming back and saying, "It's the workers" okay, go and get another 500 workers and see if you have the same problems again.

CHAIR: Could I ask each of you, because you have given your evidence before in a direct line to management and then beyond that, even to the level of the Minister, do any of you feel, in the light of what has happened to security of your work employment now, that the department has blacklisted you in any sense?

Mr M. FITZPATRICK: Without a doubt. I have an incident where I was telling you earlier on how I was under investigation. Because of the evidence I gave at the inquiry our cluster director was stood down or moved to another part of the department. I was under investigation for something. I was bemused and depressed and angry at this pitiful attempt to put me under investigation for something that was not my fault. On top of that the cluster director was put in charge of the investigations unit. Work that one out. Here I am under investigation from the person who I give evidence to in the inquiry. No, I do not feel I am being blacklisted at all.

CHAIR: Can I ask the other members, do you feel that because you have spoken out against the department you are suffering in any way in terms of your longevity of employment?

Mr B. FITZPATRICK: I think that there were about 14 of us who went for interviews to get full-time standing positions. I have been told by many people that there are enough full-time positions at Baxter to put all of Kariong on. They are not doing that.

CHAIR: They are calling for new employees?

Mr B. FITZPATRICK: Yes. And I just wonder why if there are full-time positions they cannot put all of the permanent Kariong staff straight into those positions. I have become close friends with a couple of Baxter people up there and they were saying that the improvement of knowledgeable staff up there is terrific because they had a lot of casuals who were still only learning the ropes, but here is us experienced people walked straight in and they just loved it because things were getting done. They were experienced people on the floor. They could put us straight into these positions but they choose not to. I think I have probably been victimised there where they could put us straight in, but they choose not to.

Mr HAWTHORNE: The proof is in the pudding. The most outspoken three have been Mark Fitzpatrick, myself and Brian Fitzpatrick. We are down the bottom of the eligibility list. We are unsure of our future. Okay, if that is not the case then why have we not got jobs because our record—as Mark said, he has received commendations and saved boys' lives. I have saved workers' lives. I have brought a boy off one of our workers who was trying to stab him in the temple for the eighth time. What do I get?

CHAIR: And between you, you have 30 years of experience?

Mr M. FITZPATRICK: Yes.

Mr HAWTHORNE: All that and they wanted to run us out. Well, that is fair enough, run us out, but we are going to have our say and we will have our day.

The Hon. AMANDA FAZIO: I just wanted to ask, perhaps starting with Mr Menser, do you have any comments on the design of Kariong and the appropriateness of the centre for detaining juvenile offenders? In responding, please feel free to comment about the design and set up of other centres that you have had experience with.

Mr MENSER: I have never worked in any other centre. I was a detective in the New South Wales Police Service for 20 years. I have been involved in justice for most of my working life. I remember my first impression of Kariong was that I was appalled. It was the most filthy, disgraceful work environment I had ever seen. The units themselves were equally as filthy. In the 2½ years I was

there the only times the carpets or the lounges in the units were ever cleaned was when some VIP was going to arrive and they would madly arrange for that to be done a day or two before that happened. Our staff amenities there, there were two lounges there that were never cleaned or steam cleaned in the 2½ years I was there. The floors were filthy. Everything about the place was filthy. I would not keep livestock in an environment such as was Kariong.

CHAIR: That is for the staff you are referring to?

Mr MENSER: That is for the staff and I will include that for the boys as well because despite how it is portrayed there are some very, very hard-nosed detainees there at Kariong—no risk about that—some extremely violent and dangerous young men. At the same time there are some people in there who are classified as serious offenders, but a lot of them are only one-offs and they should not be in there. Irrespective of the classification system and how the law goes, there are boys that are in there that should not be mixing with the other boys because they are babies. They are very immature and very susceptible. As far as the design of the place goes, there is no way of keeping them apart. The rec area, if you are not in your area then the only other area you are in at Kariong was in the combined kitchen-dining-lounge area. There was nowhere for the boys to ever get away from the rest of the group. They were in each other's face 24 hours a day. We all know that, despite how much you might get on with one person, you are not going to be getting on with them if you are in their face all day every day.

The same problem arose for the staff because one thing I have picked up with the Corrective Services there now, who I think do a good job, is that at 3.30 every afternoon they lock down the boys. They are secured in their cabins. They do not come out until eight o'clock next morning. That was not the case with the staff at Kariong. We were with those boys a lot in the units, three staff with those boys for that entire shift. That caused problems, and I can understand why because they are seeing the same face. They are with them all the time. There is only so much you can talk about, so many card games you can play and obviously you play on each other's nerves, and I think that is one of the things that happened, too. There was a lack of any facilities there for any really constructive programs. There were many things that could have been done there, but were not. I am not trying to sheet the blame at anyone in particular. I will sheet the blame at management because there should have been more endeavours made to occupy the time of the boys constructively. If I could go on—

CHAIR: I would like you to go on. We have not had much evidence at all concerning education rehabilitation programs, such as anger management and so on. You have just said there are a limited number of card games you can play, et cetera. Would you like to elaborate on the programs for education and rehabilitation, particularly in that out-of-school hours after the lock downs?

Mr HAWTHORNE: Sorry, when you talk about lock down, I take it when they are returned from the schools?

CHAIR: After 3.30 yes.

Mr M. FITZPATRICK: But 3.30 is only Corrective Services. We used to lock them down between eight and nine at night.

Mr M. FITZPATRICK: When they would return from schools and other programs that would be three o'clock in the afternoon. After they had a chance to shower or change and have a quick afternoon tea they would be taken out to the oval for football cricket. In the summer months when the pool was there they would have a swim. It is no longer there, of course. Tennis, basketball and the gym, which sounds well and good except there was often no sporting equipment there because it would be damaged or thrown away. Outside of sporting activities there were no programs that occurred after 3.00 p.m. insofar as anger and stress management. That did not happen on any regular basis. Every now and then they might run a course. At the end of about three or four attendances they would get a little certificate. I had cause to supervise at some of those occasions and there was just abuse towards the person running it and nothing constructive ever came out of that. I think we needed more professional people coming in, more outside agencies.

CHAIR: Was it compulsory for detainees to attend those?

Mr HAWTHORNE: No, it was not and I believe it should have been.

CHAIR: Even though a person might need this particular course they did not have to go?

Mr HAWTHORNE: That is correct.

Mr M. FITZPATRICK: Can I just reiterate something here? It is like sending their children to school and getting a lovely education. The kids do not want to be there. They go to these programs in order to get their points in order to get other things the centre gives you like shampoos and things like that for gaining points. They do not go to school because they want to learn. They do not give a dam. In fact, they sit in school and they throw things around and abuse staff and they abuse teachers. I have sat in there for eight years. No-one can tell me that they are there for an education because they are not. They are there to play the game: to get their points. It has nothing to do with education. That has got to be stressed.

Mr MENSER: If the place had been run correctly, though, I believe that, irrespective of whether they wanted to learn or participate in programs, they would have had they been made to. Once they had experienced it under a regime such as Corrective Services now, I believe it would have been successful. I know it is, because I speak to the boys that I transport from Kariong who quite like it there now.

Mr B. FITZPATRICK: At Baxter when they have a sporting program they all have to go and they all have to participate. If they do not participate they do not get points. So they have to go and they have to participate. With school, they have to go to school. If they do not go to school they have to be in another program such as a cleaning program, a furnishing program or something like that. So all the boys are occupied. At Kariong we had nothing like that at all.

Mr HAWTHORNE: Can I elaborate on that? Even though we are talking about the worst juvenile offenders in New South Wales it is a proven fact that it does not matter who you put in that type of environment they will act a certain way. The study was conducted over in England where they put a whole heap of university students into a maximum-security prison and they found that after a month they behaved exactly the same way as the prisoners did and the same issues came to the front. If you are going to have these facilities—if you are going to have a maximum-security facility, you have got to run it like a maximum-security facility. If you are going to have a minimum-security facility, you run it like a minimum-security facility. I think the problem with Kariong was that it was a maximum-security facility and it was like an ant farm—everybody wanted to put a little bit of this in and come up with that formula. It does not work. The only proven thing and the ways to handle and manage this type of offender—young person—have stayed true.

Boys have been boys for hundreds of years. It does not matter what you do, they are still the same. Despite what everybody says—okay, the circumstances might have changed on the street—boys are boys. We know how to handle them; that is our chosen field. We know how to bring the best out of them. If we had had that opportunity we would have done that. But we never got it. That is the crux. Each one of these gentlemen here today and all our other colleagues are in this industry because we want to be. Despite what a lot of people say—that we like the punitive measures and we want to see the boys punished—that is crap, excuse me. That is a load of bull. We would not be in the position. We can go out and earn a living doing something else. We think we have something to offer. The managers know this; they know that we are people who can deal with the boys. The problem is that the good staff who can stand up to these offenders and detainees are the same ones who will stand up to the management and the department. That is the problem we have got. If they want yes people who cannot stand up and cannot do the job, go ahead. Employ those people if that is the type of people that the Government or the department want, we will go and do something else.

The Hon. AMANDA FAZIO: I ask Mr Parkes to answer first and then anyone else can hop in and answer. Do you have a view about the appropriateness of the unit system for juvenile offenders, where you house the different groups of detainees in separate units? Do you think that is an appropriate model to use?

Mr PARKES: Yes, it is. It is cost effective and it is also a very good management tool. We found at Kariong if we had 30 or 36 residents you would probably get two or three gangs form within

those 30-odd residents and you had to separate them. The way we used to do that—this is prior to the last 12 months of Kariong—was move the residents between the units to separate the different friction or the fighting or break up the gangs that were trying to form. So we found the unit system, and the capability to move the residents around the units, was a very good management tool. That, in the last 12 months of Kariong, was taken off us. That was probably one of the best management tools we had.

The Hon. AMANDA FAZIO: In the last 12 months who was making the decision about where the detainees were placed?

Mr PARKES: It was what we call the Kariong program. It was a different way of operating as a youth officer, a different way of running the units and of processing the residents through Kariong to get them out within three months of arriving. So that is where the system was taken out of our hands.

Mr M. FITZPATRICK: The problem at Kariong is exactly what Ms Fazio brought up—that is, housing the detainees in separate units. The structure that was implemented at Kariong, particularly in the last couple of years or 18 months, was that the serious indictables are in one unit, we have the transitional residents—which means those who have already been sentenced—in another unit ready to be transferred to another centre, and then we have the management problem children, 22- and 23-year-old children. Management problem residents were in the unit called Carinya unit and that is where the problem lay at Kariong. We had all these gangs from other centres in the one unit, and that is where all the workers were assaulted. To me, it was that system that failed. That is in the reports that we wrote and put on management desks, "This isn't working; this isn't working". So I am glad you brought it up because that was a problem at Kariong.

I want to add one thing to that. I do not think they should be called juvenile justice departments or juvenile justice centres. I do not know how old you have to be before you are no longer a juvenile—you can vote at 18 so I suspect that is when you are an adult. We have kids here 22, 21, 20 and 19. Some of these kids are long-termers; some of them have learnt the ways of gaol and incarceration. We have got 15- and 16-year-old boys who have gone off the rails a little, have done something major and end up in juvenile justice centres. Once they mix with these older boys—these men—they become corrupt and seriously in danger of becoming career criminals.

I believe the sooner we zip the boys off to gaol at 19 or whatever age you see fit—certainly New South Wales is one of the States that keeps the boys up until whenever; we had boys at Baxter go at 26 years of age and 24 years of age. There is a guy there who is 22. It is ridiculous. We have murderers with boys of 14 and 15. That is where the problem lies too because we have benevolent management—cluster directors and so forth—from welfare groups such as DOCS running the system like the kids are 12, 13 and 14. But they are 22 and 23. It is ridiculous, and it is right across the board. Twenty-two-year-olds are going to school for the sake of earning points.

The Hon. CHARLIE LYNN: In a report submitted by Edward Ball from the Frank Baxter Juvenile Justice Centre to the Committee he said that Mt Penang's success with detainees was born out of fair and just discipline, good communication between staff and detainees and excellent schooling and industrial and sporting programs. He goes on to talk about Kariong and says that the reason for the transfer of Kariong from the Department of Juvenile Justice to the Department of Corrective Services in the end was a political one. Another reason the transfer took place was because of the inexperienced and inept hierarchy of the Department of Juvenile Justice. There is not one high-ranking official who has any real experience in running a detention centre. Most have a background in some form of social work and welfare. Finally, he says, "I think under the previous management style over, say, the last five years, Kariong Juvenile Justice Centre has had only one direction in which to go, and that was to fail miserably". He has 33 years experience in the system. You spoke before about the different management styles: the discipline management style and the social welfare management style. Could you comment particularly on the social welfare management style?

Mr M. FITZPATRICK: That document is very accurate; it is almost like he was working there. As I said before, the welfare side of things, the access to social workers and welfare workers, boys coming down, to me—and this is a personal thing—was just a manipulation tool for the boys to use to get phone calls and to get what they wanted. Truly, they are criminals. As far as the structure is concerned, we were let down by the structure and I think the welfare side of things is not working.

The Hon. CHARLIE LYNN: There was an incident, I recall, where a youth worker was assaulted by a juvenile and then made to apologise to the juvenile.

Mr M. FITZPATRICK: That happened. The client services manager at Kariong made a worker apologise to a violent criminal. The criminal hit him and broke his nose and the worker was made to apologise to the boy.

Mr B. FITZPATRICK: I was a witness; I was standing beside him. I was told by the client services manager to go down with her and help supervise the talk between the detainee who hit the worker and the worker. While I was there she asked the worker to apologise to the detainee.

Mr M. FITZPATRICK: Four years ago I was supposed to supervise a visit between a boy and a social worker. I was overruled by the management—"They'll be okay; they want their privacy". I walked in on them one day and they were sort of close and sort of embracing in a way. I told the management and they said, "Forget about that; I don't want them to be interfered with". Two weeks later one of the middle managers walked in and the boy was having sex with his counsellor. This was at Kariong and it was during the management previous to this one when the downfall began. This welfare stuff and all that, I am experienced enough to take it all with a grain of salt.

Mr HAWTHORNE: Where Kariong fell down is that health and safety should be paramount for the staff. It is well documented that the department's primary concern must be the safety of staff. I was the chairperson of the PSA sub-branch at Kariong and I was constantly fighting with management about these issues. Okay, we understood that they have to have access to all services—that is only too right. As Mark said, if a counsellor had a young boy in a room and they wanted some privacy for certain reasons, we would then say, "No, this is overridden by safety and security measures". Therefore, that outweighed the welfare side. But it slid back around when it became quiet and everybody became complacent—"I'll take this boy down and do this with him". Then we would say, "Hey, hang on, you can't do that because operational matters override welfare". It is paramount. Once again, if you're going to have these centres and maximum-security facilities you must have operations on top of welfare. In the end, proceeding and throughout my time at Kariong the welfare starting overriding—

CHAIR: Welfare dominated.

Mr HAWTHORNE: Welfare dominated operations.

The Hon. CATHERINE CUSACK: I have a lot of material to get through and can I ask for briefer answers to get through these questions. In terms of alternatives to Kariong correctional centre, has anybody ever heard of a thing called the "dispersal option" for Kariong detainees to be dispersed into detention centres around the State?

Mr M. FITZPATRICK: I have not.

The Hon. CATHERINE CUSACK: Nobody has heard of that?

Mr HAWTHORNE: At what point? Has that been, you know—

The Hon. CATHERINE CUSACK: There was an option that was under active consideration by the department. My question is simply whether you were aware of it.

Mr B. FITZPATRICK: No.

The Hon. CATHERINE CUSACK: In terms of the notice that you had, that Kariong was closing, did you have any forewarning prior to the Government's announcement that Kariong would close?

Mr M. FITZPATRICK: No.

CORRECTED

Mr HAWTHORNE: We found out through the media that Kariong was closing and then the director-general came up and saw us. I think it was on the Wednesday. We found out on the Tuesday through the media.

Mr MENSER: We were aware of Corrective Services personnel being approached long before that and made aware of the fact that it was closing. It was a charade that was put up that it was so sudden. People knew well beforehand that that was going to happen.

The Hon. CATHERINE CUSACK: Just to clarify that, when you say "well beforehand", how far beforehand?

Mr M. FITZPATRICK: We had been given information about four or five weeks before Kariong closed that expressions of interest had been called for in the Corrective Services for officers to work at Kariong.

The Hon. CATHERINE CUSACK: So when do you think or, in your opinion, when did the Government decide to close Kariong—not close Kariong, but transfer it?

Mr M. FITZPATRICK: The Public Service Association [PSA] kept telling us up to the morning of the notice that they had been assured that Kariong would not be closed by the department.

The Hon. CATHERINE CUSACK: So you feel that you were misled by the PSA?

Mr M. FITZPATRICK: I believe so.

The Hon. CATHERINE CUSACK: Do you think that the PSA was aware of the Government's true intentions?

Mr M. FITZPATRICK: I believe so.

Mr B. FITZPATRICK: I think so, too.

Mr HAWTHORNE: Do you know what I believe? I believe that Kariong was earmarked and hallmarked to close, way before anyone ever knew about it. And I believe they had this on the agenda for quite a while—I am talking maybe a year. That is my opinion.

Mr MENSER: It was causing too much embarrassment.

Mr M. FITZPATRICK: Yes. But what really angers me is that we are really left holding the baby here because, either way, the blame was transferred—"Oh, you can blame those workers at Kariong"—yet they had it hallmarked to close in the first place. That is my opinion only. I think that is wicked.

The Hon. CATHERINE CUSACK: When did you get the feeling that Kariong was going to close?

Mr B. FITZPATRICK: Probably not until I heard it because there were a lot of rumours and everything you hear, a lot of things were not true. But it really hit home when I truly believed it would happen the day before we were told by the director-general.

The Hon. CATHERINE CUSACK: Have you heard rumours that all of Juvenile Justice is now been considered for transfer to Corrective Services?

Mr B. FITZPATRICK: I have heard that rumour, yes.

Mr MENSER: Yes, I have heard that rumour as well.

The Hon. CATHERINE CUSACK: Is that rumour having an effect on morale in the juvenile system?

Mr M. FITZPATRICK: Definitely.

Mr B. FITZPATRICK: Yes.

Mr M. FITZPATRICK: People are too scared to do anything because they are scared that as soon as something happens in their department or their centre, Correctives will take over. There are more subversive sorts of things happening where, "Don't let this out of the bag. Don't let that out of the bag." You know, "Juvenile Justice is over. It is finished. Our jobs are gone."

The Hon. CATHERINE CUSACK: So there is a perception that Kariong workers are being punished because the centre was embarrassing?

Mr M. FITZPATRICK: Absolutely.

Mr HAWTHORNE: Can I just say something too? A lot of people lost jobs on the bottom. In the management level, none of them lost their jobs. Like probably 80 per cent of our staff lost jobs, and if we were held responsible, we have borne the brunt of Kariong because we have not got jobs.

The Hon. CATHERINE CUSACK: Can I briefly get you to respond? Mr Menser, can you describe to me what the rumour is that is going around?

Mr MENSER: There are many rumours that go around from time to time in Juvenile Justice. However, it is quite common to hear that Correctives are doing such a good job down at Kariong—

Mr M. FITZPATRICK: Cost effective.

Mr MENSER: Yes, it is very cost effective and that the Government—I make no comparisons whether it is Liberal, Labor, I don't care. I would say that the scenario is probably the same if it was a different party anyway, but they just think it is all dollar and cents. If Correctives can do it cheaper, they will go with them.

The Hon. CATHERINE CUSACK: Is there a rumour that the State Opposition has a policy to transfer Juvenile Justice to Corrective Services?

Mr MENSER: No.

Mr HAWTHORNE: There was a rumour.

Mr B. FITZPATRICK: I have heard it.

Mr HAWTHORNE: There was a rumour, but I think that was bandied around by the PSA.

The Hon. CATHERINE CUSACK: That is the reason I asked about this because the PSA is coming in to see us this afternoon.

Mr HAWTHORNE: I was the chairperson down there and our representative at Kariong, and I felt greatly let down by the PSA and obviously by certain parts of the membership. Of course, the PSA is a big organisation, with lots of departments and people from lots of departments—a great weight. You know, we never felt as though we had any weight behind us at Kariong, any support.

Mr B. FITZPATRICK: No.

Mr HAWTHORNE: We were on our own. We were just left in there. In fact at the end, six weeks before the closure of Kariong, I believe the expressions of interest for the Corrective Services staff were offered and they are our fellow-brother PSA workers. If that was the case and they knew that there was going to be the closure of Kariong, why did they not let us know? That was my question to the PSA. Until today, they all still throw their hands up and say, "Oh, we did not know."

Mr B. FITZPATRICK: That they did not know.

Mr HAWTHORNE: As to that, I did not believe that. I thought it was a little bit underhand.

The Hon. Dr PETER WONG: Earlier Mark was saying that the welfare side was not working. Was it not working at Kariong? Was it not working throughout the whole of the Juvenile Justice system?

Mr M. FITZPATRICK: At Kariong, it was way over the top, way over the top. It was absolutely ridiculous. When the welfare of a detainee far overrides the welfare of all the workers, well then, we are bordering on the ridiculous. Duty of care went way over the top with the boys, and when you see workers—if you have a look at the records of Kariong workers going off on stress or going off on compensation in the last six months, still the boys were given every consideration and the workers none. For instance, 11 workers lined up in a line in hospital beds while the boys were tucking into pizza. What does that tell you? Welfare has gone overboard.

The Hon. Dr PETER WONG: Yes, but does it—

Mr M. FITZPATRICK: Is it across-the-board with other youth centres? It does not appear to be at Baxter. I do not know about any other centre. It does not appear to be.

Mr B. FITZPATRICK: I would just like to say that we have quite a few centres in this State and Reiby is one where we have boys 15 and under. You do need welfare, but at Kariong it was far over the top. And at a place like Reiby, they should have more officers where they are younger. At Kariong and Baxter, you have young kids of 15 and 16 mingling with 20-year-olds.

The Hon. Dr PETER WONG: Do you accept the argument advanced earlier when it was said it seems to be more cost effective and more disciplined, therefore the Juvenile Justice system was not working and must be changed into juvenile corrective services and adult corrective services?

Mr HAWTHORNE: I do not believe that because, given the right tools and given the people we have in the department, we can do the job.

Mr M. FITZPATRICK: I reiterate that as soon as Kariong was taken over by the right management, it ran perfectly, just as it is now under the Corrective Services guys. Whether it is Corrective Services, whether it is Juvenile Justice, it is the management of the way it is run. There is nothing wrong with Baxter. That is run beautifully. When those managers came down to Kariong to take over when Kariong was on its knees, they brought it back up to its feet and it was running with a disciplined mentality. As soon as the management goes and you have someone up there not steering the ship, that is when things fall apart.

The Hon. Dr PETER WONG: Yes, Brian?

Mr B. FITZPATRICK: The managers we have had, I think in my opinion they have probably been hand-picked by the cluster director. The managers have bent over backwards to do what she said, to make her happy. The managers at Baxter do not listen to her—in fact, do not even want her there—because they are strong and they stand up to her. The managers at Kariong have bowed to her demands, and that is the way it went.

Mr HAWTHORNE: Mr Wong, can I just say something as far as the welfare goes? This will give you a good example. There was a boy down at Kariong for six months, okay. We had him with us when we were down there, okay. He was, how would you say, he would play on that. He was very, very smart.

Mr MENSER: Yes.

Mr HAWTHORNE: And he used every avenue that he could to get what he wanted, okay. Part of that was that he had problems at night with sleeping and he had ideations of suicide, blah, blah, blah. Okay, we pandered to that. We had to. Okay, that was our charter. Now, when the Corrective Services took over, he was down there for six months, no problem, okay: "Yes, you are having problems. Just step behind that door and we'll close the door." Why was that boy—and then there was no avenue for him to play on the system.

Mr MENSER: Yes.

Mr HAWTHORNE: He was down there for six months—not a problem, okay, in a very harsh environment. He came up to Baxter and last month he was at a psych ward and it cost them \$57,000 for the month. I heard this morning that our kids are going to take a back step and the schools will not have computers. My kids cannot get a computer to do their work on, but this boy can get a \$57,000 expense for one month in a facility. We can, given the right situation, manage that boy. That is a clear case of the welfare taking over. It is just ludicrous for our guys, who are part of this community, to stand there and watch it happen. It is demoralising.

The Hon. Dr PETER WONG: I just want to know the answer to a very important question: Have any of you being found guilty of any sins leading to your perception that the department will marginalise you when you want to get a job?

Mr M. FITZPATRICK: On the contrary, I have had commendations and not one write-up under this investigation.

Mr HAWTHORNE: Everybody here today has nothing to answer for other than doing our jobs.

Mr B. FITZPATRICK: Yes.

Mr M. FITZPATRICK: The last straw for me at Kariong was when a worker was bashed by a boy in front of a manager. The worker was off work for good, and the boy got no punishment and the manager just walked into his office. It was clear-cut. There was no motivation for me to do anything, other than to protect my fellow workers. That was the bottom line of my coming forward.

Mr HAWTHORNE: Can I tell you that my first day at Kariong, I came into the centre and the place was just an absolute shambles. It had been burnt and bashed to the ground. We went out to the quadrangle where one set of boys were ready to go and another set of boys were ready to go and us. The workers were all told, well, we have to be ready to go too. It was a riotous situation and that was the environment. That was my introduction to Kariong. Everybody was ready for a riot and I thought, "What are we doing here? Why is everybody up like this?" The environment gets you, up there, believe me. I saw a football in the corner. I picked up the football and I said, "Hey, instead of"—I threw it up in the air and one of the boys caught it. I said, "How about we go and have a game of football?"

So we went and had a game of football for 2½ hours. Those boys, when we came back, it would not have mattered whether they wanted to riot; they could not riot because they had run out of puff. It was basic, simple stuff. They were tired. They wanted to be fed, so we fed them and put them to bed. The place was dirty. I went in there and I got the job of us cleaning it up. You know, "Pick the papers up." Boys used to throw things down on the ground. "You pick that up", and then everybody became like, "Oh, pick things up. Is that what you do?" The next thing, the place is cleaning up. The boys are cleaning their rooms. It is simple stuff. You do not have to be a psychologist and you do not have to put them on medication to do what we do naturally.

We train our children. We are responsible people in the community. The boys come to us and they see how we act, and this is the whole idea of the set-up: We are their role models. Come and have a look at our families. The good member over here, the Hon. Catherine Cusack, she has been to my place. She has seen my family and the way that we conduct ourselves, okay. And I take my hat off to Catherine for coming there and seeing what sort of individuals she is dealing with. The Government and the department, they do not know. We do not know them. They look at us with suspicion, with problems. They look at us—I do not know, but I believe they look down to us. We are family people. We want to leave our kids something in this State. We want to do something. We want to right a wrong. We want to fix the problem, so the next lot of people who come along will have something. At this point, I think it is at the pinnacle: it can go this way or that way. I fear it is just going to go down.

The Hon. ERIC ROOZENDAAL: With regard to Kariong being a concentration of behavioural problem detainees and serious offenders, do you think it would be a better system if they

were spread out over the State through all the juvenile justice centres, or do you think it works better to concentrate them altogether at Kariong?

Mr B. FITZPATRICK: Firstly, I think you need that there, so the other centres will be better run and there will be fewer staff assaults.

Mr M. FITZPATRICK: If you are to have a place like that run, it needs to be run very firmly—not like a preschool. I think we do need a customer security centre for boys, one that really comes down on them. But, as I said earlier, boys are not boys if they are 22, 24, 20 or 19; to me, they are men. Fifty per cent, if not more, of juveniles in the detention centres are over 18. What are they doing there? Seriously, why are they not in gaol? It is not a juvenile detention centre any more; they are not juveniles. That is where your problem lies. Most of the boys who were the main offenders at Kariong were over 18.

Mr B. FITZPATRICK: The only thing the older kids do in Cobbitty is corrupt the younger ones to be like them. Then you have more boys like it.

Mr HAWTHORNE: I think it is a good thing to have regional centres, and I think it is good that the families get access. After all, everybody is affected by crime. We do it day to day with the families of the offenders. It seems to me that everything is upside down. You have a beautiful parcel of land at Kariong; it must be worth an absolute fortune. The view is phenomenal. There again, what are we doing? We have these kids out there looking from a million-dollar view. If you had a hotel up there, you would be charging \$500 a night for the view.

You have to understand who these boys are. You have to be very careful when you give them something. We have to be very careful day to day. In a prison environment or an institution, things work differently to what we are used to in our everyday lives. The boys perceive things a lot differently to the way you and I do. They live in a different world to the world you and I live in. We go into that world, and we deal with it in the way we have to. If you are going to say, "We will stick them in this environment", it has to be in consultation with people who know them, and the people who will tell you honestly and openly how to manage these boys.

Mr PARKES: To answer your original question, yes, I think you do need a maximum-security facility. It is the old case of having a rotten apple in a barrel: if you leave it there, it will send all the others off. I am not sure whether you have ever seen violence at its utmost. Some of these young people we talk about may be 16 years of age, they may be six foot two and weigh 120 kilograms. They will be absolutely violent, and will cut, hit, kick, throw or punch you with anything they can get their hands on. So you do need some facility to control that level of violence.

Mr HAWTHORNE: The biggest problem we have in the department, as with a lot of departments, is that the promotion comes through a certificate. We get people who are highly qualified, but they do not really know the culture; they do not really know the detainees. Therefore, the promotion will come for some other reason, and then the people throughout the department have all these certificates. It is akin to the Fire Brigade having all these people, but they cannot put out fires. You have to be able to be a hands-on person; you have to be able to nurture people, such as all the good staff we have, and bring them through, rather than picking somebody from outside who has a university degree.

Mr B. FITZPATRICK: Some of these welfare people, even though they might be smart and educated, they have spent a lot of their time in classrooms and so on. We are just knock-about blokes who have lived with kids like this. We are in a unit at Kariong and the kids are playing up and doing all sorts of things. They get a call from one of the psychs, that it is their weekly meeting and they have to go down. It looks good when they front court that they have seen on the psychs. They end up being arseholes, and they go down and tell these psychs what they want to hear, and just be super nice. Then they come back and say, "They're nice; they did this." They get back to the unit, and they are arseholes again. These educated people cannot see through that.

Mr M. FITZPATRICK: As I said earlier, they are just seeing the manipulator.

Mr B. FITZPATRICK: That happened at nearly every meeting down there with boys on site. That was the type of boy we had. It might not happen at Baxter.

Mr HAWTHORNE: There again, the proof is in the pudding. How many boys in this system have been rehabilitated? I have heard figures bandied around, but I guarantee that 9 out of 10 would go to the big house; they will just go through the revolving door. Everybody is going to ask the question: What are we doing? Why are we doing this?

It is well known throughout the juvenile arena that if you do your time as a juvenile, you will get it done easily. A lot of these other cultural groups, or the young gangs, say to get their crime done early so they can make a few dollars, or whatever, which is fair enough, and then they can do it under the juvenile system. So what sort of deterrent is it for a young offender? These blokes are just going through a system where they are going to get fed every day and have a game of football. I think Kariong was built to be harsh; that was the end of the road. How many times will these boys get a chance? This is the end of the road; it must be a harsh environment.

Mr M. FITZPATRICK: If you want to go by statistics, I will tell you the recidivism rate in New South Wales. It will prove that the system is not working. In most States in Canada the recidivism rate is 6 per cent. In most states in America the recidivism rate is 8 per cent. The recidivism rate in New South Wales is over 95 per cent. Tell me what is not working. If we go down the same road now, who knows, it might turn around.

Mr HAWTHORNE: The other 5 per cent, a lot of them are drug users, and the other 5 per cent go by the wayside and end up in the morgue.

Mr MENSER: In relation to your question, I believe that we do need a centre such as Kariong. It is incumbent upon us to provide a safe, secure environment for all juvenile detainees. The primary reason why you need Kariong is that any young people who are unmanageable at the other centres need to be taken away to somewhere like Kariong so that the other boys in those centres are not under threat or likely to adopt those offending behaviours.

I believe that one of the biggest failures of Kariong was that there was no uniformity of methods. The goalposts kept getting moved all the time. The reason why Corrective Services is doing a good job there now is that they are all in the same uniform; they all work under the same rules. The boys are no different. They might have committed some heinous offences, but they are no different to any other boy. They need boundaries set; they need to know that the same thing is going to recur the next day, that if they do this today it is going to be the same tomorrow. But while we kept moving the goalposts, they did not know from one day to the next what they were going to do. I have heard the boys say that.

CHAIR: Thank you, Mr Menser. I might say, we have also heard evidence on that, and we have also heard that from detainees themselves.

The Hon. CATHERINE CUSACK: I would like to ask about adults in custody. Mr Fitzpatrick, what is the oldest offender you are aware of in Kariong?

Mr M. FITZPATRICK: We had a 24-year-old offender who came in from gaol.

Mr B. FITZPATRICK: He was 26.

Mr M. FITZPATRICK: I am sorry, he was 26 years old. He came to Kariong from gaol, from an old juvenile offence, with DNA evidence from an offence committed when he was 16 or something. We had a boy come into the centre for murder, and he left the centre at 19 or 20 years of age. He went to Baxter, and he left Baxter at age 26.

The Hon. CATHERINE CUSACK: I understand that the legislation now restricts offenders to the aged 21.

Mr M. FITZPATRICK: We have a boy there now who is 22 years of age. In fact, we have a couple of boys who are 22.

The Hon. CATHERINE CUSACK: Have you ever been suspicious as to the age of any of these offenders?

Mr M. FITZPATRICK: Absolutely.

The Hon. CATHERINE CUSACK: Can you give me an example?

Mr M. FITZPATRICK: There is now a boy at Baxter who told me he was 23, and he is 17. To be honest with you, he looks 33. He claims he is 17. Even the police were suspicious.

The Hon. CATHERINE CUSACK: Have you ever had any detainees go bald while in detention?

Mr M. FITZPATRICK: We have had boys turn up bald.

The Hon. CATHERINE CUSACK: I am talking about being bald as part of the ageing process; in other words, middle-aged.

Mr HAWTHORNE: We have had boys who are older than some of the workers.

The Hon. CATHERINE CUSACK: Are you aware of any scams whereby it appears that one person has substituted himself for a true offender, in order to do time on behalf of the person?

Mr M. FITZPATRICK: Yes, I am aware of that, but it is only hearsay from that boy. If the authorities found out, the jig is up.

The Hon. CATHERINE CUSACK: Would you say that IDs can be an issue in the juvenile justice system?

Mr M. FITZPATRICK: Yes, they can.

Mr HAWTHORNE: When Corrective Services took over Kariong, we took a boy down from Baxter to Kariong and they would not allow that boy to come to the centre. They would not allow him to come through the front gate because the juvenile justice workers did not have identification. We had no ID on the boy, and because they are a professional unit they would not let him in, and rightly so. That is the difference between the two departments. That is why they have got Kariong now and we have not.

The Hon. CATHERINE CUSACK: I take you back to the time when there were a large number of gang rapists in Kariong, who I believe were of Muslim faith. Did you have Christian groups coming to Kariong at the time?

Mr M. FITZPATRICK: Do you mean Christian groups of Lebanese?

Mr PARKES: At church services on a Thursday night we used to, yes.

The Hon. CATHERINE CUSACK: Was there interest amongst the Muslim boys in attending these events?

Mr B. FITZPATRICK: Yes, there was, and I will tell you why. These church groups brought in a lot of young females who sang songs. There was even a daughter of one of the men who brought them in. These Muslims were allowed to go, for the simple reason that the girls were there.

Mr M. FITZPATRICK: There was something more alarming than that. When the department brought in Muslim clerics to the centre to have prayer with these Muslim boys, I was supervising at the time and we had about six or seven Lebanese boys. Five of them were the rapists. The cleric was telling them that women are meat, women are no good, women are just here to have our children. As soon as I heard that, I got them taken out, never to come back. Now that is teaching to Muslim kids, and that is absolutely wrong.

Mr HAWTHORNE: In saying that, though, a lot of the Muslim boys have brought something to Juvenile Justice. They have conducted themselves in a certain way. Most of them—then again, I am saying most of them—have conducted themselves okay. We only encourage them. They have prayers three times a day. We can only encourage that because I think that helps them in their development.

Mr M. FITZPATRICK: The Muslim boys actually contributed to the uplifting of hygiene in the centres, too.

Mr HAWTHORNE: They are very clean. You are not allowed to walk into their room with your shoes on.

Mr M. FITZPATRICK: They really benefited the other boys.

The Hon. CATHERINE CUSACK: I understand that the Muslim detainees refused to smoke marijuana.

Mr M. FITZPATRICK: No, not a chance.

The Hon. CATHERINE CUSACK: I was not seeking to cast any aspersions in that regard, simply referring to the appropriateness of programming for the detainees.

Mr HAWTHORNE: The whole thing about us coming down here is that we want to get away from political pointscoring or whatever. We just want to give our lot and tell you what has happened in the best way that we can. We are not the most articulate people in the world but at the end of the day we go back to our misery or whatever.

CHAIR: You were talking about Christian groups coming in and running services. Then something was said about women clerics coming in talking to the boys.

Mr M. FITZPATRICK: No, male clerics.

Mr HAWTHORNE: Muslims or otherwise would go to these singalongs and prayer sessions that were only interested in the girls. They are young boys. Of course they are going to be interested in girls. And if they get the opportunity they will interact. It is an operational thing. Everything in their incarceration is operational.

CHAIR: How do you know that Muslims clerics were speaking so disparagingly against women?

Mr M. FITZPATRICK: Because they had to speak English and I had a worker up there at the time supervising. He ran downstairs and told me what was going on. As soon as I told the organiser of this religious group he had it quashed.

The Hon. CATHERINE CUSACK: Were the boys permitted to have posters of Osama bin Laden in their cabins?

Mr M. FITZPATRICK: Yes. Not so now. They were at Kariong, yes. Quite a few of them did.

The Hon. CATHERINE CUSACK: In relation to the Christian groups that came in, the boys that I am referring to are the gang rapists.

Mr B. FITZPATRICK: Yes.

The Hon. CATHERINE CUSACK: How old were the girls?

Mr B. FITZPATRICK: I would say between 16 and 18.

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The Hon. CATHERINE CUSACK: Were there any occasions when those girls were in danger?

Mr HAWTHORNE: The whole time they were there. It is a maximum security facility. It is not a picnic.

Mr M. FITZPATRICK: In behind the bars where we are—

Mr HAWTHORNE: People have been taken hostage. Their lives have been destroyed through just coming through that front gate. If they knew for a minute what was involved they would not come near the place. Would anybody send their daughters there? I would not.

The Hon. CATHERINE CUSACK: Were they in a room where the detainees were restrained from—

Mr M. FITZPATRICK: They were confined in the same room with them.

The Hon. CATHERINE CUSACK: Which room was that?

Mr M. FITZPATRICK: Up in the programs unit at Kariiong.

The Hon. CATHERINE CUSACK: So everyone was in a room together.

Mr HAWTHORNE: Yes. It is exactly like the other units only they have established it as a programs unit.

The Hon. CATHERINE CUSACK: Did anybody ever say to management that this might be inappropriate?

Mr M. FITZPATRICK: Of course.

Mr B. FITZPATRICK: A lot of reports were written. I wrote one myself about how I did not agree with them coming in. The organiser of it would say, "We had 20 boys there last night. It is a good thing." But when they turn up without any girls they only get two or three.

The Hon. CATHERINE CUSACK: Did any of you have to restrain a boy?

Mr HAWTHORNE: In general as far as the religious services go the boys act with a lot of respect. Even though they are criminals they have a code amongst themselves and that is to respect people's religious beliefs. That is a good thing. So if these people come in—and we have got chaplains employed by the department that do this job, and they do a good job really in a hard situation. But there again, where there are operational procedures and override and where these type of things with the chaplain, we always had concerns about when the chaplain comes in, when somebody else comes in and brings different people into an environment like this it is a touchy situation, you know.

Mr B. FITZPATRICK: The workers were always on edge. Any time I was in there I was always on edge that I always was about to jump in and pull someone off him. You were always on edge when they were there.

The Hon. CATHERINE CUSACK: I understand these girls were singing songs as part of the service. Were there occasions during the event or after the event where you had to restrain any boys from imposing themselves on the girls?

Mr M. FITZPATRICK: No, but the boys were always whispering in each other's ear and giggling. It was obvious what they were talking about. They were allowed to converse with them after and talk with them. They even had the opportunity to hold hands and grab them if they wanted to because it was just that kind of thing. I remember once we had a new recruitment of workers coming up the stairs. Half of them were females and some of them were quite young and attractive. A couple of the Muslim boys you mentioned, the rapists, were there screaming out the window. They ran to the bars. I had just rung one of their parents to make a phone call because it was phone call night and he

did not want to talk. "Oh no, I am busy." He was screaming out to the women, obscenities. I ended up raising my voice to him because the next level was physicalities. I got called out by the manager the next day, berating me because I raised my voice to a detainee. There was no consideration about the poor person walking up the stairs copping a mouthful. Things got a little bit askew in the high department.

The Hon. CATHERINE CUSACK: Did any Muslims detainees convert to Christianity while they were in Kariiong?

Mr M. FITZPATRICK: No, but vice versa. A few Christians were converted to Islam, yes.

The Hon. CATHERINE CUSACK: Did that happen through Christians engaging in Islamic—

Mr M. FITZPATRICK: You have to understand. The Muslim boys are very protective of their culture and very, very protective of their religion. If someone has a go at the Bible it does not affect a lapsed Catholic that much or they will not react that much whereas a Muslim would. There have been lots of fights over that sort of instance. But there have been a lot of occasions where the Muslim boys have recruited Christians into their religion.

The Hon. CATHERINE CUSACK: Mr Fitzpatrick, earlier you referred to charges being laid against you but now they have been withdrawn by the department I understand. Did any relate to the sexual incident in the visitors room involving MMK?

Mr M. FITZPATRICK: Yes.

The Hon. CATHERINE CUSACK: Were any staff ever disciplined as a result of that incident?

Mr M. FITZPATRICK: There was no action, just two investigations and that was it, of me and another lady who was exonerated also. They were the only discipline that I know of. It was taped immediately by another worker, who was the only worker left in the visits area. Both tapes went to the manager and one of those I believe went to the cluster director, and there it stopped. It did not go any further.

CHAIR: Except the media seem to have some tapes.

Mr M. FITZPATRICK: Yes, how did they get them? I have no idea. That was probably the contributing factor to Kariiong closing, all that exposure.

CHAIR: It was.

Mr HAWTHORNE: There again, there is always video surveillance at Kariiong. We have 56 cameras there. When an incident like this happens it used to be a joke that there was a box of the videos with each incident. It was readily available to anybody. If this video ended up in the media's hands who had access to it? There was never any investigation. There again, we will go for the worker. Where did the video come from? It was left lying around. They could have asked me where it came from. They never did.

Mr M. FITZPATRICK: I want to know why it was not under investigation at the time of the incident. There was only an investigation after it was released to the media.

The Hon. CATHERINE CUSACK: So the investigation did not commence until after the video became public?

Mr M. FITZPATRICK: That is right. Management knew about the incident. So did the cluster director.

The Hon. CATHERINE CUSACK: The Minister has told Parliament that three people were disciplined in relation to that incident.

Mr M. FITZPATRICK: Who are they?

The Hon. CATHERINE CUSACK: She did not name the people but you are not aware—

Mr M. FITZPATRICK: Because she cannot. You cannot name ghosts. There was no-one disciplined. If you call me being under investigation disciplined well then I guess one was me, who had nothing whatsoever to do with it.

Mr B. FITZPATRICK: But that was way after—

Mr M. FITZPATRICK: That was after the media got hold of it. Management new about the incident the next day—actually that day because it was a weekend. They knew about it and it was not until months later when it was on TV somehow that then the discipline comes.

The Hon. CATHERINE CUSACK: Do you think that that incident was a factor in Kariong closing?

Mr M. FITZPATRICK: I think it was a catalyst.

The Hon. CATHERINE CUSACK: Have you had any feelings of regret or remorse about this in relation to Kariong?

Mr M. FITZPATRICK: No, bitterness, anger. I cannot believe that the evidence we gave, which I thought was significant to the way Kariong was run and the downfall of Kariong, was suppressed. It just made our trip down here inane, innocuous, ridiculous and why bother. Then on top of that we had to deal with our colleagues, who two days later were sitting in a room being lectured by people out of the department looking at each other saying, "Where are our jobs? What are we going to do?" They were all looking at me and Peter and Brian. It is totally not fair. Such a debacle as Kariong—the way it was handled, the way it was run and our feelings about suggestions on how it would run better all the way during the fact, and the fact that I told the Minister about it six months before it closed. I was thinking she could do something about it because our management will not. The cluster director down will not do anything about it. "Would you do something about it, please?" But when we tell her, the Minister, nothing happens. And then they close it.

Mr HAWTHORNE: A picture is worth a thousand words. We can tell you all day. What do the public do? They listen to about two seconds of it. But everybody comes up to me and says, "What about the incident of the boy having sex?" Obviously they are not interested in the facts. It was something that was thrown out there, this particular videotape. We were saying this happened and this happened and the department was trying to hide it, trying to sweep it under the carpet. Then we would say, "This is not good." When that video came out it showed that things were crook at Kariong. It cost us our jobs but it highlighted what we were saying. The 10 or 20 seconds of footage showed that what we were saying, that things were crook as Tallarook, was 100 per cent. We are all sorry that it ever happened, that we lost our jobs. We are sorry that video came out. But nobody listened to us. We went to forums, we went to quality review meetings—all these things—but then nothing came out of it. Nobody was listening. What does it take? Somebody in their frustration says, "Give them a look at that." If that is what they have done—and they have done it—so be it.

The Hon. CATHERINE CUSACK: Would it surprise you to learn then that the department had already given up on Kariong and commissioned a report in March of last year with a view to closing Kariong?

Mr HAWTHORNE: It wouldn't surprise me, Catherine, because out the front of Kariong, when it was opening day, on the insignia it had Corrective Services. If you go and have a look, it has been from day one. We knew at some stage and it was just a matter of when we stumbled and fell, that is when they were going to be, and it just happened to be that at that time it got too much pressure; obviously, everybody was too embarrassed about the situation. We were prepared to jeopardise our jobs for it not to go on, to let somebody know—to let the people of New South Wales know that this is how the taxpayers' money was being spent.

Mr M. FITZPATRICK: I really need to say this here. We had a Corrective Services manager for one month at Kariong, signed on the dotted line to be manager of Kariong. That Corrective Services manager started putting the place right, how it should be. As soon as that Corrective Services manager saw a riot going on in one of the units because there were no cigarettes, the manager witnessed the cluster director coming to the centre and order that the boys have cigarettes—sent someone up the shops to bring packets of cigarettes and give to the boys—and share a cigarette with the boys. The manager from Corrective Services threw her hands in the air, went down and resigned.

Mr HAWTHORNE: And it must be said that if one worker was found to give one cigarette to one boy—

Mr M. FITZPATRICK: Yes, we would be sacked.

Mr HAWTHORNE: There would be instant dismissal—straight out the door. There is one thing for management, one thing for officials, and another thing for workers. It surprised me, honestly—I grew up in a Labor Party area—that the Labor Party ended up acting this way for managers, and the same with the PSA. The manager of Kariong is a member of the PSA—David Sherlock, the director, is a member of the PSA. The PSA have to act for him as well as us. Things are just upside down. How can the PSA take somebody to task who is one of their members? They cannot do it. It is an impossibility.

CHAIR: Our time for questioning has come to an end, but I wanted to make sure that you had the opportunity to say anything finally.

Mr B. FITZPATRICK: We are here to see how things are worked out for us. A lot of people lost their jobs, a lot resigned, a lot have taken redundancy money because they were forced into a corner where they had the choice to take redundancy or chance it and stay at Baxter when permanents are not assured of a job, so they took the redundancy. We are still copping a fair bit from the Baxter staff. We are still not treated that well up there. A lot of us do not even want to walk in there, but we have to. I was talking to a unit co-ordinator a couple of days ago and he said to me that my head is on the chopping block.

Mr M. FITZPATRICK: By coming here today.

Mr B. FITZPATRICK: Yes. And I have been with the department for six years—more than him, but he had been at Baxter for longer than I. We are not welcomed with open arms up there. They blame us, me, Mark and Peter mainly. My job might not be there after 12 months, or less. And in that way it has affected me and a lot of ex-Kariong staff.

CHAIR: Can I make a statement in the light of what you have said? It is against the law for any witnesses who have been here before this Committee to suffer any form of harassment. If any of you find that happens, would you please let the secretariat or me know, because that is contrary to the law and we are then obligated to follow that up.

Mr M. FITZPATRICK: I would love you to follow through the letter we got saying that we will be no longer required after the end of next month. I feel that a form of professional harassment by the department, saying that we will be on salary maintenance after 30 June. If that is not followed up and something done about that, then I will lose all confidence in everything that is happening in this department.

Mr B. FITZPATRICK: We are very experienced youth officers and our jobs could be taken over by new recruits.

CHAIR: Is there anything further that needs to be said?

Mr HAWTHORNE: Yes. Firstly, I thank you guys for the work you were all doing. We are public servants; that is what we are and that is our charter, to serve the public. As far as individually, I bore the brunt of a lot of what happened and I felt responsible for a lot of what happened at Kariong, but it was a case of: do you just stand by and let things happen or do you stand up—are you capable of

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standing up and being counted? I am going philosophical, but I think that there is too much blame and not enough of people standing up.

Okay, we have got a hard job; we have got criminals and they have been part of society for a long, long time. How do we deal with them? Do we deal with them with a softly soft approach? Sometimes, yes, okay, you can do that but, at the end of the day, when the good men and women of New South Wales stand up and do their job, let them not be hindered by weak, gutless individuals that come along and pull the carpet from out underneath them. Thank you.

CHAIR: Is there anything else you want to say?

Mr M. FITZPATRICK: Yes. I just want to thank you very much for lending us your ears. We appreciate you listening to us; it has been long and tedious at times, and I thank you. I just want to say that personally, for me, as Peter said, I feel responsible for probably being a catalyst for the downfall of Kariong and I have lost a lot of friends in the interim. On top of that, this investigation over Christmas and New Year has really opened my eyes to misery, and the amount of tears I have shed sitting in the foetal position in the shower every now and then, just thinking about what has transpired and what has happened, has really made me feel guilty, which I should would not feel. I am still feeling that and I still hate waking up every single day and going to work, knowing my time is limited and knowing that all eyes are on me, and knowing that the department have no wishes for me to be anywhere near the department anymore; and I know that. We are here to tell you the effects that Kariong has had on us. Well, that is my lot. I cannot help but feel let down big time. But, once again, thank you for your time.

CHAIR: May I say that we wish you well. Thank you for coming.

(The witnesses withdrew)

(Luncheon adjournment)

(The Committee continued in camera)

(Public hearing resumed)

GLENN GEOFFREY ELLIOTT-RUDDER, Secretary, Departmental Committee Juvenile Justice, Public Service Association of New South Wales, 160 Clarence Street, Sydney,

ANDREW ALLAN WILSON, Industrial Officer, Public Service Association of New South Wales, 160 Clarence Street, Sydney, and

STEVEN TURNER, Assistant General Secretary, Public Service Association of New South Wales, 160 Clarence Street, Sydney, affirmed and examined:

CHAIR: Do any of you wish to make an opening statement?

Mr TURNER: Our submission is pretty specific. I wish to make the opening statement that we believe the troubles that occurred at Kariong were troubles of management and management's failure to implement certain policies and procedures. Once the transfer occurred to Corrective Services, what that achieved is what we have been saying all the time: that the offenders at Kariong need to have a carrot-and-stick approach to being looked after. There was not the appropriate ability for the staff at Kariong to implement and discipline young offenders at the institution. Yet, when Corrective Services took over, they have that ability.

So we do not oppose that the transfer has occurred, and we are not saying that it should be reversed, but we are certainly saying that there needs to be no further transfers to Corrective Services, that Juvenile Justice can continue to look after the remainder of the centres. However, the legislation needs to be amended to allow Juvenile Justice workers to be able to implement the proper classification system of detainees. It also needs to be able to support those staff in implementing not only the welfare model but also a disciplinary approach to managing the young offenders within those institutions. There also must be appropriate training and the provision of appropriate equipment to staff to support that wider range of working with detainees.

We say that what happened at Kariong was also shown through another event that was happening at the same time. Our members raised with us an unsafe working environment. There was a young offender at Cobham who was, to all intents and purposes, an adult; he was a large man. Juvenile Justice, because of the way it operated, could only try to placate that offender by trying to offer him rewards. The next reward he was to be given was to be moved from Cobham to a minimum security centre. Our staff opposed that, and in fact later on that offender was the instigator, we believe, of a riot at that centre. One of our members was lucky not to have been killed during that riot. In fact, the offender was then moved to the Corrective Services system. If a proper system of classification and a proper approach to discipline, as well as managing offenders, had been implemented, all that could have been avoided.

CHAIR: Earlier you spoke about "our members", and then you spoke about the problem of management at Kariong. Are the managers at Kariong also your members?

Mr WILSON: It is correct to say that a number of the management staff at Kariong were PSA members. But the fact that they were members does not necessarily mean that the association endorsed everything they did on behalf of the department. It is true to say that all members of the association are entitled to the association's representation in relation to industrial issues that affect them, whether individually or collectively. However, we have a large number of members who work in management positions within Juvenile Justice, and indeed in other government departments. When they are exercising the authority of their managerial position they are acting on behalf of the department, not the association.

Mr TURNER: Specifically in relation to your question, the PSA has a very strong code of ethics that it operates for its membership. When I was talking about our members, I was talking about the staff, as opposed to management, and their role of managing the Department of Juvenile Justice.

The Hon. CATHERINE CUSACK: Mr Elliott-Rudder, have you ever worked as a youth officer in a detention centre?

Mr ELLIOTT-RUDDER: Currently I work as a youth officer, located at Riverina Juvenile Justice Centre, and I have done that for the past 6½ years.

The Hon. CATHERINE CUSACK: Did you play any role in relation to what happened to workers at Kariong and the transfer to Corrective Services?

Mr ELLIOTT-RUDDER: What do you mean by that question?

The Hon. CATHERINE CUSACK: Is that a matter that was within your purview as the PSA representative? Were you notified by the department of that transfer?

Mr ELLIOTT-RUDDER: The only information I would have with regard to the transfer of Kariong to Corrective Services was in my conversations with my colleague Andrew Wilson and in acting as the secretary of the departmental committee. But that transfer obviously happened very quickly, and notification of that transfer was done probably without much consultation for both staff and the PSA.

The Hon. CATHERINE CUSACK: Did the department satisfy the requirements of the award and give adequate notification to the workers? Did the department consult adequately and give adequate notice to Kariong workers in relation to the transfer of the facility?

Mr WILSON: There is no notice period in the award concerning decisions that are made pursuant to the closure of any workplace, or the move of a particular workplace from one government department to another. The association believes that our members should have been given more notice under the circumstances. We were left in a situation where, in a very short space of time, we were forced to deal with the impacts of the decision to move the centre on a large number of staff, and in light of the troubles that had existed within the centre for some time. So it was a very difficult scenario to deal with. We do not believe we received sufficient notice. However, since then considerable effort has been made to relocate and redeploy staff. So there has been an effort made by the department since then, which we must recognise, but I think it would have been better for all parties concerned had there been more notice initially.

The Hon. CATHERINE CUSACK: It is incorrect to say that Kariong was transferred from Juvenile Justice to Corrective Services. In fact, Corrective Services was contracted to manage the facility under delegation, so it was still formally the responsibility of the Minister and the director-general. That is why—

Mr WILSON: I would suggest you are splitting hairs on that point.

The Hon. CATHERINE CUSACK: In terms of the award and the requirements that workers be consulted and given notice of that type of change, apparently they received no notice.

Mr WILSON: As I said, we believe that they should have been given more notice.

The Hon. CATHERINE CUSACK: What did you do to follow that matter up?

Mr WILSON: One of the staff who was acting under my direction at the time sought to have meetings with both senior staff of the department and staff within the centre in order to ascertain exactly what was occurring. For a brief period of time there was a PSA picket on the centre and a brief period of industrial action. That was lifted subsequent to discussions between the association and the department, and there was an extensive period of discussions between both parties, which resulted in the redeployment or redundancy of the bulk of the staff from the centre.

The Hon. CATHERINE CUSACK: With regard to the issue of notice, you have given a description of what occurred in terms of the staff's reaction to the announcement that Corrective Services would be contracted to manage the centre. How was the issue of the lack of notice pursued? Was a request made to the Industrial Relations Commission?

Mr WILSON: Effectively, we were in a situation whereby we had to protect the best interests of our members at the time. The Government had made a decision. Obviously, we were arguing at the time that that was unnecessary. But it had made the decision, and we had to act in order to secure jobs and entitlements for our members, and that is what we did. Once the decision has been made, you have to deal with the practical situation you are facing. Yes, of course we raised the issue of the lack of notice. But once we are faced with the situation, we have to deal with that situation.

The Hon. CATHERINE CUSACK: Specifically, with whom and when was that issue of notice raised?

Mr WILSON: The association raised it at all levels of the department.

The Hon. CATHERINE CUSACK: I understand there was a strike at Kariong in July 2004.

Mr WILSON: That is correct.

The Hon. CATHERINE CUSACK: And there is a dispute as to whether the workers can recover the wages they lost.

Mr WILSON: That is correct.

The Hon. CATHERINE CUSACK: That matter appears to have gone on for almost a year now. Is the PSA having any success in implementing that ruling?

Mr WILSON: The matter is due to go to hearing before Deputy President Sams of the New South Wales Industrial Relations Commission at the end of June and the beginning of July. The matter is set down for three hearing days. The association has briefed counsel in the matter. We have prepared what we believe to be a very strong case. It is currently being opposed, obviously, by the department, as is its prerogative as the employer under this situation. We are hopeful of a good result.

It is the nature of any legal proceedings that matters take time. The PSA is happy to deal with these matters through the New South Wales Industrial Relations Commission. We are a very big supporter of our State industrial relations system, and we believe that that is the civilised approach to adopt.

The Hon. CATHERINE CUSACK: Were the workers at Kariong treated fairly?

Mr WILSON: In what respect?

The Hon. CATHERINE CUSACK: In the manner in which they lost their jobs, including the casual staff, whom I gather you have not represented. Have you represented casual staff in this matter as well?

Mr WILSON: We have, indeed. We represented all staff at Kariong. To answer your question as best as possible, we believe that what occurred in terms of the move to Corrective Services was not necessary, but that has occurred now. At the time we represented the interests of all members. We have been able to obtain positions for the vast majority of those members who did not seek a voluntary redundancy. One casual staff member wished to relocate to Dubbo and we were able to facilitate his relocation to the Orana Juvenile Justice Centre. So we have gone to some extent to deal with all the concerns of staff members. The particulars of the situation, however, are that currently a small group of staff are not redeployed into permanent positions with the Department of Juvenile Justice. However, they have been redeployed into long-term temporary positions, positions which will be ongoing up until the end of this year. Under the State Government's current policy these staff will have no forced redundancy. They will have their employment conditions and their status as workers protected on an ongoing basis. We are also entering into ongoing discussions with the department in the interests of securing their employment position into the future. So quite a lot has been done to protect the interests of staff, including casual staff.

The Hon. CATHERINE CUSACK: I believe the decision to bring in Corrective Services was announced at about 10 o'clock on 3 November last year. Did you have forewarning of that decision and, if so, how much?

Mr WILSON: We had no forewarning of that decision.

The Hon. CATHERINE CUSACK: How did you learn of the decision?

Mr WILSON: I learned of the decision when I was told by one of my colleagues, Geo Papas, who was the PSA industrial officer at the time responsible for Juvenile Justice. At the time I was his senior. So that is how I found out.

The Hon. CATHERINE CUSACK: And then you advised Mr Elliott-Rudder?

Mr ELLIOTT-RUDDER: I found out the next day or the day after that.

The Hon. CATHERINE CUSACK: Are you aware that the Department of Juvenile Justice was considering closing Kariong for some time?

Mr WILSON: No, we never had any indication of that. We had absolutely no idea that it was going to be moved to Corrective Services. Had we had any idea, we would have immediately engaged senior management of the department in discussions over that.

The Hon. CATHERINE CUSACK: I think it was about 26 September that the Minister announced that she was considering closing Kariong in a Sunday newspaper article. That was about a month prior to that decision. What was your response to that article?

Mr WILSON: I cannot recall the exact response of the association but I believe that the position we took was to query what would occur should Kariong be closed. It has been noted by many people—and many people prior to September last year—that the Kariong site was in a state of disrepair and architecturally speaking needed a number of enhancements to bring it up to an acceptable standard. So there has been discussion for a number of years as to whether it would be appropriate for the Department of Juvenile Justice to close the centre on a temporary basis to allow for such capital works to take place. Our interpretation of what the Minister was thinking about at the time was along those lines. That sort of discussion at that time was nothing new and we considered it in that context. The other context we considered it in was: if the centre was closed, what would be the flow-on effects on other centres within the department? Obviously, we keep a very close eye on the capacity of the department to house the detainees that it houses. I suggest that at the time my colleagues would have been looking at what might occur with any detainees then held in Kariong if the centre closed.

Mr TURNER: Could I add to that that ever since Kariong opened under the Liberal Government there were problems with the facility. Right from the start it was badly designed, and how it was opened and operated right from the start caused problems. The PSA has been protecting and making submissions on behalf of staff at Kariong almost since it opened. In fact, Kariong's environment was so bad that we had a special environmental allowance for all employees at that institution, because of how badly it had been designed in the first place. All the way through 2004 there were obviously problems. This is why we blame management for the subsequent events that occurred. The PSA had been making representations to management all the way through 2004 and we have been saying time and again, "You need a proper system of classification for detainees. You need a proper system of discipline to go alongside the system of welfare and you need to train and equip staff properly to look after the type of detainees you have in that institution." There were continual discussions backwards and forwards. When the worst of the press happened in 2004 of course there were further discussions with the department at all levels and every type of scenario possible was looked at. So whilst there might have been suggestions that it was going to be closed, the PSA was in there lobbying very hard that, with the right management and with the right processes put in place to ensure staff safety, it could operate and be an effective institution, and we still stick by that.

CHAIR: I am sure my colleagues will want to come back to that point in a moment. It is time for Dr Wong.

The Hon. Dr PETER WONG: What percentage of management are union members and what percentage of workers are union members? How do you stand in this management-worker dispute?

Mr WILSON: There are approximately 1,200 staff currently within the Department of Juvenile Justice and 1,000 of them are PSA members. So the overwhelming number of staff within the department are PSA members. Concerning the relationship that PSA has in representing staff who work at the coalface and staff who work at higher levels, we represent the interests of all staff. Our delegate structures and representative groups have always included a broad representation of staff, and not just on the basis of positions they hold. We have actively encouraged people from non-English-speaking backgrounds, indigenous workers, female staff and staff from a variety of different backgrounds to be part of the union. In terms of how the PSA deals with the issues that might arise between representing staff and management positions and staff in subordinate positions, we represent any person in relation to industrial issues that affect them. Wherever there is an issue that affects, say, centre managers we will make representations on their behalf and attempt to resolve the issue for them with the department. In terms of our general approach across the board, we believe in a civilised approach to industrial relations. We believe in raising issues with management through discussion and negotiation before taking any further action. We believe that most issues ought to be resolved in that sort of way.

The Hon. Dr PETER WONG: It seems that some former members at Kariong have lost their job or are in temporary positions or in fear of losing their job. What is the PSA going to do about that? Are you optimistic that former workers at Kariong will obtain permanent employment?

Mr WILSON: I am neither optimistic nor pessimistic. I claim to be realistic about this. The availability of staff positions within Juvenile Justice is largely dependent upon the detainee population held within the department. The detainee population has been relatively stable. What the PSA has been doing and will continue to do is argue for the establishment of more permanent positions within the department. If the detainee population is more stable then there is a great potential for the department to establish permanent positions because it can identify an ongoing staffing need. Establishing those permanent positions will give our members long-term employment within the department. But might I also say in relation to this that current State Government policies in relation to workers are decent policies and we support those policies being in existence: the fact that there are no forced redundancies, the fact that staff if they are in excess to the requirements of the department do get salary maintenance for a period, the fact that there are procedures in place to attempt to redeploy displaced staff's interest. We will be utilising those processes as much as we possibly can in order to gain for our members employment security.

The Hon. Dr PETER WONG: Are you concerned that some members will perceive that because they spoke out against the management of the department they may be stigmatised and may even lose their jobs as a result of speaking out, and what is the PSA going to do about it?

Mr WILSON: For starters, if the department were to attempt to dismiss any staff member along those lines, if they were a PSA member the association would immediately pursue unfair dismissal action through the New South Wales Industrial Relations Commission. As I already mentioned, the PSA is a big supporter of our State system of industrial relations. We believe that that would be the appropriate course of action. If the department were to single out staff members in such a way I believe it would be heavily scrutinised and criticised by the commission. The association would also reserve the right to take other action in support of our members. If staff members have made a protected disclosure they are protected under legislation against any detrimental action for doing so. The PSA commits itself to taking whatever action it can possibly take to protect our members under those circumstances. In relation to any action that might have occurred against staff, I am not aware that the department has targeted any staff as yet. If there are any examples of the department targeting staff we want to know about it because we are in a position to do something about it.

The Hon. Dr PETER WONG: Apart from the haste of transferring Kariong from Juvenile Justice into Corrective Services, does the organisation support in principle the legislative changes for the transfer?

Mr WILSON: We believe that the legislative change is insufficient at the moment. We believe that the legislative change was a step in the right direction but we believe that further legislative change is required. We do not believe that staff have sufficient power to deal with detainee violence and other antisocial behaviour which is displayed by the detainees. Certainly the legislation gives staff an option of having violent detainees transferred into Corrective Services but further legislative change is required in order to enhance the powers of staff within Juvenile Justice.

Mr ELLIOTT-RUDDER: We would support changes to the Children (Detention Centres) Act, which I assume members are aware of, which governs the way detention centres operate and the subsequent regulations of that Act. We would support the Act reflecting more closely the Crimes (Administration of Sentences) Act, which is what the Department of Corrective Services operates its institutions under, particularly in relation to some areas of appropriate punishments being taken in the area of visits and having people bringing contraband into detention centres. I think that the Act came into force at a time when the clients that Juvenile Justice dealt with were different. We are talking about a change in the level of violence that staff are subjected to, the difficulty of managing those clients from day-to-day. I note that the department has released a draft disability policy that deals with the number of young people in detention with psychiatric illnesses, personality disorders and disabilities. We are talking about a wide range of problematic young people that youth officers and unit co-ordinators have to deal with on a day-to-day basis.

The Hon. Dr PETER WONG: If the failure of Kariong is due to management, why does the PSA not suggest reform of management rather than transferring it from Juvenile Justice to Corrective Services?

Mr WILSON: Perhaps if I could direct the Committee's attention to the association's submission, which goes into some detail as to our recommended changes in relation to both the management structure and also the management culture of Juvenile Justice. Just on this point, we have seen some signs that the management culture of the department is changing so that it is recognising staff better; it is respecting staff more. So we have seen some signs. We would like to see those changes continue because we think that there is considerable work to be done in order to remedy the relationship between senior management of the department and the front-line staff.

In relation to the senior management structure of the department, our submission details that we believe that the custodial and community-based functions of the department should be split within the department's organisational structure. The association's suggestion in this regard has not been adopted by the department. In fact, they have quite firmly opposed the association's position in this regard at this stage.

Mr TURNER: And just to be clear, the PSA did not support the transfer of Kariong from Juvenile Justice to Corrective Services. In fact, we were not consulted on it. It was announced very suddenly and occurred very suddenly. We thought that with the right change of management practices within the centre it could have been managed perfectly well under Juvenile Justice.

The Hon. AMANDA FAZIO: In your submission on page 19 you talk about the PSA's recommended amendments to the Children (Detention Centres) Act 1987 and the regulations that go with that Act. You have made quite detailed recommendations for change. Could you explain the process that you went through? Did you consult with members at different centres to come up with these proposals?

Mr ELLIOTT-RUDDER: If I may answer that question? What we have done—and these are not new things; members should be aware that a lot of these things that we are discussing today are historical and that we have raised them time and again in the appropriate forums and nothing seems to have been done about it until something as dramatic as Kariong happens, and then suddenly we have reactions by senior management and they are moving in a direction that we would have liked them to move about five years ago.

But in relation to the specific changes to the Children (Detention Centres) Act, those recommendations were from the departmental committee, which is made up of delegates like myself, who come together on a regular basis, who represent members in detention centres and also in

community offices of the Juvenile Justice Department. We have worked hard to go through the Children (Detention Centres) Act from page 1 onwards to say, "Where are the gaps in that Act? What are some of the recommendations that we believe are necessary to give staff and empower staff with the appropriate tools to do their job effectively?"

Mr WILSON: I might just make the following comment. The attitude of the department concerning possible future legislative change has recently been a positive one. In fact, they have made certain suggestions to the association, which we believe warrant very serious consideration. One of those suggestions is, instead of extending the time period when staff are able to keep detainees in segregation—instead of there being a maximum time limit, provide certain conditions for continued segregation of detainees.

Therefore, it would be possible to go beyond the limits, which even the PSA suggested in this regard. So there are some meaningful discussions concerning this currently taking place and we are glad that that is happening at the moment. We wish it would have occurred some time ago, but we are very happy that it is occurring at present.

The Hon. AMANDA FAZIO: Also in relation to the section in your submission relating to the classification system and placements for detainees, you have made the suggestion that consideration should be given to the establishment of specialist mental health units within juvenile justice centres with specially trained staff from both Juvenile Justice and Justice Health. My understanding is that the juvenile justice population overall in New South Wales is relatively small. What do you think would be the best way to deal with this sort of thing and are your members supportive of these specialist initiatives?

Mr WILSON: They are absolutely supportive of the specialist initiatives. I am not sure if the Committee is aware, but there is currently a proposal to establish a specialist mental health unit within the Long Bay correctional complex and that within the Long Bay hospital there is apparently going to be a certain number of designated mental health beds for juvenile offenders. So, the latest information which I have at hand is that the Government is already moving towards establishing that.

I would suggest that those 17 beds are probably not going to be sufficient at this stage, but I would suggest that they certainly are a step in the right direction. Of course, one thing that must be addressed within this context is to look at how juvenile offenders are going to be managed, given that they are going to be under Corrective Services as well. So it might be that those particular detainees are restricted to detainees 16 years of age and over. So, we would obviously be concerned about what might be done in order to provide those types of services and programs for detainees who are aged 15 years old and younger.

Mr ELLIOTT-RUDDER: Probably one of the difficulties that all centres face is how do you manage a population of young people that may extend in age range from 10 or 11 through to 20, 21? How would you practically manage that population, given also the seriousness of the offences? If they have got mental health issues, how do we provide the appropriate programs and support services, the counselling, the treatment that they need?

The Hon. CHARLIE LYNN: We have heard that it is up to age 26.

Mr ELLIOTT-RUDDER: Sorry?

The Hon. CHARLIE LYNN: We heard this morning that there are detainees in Kariong up to age 26.

CHAIR: Certainly, up to age 24. With one it went to 26.

Mr ELLIOTT-RUDDER: The legislation has changed. You might be aware of the amendment in 2002 that came in that restricted the age to 21. However, those detainees who were sentenced before 2002 obviously may be subject to a warrant of commitment or a juvenile control order, which means that they serve that non-parole period or the entire time in a juvenile facility so, yes, you could have, in theory, detainees in their early twenties being housed in a detention centre.

The Hon. CHARLIE LYNN: What do you think the age should be between juveniles and young adults?

Mr ELLIOTT-RUDDER: Under the Crimes Act I suppose it is the age of 10 before you can be charged with a criminal offence so, in theory, we could have a 10-year-old at our centre mixing with a detainees who may be 15, 16, 17 or 18 years old because we do not have the facilities to separate the young people into appropriate categories and management areas. One of the issues that faces all juvenile justice centres is how do we, on a day-to-day basis, manage our detainee population, given their needs, the behaviour they display, those sorts of issues. It is a very practical problem.

Mr WILSON: I think the critical issue is distinguishing between those young adult offenders who are making a genuine attempt to address their offending behaviour and those young adult offenders who are making no attempt to address their offending behaviour. It is the association's belief that those young adult offenders who are not making an attempt to address their anti-social behaviour would be best incarcerated within Corrective Services. Those young adult offenders who are making a genuine attempt to address their offending behaviour, if they are within Juvenile Justice, they ought to remain there.

There are other particular issues that need to be addressed as well. There ought to be an interrelationship between programs and placements within juvenile justice and the young adult offender program that is in place within Corrective Services. That is quite a good program. So there needs to be a synthesis between the two departments in that regard. I go back to the general standard of distinguishing between what detainees are making an effort to address their offending behaviour and what detainees are not.

The Hon. CHARLIE LYNN: One of the issues is the high rate of casual staff within Kariong. It would seem to me that if you are looking at the sorts of issues you have just mentioned, you would need pretty highly trained, highly skilled staff, and they should be permanent staff as opposed to casual staff. Do think that was a major contributor to the problems at Kariong?

Mr ELLIOTT-RUDDER: If I can answer that question? Generally, staff at the moment, if you come into the department, I think the course is 27 days, so they get 27 days full-time training. However, if you are a casual officer, you are not entitled to ongoing training, so if the department brings in new policies or new ways of doing procedures, then those casual officers may not receive enough skilling in those areas. It is a difficulty for the department, given its limited budget in training and things like that, how they prioritise who gets training.

The Hon. CHARLIE LYNN: Is this something that the PSA has made strong representation on?

Mr WILSON: It certainly is, and we believe that the department should maximise permanent employment. Also, we have argued that staff do require more training in a large number of areas. We are currently in discussion with the department about this but these negotiations have not been concluded at the moment. We do know, as a first measure, that improved critical instant response training will be delivered to our members this year. But, obviously, we will be taking that as just a starting point. We believe that there is a significant training need out there and we believe also that the casualisation issue needs to be dealt with as well.

The Hon. AMANDA FAZIO: Do you get many complaints from your female members working in juvenile justice centres about harassment?

Mr WILSON: We have got complaints about harassment. In my time dealing with juvenile justice I would not necessarily say that juvenile justice is any worse than other areas where I have represented workers, but from my experience in most areas you are bound to get those sorts of complaints.

The Hon. AMANDA FAZIO: And was Kariong a particular problem for the PSA in that regard?

Mr WILSON: There were a number of complaints concerning sex-based harassment brought to the association's attention a number of years ago and a number of issues, which the association pursued.

CHAIR: In 2004 specifically?

Mr WILSON: No, these issues were originally brought to the association's attention around 1999-2000. I cannot recall myself exactly what became of them because I was not actually dealing with juvenile justice at the time.

CHAIR: We are concerned with 2004 and some earlier witnesses.

The Hon. AMANDA FAZIO: Can I ask you a little bit more about the suggestion you made earlier in your evidence, where you were talking about the separation between the community and the custodial divisions of the Department of Juvenile Justice. How would you see that panning out, in terms of maintaining some continuity of supervision for the detainees and how would it work when they are eventually released into the community?

Mr WILSON: Well, we are talking about changes to the management structure, not necessarily a complete division between the operations of the department—from the centre-based operations and the community-based operations. Obviously, there needs to be transitional arrangements for the detainees upon their release and I believe that the association's proposal does not inhibit there being such appropriate arrangements in place. What we do believe, however, is that the custodial side of the department ought to be managed by staff with considerable custodial management experience, so staff who can intimately relate to the issues, which are particular to a custodial environment. If you look at the managers within the department who are best able to manage staff in a custodial environment, you would note that they are managers with significant experience working in that environment.

In particular, in relation to the Kariong situation, when the management team at Kariong was replaced by a management team from the Frank Baxter Juvenile Justice Centre, the situation within Kariong dramatically improved, and it dramatically improved because the managers from the Frank Baxter centre are excellent managers. They introduced a very, very tight regime at Kariong. They got on the floor. They supported their staff. They did not expect their staff to do anything that they were not prepared to do themselves.

The results that they got within a very short period were nothing short of excellent. Kariong went from a situation where staff in which being assaulted on a regular basis to a situation in which, in the brief period that the Frank Baxter management team had carriage of Kariong, there were no assaults on staff. So there was a dramatic improvement. We believe that there is an enormous benefit to the department to ensure that the management structure within the department, on the custodial side of things, is dominated by people who have the necessary experience. So it is a very strong point that we will continue to make.

The Hon. CHARLIE LYNN: I have a press release dated 3 November 2004 from the Minister announcing the closure of Kariong. She announced a number of initiatives across Juvenile Justice including "a full industrial relations review". She said, "This will be done in consultation with the PSA." Is that the first you heard of that?

Mr WILSON: No. An industrial relations review was undertaken by Mr John Newbery, a consultant with extensive experience in the New South Wales public sector. I have a copy of the review. I believe that we have referred to it in our submission. We believe that Mr Newbery's review was a good starting point for change within the department. Indeed, the Minister and the department have picked up on all of Mr Newbery's recommendations. Currently, an excellent review process is in place with regard to investigative and disciplinary procedures in the department.

That is being undertaken by the Independent Audit Bureau, which is expected to produce a draft report at the end of this month. The PSA has been extensively consulted about what is in that and we are very supportive of the process. There have been a number of other recommendations that require further work. These include further training. They also include the issue of drug testing of

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staff. Again, the association has been extensively consulted about these issues and they are moving forward.

The Hon. CHARLIE LYNN: This is in regard to the transfer from Juvenile Justice to Corrective Services; taking control of Kariiong?

CHAIR: The question is: Were you consulted about that?

Mr WILSON: Okay. About the move, prior to the move occurring, I repeat the answer that I gave earlier to Ms Cusack about five times. We had no idea about the move of Kariiong to Corrective Services prior to it occurring.

The Hon. CHARLIE LYNN: So on 3 November this is the first you knew of it going from Juvenile Justice to Corrective Services?

Mr WILSON: We had no prior knowledge of it moving.

The Hon. CATHERINE CUSACK: Mr Turner, you indicated earlier that during the media coverage of Kariiong issues you had been briefed on a full range of options that the Government was looking at in relation to the future of Kariiong?

Mr TURNER: I did not say that we were briefed on it; I said that we knew it was looking at a wide range of options. It had a report done on possible options. When anyone looks at what they will do to fix a department they can go from one extreme to another. So we were aware that changes were being looked at. We were making many submissions along the same lines as we have put into this submission that Kariiong would be fixed with a proper system of classification and management of detainees, with appropriate provision of equipment and training of staff, and with possible legislative changes that would support staff in their role.

The Hon. CATHERINE CUSACK: Have you proposed those changes to the department? I guess my question to you is whether you have some solid recommendations that we would be able to use?

Mr TURNER: We have been proposing them non-stop since about August last year.

Mr ELLIOTT-RUDDER: The department had a client-based working party for a period of over 12 months. In theory, it was meant to address some of these issues. I sat on that committee for over 12 months. I must say that I was disappointed at the end of the 12 months with what the department was proposing. That committee finished up in late 2003 I believe. Then we had all the incidents of 2004, which pointed again to the issue of management having a different approach, a different philosophical belief about clients, safety and security, and how detainees should be managed in detention centres.

The Hon. CATHERINE CUSACK: When you say management are you talking about detention centre management, head office management, or both?

Mr ELLIOTT-RUDDER: Both.

The Hon. CATHERINE CUSACK: Have you heard of the Fish Payne Pattenden Viney report, which followed up on a statewide study of juvenile justice centres? It was given to the department in August 2004?

Mr ELLIOTT-RUDDER: I am not aware of that report.

The Hon. CATHERINE CUSACK: It talks about the closure of Kariiong and refers to a model of dispersing detainees into five other detention centres across the State.

Mr WILSON: We have not been provided with a copy of that report.

Mr ELLIOTT-RUDDER: Given some information on the current classification system, currently there are eight juvenile detention centres, of which six house maximum-security detainees, apart from Kariong.

The Hon. CATHERINE CUSACK: Which six are those?

Mr ELLIOTT-RUDDER: The two that do not house A-classification detainees are at Riverina and Keelong. The other six centres, if I made the correct count, do house A-classification, or maximum-security classification detainees. Another issue for the PSA is whether there are adequate programs in all those six centres to deal with maximum-security detainees and how we manage them.

The Hon. CATHERINE CUSACK: Are you referring to A1 classification or A2?

Mr ELLIOTT-RUDDER: I am referring to A2. The A1s generally are held at Reiby if they are under 16 and at Kariong if they are over 16.

The Hon. CATHERINE CUSACK: So where would the over 16 A1s be held?

Mr ELLIOTT-RUDDER: They would be held at Kariong correctional centre.

The Hon. AMANDA FAZIO: I refer to staff training, which I think you mentioned a minute ago. Do you have any comments on what progress, if any, has been made on improving training for staff working in Juvenile Justice? What do you think about the training that is going on in conjunction with Corrective Services at Brush Farm? Do you think that is valuable?

Mr ELLIOTT-RUDDER: The PSA's view is that current training in the area of the use of force and restraint methods, specific restraint methods, is inadequate to deal with the type of violence that staff are being subjected to in juvenile justice centres. I think that was borne out in the many incidents at Cobham and the many incidents at Kariong last year and in other detention centres. I am referring to the assault rate on staff. We do not believe that those restraint methods, or the training in the use of force is realistic and practical, given the environment in which staff work on a day-to-day basis. So we would hope that the department changes and that it takes a more practical and realistic viewpoint and view about any changes to the use of force and restraint methods.

Mr WILSON: Just to add to that, I understand that the initial training will mainly address critical incident situations. We believe that other training is necessary to compliment that. We support a situation whereby staff members are trained on a weekly basis in realistic techniques to intervene in violent situations. We believe that staff ought to be in a position that, when faced with any violence, they are trained to react immediately in such a way that deals with the violence effectively and minimises injury to themselves, fellow staff members, and to detainees. In practical terms, that is a very big call. It would require considerable training if staff were to reach that level.

The Hon. CATHERINE CUSACK: Is it possible to get a copy of the Newbery report?

Mr WILSON: I direct you to the Department of Juvenile Justice.

CHAIR: Thank you very much for appearing before the Committee.

(The witnesses withdrew)

ANDREW HAESLER SC, affirmed and examined:

CHAIR: What is your occupation?

Mr HAESLER: Barrister and New South Wales Public Defender.

CHAIR: In what official capacity are you appearing today?

Mr HAESLER: I am appearing as a Public Defender and as a representative of the New South Wales Public Defender's Office.

CHAIR: Would you like to make an opening statement first and then we will start to question you?

Mr HAESLER: Briefly. I will not repeat what I put in my brief submission to the Committee and I would also like to take the opportunity of adopting what previously has been put in writing by the Legal Aid Commission. The New South Wales Public Defenders are a floor of barristers who represent the most serious criminal offenders in the State subject to grants of legal aid and who act for people that the Legal Aid Commission sends to us, private solicitors who have grants of legal aid to represent children and other adults, and Aboriginal community legal centres who require the services of a senior barrister. So far as our involvement with Juvenile Justice is concerned, therefore, public defenders will be briefed only in matters of the most serious kind. It is unlikely to have a Public Defender for possession of marijuana in the Lidcombe Children's Court but it is very likely if you are charged with a homicide offence or a serious sexual assault that you may well be represented by a Public Defender. Our contact with Juvenile Justice is through our clients who are serious offenders or alleged to be serious offenders. As a consequence if they are in custody, and most of them are either bail refused or receive a sentence—they either plead guilty or are found guilty—they pass through Kariong. That is not a large number, but, then, there is not a large number, as you know, at Kariong. But we see quite a large number of them. That is the foundation for any submissions that I have made.

The Hon. AMANDA FAZIO: In reference to your submission, on page five you said that you thought the Act appears to be out of step with current psychological and legal thinking in relation to Juvenile Justice issues. Do you believe there could have been other ways to deal with the management problems at Kariong apart from transferring them over to Corrective Services?

Mr HAESLER: Yes. I have yet to find—this Committee may find one—any reason why it needed to be transferred at all. If there were problems with management then we have actually had quite a degree of confidence in Juvenile Justice to be able to manage young offenders. In contrast Corrective Services are, we presently believe, desperately under resourced to manage problem inmates. To digress briefly, Corrective Services are having problems with people with intellectual disability, they are having problems with people with mental illness, they are having problems with difficult-to-manage clients or inmates. To give them another set of difficult-to-manage inmates struck me as absurd, I must admit. To solve the problem by transferring it to another bureaucracy, skilled as they are in the management of inmates, struck me as a rather slapdash way of solving the problem.

The Hon. AMANDA FAZIO: You said also on page one of your submission that you thought the Department of Juvenile Justice or the system they operate was better equipped philosophically and practically to deal with young offenders. Why do you think of the Department of Corrective Services is not so equipped, given that they also have a wide range of offenders from series to less serious, people with drug and alcohol problems, people with mental illness problems as well in their population?

Mr HAESLER: The Department of Juvenile Justice has a specific mission statement that they have publicised and is well known. And they are directed at dealing with young people who come in contact with the department and the safety of the community, and dealing with young people as individuals. Corrective Services, so far as I know, have none. When you go to the Crimes (Administration of Sentences) Act the only obligation on prisoners is to obey. There is no statement of aims or anything else in the Administration of Sentences Act that puts an obligation on the department

other than to house prisoners. Yes, they do what they can for the prisoners they have to manage but their primary role seems to be management rather than rehabilitation whereas Juvenile Justice in the past certainly focused not just on management but with a very high emphasis on turning out inmates, when they are released, with some degree of rehabilitation. There seemed to be a difference in stated philosophies between the two departments.

The Hon. AMANDA FAZIO: Part of our terms of reference also is to look at ways in which juvenile offenders can be dealt with without having to go into the Juvenile Justice custodial system. Do you think that those diversionary programs that are available now are adequate? If you do not, how would you like to see them enhanced?

Mr HAESLER: I have been impressed by what has happened with the Youth Drug Court. I have been impressed with the Young Offenders Scheme. I have been impressed with the decrease in young offenders in custody. The numbers of juvenile offenders in custody is relatively static. Over the last 10 years there effectively has been a decrease—you would have more access to the figures than I would—compared with the huge increase in adult prisoners. I think that reflects well upon how those involved directly in Juvenile Justice have managed the same crime problem, in a sense, that is occurring in the adult community and it is reflected in the numbers in gaol. To a degree the numbers in gaol reflect a failure of the community to deal with the problems of crime. It is all very well to boast about the numbers of crimes, but the more people we have in gaol the more it reflects badly on us as a community. The fewer juveniles in gaol the better it reflect on us, so it indicates that the recent way that governments, plural, and the bureaucracies have been dealing with juveniles has a better success rate in many ways than the way people deal with adult prisoners. It is just reflected in the numbers.

The Hon. AMANDA FAZIO: How do you think we could try to reduce the recidivism rates of people who actually go into Juvenile Justice detention centres?

Mr HAESLER: Most of the individuals that I have dealt with and my office deals with do not reoffend, but they go in for long periods of time because the objective seriousness of their offences warrants severe punishment.

The Hon. AMANDA FAZIO: Do you mean like manslaughter or murder or something like that?

Mr HAESLER: Manslaughter or a murder maybe and sexual assault.

CHAIR: Crimes of passion that are a one-off rather than a pattern of behaviour?

Mr HAESLER: Even if the young offenders are involved in sexual offending, some period in custody is required if they have been convicted. We have not got to a stage of treatment only or rehabilitation only. But the longer they spend in gaol, after a period they get worse. There is a static period. The first couple of years when programs can be put in place you can take a child who has no education and send him out with skills. You can take a child who has no self-esteem and send him out with a bit of self-esteem. You can send him out with education. You can send him out with living skills. Juvenile Justice has been particularly good at that. Corrective Services, on the other hand, is mixed. There are some who have done quite well and there are specialist gaols—I am thinking more of the one at Brewarrina for Aboriginal people and I would urge you all to visit it if you have the opportunity—that can achieve that. But at the same time there are a huge number of adult prisoners who just get worse and worse in gaol and anyone with special problems, such as intellectual disability, definitely get worse in gaol. Concentrated effort on rehabilitation in a juvenile institution I have found almost uniformly has a benefit to the offender in terms of preventing reoffending and giving them skills that they did not have and which in many ways contributed to their ending up in custody in the first place.

The Hon. AMANDA FAZIO: In relation to kids who have committed serious indictable offences, the ones that you say in all likelihood will be the only offence they commit, do you think it is appropriate for those young people to go straight to Kariong when they have been charged with, say, a murder or manslaughter? Or do you think they should go to a lower level centre?

Mr HAESLER: Everything depends on the individual. I did a case last year of two young people who were charged with serious sex offences carrying life imprisonment. They were both troublemakers in the community, but minor level people. They were sent into custody because they did not treat the charges against them with the seriousness those charges deserved and they breached their bail. They were sent straight to Kariong. Subsequently they were acquitted. The jury took less than one hour to find them not guilty. That is why they had not treated it seriously, because they thought the whole thing was trumped up and the jury obviously agreed. The police acted on the complaint and there was nothing wrong with that. They got a fair hearing. But they spent quite a period of time in Kariong. It did not help them initially because they rebelled against it. They could not understand why they were in custody and why they were kept in such strict custody. It was totally inappropriate for them. I must admit, by the time they left Kariong they had a greater appreciation of co-operation with society and I do not mean that in an ironic or negative sense. They grew up a bit. This is just part of the problem. But, at the same time, they were subjected to some things that I would rather, and they would rather, they had not seen. But it would seem inappropriate that someone, because of the nature of the charge rather than who they were, should be sent to a maximum security institution.

The Hon. AMANDA FAZIO: You would like to see more discretion in that regard?

Mr HAESLER: Yes. There is no choice, and I think that is the problem. I am sure that Juvenile Justice or even Corrective Services, if they had an option, might well be able to assess people straight up and decide whether they need to be in a high security, maximum security institution.

The Hon. AMANDA FAZIO: Do you see that as being the role of the judge in the Children's Court, to recommend, perhaps, when someone is being placed on remand for a serious offence?

Mr HAESLER: The problem is that they may not know much about the individual and, frankly, their lawyers may not want them prying into their individual at that stage. To have someone independently assessed may not help their defence. Children have a tendency to tell everything about themselves.

CHAIR: Before we go onto Opposition questions, just help me to understand the system. Are there not court reports to the judge?

Mr HAESLER: Not at the initial arrest stage. At the initial arrest stage what will happen is that the police will arrest someone and there will be a police incident report—I do not know whether you have ever seen one—saying "X was arrested. X has been charged with a very serious offence." A policeman will prepare a statement of the allegation, and it is usually the allegation at its most worst and the magistrate really can only act on that. If it is a serious offence where there is no entitlement to bail there will be some evidence called or some evidence put before the court. It is possible that if there were choices for magistrates with serious offenders they could recommend where they go.

If a court sentences someone they cannot say where that person is to be housed, whether they be adult or juvenile. Sometimes judges or magistrates can make recommendations as to where a person to be gaoled either temporarily or for a sentence should go. But if you ask most judges they will say, "It's useless me making a recommendation because no-one ever listens to it".

CHAIR: I asked that question because as a parole and probation officer in another State I was often asked to give an independent assessment to the judge.

Mr HAESLER: That would be done on sentence. When it comes to consideration on sentence whether someone who is now over 18—this is the application of section 19—should go to an adult gaol or a juvenile justice institution, the parole officer or the juvenile justice officer will make a detailed report as to where they will best be sent. That happens on sentence but I thought the question was more directed to—

CHAIR: Yes, it was.

The Hon. CATHERINE CUSACK: In the case of breach of bail, they need to assess the person over a period of time and serious indictables are automatically sent to Kariong.

Mr HAESLER: Yes. You can understand that as a stopgap because they are serious indictable crimes and there is a place for serious indictable offenders. But if there was an alternative then I am sure Juvenile Justice would say of some of my clients that they really do not want them in Kariong; there is a better place to keep them.

The Hon. CATHERINE CUSACK: Have you heard the term "public interest" offenders? In other words, their case is in the media, I think.

Mr HAESLER: Oh, yes. I have not heard the phrase

The Hon. CATHERINE CUSACK: Another term I have heard is "political prisoners".

Mr HAESLER: I have certainly acted for some of them.

The Hon. CATHERINE CUSACK: How many cases would the Public Defenders Office manage over, say, a 12-month period involving juveniles?

Mr HAESLER: Probably only about a dozen but, of them, a number—in fact, most of them—would be public interest cases.

The Hon. CATHERINE CUSACK: And they would be very intensive cases, too, I imagine.

Mr HAESLER: There is a suppression order on the case temporarily while things are resolved but there is presently one going on at the moment involving a young person charged with serious sexual offences. There was recently a trial of a young person from Wollongong giving evidence in a murder case who the person who gave evidence had pleaded guilty to murder previously who was a client of mine. There were some other public interest cases involving some manslaughter sentences that attracted a lot of publicity. They were Justice Greg James's last cases. Public defender's acted in all of those cases. That is in the last week or so.

The Hon. CATHERINE CUSACK: I think we have met some of your clients. You have obviously been visiting Kariong, is that correct?

Mr HAESLER: Yes.

The Hon. CATHERINE CUSACK: When did you make your first visit to Kariong?

Mr HAESLER: I visited a couple of times not long after it was built, but four years ago was the first time I had been in recent memory.

The Hon. CATHERINE CUSACK: How did you find it when you went into the centre?

Mr HAESLER: Apart from once when I was locked in the visiting room—

The Hon. AMANDA FAZIO: Accidentally?

Mr HAESLER: Yes, I think I was too old to stay the night. I could not rouse anyone. Apart from that one time—and it was only briefly—I found the staff excellent to deal with. As long as you rang in advance and told them you were coming they would make rooms available for you. Sometimes you had to interview people in the outdoor visiting area—which I am sure you have seen—but they gave you sufficient privacy to deal with your clients. On some occasions they would make more private rooms available when you had an intense conference. Sometimes you have to sit down with young offenders and politely explain to them the facts of life in terms of "There is a very strong case against you and this is what's going to happen". For young people to come to grips with the fact that they may be facing 10 or 15 years in gaol minimum if they plead guilty is too much to take in most cases.

CHAIR: May I follow up on that, please? When we were talking to some detainees at Kariong they said it was often difficult to speak to a person like you on the phone because the times when they were wanting or able to ring you were the wrong hours for you. Have you found that in your experience?

Mr HAESLER: Yes, they have to try a number of times to get through. That is a problem. They generally do get through but not all barristers are as approachable as are public defenders. I also do circuit work and I could be away in Bathurst or some other centre for three weeks, so it is a bit hard to have access. We have arrangements—Legal Aid have it—whereby CCTV conferences can be arranged, but not at Kariong. If we give Juvenile notice now they can transfer the prisoner to Baxter, where there are CCTV facilities. That is the second-best to a conference—it is certainly much better than a phone call. But there is no facility at Kariong at the moment for that to occur.

The Hon. CHARLIE LYNN: I turn to your observations about the professionalism of the staff—the youth workers—looking after the boys. I suppose you always have to try to find a balance between their rehabilitation needs and punishment. What was your observation and view?

Mr HAESLER: I had absolutely no problem with anyone I dealt with there. There was one occasion when someone was sick and they had not processed a form and they sent a client to court when the court case had been cancelled because no-one had read the fax saying that the case was cancelled. You may know that you have to get up at 4 o'clock in the morning to come to court, or thereabouts, and get processed before you get on the truck. They rang my solicitor because the boy had locked himself in his cell and refused to come out. He said, "I know I don't have to be in court; I don't want to get on the truck". They eventually rang the solicitor at home at five in the morning and she very groggily told them that he was correct, and they sorted it out. But they took the steps to do that. I found that I had absolutely no problem. I do not know the details that you are investigating, but certainly there was nothing to indicate from anything I experienced in my dealings with the people at Kariong that they were anything other than professional in their dealings with me.

The Hon. CHARLIE LYNN: I think it is a special calling to work in that sort of role and environment. Did your clients ever express the view to you that they were being harshly or unjustly treated?

Mr HAESLER: No is the answer. Those who I have spoken to since have noted the difference. In some ways, some of the older ones prefer being left alone at the moment. When I press them, they say that that is because they are locked down at 3.30 in their cells and can be left alone in their cells. They do not actually have Juvenile Justice on their case all the time, pushing them to do more school work or pushing them to behave a bit better. They are just in their cell watching TV. Some people may say that is an easy way of managing and a better way of managing. In fact, some of the inmates say, "Well, I'm left alone". But it does not strike me as fostering someone's rehabilitation to put them in a cell at 3.30 and let them watch videos until they get up in the morning. But I had absolutely no problem with Juvenile Justice. Certainly the couple of times that I have been since I have had no problems dealing with my clients and Corrective Services. They are very professional as well. But there does seem to be a different atmosphere in that it is run as a gaol. Whereas the juvenile justice workers took a more personal interest in their charges the Corrective Services interest is in managing them rather than fostering their rehabilitation. I think it is just a different culture. It is one of the things that we criticised about the changes: the culture of Juvenile Justice was one where incarceration took first priority but rehabilitation was second. Corrections is about corrections and incarceration with rehabilitation as a distant third, if that.

The Hon. CATHERINE CUSACK: Have you visited young men—by that I mean people aged 18 or 19—in the prison system?

Mr HAESLER: Yes.

The Hon. CATHERINE CUSACK: They are generally housed at John Moroney?

Mr HAESLER: They are at a John Moroney. Occasionally they are at the MRRC, but that is temporarily on remand.

The Hon. CATHERINE CUSACK: While they are being classified?

Mr HAESLER: Yes. That is pretty terrifying for them.

The Hon. CATHERINE CUSACK: I would imagine, yes. We have not visited John Moroney.

Mr HAESLER: I have been to the visiting area at John Moroney. No-one has ever expressed any major problems with it. I have had more clients at John Moroney who were adult prisoners running programs—in other words, they were sent there to work with the younger people. But I do not have much information about John Moroney. I could find out, but I do not have any personal experience of John Moroney other than a couple of visits there and a few clients who have been there.

The Hon. CATHERINE CUSACK: In terms of Corrective Services expertise in managing young offenders aged under 25, as I understand it, John Moroney is the place where that happens.

Mr HAESLER: Yes, that is where it happens positively. It is coming back to me. They also have some young offenders at Parklea, and no-one speaks highly of the young offenders programs at Parklea—if there are programs; there certainly were for a while but they may well have moved most of them to John Moroney. While they were at Parklea I got some very negative reports effectively that there were not any programs and it was just a group of young people left to their own devices. I think they are more structured at John Moroney. Certainly when they were dealing with it at Parklea it was a case of putting them all in and letting them cause trouble. They were just managed in that sense. Parklea is not a very pleasant institution. Yes, Corrective Services obviously have some officers who work well with juveniles, that is true.

The Hon. CATHERINE CUSACK: They have youth programs. But I am interested in what your impressions might be, as person outside the system.

Mr HAESLER: People want to get to John Moroney if they are young. It is the best place to be in the corrective services system.

The Hon. AMANDA FAZIO: Do you have any juvenile clients in centres other than Kariiong?

Mr HAESLER: One recently was transferred to Wagga because he was in some danger. He was giving evidence in a case. I am just trying to think: No is the answer. My clients are all Kariiong clients.

The Hon. AMANDA FAZIO: So you have not seen any of the other juvenile detention centres?

Mr HAESLER: No, just the one at Baxter, and people have been held briefly at other institutions. Interestingly, it has been a while since we have had any women or girls come through. No-one seems to have mentioned them at all. I do not know how many there are in the serious offender category. There must be a few because in the past we have acted for young women who have been charged with homicide offences. I cannot offer any up-to-date information.

The Hon. AMANDA FAZIO: Do you think it would be better, in terms of providing detainees with access to legal representatives, if they did install video conferencing facilities?

Mr HAESLER: Video would be good. Also to have it in a temporary facility in a metropolitan area is most essential.

The Hon. AMANDA FAZIO: They would bring the detainee down front Kariiong to Sydney?

Mr HAESLER: Yes, so that they could see their psychiatrist or their lawyers. To visit someone in Kariiong takes the best part of a day. Public defenders are paid by the State but Legal Aid

has to pay private barristers and private solicitors as well. It is a very expensive exercise to spend a day to see your client. It is very expensive just to bring them in, just for a conference, but if there was one in the metropolitan area—why I am thinking about this is because I am just thinking about my client today who has a three-to-five week trial. Every morning he gets up at four to come into court and he leaves here at some time after four and gets back in time to heat up a meal and go to bed, and then he gets up at four again. That will go on for five or six weeks.

The Hon. AMANDA FAZIO: Do you think that will actually inhibit his ability to follow the proceedings and participate?

Mr HAESLER: Not this client, but for other clients, it certainly has. There was one who was giving evidence against a co-offender recently and was very distressed in the cells. He was so distressed that he did not want to go on, and I had to organise through Legal Aid for someone who knew him well to go down and talk to him and calm him down and get him ready to give evidence. It depends on the individual. My particular client in this case is just tired all the time and that makes it difficult, plus the fact that we have not had time to prepare this case. Whenever there is a day that he does not have to be in court, the judge has excused him from coming, so he avoids the journey. The judge is very acutely aware of the problems involved in bringing him down.

The Hon. CATHERINE CUSACK: Can I ask which court he is appearing in?

Mr HAESLER: It is in the Supreme Court before (name deleted by resolution of the Committee).

The Hon. CATHERINE CUSACK: Most of the Kariong people are in that category?

Mr HAESLER: Most of them that I have dealt with are in the Supreme Court.

CHAIR: It is the seriousness of it.

Mr HAESLER: It is either the District Court or the Supreme Court, but they will also be in the Magistrates Court for committal hearings. There is quite a number coming down. There are the additional committal hearings before the Children's Court magistrate and then there could be half a dozen more before the case is sent to a higher court, and then he will either be sent to the District Court or the Supreme Court, and now most of them seem now, in hindsight, to go to the Supreme Court. Some of the serious sexual offences go to the Supreme Court.

The Hon. AMANDA FAZIO: Are they jury trials that they go before in the Supreme Court?

Mr HAESLER: In the Supreme Court, unless they are pleading guilty, they would be a jury trial.

The Hon. AMANDA FAZIO: So do you think the fact that they might be looking half asleep and perhaps disinterested does not work in their favour?

Mr HAESLER: Of course. You want your client to look alert and, if not lovable, at least approachable by the jury.

CHAIR: It seems to me that we have asked most of the appropriate questions of Mr Haesler. Mr Haesler, we thank you for coming in. You have a very interesting job.

Mr HAESLER: Thank you.

(The Committee adjourned at 4.50 p.m.)