

GENERAL PURPOSE STANDING COMMITTEE No. 3

Thursday 22 September 2005

Examination of proposed expenditure for the portfolio areas

JUVENILE JUSTICE, JUSTICE

The Committee met at 5.30 p.m.

MEMBERS

The Hon. A. R. Fazio (Chair)

The Hon. P. J. Breen
The Hon. D. Clarke
The Hon. C. Cusack

The Hon. E. M. Obeid
Ms L. Rhiannon
The Hon. I. W. West

PRESENT

The Hon. A. B. Kelly, *Minister for Justice, Minister for Juvenile Justice, Minister for Emergency Services, Minister for Lands, and Minister for Rural Affairs*

Department of Juvenile Justice

Dr E. Coombs, *Acting Director General*

Mr P. Muir, *Assistant Director General, Operations*

Ms S. Cross, *Assistant Director General, Management Services*

Department of Corrective Services

Mr R. Woodham, *Commissioner*

Mr I. McLean, *Senior Assistant, Commissioner Inmate and Custodial Services*

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

CHAIR: I welcome everyone to this public hearing of General Purpose Standing Committee No. 3, and I thank departmental officers for attending today. At this meeting the Committee will examine the proposed expenditure for the portfolio areas of the Justice and Juvenile Justice. Before questions commence, some procedural matters need to be dealt with. I point out that a copy of the Legislative Council's guidelines on the broadcast of proceedings is available from the attendants and clerks. I emphasise that only members of the Committee and witnesses before it may be filmed or recorded. People in the public gallery should not be the primary focus of any filming or photographs. In reporting the proceedings of this Committee, you must take responsibility for what you publish or what interpretation is placed on anything that is said before the Committee.

There is no provision for members to refer directly to their staff while at the table. Members and their staff are advised that any messages should be delivered through the attendant on duty or the Committee clerks. The Committee has agreed to the following format for this hearing: the first hour will be Juvenile Justice and the second hour will be Justice. Does that suit you, Minister?

The Hon. TONY KELLY: Yes.

CHAIR: I declare the proposed expenditure open for examination. Minister, do you wish to make a brief opening statement?

The Hon. TONY KELLY: Yes. The Department of Juvenile Justice aims to ensure our communities are made safer and more secure by addressing juvenile crime through a range of effective programs. In 2005-06 the total recurrent budget for the Department of Juvenile Justice was \$135.38 million, the capital works budget was \$12.66 million, some \$6.3 million has been allocated to address drug and alcohol abuse by young offenders, and \$2.06 million has been provided for non-government organisations under the Drug Program.

Youth Justice Conferencing continues to play an important role in breaking the juvenile crime cycle, with funding increased to \$4.93 million. I acknowledge the report of the Select Committee into Juvenile Offenders, and I thank that committee for its work. The Government is currently considering the recommendations of the report and will provide a response within the required time frame. The Government has committed more funds to community intervention and diversionary programs, as research reveals those programs have a positive effect on reducing re-offending.

There are a number of key policy issues facing Juvenile Justice including: cross agency initiatives to better assist young people in breaking free of the juvenile crime cycle; addressing Aboriginal over-representation, which is an enormous problem; and improving mental health services. I take this opportunity to thank the hardworking staff of the Department of Juvenile Justice and assure them that they have the continued support of the State Government.

The Hon. CATHERINE CUSACK: Minister, do you know the motto of the Department of Juvenile Justice? It is on the annual report.

The Hon. TONY KELLY: Are you referring to the vision or the motto?

The Hon. CATHERINE CUSACK: The motto. "Striving to break the juvenile crime cycle".

The Hon. TONY KELLY: That is the vision of the department to which I alluded. The department is trying to break that cycle. I have visited almost 50 per cent of the centres and I am particularly concerned about the huge over-representation of Aboriginal children. I am also concerned that some reports in days gone by suggest that a majority of young offenders, particularly Aborigines, who end up in these centres eventually end up in the adult system.

The Hon. CATHERINE CUSACK: The department's annual report states:

The prime focus in the department's intervention with juvenile offenders is to address their offending behaviour.

But the Auditor-General in his recent performance audit report on the Department of Juvenile Justice said:

There is no data on the department's success. We are unable to determine whether the department helps to reduce re-offending and rehabilitates young offenders.

There is yet no performance measures or targets in the department's corporate plan. We found no evidence that the department formally analyses activity data at the corporate level, for example, the operational report to the Executive contained many statistics but no analysis of what those figures meant.

The department cannot yet benchmark its overall performance with other States or jurisdictions. The youth level of service inventory, which is the risk assessment tool, is the primary tool used to assess young offenders at risk of re-offending. The Audit Office reported some confusion amongst staff saying staff reported that some categories were irrelevant or distorted as to the true level of risk of a young offender.

Staff in the department do not have faith in those systems, so why should we?

The Hon. TONY KELLY: Perhaps the Acting Deputy Director General would like to answer your question.

Dr COOMBS: Thank you very much for that particular question. The report itself acknowledges that the department has good operational data for planning and managing young offenders on both a short-term and medium-term basis; that the department regularly monitors activities through a number of processes; and that staff generally have access to sufficient information to help develop case plans. Since this report has been released the department has most recently released a new information technology system—something that has been in production for some time—and there are further developments that also assist in the areas that the Audit Office report addresses.

It is very important to make a distinction between what the Audit Office report addresses and some of the information that is actually available. In terms of what the department knows of its interventions with the Juvenile Justice system, there is quite a lot of both research and evaluative data indicating that we know what interventions are effective and what actually does occur inside the Juvenile Justice system, in particular.

The Audit Office raised some particular issues concerning transfer into the adult system. The Department of Juvenile Justice has for some time been working with other criminal justice agencies to address that, through programs and projects such as CourtLink, which enables data to come from the courts to a range of agencies that are concerned with offenders—particularly as they pass from the juvenile system into the adult system—as well as through the Bureau of Crime Statistics and Research [BOCSAR]. We are working with BOCSAR to establish a database on reoffending data. These initiatives, in particular, will drastically improve our ability to track individuals from the juvenile system into the adult system.

However, we do have research on this, and we have had for quite a considerable amount of time. For example, we know through research that we have assisted and that we support underneath BOCSAR that youth justice conferencing actually does enable young offenders to make a choice, and that they are less likely to reoffend if they go through youth justice conferencing. And, if reoffending should occur, there is a longer time between offending episodes. I think it is similarly important that I point out that the Audit Office report concerns information management systems. It was not actually addressing the performance of the Department of Juvenile Justice. There has been, particularly in some of the analysis and reporting of that report, confusion between the two.

The Hon. CATHERINE CUSACK: I point out that it is a performance audit.

Dr COOMBS: However, as it says in the summary, it concerns the management information systems of the department. It states that. It also addresses the fact that a multi-agency response is required for young offenders. It is a very complex area. You are dealing with some of the most disadvantaged and troublesome young people in society, and it is no easy task. The summary says, "This audit examines how the Department of Juvenile Justice measures its success and whether decisions maximise adequate information to make sound planning decisions and recommend appropriate interventions for young offenders." That is where it says what the Department of Juvenile Justice does. It has adequate information both to manage and to plan for young offenders inside each system.

The Hon. TONY KELLY: I think Don Weatherburn also produced a report, based on 1995 statistics, about the number of young people who end up in senior correctional centres.

The Hon. CATHERINE CUSACK: It was court reappearances, Minister.

The Hon. TONY KELLY: But that was before a lot of the youth justice conferencing. It showed some alarming rates, particularly for Aboriginal people—nearly 90 per cent.

The Hon. CATHERINE CUSACK: With respect, it was about court reappearances and it was from 1995 to 2005, so the reappearances were obviously heavily weighted post-youth justice conferencing. It completely repudiated the department's research, which is that there is only a 30 per cent reoffending rate.

The Hon. TONY KELLY: The acting director general wants to comment on that.

Dr COOMBS: I would just like to point out that the research done by the Bureau of Crime Statistics and Research on reoffending actually only looks at reoffending. It does not look at the nature of the offence, whether there has been a change in the offending behaviour, or whether the length of time between episodes—if they do occur—has lengthened. They are two significant things to take into account in addition to the Minister's point about the fact that the cohort went through prior to the Young Offenders Act and the introduction of youth justice conferencing. It is a very significant issue.

The Hon. CATHERINE CUSACK: According to my reading of the report, it found that there was no distinction between violent crime and theft, and that the rate of reappearance in court was no different for either type of crime—and it did deal with that issue.

Dr COOMBS: At a forum we held recently I asked Don Weatherburn whether he looked at the interaction effect between the nature of crime and the length of time and the actual nature, and he acknowledged that that had not occurred. So we are not entirely clear whether there has been a change in the pattern of offending.

The Hon. CATHERINE CUSACK: I will leave that issue there. In relation to transfers between the juvenile and the adult correctional systems, in a number of cases consent is required from both the Minister for Juvenile Justice and the Minister for Corrective Services. Minister, are you signing the consent forms twice? Are you signing requests to yourself and then signing approvals for your own requests?

The Hon. TONY KELLY: I have not signed any. My understanding is that the directors general do that under delegation. I certainly do not sign them twice.

The Hon. CATHERINE CUSACK: There are certain types of transfers between the systems that require ministerial consent. These are safeguards. If you are not aware of the procedure, perhaps someone else can explain the procedure for dealing with that conflict.

The Hon. TONY KELLY: I have just advised the Committee that Dr Coombs signs them, so she can tell you the procedure.

Dr COOMBS: I assume you are talking about the transfer of young detainees to Kariang and back out from Kariang into the juvenile justice system.

The Hon. CATHERINE CUSACK: Yes.

Dr COOMBS: From memory, section 10 of the Juvenile Offender Legislation Amendment Act refers to those transfers and how they occur—in addition to those that are signed both by me on the Juvenile Justice side and by the Commissioner for Corrective Services on the adult side. There is also a memorandum of understanding between the two departments that deals with how that is actually undertaken. I will, however, pass to Peter Muir, the assistant director general of operations, to go into greater detail if that is required.

Mr MUIR: The director general correctly indicated that the mechanisms for transferring from the juvenile jurisdiction to the adult jurisdiction were amended under the mentioned legislation. Section 28 is the mechanism under the Children (Detention Centres) Act. The mechanism now is for young people to be transferred to a juvenile correctional centre and the delegation correctly rests with the director general, who makes an assessment that the young person should not remain in the juvenile jurisdiction. Correspondence is then entered into with the Commissioner for Corrective Services, who must consent to the transfer. The decision to transfer under section 28 is based on two criteria. One is the offences for which young people are incarcerated and the other is their classification for behaviour. They are both handled within the department and are not required to go to the Minister. Under section 10, the Commissioner for Corrective Services can request, under a range of circumstances, for either a prisoner or a detainee to return to the juvenile jurisdiction.

The Hon. CATHERINE CUSACK: Does the Minister need to accept that request?

Mr MUIR: No.

The Hon. CATHERINE CUSACK: Are you saying that there is no longer any ministerial consent at all?

Mr MUIR: No.

The Hon. CATHERINE CUSACK: Minister, I would like to ask a question that I also asked of the former Minister during the 2003 estimates hearing regarding the Tingha bail hostel. The background to this matter is that the Department of Juvenile Justice operated a bail hostel for young offenders at a farm called Nardoola, which is 50 kilometres east of Moree. After receiving \$1.3 million in funding, it burnt to the ground in June 1999. In 2000 the Carr Government said it was looking for a replacement. This was found at Stannifer, near Tingha. The facility was opened by the Minister, Diane Beamer, on 23 October 2003 and it closed on 6 May this year, after just 18 months of operation. My question is: What was the total amount spent by the Department of Juvenile Justice on the Tingha bail hostel?

The Hon. TONY KELLY: As you correctly said, in November 2002 the then Minister for Juvenile Justice approved Community Programs Incorporated to establish and manage the New England Bail Accommodation Program. The department held extensive community consultation in the New England area and a property was secured at Tingha. The service took its first referrals in late 2003. With the establishment of the program, the Bail Accommodation Support Program received extensive support from regional staff and resources. Like other services funded under the department's community fund program, the Aboriginal Program Support Officer and the regional director, northern, monitored the program regularly.

In April 2005 the Chief Executive Officer [CEO] of Community Programs Incorporated wrote to the regional director, indicating that the New England bail accommodation support service was unsustainable without the immediate injection of significant additional funding. Community Programs Incorporated, however, pre-empted the department's decision and formally notified service staff that the service would cease to operate on 6 May 2005. After considering all the available options, the director general wrote to the CEO of Community Programs Incorporated informing him of the department's decision to suspend the project from 6 May 2005 under section 7.1 of their current funding agreement. The proposal was endorsed by the then Minister in April 2005. The New England Bail Accommodation Support Program closed on 6 May 2005.

The regional director and community programmer identified numerous issues indicating poor service management and ongoing concerns including poor service delivery, financial viability, and low utilisation rates and overall effectiveness of the program. During its 18 months of operation the Tingha Bail Accommodation Support Service accommodated 33 young people. Since the closure, young people on bail in New England have been placed successfully in a range of supported accommodation that has been brokered through the Armidale and Tamworth youth refuges. These young people have benefited from the complementary day programs for independent living skills—budgeting, tenancy advice and general support, such as negotiating Centrelink entitlements.

In more remote areas of the region, where supported accommodation services do not exist, the department is considering options for recruiting Aboriginal foster parents. The Department of Community Services has offered to train identified candidates at no cost to the department and, furthermore, it has indicated that foster parents would be able to access the Aboriginal Foster Parent Support Team for additional and culturally appropriate support. The department remains committed to meeting the needs of young people who are refused bail due to lack of appropriate community placement. Homelessness, lack of adequate accommodation or lack of family ties should not prevent a young person from being granted bail when bail would otherwise be granted. The 2004-05 funding for this program was \$509,972.

The Hon. CATHERINE CUSACK: Was that fully expended?

Dr COOMBS: When the program closed in May 2005 it was already over budget so, yes, that money was expended. I am sorry, it was reported that it was unsustainable.

The Hon. CATHERINE CUSACK: What was the total amount of money spent between 2002 and 2005 on the facility?

Dr COOMBS: Could I point out that the department recently appeared before the State Committee of Law and Justice in the inquiry into community-based sentencing options and was extensively questioned on the Tingha Bail project and the Community Inc? I wonder whether I might refer you to that because I think it has all the detail that you might seek in the public record.

The Hon. CATHERINE CUSACK: Including a funding breakdown each year for the Tingha bail facility?

Dr COOMBS: It certainly goes down to the funding. My understanding is that when they were first established—in those two years that they operated—in 2003-4 annual funding of nearly half a million was provided.

The Hon. CATHERINE CUSACK: The department's annual report says it was \$544,090.

Dr COOMBS: It depends on what it is actually comparing.

The Hon. CATHERINE CUSACK: The department says that in 2002-03, which was prior to it actually operating, it funded Clarence Gully Community Program to the tune of \$16,000, but the organisation's annual report says the department gave it \$225,409.86 for the year ending 30 June 2003, which was before the service had started.

Dr COOMBS: I am happy to look into that.

The Hon. CATHERINE CUSACK: The Minister said that 33 young people attended the facility. What was the average length of stay in the facility?

Dr COOMBS: At any one time?

The Hon. CATHERINE CUSACK: Yes.

Dr COOMBS: I am happy to come back to you on that one.

The Hon. CATHERINE CUSACK: What assets, if any, from that facility have reverted to the Department of Juvenile Justice?

The Hon. TONY KELLY: We will come back on that one, too.

The Hon. CATHERINE CUSACK: What was the set-up cost of the facility? It appears in the information that the department spent nearly one quarter of a million dollars setting it up.

Dr COOMBS: I do not think that is correct, but we are very happy to look into it for you.

The Hon. CATHERINE CUSACK: At estimates hearings in 2003 David Sherlock indicated that the facility was going to be funded to the tune of \$417,000 per annum. The treasurer's report from that organisation indicated they had half a million dollars annual funding. Again, this was before the service had started. I am trying to understand how they were able to overrun the grant and why it was that the department picked up the gap between what they thought they were funding and the grant. To me a grant is a finite amount of money. How was it they were able to overrun that grant and still be reimbursed for the difference?

Dr COOMBS: If you would accommodated me, I will return to your earlier question about the set-up costs. I found in the report of proceedings before the standing committee, to which I referred earlier, that the set-up cost was a grant of \$70,000 when they first established the service. There was a funding agreement to set out the overall arrangements for that, which included such things as Aboriginal staff, the services to be provided, manager reporting, overall style and model for that community program. As I understand it, there was significant non-compliance with that funding agreement. I think that addresses some of the issues you have raised.

The Hon. CATHERINE CUSACK: Was the \$70,000 in addition to the \$70,000 contributed by the Commonwealth for the set-up? There was capital funding of \$70,000 from the Commonwealth Government.

Dr COOMBS: I would like to take that on notice so I can be absolutely accurate.

Ms LEE RHIANNON: Could the Minister tell me how Juvenile Justice ensures that inmates are not using drugs?

The Hon. TONY KELLY: The ability of the Department of Juvenile Justice to detect illicit drugs and manage detainees with drug problems has been enhanced through a wide range of strategies implemented during the 1990 drug summit, which is a long time ago. Strategies to aid in the detection and interdiction of drugs in centres include the use of drug detection dogs to conduct searches at juvenile justice centres, alcohol and drug training for staff, the creation of a Drug Intelligence Unit in the Department of Juvenile Justice, the introduction of the Arunta telephone system—a system in all centres that monitors phone calls by detainees—and the introduction of random and targeted urinalysis. In the period July 2004 to June 2005, 411 urinalysis were carried out, of which 46 returned positive and four detainees refused to give samples. The information is used by the centre management to develop appropriate case management strategies for those detainees.

As a result of these positive tests the centre management can request that the Drug Intelligence Unit initiate telephone monitoring of detainee calls to establish how and who may bring contraband into the centre. The Arunta system is a computer-based telephone system that enables detainees to make approved preprogrammed external telephone calls without the need for staff member to supervise the call. It allows for the recording and monitoring of all detainee calls. I believe that this system is also used in the adult system. Monitoring and recording of detainee calls commenced when the Drug Intelligence Unit became operational in January 2003. Arunta monitoring is primarily aimed at determining whether detainees have access to, and use of, contraband, as well as addressing other security threats affecting juvenile justice centres. Since June 2000 there has been a progressive implementation of the use of drug detector dogs to search centre grounds, and screen detainees and visitors for drugs.

All eight detention centres are now being searched by the drug detection dog unit on a regular basis. The drug detection dog unit teams are operated by the Department of Corrective Services and they are engaged on a fee-for-service basis by the Department of Juvenile Justice. I think they have something in the order of 30 dogs. In the period between July 2004 and 2005 a total of 237 searches were conducted by the drug detector dogs across the eight centres. They also screened some 2,200 visitors, and of those, 162 visitors were refused entry on the basis of a positive indication by the drug detector dogs.

Ms LEE RHIANNON: Thank you, Minister. I am looking for a cost of that work—if you have an overall budget—or perhaps you need to take it on notice. I have five different aspects to drug monitoring so I am just trying to get an idea of how much it is costing.

The Hon. TONY KELLY: For this coming year, it was \$6.306 million. For 2005-06, it is \$6,306,000 for drug and alcohol abuse. They are different programs, not just detection. They are abuse programs.

Ms LEE RHIANNON: Is that coming out of the Juvenile Justice budget?

The Hon. TONY KELLY: Yes.

Ms LEE RHIANNON: What was the total Juvenile Justice budget again, please?

The Hon. TONY KELLY: It is \$135 million in round figures and I think it was \$12 million in capital. You missed an opening statement that I made.

Ms LEE RHIANNON: No, I was here for your opening statement. What programs have been cut to bring in these series of drug testing regimes?

The Hon. TONY KELLY: None. There have been no programs cut.

Ms LEE RHIANNON: Would you not have to have cut something if you have had to take \$6.3 million out of the budget?

The Hon. TONY KELLY: That was not taken out in one year. It was a progressive amount that has been incurred each year.

Dr COOMBS: We also received money under the Drug Summit, which is a mix of both State and Commonwealth funds. I just need to clarify that point. This year, our budget has increased by 3.7 per cent, so when the Minister refers to the allocation of \$6 million for drug and alcohol abuse for young offenders in 2005-06, we have not cut programs to the drug detection activities or other drug and alcohol abuse programs.

The Hon. TONY KELLY: They are specific allocations.

Ms LEE RHIANNON: So they are a specific allocation within the new budget?

The Hon. TONY KELLY: Yes.

Ms LEE RHIANNON: So you are satisfied that we are not losing programs?

The Hon. TONY KELLY: We are not cutting areas.

Ms LEE RHIANNON: Thank you very much, Minister. Can Juvenile Justice inmates have a private computer? I am talking about computers without Internet access.

The Hon. TONY KELLY: Perhaps Peter Muir, the director of operations, might be able to answer that.

Mr MUIR: In very limited circumstances, detainees have access to private computers, largely in the context of education and training. All education and training units within the Department of Juvenile Justice are staffed by the Department of Education and Training. Detainees have access to computers that do not have Internet access in education and training units. Some detainees, to my knowledge, have had limited access to computing, particularly in relation to studies. I can think of one detainee who was pursuing tertiary studies in computing science. As a part of his educational studies he was given strictly supervised access. In the general run of events, detainees are not granted access to computers other than for education and training purposes.

Ms LEE RHIANNON: So if somebody brought in a laptop computer with them or they were given one, say, from relatives, they could not put that in their room with their personal effects?

Mr MUIR: No. It would not be admitted into the centre.

Ms LEE RHIANNON: Are they allowed to have a radio among their personal effects?

Mr MUIR: In detainees' rooms there is a range of items, but it would depend on the hierarchy. Every room is fitted as a standard, not only with a cell call system, but built-in within our cell call systems. A radio and music can be pre-programmed into that. Anything above that is usually a matter of privilege that detainees need to earn. Certainly detainees under departmental incentive schemes are able to earn other electronic items, but they are strictly controlled. They are monitored as they enter into rooms and are recorded.

Ms LEE RHIANNON: When you say "other electronic items", what are you referring to, please?

Mr MUIR: Discmans, radios from time to time, and televisions when they are not standard and built-in.

Ms LEE RHIANNON: So they could have a television, a radio, a CD player and headset, but they could not have a laptop? Again, I emphasise that I am referring to laptops without Internet access.

Mr MUIR: We actually have gone through a phase over the last year since our security review of better recording what we have in detainees' rooms. The more that detainees have in their rooms, the greater is the propensity not only for hiding contraband, but for danger. They are monitored. I am aware of some detainees who have had access for study purposes. Other recreational use of computers would largely be within the context of the education and training unit. We try to minimise what young people have in their rooms. It is all recorded. It is kept on what we call a dangerous items register. Any equipment in a young person's room is actually recorded and monitored.

Ms LEE RHIANNON: I am assuming there are televisions in common rooms, and they can be on from six o'clock onwards, all day. What is the regime for televisions?

Mr MUIR: Any regime in a juvenile justice centre is set by what is called a routine. Every centre must have what is called a routine in which the day's activities are spelled out and made clear to the detainees. Their routines must be developed, approved by at least a regional director, and then put up in each unit so that each detainee can see, each day, the way the day will flow. Things like television times will be a part of the routine and will be set on a centre-to-centre basis.

The Hon. TONY KELLY: Some of the units have longer hours than others because of the behaviour of the people who are in them.

Ms LEE RHIANNON: So we could guess that probably the television is on in the evening, but the computers have been shut down because the classes are over. Is that how it probably works?

Mr MUIR: There are other aspects. For example, the department receives funding through the children's residential care grants scheme, which is Commonwealth funded to community agencies. In some centres, for example, we run homework centres in which the education and training units are utilised after hours. As a part of our memorandum of understanding with the Department of Education and Training we also seek to have TAFE and other educational studies out of hours. One of our emphases has been to attempt, where we can, to have a broader range of education and training activities other than during the traditional school hours. They may include after-hours programs that are delivered through things such as community colleges and also on a weekend. Where our own staff can supervise those sorts of activities we, as part of the memorandum of understanding, share resources with the Department of Education and Training; so those sorts of resources are available to the department out of hours as well.

Ms LEE RHIANNON: Minister, I think you can see the line of questioning. It would seem that there are contradictions based on the personal use of computers and possibly also the use of centre computers. In many communities—and certainly in Australia—computers are seen as an essential item that can help the education of young people and can enable them to gain skills in their use. Obviously young people have a real interest in them. If they had them in their room along with the

radio and television, do you see that as an additional problem for the management of juvenile justice centres?

The Hon. TONY KELLY: That they are available, though, in education facilities. It has been said particularly—

Ms LEE RHIANNON: That is why I was making a comparison.

The Hon. TONY KELLY: The kids use them sometimes at night if they are at some night courses. In some of the ones I have visited, some of the detainees actually go out to TAFE or attend TAFE.

Ms LEE RHIANNON: But I am actually talking about non-formal education. What is wrong with the young person having one in their room that could be really helping their education and their life skills, et cetera, considering how computers are part of our lives these days? What is the problem?

The Hon. TONY KELLY: We can take that on board, but one of the big advantages of the computer is the Internet access. In this case, there is no Internet access—from an educational point of view, I am talking about, rather than just to type a letter.

Ms LEE RHIANNON: That is why I was ruling that out, because I know we are opening a can of worms. That is why I emphasise that I am talking about a computer, nothing more than a typewriter.

The Hon. TONY KELLY: A typewriter, they can have.

Ms LEE RHIANNON: So, what is the problem?

The Hon. TONY KELLY: I do not think it is a great education tool, it is no more than a typewriter.

Ms LEE RHIANNON: But young people are pretty amazing with the programs they have and all the things they can do. They can have a radio, music, CDs, a Walkman and a television. Why can they not have a computer?

The Hon. CATHERINE CUSACK: Because they are in detention.

Ms LEE RHIANNON: That is a Coalition comment.

The Hon. TONY KELLY: It is part of the system of rewards: things they are allowed to have—

Ms LEE RHIANNON: Do you mean you would consider that?

The Hon. TONY KELLY: I will take that on notice and come back to you.

Ms LEE RHIANNON: I want to ask you about Aboriginal juvenile inmates in juvenile justice centres. The numbers are always disturbing. What are the programs? You are working to do the best you can to ensure that they return to their society and do not end up back in prison?

The Hon. TONY KELLY: I am particularly concerned about that. There are a number of Aborigines in juvenile justice centres. I suppose it is similar to the adult system, where they are well overrepresented; certainly in those that I have been to. They are even more overrepresented in the juvenile justice system than in the adult system. At places such as Orana, every single one of the 30-odd who were there on the day I visited was of Aboriginal descent. For the services and programs, from that point of view, it is hard to spend a lot of time trying to help those detainees from Aboriginal and Torres Strait Islander backgrounds. The services and programs provided by the department are designed to meet the individual needs of all the clients and to address any offending behaviour.

Therefore, appropriate programs are designed to target specific needs of clients from Aboriginal and Torres Strait Islander backgrounds.

In all the centres I have visited so far I was particularly interested to see the absolutely brilliant artistic work that those kids are doing. It was fantastic. A broad range of programs is available for Aboriginal and Torres Strait Islander people, both from within the centres as well as in the community. A lot of community leader artists come and assist with that work. It is desirable that programs undertaken by young people in centres can be completed or taken further upon release from custody. Programs such as the alcohol and other drug counselling service provided by the department assisted 210 young Aboriginal people during 2004-05. The budget for assistance came from the Drug Summit.

In 2004-05 a total of \$119,000 was spent on Aboriginal programs targeted at 13 rural areas in New South Wales. The department continues to develop and implement programs related to the relationship between offending alcohol and other drug use. An example of that is our Journey to Respect program, an Aboriginal intergenerational violence prevention program for young Aboriginal and Torres Strait Islander male offenders. During 2004-05 this program assisted 65 Aboriginal offenders through group work and trained a total of 105 people to deliver group work programs between the department and the community, at a further cost of about \$180,000.

The No More program, which is an alcohol-related violence prevention program, is based on limited data. We have estimated that about 50 young Aboriginal people benefited from that program at a cost of about \$16,000. Programs that are run specifically in juvenile justice centres are aimed at enhancing cultural awareness and identifying activities through cultural awareness days, particularly participation in NAIDOC events such as those I mentioned: Aboriginal artists, dancing programs and cultural events. The involvement of local Aboriginal community members and elders in centre-based programs is encouraged to enhance the culturally appropriate engagement of young Aboriginal people to provide links with their local communities.

The Department of Education and Training runs specific programs for detainees from ATSI backgrounds, including Aboriginal culture and practices as part of the core curriculum. Some programs encourage participation of non-Aboriginal young people to facilitate a better understanding of Aboriginal culture and to promote the reconciliation process. There are also a number of community-funded programs.

Ms LEE RHIANNON: Do you have protocols in place to help ensure that inmates in juvenile justice centres are as close as possible to where they live?

The Hon. TONY KELLY: That is particularly important. My understanding is that the Aboriginal deaths in custody inquiry tried particularly to ensure that those in detention centres, whether juvenile or adult, be located as close as possible to their families. I have already received a number of representations from the families of people in both systems. The families are often not able to hop on a plane and fly to Sydney, for example, to see their children or brothers, or whoever. They often do not have the money to do that. The Government has been particularly keen to make sure that we have centres in areas close to detainees. Dubbo was built for that very reason.

The previous Coalition Government had that set up for about six people. This Government changed that to a 30-bed facility. I know that on the day I went there, four or five were from Bourke. That is obviously the closest place they could get. It is not perfect. Obviously sometimes you get pressure from one particular area of the State. I know there are some pressures on the North Coast at the moment. About 40 per cent of people in juvenile justice centres at the moment are on remand, so it is a bit hard to judge who is going to go where.

Ms LEE RHIANNON: Is that not a dilemma; if centres are built with extra beds would the beds not be filled? Sometimes they are sent to a centre close to where they live, but sometimes there is just the notion of locking up young people because there is somewhere to put them. Whereas maybe if you had only 6 beds instead of 30 beds, they would not have ended up inside.

The Hon. TONY KELLY: No. The number of detainees since 1994 has dropped from about 466 down to about 350.

Ms LEE RHIANNON: But not among young Aborigines? I think those figures are going up.

The Hon. TONY KELLY: I am not sure that they are going up.

Dr COOMBS: Could I answer that?

CHAIR: Yes, and then we will move on to the Opposition questions.

Dr COOMBS: The people who come into juvenile justice detention centres depend very much upon the activities of police and the courts. It is not something that we have control over. When we take into account where we place people, there is a range of factors such as the safety and good order of the centre, its staff and other detainees; sometimes to give the detainee the benefit of special age-specific programs that are delivered only at certain centres; to avoid the centre exceeding its capacity; and to enable a detainee to receive specialised treatment or assistance. Sometimes transfers can occur because the detainee needs to be separated from another detainee. Sometimes they are moved to centres closer to their families and communities prior to release from custody. We seek to do that, but at times we have to move detainees away from their closest communities.

The Hon. TONY KELLY: There is a problem with a mix of ages and a mix of sexes, and that can be difficult, but they try to get them as close to their families as possible.

The Hon. CATHERINE CUSACK: What is the budget for each of the State's eight detention centres for 2003-04 excluding Kariong, and for 2004-05?

The Hon. TONY KELLY: Which years?

The Hon. CATHERINE CUSACK: For 2003-04 and 2004-05.

Dr COOMBS: We certainly have some of that information here. I will find it.

The Hon. TONY KELLY: In 2004-05 and projected to 2005-06?

The Hon. CATHERINE CUSACK: Yes, that is what I meant to ask.

The Hon. TONY KELLY: Acmena has a current funded bed capacity of 30. Do you want actual expenses for 2004-05?

The Hon. CATHERINE CUSACK: Yes.

The Hon. TONY KELLY: Actual expenses for 2004-05 were \$5.439 million, which were up from the budget figure of \$5.166 million. The 2005-06 budget is \$5.352. Baxter has a current funded bed capacity of 105. Actual expenses were \$15.261 million and the budget was \$14.290 million, so it is up by almost \$1 million on the budget. The budget for 2005-06 is \$16.090 million. Cobham has a current funded bed capacity of 60, actual expenses were \$10.207 million, the budget for 2004-05 was \$9.530 million, and the budget for this year is \$10.751 million. Juniperina has a current funded bed capacity of 24. Obviously it does not have a previous year's budget, but this year's budget is \$5.264 million.

The Hon. CATHERINE CUSACK: What is Yasmar's budget?

The Hon. TONY KELLY: Total expenses for Yasmar in 2004-05 were \$5.316 million and the budget was \$5.242 million. Keelong has a current funded bed capacity of 23, actual expenses were \$4.920 million, the budget for 2004-05 was \$4.870 million and this year's budget is \$5.118 million. Orana, at Dubbo, has a current funded bed capacity of 30, actual expenses were \$5.151 million, the budget for 2004-05 was \$5.029 million and this year's budget is \$5.275 million. Reiby has a current funded bed capacity of 30, actual expenses last year were \$6.892 million, the budget for 2004-05 was \$6.195 million and the budget for this year is \$7.534 million. The Riverina has a current funded bed capacity of 24, actual expenses for last year were \$5.175 million, the budget for 2004-05 was

\$5.142 million and the budget for this coming year is \$5.175 million. Do you want total figures for all those facilities?

The Hon. CATHERINE CUSACK: Yes, thank you.

The Hon. TONY KELLY: There is a 326 total bed capacity, total actual expenses for 2004-05 were \$58.361 million, the budget for 2004-05 was \$55.464 million, and this year's budget is \$60.559 million.

The Hon. CATHERINE CUSACK: In relation to Riverina detention centre, the 2004 facilities review of the department recommended the complete redevelopment of Riverina. It states:

The design of the existing facility is not adequate for the type of interventions required under departmental policy and it presents unhelpful challenges for staff managing a detainee population that has changed since the original facility was established.

The report recommends the complete demolition of three residential units, kitchen and laundry facilities and the relocation of the administration and gatehouse building. The Fish Payne Pattenden Viney report states:

It has been clearly established in the recent detailed appraisal studies that if the facilities at ... Riverina Juvenile Justice Centre[s] are left in their current form without making any alterations, it may be expected that the unacceptable levels of dysfunction, non-compliance and structural inefficiency will remain unchanged.

It recommends a \$19.745 million redevelopment of Riverina detention centre. My question is: What are you going to do about Riverina detention centre?

The Hon. TONY KELLY: I will give you a partial answer to your question and take the remainder of it on notice. Riverina Juvenile Justice Centre, which is located in Wagga Wagga, was opened in 1984. As I said a moment ago, the centre has a current bed capacity of 24 beds. It accommodates male detainees, mainly from the Riverina and south-western area, who are on control or remand orders. Female detainees may also be accommodated for short periods whilst they are on remand or awaiting court appearances. I refer, next, to building works. A major project was completed at Riverina during the 2004-05 financial year with the installation of a new fire detection system. The system will reduce the department's risk at Riverina by providing early warning of fire and thus allowing prompt evacuation, if required.

Minor works were also completed during 2004-05: the final commissioning of a video surveillance system, the installation of lightning protection and a reserve power diesel generator. Planning relating to security review issues at the centre was also completed during that year. As part of its drainage interception program, Riverina specifically designed drainage interception pits inserted into sewer lines in order to prevent sewer blockages and thus reduce the need for sewer maintenance. During the 2005-06 financial year there will be work to relocate holding rooms and specialist staff offices, as well as some window replacement. We will take the balance of the question on notice, unless officers here have further comments.

Dr COOMBS: With your agreement, there are further comments that the department would like to add. They concern the objective classification system that has been introduced. I might refer this issue to the director-general, Peter Muir.

Mr MUIR: Given the issues that Riverina Juvenile Justice Centre presents, the department took the decision, since the introduction of the system, that no A1 or A2 classified detainees are detained at Riverina. So the department has mitigated the risk that it perceived to be involved by lowering the security classification at the centre to ensure that only low-security detainees are maintained at the centre. That has resulted in the centre having a much more settled group of detainees. Some of the indicators available to the department show that Riverina has experienced fewer incidents in the past 12 months, including a notable reduction in assaults. Detainees are now participating in a wide variety of programs that are designed to address their needs. So the risk that has been highlighted has been mitigated through the use of classification.

The Hon. CATHERINE CUSACK: The centre is physically described in one of your reports as unacceptable, dysfunctional and non-compliant and there are structural inefficiencies at the centre that will remain unchanged. I am talking about the physical design of the centre. I think you were a member of the steering group for the facilities review by Fish Payne Pattenden Viney. It was very interactive with the department. As I understand it, Treasury recommended virtually the complete redevelopment of Riverina. My question is: When are you going to redevelop it?

Mr MUIR: The department committed substantial resources to upgrade security at Riverina Juvenile Justice Centre, as the Minister indicated. We strengthened fencing at the centre, we increased security through the use of surveillance cameras, and we reduced the category of detainee at the centre. The centre is functioning in a highly satisfactory manner. That has been borne out by every indicator the department has. The centre is not functioning in a dysfunctional way. At the moment there is every indication that the centre is highly functional, meeting the needs of detainees at that centre.

The Hon. CATHERINE CUSACK: I refer to Acmena detention centre and to the installation of perimeter lights. Can you advise the Committee what was the cost of installing perimeter lights at Acmena?

Dr COOMBS: We do have that information.

The Hon. CATHERINE CUSACK: I asked Ms Cross two years ago whether the lights had gone in at that stage, as it was a budget item.

Dr COOMBS: Under lightning protection we budgeted for nearly \$1 million in the last year. What was the amount for Acmena?

Ms CROSS: Can I just clarify your question? Did you ask about lightning protection?

The Hon. CATHERINE CUSACK: No, the installation of perimeter lights.

Ms CROSS: I do not believe I have that information available at the moment.

The Hon. CATHERINE CUSACK: You are welcome to take that question on notice. It is my understanding, again from the facility report, that when perimeter lights were installed it was also decided to install cameras on the perimeter at Acmena. That was to assist in the ludicrous situation where camera footage of a riot could not be used. When lights were installed a trench was dug around Acmena to relay power to the lights and closed-circuit television cables were installed at the same time.

Ms CROSS: We installed cabling but that was for future work. We are not planning at this stage to put cameras on those poles. We have put cameras in the centre as part of the camera program but it was never envisaged that we would put them on those poles at this stage.

The Hon. CATHERINE CUSACK: Can you confirm that the poles used to mount the lights wave in the wind and could never be used to install cameras?

Ms CROSS: I understand that the only poles that move in the wind are those that provide lighting for the oval. There is no plan to put cameras on those poles.

The Hon. CATHERINE CUSACK: I am talking about the perimeter lighting.

Ms CROSS: At this stage there are no plans to put cameras on the perimeter.

The Hon. CATHERINE CUSACK: Can you confirm that CCTV cable was installed in the trench?

The Hon. TONY KELLY: It does not mean they have to go on the poles. They can put up different poles for that.

The Hon. CATHERINE CUSACK: The question is why would you not put up a pole that you can mount cameras on?

The Hon. TONY KELLY: Because the poles can be put in later. If you are digging a ditch and filling it in, obviously you put all the cabling in at once. If you have any brains at all you put in a few empty tubes so they can take future cabling. That is a normal, standard building requirement. Then if you decide to put up some posts, you do it later.

The Hon. CATHERINE CUSACK: They have already put up the posts.

The Hon. TONY KELLY: No, no, Ms Cross has just explained—

The Hon. CATHERINE CUSACK: The lights are on the posts. The report to your department on the facilities review at Acmena said how ludicrous it was not to install poles that could have taken the cameras as well.

The Hon. TONY KELLY: Ms Cross just said there was no intention to put the cameras on those poles.

The Hon. CATHERINE CUSACK: So there will be more poles?

The Hon. TONY KELLY: There could be different poles and different positions. You are jumping to a conclusion.

The Hon. CATHERINE CUSACK: Your consultant jumped to the same conclusion that I jumped to.

The Hon. TONY KELLY: If you want a detailed answer about the cameras that might go in and on what poles, we can get that for you.

The Hon. CATHERINE CUSACK: Thank you. The Department of Commerce, as I understand it, supervises these projects on behalf of the department. How much do you pay the Department of Commerce annually for the supervision of these projects in detention centres?

The Hon. TONY KELLY: We will have to take that on notice.

CHAIR: That concludes the time allocated for questions on the Juvenile Justice portfolio. I thank Dr Coombs, Mr Muir and Ms Cross for their attendance tonight. I ask the senior officers from the Department of Corrective Services to take their places at the table. Minister, do you have any opening comments?

The Hon. TONY KELLY: Yes, I have some general comments. The Department of Corrective Services has budgeted to spend \$763.8 million in the financial year 2005-06. Capital expenditure accounts for a further \$164.5 million. While these figures offer some indication of the size and scope of the department's operations, budget figures alone cannot explain what this means for every inmate or offender every single day that they are under the department's responsibility. Budget figures are a difficult measure of the results the community expects from the department's diverse operations.

The department aims to provide secure, safe and humane management of offenders sentenced by the courts, with the ultimate goal of building safer communities and reducing offending. To achieve these goals, each offender's sentence and rehabilitation is managed using a comprehensive case plan. The case plan sets the targets that normally require the inmate to take advantage of many rehabilitative, educational or vocational programs offered by the department. Each case plan is monitored and regularly reviewed, but the administration of Corrections in this State is logistically demanding. The custodial arm of the department administers 29 correctional facilities, 10 periodic detention centres and two transitional centres. The department also monitors one privately managed correctional centre at Juneee.

According to the department's Corporate Research, Evaluation and Statistics Unit, in January 2005 full-time inmate numbers exceeded 9,000 for the first time in the State's history. In the last six months the population has hovered just under 9,000 inmates. This stabilisation is not a reason to be complacent. During the past seven years the department has had to accommodate a further 2,700 inmates, or an average of 400 additional inmates a year. This increase represents the need for a new correctional centre every year. The department has been able to accommodate the highest number of inmates in custody, not the average number. The department is continuing to improve and expand correctional facilities. Two new facilities were opened in July last year, at Kempsey on the north coast and at Windsor. In May this year work started on another facility at Wellington, in the central west. Custodial services are not the only focus of the department. The Community Offender Service also manages more than 18,400 offenders on good behaviour bonds, community service orders, parole orders and home detention orders.

The Hon. DAVID CLARKE: Commissioner, how long is there to go on your contract of employment with the department?

Mr WOODHAM: Two years.

The Hon. DAVID CLARKE: You do not have any plans to leave the department earlier than that?

Mr WOODHAM: I have heard that rumour in the last week. It is not true.

The Hon. DAVID CLARKE: Nobody has discussed that with you?

Mr WOODHAM: Yes, Mr McLean heard it and rang me at home. I am on leave. He told me about it.

The Hon. DAVID CLARKE: Nobody has officially suggested that to you?

Mr WOODHAM: No.

The Hon. DAVID CLARKE: You have not suggested it to anybody else?

Mr WOODHAM: No.

The Hon. DAVID CLARKE: Have any incentives been offered to you for the successful implementation of the Way Forward reforms within the correctional system?

Mr WOODHAM: What, like extra money?

The Hon. DAVID CLARKE: Any sort of incentive.

Mr WOODHAM: No.

The Hon. DAVID CLARKE: Does the department have a program to treat alcoholism among correctional officers?

Mr WOODHAM: Yes.

The Hon. DAVID CLARKE: How many officers are officially registered with that program?

Mr WOODHAM: I get a confidential list every month. We have a program where staff can be randomly targeted and tested for drugs and alcohol. From memory, I think about four were put in the alcohol treatment program in the last few months.

The Hon. DAVID CLARKE: How many would there have been over the last 12 months?

Mr WOODHAM: I will take that on notice. Some have been found with drugs and their services have been terminated.

The Hon. DAVID CLARKE: How many have had their services terminated for drugs?

Mr WOODHAM: Three, from memory.

The Hon. DAVID CLARKE: Will you take on notice the figures relating to the total numbers?

Mr WOODHAM: Yes.

The Hon. TONY KELLY: Including that program?

The Hon. DAVID CLARKE: Yes. How many corrections officers have been dismissed for either drunkenness or disciplinary reasons in the past year?

Mr WOODHAM: I will take that question on notice too. There have been some.

The Hon. DAVID CLARKE: Does anyone from your department who is here have that information this afternoon?

Mr WOODHAM: No, I will take that on notice.

The Hon. DAVID CLARKE: I refer to the Michael Heatley-Craig Behr tragedy. Michael Heatley made clear that he would kill Long Bay prison hospital fellow inmate Craig Behr if he were placed in the same cell as him. He was then placed in that cell and carried out his promise to kill Craig Behr. Do you agree with that?

Mr WOODHAM: There is still a coronial inquiry to be held in relation to that death. There is also a departmental inquiry that had two senior officers suspended. That process is not finalised.

The Hon. DAVID CLARKE: Is it in doubt that Michael Heatley was responsible for the killing of Craig Behr?

Mr WOODHAM: That is what is alleged, yes.

The Hon. TONY KELLY: We have to wait for the coronial inquiry.

The Hon. DAVID CLARKE: Have any staff been charged with negligence?

Mr WOODHAM: Yes, two senior officers were suspended as a result of the departmental investigation and the Coroner has been made aware of our action.

The Hon. DAVID CLARKE: Why were they suspended?

Mr WOODHAM: For negligence.

The Hon. DAVID CLARKE: What was the negligence?

Mr WOODHAM: Failing in their duty of care for the person that was killed.

The Hon. DAVID CLARKE: How did they fail in their duty to care?

Mr WOODHAM: I answer again that it is subject to a coronial inquiry and we should wait for the outcome of that inquiry.

The Hon. DAVID CLARKE: Yes, except that you have already dismissed them before the coronial inquiry?

The Hon. TONY KELLY: No, they have not been dismissed, only suspended.

Mr WOODHAM: We have only suspended them.

The Hon. DAVID CLARKE: Why did you suspend them?

Mr WOODHAM: Because of negligence.

The Hon. DAVID CLARKE: What was their negligence?

Mr McLEAN: There are two instances of failing to report being alleged and investigations are still being concluded in relation to those others.

The Hon. DAVID CLARKE: Two officers have been suspended for failure to report this tragedy?

The Hon. TONY KELLY: Pending the outcome of the coronial inquiry.

The Hon. DAVID CLARKE: The department felt there were sufficient grounds to suspend them?

Mr WOODHAM: Yes.

The Hon. DAVID CLARKE: Is there any suggestion that staff ignored the warning from Michael Heatley and the threat?

Mr WOODHAM: That is an allegation, yes.

The Hon. DAVID CLARKE: Do you believe there are reasonable grounds for that allegation?

Mr WOODHAM: It is still subject to a coronial inquiry.

The Hon. DAVID CLARKE: Have you come to a preliminary conclusion on that?

Mr WOODHAM: I would leave it to the Coroner to report on that issue.

The Hon. DAVID CLARKE: Why did staff not respond to calls for help by other inmates as the killing was under way?

Mr WOODHAM: It is still subject to the coronial inquiry.

The Hon. DAVID CLARKE: Do you have any information on that?

Mr WOODHAM: There are allegations made, yes.

The Hon. DAVID CLARKE: Was there a departmental investigation?

Mr WOODHAM: Yes.

The Hon. DAVID CLARKE: What did that departmental investigation find?

Mr WOODHAM: Two officers were negligent in their duty, and they were suspended.

The Hon. DAVID CLARKE: Is there any suggestion that any person was under the influence of alcohol?

Mr WOODHAM: Not to my knowledge.

The Hon. DAVID CLARKE: The departmental report made no suggestion of that?

Mr WOODHAM: No, not to my knowledge.

The Hon. DAVID CLARKE: Have you seen the report?

Mr WOODHAM: I have seen a summary of the investigation.

The Hon. DAVID CLARKE: In that summary of investigation there is no suggestion—

Mr WOODHAM: I have got no recollection of reading anything about that issue.

The Hon. DAVID CLARKE: It is a serious matter so you would have a recollection?

Mr WOODHAM: Yes. I cannot recall reading that, no.

The Hon. CATHERINE CUSACK: What was the negligence that was identified that led to the suspensions?

Mr WOODHAM: Officers being told certain things, being in possession of certain information and not passing it on.

The Hon. DAVID CLARKE: Is that contained in the departmental report?

Mr WOODHAM: Yes.

The Hon. DAVID CLARKE: According to the report what information did they not pass on?

Mr WOODHAM: It was with relation to the association of those two particular inmates, that one should not be put in with the other.

The Hon. DAVID CLARKE: Your departmental report established clearly that these two inmates should not have been put in the one cell?

Mr WOODHAM: And to the degree that two senior officers were suspended.

The Hon. DAVID CLARKE: Were proper procedures to test blood alcohol levels ignored?

Mr WOODHAM: I do not know whether the officers were tested at that point in time. It was before we started our testing of staff after a serious incident.

The Hon. DAVID CLARKE: Is there any suggestion that Michael Heatley was not given his medication?

Mr WOODHAM: I would have to take that on notice.

The Hon. DAVID CLARKE: Was anything said about that?

Mr WOODHAM: I cannot recall.

The Hon. DAVID CLARKE: If there were a suggestion of that in the departmental report, you would remember it?

Mr WOODHAM: I may, but I cannot. I am telling you I cannot recall reading that.

The Hon. DAVID CLARKE: But if it did happen, if he had not been given his medication, it would be a very serious matter, would it not?

Mr WOODHAM: Yes.

The Hon. DAVID CLARKE: It led to serious consequences, certainly for the late Craig Behr?

Mr WOODHAM: Yes, with a mentally ill person, of course.

The Hon. DAVID CLARKE: In relation to the closure of the Panama Industries run nursery at Long Bay gaol has there been any claim for compensation lodged with the State Government?

Mr WOODHAM: Yes.

The Hon. DAVID CLARKE: How much is that claim?

Mr SCHIPP: I thought it was about \$2 million, but I could not say definitely.

The Hon. DAVID CLARKE: Has any agreement been reached in regard to that claim for compensation?

Mr WOODHAM: No.

The Hon. DAVID CLARKE: How are the negotiations going? At what stage are they?

Mr WOODHAM: It is in the legal arena. As far as I know there has been no determination made.

The Hon. DAVID CLARKE: For how long has it been in the legal arena?

Mr WOODHAM: Ever since Panama closed down, which would be six or more months.

The Hon. DAVID CLARKE: Have there been any other claims for compensation by other businesses?

Mr WOODHAM: There have been over the years, yes.

The Hon. DAVID CLARKE: In the past two years, for instance, how many claims have been made?

Mr WOODHAM: I will take that on notice.

The Hon. DAVID CLARKE: But there are some?

Mr WOODHAM: There have been but whether they were in the past two years I would have to reassess.

The Hon. CATHERINE CUSACK: Will you list what those claims are?

Mr WOODHAM: Yes.

The Hon. DAVID CLARKE: Over the past three years?

Mr WOODHAM: Yes.

The Hon. TONY KELLY: That is provided there is no confidentiality from the people who have made them.

The Hon. DAVID CLARKE: Have claims been made and by whom? Has compensation been paid in respect to any of those claims?

Mr WOODHAM: Yes.

The Hon. DAVID CLARKE: I understand a purpose-built wing was opened last year at Long Bay gaol that has a gymnasium. Is that right?

Mr WOODHAM: Including a gymnasium?

The Hon. DAVID CLARKE: Is there a purpose-built wing at Long Bay gaol that was opened last year?

Mr WOODHAM: Yes.

The Hon. DAVID CLARKE: Does it include a gymnasium?

Mr McLEAN: There is gymnasium equipment available in the wing to which you are referring but that is for intellectually disabled inmates. We believe that is necessary for the management of those particular inmates.

The Hon. DAVID CLARKE: What is the name of the wing?

Mr McLEAN: The wing is not named specifically.

Mr SCHIPP: Wings 5 and 6 accommodates the intellectually disabled unit.

Mr McLEAN: It has just been referred to as the Additional Support Unit.

The Hon. DAVID CLARKE: How much did that wing cost?

Mr SCHIPP: It was refurbished for \$7 million. There were three wings in total: wings 5, 6 and 18. Wings 5 and 6 are both historical buildings, and the total cost of refurbishment of those two wings plus wing 18 was about \$7 million.

The Hon. DAVID CLARKE: So they were refurbished rather than newly built, is that correct?

Mr SCHIPP: Yes.

The Hon. DAVID CLARKE: Are they occupied?

Mr SCHIPP: Wing 18 is occupied.

Mr McLEAN: Wing 18 is occupied and we are currently starting to open the areas of 5 and 6 wings.

The Hon. DAVID CLARKE: When was the refurbishment of wings 5 and 6 complete?

Mr McLEAN: It has been completed probably in the last 12 months.

The Hon. DAVID CLARKE: Have they been empty for 12 months?

Mr McLEAN: During that time obviously we have to have agreement about how we operate those units and how we operate the wings. We put very sensitive people in there and we must be able to manage those people. There are obviously cost restrictions and budgetary concerns also in being able to open those wings.

Mr WOODHAM: We had some mentally ill people in there while we refurbished another wing where they are housed at Long Bay. So the buildings have been utilised. It is tied up in negotiations with the unions about staffing. As late as today the unions designed a document to move that project forward. We hope to staff it very soon and have the intellectually disabled people we have identified placed in there.

The Hon. DAVID CLARKE: Returning to wings 5 and 6, which were refurbished 12 months ago, did you not plan how those wings would be used when they were opened?

Mr WOODHAM: Yes, for intellectually disabled inmates.

The Hon. DAVID CLARKE: Why have they remained empty for the past 12 months?

Mr WOODHAM: We have been tied up in negotiations with The Way Forward. Our push is that we can staff that unit with the staff who are already on line at Long Bay. We have been negotiating with the unions to move the staff from another part of Long Bay into that area. We are right on the borderline now of agreement on that.

The Hon. DAVID CLARKE: Are you saying that negotiations with the unions have been going on for 12 months and, because of those negotiations, those two wings—which were completely refurbished 12 months ago—have been empty?

Mr WOODHAM: No, I just told you that we put some mentally ill people in there while we refurbished another wing. We had some people in there, too, who were on drug treatment while we refurbished a wing in what was called the Malabar Training Centre. So it has been utilised but not to the full extent. That does not mean to say that the intellectually disabled people we have in custody are not being treated properly.

The Hon. DAVID CLARKE: There are still people in those two refurbished wings—5 and 6?

Mr McLEAN: No, not in 5 and 6 at the moment. We are still utilising 18, which is part of that program. That is the first stage of it; it is the minimum stage. So we have been successful with the unions in being able to do that area.

The Hon. DAVID CLARKE: So at the moment wings 5 and 6 are empty.

Mr McLEAN: Yes.

The Hon. DAVID CLARKE: How long have they been empty?

Mr McLEAN: As I said earlier, there have been some inmates in there over the last 12 months. But we are appreciative of the need to make sure that the staffing and the cost structure for those wings is correct, and that has been very difficult with the unions.

The Hon. DAVID CLARKE: How long has it been since there were any inmates at all in wings 5 and 6?

Mr McLEAN: It has been some months.

The Hon. DAVID CLARKE: Can you take that question on notice and come back with that information?

Mr WOODHAM: Yes.

The Hon. DAVID CLARKE: "Some months" could mean 10 months or three months.

Mr WOODHAM: It is not 10 months; I can guarantee that. It is nowhere near it.

The Hon. DAVID CLARKE: But it is more than three months?

Mr WOODHAM: I do not know. We will get back to you.

The Hon. DAVID CLARKE: Thank you. With the implementation of The Way Forward reforms, how many senior positions have been abolished?

Mr WOODHAM: At deputy superintendent level, 11 superintendent positions have been abolished.

The Hon. DAVID CLARKE: Out of how many?

Mr WOODHAM: Thirty-three.

The Hon. DAVID CLARKE: What about at the other levels?

Mr WOODHAM: All the deputy governors' positions have been changed to security managers and we did not delete any.

The Hon. DAVID CLARKE: None were deleted at all.

Mr WOODHAM: No.

The Hon. DAVID CLARKE: What has been the cost saving?

Mr WOODHAM: With the superintendents, it is \$1.1 million.

The Hon. DAVID CLARKE: And with the others?

Mr WOODHAM: We are negotiating now with the executive officers—that is, the assistant superintendents and senior assistant superintendents—and the savings there will come in at around \$3.1 million. We are also negotiating at present with the prison officers at Parklea, the remand gaol at Silverwater and the intellectually disabled unit at the MSPC. As I said, today they signed a document to say that they would move those three projects forward with some speed and get them finalised. That, again, will be a saving.

Mr McLEAN: With the three centres on line it will bring in about \$20-odd million initially, once it is implemented.

The Hon. DAVID CLARKE: Returning to the negotiations with the union that have been going on for the past 12 months for the use of these refurbished wings, are those negotiations finally coming to fruition?

Mr WOODHAM: Yes, they are—and not only there. It was much bigger than those three wings; we were negotiating with the entire service.

The Hon. DAVID CLARKE: They must have been very extensive negotiations to go for 12 months.

Mr WOODHAM: They are, and they are quite complex. I must say that, to date, we have not had one minute's industrial action. We could have rushed in and tried to force things through and it would have upset the entire system. But we have taken our time and we are making headway. We are very optimistic that we will get the savings we are after and have a better system as a result.

The Hon. DAVID CLARKE: How much do you believe those savings will be?

Mr WOODHAM: Around \$28 million, we hope.

The Hon. DAVID CLARKE: The Government has decided to end external and front gate patrols and checks at Parklea and Silverwater prisons and to call for private firm tenders. Is that correct?

Mr WOODHAM: No, that is not true. No tenders have been called. It was a decision made by the Government some months back to privatise boom gates and perimeter patrols at Silverwater, Parklea, John Morony and Long Bay. At this stage the Public Service Association has negotiated with the department to look at those areas. It is of the opinion that it can compete with private enterprise and we are talking to it about that as we speak.

The Hon. EDDIE OBEID: Minister, to what extent has the use of technology by the Department of Corrective Services reduced the cost of transporting inmates to and from court appearances?

The Hon. TONY KELLY: That is a fairly important question. The Department of Corrective Services recognises that video conferencing, which is particularly important in rural areas, offers significant benefits. By providing a more secure environment for inmate court appearances and limiting the number of external movements of inmates, the risk of escape is reduced. The limited movement of inmates also reduces opportunities to introduce contraband into correctional centres. Video conferencing minimises disruption to the participation by inmates in correctional system programs.

The Department of Corrective Services first used video conferencing at the Metropolitan Remand and Reception Centre in December 2000 for bail applications by remandees. In December 2001 the department began to use the technology for court matters such as mentions and stand-over matters. In April 2002 the use of video conferencing was extended to solicitors and barristers interviewing clients. In December 2002 the Serious Offenders Review Council also began to use video conferencing for regional proceedings. From February 2004, video conferencing has been used for regionally based periodic detainees who are facing the possible revocation of their orders and for all custody Parole Board hearings.

Since the commencement of video conferencing, some 42,199 inmates court matters have been dealt with via video conferencing, equating to approximately 89,884 inmate court movements that have been avoided. So nearly 90,000 inmate court movements have been avoided. During the 2004-05 financial year, 16,178 inmates appeared in court via videoconferencing. This figure equates to some 34,459 inmate court movements that have been avoided. The department has estimated that had these appearances occurred by the inmates being physically transported to court rather than via video technology, the cost incurred would have been more than \$3 million. So there has been a \$3 million saving by that video conferencing.

Given these benefits, the department is using video conferencing wherever circumstances allow. Video link facilities are being used to facilitate conferences between lawyers and their inmate clients, and for remote area visits by the families of inmates. The department now has 19 video conferencing studios. Each studio requires a secure holding area for inmates awaiting their video link appearance. The Cross Justice Video Conferencing System is a joint initiative between the department, the New South Wales Attorney General's Department, NSW Police and the Department of Juvenile Justice. It avoids transport and external escort costs and reduces the risk of escape during external movements.

On 5 December last year, the Cross Justice Video Conferencing System took silver at the Premier's Public Sector Awards. In 2004-05, the Cross Justice Video Conferencing System dealt with some 16,000 New South Wales Supreme Court, District Court and Local Court matters—a 20 per cent increase on matters that were handled by video link in the previous reporting year. During the last financial year the department also expanded its video conferencing to all custody-based New South Wales Parole Board matters, regional serious offenders review hearings and assessments of regional revoked periodic detainees. In addition, some 2,600 legal interviews were conducted via video conferencing, close to three times as many as the previous year.

During the last financial year the new generation conferencing equipment was installed and made operational at Dillwynia, Mid North Coast Correctional Centres and the third studio at Parklea Correctional Centre. The next centres to receive that equipment will be the high-risk management units at Goulburn, Parramatta and Junee correctional centres.

The Hon. IAN WEST: Could the Minister advise us as to any developments that have occurred to bolster the dog detector unit and other facilities at the John Morony Correctional Complex?

The Hon. TONY KELLY: I think I made some mention during questions on Juvenile Justice about the dog unit. With increased security demands and a burgeoning prison population at our

30 correctional centres, as I mentioned in my opening statement it is vital that we support the work of our officers with quality facilities and resources. An important part of the Department of Corrective Services work to combat gang activity, particularly to seize contraband, and to fight terrorism, is our drug and explosive detector dogs.

The Dog Detector Unit is at the front line of the department's operations. It is important that the Government supports their hard work with quality infrastructure and facilities. Work will start next year on a \$1.8 million facility at the John Morony Correctional Complex at South Windsor. The Dog Detector Unit is presently housed in converted quarters that were adapted after a move from Long Bay, where the unit was established in 1981. Following the 1999 Drug Summit, the Corrective Services Dog Unit expanded significantly, with handlers and canines being established at satellite units attached to correctional centres at Cessnock, Grafton, Kempsey, Lithgow and Goulburn. The new dog unit will serve as comfortable and hygienic accommodation for the animals and their handlers as well as the statewide headquarters for this vital tool in correctional operations.

The Department of Corrective Services has one of the most highly trained working dog units in the State. The unit comprises labradors, border collies and German shepherds, skilled in sniffing bombs and incendiary devices and detecting illegal drugs. The Dog Detector Unit is recognised as a national leader in drug and explosives detection. Correctional agencies throughout Australia seek training guidance from the unit in developing skilled dogs. These skilled dogs include active alert dogs. The dogs are drug specialists that respond by scratching and barking, and they are obviously used in vehicles or in static areas. Passive alert dogs indicate a find by sitting by the offender, while multi-purpose dogs are specifically trained for attacking, tracking, security and riots.

Another major upgrade to take place at the John Morony complex next year is the new \$1.2 million armoury. This complex will manage the State's munitions and weapons training programs. It is a state-of-the-art complex that will provide secure safe storage and help our officers respond effectively to situations.

The Hon. PETER BREEN: Minister, in the dogs unit last year I think there were 49 dogs.

The Hon. TONY KELLY: I thought there were about 30.

Mr McLEAN: Thirty dogs additional from the Drug Summit. That gives a total of 54 to my knowledge—or in proximity of that figure.

The Hon. PETER BREEN: And they represent dogs that are involved in drug detection, or all dogs?

Mr McLEAN: That is all dogs. As the Minister advised, that represents all dogs that are with the department.

The Hon. PETER BREEN: Why are dogs trained for bomb detection in the department?

Mr WOODHAM: We have been very much involved in the national terrorist negotiations on managing terrorists in custody in Australia, and I chair a committee with the other States and Territories on that issue. There is no doubt, given what has been smuggled into gaols overseas and the types of explosives that are available today, that such material is very hard to find by physical searching. Also, some of the people that we have in gaols today handle their business with firearms; it is the only thing they know. And they do not change because the child gate has closed behind them when they come into gaol. There is always a demand for firearms inside some of our maximum-security gaols, and it makes sense to us, for the safety of the community and for our staff, to have dogs that can detect such items.

The Hon. TONY KELLY: So it is bombs and explosives.

Mr WOODHAM: And ammunition.

The Hon. PETER BREEN: I assume the dogs are specially trained for that and nothing else?

Mr WOODHAM: There are two dogs that do nothing else.

The Hon. PETER BREEN: So that is an increase from last year of how many?

Mr WOODHAM: Two.

The Hon. PETER BREEN: I am sorry, in the total number of dogs.

The Hon. TONY KELLY: He said 49 last year.

Mr McLEAN: I thought there were 49 last year. I might be wrong about that.

Mr WOODHAM: We will check that, but I am pretty sure that is correct. What I am saying to you is that it is around that figure. It has increased since the Drug Summit from what we had, but we will check that for you.

The Hon. PETER BREEN: It is just that the \$1.8 million total estimated cost of the project seems a lot.

The Hon. TONY KELLY: That is the housing.

The Hon. PETER BREEN: Housing the dogs as well and training, I accept that. But for the addition of just a few dogs it seems like a lot.

The Hon. TONY KELLY: It is not just for the few dogs, it is for that head office—if you like, that head area for these dogs. It covers obviously more than the four or five additional animals; it covers that unit out at John Morony. They were formerly housed in some other area.

Mr SCHIPP: The facility comprises the kennels as well as the administrative area. So it is not only, as the Minister said, for the dogs. It is also for the staff. There are offices for the staff, training rooms for the staff, kennels for the dogs and wet areas. All environmental considerations need to be taken into account when you put a large number of animals in a concentrated area. There are quite a number of drainage and special wet areas and areas for treating the dogs—providing medication and things of that nature. It is not a domestic kennel type situation; it has to be fairly sophisticated to meet the RSPCA requirements as well as the operational requirements of the unit.

The Hon. TONY KELLY: I opened an RSPCA facility in Newcastle just recently and my recollection is that is similar—used obviously by council and the RSPCA.

The Hon. PETER BREEN: The only reason I question the number is that there are 39 or 40 institutions across the State and dogs are really the only way of detecting drugs coming into prisons—or the only effective way, in my experience. It seems to me that with the number of dogs relative to the number of prisons there should be more dogs available for detecting drugs coming into prisons?

Mr WOODHAM: For a start, dogs are not the only way of detecting drugs. There are a number of methods that we use, such as intelligence, monitoring telephone calls in real time—

The Hon. PETER BREEN: I am thinking particularly of visitors.

Mr WOODHAM: And physically searching, so the dogs are a tool that is part of that arsenal in combating drugs coming into prison, but they do play a very important part. Some of them have a roving commission: they turn up without warning and sometimes we have five or six dogs in the one exercise.

The Hon. PETER BREEN: Certainly a drugs dog at a prison deters visitors who might have drugs, so they are effective to that extent, are they not?

Mr WOODHAM: They are used in cells and they are used in motor vehicles as well.

The Hon. PETER BREEN: There was a recent program on Channel 9, *A Current Affair*, demonstrating a raid on a number of cells involving prison dogs.

The Hon. TONY KELLY: That was a task force of Corrective Services that began its operations in April 2004. Since it started in April 2004 more than 15,000 visitors to correctional centres have been subjected to searches by those passive alert dogs, with 3,515 searches of visitors' property. Since April last year 1,117 visitors have been denied entry into the State's centres and 341 of those visitors have been charged by police. Some of those confiscated items included mobile phones, weapons, as well as drugs, alcohol and drug paraphernalia.

The Hon. PETER BREEN: That television program—

The Hon. TONY KELLY: I think it was actually called "Raids", wasn't it?

The Hon. PETER BREEN: Yes, I think it was at Silverwater or Parklea.

The Hon. TONY KELLY: There are two facilities. I think it was both.

Mr McLEAN: Yes, it went across both. It showed Contarg in action. It was a display with the dog.

The Hon. TONY KELLY: On the one night but at the two facilities.

The Hon. PETER BREEN: It struck me as being a rather crude way to demonstrate how the unit operated. I was quite shocked to see prisoners exposed in that way. Whilst I accept that it is not acceptable for prisoners to be breaking the law, to be shown on television like that and to be demonstrating the authority of the prison over the prisoners I felt was dramatic and perhaps even breached some kind of understanding that I always thought existed in relation to the media going into prisons. I thought there was a blanket ban on journalists going into prisons, let alone taking television cameras in with them.

Mr WOODHAM: No. Over the years there have been plenty of occasions when telephone cameras have come in. I remember in the eighties television came in and filmed exercises such as that.

The Hon. PETER BREEN: This is the first time I have seen a television crew involved in a raid in a prison.

Mr WOODHAM: No, it has happened before.

The Hon. PETER BREEN: What is the value of it?

Mr WOODHAM: The value is this: that if you were an inmate and you had contraband hidden in your cell and you wanted to use drugs or use a mobile phone, you would wait until you thought everything was quiet and no-one was around and you would do it. The element of surprise is what we need when we go into those sorts of situations, when they have out what they are using. Some of those cell entries could be 11 o'clock at night or two o'clock in the morning. I can remember raiding a cell myself many years ago, not with a television camera, where people had gelignite and detonators in a gaol. I am not going to walk up and say, "Listen, we are going to search you at eight o'clock." I am going to tip you out of your bed and search you when we are ready at two o'clock in the morning.

The Hon. PETER BREEN: I accept that.

The Hon. TONY KELLY: The question went to the media side of it.

The Hon. PETER BREEN: I am concerned about it appearing on *A Current Affair*, after the news.

The Hon. TONY KELLY: The commissioner has alluded to how it affects the inmates. They can never tell when they are going to turn up, and that happens all the time.

Mr WOODHAM: Yes.

The Hon. TONY KELLY: But the media has the advantage of letting the people who supply the inmates with contraband know that inmates are likely to get caught with it. As I said, there were 3,500 searches of visitors' property, 1,100 visitors were denied entry and 341 were charged by police. If they understand there is the likelihood not only that they will get caught but that they are also endangering inmates, who are getting longer sentences, there is some advantage to that media publication.

The Hon. PETER BREEN: So it is a public relations exercise, is it?

The Hon. TONY KELLY: I would also think it is a threat to the visitors.

Mr WOODHAM: It is a warning.

The Hon. TONY KELLY: It is a warning to those who might bring stuff in that they are putting the inmates in more danger because they are likely to get caught. It is easier for Corrections staff to get the message across to the inmates because they do those raids, but the publicity of it warns the people outside that it is also happening.

The Hon. PETER BREEN: I raise it because of the different attitude you have to good news stories as opposed to bad news stories. You will not let any journalists in the gaol, as a rule, except if there is a bad news story that might show prisoners breaking the law by using drugs. You let them in for that, but if it is a good news story like a prisoner who is rehabilitated and who works in the prison for the benefit of other prisoners, you will not allow them in. It just seems to me that you have one rule to promote the agenda that we are being tough on prisoners and another rule altogether for good news stories.

Mr WOODHAM: That is not true. We have had media in over the last 12 months looking at places like Yetta Dhinakaal, the young offender program, and at Oberon looking at the young offender program and even interviewing inmates.

The Hon. TONY KELLY: Yes, the Herald interviewed a maximum-security inmate recently and did a story on that. It is a little bit harder to get the good news stories, whether they be in gaols or anywhere else.

The Hon. PETER BREEN: The more prisoners you get, the easier it is going to be. You now have 9,000, so it should be easier.

CHAIR: We will now have 10 minutes of questioning from Ms Lee Rhiannon.

Ms LEE RHIANNON: How much has the department spent in the last three years—or the last financial year if that is easier—in compensation to inmates whose personal belongings have been lost whilst being transferred between gaols or for any other reason?

The Hon. TONY KELLY: Let me clarify "for any other reason". Was that to do with personal property?

Ms LEE RHIANNON: Yes, personal belongings that have been lost.

The Hon. TONY KELLY: For any reason?

Ms LEE RHIANNON: Yes.

The Hon. TONY KELLY: We will take that on notice.

Ms LEE RHIANNON: I am just after a "Yes" or a "No" here so that we can get into the issue. Are prisoners still not allowed to have a private computer?

Mr WOODHAM: Yes, that is correct.

Ms LEE RHIANNON: In a letter I received from the previous Minister dated 25 May he made reference to the reason that laptops were being removed as being because not all inmates had proven to be responsible in the use of computers. Can you elaborate on the incident that led to prisoners not being allowed to have computers?

The Hon. TONY KELLY: I have not got the letter, but it is regrettable that circumstances in correctional centres are such that the minority will always abuse those privileges, resulting in unsupervised access being denied to all. The potential threat posed by technological developments cannot be ignored, nor is it addressed by just denying access.

Ms LEE RHIANNON: Can I ask you what the threat is because I am talking about computers that do not have the Internet? What is the threat with a laptop computer?

The Hon. TONY KELLY: And I am saying, nor is that threat just addressed by denying access. For that reason the commissioner issued a memo on 21 March this year that, among other measures, inmates were not permitted to possess as part of their private property, or have access to, laptop computers. It was also made clear that inmate access to desktop computers is strictly restricted to supervised situations. While education remains a high priority in terms of rehabilitation, it must be structured and directed towards reducing offender behaviour and gaining work skills. Inmates' access to computers increases as they progress through the system, with the greatest access to computers available at minimum security centres where inmates are likely to be placed prior to their release. Nevertheless, the department is conducting an examination of the computer policies of other jurisdictions, including developments in Queensland, under which inmates pay to have the computer that they are using stripped down every month to ensure that there is no inappropriate use. I do not know whether there are any additional comments that the commissioner wanted to make.

Ms LEE RHIANNON: So you are investigating the situation in Queensland. Did I understand you correctly?

Mr WOODHAM: Yes, and the other States. I have talked to the chief executive officer of Victoria about this issue.

Ms LEE RHIANNON: What about Western Australia? I think they are allowed to have computers in Western Australia.

Mr WOODHAM: In the remand gaols the unconvicted prisoners can have access to the law library on computer. Even small reception gaols like Bathurst have that access. There is a computer room in every gaol where they can have access, under supervision.

Ms LEE RHIANNON: I understand that in Western Australian prisoners are able to have their private laptops, private computers. Are you looking at that situation?

Mr WOODHAM: You probably know as well as I do that if you can get a mobile phone into a gaol and have a lap top computer you do not need much more to start accessing the net and doing other things with it. There is also a possibility in prisons around Australia of having inappropriate images on the computer. It is totally inappropriate.

Ms LEE RHIANNON: Would you not agree that there is technology these days that allows laptops to be disabled so that they do not have Internet access?

Mr WOODHAM: We say that they cannot have mobile phones too and they still get them. If they can smuggle something into a gaol they will. My stand at this stage is that there will be no laptops but we are looking at it. If there is a way that we can guarantee that in certain circumstances, particularly in minimum security, where someone has come through a maximum, medium and then minimum security institution, then they can have access to a laptop.

Ms LEE RHIANNON: Will you look at the situation in Western Australia as well as Queensland?

The Hon. TONY KELLY: Yes.

Mr WOODHAM: I will.

The Hon. TONY KELLY: The commissioner said that he is looking at the other States but we will look at all the States.

Ms LEE RHIANNON: Would you also acknowledge that in some ways there is a need for prisoners who are in for longer sentences to have access to computers, perhaps more than those who are in short term, because of the importance of being able to improve their numeracy, literacy and living skills and hopefully get an education?

The Hon. TONY KELLY: We certainly have that in the education programs but the commissioner might want to say more.

Mr WOODHAM: In the new gaols that are about to be built we will be able to pipe that into the cells so there will be no need to have a computer through their television.

Ms LEE RHIANNON: But is it not a contradiction that you allow them to have televisions? There is not much difference between a television and a computer these days so are you not in a contradictory situation?

Mr WOODHAM: No, why?

Ms LEE RHIANNON: Because, as I said, you do not allow them to have computers but they can have a television.

Mr WOODHAM: They can have a television.

Ms LEE RHIANNON: Yes.

The Hon. TONY KELLY: The concern I think—

Ms LEE RHIANNON: Do you not see the contradiction?

The Hon. TONY KELLY: He said earlier that if you have a laptop and then you get a phone as well, then it is a totally different situation. Despite the fact that phones are banned and there is a two-year gaol sentence, if you have a phone—they discovered a guy with a couple last week so they are prepared to risk it.

Ms LEE RHIANNON: I think you know that you can easily disable computers so that there is no Internet access.

The Hon. TONY KELLY: What they should do is get the Parliament House computers because they do not work anyway.

Ms LEE RHIANNON: That is very unfair to the IT people. The IT people here are very good. How many teachers are employed in New South Wales prisons?

The Hon. TONY KELLY: Do you have that figure? They are actually employed by the Department of Education and Training.

Mr SCHIPP: While the commissioner is looking at that I looked up the figure on the settlement of inmate claims. In 2004-05 we paid \$4,600 in the settlement of inmate claims.

Ms LEE RHIANNON: That is \$4,600 for loss of property for any reason.

Mr WOODHAM: There are 30 senior correctional education officers, 41 correctional education workers and 104.5 teachers.

Ms LEE RHIANNON: In the 2003 State election the Premier—

The Hon. TONY KELLY: Sorry, I would like to add to what I said earlier. I said that the teachers are employed by the Department of Education and Training. They are not; they are employed by the Department of Corrective Services [DCS]. However, the group of teachers at Kariang are employed by the Department of Education and Training because it is a proper school for children.

Ms LEE RHIANNON: In the 2003 State election the previous Premier promised \$11 million over four years for rehabilitation programs and \$7 million for literacy, numeracy and work skills programs. Has that money been made available as was promised?

Mr SCHIPP: Yes.

The Hon. TONY KELLY: Yes.

Mr WOODHAM: Yes. We also pay for 16,000 TAFE hours each year, and the education teaching hours for the DCS comes to 104,550 hours a year.

Ms LEE RHIANNON: Are you getting complaints from teachers that their educational programs are not as successful because the prisoners do not have access to sufficient computers?

Mr WOODHAM: They can have access to computers in the education blocks. That is where the computers are.

Ms LEE RHIANNON: But we know that there are insufficient computers so I ask my question again. Have you received complaints from teachers that there are problems with carrying out the education programs because of a lack of computers?

Mr WOODHAM: Yes, we have had in one gaol that I can recall.

Ms LEE RHIANNON: Which gaol is that?

Mr WOODHAM: John Morony.

Ms LEE RHIANNON: What has been your response?

Mr WOODHAM: My response is the same as every other gaol. The computers are in the computer room and that is where you can use them under supervision, and that is it.

Ms LEE RHIANNON: I am not sure if I asked this before. Will the report of your review of computers and the comparison with other jurisdictions be made public?

Mr WOODHAM: There would be no reason why not.

Ms LEE RHIANNON: So it will be made public. When?

Mr WOODHAM: When I conclude the review I will make sure you get a copy.

Ms LEE RHIANNON: Can we have a time on it?

The Hon. TONY KELLY: Obviously the commissioner has to meet with all the other commissioners. I do not know whether he intends to do it separately, but there is a meeting in November—

Mr WOODHAM: In November.

The Hon. TONY KELLY: —of all the State commissioner's equivalents. I would have thought that was an appropriate time to raise it and to get information. In particular, if he lets them know in advance they can bring the information to the meeting, and he can produce a report after that.

Ms LEE RHIANNON: How many reports did the department receive of assaults on inmates by custodial staff in the last financial year? I am interested in assaults generally and sexual assaults.

The Hon. TONY KELLY: We should probably take that on notice.

CHAIR: We have time for one final question from each Committee member.

The Hon. DAVID CLARKE: Today the Premier announced legislation that would make it illegal for people not in the emergency services to wear, buy or sell emergency services insignia or uniforms, in order to stop terrorists.

The Hon. TONY KELLY: Yes, it is my legislation.

The Hon. DAVID CLARKE: I think we would all agree that this is very good and that it is important in the fight against terrorism. That being the case, why was there only a \$5,500 fine imposed? Why was there not a gaol term attached? This is a very serious matter.

The Hon. TONY KELLY: This is not an Emergency Services estimates hearing, but the deterrent was similar to one currently in place for the police. You might have noticed that that legislation deals with copying or using police insignia. That legislation already exists. However, there was no legislation in place for the Rural Fire Service, the Ambulance Service and the State Emergency Services. Our concern was that people could use those uniforms and in fact they have been trading the insignia on the Internet, on eBay. Our concern was to try to stop that trade.

The Hon. DAVID CLARKE: Why would you not try to stop it with a gaol sentence?

The Hon. TONY KELLY: A \$5,500 fine is quite significant for those who are trading as a business.

The Hon. DAVID CLARKE: What about those who are not just trading? What about those who are doing it as part of a terrorist arrangement?

The Hon. TONY KELLY: If a terrorist who is likely to be a suicide bomber is doing it, the person is likely to do it regardless of a gaol sentence.

The Hon. CATHERINE CUSACK: Could I ask the commissioner to update us on the internal investigation into how Otto Darcy-Searle came to be paroled into New South Wales? Has that investigation been completed and, if so, what were the findings?

Mr WOODHAM: The process of the investigation has not concluded yet. When it is concluded I imagine we will be able to release the findings.

The Hon. CATHERINE CUSACK: The officers have been reinstated at Murwillumbah.

Mr WOODHAM: Yes.

The Hon. CATHERINE CUSACK: There must have been some outcome that led to that decision.

Mr WOODHAM: There was an outcome a few days after they were suspended that convinced me—I had a verbal briefing from the investigators—that there was no deliberate attempt to mislead me or the Minister in their failing to provide information that we were asking for.

The Hon. CATHERINE CUSACK: Was it just a horrible mistake?

Mr WOODHAM: We will have to wait.

The Hon. CATHERINE CUSACK: The outcome you received is the one I am interested in.

Mr WOODHAM: Linked with laziness, probably.

The Hon. PETER BREEN: I refer to a trial and a prospective trial.

The Hon. TONY KELLY: Do you mean a court trial?

The Hon. PETER BREEN: No, not a court trial. I refer to a trial for visitor arrangements, which has been going on for about 12 months whereby if visitors leave a prisoner to go to the bathroom during a visit that is the end of the visit. It has inconvenienced a lot of visitors, particularly visitors with children. Has the trial been concluded and, if so, what are the results?

Mr McLEAN: The length of the time the trial is going has to be proven through an evaluation of the statistics, and we do not have those conclusions in yet in relation to the reduction in contraband and what has come into the centres. We believe that it is necessary for it to go further. But it is certainly showing one thing. It is showing that people are more aware when they enter the correctional facilities not to bring things with them.

The Hon. PETER BREEN: Including children.

Mr WOODHAM: We have found drugs on children. We have found drugs in babies' nappies.

The Hon. PETER BREEN: But that is not the issue.

Mr WOODHAM: Hang on a minute. You asked the question.

The Hon. PETER BREEN: I asked a different question.

Mr WOODHAM: We have found drugs in babies' nappies. We have found drugs in prams.

The Hon. PETER BREEN: I am aware of that.

Mr WOODHAM: We have found drugs in their mothers' hair. They have been using those toilets so that they can remove the drugs from a body cavity and bring them into the visit section. That is why we have trialled what we are trialling.

The Hon. PETER BREEN: Apart from bringing the drugs into the prison the children also want to go to the toilet, and that is the end of the visit.

Mr WOODHAM: Commonsense prevails. I have given approval for some people with a medical problem that means that they have to go to the toilet quickly or something like that to give them an exemption.

The Hon. PETER BREEN: But in my experience children will go to the toilet if you say that they cannot go to the toilet, and that is the end of the visit.

Mr WOODHAM: Yes.

The Hon. PETER BREEN: I am curious to know when the trial might be concluded.

Ms LEE RHIANNON: Is it a trial or is it going to go on and on?

Mr WOODHAM: If visitors are stopped using children to bring drugs into gaol there will be no problem.

The Hon. PETER BREEN: Again, that is not a question. The question is whether the trial is going to be concluded and, if so, whether it is going to be concluded in the near future.

Mr McLEAN: As we have said, the statistics during the period of time we have been operating still have not been evaluated, and we have to be able to do that. One of the main things that

you have to do is weigh up the ability of people to be able to go to the toilet against the trafficking of contraband, including drugs, into correctional facilities and to the inmates inside, and that is what we are trying to do with programs within the facilities.

Mr WOODHAM: There is also a process where people can leave the visit section, but they have to come back through the metal detectors and come back into the visit section.

The Hon. TONY KELLY: So you are saying that they can go out to the toilet and come back in?

Mr WOODHAM: But they have to go through the security process to come back in.

The Hon. PETER BREEN: My understanding was that once they went to the toilet that was the end of the visit and they could not come back in.

Mr WOODHAM: No. As I said, commonsense prevails. If you have a child who wants to go to the toilet and the mother wants to take the child to the toilet, you let the mother take the child to the toilet, but then the mother has to come back through the security to get back into the visit section.

The Hon. PETER BREEN: If that is the arrangement, it is a fair arrangement.

Mr WOODHAM: Yes.

The Hon. PETER BREEN: I refer to another trial, a trial for needles. Is there any prospect of a trial of needles in prisons?

Mr WOODHAM: No, there is not. You are talking about needle exchange in gaol?

The Hon. PETER BREEN: Yes, free needles for prisoners using drugs.

Mr WOODHAM: It is a criminal offence to bring a needle into a gaol. We are the only prison service in the world that has had a prison officer stabbed with a needle from an inmate who was HIV by injecting the inmate's blood into the officer. That officer died. That is one reason. You would not have a prison officer left in the gaol if you wanted to introduce a needle into a New South Wales gaol. The second reason is that a few years ago I visited Germany and I had a look at their needle exchange. I had look at two systems of needle exchange, one where a prisoner puts a needle into a machine, turns it and destroys it and a new one falls out; and I saw one where the needles and syringes are handed out by a medical practitioner who is in the gaol during the day. The staff hated it. All the heroin injectors were down one side of the gaol. The staff were down the other. They did not want anything to do with them. Since we have been there Germany has stopped that program. There is no intention of doing it in New South Wales.

Ms LEE RHIANNON: If prisoners on home detention report problems with the equipment Corrective Services use to monitor their movements, what is the department's response? When the faulty equipment runs up large phone bills, will the department pay?

Mr WOODHAM: Electronic monitoring?

Mr McLEAN: Electronic home detention, yes.

Ms LEE RHIANNON: Yes, I am talking about home detention.

Mr WOODHAM: Could I just have that again?

Ms LEE RHIANNON: I am talking about prisoners on home detention. If prisoners report that they have problems with equipment that Corrective Services use to monitor their movements what is the department's response? If the faulty equipment runs up large phone bills because it keeps on ringing in all the time—I have had some reports on that—will the department pay?

Mr WOODHAM: If it were faulty equipment and our fault then we would have to pay.

Ms LEE RHIANNON: Are you saying that you will pay because it is your equipment? The only way it would be faulty is if something is wrong with it.

Mr WOODHAM: If it is our equipment and it is faulty—

Ms LEE RHIANNON: You will pay?

Mr WOODHAM: —and it is not the offender's misuse of it, we would have to pay.

CHAIR: Thank you, Minister, and thanks to your department for attending.

The Committee proceeded to deliberate.
