

**REPORT OF PROCEEDINGS BEFORE**

**GENERAL PURPOSE STANDING COMMITTEE No. 3**

**INQUIRY INTO THE OPERATIONS AND MANAGEMENT OF  
THE DEPARTMENT OF CORRECTIVE SERVICES**

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**At Sydney on Thursday 8 December 2005**

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**The Committee met at 10.00 a.m.**

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**PRESENT**

The Hon. A. R. Fazio (Chair)

The Hon. P. J. Breen

The Hon. Dr A. Chesterfield-Evans

The Hon. G. J. Donnelly

The Hon. C. J. S. Lynn

The Hon. G. S. Pearce

The Hon. I. W. West

**CHAIR:** I welcome everyone to the first hearing of General Purpose Standing Committee No. 3 inquiry into the operations and management of the New South Wales Department of Corrective Services. Today there are two substitute members; the Hon. Greg Donnelly replacing the Hon. Eddie Obeid, and the Hon. Dr Arthur Chesterfield-Evans replacing the Hon. Jon Jenkins. The Committee previously resolved to authorise the media to broadcast sound and video excerpts of its public proceedings. Copies of guidelines covering the broadcasting of proceedings are available from the table near the door. As some media are present, I advise that in accordance the Legislative Council guidelines for the broadcast of proceedings a member of the Committee and members may be filmed or recorded.

People in the public gallery should not be the primary focus of any filming or photographs, nor should the notes being used by Committee members. In recording the proceedings of this Committee the media must take responsibility for what they publish or what interpretation is placed on anything that is said before the Committee. Witnesses, members and their staff are advised that any messages should be delivered to the attendants or the Committee clerk. I advise that under the standing orders of the Legislative Council any documents presented to the Committee that have not yet been tabled in Parliament may not, except with the permission of the Committee, be disclosed or published by any member of such Committee or by any other person.

The Committee prefers to conduct its hearings in public. However, the Committee may decide to hear certain evidence in private if there is a need to do so. If such a case arises I will ask the public and the media to leave the room for a short period. I note that there are some issues that may be canvassed today which could cause concern on the basis of privacy, commercial in-confidence, or security. I propose that if those issues should arise and the representatives from the Department of Corrective Services believe that those matters should be canvassed in camera, I request that they simply make that statement.

The Committee will, if necessary, have any in-camera questioning at the end of the hearing to deal with those issues, rather than having a public hearing, an in-camera hearing, and then resuming the public hearing, if that is acceptable. I remind people observing the proceedings today that they are not permitted to make comments or interject. I ask everyone to turn off their mobile phones for the duration of the hearing.

I welcome today's witnesses, Commissioner Rod Woodham, Senior Assistant Commissioner Ian McLean, Senior Assistant Commissioner Mr Luke Grant and Senior Assistant Commissioner Catriona McComish. I thank the witnesses in advance for their attendance at today's hearing. The terms of reference for the inquiry cover three different areas of the department's operations. Therefore, the Committee intends to dedicate approximately one hour of questioning for each of the three terms of reference. Because of the likelihood that issues may be dealt with in camera in relation to part two, which deals with high-security prisoners, we will commence with the first term of reference, followed by the third and then deal with the second.

**The Hon. PETER BREEN:** Can I clarify that? Does that mean that we will deal with the second term of reference after the break?

**CHAIR:** Do you prefer that we deal with that issue before the break?

**The Hon. PETER BREEN:** No, I am curious as to whether the break will be in the middle of the hearing or whether the second term of reference will be dealt with after the break.

**The Hon. GREG PEARCE:** With respect, Committee members can ask questions about any of the terms of reference at any time. The Hon. Peter Breen can ask a question whenever he wants to.

**The Hon. PETER BREEN:** Yes, but I am asking for my own convenience, because I am waiting on some papers.

**CHAIR:** I will correct that. In the Committee's deliberative meeting that considered the adoption of the terms of reference and the conduct of the inquiry, it was resolved that we deal with the terms of reference one by one over three hours. It was resolved that the Committee hold a public

hearing on 8 December and that time allocated for each of the terms of reference be approximately of one hour's duration. It was intended to deal with them one after the other rather than cutting across.

**The Hon. GREG PEARCE:** I will still ask the questions that I want to ask.

**The Hon. PETER BREEN:** To clarify my point, will the high-risk management unit [HRMU] issues be dealt with between 12 noon and 1.00 p.m.?

**CHAIR:** In the main, yes.

**The Hon. GREG PEARCE:** Are we starting with the second term of reference?

**CHAIR:** No. As I said earlier, we will start with the first term of reference and then go to the third term of reference. The second term, which deals with security of prisoners, will be last. I suggest the hearing will proceed a lot more quickly if members pay attention to what is said.

**RONALD GEORGE WOODHAM**, Commissioner of Corrective Services, Henry Deane Building, Lee Street, Sydney, and

**IAN RUSSELL McLEAN**, Senior Assistant Commissioner, Inmate and Custodial Services, Department of Corrective Services, Henry Deane Building, Lee Street, Sydney, sworn and examined:

**CATRIONA ANNE McCOMISH**, Senior Assistant Commissioner, Community Offender Services, Department of Corrective Services, Henry Deane Building, Lee Street, Sydney, and

**DAVID LUKE GRANT**, Assistant Commissioner, Offender Management, Department of Corrective Services, Henry Deane Building, Lee Street, Sydney, affirmed and examined:

**CHAIR:** Are you conversant with the terms of reference?

**Mr GRANT:** Yes.

**Ms McCOMISH:** Yes.

**Mr WOODHAM:** Yes.

**Mr McLEAN:** Yes.

**CHAIR:** Would any of you like to make a short opening statement?

**Mr WOODHAM:** Yes, Madam Chair. I will refer to the three items individually. The Corrective Services Industries [CSI] manufactures a broad range of materials, including metal, timber, electronic and textile based products. It also undertakes upholstery and printing, laundering and recycling, among other services. According to a 1997 conference paper on Corrective Service Industries in New South Wales, the diversity of the CSI operations reflects the commitment to minimise the impact of inmates' work activities on any industry. The CSI is monitored by a Correctional Industries Consultative Council, known as the CICC, which aims to ensure that CSI operates in an ethical and transparent manner.

The CICC is comprised of representatives from business, trade unions and community members who review the operational and business proposals generated by CSI. The CICC is appointed by the Minister for Justice. The CICC reports to the Minister on the operations of the CSI and on the outcomes of any representations made to the CICC. Through the program, CSI aims to provide prisoners with skills and experience that may improve their ability to obtain and retain work outside prison, as well as assisting the correctional industry to become more self-sufficient.

CSI also provides some financial assistance to victims programs. One of the main operations of CSI at the present time is the preparation and provision of meals for all the correctional centres in New South Wales. We always hold the view that a well-fed gaol is a contented gaol. When you look in the past most of the disturbances in the 1970s and 1980s were because of food. Food started the riots and the unrest in gaols in that period of time. It is an important issue that we control that, and that we do it properly.

In relation to the management of high-risk prisoners, again, we take that very seriously. We have a very small number of extremely high-risk prisoners that we have to manage on a daily basis. Some of these people will die in prison. They are never to be released. They pose certain risks to us, to the community and to other inmates. The classification of male inmates ranges from AA, which is a new category for the management of terrorists, to category C, who is an inmate in an open institution. As I said, AA classification is for inmates who represent a special risk to national security, for example, because of the perceived risk that they may engage in or incite other persons to engage in terrorist activities. AA prisoners should at all times be confined in the special facilities in which we have them.

We then have maximum security prisoners in maximum security gaols, medium security prisoners in medium security gaols, and of course minimum security prisoners, which is about 50 per

cent of our inmate population, in minimum security facilities. But we are talking here today about high-risk prisoners. They are confined in Goulburn, Lithgow, Long Bay, the Malabar special programs unit, the Metropolitan Medical Transient Unit at Long Bay, the Metropolitan Remand Reception Centre at Silverwater, the mid North Coast at Kempsey and the special purpose centre at Long Bay, which is dedicated virtually for witness protection, which is another very important aspect when you look at terrorism that has to be catered for.

We have a Serious Offenders Review Council and a high-risk inmate management committee, which is a subcommittee of the Serious Offenders Review Council. The council makes recommendations to me as to the classification of serious offenders. A serious offender is defined as an offender who is serving a sentence of life imprisonment, an offender who is serving a sentence for which a non-parole period has been set in accordance with schedule 1 the Crimes (Sentencing Procedure) Act, an offender who is serving a sentence in one of a series of sentences of imprisonment which the term of the sentence or the combination term of all the sentences in that series is such that the offender will not become eligible for release from custody, including released on parole, until he or she has spent at least 12 years in custody, or an offender who is for the time being required to be managed as a serious offender in accordance with the decision of the sentencing court and parole authority or myself.

We have a number of serious offenders housed in what is called the High-risk Management Unit [HRMU] at Goulburn, and as a step down from that facility we have a number of prisoners in a security threat group program at Lithgow prison. But in general we have AA categories of terrorists—this is for the male prisoners—category A1 being category of inmate who in the opinion of the commissioner represents a special risk to the good order and security and must be kept behind a physical barrier that includes towers and other, surveillance equipment. Category A2 is a category of inmate who in the opinion of the commissioner should at all times be confined in a secure physical barrier which includes towers and other security parameter structures or electronic surveillance equipment. Then we move into categories that are not of interest today, such as minimum security and medium security.

On the female side, each female is classified. It is a gender specific classification system. A category 5 is the same category for the males as a AA being the category of inmate who in the opinion of the commissioner represents a special risk to national security and a category 4 being a category of inmate who in the opinion of the commissioner should at all times be confined to special facilities within a secure physical barrier that includes towers or electronic surveillance equipment. We have two other categories of prisoners, one of which could most definitely be regarded as a serious offender and that is a category E1. In simple terms, that is a prisoner who has escaped from a secured institution, and E2 is a person who has escaped from minimum security. But E1 would be of interest today.

**The Hon. IAN WEST:** Sorry, did you say E1?

**Mr WOODHAM:** Yes, it would be a person who has escaped from a maximum security or a security environment.

**The Hon. IAN WEST:** Is this females?

**Mr WOODHAM:** No, male.

**The Hon. IAN WEST:** Was that male or female?

**Mr WOODHAM:** Yes. I was talking about males at the time. If you go to the transfer of parolees, we have new procedures for the transfer of parolees into and out of New South Wales, of which no doubt we will go into more detail. We also have the statistics of how much movement there is between the States and the international transfer of prisoners. I might leave it at that.

**The Hon. GREG PEARCE:** Good to see you, Commissioner. I had heard that you had retired, but obviously word of your demise was premature.

**Mr WOODHAM:** No doubt I will one day.

**The Hon. GREG PEARCE:** Mr Grant, you are on the consultative council for Corrective Services Industries?

**Mr GRANT:** That is correct.

**The Hon. GREG PEARCE:** You have acted as acting chairperson.

**Mr GRANT:** I have on a number of occasions.

**The Hon. GREG PEARCE:** Are you now?

**Mr GRANT:** The chair of the committee is actually Ian McLean who is the Senior Assistant Commissioner, Inmate Custodial Services. However, in recent times I have been chairing the committee because Mr McLean has been involved in other matters.

**The Hon. GREG PEARCE:** Earlier this year Minister Hatzistergos gave assurances to the media that any product made in the textile sector in New South Wales prisons was only replacing imports. Is that correct?

**Mr GRANT:** That is correct.

**The Hon. GREG PEARCE:** So you stand by that statement.

**Mr GRANT:** I do.

**The Hon. GREG PEARCE:** Are you aware that the Legislative Council obtained from the department a large number of documents?

**Mr GRANT:** Yes I am.

**The Hon. GREG PEARCE:** They show that products such as ishtar curtain fabric and continuous curtaining are being made within prisons such as Long Bay at increasing rates. Is that correct?

**Mr GRANT:** I am not sure if they are being made at increasing rates but they are certainly being made at Long Bay.

**The Hon. GREG PEARCE:** These products are identical in every way, colour and coding, to products which were made by outside businesses. Are you aware of that?

**Mr GRANT:** I do not believe that is correct. I think that is incorrect.

**The Hon. GREG PEARCE:** What inquiries have you made to establish that?

**Mr GRANT:** The correctional industries consultative council made two inquiries into this whole issue of curtain manufacture, specifically about the Long Bay operation. Part of that was to consider, which is the primary purpose of the consultative council, whether or not any business or any employment was being affected by the operations of Corrective Services Industries. The second one of these reports, which is a comprehensive report conducted by Pat Donovan, who is one of the industries representatives on the council, considered the manufacture of curtains and made specific comment on the fabrics. I have his report, and I think in describing it, I have the two fabrics that are currently made coincidentally here with me today. His report confirmed that the fabrics were entirely different. While the curtain was called the same name, the trieste and the ishtar range were called the same, the fabric that was being used for them was entirely different. I am not sure if you wish me to describe that to you.

**The Hon. GREG PEARCE:** You might table that report, if you do not mind.

**Mr GRANT:** Okay. I think he clearly went into it and described an entirely different fabric, and the advice that we were provided was that in fact the previous fabric was not manufactured locally but was imported from overseas.

**The Hon. GREG PEARCE:** So you say that it is not the same as the Gummerson's project.

**Mr GRANT:** I believe it is an entirely different fabric.

**The Hon. GREG PEARCE:** Are hospital sheets and other manchester items being made in the prison system?

**Mr GRANT:** They are.

**The Hon. GREG PEARCE:** Were they previously awarded to businesses operating outside the system?

**Mr GRANT:** I could not comment on that at this stage.

**The Hon. GREG PEARCE:** At which stage would you be able to comment on it?

**Mr GRANT:** I very specifically researched the issue of the world of curtains area. I am very familiar with the nature and the history of the development of that business. I do not have in front of me the information about the development of the business at Lithgow, which I presume you are referring to, and the nature of those contracts and what they replaced and how long they have been in place. So I would prefer to take a question on notice in relation to that particular industry.

**The Hon. GREG PEARCE:** So you will take that on notice?

**Mr GRANT:** I will.

**The Hon. GREG PEARCE:** Have any awarded contracts had their stamps altered or been altered in any other way after being awarded to render them null and void so they can be re-awarded to other parties?

**Mr GRANT:** I do not understand that question, I am sorry.

**The Hon. GREG PEARCE:** Have any of the awarded contracts been voided and then new contracts awarded to other parties?

**Mr GRANT:** I am not aware of that but it is something I will take on notice as well.

**The Hon. GREG PEARCE:** What do you know about Graham Jowsy?

**Mr GRANT:** I know his name. I am sorry, I cannot recall what the association is with CSI.

**The Hon. GREG PEARCE:** You do not know off the top of your head?

**Mr GRANT:** No.

**The Hon. GREG PEARCE:** Do you, Mr McLean?

**Mr McLEAN:** No, I do not.

**The Hon. GREG PEARCE:** Would you take that question on notice?

**Mr GRANT:** Yes, I will. What specifically did you want to know?

**The Hon. GREG PEARCE:** What his association is with Corrective Services. Mr McLean, what is the current grading of Judy Windall?

**Mr McLEAN:** Judy Windall is a senior officer of the department, grade 1.

**The Hon. GREG PEARCE:** Is that the top grade?

**Mr McLEAN:** Yes, it is. No, sorry, correction—grade 2 is the top grade.

**The Hon. GREG PEARCE:** What grade did she start at?

**Mr McLEAN:** She started in the same grade, to my knowledge.

**The Hon. GREG PEARCE:** How long ago was that?

**Mr McLEAN:** To my knowledge she has been in that position for approximately three years.

**The Hon. GREG PEARCE:** So she has been in that same position the whole time?

**Mr McLEAN:** That is correct, yes.

**The Hon. GREG PEARCE:** Are those appointments made by you or by the commissioner?

**Mr McLEAN:** They are approved by the commissioner but overall they are done through normal merit selection through the normal recruitment process.

**The Hon. IAN WEST:** This is outside the terms of reference.

**The Hon. GREG PEARCE:** No, I am asking about staff.

**CHAIR:** Is it staff of Corrective Services?

**The Hon. GREG PEARCE:** That is why I am asking Mr McLean as the chair of the consultative council. Was she an outside recruit or internal recruit?

**Mr McLEAN:** Into that position she was internal.

**The Hon. GREG PEARCE:** From where in the department?

**Mr McLEAN:** She previously worked in human resources and came to work with me three years ago in the position of director of the rostering unit at that level.

**The Hon. GREG PEARCE:** What level was she at human resources before she came to you?

**Mr McLEAN:** I am not aware of that offhand.

**The Hon. GREG PEARCE:** Will you take that on notice?

**Mr McLEAN:** Yes, I will.

**The Hon. CHARLIE LYNN:** Mr Grant, as I understand, this year's Department of Corrective Services annual report shows that the present system is returning more money than ever before through the corrective service industries?

**Mr GRANT:** I believe there was an increase in sales over the past 12 months.

**The Hon. CHARLIE LYNN:** How can you then continue to give assurances that outside businesses are not being adversely affected if they are returning more money?

**Mr GRANT:** A whole series of very elaborate processes are put in place. The department was very responsive in the first instance to the Federal Government strategy in 1995, looking at competition. The National Competition Council engaged in discussions with the department around

that time and in 1997 the Council of Australian Governments committee made some agreement in relation to the types of processes that would operate in the correctional industries sector. New South Wales was a leader in those discussions with other States in establishing a protocol, a set of expectations, about how industries would operate.

The mechanisms for ensuring that we do not compete unfairly with other external agencies are quite complex and they involve a very well detailed pricing and a very well detailed costing policy. So the costs associated with manufacture, and so on, of things created inside the custodial environment cannot be underrepresented so we can undercut other agencies. That mechanism is very clearly established.

In addition to that we have the Correctional Industries Consultative Council process which also is something that was led by New South Wales. It is a very effective process. It has very broad representation, including unions, who have a specific interest in the loss of jobs of individual workers and also Australian industry representatives, who were very concerned about loss of industry.. Through that process it is a requirement that prior to engaging in any type of business the proponent of this business activity provides us with an industry impact statement that provides an overview of the possibilities of loss of earnings, loss of jobs, and so on, associated with that industry. That council takes that responsibility very seriously and has regard and lots of vigorous discussion about the benefits or otherwise of particular employment opportunities for inmates. Therefore, I am fairly confident that the systems we have put in place, that I have said are very elaborate, protect against that.

Part of the cost of our increase is our own internal sales. The sales you are referring to and the increase in sales also relate to our own attempts at self-sufficiency, which we believe is a very appropriate thing to pursue—the manufacture internally of our own goods for our own use. So, you can have fluctuations associated with that. For instance, corrective services industries have increasingly taken over, as the commissioner mentioned, food services. In an attempt to seek quality food services we now operate along commercial lines, applying all of the Australian commercial standards, and so on, and therefore that may be represented in our sales as an increase in sales. It is an internal increase in sales.

I believe the systems we have in place are very effective. We take them very seriously and we are very committed to them. It causes some disadvantage to us as well because it conflicts to some degree with our aspirations to provide inmates with work opportunities that reflect work opportunities in the community. Quite often the types of work opportunities we provide for offenders in custody are those that are much more closely linked to opportunities overseas. For instance, the textiles industry is an area where we believe the skills that people develop are not taking away the skills of local workers, but in fact have a complementary effect on local industry. For instance, in the curtain manufacture that we mentioned earlier we purchase Australian-made fabrics. Whereas we do the value added work in corrective service industries, our commitment to that industry ensures that employment is maintained in the fabric manufacturing process instead of going off and buying fabrics, and so on, from overseas. I have a lot of confidence in the system.

**The Hon. CHARLIE LYNN:** Again in relation to corrective service industries, I understand Panama Industries once operated the nursery at Long Bay gaol?

**Mr GRANT:** That is correct.

**The Hon. CHARLIE LYNN:** Can you advise whether Panama Industries is seeking compensation for having this operation shut down by the department because of the resumption of land?

**Mr GRANT:** I do not believe so, but I would like to take that on notice to clarify. I do not believe there has been any formal representation so far that we are aware of. But I will clarify that.

**The Hon. CHARLIE LYNN:** But the industry has been shut down?

**Mr GRANT:** That is correct, yes.

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS:** Is the object of CSI to make money for the department or to train inmates? Which is the primary objective?

**Mr GRANT:** I would say that it has a number of competing objectives. In the first instance our organisation's mission is to reduce re-offending in an environment that is safe, secure and humane. Corrective service industries contributes very significantly to all of those objectives of the organisation. In the first instance, corrective service industries provides structured opportunities for offenders to be engaged in meaningful activities during the day that distract them from other possibilities of violence and disruption in the system. So, it performs a very important role there.

Secondly, we have recently re-emphasised the importance of developing employability skills amongst workers. We have developed a program that we call Work Readiness, which emphasises the acquisition of general employability skills and vocational skills that might improve people's prospects of employment in the community. In addition to that, we regard CSI as an opportunity for meeting our objectives in relation to restitution, because through the work in custody people can offset some of the cost of their incarceration, which is significant, and they can make contributions to things by earning money in gaol—to victims' funds and also to very specific initiatives of the department to support the victims groups. In addition to that, CSI does contribute in some small way to the department's general budgetary issues. So, it performs all those functions. One of the challenges of managing CSI is to try to find the appropriate balance between each of those objectives. I would hesitate to indicate that one of them was more important than the other.

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS:** What percentage of the money they earn through CSI do the inmates get?

**Mr GRANT:** I will have to take that question on notice.

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS:** When you put people out to work outside the prisons, I note they are charged from the minute they leave the gate to the minute they come back, is that correct?

**Mr GRANT:** That is correct.

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS:** So if I were trying to employ somebody from Emu Plains, I would be paying the normal commercial wage from the time they left Emu Plains gate to the time they got here, then the time they were here and the time they went back?

**Mr GRANT:** I am not exactly sure what you are talking about. I think that may be confusing. What happens is that people who work in the community, in community-based employment, are working under our external leave provisions, which means they can have a work release opportunity. Those people are employed as employees, paid under award wages in whatever environment they are working. We do not charge for the time that people leave and the time they get back at all. However, under those circumstances where offenders are earning those award wages, we charge them for their accommodation and the cost of their living when they are in custody. We do not sell their labour on external leave programs to the organisations with which they work. They become effectively employees of those organisations, but they must make a contribution in return to the Department of Corrective Services.

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS:** But the employer is not charged for their travel time?

**Mr GRANT:** No, they are not.

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS:** That was not my understanding. If you say the workers are training for work once they are released, have you any figures on what percentage of people who have been into CSI get jobs in similar industries when they are released? In other words, do you have any figures about the success of the program?

**Mr GRANT:** I will comment on two aspects. Firstly, it is very difficult for us to follow up people once they have left our care because people generally want to maintain a distant relationship

from us, having left. So, it is very difficult for us to get an undertaking from people to follow them up and to work out whether they have achieved a job or not or the nature of those jobs. It is something we are interested in pursuing but it is very difficult to do that.

Whether they get jobs in the domains they work in in custody, as I mentioned before, almost by definition and because we do not attempt to compete with local industries, the types of work we provide for inmates in custody may not be congruent with the types of job opportunities that are available in the community. With the exception of our self-sufficiency industries, they relate to the hospitality industry, the hygiene industry and so on.

However, our approach is much more broadly based than that in that we believe that what people really need to be equipped with is these broader employability skills. We run more than 20,000 hours of vocational training, TAFE hours, a year. As a result of that type of training, we link that training to employment and acquire a whole array of occasional training certificates. However, more important than that—and there are a lot of international studies and the Texans have done some extraordinary work with very large numbers of people they incarcerated—vocational training of itself does not create sustained employment for people on release from custody.

What is missing from that is a whole broad array of employability skills that relate to the way you relate to other people—your capacity to take instructions, to solve problems, deal with impulsivity and problem-solving, and so on. The new emphasis we are placing through our Work Readiness program is on making people work ready, and that is the language that is currently used in the sector. That relates to identifying a series of competencies, not specific vocational skills but skills that every worker should have to maintain employment. That is our emphasis at the moment.

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS:** If these jobs do not compete with industries outside, presumably the skills are not transferable when they get out anyway?

**Mr GRANT:** As I mentioned to you, that relates to the discussion I was having before. The skills are very transferable because a lot of the skills are about working co-operatively, working in teams, taking instructions from people. The occupational health and safety training we provide is a universal type of training that is available to people. We provide a whole array of generic skills to people, as I said, that are useful in most areas. Beyond that we have a number of industries where people participate in traineeships that give people real work opportunities. We have significant commitment to TAFE training, as I mentioned.

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS:** Of the TAFE training, 20,000 hours are spread over how many people?

**Mr GRANT:** The 20,000 hours could be 20,000 hours with an optimal class size of 14—so you have to multiply those numbers out—and I think we employ about 5,000 or 6,000 people at any one time. They are the TAFE hours.

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS:** That is in CSI or is that separate from CSI?

**Mr GRANT:** This is in the Department of Corrective Services.

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS:** Is the work done by CSI competing in time terms with education? In other words, do the workers have the choice of getting CSI and getting some money to buy vegemite or whatever they buy, or getting some education? In other words, the vocational program could suffer from competition with CSI?

**Mr GRANT:** No, the vocational training is very well linked into CSI workspaces. We have our own registered training organisation, which is called the Adult Education and Vocational Training Institute. That provides basic education up to a certificate the equivalent to the School Certificate or the Certificate of General Education for Adults. The certificate is not provided in the workplace but it is provided outside the workplace and people are able to leave the workplace to participate in that type of education.

When they do that, that can sometimes have an impact on that productivity. So whilst they might have a standard wage and they might have a productivity payment, they might lose some earnings because they are in an education program. But we feel that is equivalent to the real world where people, if they leave and go for training, if the training is work-related it happens in the workspace ideally; traineeships happen in the workspace; they leave the workspace to go to adult education, they do not lose their basic wage but it might impact on their productivity pay.

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS:** But are they not pretty marginal in terms of their buying power for their buy ups? If they are only just getting enough money for their buy ups by working in CSI and if they leave CSI to do education they lose that purchasing power?

**Mr GRANT:** I have not got the average earnings in front of me at the moment, but people earn between \$35 and \$65 a week in the Corrective Service Industries workplaces, which is sufficient really to manage those basic needs because we provide food and basic items for people, and additional items like tobacco and so on that are important to people in custody are affordable with that type of wage structure.

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS:** These generic skills that they have, you are saying that the fundamental work is generally not transferable but the sociology and the occupational health and safety and the discipline of getting up in the morning and going to work may be transferable in terms of your Texan research in the whole package of the person's behaviours, if you like, but you are saying that the actual things they do—the work—is not transferable?

**Mr GRANT:** If I can just clarify that. What I was doing was moving away from a universal statement that suggested that all of our work is transferable because a significant amount of it is. We employ a lot of inmates in hospitality-based areas; we are increasing our traineeships so we have got traineeships in a whole range of industrial areas—in the construction industry and in metal fabrication and in areas like that. So there is a whole series of areas where we do. Some of our industries, however, do not necessarily equate to work in the community. However, in terms of going from a job with us as a person working in a textiles workshop to a textiles job in the community, that is probably something that does not happen very often, I would imagine.

However, in that workplace people learn to work as a team; they learn to solve problems in the workplace; they have basic occupational health and safety issues; we have workplace literacy and so on that are acquired through the process, and the stuff to do with the relationships in the workplace we believe are probably more important than having a vocational certificate.

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS:** But you have taken their computers, have you not?

**Mr GRANT:** No, we have not taken their computers. The department has a large program for computers. As I mentioned, our adult education and vocational training institute runs an accredited certificate program in computing. We regard it as an important tool for education either for people to acquire very specific vocational skills but, in addition to that, we think it can be used as a mechanism for teaching. What we have done, however, is we have ensured that where people are using computers that supervision is applied and we have removed laptop computers because at this stage the commissioner and other staff in the department are not satisfied that we can manage them securely, given people's propensity to bring contraband and to use these devices for various inappropriate purposes.

**The Hon. PETER BREEN:** Assistant Commissioner, I understand that the wages for people on full-time education are on a par with people working in CSI.

**Mr GRANT:** That is not correct. The full-time education wage is slightly lower than it is for people working in the CSI generally.

**The Hon. PETER BREEN:** But there is not much difference in the figures, is that fair to say?

**Mr GRANT:** No, I would say there is a very significant difference.

**The Hon. PETER BREEN:** Would you be able to provide the Committee with the figures?

**Mr GRANT:** Yes, I would. I have not got them with me.

**The Hon. PETER BREEN:** You said that the CSI wages were between \$35 and \$65 a week?

**Mr GRANT:** Somewhere in that range.

**The Hon. PETER BREEN:** I would be interested to know what the full-time education wages are.

**Mr GRANT:** Significantly lower than that, but I will give you the exact figure.

**The Hon. PETER BREEN:** Also, the figure for people engaged in part-time education.

**Mr GRANT:** In terms of part-time education, the only people we pay for education are full-time students. We have a new initiative that the commissioner has developed that is a model that we are proposing to roll out around the State. But we have an intensive learning centre, for instance, in a young offenders correctional centre. In that particular development the people who are there as full-time students actually get significantly more. So just to clarify that: around the State we have general sort of education programs; within those educational units there is generally a sequencing issue. At a particular time it may be more important for someone to be gaining an educational skill than gaining a vocational skill or dealing with their deeper sort of violence issues. So at that stage we pay them a small amount of money to compensate them for not having a job, and they move on.

In the particular new model that we are exploring at the moment, which is the intensive learning centre, as an incentive for participation and progress in that program—and everyone who has been in that program in six months acquires a certificate in General Education for Adults, Certificate 2, I believe, and an array of other vocational certificates—we actually pay people more as they progress through that program; in fact, they get significantly more than students elsewhere. So we are reviewing that model and if it is effective that model may be rolled out further in other correctional centres.

**The Hon. PETER BREEN:** Are there between 200 and 300 people in full-time education—

**Mr GRANT:** It sounds like that is probably the right figure, but I would have to clarify that figure. But that in no way reflects the number of people who participate in education generally, because a lot of people are doing certificates where they can attend for one day a week for two hours or two days a week for two hours, or whatever. So it does not reflect on the scale and the quantum of our education programs.

**The Hon. PETER BREEN:** Those people attending the program for, say, one day a week, I have always thought of them as part-time education people.

**Mr GRANT:** If those people are participating in a general education activity like a literacy program, then they do not lose their basic wage as when they leave the workshop or the workplace. So they will be able to go from the workplace to the education program and not suffer any loss of earnings, except, as I mentioned, if they are in an activity where they are getting a productivity bonus they might lose their productivity bonus.

**The Hon. PETER BREEN:** Do you know offhand what the basic wage is?

**Mr GRANT:** I do not have that in front of me, I am sorry. I will have to get back to you.

**The Hon. IAN WEST:** Mr Grant, the issue of the philosophy and scope of Corrective Services Industries—we have heard here this morning some very important issues regarding Work Readiness, the interpersonal skills, literacy and numeracy skills, the various training opportunities in regard to that important balance of rehabilitation, restitution and work readiness. Have you got some

documentation or some additional information that you can give us about the very good works of Corrective Services Industries?

**Mr GRANT:** Yes. CSI is particularly well documented so I would be very pleased to provide to the Committee the full Corrective Services Industries procedures manual, which is an extraordinarily detailed and well thought out document. However, in relation to issues about the broad philosophy and the scope of Corrective Services Industries, I might refer to the commissioner and ask him to provide a commentary on that.

**Mr WOODHAM:** CSI plays a central role in helping the department to achieve its mission statement, which is to reduce reoffending through safe, secure and humane management of offenders. Its very existence emanates from a longstanding community value which recognises that work is the cornerstone of an effective society. Accordingly, a commitment to work is the primary component of inmate rehabilitation within New South Wales. CSI also has an integral part to play in the efficient management of correctional centres by creating meaningful activity, because I can assure you that boredom creates problems, particularly at the heavy end of running a correctional department: it breeds contempt and that, in the past, has been a contributor to some of the disturbances. Keeping them occupied is very, very important.

By creating meaningful activity for inmates is a mechanism whereby they can contribute towards reducing the cost of their incarceration and towards the good order of the correctional system as a whole. This philosophy enables CSI to offer a comprehensive program of operations that are designed to meet a number of objectives. In relation to inmate rehabilitation, CSI seeks to develop a positive work ethic, and that is very important. A lot of these people when they come to us off the street have never worked in their life before and just to have them get involved in a work ethic is a big move. Special employment and vocational and upgrading their skills and literacy and numeracy are connected with nearly everything we do in CSI.

CSI also seeks to enhance the personal development of the inmates, as I said, by alleviating boredom, and to keep inmates constructively occupied so they do not engage in misbehaviour. Employment in Corrective Services Industries enables inmates to contribute to reducing the cost of incarceration and also to maximise self-sufficiency of the correctional centres. This ultimately reduces the financial burden on the community. In many ways CSI enables the department to fulfil the community's expectations regarding reparation and rehabilitation, to undertake community projects and to contribute to victims of crime compensation.

In reference to an earlier question, there is a definite connection, particularly at the lower end of the scale with over 50 per cent of our people in minimum security institutions, and the work they do is very compatible with the work that they will get outside, like driving machinery or getting tickets for front-end loaders or in our property at Brewarrina, learning to shear sheep, fence, drive machinery, look after stock—all skills that they need to get engaged in work in the country, where a lot of our offenders live.

CSI is made up of a number of diverse commercially-based business units, primarily service industries, which covers food, as we mentioned, service supply, centre hygiene, ground maintenance and other more commercially based business units that cover engineering, furniture, print, textiles, agriculture, technology and private sector partnerships. I might also add that we are that far ahead of the other States in Australia they cannot see us for our dust. I have had a look at what they do in their industries and we are definitely at the leading edge as far as Australia and the Pacific basin is concerned. In all, CSI has some 68 business units spread across the States and employs over 5,600 inmates. It has produced sales of over \$40 million in the last two financial years, and this has assisted in contributions back to the department to the order of around \$5 million each year.

CSI employs 5,600 inmates out of a total of 9,200 different business units in 31 correctional centres across the State. This equates to a 78 per cent employment rate, which compares more than favourably with the national key performance indicator of 65 per cent. CSI focuses its business activities on self-sufficiency or internal supply, import replacement and private sector partnerships, which are assisting in providing work in areas where there is a shortage in the community. CSI endeavours to identify areas of work which provide employment opportunities for inmates on release in areas that are struggling to find suitable qualified people, such as in the area of telemarketing.

To ensure that CSI takes a sensitive and sensible approach to business development without disadvantaging businesses and employees in the community, its activities are monitored by the Correctional Industries Consultative Council, which we have already referred to. In addition to this, the manager of industries at each correctional centre is responsible for ensuring that they comply with the standard costing and pricing policy, which have been designed to prevent products being sold at or below cost.

This was achieved by a Corrective Services Industries review of competitive issues and production efficiencies in correctional industries. The results of the review are contained in a document titled "Corrective Services Industries and Competitive Neutrality", which was released to the public in March 2004. Work Readiness has been introduced to measure the employability skills of inmates from the time they are received into our care until the time they are released. This measurement is targeted to ensure continuous improvement.

**The Hon. GREG PEARCE:** You mentioned boredom. Can you tell me what are the average out-of-cell hours for New South Wales prisons?

**Mr WOODHAM:** It varies.

**The Hon. GREG PEARCE:** Across the system?

**Mr WOODHAM:** It varies in minimum security from 12 hours out of cells to restrictions, depending on the category of classification. It is also impacted on, to give you the average, by procedures during the day, such as there may be training days for staff and also there may be requirements to close the centre for the day. The average varies in terms of year to year.

**The Hon. GREG PEARCE:** What is the current year's average, or last year?

**Mr WOODHAM:** I will take it on notice.

**The Hon. GREG PEARCE:** Is it correct that the national average is more than nine hours? Would you be able to answer that?

**Mr WOODHAM:** I will take that on notice.

**Mr McLEAN:** I was going to say I do not think it is, but we will take that on notice.

**The Hon. GREG PEARCE:** It goes to boredom. This year's annual report of the department shows that prisoner-on-prisoner assaults are up. Could you give us an indication of why that might be the case, and how that might reflect on boredom?

**Mr WOODHAM:** When you say they are up, you have to look at the increase.

**The Hon. GREG PEARCE:** In the prison population?

**Mr WOODHAM:** Yes. A very distressing time for any offender is when they are first arrested. They are very agitated initially when they come into custody. We now manage that operation in the court cells and have taken what is called form 7 offenders overnight from the police.

**The Hon. GREG PEARCE:** What is a form 7?

**Mr WOODHAM:** Form 7 is someone who has been picked up who will have to go to court the following morning. They stay in our custody in our 24-hour cell complexes that we now manage—that the police do not—which allows more police to be on the beat. When you look at the average for, say, officer assaults the national average is 0.06 serious and ours is nil.

**The Hon. GREG PEARCE:** That is fine. I was asking about prisoner on prisoner?

**Mr WOODHAM:** That is prisoner-on-officer assaults. We have not had a serious one. And if you look at—

**The Hon. GREG PEARCE:** No, prisoner on prisoner.

**Mr WOODHAM:** I am just trying to correct you. I am just trying to be accurate. I am reading from the report you referred to.

**The Hon. GREG PEARCE:** I did not ask you about prisoner-on-officer assaults. I am very pleased with the record there. I was asking you about prisoner on prisoner, arising from your comments about the success of the department in keeping prisoners busy and reducing boredom.

**Mr WOODHAM:** They assault staff, too, if they are not kept busy. Prisoner-on-officer assaults serious are zero and assaults are 1.3 per 100 inmates in 2004-05, which is less in the last five years. If you look at prisoner-on-prisoner assaults serious the national average is 0.69. In 2004-05 we were 0.75. The year before that it was 0.76. In 2001-02 it was 1.6 and before that 0.93. You would not call that a great increase in assaults. The other thing you have to remember, in New South Wales when we look at assaults we have duty officers on duty 24 hours a day and they report every single incident where the other States do not. Pushing past someone, spitting or something like that is recorded as an assault, which it should be. Some of the other States do not record that way, I can assure you. The national average prisoner-on-prisoner assault is 9.67 and we were 11.87.

But when you look at 2001-02 at 22.56, it has come down each year even though the prison population has risen. That is a combination of a lot of things. In my opinion we assess the prisoners a lot better when they first time in. We classify them into the right areas, which is another reason why the escape rate is down. The security of a prison system is not barb, tape and towers: It is the classification system. If you get that right you are as good as you are ever going to be. We believe we are very close to the mark. We are fairly happy and proud of the figures that we have here, and it is very encouraging for me to be in charge of a prison system of the size of this, to look at the statistics for a year and to find that no officer, not one of my staff, was seriously assaulted.

**CHAIR:** In response to an earlier question you mentioned that there was a document dated June 2004 that related to the operations of CSI, or some sort of policy document. Would you be able to provide a copy of that to the Committee?

**Mr WOODHAM:** Yes.

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS:** I note you said that CSI is streets ahead of the other States. Is that because you have so many prisons?

**Mr WOODHAM:** No, it is because we have had a very good management structure over CSI outsourcing business opportunities. We have been very successful at that.

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS:** I think I asked this some years ago, but can you give us a breakdown of what percentage of prisoners have how much work, and can you relate that to sentence length? Presumably, if they are very short term, you cannot get things organised for them.

**Mr WOODHAM:** We can tell you how individuals have been employed, if that is what you are asking.

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS:** No, I am asking what percentage of their time is spent for what prisoners? How many prisoners have 35 hours a week of work, how many have two hours a week of work and how does that relate to their sentences?

**Mr WOODHAM:** We can tell you what hours the workshops work and who is in there.

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS:** Can you tell in terms of prisoner numbers, not just in terms of work?

**Mr WOODHAM:** Yes, we know how many numbers are in there.

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS:** I would appreciate a breakdown of those figures. Are you competing with disabled industries? If some of the work is not competing directly with outside businesses, are you competing with work that disabled people might do?

**Mr WOODHAM:** We have a number of intellectually disabled people, whom I would regard as do disabled work.

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS:** Sure. I do not think the disability sector would be upset about that, but they might be upset about able-bodied people taking work that could be done by disabled people outside.

**Mr WOODHAM:** Could you give me an example of what you would regard as that?

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS:** Work that is particularly boring, not particularly skilled, which a normal person would not be able to do economically, but a person with a disability might find challenging.

**Mr WOODHAM:** I can answer that by saying that we have quite a number of people who are intellectually disabled in prison, and they do that type of work. We can give you the numbers and the pay scale that they get. Like sticking the rubber ear—

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS:** Pieces on the Qantas headset?

**Mr WOODHAM:** Yes, on the Qantas headphones. You would regard that as that type of work.

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS:** Yes, I would.

**Mr WOODHAM:** A lot of that work is done in the intellectually disabled unit at Long Bay.

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS:** Are there a number of people who are not intellectually disabled who are doing that type of work?

**Mr WOODHAM:** There are some at Mulawa, I think, who are still doing it.

**Mr GRANT:** In relation to that type of work, if I might add to that, we also have people who do that type of work for the reason that you have described. We want to provide, even for short-term people, to enable them to engage in the workplace. The type of opportunities and the type of training that are required to get people to perform very complex functions would be something that would take some time to develop. If you look at our annual receptions in a year, of the people we receive in, say, a 12-month period we would have maybe 60 per cent of people getting sentences of less than six months to serve and we have probably about 30 per cent of people with sentences of less than three months to serve. We do not want to have those people sitting around doing nothing for the reasons we have described about safety and their need to earn money and so on. Therefore we provide industries that are fairly labourious and fairly simple tasks.

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS:** So you are competing directly with industries, with work that disabled people might do?

**Mr GRANT:** I am not aware of us competing directly with industries for that purpose. The types of things we are talking about maybe slightly more complex than that, including cable manufacturing and so on. Generally it is import replacement work that we do.

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS:** When you said you took the laptop computers from people, were they allowed to back up the study that they had done on those laptops? My understanding is that they were not.

**Mr GRANT:** I will have to take that question on notice. I am not aware of that.

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS:** If they had written a thesis or done some homework for the course and then that was taken without their having notice that they could print them, obviously they would be immensely disadvantaged and they would have to start from tors.

**Mr GRANT:** One of the things I did following that policy was to seek the views of all other senior education officers in every correctional centre to ask them about what prospective disadvantage might arise from this policy, because we have established a committee to have regard to how we might improve this whole issue of computer access. I cannot recall any instance of a complaint from an individual offender, because we had individual offenders writing to us as well following that policy decision, or any correctional centre that said that they had lost information on laptops. If there were such an issue then I am sure that is something that we could address.

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS:** Were they given an opportunity to back up the work that they had on laptops before they were taken?

**Mr GRANT:** I am not aware of that. I am not aware of any complaints, either. I am not aware if they were given an opportunity.

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS:** Do you have computer training programs so that they can work?

**Mr GRANT:** We do.

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS:** Basically without a computer you cannot get an office job.

**Mr GRANT:** Yes, we do. We have an accredited in our certificate 3 level course in computing that is run by our own registered training organisation, plus a number of TAFE courses in computing. Formalised computer programs are available in most correctional centres around the State.

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS:** What percentage of people wanting education can do those courses?

**Mr GRANT:** I will have to take that on notice. I am not sure. Whether they want to or whether they are available may be two different things.

**The Hon. CHARLIE LYNN:** Mr Grant, could you advise the Committee whether any money has been paid in compensation to the former operators of the Hard Rock Bakery and the T-shirt manufacturing concern at Long Bay?

**Mr GRANT:** I might have to take that under advice, in relation to the nature and terms of the payments to those organisations and whether they were commercial in confidence.

**The Hon. CHARLIE LYNN:** If compensation was paid, could you also advise how much compensation was paid?

**Mr GRANT:** Yes.

**CHAIR:** We will now turn to the third part of our terms of reference, which relates to the interstate transfer of offenders and parolees with regard to communication and agreement between authorities, ministerial sign-off under the Act, and informal arrangements made between the jurisdictions.

**The Hon. CHARLIE LYNN:** Commissioner, my question relates to the transfer, without ministerial sign-off, of offenders and parolees from other States and Territories. Could you advise what instructions you were given by former Minister Hatzistergos or the current Minister, Tony Kelly, in regard to that?

**Mr WOODHAM:** It is obvious that I had, particularly with Minister Hatzistergos, numerous conversations as far as an instruction is concerned. What I eventually wrote to the other States about, and the policy that we are now adopting, was basically my idea.

**The Hon. CHARLIE LYNN:** Your idea?

**Mr WOODHAM:** Basically my idea.

**The Hon. CHARLIE LYNN:** So you are aware, as commissioner, of the need to have ministerial approval or approval by his delegated authority?

**Mr WOODHAM:** Of course. I discussed everything with the Minister.

**The Hon. CHARLIE LYNN:** Were you informed of an agreement between Ministers that transfers would be allowed between States and Territories for three months before there needed to be any signing off?

**Mr WOODHAM:** I will ask Ms McComish to take it further, because she was in charge of that area at the time I am sure you are referring to. There was an informal process of transfer of parolees between the States, but that changed. South Australia, but particularly Queensland and Victoria—it changed their processes. They had had experience where people had been transferred to their States on interstate transfers on a temporary basis, and issues emerged from that and they tightened up their procedures. And, of course, there was an incident here in New South Wales that led to my tightening up our procedures.

Can I also say that the Correctional Administrators Conference for Australia and New Zealand has met in the last year, and as a result of that, in which interstate transfer of parolees was one of the agenda items, New South Wales has carriage of a working group for all the States and Territories of Australia, of which I am the chair. I will be holding meetings very early in the New Year with the nominees from the other States and Territories of Australia, to come up with a new set of guidelines, which were discussed at a meeting I attended in Melbourne a few weeks ago. Those guidelines will be put to the correctional administrators from around Australia in March, and the correctional administrators at that meeting in March will set the agenda for the Ministers meeting to be held in South Australia in May next year.

The resolution that was passed at the meeting in Melbourne a few weeks ago was as follows. New South Wales will chair a national working party in 2006. Jurisdictions are to forward agenda items to the working party, to the Commissioner of Corrective Services in New South Wales. Administrators expressed their views that all transfers of parolees should be formal, not informal, and there should be no temporary transfers. The working party is to develop standard guidelines for the transfer of parolees between jurisdictions.

The working party is also to consider how to deal with short-term interstate transfers, in particular for transient indigenous offenders. That was specifically brought up at the meeting in relation to indigenous offenders at the top end, between Western Australia and the Northern Territory. The working party is to look at how to incorporate risk assessment processes for the termination of transfers—that is, with regard to people who had been transferred, when they terminate the parole supervision of those offenders. It is anticipated that the working party will complete draft guidelines for the interstate transfer of parolees for consideration at the Corrective Services at Administrators Conference.

That was the resolution of the meeting in Melbourne a few weeks ago, but we had drafted new guidelines on the interstate transfer of parolees.

**The Hon. GREG PEARCE:** You said there was an informal arrangement. Who were the parties to that informal arrangement?

**Mr WOODHAM:** All the States.

**The Hon. GREG PEARCE:** But who made the decision? Was it you, or was it the Minister?

**Mr WOODHAM:** I will ask Ms McComish to take that further. It was at a lower level than that.

**The Hon. GREG PEARCE:** But you knew about it as commissioner?

**Mr WOODHAM:** Just to explain the process. But there is no way in the world that I knew about every transfer that happened between the States.

**The Hon. GREG PEARCE:** Did you know about the informal arrangements?

**Mr WOODHAM:** There were already informal arrangements.

**The Hon. GREG PEARCE:** Did you know about the informal arrangements?

**Mr WOODHAM:** The way I operate, I was not involved with the decision making in any way in relation to the informal arrangements when they first came across. But the informal arrangement was a process that pre-empted the formal process.

**The Hon. GREG PEARCE:** Did you know of the informal arrangement or not?

**Mr WOODHAM:** Yes. I told you that.

**The Hon. GREG PEARCE:** Now we might hear what the informal arrangement was.

**Ms McCOMISH:** I also wish to clarify that as the administrator of corrective services in New South Wales, of course the commissioner, as with the other CEOs and correctional administrators from around the country, was aware of agreements that were made at the correctional services administrators meetings and at the corrective services Ministers conferences, which happen on an annual basis. The issue of the transfer of parolees prior to the transfer of the order—which gets called the informal transfer of parolees—has been discussed at various conferences for about the last seven years.

**The Hon. GREG PEARCE:** Ministerial conferences?

**Ms McCOMISH:** Ministerial and administrators conferences. The administrators conferences prepare the notes and recommendations for the Ministers conferences. There have been arrangements in place across the jurisdictions since the Act was passed in the early 1980s in regard to the transfer of parolees across Australian States and Territories. So efforts have been made to develop some consistency of practice across the jurisdictions in terms of the transfer of the supervision, prior to the transfer of the order.

**The Hon. GREG PEARCE:** Could you provide to the Committee the extracts from the committee meetings that deal with the informal arrangements over the last seven years, to which you referred earlier?

**Ms McCOMISH:** Yes. I will need to take that on notice.

**The Hon. CHARLIE LYNN:** Commissioner, did you know that Otto Darcy-Searle was in New South Wales before the rest of us did?

**Mr WOODHAM:** No.

**The Hon. CHARLIE LYNN:** You were not aware?

**Mr WOODHAM:** I was not aware until it was reported in the media.

**The Hon. CHARLIE LYNN:** How was that able to happen—that he was transferred here without your knowing?

**Mr WOODHAM:** Because of the informal transfer arrangement between the States. I was not in that loop at that stage. As I said to your colleague, I was aware that it could occur, but I was not personally involved in the process.

**The Hon. GREG PEARCE:** So you acquiesced in that process occurring?

**Mr WOODHAM:** Yes.

**The Hon. CHARLIE LYNN:** I understand that two staff at Murwillumbah, whom you publicly blamed for withholding information, were suspended, and then they were conveniently reinstated eight days later.

**Mr WOODHAM:** That is correct.

**The Hon. CHARLIE LYNN:** Why were they blamed publicly?

**Mr WOODHAM:** When you say "blamed", there was enough evidence to stand them to one side at the beginning of that inquiry, because of the request that Ms McComish had made for documentation and information to be forwarded to them from Western Australia, which was not forthcoming to us at head office. At that stage we thought it was either gross incompetence or a deliberate non-passing on of information. Those people were stood aside, and then an investigation was put in place immediately. Later—I could not tell you how many days later off hand—I received a verbal briefing from the investigators, and we placed those two people back on duty until the inquiry was completed. Mr Grant was the decision maker in that inquiry, not me.

**The Hon. CHARLIE LYNN:** Was it gross incompetence, or maladministration? Could you advise the Committee?

**Mr WOODHAM:** As I think I have said before, laziness might have played a part.

**The Hon. GREG PEARCE:** What was the conclusion?

**Mr GRANT:** What was being examined there was whether or not the officers had engaged in certain conduct knowing that they had acted with carelessness and indifference to the consequences of their actions. Basically what the investigators discovered—and it was a proper and extensive investigation—was that the officers did not intentionally engage in misconduct, or have careless disregard for the consequences of their actions. However, there had clearly been some carelessness in their approach to providing information to the senior staff they were advising.

On that basis, the matter was not proceeded with further as a disciplinary matter. However, I did call the officers to Sydney, to meet with me, and I counselled them in relation to the carelessness of their approach to this area. At the time, in terms of mitigation, they were in the process of moving between offices, there were issues with documents not necessarily being found, being on their desks and so on at the time. Therefore, the advice they provided was to some degree compromised by the fact that they were moving offices, but there was clearly no misconduct or deliberate attempt to mislead, just some carelessness on the part of the officers involved.

**The Hon. CHARLIE LYNN:** Commissioner, can you advise how many other parolees or offenders are in New South Wales without ministerial sign off or the approval of the Minister's department?

**Mr WOODHAM:** You can break that down into two groups. Firstly, you are talking about a child sex offender and my information is there are none. You are talking about still here on a temporary transfer?

**The Hon. CHARLIE LYNN:** Yes.

**Mr WOODHAM:** There is no child sex offender.

**The Hon. GREG PEARCE:** Sorry, no. The question was about parolees or other offenders; not just child sex offenders.

**Mr WOODHAM:** Yes, well, I just said that first.

**The Hon. GREG PEARCE:** Yes.

**Mr WOODHAM:** As to the others, we are going through a process now of pulling every single file at every parole office and double-checking everything. That process will be complete by 23 December. We have identified some in recent times that have been approved that were here on temporary transfer—as I am sure some of the other States have, as well. It is a process that we have since tightened up. Under the process that we are adopting now, in my opinion, it cannot happen again. You will note, from what I read, that the chief executive officers from every State and Territory want to tighten it up the same way to make sure that everything is formal and signed off at the highest level.

**The Hon. GREG PEARCE:** Will you provide those figures after 23 December?

**Mr WOODHAM:** I can give you the figures on how many transfers have occurred, yes. I might be able to give you preliminary figures now. All in all, the number of parolees and parole orders transferred between 1 July 2005 and 1 October 2005 is 58 incoming and 63 outgoing, a total of 121.

**The Hon. GREG PEARCE:** Without ministerial sign off?

**Mr WOODHAM:** Sorry?

**The Hon. GREG PEARCE:** That is the total?

**Mr WOODHAM:** That is the total.

**The Hon. GREG PEARCE:** Altogether?

**Mr WOODHAM:** Yes. The total of parole orders transferred to and from New South Wales from 1 July 2004 to 31 October 2005 is 221 incoming and 275 outgoing, a total of 496.

**The Hon. GREG PEARCE:** You cannot give us, though, the figures on those that were not approved?

**Mr WOODHAM:** No. Could we take that on notice?

**The Hon. GREG PEARCE:** Yes. Finally, did anyone in your department in Sydney know that Otto Darcy-Searle was in New South Wales before the media raised it?

**Mr WOODHAM:** Well, I did not, until the media raised it.

**The Hon. GREG PEARCE:** Did anyone else know?

**Mr WOODHAM:** Obviously officers at Murwillumbah knew.

**The Hon. GREG PEARCE:** Okay, other than officers at Murwillumbah?

**Mr WOODHAM:** I cannot speak for them. I did not.

**Ms McCOMISH:** I will just add to what the Commissioner has said. Yes, the officers at Murwillumbah clearly knew that he had been transferred because they were supervising him. In regard to the investigation, it appeared that no-one else in the department was informed.

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS:** Is this not a problem of mentoring? If the people in Murwillumbah thought they were mentoring this person and they thought that was their job, why would they necessarily inform all the way up to the Commissioner?

**Ms McCOMISH:** It is a complex process, of course, in terms of the transfer of the supervision. The agreement that has been referred to, that existed across the jurisdictions for the transfer of the supervision prior to the transfer of the parole order, was that there would be an exchange of documentation and that there would be approval by the district manager of the receiving office, because they would have to do a home visit assessment. In the case of a serious offender or—and it was named—a sex offender, particularly a child sex offender, then there are specific guidelines in terms of actually informing up the chain of command, in terms of prior to the person arriving on the doorstep of the district office and, indeed, having appropriate supervision of the case management of that person in the community.

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS:** There should be parole and supervision or mentoring, whatever you want to call, of people in certain classifications being released and that should be available, whichever State they are going to live in? Is that right?

**Ms McCOMISH:** The States have different protocols and guidelines around the level of supervision and the assessment that is done. But there are indeed, in New South Wales, requirements in terms of the level of supervision and also, as I said, the reporting up the chain of command in regard to a serious offender who might be coming into the community.

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS:** Is that why you want formal arrangements, so that if someone is going to live in New South Wales, or wants to live in New South Wales—and, presumably, that is up to the person who is released, that they can live in whatever State they want to live in. Is that right? Is that accepted as their right?

**Ms McCOMISH:** No, it is not accepted as their right; it has to be approved by the parole authority of the jurisdiction in which they have been incarcerated. Again, different procedures apply in different jurisdictions, but essentially the offender can apply to transfer across the country or across the border. The parole authority will consider that and will make a decision as to whether or not they will agree to that.

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS:** This is presumably a big load on the parole people, or a significant load on the parole people, is it?

**Ms McCOMISH:** On which people, sorry?

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS:** The parole people who are going to have to supervise their situation?

**Ms McCOMISH:** You heard the figures that the Commissioner gave. They are not substantial figures in terms of caseload, No. In this State of New South Wales we have between 4,000 and 5,000 people under parole supervision, so when we are looking at numbers of hundreds, 100 or 200 coming in on transfers, it is not a huge imposition in terms of caseload.

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS:** Were the parole officers upset at losing their senior administrator at Assistant Commissioner level? I understand that the national organisation representing parole officers was upset about the loss of representation at Assistant Commissioner level. Is that true?

**Ms McCOMISH:** This is in regard to the executive restructure of the department. In respect of that question I would defer to the Commissioner. It is not actually to do with this matter of transfer of parolees.

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS:** It was a downgrading of the parole officers who would supervise in this case.

**Ms McCOMISH:** No. The probation and parole officers have not been downgraded.

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS:** It was a downgrading of their access to higher levels of management and putting them under a prison officer management, is that not correct?

**Ms McCOMISH:** No, that is not correct.

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS:** Do you think, then, that the protest from the national organisation representing parole officers was not valid?

**Mr WOODHAM:** Could I answer that?

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS:** Yes.

**Mr WOODHAM:** They have met with me and they did have concerns. I am quite sure that I have allayed those concerns after meeting with them and consulting with them. As a matter of fact, I have recently asked for someone at a senior level in the probation and parole structure to assist me in overseeing and monitoring the restructure. We only have 21 area managers and I asked people at area manager level and I got, from memory, nine replies. Four of those replies to come and work with me on this issue were from the Executive of the Probation and Parole Officers Association [PPOA], so I do not think it is an issue any longer.

**The Hon. PETER BREEN:** Commissioner, could I just check the figures that you gave in relation to the number of parolees transferred both into and out of New South Wales? I think you said from 1 July 2005 to 31 October 2005 there were a total of 58 incoming?

**Mr WOODHAM:** Yes, and 63 outgoing.

**The Hon. PETER BREEN:** The next figure you gave was the total of parole orders from 1 July 2004 to 31 December. Was that 2004 or 2005?

**Mr WOODHAM:** That was 2005.

**The Hon. PETER BREEN:** There were 221 incoming and 275 outgoing?

**Mr WOODHAM:** Yes.

**The Hon. PETER BREEN:** Does that suggest that there has been a significant decrease in numbers since the new regime was introduced?

**Mr WOODHAM:** I do not think you are going to find many, if any, States that are going to take anyone else's child sex offenders. There will definitely be a reduction in the movement of child sex offenders around Australia, in my opinion.

**The Hon. PETER BREEN:** Will there be any other categories of crime that is that might apply to?

**Mr WOODHAM:** I do not think so, no. Can I just say that at the Administrators Conference in the New Year, followed by the Ministers Conference in the New Year, the interstate transfer of high-risk prisoners and terrorists is on the agenda. There is going to be, hopefully, a streamlined process—there is virtually agreement now in principle—of being able to move security high-risk prisoners and people charged with terrorist offences interstate without warning. That would be a deliberate move. I will give you an example. If we received intelligence that a terrorist cell in New South Wales was about to do something, like they have done overseas, such as trying to take somebody from us—whether it be from the correctional centre we have them in or on escort, or if people were going to be harmed outside, or taken outside in order to try to get us to release somebody—we would be able to totally disrupt that plan by moving the principals interstate without warning. Like we do now.

If a maximum-security prisoner is involved in a plan now, he could be in Goulburn tonight and wake up in Lithgow tomorrow. With terrorists, we hope that they would be in Sydney tonight, in

Melbourne tomorrow and Brisbane three days later, if we need to do that to disrupt the plans of people involved in threats to national security. So there will be a change with high-risk prisoners, particularly people charged with terrorist offences, in my opinion, after the Ministers meet next year.

**The Hon. PETER BREEN:** So far as parolees are concerned?

**Mr WOODHAM:** I have signed off serious offenders in recent days who could have gone one way or the other.

**The Hon. PETER BREEN:** Parolees are covered by legislation. Will these changes result in alterations to the legislation?

**Mr WOODHAM:** Yes it will. And you will see that that will flow on, because it will be national legislation, it will be Federal legislation, and it will flow from the correctional administrators advising the Ministers at their meeting next May.

**The Hon. PETER BREEN:** The arrangement under the existing legislation, the informal or temporary transfer arrangement that you spoke about, meant that prisoners were transferred first and then the paperwork was done.

**Mr WOODHAM:** Yes.

**The Hon. PETER BREEN:** Under the new regime, the paperwork is done first and if the prisoner passes all the obstacles the prisoner is then transferred. Is that a rough way of explaining it?

**Mr WOODHAM:** In the future everything will be approved before any prisoner or parolee is moved. It must be approved before that happens. Now if someone is coming up for parole we start that process at least three months prior to the release date so everyone knows, including the Parole Board, exactly what has been agreed to prior to any transfer occurring.

**The Hon. PETER BREEN:** Do you agree that that new regime will mean, first, that prisoners will stay in gaol longer, and, second, that more prisoners will stay in gaol longer in New South Wales because we have more prisoners?

**Mr WOODHAM:** No, I do not think so. As you know the Parole Board is an independent body. If the prisoner stays in gaol longer it will be a Parole Board decision.

**The Hon. PETER BREEN:** If the Parole Board hears the submissions and agrees that prisoner X can be transferred interstate, because that is where his support base or family is, presumably, under the present system they would be transferred immediately they got parole. Under the new system it seems to me that they will have to stay in prison while that is processed to make sure that they are no problems with that transfer.

**Mr WOODHAM:** Just the reverse. Without mentioning any names, a case that has been referred to involves a person who was transferred into New South Wales and when sent back he agreed to go back to the other State but they cannot find a placement for him. They cannot release him on parole.

**The Hon. PETER BREEN:** So he is in gaol, that is confirming my point.

**Mr WOODHAM:** That is probably where he deserves to be.

**The Hon. PETER BREEN:** Well, with respect, if he has parole and cannot be transferred because that particular condition of the parole cannot be met, he will remain in gaol. Conversely, if it is a New South Wales prisoner and is not accepted in other States he will remain in gaol in New South Wales until he fully serves his sentence?

**Mr WOODHAM:** This bloke was sent over to us with the parole officers in the State that sent him saying that he should not get parole. This fellow was sent to us before the Parole Board could even assess his compliance or otherwise with the sex offender program he did in gaol in the other

State. Why wouldn't we send him back! He came over here with a parole order that was not even signed. We had to get him to sign it in this State, and he was released from another State. We just cannot allow that to happen. Whether he stays in gaol longer or not, it is not my worry.

**The Hon. PETER BREEN:** I appreciate that. In a more general sense, if people are to remain in prison as a result of them not being able to meet their parole conditions such as transfer interstate, that will impact on the prison population.

**Mr WOODHAM:** We have child sex offenders under parole supervision in New South Wales, like every other State and Territory in Australia.

**The Hon. PETER BREEN:** But they are ordered in New South Wales gaols?

**Mr WOODHAM:** Yes, unless they were here before.

**The Hon. PETER BREEN:** And been transferred.

**Mr WOODHAM:** Yes, and have been transferred. Some of them would have come across on temporary transfers earlier and then been confirmed. We are managing them now and will manage them in future. The important thing in the statistics is that there is more leaving us than coming to us.

**The Hon. PETER BREEN:** I do not think that is right.

**Mr WOODHAM:** When you look at 63 outgoing and 58 incoming, and the next set of figures with 221 incoming and 275 outgoing—

**The Hon. PETER BREEN:** You are right in terms of total numbers, but because we have the highest prisoner population of the other States, once you take that into account is it not the case that the new regime will impact on the prisoner population? Have you done any figures on that?

**Mr WOODHAM:** I do not think it will. It is up to the Parole Board and the parole officers to find accommodation. They have to manage these people in the community all the time.

**The Hon. PETER BREEN:** You see it as a Parole Board issue?

**Mr WOODHAM:** No, it is a combination. As you know, the parole officers do residential checks and check their families and the locations where these people are going to live. The other important thing is that the big issue is child sex offenders. I cannot see any other issue; just moving prisoners interstate on parole orders is not a big issue with the other States either. We are trialing with satellite tracking and other tools that will aid us to track and monitor these people a lot better in the future. Queensland has passed legislation that is being looked at by the other States in which a person, like a high-profile person who released from a Sydney gaol some months back and went interstate and, allegedly, committed an offence on two children. He will never get out of gaol. Even when his sentence is complete, he will be kept in. When you look at that sort of that legislation—

**The Hon. PETER BREEN:** That was in Queensland?

**Mr WOODHAM:** Yes, and it has been challenged in the Supreme Court and the Government won.

**The Hon. PETER BREEN:** The High Court, indeed.

**Mr WOODHAM:** That is better still for the Government.

**The Hon. PETER BREEN:** That was the case of Fardon.

**Mr WOODHAM:** When you look at that, yes, some of them will stay in gaol longer. But in a case like that it is probably better to have them in gaol than out on the street.

**The Hon. PETER BREEN:** To play devil's advocate, if a prisoner's support base is in New South Wales, their family and connections to the community, perhaps even their work prospects, and the fact that they are in gaol in another State, is it not better to have them in New South Wales where their support base is if they are going to be on parole, rather than having them in another State or wandering around in the community where there is no support for them, no opportunity for them? I add also, possibly there would be less chance of monitoring them.

**Mr WOODHAM:** You can monitor them. Many parole officers work the same way in other State and Territories as do our parole officers. You are really talking about child sex offenders, because the others are moving.

**The Hon. PETER BREEN:** Yes, I am talking about child sex offenders.

**Mr WOODHAM:** In relation to child sex offenders we can always find somewhere for them. There are child sex offenders, in this State and every other State, being managed today, and managed quite well. And we can continue to do that.

**The Hon. PETER BREEN:** But you will not be taking any more child sex offenders until their sentence has been served. You will not be taking any on parole from here on. That is right, is it not?

**Mr WOODHAM:** No, they can be supervised in the State where they are.

**The Hon. PETER BREEN:** But if their support base is New South Wales, surely this is the best place for them to be?

**Mr WOODHAM:** A lot of them do not have a support base, have they?

**The Hon. PETER BREEN:** Yes, I agree with that.

**Mr WOODHAM:** You have got to agree with that.

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

**Mr WOODHAM:** And a lot of child sex offenders are within the family. Do you agree with that?

**The Hon. PETER BREEN:** I do agree with that.

**Mr WOODHAM:** Then why would you put them with their family?

**The Hon. PETER BREEN:** It may be that the family agrees, number one. And, number two, it may be that—

**Mr WOODHAM:** The family may not be the best judge. The Parole Board and parole officers would have to comment on that.

**The Hon. IAN WEST:** The family might preferred not to.

**The Hon. GREG DONNELLY:** Commissioner, can you outline the current process for transferring parole orders into New South Wales and from New South Wales to other jurisdictions?

**Mr WOODHAM:** Yes. Firstly parolees coming into New South Wales. No interstate transfer of convicted child sex offender parolees will be approved for supervision in New South Wales. All requests for supervision of all other categories of parolees in New South Wales by an interstate authority are to be co-ordinated centrally by the Sentence Administration Branch in head office. Prior to approval being granted for a parolee to be transferred to New South Wales regardless of where in New South Wales the parolee intends to reside and before the parolee leaves the originating State or Territory, the interstate authority must contact the Director of Sentence Administration.

I can give the details of that contact. The director of sentence administration is the registrar for the purpose of the Parole (Orders) Transfer Act. An information pack will be forwarded to the requesting authority by Sentence Administration Branch. In no circumstances will home assessment be conducted before a formal request for transfer has been received and processed by the Sentence Administration Branch. Once the information has been received from the requesting jurisdiction, the relevant district manager of Community Offender Services [COS] will be contacted by the Sentence Administration Branch to provide a home assessment report. The relevant district manager of COS will submit the report to the director of sentence administration, who will submit all documents to the commissioner via the relevant regional executive of COS.

A recommendation by the regional executive director of COS will then be submitted for the final decision of the commissioner. The decision will be conveyed to the interstate authority and to the relevant district manager of Community Offender Services. The New South Wales COS must not supervise any new interstate parolee without a transfer being approved by the commissioner under any circumstances. For administrative purposes, all correspondence and approvals will be processed and retained by the director of sentence administration. All Australian State and Territory jurisdictions will be informed of the new process operating in New South Wales.

In relation to interstate transfer of parolees from New South Wales, an inmate's request to reside interstate should not be recommended for approval unless, first, the request for registration of a transferred parole order has been agreed to by the other State or Territory, and, second, the order will be registered on the date the inmate attends the approved corresponding district office of the other State or Territory. When an inmate requests to reside in another State or Territory prior to being released from custody, the following processes are to be followed: no registerable offender parolee included under the Child Protect Act 2000 will be eligible for interstate transfer. All requests are to be co-ordinated centrally by the Sentence Administration Branch. The district manager is to contact the Director of Sentence Administration in the first instance and inform them of the intention of the inmate to transfer to another State or Territory upon release. Then it gives details of how to contact sentence administration again.

The Director of Sentence Administration will ensure that the application is complete and will refer the application for transfer to the relevant regional executive director of Community Offenders Services. The Regional Executive Director of Community Offenders Services will forward the documentation, together with a recommendation, to the commissioner. The commissioner will advise the Director of Sentence Administration of the decision concerning the transfer application. The Director of Sentence Administration will inform the Regional Executive Director of Community Offenders Services, the parole board and the relevant district office of the decision. If the decision is to proceed with the application the Director of Sentence Administration will forward the application to the interstate jurisdiction.

Following confirmation to the Director of Sentence Administration from the interstate jurisdiction that the New South Wales parole order can be registered in that State or Territory, the Director of Sentence Administration will advise the district office of the interstate reporting instructions to be given to the parolee. For administrative purposes, all correspondence and approvals will be processed and retained by the Director of Sentence Administration. Once confirmation has been received by the Director of Sentence Administration that the New South Wales parole order has been registered interstate, the district office will be advised by sentence administration that the parole order can be discharged on OEMS, which is our computer system. When a parolee requests to reside in another State or Territory prior to the expiration of their parole order steps one through to 12 of these procedures are to be followed. Again, all Australian States and Territories have been informed of this new process in New South Wales.

#### **(Short adjournment)**

**CHAIR:** We will now deal with the last term of reference that the Committee will be looking at, which is the management of high-risk prisoners by the Department of Corrective Services with regard to access and contact by non-correctional persons, including security screening, the effectiveness of the High-risk Management Unit at Goulburn, the objectivity of the prisoner classification system, staffing levels and overcrowding.

**The Hon. GREG PEARCE:** Did you make the decision to ban the cleric Anwar Al Barq from corrective services facilities or was that made by one of your other officers?

**Mr WOODHAM:** No, I made that decision.

**The Hon. GREG PEARCE:** Was that communicated in writing to others in the department?

**Mr WOODHAM:** To others?

**The Hon. GREG PEARCE:** Yes.

**Mr WOODHAM:** All I can say is that the investigators who interviewed Mr Al Barq made recommendations to me. I approved the recommendation and it went back to—I would have to talk to them where they disseminated that information to.

**The Hon. GREG PEARCE:** So you signed a piece of paper? I am just trying to get the process.

**Mr WOODHAM:** It went out to the gaols, I know that.

**The Hon. GREG PEARCE:** It would have been an email or something, would it?

**Mr WOODHAM:** I would imagine so or personal calls to the governors of those gaols.

**The Hon. GREG PEARCE:** Can you tell us the date that that was effected?

**Mr WOODHAM:** The date I made the decision?

**The Hon. GREG PEARCE:** Correct.

**Mr WOODHAM:** On 6 July 2005.

**The Hon. GREG PEARCE:** When was the department first aware of Mr Al Barq's previous incarceration in New South Wales prisons and the fact that he was of interest to the United States Government?

**Mr WOODHAM:** There is very little information in New South Wales about it on the COPS system. I am informed that the police intelligence unit attached to my department sought information from the USA around January this year, and around 8 February they provided information to our intelligence group. Can I go in camera? I want to mention some external groups that maybe I should not mention in public.

**The Hon. GREG PEARCE:** Let us just deal with the sequence and we can come back to the groups. We can come back to that later. My question was, when was the department first aware of his—

**Mr WOODHAM:** It would be in January-February 2005.

**The Hon. GREG PEARCE:** Are you not aware of an incident report, No. 3626, of 16 April 2004, the Parklea facility, where the author wrote of Mr Al Barq:

[He] is an assistant Muslim Chaplin. He apparently has a previous association with Hamzy Abbas and Jamal. He was incarcerated in NSW during the mid 1990's and information received from CIG indicates he was extradited to the United States around this same time as a person of interest to a US Government Agency.

**Mr WOODHAM:** What I am informed of is that that report was submitted from Parklea around 16 April 2004.

**The Hon. GREG PEARCE:** So your earlier answer that the department was first aware of it was wrong?

**Mr WOODHAM:** Can I finish?

**The Hon. GREG PEARCE:** Yes, but it is wrong.

**Mr WOODHAM:** It was in relation to an inter-gaol phone call between security threat group inmates, the IR I am referring to, and reports referred to Islamic clerics without a name—that is my information—possibly involved in passing messages between centres.

**The Hon. GREG PEARCE:** Did you do some sort of investigation into Mr Al Barq's position?

**Mr WOODHAM:** No. I would not have even been aware of this and I do not need to be.

**The Hon. GREG PEARCE:** You do not need to be?

**Mr WOODHAM:** I cannot be aware of every intelligence report in this organisation.

**The Hon. GREG PEARCE:** Who is?

**Mr WOODHAM:** The people in charge of the intelligence and security and investigation. There are thousands of intelligence reports.

**The Hon. GREG PEARCE:** *[Information deleted by resolution of the Committee, 8 December 2005]*

**Mr WOODHAM:** There is no suggestion in my information that anyone was aware of him being involved with the US authorities at that time.

**The Hon. GREG PEARCE:** Well, have you not seen that incident report I just referred to of 16 April 2004?

**Mr WOODHAM:** The number?

**The Hon. GREG PEARCE:** 3626.

**Mr WOODHAM:** No.

**The Hon. GREG PEARCE:** You have not seen it?

**Mr WOODHAM:** I cannot recall seeing it.

**The Hon. GREG PEARCE:** What sort of systems do you have in place for reports—

**Mr WOODHAM:** Can I tell you this? There would be no commissioner anywhere who would know every information report that goes through their system. I would be doing nothing else.

**The Hon. GREG PEARCE:** *[Information deleted by resolution of the Committee, 8 December 2005]*

**CHAIR:** Order! Please allow the commissioner to finish his answer.

**Mr WOODHAM:** *[Information deleted by resolution of the Committee, 8 December 2005]*

**The Hon. GREG PEARCE:** According to your own piece of paper he was.

**Mr WOODHAM:** What piece of paper?

**The Hon. GREG PEARCE:** The incident report.

**Mr WOODHAM:** That is not always true either. What we do know is that DIMIA and the AFP had no interest in him. [*Information deleted by resolution of the Committee, 8 December 2005*]

**The Hon. GREG PEARCE:** You are not aware of your own departmental—

**Mr WOODHAM:** I am telling you it is unfair to say that in the public arena about this man, in my opinion.

**The Hon. GREG PEARCE:** Others will judge that.

**Mr WOODHAM:** I do. If it was me, I would be complaining.

**The Hon. GREG PEARCE:** What about the acting governor of the MRRC, whose opinion was, based on the information that is finally given to him in April 2005, that he should not allow Mr Al Barq access, and his concern was the rationale for allowing him to continue to have access was that a refusal of entry might have caused a political storm?

**Mr WOODHAM:** You would have to ask him why he made that comment.

**The Hon. GREG PEARCE:** We might get him in.

**The Hon. IAN WEST:** The Committee might. Chair, are these security matters that we should be hearing in camera?

**CHAIR:** It has been raised by one of the Committee members whether this is something that would be better dealt with in camera. We might seek the commissioner's advice on that matter. Have you finished with this line of questioning?

**The Hon. GREG PEARCE:** Yes. What assurances can you give us that people with possible terrorist connections do not have contact with others in your gaol system?

**Mr WOODHAM:** Sorry, can I have that again?

**The Hon. GREG PEARCE:** What assurances can you give us that people with terrorist connections do not have access to prisoners in your system?

**Mr WOODHAM:** Well, if we are aware of it—

**The Hon. GREG PEARCE:** The point is you were not aware of this.

**Mr WOODHAM:** [*Information deleted by resolution of the Committee, 8 December 2005*]

**The Hon. GREG PEARCE:** Well, Mr Jamal was arrested—

**The Hon. IAN WEST:** Again, Chair, we are going backwards.

**The Hon. GREG PEARCE:** The witness wants to go back, so we will go back. This is all public information.

**The Hon. IAN WEST:** I am asking the chair, not you.

**CHAIR:** I think this is something that would be better dealt with in camera by the Committee so if you have questions that are not related to the—

**The Hon. GREG PEARCE:** The question was not on this line. It was not about those people. It was a general question about what assurances you can give us that people with terrorist connections do not have access to your gaol system to communicate with prisoners?

**Mr WOODHAM:** If we were aware of it we would not let them have access.

**The Hon. GREG PEARCE:** What can you tell us that gives us confidence that you would be aware of it?

**Mr WOODHAM:** If we had intelligence that somebody was involved with a terrorist organisation and they were having contact with terrorists in prison, we would stop it immediately. We would not allow it to happen.

**The Hon. GREG PEARCE:** The problem is you do not seem to know about your own intelligence?

**Mr WOODHAM:** I get advice from my intelligence people, from the people who do this all the time. I do not sit down and read every information report. There are thousands of them.

**The Hon. GREG PEARCE:** Who does?

**Mr WOODHAM:** The people who do it are the people in charge of security. We have an assistant commissioner of security. If somebody was a terrorist trying to visit somebody in gaol who was a terrorist and they knew about it, they would tell me. That is important enough to tell me, but I do not sit there and read every IR report. You would not expect me to and run a system like this.

**The Hon. GREG PEARCE:** No, but somebody should. Who does it?

**Mr WOODHAM:** They do. You have an intelligence cell. We have police intelligence and the AFP intelligence in our intelligence cell. We have analysts brought in from outside to analyse the intelligence, not prison officers, civilians. Like people who work with ICAC and other law enforcement agencies involved in our intelligence gathering process.

**The Hon. GREG PEARCE:** Who heads up that unit?

**Mr WOODHAM:** Mr Brian Kelly.

**The Hon. GREG PEARCE:** What rank is he?

**Mr WOODHAM:** He is an acting assistant commissioner.

**The Hon. GREG PEARCE:** And he reports directly you as commissioner?

**Mr WOODHAM:** He reports directly to Mr McLean.

**The Hon. CHARLIE LYNN:** Mr McLean, are you able to advise us of the important findings of the Abraham's audit report, which I understand uncovered corruption and contraband smuggling within Long Bay gaol?

**Mr WOODHAM:** Can you be more specific?

**The Hon. CHARLIE LYNN:** I understand there is an Abraham's audit report, and part of that audit report uncovered corruption and contraband smuggling within Long Bay gaol. Can you confirm whether there was such a report and whether that is the case?

**Mr McLEAN:** A report was requested on information received, like in any area. A report was requested by the commissioner for an audit to look into those allegations. That has been furnished.

**The Hon. CHARLIE LYNN:** On allegations of corruption and contraband smuggling?

**Mr McLEAN:** It was broader than that. You are specifically targeting two sections of the report. The report was referred to the commissioner. What I think you are referring to, if I may assist you with it, is in relation to activities within stores, how people were coming to work, going to work, the inventories in relation to products and goods within the stores. I think that is what you are

referring to, and those findings were supplied through that report to the commissioner after we requested an audit to be done.

**The Hon. CHARLIE LYNN:** Did that report, or the outcomes of that report, give you any concerns about the security at our maximum security facilities?

**Mr McLEAN:** I am not aware of that. I will take that on notice so I could supply that information if it is relevant to it.

**The Hon. CHARLIE LYNN:** Are you aware of any persons within the system that have not been charged, or should have been charged, who are named in the audit report for smuggling contraband?

**Mr McLEAN:** Again, I will take that on notice for you.

**The Hon. CHARLIE LYNN:** Is that report publicly available?

**Mr McLEAN:** That would be for the commissioner to decide. I will defer to him on that.

**Mr WOODHAM:** All the reports are accessible to the audit office for a start.

**The Hon. CHARLIE LYNN:** Would you be able to table a copy of that report to the Committee?

**Mr WOODHAM:** I am not sure the one you are talking about. I am sure you are talking about a report well before the person you referred to as auditor came on line.

**The Hon. CHARLIE LYNN:** Abrahams?

**Mr WOODHAM:** Yes, well before he came on line.

**The Hon. CHARLIE LYNN:** I am referring to his audit report.

**Mr WOODHAM:** The report I am thinking that you are talking about is not even an audit report, it is an investigation report, and it was some years ago.

**The Hon. CHARLIE LYNN:** How long ago?

**Mr WOODHAM:** I do not know. More than five.

**The Hon. CHARLIE LYNN:** Have there been any audit reports on the issues of corruption and contraband since then?

**Mr WOODHAM:** There have been audit reports where contraband has been commented on and things have been found on computers, that sort of thing. But it would not be contraband.

**The Hon. CHARLIE LYNN:** So you are confident in regard to the security aspects at the maximum security facilities that you have systems in place for contraband smuggling to be detected?

**Mr WOODHAM:** We spend millions of dollars a year on it. You can never guarantee that a corrupt staff member will not get involved in this type of activity or that some method will be devised where they try and get around our security. It is being tested all the time. I have got one task force called Task Force Contarg, which is contraband targeting—that is what the name stands for—that is costing over \$1 million a year, that has got a roving commission that can turn up anywhere and search staff as well as visitors. We have got another group that is also taking urine samples off staff and testing them for drugs. Then we have our security systems at the gaols. Our latest metal detectors can be drilled down to a filling in your tooth; they will not let you through if you have got a filling in your tooth. So we are constantly working and improving our security measures, but you can never rule out that a corrupt staff member may get involved in introducing contraband or attempting to.

**The Hon. CHARLIE LYNN:** In relation to the discipline of staff, are there any instances that you are aware of or you can advise the Committee of in regard to staff being regularly intoxicated while on the job?

**Mr WOODHAM:** We have a policy now where if a person has an alcohol problem and we become aware of it or they are tested, we have a program of assistance and help, and we are trying to help them to get over it. We have come across the problem of alcoholism in the workplace, like probably every workplace, and we are doing something constructively about it. It is a different story with drugs. If we do a random drug test or a targeted drug test on staff and they come up positive, it is managed a different way. We had an amnesty before we introduced the policy to give staff six months notice to come forward if they had a problem in either area.

**The Hon. CHARLIE LYNN:** Of alcohol or drugs?

**Mr WOODHAM:** Yes.

**The Hon. GREG PEARCE:** When was that?

**Mr WOODHAM:** End of last year, beginning of this year.

**The Hon. GREG PEARCE:** Commissioner, what is the current status within the department of [*Information deleted by resolution of the Committee, 8 December 2005*]

**Mr WOODHAM:** He is working in the operations area. He works for Mr McLean actually.

**Mr McLEAN:** [*Information deleted by resolution of the Committee, 8 December 2005*].

**CHAIR:** That concludes the time for Opposition questions on these terms of reference. We will now go to the crossbench and we will start this time with the Hon. Peter Breen.

**The Hon. PETER BREEN:** Commissioner, did you happen to see a television program last night or an item on the news about eight elephants successfully appealing the conditions of their incarceration at Taronga Park zoo? It was a decision of the Administrative Decisions Tribunal. It was also in the *Daily Telegraph*. They successfully appealed the conditions of their incarceration.

**CHAIR:** I think animal liberationists on their behalf successfully appealed.

**The Hon. PETER BREEN:** Yes. The elephants did not physically bring the case, no, it was brought on their behalf, but it was a successful appeal to the Administrative Decisions Tribunal. It occurs to me that there is some irony in the fact that elephants can appeal the conditions of their incarceration whereas a prisoner at the high-risk management unit [HRMU] at Long Bay has no avenue, according to the courts, for appealing the conditions of their incarceration.

**Mr WOODHAM:** We have not got a high-risk management unit at Long Bay. Are you talking about Goulburn?

**The Hon. PETER BREEN:** I mean Goulburn, I am sorry.

**Mr WOODHAM:** They can make a complaint to the Ombudsman. As a matter of fact, the Ombudsman was in the high-risk management unit last week, or four of their investigators, and they can complain there. They can also complain to the chairperson, which is a retired judge, of the Serious Offenders Review Council.

**The Hon. PETER BREEN:** But there is no appeal available to the courts or to the Administrative Decisions Tribunal—

**Mr WOODHAM:** No.

**The Hon. PETER BREEN:** —in the same way that elephants have?

**Mr WOODHAM:** Well, elephants probably do not go around murdering backpackers and children and doing armed robberies and shooting people—and hurting my staff.

**The Hon. PETER BREEN:** But do you not agree that it is not appropriate to label all prisoners in the HRMU as fitting into that violent category that you have just suggested?

**Mr WOODHAM:** For one reason or another they can be a covert operator as well and they organise things—like one of your clients.

**The Hon. PETER BREEN:** So the question is: what are the criteria that you use for working out who goes into the HRMU and who does not?

**Mr WOODHAM:** If you want me to spend 20 minutes on it I can tell you.

**The Hon. PETER BREEN:** No, I would like to know if there is something written down that you could perhaps table.

**Mr WOODHAM:** Yes, there is.

**The Hon. PETER BREEN:** And it sets out the guidelines presumably?

**Mr WOODHAM:** Yes, it does.

**The Hon. PETER BREEN:** I assume it does not just include violence?

**Mr WOODHAM:** No.

**The Hon. PETER BREEN:** Can you indicate some of the other criteria?

**Mr WOODHAM:** Yes, even without reading it: attempt to escape or escape; introduction of contraband that threatens the security of a prison. We have got a person in there that is convicted of—it is not just intelligence—smuggling a mobile phone into a gaol and conspiring with others to murder witnesses in his trial. We have—and I know the person you are referring to—

**The Hon. PETER BREEN:** I was not particularly referring to anyone.

**Mr WOODHAM:** Well, the one that you go down there to see. And we have got information from another law enforcement agency that he was going to escape—and he is a high-profile person.

**The Hon. PETER BREEN:** He is a high-profile person politically, is that what you are suggesting?

**Mr WOODHAM:** He is a high-profile person politically and to the media, and he is also convicted of murder.

**The Hon. PETER BREEN:** Yes, but there are a lot of prisoners in the system who are convicted of murder who are not in the HRMU.

**Mr WOODHAM:** Yes, but they do not try and escape.

**The Hon. PETER BREEN:** Without being specific about particular cases and without wishing to assess the evidence that a particular prisoner may or may not have intentions or plans to escape, is it not true that one other criteria for determining who goes into the HRMU is a political determination as to the—

**Mr WOODHAM:** No, definitely not.

**The Hon. PETER BREEN:** —as to the person's influence, not just in the community but in the prison system as well?

**Mr WOODHAM:** A covert operator could have a lot of influence.

**The Hon. PETER BREEN:** What do you mean by "covert operator"?

**Mr WOODHAM:** A person that organises things in gaols and outside but does not put themselves upfront. Would you be concerned if a prisoner was walking around the gaol and other prisoners—even though he was not doing anything upfront—were on their knees kissing his hand? Would you take him out of the system and say that that person might have a lot of power?

**The Hon. PETER BREEN:** But there is any number of reasons why you might want to kiss somebody's hand.

**Mr WOODHAM:** No, not for the reasons they were—because he was in charge.

**The Hon. PETER BREEN:** But it seems to me that putting someone in the high-risk management unit because someone kisses their hand is a pretty low level offence as these things go.

**Mr WOODHAM:** It is not when you add all the other intelligence and things they have been up to and the murders they have committed and the way that they have operated in the prison system since they have been inside.

**The Hon. PETER BREEN:** I accept all that. The real point of my question was to determine the reviewability of a decision that you make to put someone in the HRMU.

**Mr WOODHAM:** There are about seven people about to come out now.

**The Hon. PETER BREEN:** But none of them have access to the courts. Do you think they should have access to the courts?

**Mr WOODHAM:** No, they should not have access to the courts at all.

**The Hon. PETER BREEN:** So you agree with the court's determination?

**Mr WOODHAM:** We have got 35 people in the super max gaol at present out of 9,000, and the 35 deserve to be there.

**The Hon. PETER BREEN:** So it is all right for elephants to have a right of appeal but not people in the super max?

**Mr WOODHAM:** They have a right of appeal against their conviction. The way they behave in gaol—elephants do not try to escape; they are not planning to escape and, by the way, harm my staff on a hospital escort. I am not going to put up with that. I will put them where we can control them and know every move they make.

**The Hon. PETER BREEN:** I accept that, and I am glad that you have agreed to table the guidelines for determining what the criteria are for putting people in the super max because it is not something that is taken into account when the judge passes the person's sentence.

**Mr WOODHAM:** Yes, but the judge does not know that they are going to go to gaol and try and escape and manipulate people—

**The Hon. PETER BREEN:** But these are all value judgements on your part. If the judge knew in advance when he or she was passing sentence that the person was going into the super max, the judge would have a very different view about the sentence and, in fact, may well reduce the sentence from a life sentence to a determinate sentence?

**Mr WOODHAM:** Well, don't do the crime if you can't do the time.

**The Hon. PETER BREEN:** Well, it is a simplistic approach, with respect. If we knew in advance—

**Mr WOODHAM:** They get assessed; even when they go into that program they have 14 days of reassessment to make sure that the intelligence is strong enough or their actions are to the degree that warrants that type of management regime. Some of them go back out straightaway and others are retained there, but there is always a possibility of an exit strategy from that program. There are some there that will die there, but there are some that will exit the program and, as I said, there are seven now on their way out.

**The Hon. PETER BREEN:** So people who behave themselves, for example, and who demonstrate that they have got some prospect of fitting into the rest of the system, have some chance of getting out?

**Mr WOODHAM:** Yes, and if we assess that their risk to us and to the community supports that they can be managed in a normal routine.

**The Hon. PETER BREEN:** Is that covered in the guidelines that you intend to table?

**Mr WOODHAM:** Yes.

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS:** What is the difference between the Supermax and Katingal?

**Mr WOODHAM:** Do you have half a day? I do not that mean that facetiously, but that is how long it would take. Katingal was a nightmare. The best thing that could happen is to knock it down. It was a nightmare for staff to work in there. It was a nightmare for the inmates to be in there. There was nothing but disturbances and problems for the entire life of that facility. As a matter of fact, I took the architects through there as we were designing the Supermax to make sure that they never ever make the mistake again of doing anything like it. It has no external security. They broke into it. They broke out of it. They broke the unbreakable glass. They sawed the unsawable bars. It was an absolute nightmare. All the electrical wiring ran along the top of the cells and a prisoner could just pop an aperture open and tear out all the wires. At that stage, when Katingal was operating, I was in charge of emergency response. The only way we could get in there was through the roof because they would tear the wires out and none of the doors would operate. There was no physical contact between staff and the inmates. If you go to the Supermax gaol, it has been designed deliberately so that every day every inmate in every cell has to be talked to and have contact with people. It is a whole different regime. There is natural light.

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS:** There is natural light?

**Mr WOODHAM:** Natural light and exercise. Everything that was not in Katingal we made sure we put into the Supermax gaol, which was deliberately designed as a long-term housing unit.

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS:** That meets the UN guidelines in terms of natural light and natural ventilation, does it?

**Mr WOODHAM:** Yes. All I can say is that a lot of prisons in America do not, if we do not.

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS:** No that was not what I asked. Does it meet the UN guidelines? I am not citing America as a model.

**Mr WOODHAM:** Yes. If you look elsewhere in the world where that type of inmate is managed, ours is very good. They can get outside. There is an outside area.

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS:** There is a UN standard in terms of natural light, is there not?

**Mr WOODHAM:** Yes.

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS:** Does every cell have natural light?

**Mr WOODHAM:** Yes, and a yard at the back. You can open the door and they can go out into a yard at the back of each cell. Every cell has an external area.

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS:** And they can go to that at will?

**Mr WOODHAM:** No, definitely not. They cannot do anything at will. They will go when we want them to.

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS:** When they are indoors do they have natural ventilation or is it airconditioned?

**Mr WOODHAM:** It is forced air I think they call it.

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS:** Is that meeting the UN standard?

**Mr WOODHAM:** Yes.

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS:** Is the UN standard different from the Australian standard?

**Mr WOODHAM:** No.

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS:** The Australian standard meets the UN standard?

**Mr WOODHAM:** We have to abide by it.

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS:** You abide by the UN standard?

**Mr WOODHAM:** Yes.

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS:** Do visitors get to the HRMU with the same frequency? What is the frequency of visits there?

**Mr WOODHAM:** No. The inmates have to identify who their visitors are. With terrorists it is a tighter regime gain.

**The Hon. Dr ARTHUR CHESTERFIELD-EVANS:** That is the AA ones?

**Mr WOODHAM:** Yes. But with normal inmates in the Supermax they have to identify their visitors. We have to screen them and we check their criminal records and then we allow a visit. It is a booked visit, so to speak, at a time that suits us not them. How many we allow in is up to us. They cannot just roll up and have a visit. It has to be booked in advance and approved.

**The Hon. PETER BREEN:** That is one of the terms of reference of the Committee, the first one, access and contact by non-correctional persons including security screening. Is that covered by guidelines anywhere?

**Mr WOODHAM:** Yes.

**The Hon. PETER BREEN:** Could it be tabled to the Committee?

**Mr WOODHAM:** We can get it to you, yes.

**The Hon. PETER BREEN:** There appears to be a regime in operation that seems to me, anyway, to be a bit arbitrary as to who goes in and who does not.

**Mr WOODHAM:** Into the Supermax gaol?

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

**Mr WOODHAM:** Are you talking about yourself?

**The Hon. PETER BREEN:** No, I never talk about myself.

**Mr WOODHAM:** We were concerned that you just wanted to go down there and have a look. That is why we—

**The Hon. PETER BREEN:** That is an interesting observation. Why would I want to have a look in the Supermax?

**Mr WOODHAM:** Because you have been trying to get in there.

**The Hon. PETER BREEN:** What, for a look?

**Mr WOODHAM:** We would rather bring your client to you.

**The Hon. PETER BREEN:** Do you not think I wanted to get into the Supermax to give legal advice? Do you not think that is the reason I wanted to get into the Supermax?

**Mr WOODHAM:** I do not know.

**The Hon. PETER BREEN:** Since you have raised it—

**Mr WOODHAM:** My officers are concerned about it, what your motive is.

**The Hon. PETER BREEN:** Since you have raised that issue, the only reason for getting into the Supermax as opposed to anywhere else is that if I go somewhere else to interview somebody I am limited on the amount of time I can spend and some issues I need to discuss with the prisoner may well be very complicated, and it is a five-hour round trip. If I could see the prisoner for two hours instead of one hour it would simply be a lot easier and I would not have to go so often. I was not really raising my issues. What I was concerned about is whether there are general criteria in place that we could look at to determine just what they are in terms of who goes in and who does not.

**Mr WOODHAM:** Yes. You will not get in there with a criminal record.

**The Hon. PETER BREEN:** I will not get into Parliament with a criminal record, either, if you are talking about me.

**Mr WOODHAM:** No, I am just saying that is one of the criteria.

**The Hon. PETER BREEN:** The other question I am interested in is the staffing level and overcrowding. I take it there is no prospect of overcrowding in the Supermax at the moment, given that it is one-third full. Is that a fair observation?

**Mr WOODHAM:** Yes. Half full.

**The Hon. PETER BREEN:** What is the process in place for rotating prisoners in the Supermax? Do all the cells get occupied at some stage, or is it just one section that is not occupied?

**Mr WOODHAM:** I do not to put on the public record what we are doing with security procedures.

**The Hon. PETER BREEN:** I understand that. Do you have any objection, in principle, to the Committee going down to the Supermax and inspecting the Supermax?

**Mr WOODHAM:** No.

**CHAIR:** I know that when the HRMU was constructed it was designed for male prisoners. If you ever did get a female prisoner who had a AA rating or was deemed, for whatever other reason, to be very high risk, do you have the capacity to house them in the HRMU?

**Mr WOODHAM:** Yes.

**CHAIR:** My understanding is that prisoners in the HRMU can gain privileges by their compliance with the requirements that are set by the department and by the officers. Can you give us a brief overview of how that works? What is the basic entitlement and what are the privileges they can gain if their behaviour is satisfactory?

**Mr WOODHAM:** It is all based on sanctions and privileges. In the first 14 days they are in there—when they are getting reassessed after coming in there we make sure that they should be there—they do not get anything, not a thing. They do not take any of their own personal property in there, for the obvious reason. Every single thing that they have in there is given to them by us. They cannot get anything brought in from anyone else. But over a period of time they can associate with somebody. No more than three prisoners at any one time will ever be together, even at a church service. Everywhere they go they will have three officers with them—each individual person has three officers. When they are being escorted out of there have a lot more than that, which I do not want to go into on the public record.

They can earn privileges like an electric jug and a television in the day room. They have an exercise yard at the back of their cell and a day room inside the facility. Everything they gain you can just unplug it and you can take it away from them. What we have found is that that process is working very well. When they get the maximum privileges, which, to us, would not be much—they might have an electric jug or a television—they do not want to lose them. They have access to the library, councillors and distance education. All that is monitored very strictly by the officers and the staff in the facility. Other than that they can listen to radio.

**CHAIR:** What about sport or exercise? I do not mean cricket or anything like that.

**Mr WOODHAM:** They have two half tennis courts that they can use and there is a grassed area with a walking track that they can walk around one at a time.

**CHAIR:** What is the department's policy for managing people who are charged with terrorist offences? They are put in the HRMU are they not?

**Mr WOODHAM:** Not necessarily. But they can be AA category prisoners. This is a policy that has been developed to ensure the safe and secure custody of inmates who have been designated category AA male, or category 5 female security classification pursuant to the Crimes Administration Act. This regulation can be viewed in line with other classification documents. The category of classification will be automatically assigned to all inmates charged with, or convicted of, committing terrorist offences. When such inmates are received into custody a risk assessment will commence using co-operative national resources to determine the level of threat posed by each inmates. They will be housed only at designated centres. The security risk assessment processing incorporates accommodation and association issues. All escorts will require a security risk assessment and preparation of operational orders outlining the escort methodology and the level of security and restraining.

The movement orders for category AA or category 5 inmates must be approved by the assistant commissioner security and inmate management, or the assistant commissioner of security. When escorting category AA prisoners, or category 5 inmates for females, the security risk assessment and operational orders are to be prepared by the general manager of security and investigations. Security unit and hostage response officers are to conduct the escort, and the inmates are escorted in handcuffs with a security belt attached to their handcuffs and ankle cuffs, and in orange overalls.

All telephone calls for category AA and category 5 inmates should be booked, with the exception of calls being made to exempt bodies, to facilitate real-time monitoring. Category AA and category 5 inmates will be permitted to telephone exempt bodies as listed in the directory of the Crimes Administration and Sentence Regulation. All telephone calls, except legal calls and those to

exempt bodies, made by category AA and category 5 inmates are to be monitored and recorded. That means we record every conversation electronically, using a controlled telephone system. Staff are to ensure that the pre-requisite warning is given to all calls, and we then catalogue those calls.

Correspondence to and from category AA and category 5 inmates is subject to strict procedures in accordance with clause 11A of the Crimes Administration Act. For people in these categories, all mail, other than for an exempt body, will be X-rayed. Where practical, the mail must be opened, inspected, read, copied, and registered. We copy every piece of correspondence to and from inmates, and we catalogue it as well.

For category AA and category 5 inmates, all visits must be non-contact visits, unless the commissioner approves a contact visit. The inmate is to provide the names of intended visitors to the general manager, who will forward a list to the assistant commissioner of security and intelligence. Criminal history and intelligence checks using internal and external resources on intending visitors must be carried out prior to the first visit occurring, and repeated every 12 months.

All visitors' requests should also be vetted by the agency responsible for charging the inmate, where possible, prior to the visitor being approved to visit by the assistant commissioner of security and intelligence. The inmate is to provide the general manager with the names of the legal visitors. The general manager will forward the list to the assistant commissioner of security and intelligence.

Relevant law enforcement agencies must be advised of the identities of the nominated legal representatives. We have already had an incident in which a legal visit was not what it was supposed to be. All visits must be booked in advance. All inmates designated category AA and category 5 shall be required to wear clothing designated to extreme high-security risk inmates during visits and whenever deemed necessary for reasons of security by the senior assistant commissioner of security intelligence.

As far as practicable, all visits must take place at a non-visit time at the correctional centre, away from any other visit. Where practicable, only one category AA or category 5 inmate will be visited at the one time. All visitors will be photographed. All visitors will undergo biometric identification. All visitors will be booked, signed into the centre at the start of the visit, and booked and signed out after the visit has been terminated. All visits must be under closed-circuit television.

During visits, except legal visits, a correctional officer must be placed within hearing distance to monitor the conversation where practicable. On all occasions, neither the visitor nor the inmate will be permitted to use the toilets in the visit area. Should there be a need for either person to use a toilet, the visit will be terminated. Special medical consideration will not apply in these cases. Visitors will be required to wait in the visitor area until the inmate has been removed from the area. We account for the inmate, to make sure we have the right person, before anyone leaves the visit section.

As far as associations are concerned, as part of the security risk assessment process used for classifying inmates to category AA and category 5, the risk assessment team will make recommendations regarding possible risk factors for inmate associations. Category AA and category 5 inmates' requests for inmate associations must include comments from unit staff, the centre intelligence officer, the principal correctional officer or senior assistant superintendent, and the risk assessment team. All inmate association requests must be submitted and approved by the centre manager. Approved associations will be reviewed as required on the basis of security, the behaviour of the inmate involved, and information or intelligence.

**The Hon. GREG PEARCE:** Madam Chair, perhaps the commissioner would be happy to table the remainder of the document, rather than burden him with continuing to read it out.

**Remainder of document tabled.**

**CHAIR:** The Hon. Greg Pearce has indicated that he has one final question, which will be related to the terms of reference.

**The Hon. GREG PEARCE:** In relation to security, do you routinely investigate allegations of fraternisation or dealings between officers and prisoners? *[Information deleted by resolution of the Committee, 8 December 2005].*

**CHAIR:** On my understanding, Parklea prison is not a correctional facility that houses high-risk prisoners. Therefore I believe the question would be outside the terms of reference for this inquiry, and I rule accordingly.

**The Hon. GREG PEARCE:** *[Information deleted by resolution of the Committee, 8 December 2005]*

**CHAIR:** We are dealing with high-risk prisoners. Clearly, Parklea prison is outside the scope of the inquiry's terms of reference. In addition, it is now almost 1.08 p.m., which is passed our scheduled finishing time. Before I declare the hearing closed, I thank the commissioner and the assistant commissioners for their attendance here today. We will take up your kind offer of a visit to the HRMU, and the Secretariat will be in contact with you in relation to that.

**The Hon. PETER BREEN:** May I place on record that I have already inspected the HRMU for general purposes, so I do not need to inspect it again.

**CHAIR:** You took a number of questions on notice. The Committee Secretariat will write to you to confirm those issues, and detail the appropriate mechanism for response. Once again I thank you for your attendance today.

**(The witnesses withdrew)**

**The Committee adjourned at 1.10 p.m.**