

**GENERAL PURPOSE STANDING COMMITTEE No. 3**

**Friday 9 June 2000**

**Examination of proposed expenditure for the portfolio areas**

**JUVENILE JUSTICE, AND YOUTH**

**The Committee met at 9.30 a.m.**

**MEMBERS**

The Hon. Helen Sham-Ho (Chair)

The Hon. Patricia Forsythe  
The Hon. J. Hatzistergos  
The Hon. J. R. Johnson

The Hon. A. B. Manson  
Ms Lee Rhiannon  
The Hon. J. F. Ryan

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**PRESENT**

**The Hon. Carmel Tebbutt**, *Minister for Juvenile Justice, Minister Assisting the Premier on Youth, and Minister Assisting the Minister for the Environment*

**Department of Juvenile Justice**

**Mr K. Buttrum**, *Director-General*

**Mr R. Hermann**, *Director, Corporate Services*

**Ms C. Weir**, *Manager, Finance*

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**CHAIR:** At this meeting the Committee will examine the proposed expenditure from the Consolidated Fund for the portfolio of Juvenile Justice and Youth Affairs. Before questions commence some procedural matters need to be dealt with. As you would be aware, part 4 of the resolution referring to the Budget Estimates to the Committee requires the Committee to hear evidence on the Budget Estimates in public. I understand that under Standing Order No. 252 of the Legislative Council the Committee has resolved to authorise the media to broadcast sound and video excerpts of these public proceedings. The resolution of the Committee conforms with the guidelines covering the broadcast of proceedings adopted by the Legislative Council on 11 October 1994. The attendance on duty have copies of these guidelines.

I emphasise that only members of the Committee and the witnesses before the Committee may be filmed or recorded. People in the public gallery are not considered to be part of the proceedings and, therefore, should not be the primary focus of any filming or photographs. In reporting the proceedings of this Committee, as with reporting the proceedings of both Houses of Parliament, you must take responsibility for what you publish and what interpretation is placed on anything that is said before the Committee. Although there has been provision in previous years Budget Estimates resolution for members of the Committee and substitute members to refer directly to their staff at any time, there is no such provision in the current resolution.

Members and their staff are therefore advised that any messages should be delivered to the attendants on duty or the committee clerks. For the benefit of members and Hansard, and the effective operation of this Committee, it is very important that departmental officials identify themselves by name, position and department or agency before answering each question. There is wide latitude allowed in asking questions on any of the Budget Estimates and related documents before the Committee. However, if the member is seeking information in relation to a particular aspect of a program or subprogram, it would help the Minister and the Committee if the program or subprogram was identified.

The Committee has agreed to the following format for the hearing: the Committee has agreed not to allocate specific blocks of time to individual parties or members; members will be provided with an opportunity to pursue specific lines of questioning until such time as they have exhausted questions relating to that issue. I will endeavour to ensure that this process is as equitable as possible, and that all members are given an opportunity to ask questions. As you are aware, a period of two hours has been set aside for today's public hearing. If, at the conclusion of the hearing, members have not exhausted the questions to which they require answers the Committee may decide to hold additional hearings before it is required to report on 23 June. I declare the proposed expenditure open for examination. Does the Minister have an opening statement?

**The Hon. CARMEL TEBBUTT:** No, I do not have an opening statement. I have Mr Ken Buttrum, the Director-General from the Department of Juvenile Justice, and Mr Robert Hermann, the Director of Corporate Services from the Department of Juvenile Justice here with me today.

**CHAIR:** I refer to Budget Paper No. 3, Volume 2, page 12-3 which relates to disadvantaged groups in New South Wales juvenile correction centres. I realise you have been asked questions without notice previously about children from non-English-speaking backgrounds. Aboriginal juvenile offenders make up about 1.8 per cent of New South Wales children, but are represented in juvenile gaols at a rate of 37 per cent. What initiatives or programs will the department implement this year to address the growth of the population of indigenous youth in New South Wales juvenile detention centres?

**The Hon. CARMEL TEBBUTT:** You have raised what is a very important issue, that is the overrepresentation of Aboriginal young people in juvenile justice and the contact they are brought into with the juvenile justice system. That is an overrepresentation not just in custodial facilities, but also in the broader juvenile justice system, although of extreme concern is the significant overrepresentation in custodial facilities. Aboriginal young people comprise about 30 per cent of the juvenile justice population and, as you have rightly pointed out, only 1.8 per cent of the New South Wales youth population is Aboriginal.

I have made this point to both Houses and probably this Committee as well: overrepresentation of young Aboriginal people requires a whole-of-government response, because it is impacted upon by the activities of a range of different agencies, not just Juvenile Justice. But, quite clearly, Juvenile Justice has a specific responsibility and to that end has implemented a number of strategies to reduce the overrepresentation of Aboriginal young people in the juvenile justice system.

That includes the employment of specific Aboriginal staff who support and assist with culturally appropriate interventions for Aboriginal clients. It includes a mentor scheme which is currently operating

throughout New South Wales and which will continue to operate. An Aboriginal mentor is a significant person from the juvenile's network or the wider community responsible for offering the young person extra support and guidance while the juvenile is under the supervision of the department.

In western Sydney there is an accommodation facility called Ja Biah that accommodates up to six young people as a condition of bail. There is also a youth support program that has been funded by the department at Purfleet, near Taree. It provides programs for Aboriginal youth targeting Department of Juvenile Justice clients, young people who are at risk of offending, and their families. The program that provides the most hope for seeing a sustainable decline in the number of young Aboriginal people who are represented in the juvenile justice system is youth justice conferencing, which commenced in April 1998. I believe that it should significantly assist in reducing the number of young Aboriginal people appearing before the court.

The Youth Justice Conferencing Directorate is working to ensure that Aboriginal conference conveners are used extensively through New South Wales. A number of different strategies have been pursued in different areas to increase the number of Aboriginal conference conveners. The directorate is also monitoring the number of Aboriginal young people who are referred to the scheme. There are some issues with referral rates for young Aboriginal people to youth justice conferencing. Those rates, while not uniform across the State, are lower than the rates for non-Aboriginal youth referred to conferencing.

That is an issue that the Youth Justice Advisory Council is very conscious of and it is actively pursuing strategies to address, including liaison and work with the Aboriginal legal services as well as working with the police, who act as the gatekeepers to the scheme, and working with young Aboriginal people themselves. Aboriginal clients of the department are also participating in the youth diversionary program centred in Mount Druitt, which is conducted by the Western Sydney Aboriginal Corporation. The Juvenile Justice Advisory Council, which is chaired by Linda Burney, is looking at the issue of overrepresentation of young Aboriginal people in the juvenile justice system.

**CHAIR:** How many Aborigines participated in youth conferencing and what is the success rate?

**The Hon. CARMEL TEBBUTT:** I am not sure that we have broken a figure down into that level of detail. The number of young people who participated in conferencing in the last year was just under 2,000. As I said, the scheme has been operating since April 1998. There still are some issues around the bedding down of the scheme, and with collecting information. The Bureau of Crime Statistics and Research [BOCSAR] will soon release a report on the operation of the scheme. It may well provide more detail on that issue. But as at 30 April 2000 approximately 2,600 young people had been conferenced since the scheme was introduced. In the first financial year of the scheme approximately 1,166 young people were conferenced. In the first 10 months of the current financial year 1,436 young people were conferenced.

**CHAIR:** I specifically want to know about the number of Aboriginal and Torres Strait Islander children participating. Could you take the question on notice?

**The Hon. CARMEL TEBBUTT:** Yes, we will provide the information.

**CHAIR:** And also the success rate in terms of recidivism.

**The Hon. CARMEL TEBBUTT:** We will provide what information we can. You are probably aware that the scheme is to be evaluated after three years of operation. That is when the overall effectiveness or success of the scheme will be established. The work done by the committee overseeing the scheme and the report that will be released shortly will produce some information about the effectiveness of the scheme at the completion of outcome plans. Our material to date indicates that the completion of outcome plans is at a high level. Five of the 17 conference conveners across New South Wales are Aboriginal.

**CHAIR:** Are there any other permanent Aboriginal employees in juvenile justice centres?

**The Hon. CARMEL TEBBUTT:** Yes. I will ask the director-general whether he has the figure.

**Mr BUTTRUM:** A total of 63 staff in the department are Aboriginal. That includes Aboriginal program development officers. There is one in each cluster. There are also staff to work at the coalface as juvenile justice officers. Aboriginal staff are also employed as senior youth workers in the detention centres.

**CHAIR:** Can you tell me across which detention centres they are spread?

**Mr BUTTRUM:** I cannot give you the numbers per detention centre but I can provide that at some future date.

**The Hon. PATRICIA FORSYTHE:** My questions are in relation to the Frank Baxter Juvenile Justice Centre. They are not issues of policy so I will direct them to the director-general. What was the final cost of the centre and how did it compare with the budget?

**Mr BUTTRUM:** I believe that the final cost of the centre was approximately \$23 million.

**The Hon. PATRICIA FORSYTHE:** How did that compare with the budget allocation?

**Mr BUTTRUM:** It was on budget I believe.

**The Hon. PATRICIA FORSYTHE:** Were any additional costs incurred when the security system initially failed? If so, what additional costs were incurred because of that problem and other problems in the initial opening stage?

**Mr BUTTRUM:** The system has a highly sophisticated electronic security system. Any costs in restoring that electronic security system were met as part of the original contract. I cannot give you the detail of what it cost to restore that system.

**The Hon. PATRICIA FORSYTHE:** So the department itself incurred no additional cost?

**Mr BUTTRUM:** In terms of the original failure of the system I believe that the costs were met from the cost of the building.

**The Hon. PATRICIA FORSYTHE:** Have the problems been resolved?

**Mr BUTTRUM:** I think that with any new electronic system there will be problems but at the moment they are solved.

**The Hon. PATRICIA FORSYTHE:** Was the problem a result of the problems with the contractor? If so, what checks were made in relation to the contract to ensure that he could fulfil his contract?

**Mr BUTTRUM:** The Department of Public Works and Services manages all the issues related to the completion of new structures in the department. The Department of Public Works and Services follows up any problems such as that on our behalf.

**The Hon. PATRICIA FORSYTHE:** The briefing note from the department to the Minister on the closure of Worimi stated, "The current Frank Baxter program, which was developed for 16- to 18-year-old males serving long-term control orders, will require major adjustments to meet the needs of shorter term, high turnover remandees." Has the department estimated the cost of those major adjustments?

**The Hon. CARMEL TEBBUTT:** A remand unit is being established at the Frank Baxter Juvenile Justice Centre following the closure of Worimi. The centre is a 120-bed unit. It is a new juvenile justice centre completed in late 1999. It was established to accommodate young people sentenced to control orders. The establishment of a remand function at the centre requires the establishment of a new program, the revision of staff allocations at the centre and negotiations with both the Department of Education and Training and relevant industrial associations to address matters surrounding the commencement of this new function. The manager of the centre, the cluster director and the director of operations have established a timetable for the implementation of the above process. Action to date has included: the identification of staff requirements; negotiation with the Nurses Association and with the Public Service Association about staffing issues; meetings with the Department of Education and Training to examine the implications of remandees for their programs; planning for the redeployment of staff from Worimi; and commencement of staff training for those who are working in the remand section at Frank Baxter Juvenile Justice Centre.

The department has made suitable arrangements to successfully operate a remand facility at the Frank Baxter centre. For the information of the Committee, the Frank Baxter centre has a 120-bed capacity. Since the opening of the centre it has not operated at full capacity, so clearly the capacity is there for accommodation pods at the Frank Baxter centre to be used in a remand capacity, with these additional changes.

**The Hon. PATRICIA FORSYTHE:** I would like to direct my question to the director-general. What additional costs will impact on the department in relation to the establishment of this remand unit?

**Mr BUTTRUM:** The training costs and the costs of the strategies that have been outlined by the Minister will be met from within that unit's training budget. Right from the very beginning every staff member at the Frank Baxter Juvenile Justice Centre was given training before that centre commenced. All the staff that were employed at the previous Mount Penang centre, before going to Baxter and because of the nature of that new environment and the improved nature of the programs, were trained for two weeks. That same training is being provided for the two additional units that are going to be used as the remand unit in that centre and training courses commenced this week for one of those units.

**The Hon. PATRICIA FORSYTHE:** So that the only additional costs are the training costs?

**Mr BUTTRUM:** The rest of those costs will be absorbed under the normal operating costs of that unit.

**The Hon. PATRICIA FORSYTHE:** Have you estimated the savings resulting from the closure of Worimi?

**Mr BUTTRUM:** We initially estimated that the savings from Worimi would be \$3 million a year. We will have to maintain a small holding unit at that centre so that young people going to Worimi Court can be transported and can be safely held in custody at that unit awaiting their court appearances. The estimated cost for that operation is \$500,000, so we now believe that the estimated savings from Worimi will be approximately \$2.5 million on an annual basis.

**The Hon. PATRICIA FORSYTHE:** What is the current level of staff vacancies at the Frank Baxter and Kariong centres? How does that compare with the situation prior to the closure of Worimi?

**Mr BUTTRUM:** I cannot tell you the exact number of vacancies but vacancies at the Frank Baxter centre were held because we have not opened the two additional living units involved there because there were not the numbers to open them.

**The Hon. PATRICIA FORSYTHE:** Not the numbers of detainees or staff?

**Mr BUTTRUM:** Not the numbers of detainees, and we did not have the numbers of staff either. The number of vacancies at Kariong have been filled with casual staff because we now have given displaced people from Worimi the chance to transfer to either the Frank Baxter centre or the Kariong centre. As result of that, the managers of those two centres have been to Worimi and have addressed Worimi staff on the job opportunities that are available at those two centres. Staff from Worimi who expressed an interest in employment at those two centres have been taken down to the two centres on an observation visit—the first 15, I think it is, staff from Worimi involved in that training course, which commenced at the Frank Baxter Centre this week for those who are transferring to that centre.

**The Hon. CARMEL TEBBUTT:** In light of the Hon. Patricia Forsythe's interest in staff numbers, I would add that, to date, 26 staff from Worimi have expressed an interest in employment elsewhere in the department and arrangements are being made to enable those staff to move to other positions.

**The Hon. PATRICIA FORSYTHE:** Director-general, you began your last answer by saying that you could not tell me the exact number of vacancies. Why can you not do so?

**Mr BUTTRUM:** Because I do not have that knowledge here in front of me. I certainly can obtain that information for you from our human resources section.

**The Hon. PATRICIA FORSYTHE:** You will take that question on notice and supply that information?

**Mr BUTTRUM:** Yes.

**Ms LEE RHIANNON:** I direct my question to the director-general. I understand that at a budget briefing you confirmed that many of the existing detention centres were physically below standard. Does the budget include capital funds sufficient to replace beds at Kariong, Reiby and Yasmar with suitable alternatives?

**Mr BUTTRUM:** During the past 18 months we have been using capital funds to introduce a maintenance program throughout the department to deal with deficiencies in those units. For instance, past year we spent approximately \$3.25 million bringing Kariong up to those standards and we have also spent a large amount of money at Yasmar to bring that centre up to standard. We have completely painted those centres. We have brought both up to the standards required by the Aboriginal deaths in custody inquiry. All our detention centres are now up to standard in those areas and we will be continuing that process as part of the cyclic maintenance program this year.

**Ms LEE RHIANNON:** Everything is up to standard and you merely have to maintain it, is that so?

**Mr BUTTRUM:** Well, no. For instance, the accommodation standards at Reiby Juvenile Justice Centre are still dormitory style accommodation. We have plans to eventually replace that centre so that it is brought into line with all the other centres where individual accommodation or double room accommodation is available for all young people.

**The Hon. CARMEL TEBBUTT:** I would just add to those comments relating to the upgrading of juvenile detention facilities. Since Labor was elected in 1995 the Government has made a significant financial contribution towards ensuring that, over time, centres are brought up to standard. When we came to office we inherited a system in respect of which 80 per cent of the beds in juvenile justice did not meet appropriate standards. There had not been a new juvenile justice centre built since 1991. I might add that a number of significant problems were associated with the building of the Kariong centre, including the fact that it did not incorporate a school.

The Government has spent a significant amount of money constructing new centres at Dubbo and Grafton and the Frank Baxter centre, which replaces the Mount Penang centre. The director-general referred to the fact that there is an ongoing cyclic maintenance program, which has resulted in significant improvements at both Kariong and Yasmar. The oldest centres are always going to be difficult to bring up to the Australian juvenile justice standards that exist, but certainly the department is continuing to keep that issue under active review as part of its ongoing capital works program.

**The Hon. J. F. RYAN:** It is pleasing to note that the number of children in custody has decreased. You might be aware that I chair another committee of this Parliament that is inquiring into the increase in the prison population. Essentially, that committee has noted that the number of women in custody is increasing, as is the number of males. The explanation for that largely has been that courts are being a bit tougher, sentences have increased and there has been a much higher level of policing. This has meant that more people have come to the notice of the police and have been kept in remand. I imagine that the policing of young people is fairly similar to the policing of the adult population. How does the department explain the fact that it has been able to decrease the level of custody? What are the success stories in that regard?

**The Hon. CARMEL TEBBUTT:** The Hon. J. F. Ryan has highlighted an important issue: the significant decline in the number of young people in detention. The Government is very pleased to see that. If one looks at the figures in the budget papers, one can see quite clearly that it is a sustainable decline that has occurred over a number of years, and continues to occur. It is probably worth noting three factors that have been important in achieving that decline in the number of young people in detention. First, sometime ago the department received funding specifically to introduce what it put under the broad banner of youth justice initiatives. That funding was largely provided to community-based organisations to improve post-release support services, to provide additional options for young people in terms of community service sentences and to provide additional accommodation, such as bail hostels. That was an important start: actually being able to embed a process that allows those numbers to decline.

The second factor that must be pointed to is that this Government introduced a doubling of the community service hours that a magistrate could access when sentencing juvenile offenders. That change came into force in about 1997—we can check the exact date. That was a significant change in that it provided magistrates with greater options when sentencing juvenile offenders. In the past magistrates might not have been comfortable giving community service sentences to second- or third-time offenders because there were not enough hours. However, magistrates now have increased options to go down that path rather than sentencing those offenders to a period in custody.

The third significant issue that must be highlighted is the introduction of youth justice conferencing and the impact that that is having on the declining number of young people who are appearing before the Children's

Court. It is probably still too early to say that youth justice conferencing has had a major impact on the decline in the number of young people in detention, but I think we will see that over time. Initially, the young people being dealt with through conferencing were first-time offenders—that is not necessarily the case but it was more likely. Because conferencing provides a better means of addressing some of the reasons for offending behaviour and often provides appropriate intervention to deal with some of those issues, hopefully the juvenile crime cycle will be broken and young people will not become entrenched in the system, appear before the courts time and time again and end up in custody. Those three issues have been most significant in achieving the decline in the number of young people in detention.

Obviously a corollary is that, although the overall numbers have declined, those young people who end up with a custodial sentence are at the much harder end of the system. The young people in custody now often have far more difficult behavioural problems and are far more difficult to manage. The department grapples with that issue on an ongoing basis. It is not just an issue in New South Wales; it is an international phenomenon.

**The Hon. J. F. RYAN:** Another feature of the adult custody level is the number of people on bail. Can Mr Buttrum give some impression of the number of young people being held on remand? What has that trend been like over the past couple of years? Has the number increased or decreased?

**Mr BUTTRUM:** I am pleased to answer that question. As the number of young people in custody on control orders has decreased, the proportion on remand in custody in juvenile justice centres has increased. For instance, about three years ago, every day one-third of the young people in custody were on bail awaiting finalisation of their court appearances. That figure has risen recently to about 44 per cent. Of the 44 per cent that are locked up and refused bail, about 58 per cent—according to the most recent figures I have—do not get a custodial order. So a large proportion of young people are still being refused bail, but the court eventually makes the determination not to give them custodial orders. I think that issue must be examined closely.

**The Hon. J. F. RYAN:** Unlike the Department of Corrective Services, your department has some bail hostels. One of the reservations that Corrective Services has about those hostels is the problem of net widening. Have you found that having bail hostels makes magistrates more likely to put and hold people in custody during the remand period?

**Mr BUTTRUM:** We have not found that in the juvenile system. I cannot say if there are similarities between the two systems.

**The Hon. J. F. RYAN:** When calculating the number of people in custody on remand, do you include the population in the bail hostels as part of the figure that you say is increasing?

**Mr BUTTRUM:** No, we do not.

**The Hon. J. F. RYAN:** You presumably have bail hostels because you are trying to get people out of the lock-ups. Is that working?

**Mr BUTTRUM:** I have some concerns about increasing the number of bail hostels for young people in the community because of the contaminating process. When you put a large number of young people together, that can inadvertently be—unless the staff are very careful—an institutionalising process in itself. We need to find individuals who are prepared to take these young people in and look after them while they are on bail. We are looking at other methods of housing those young people and accommodating than in supportive environments rather than clustering them together.

**The Hon. J. F. RYAN:** I have one more question about the custody population, which comprises a depressingly large number of people from Aboriginal backgrounds. It does not appear that we are making an enormous amount of headway in that area.

**CHAIR:** I have asked that question already.

**Ms LEE RHIANNON:** The Minister may be aware that the Children's Court magistrate Mr Steve Scarlett commented recently that State wards or children in care are often remanded in custody from court due to the failure of Department of Community Services case officers to attend court on their behalf. That would obviously contribute to the number of people being held in custody. How are you dealing with that situation?

**The Hon. CARMEL TEBBUTT:** We are aware that it happens on occasion. In my experience, magistrates are loath to go down that path unless there are no other alternatives available. However, I am aware

of that having happened in the past year. The Department of Juvenile Justice has been working with the Department of Community Services on the wards project to get better collaboration and co-operation between the two agencies. I guess that goes to the issue not only of wards who appear before magistrates and accommodation issues, but also of wards being overrepresented in the juvenile justice system. Our aim is to ensure that issues in that area are dealt with appropriately by the two agencies. That is an ongoing project in which the Department of Juvenile Justice has been involved with the Department of Community Services.

**Ms LEE RHIANNON:** Do you have figures relating to the number of times this has happened? Have you drawn this problem specifically to the attention of the Minister for Community Services?

**The Hon. CARMEL TEBBUTT:** I am not aware of figures. Earlier this year one case received some media attention. It was about a young woman at Yasmar. My gut feeling is that not a high number are remanded into custody purely because there are no accommodation options.

**Mr BUTTRUM:** When that is drawn to my attention I contact senior staff in the Department of Community Services [DOCS]. We generally organise a case conference immediately to jointly attempt to find accommodation or welfare solutions to the problem. Generally, young people are exceptionally difficult to manage, because they have been subjected to long periods of emotional deprivation and in some cases abuse. Finding people in the community who can actually manage young people is extremely problematic. We generally have a case conference and look at all the alternatives that can be established for that young person. If possible, DOCS generally provides finance to support that young person in a community setting.

**Ms LEE RHIANNON:** Do you have a process to draw it to the attention of the Minister for Community Services so it is given joint attention?

**The Hon. CARMEL TEBBUTT:** As the director-general pointed out, that is normally dealt with at an operational level. Certainly the wards project that I referred to, which is a joint collaborative effort between the Department of Juvenile Justice and the Department of Community Services, is one that the Minister for Community Services and I are committed to and have been involved in to see it happen.

**Ms LEE RHIANNON:** The magistrate Steve Scarlett commented on that. Do you have a budget expenditure for that particular problem? I could not find it in the budget papers.

**The Hon. CARMEL TEBBUTT:** No. As the director-general pointed out, usually costs will be met by the Department of Community Services. That question would be more appropriately directed to that Minister. We do not have a budget allocation, as such, for the accommodation of wards. Under our broader youth justice initiatives banner, there is a range of accommodation services that the Department of Juvenile Justice funds by either funding a number of workers in an existing service or by funding other possible scenarios to provide accommodation for Juvenile Justice clients. But it is not specifically for wards.

**CHAIR:** Given that 80 per cent of juvenile inmates are received into custody because of alcohol- or drug-related matters, how many drug and alcohol welfare councillors are employed in the system?

**The Hon. CARMEL TEBBUTT:** The best way to answer your question is to point out that each juvenile justice centre has a drug and alcohol counsellor who works with the detainee population in that centre. Also, there are intensive program units [IPUs] which operate from Stanmore, Liverpool and Blacktown. They provide drug and alcohol counselling, sex offender counselling and violent offender counselling. In a more intensive way they provide an option for clients who might be under community supervision, but have particularly high needs. A magistrate may well require, as part of the community-based sentence, that they spend time at an IPU receiving specific counselling. The IPUs also provide counselling to detainees once they have finished the custodial sentence.

Of course, the Government has provided significant recurrent funding to the Department of Juvenile Justice. In 2000-01 the Government allocated \$4.4 million for initiatives arising from the Drug Summit, including the employment of 10 drug and alcohol counsellors who will work predominantly with community based clients. The counsellors will be located at Broken Hill, Dubbo, Gosford, Grafton, Kempsey, Lismore, Orange, Queanbeyan-Batemans Bay, Tamworth and Wagga Wagga. Recruitment action is under way for those positions and training is soon to commence.

Each juvenile justice centre has a nurse who would be involved in drug and alcohol problems that detainees may have. Funding was provided under the Drug Summit plan of action to improve medical



detoxification services at Yasmar and Cobham Juvenile Justice Centre, which is the main remand centre for young men—it is a problem there. Yasmar is the only young women's centre, and obviously there are problems there. The funding will provide drug and alcohol counsellors who will operate as part of the medical detoxification services.

**CHAIR:** Do you have an account of the number of juveniles in custody who have the benefit of those services that you mentioned?

**The Hon. CARMEL TEBBUTT:** All detainees have the benefit of the services. The figure that you used, 80 per cent, is one with which I am familiar. I concur with research done by the department and people outside the department. Roughly 80 per cent of young people who come into custody have some sort of drug and/or alcohol problem. Counselling services are available to young people. Nurses provide an initial assessment on admission into custody. As a young person's case plan is developed, drug and alcohol counselling would be included if it was determined that there was a need for it.

**CHAIR:** I believe that psychologists, or social workers, have a high rate of burnout. Mr Buttrum, how do you handle the staff turnover or staff training to deal with that?

**Mr BUTTRUM:** Dr Gwenda Schreiber is employed by the department. She is in charge of the professional development and support of the psychologists in the department who are involved in the sex offender program, and the violent offender program. Since the Drug Summit we have a co-ordinator of alcohol and other drug [AOD] counsellors who works with Dr Schreiber. That person is responsible for supporting the AOD counsellors that either currently exist in detention centres or are about to be appointed in the 10 locations that the Minister mentioned. They are responsible for the development of training programs for staff.

As the Minister just mentioned, the 10 AOD counsellors and the others in the juvenile justice centres are about to receive up-dated training. They are also responsible for ensuring the ongoing professional assessment of counsellors. As well as people in the central support office of the department, in each cluster there is a special services co-ordinator, who is a highly qualified psychologist. That special services co-ordinator is responsible for ensuring the support of the staff in their own clusters. So, therefore, there are two support mechanisms. As well, the nurses who work with drug-affected young people—

**CHAIR:** Are they psychiatric nurses?

**Mr BUTTRUM:** No, they are general trained nurses. A number of them have psychiatric qualifications, but that qualification is not absolutely necessary. They are supported by two nurses who work in the central support office. A new one has just been appointed to look after and ensure the development and support of the additional nurses that are being employed at Cobham and Yasmar to introduce those new medical detoxification services that are being implemented there.

**CHAIR:** When young people have established a relationship with these workers, do they have a follow-up program in the community on their release?

**The Hon. CARMEL TEBBUTT:** Essentially that would be the role of the intensive program units that I referred to, rather than the centre drug and alcohol counsellor. Largely, the centre drug and alcohol counsellor will deal with the detainees who are within the centre. The fact that we have now expanded the number of drug and alcohol counsellors operating in the community offers more options for follow-ups to be provided. I would make the point that unless it is mandated as part of a person's sentence that there needs to be some post-release contact, the department cannot force young people to continue to maintain that contact. It has to be mutually agreeable. I might also say that the department works closely with a number of community-based organisations, including PALM, a Wesley-Noffs operation at Randwick, Dunsmore and Dunlea.

**CHAIR:** Earlier you referred to a report by the Youth Justice Advisory Committee. Is that the report on the diversionary scheme for Aboriginal young people?

**The Hon. CARMEL TEBBUTT:** No, it is not specifically about the diversionary scheme for Aboriginal young people. It is a broader report on youth justice conferencing.

**CHAIR:** Is it possible to provide the Committee with a copy of the report?

**The Hon. CARMEL TEBBUTT:** I am not able to because the report is not in my possession. The Youth Justice Advisory Committee is answerable to the Attorney General. The legislation has three responsible Ministers: myself, the Minister for Police and the Attorney General. The Youth Justice Advisory Committee is

serviced from the Department of Juvenile Justice because the youth justice conferencing directorate is located within that department, but the committee is answerable to the Attorney General. It is my understanding that that report is soon to be released.

**The Hon. PATRICIA FORSYTHE:** In relation to drugs in centres, given that your annual report says that 85 per cent of juveniles in centres have a drug or alcohol problem and the Ombudsman's inquiry into Kariong at page 149 states that some staff reported never having conducted or witnessed random drug searches, despite having worked at Kariong for some time, taking it wider than Kariong, on how many occasions have sniffer dogs visited centres in the past year?

**The Hon. CARMEL TEBBUTT:** It is my understanding that, as part of the Government's plan of action, the department will continue its efforts to prevent drugs from entering centres. The Drug Summit recommended that the Department of Corrective Services make its drug dog detector teams available to the Department of Juvenile Justice for targeted drug detection in juvenile justice centres. Legislation enabling the use of Corrective Services drug detection dogs in juvenile justice centres was proclaimed on 10 March 2000. The draft operational protocols for the use of drug detection dogs has been completed and the trial use of dogs has occurred at three juvenile justice centres. The department is currently negotiating a 2000-01 schedule for the use of dogs in detention centres.

**The Hon. PATRICIA FORSYTHE:** On how many occasions have staff been reprimanded for supplying cigarettes, alcohol or illicit drugs to detainees?

**The Hon. CARMEL TEBBUTT:** I do not have those figures here. We can undertake to provide those figures to the honourable member.

**The Hon. PATRICIA FORSYTHE:** Will you take the question on notice?

**The Hon. CARMEL TEBBUTT:** My recollection is that it would be extremely low, if negligible.

**Mr BUTTRUM:** I can only remember three occasions in, I think, the last year when we got evidence that led to investigations into staff bringing or supplying drugs to young people. We can provide a definite answer to that question on notice.

**The Hon. CARMEL TEBBUTT:** I might provide some further information to the Committee about the work of the department to prevent the entry of illicit drugs into detention centres. The department runs education programs on the importance of maintaining a drug-free environment in juvenile justice centres. Further initiatives are: a thorough searching of newly admitted detainees; a restriction of items taken into centres by visitors; random searches of detainees' rooms; the use of dogs, as I have already referred to; the installation of a system to monitor detainee telephone calls, which is part of the Drug Summit plan of action; detainees wearing secured pocketless overalls during visits where it has been proved in the past, or there is strong suspicion, that the detainee has brought in contraband; and the construction at Kariong of a new non-contact visiting area that accommodates two detainees and visitors at a time, again if it has been proved or there is a strong suspicion of a detainees' visitors bringing in contraband. Pocketless overalls operate from Kariong as well.

**The Hon. PATRICIA FORSYTHE:** In the light of criticisms made in the Ombudsman's report on Kariong about visitors to detainees bringing in various items, such as food, has there been a revision of the guidelines about what visitors may bring to centres, searches of visitors and the storing of luggage by visitors?

**The Hon. CARMEL TEBBUTT:** Madam Chair—

**The Hon. PATRICIA FORSYTHE:** I ask the director-general to answer that question.

**The Hon. CARMEL TEBBUTT:** I will answer initially and the director-general can add some material.

**The Hon. PATRICIA FORSYTHE:** As I understand it, I can direct the question to the director-general and he is required to answer it.

**The Hon. J. HATZISTERGOS:** No, that is not right. We had this debate in an estimates committee yesterday. The advice from the Clerk was:

There is nothing to prevent a Minister in attendance from answering questions directed to a public servant, except where a public servant is summoned under the Parliamentary Evidence Act.

**The Hon. CARMEL TEBBUTT:** I have no problem with the director-general supplementing my answer, but I would like to provide some information to the Hon. Patricia Forsythe about the changes that have been implemented at Kariong following the Ombudsman's report. Given the significance and importance of that issue, it might be useful for the Committee to be aware of some of the broader changes that have occurred at Kariong following the Ombudsman's report. Action taken to prevent the entry of illicit drugs include, as I have already indicated, the construction at Kariong of a new non-contact visiting area that can accommodate two detainees and their visitors at a time, the installation of lockers at Kariong for the storage of visitors' bags and other items before they visit the trainees. The department instituted a process at Kariong where barbecues and food would be provided for the trainees and their families on visiting days to try to cut down on the option of bringing in illicit drugs through food.

**The Hon. PATRICIA FORSYTHE:** Given what you have just said, was Kariong the only problem centre? Have these actions been implemented at other centres?

**The Hon. CARMEL TEBBUTT:** The other centres do not have non-contact visiting areas, as I understand, but lockers are available at other centres. Other centres do not use the pocketless overalls.

**The Hon. PATRICIA FORSYTHE:** Does the director-general want to add any additional information?

**Mr BUTTRUM:** We are very conscious of our duty of care to prevent or attempt to prevent drugs or any other illicit substances, including weapons, being brought into detention centres. We have introduced metal detectors at the entrance areas in a number of newer centres to detect other illicit items being taken into centres. We have introduced in the newer centres closed-circuit television in all the visiting areas. We are aware of the fact that some privacy should be maintained for people visiting young people in detention centres. However, in some centres we have increased the number of staff who supervise visits, all in an attempt to inhibit the taking of anything illegal into the centres.

**The Hon. J. F. RYAN:** Is the Minister able to tell the Committee whether any representatives of the Youth Justice Advisory Committee are also members of the Australian Labor Party, or any political party for that matter? If so, how many? Are any representatives of the Youth Advisory Justice Committee past members or recent past members of the Australian Labor Party?

**The Hon. CARMEL TEBBUTT:** The Youth Advisory Council?

**The Hon. J. F. RYAN:** Yes.

**The Hon. CARMEL TEBBUTT:** It is my understanding that this estimates committee is to deal with Juvenile Justice.

**The Hon. PATRICIA FORSYTHE:** No, I do not think it is.

**The Hon. CARMEL TEBBUTT:** We had this same issue last year. That was certainly clarified prior to my attendance. The Premier answered questions in regard to the Office of Children and Young People. I am the Minister Assisting the Premier on Youth Affairs, so I am not able to provide you with an answer to that question. But it was certainly my understanding that estimates today were to deal with Juvenile Justice.

**The Hon. PATRICIA FORSYTHE:** The Minister just said that the Youth Advisory Council, the service unit, was part of the Department of Juvenile Justice.

**The Hon. CARMEL TEBBUTT:** Are you talking about the Youth Justice Advisory Committee or the Youth Advisory Council, which is serviced from the Office of Children and Young People, which is part of the Cabinet Office, which comes under the Premier's responsibility. I clarified that before this meeting.

*[Short adjournment]*

**Ms LEE RHIANNON:** What are the allocations for the implementation of sniffer dogs and urinalysis programs in the detention centres for this financial year?

**The Hon. CARMEL TEBBUTT:** You are talking about this financial year?

**Ms LEE RHIANNON:** Yes.

**The Hon. CARMEL TEBBUTT:** I am not sure that I have a figure on sniffer dogs because we do not pay for them. They are funded by the Department of Corrective Services. The department has spent \$11,415 on urinalysis this current financial year, but obviously that is expected to be increased in the next financial year.

**Ms LEE RHIANNON:** What measures are in place to assess the cost effectiveness of sniffer dogs and urinalysis? How much contraband has been seized as a result of searches and urinalysis? What is the success of your investigations into drug use? How do you assess it in a cost-effective way?

**The Hon. CARMEL TEBBUTT:** The first point to be made is that we have already referred to the high percentage of detainees who have some drug and/or alcohol problem on admission into juvenile justice, and that is a significant factor in offending behaviour. The response of the department needs to be seen in the totality of initiatives arising from the Drug Summit, rather than focusing on specific initiatives. I certainly would not want to see the response of the department to dealing with young people who have drug and/or alcohol problems in terms of urinalysis or use of drug detection dogs. I have already referred to the appointment of the additional alcohol and other drug counsellors. The intensive program units, to which I have referred, will be expanded as a result of the Drug Summit plan of action to support the Youth Drug Court.

The provision of life skills and accredited employment skills training is another arm of the Drug Summit plan of action for Juvenile Justice. Other programs include the enhancement of the medical detoxification services at Yasmar and Cobham juvenile justice centres; the establishment of drug rehabilitation programs at Coffs Harbour and Dubbo, which will be operational this year; the use of the telephone detection system; the introduction of urinalysis; and the provision of drug awareness training for departmental staff. All those initiatives have to be seen as a package to try to address the reasons behind why young people are involved in drug abuse and assist them to deal with their drug abuse and become drug-free. Obviously, the department has established the committee to oversee the implementation of the Drug Summit plan of action. Part of the role of that committee will be to monitor the effectiveness of the various components of the overall plan.

**Ms LEE RHIANNON:** When the director-general spoke earlier I think he said that there were three cases in which staff had brought drugs into centres. What is the rate for finding drugs on detainees?

**Mr BUTTRUM:** I cannot give you that off the top of my head, but I can tell you that since the legislation was changed, and we have had Corrective Services dogs coming into the centres, little was found at Baxter and Yasmar. We get a report on just exactly what is found.

**Ms LEE RHIANNON:** Can you define "little"?

**Mr BUTTRUM:** At Cobham, for instance, there was a small bag of things such as bongos that had been made out of plastic bottles, things like that. There was nothing dangerous, like weapons, found; just these plastic bottles and implements that would be used for smoking marijuana. I cannot recall the detail, because that is dealt with by the director of operations within the department who is responsible for that area of work, and who has been the person who has done all the liaison with Corrective Services about the use of those dogs. But I know that we were concerned about the implements for smoking marijuana that were found at Cobham.

**The Hon. CARMEL TEBBUTT:** The focus of the overall Drug Summit plan of action within Juvenile Justice is about being able to provide effective casework intervention to assist young people who have drug and alcohol problems get on top of those problems, deal with them, leave Juvenile Justice without such a problem, and in that way break the juvenile crime cycle. In terms of evaluation, although it is not something that falls specifically under the responsibility of Juvenile Justice, you might be interested in the Youth Drug Court because Juvenile Justice obviously will be an active player in its operation. The evaluation of the court will be co-ordinated by the Attorney General's Department in collaboration with the Department of Juvenile Justice. The tendering process to identify who will undertake the evaluation is complete, and the Attorney General will make an announcement about that.

**Ms LEE RHIANNON:** I appreciate how you have elaborated on the package that has many components to deal with drug issues. I was exploring sniffer dogs and urinalysis and whether there has been any analysis of their cost effectiveness because of the nature of the processes you are undertaking. They can be quite intimidating. I was trying to see if you could explore how that fits with your wider process that seems to be

more positive and affirmative. Are these approaches, particularly if they are not turning up much—which is what I understand from the Director-General's answer—appropriate to be a part of that package? Young people are often offended and annoyed by it, and it can end up having a detrimental effect because such programs are in place. Can you explore that?

**The Hon. CARMEL TEBBUTT:** That is why I focused very much on saying that the Government's response to the Drug Summit plan of action has been an overarching response that has a number of components. Urinalysis, the telephone detection system and the use of drug detection dogs are an important part of that response. But they need to be seen in conjunction with the other parts of the package that deal with providing improved drug and alcohol counselling services to detainees and community-based clients: providing improved training to staff so that staff have both a better understanding of what is behind drug and alcohol abuse as well as a better ability to deal with their impact on detainees' behaviour, and improving the community-based rehabilitative programs, particularly in regional and rural New South Wales. The package needs to be seen in its totality, but it plays an important role.

**Ms LEE RHIANNON:** Are the dogs passive alert dogs?

**The Hon. CARMEL TEBBUTT:** That is my understanding. They are beagles.

**Ms LEE RHIANNON:** Do the dogs come in once a week? Do you conduct urinalysis once a week, at regular intervals or only when you suspect there is a problem?

**The Hon. CARMEL TEBBUTT:** The department is currently negotiating a schedule for the use of dogs in detention centres. It is certainly not just when there is a problem, but equally it is not a regular feature once a week in every juvenile justice centre. Obviously, there is an attempt to balance part of the Drug Summit package of initiatives with the other initiatives that I have outlined.

**CHAIR:** In relation to security in detention centres, how many youths have escaped from New South Wales juvenile justice detention centres during the past 12 months?

**The Hon. CARMEL TEBBUTT:** I refer you to the figures outlined in Budget Paper No. 3. The figure for escapes per 1,000 admissions in 1999-2000 was 12.4. The expected number in 2000-01 is 10. It is a very low number. The capital works program that the Government has embarked on over the past couple of years in Juvenile Justice has significantly improved security within juvenile justice centres. That has been a very important contributing factor to the low number of escapes. For example, the Mount Penang Juvenile Justice Centre, which is now closed, did not have a security fence. It was a completely open centre. It has now been replaced by the Frank Baxter centre, which has a security perimeter fence. All our centres now have a secure perimeter fence. So I think that we can safely assume that the number of escapes will remain at that low level.

**CHAIR:** What security checks are done on visitors to detention centres?

**The Hon. CARMEL TEBBUTT:** I will ask the director-general to respond to that question.

**Mr BUTTRUM:** First, on the admission of young people their parents are told that there are certain items that are contraband and that cannot be allowed into centres. Second, in every detention centre people are now asked to leave their personal baggage in lockers outside the detention centres. We have increased closed-circuit television [CCTV] surveillance in visiting areas. We have tried to improve the visiting areas in every centre. For instance, at the Baxter centre there is not only CCTV surveillance—that is the harder side of this—but we have also included feeding rooms for mothers with babies and all that sort of stuff.

So we are focusing on the security issues as well as trying to maintain a humane system in those centres. After visits young people are searched before they go back to their units. Staff are generally alerted to the fact that on visiting days they should be very careful to watch for any signs that young persons may have been affected by something passed to them during a visit, because that can still happen even though there is CCTV surveillance. That is what we have done at the moment.

**CHAIR:** Do the staff have any security checks?

**The Hon. CARMEL TEBBUTT:** Before they commence employment?

**CHAIR:** No, when they go into the centres.

**The Hon. J. F. RYAN:** What sorts of provisions do you make to ensure that staff are not passing contraband to inmates?

**Mr BUTTRUM:** The staff have lockers in their staffrooms. They are not to take their personal, private gear into the centre unless they get the permission of a supervising staff member. Staff members may be bringing in magazines, a guitar or something that will be involved in a program in the centre. If they are going to bring in objects such as that they are supposed to get approval beforehand.

**CHAIR:** What is the protocol when a young person escapes from a centre?

**The Hon. CARMEL TEBBUTT:** The department conducts a thorough investigation into the circumstances of each escape, including the level of supervision of the detainees prior to the incident. Where staff negligence is found to contribute to an escape disciplinary action is taken. Of course, the department co-operates with police for the capture of any escaped detainee.

**Mr BUTTRUM:** In fact, the police are informed immediately, as are the families or other people connected with the young person. For instance, many young people in our centres have not been living in their family home immediately prior to their detention. In those cases as part of the admission process we note any significant factors in the case of those young people who do not have family members. We would inform those people almost immediately of the escape. For instance, there are occasions when we are aware that some significant thing has happened in the young person's life immediately prior to the escape.

We contact the community-based staff member of the department who lives near the area to inform that staff member of the escape because oftentimes they have had dealings with the young people before their admission and they keep an eye out for the young people should they return home. And many of them do return home. The staff of the detention centres also immediately search the detention centre and its environs in an attempt to catch the young people before they get right away into the community.

**CHAIR:** What happens when the escapee returns to the detention centre?

**Mr BUTTRUM:** In normal circumstances every person that escapes is referred to the police. The police investigate the escape and the young person is generally charged with escaping from custody and is returned to the court. The court makes the judgment about that. If the young person is sent back to the department, before he goes to court we ensure that there is closer supervision of that young person because that is generally the period when he is very apprehensive and anxious about what is going to occur.

**CHAIR:** Can you explain what you mean by "closer supervision"?

**Mr BUTTRUM:** Yes. Closer supervision consists of putting additional staff on. We call that one-to-one staffing. One-to-one staffing is not used to increase supervision in normal circumstances. Staff are alerted to that person's state of mind. We have a new information system where staff alerts are put on the system immediately and even if that young person is transferred to another centre, that centre has access to that information system and the moment the name is printed on to the system, an alert comes up. That is not only to increase supervision of that young person but also to increase support. We interview almost every young person who escapes the moment they come back to find out if there was any precipitating incident in their lives that was part of the reason for their absconding.

**The Hon. PATRICIA FORSYTHE:** Director-general, as a matter of course, would detainees have access to your mobile telephone number?

**Mr BUTTRUM:** To my mobile?

**The Hon. PATRICIA FORSYTHE:** Yes.

**Mr BUTTRUM:** As far as I know, no.

**The Hon. PATRICIA FORSYTHE:** So no detainees in the past 12 months would have been able to have telephoned you on your mobile, your office number or your home number?

**Mr BUTTRUM:** If a detainee requests to ring me at my office, that request is passed on to the centre manager and the detainee can ring me at my office as part of the system that allows them to draw to my

attention anything of concern to them. When I receive such a phone call, I immediately ring the manager back to check if that young person is complaining about some problem that existed in the centre. That does not happen frequently. I could only recall it happening three or four times in the past year.

**The Hon. PATRICIA FORSYTHE:** I have some specific questions about budget controls. In light of the 1999 Auditor-General's report that described the department's budgetary process as ineffective, evidenced by the fact that every cluster failed to meet its targets, has the department taken any action about that since it was drawn to its attention and has any cluster managed to stay within its budget target since any changes were made to it?

**The Hon. CARMEL TEBBUTT:** I am glad that the Hon. Patricia Forsythe has raised this issue because the Auditor-General's 1999 report to Parliament has indicated a number of areas of concern. I might say that the Auditor-General reported that the audit of the department's 1998-99 financial report resulted in an unqualified independent audit report, and I am confident the department will achieve a similar result for 1999-2000.

The Auditor-General reported on two control issues that he considered needed to be addressed. They were budgetary controls across clusters and centres and comparative costs per detainee across centres. I take this opportunity to comment on some of the audit findings because there is one figure that the Auditor-General used that needs to be clarified for members of the Committee, that is, the employee-related expenses figure which the Auditor-General used on page 207, volume two of his 1999 report to Parliament. The report refers to an increase in the department's employee-related costs per detainee from \$105,485 in 1995-96 to \$171,948 in 1998-99.

Those figures were calculated by dividing the department's total employee-related costs by the number of detainees. This assumes that the department's sole function is detention centres and that all the department's staff are involved in this activity. As we have heard from questions today, this is not the case. Each year the department has approximately 6,000 clients, most of whom are serviced by the Department of Community Services and youth justice conferencing section. Therefore, rather than divide the total departmental employee-related expenditure by the number of detainees, I believe it would be far more valid to divide the number by the total number of clients in that year.

I will move on to budgetary controls because that was an area of concern raised by the Auditor-General. First, procedures have been put in place to strengthen financial accountability within the department. I might outline some of those procedures. Cluster directors have a specific clause in their performance agreements confirming that they will manage their workplaces according to the Department of Juvenile Justice budget and financial requirements. Each month cluster directors receive detailed information about their expenditure, both in gross terms and in relation to costs per detainee. Cluster directors are now required to comment on all overexpenditure. Where there is a significant overexpenditure, cluster directors are required to identify strategies to address the problem.

Monthly supervision sessions between cluster directors and the unit managers include a specific discussion on financial controls and performance. The director of operations in corporate services meets regularly with cluster directors to ensure that expenditure is being monitored and contained. During monthly supervision sessions each centre manager provides to the cluster director a report on initiatives they have implemented to contain overtime and casual employee expenditure.

The Auditor-General also raised variations in employee-related expenses per detainee between centres. The audit observations are based on a number of assumptions, that is, that all the detainees are the same and have the same needs, that all centres deal with the same client groups and that all centres have similar physical layouts. As I am sure the Committee would be aware, none of those assumptions is correct. The detainee population is quite variable. They differ in terms of their gender, age, maturity, nature and seriousness of offence and detainees need to be placed into a centre that best meets their needs and those of the community.

Centre functions are not the same. Quite clearly, Kariong maximum security centre has a different function to Grafton, for example. Yasmar is the only centre that deals with young women. Cobham deals with detainees on remand. Obviously, centre physical environments are not the same as well. The department is working towards reducing the variation in costs per detainee. One way of doing this is the construction of modern facilities that have consistent staffing levels. The department also participates in a national benchmarking exercise in juvenile justice, which suggests that the New South Wales system is not any less efficient than juvenile justice administrations in other States. I might also indicate that the budget that the

Government has provided to the Department of Juvenile Justice this year includes an additional allocation of \$16 million compared to the allocation last year, and for that I am very thankful.

**The Hon. PATRICIA FORSYTHE:** But not compared to your actual expenditure?

**The Hon. CARMEL TEBBUTT:** That is right, not compared to the actual expenditure. The additional allocation recognises that there has been an ongoing base funding issue between the department and Treasury. In the current financial year the department was provided with an additional \$10.7 million supplementation in recognition of this base funding. The Government has recognised the shortfall again for the next financial year by providing an additional \$10 million for base funding. That will go a significant way towards allowing the department to better plan from the start of the financial year proper budgetary planning processes and to hold clusters accountable to those budgetary planning processes.

**The Hon. PATRICIA FORSYTHE:** I have two more questions, and I will repeat the question you did not answer. Are any clusters managing to stay inside their budgets, given all of those changes?

**The Hon. CARMEL TEBBUTT:** As I have indicated, with the additional base funding issue being sorted out right from the start, my view is that the next financial year will provide a much better basis for clusters to remain within their allocation and to manage their budgets in accordance with the processes that I have outlined.

**The Hon. PATRICIA FORSYTHE:** The briefing note that was provided to you on the closure of Worimi, signed off by the director-general, referred to major transport problems and costs, amongst other things, for the department's own transport unit. Of course, there was no indication in that briefing note of what those additional costs would be. Has the department done an analysis of what the closure of Worimi will mean in terms of not only its own department transport costs but your promise to families to give support if they were going to visit detainees on the Central Coast, and I presume you meant also Reiby?

**The Hon. CARMEL TEBBUTT:** We have provided an answer to that question previously. The department indicated in that brief to me that the projected savings from the closure of Worimi was \$3 million. The department outlined earlier that the net projected saving is \$2.5 million. The department estimated \$500,000 will be the cost of additional transport and other factors associated with the closure of Worimi. The department currently performs the function of assisting families to maintain contact with detainees.

**The Hon. J. F. RYAN:** You mentioned earlier, Minister, that the department is participating in a national benchmarking exercise with other departments. If I recall correctly, I have seen a similar report from the Department of Corrective Services that Dr Keliher made available to the parliamentary select committee that I chair. I imagine that the exercise in your department is fairly similar. Could you supply to the committee a copy of the most recent review of the national benchmarks and explain how New South Wales compares with other States?

**The Hon. CARMEL TEBBUTT:** I will take that question on notice and provide whatever information is available. I understand that it is not in the form of a report, as such. I am not familiar with the Corrective Services report. There is a national meeting of Juvenile Justice administrators that is chaired by the director-general, and those issues are discussed at that meeting.

**The Hon. J. F. RYAN:** The version that I have from the Department of Corrective Services appears to be a report that assists the director-general of Corrective Services when he attends that meeting. It essentially examines half a dozen different benchmarks regarding escapes, costs per inmate and information of that nature. It would be helpful to receive similar information from your department.

**The Hon. CARMEL TEBBUTT:** I will take that question on notice and provide whatever information is available.

**CHAIR:** What funding have you allocated to the graffiti removal initiative?

**The Hon. CARMEL TEBBUTT:** I might ask the director of corporate services to provide an answer to that question. I understand that \$130,000 per annum is allocated to the graffiti removal initiative. The project involves establishing 16 teams across New South Wales who work in conjunction with local councils. The idea is that local councils will nominate key areas that are problem graffiti spots and young people who have



community service hours to complete will be involved in removing graffiti under the supervision of Juvenile Justice staff who have been trained in graffiti removal. Obviously, young people on community service orders would not use heavy equipment, such as graffiti blasters and so on. They usually use non-toxic paints to paint out graffiti or they remove graffiti in ways that can be undertaken by a young person on a community service order.

**CHAIR:** That is a terrific idea.

**The Hon. J. F. RYAN:** The occupational health and safety record of your department appears to rival that of an abattoir or steelworks. About one in nine departmental staff report a workers compensation matter. About 3.3 per cent of the department's salary budget is taken up with workers compensation claims. Notwithstanding the fact that there has been a modest decline, what is being done within the department to improve workplace safety, which is not great? I notice that the annual report refers to something called "a strategic review of occupational health and safety", which was undertaken by Niki Ellis and Associates. Is it possible to make that document—or at least its recommendations—available to the committee?

**The Hon. CARMEL TEBBUTT:** Workers compensation and occupational health and safety is obviously extremely important in an environment like Juvenile Justice. Our staff work in a difficult environment, and the highest possible attention to occupational health and safety must be a priority for the department. It is true that the department's worker compensation premium has increased significantly in recent years. That premium is based on a rolling average and, despite the departmental initiatives that are being undertaken, the impact will not be felt in terms of our premium for another two to three years. However, I am confident that the department has introduced suitable structures and strategies that address the many occupational health and safety issues it will face as the client population becomes harder to manage.

In 1988-99 the average cost of workers compensation per claim reduced from \$7,626 to \$5,496, while the total cost decreased from \$2.06 million to \$1.9 million. In terms of strategies that the department has implemented to manage workers compensation, the department has established an occupational health and safety unit to provide a much-needed focus on this issue throughout the juvenile justice system. There has been an improvement in the functioning of the occupational health and safety committees and improved training for occupational health and safety committee members. We have seen the commencement of the process of risk assessments for the participation of detainees conducting programs and activities. Early injury management has been implemented to improve return-to-work outcomes. There is improved workers compensation case management and review and we have commenced implementation of Premier's Department guidelines in "Taking Safety Seriously".

**The Hon. J. F. RYAN:** Do you have any information to give the committee regarding the number of days lost due to injury? Perhaps you could compare the figures for this year with those from last year and maybe another year to get some sort of benchmark. The department has a unique, but very prevalent, form of injury called "hit by object". Could you explain what that means?

**The Hon. CARMEL TEBBUTT:** I will take on notice the first question about the number of days lost and provide that information to the Committee. I do not have those figures with me. I might get the director-general to explain what "hit by object" means. However, I assume it means exactly what it says: hit by an object.

**The Hon. J. F. RYAN:** It probably means that an object was thrown.

**Mr HERMANN:** The classification scheme used for workers compensation is a generic scheme that goes right across all government agencies. The scheme does not have the category "hit by detainee", so "hit by object" generally means that someone is hit by an object or a person. Claims comes under that generic heading because that is the only place to put them in our organisation according to the classification used.

**The Hon. J. F. RYAN:** Are you suggesting that a substantial number of working days are lost because staff are hit by detainees?

**The Hon. CARMEL TEBBUTT:** We do not have the figures for working days lost, but we will provide them. However, that is clearly a factor in the workers compensation claims.

**The Hon. J. F. RYAN:** I imagine it would be a factor only from time to time. Is there some benchmark that you could give the Committee about what sort of hazard that presents and how often staff are off work

because they have been hit by an object? I have been punched a few times in my life, but I have never had to miss a day's work as a result. You would have to receive a fairly substantial injury to cause you to miss a day's work and result in a workers compensation claim of about \$5,000.

**The Hon. CARMEL TEBBUTT:** My advice is that minimal time is lost because of claims under that particular category. The best we can do is to provide the Committee with information about total days lost due to workers compensation claims.

**Ms LEE RHIANNON:** I want to explore the issue of what happens when Juvenile Justice detainees are charged with offences that could result in their being transferred to an adult prison, and see whether we can make a comparison with that data. Do you have figures about the number of detainees who are charged with offences that could see them sentenced to an adult prison? I am trying to establish whether there has been an increase or decrease in that area. Do you have figures for last year that we can compare with those from the previous year? How many Juvenile Justice detainees were transferred to adult prisons?

**The Hon. CARMEL TEBBUTT:** We do not have those figures available and, to a certain extent, that is beyond our control because it is an issue for the sentencing magistrate. There are a series of different ways in which young people can be transferred from the juvenile justice system to the adult system. A young person can be charged with an offence in three ways. First, there can be a transfer under section 28 of the Children (Detention Centres) Act 1987. This is a section where I, as Minister, can order the transfer of a classified person to an adult prison when a young person is not profiting from the discipline and instruction in a detention centre or, for some other reason, is not suitable for detention in a detention centre. I think Ms Lee Rhiannon is referring to the other two ways. The second takes place under section 28A of the Children (Detention Centres) Act. It requires an application from the director-general to the court and applies to individuals who are over the age of 16 who are on remand for a serious indictable offence or who have been charged with an offence committed in a detention centre. The first method takes place under section 28B, which also requires an application to the court by the director-general.

Under that section a person must be serving an order for an indictable offence and be subject to sentencing for a further offence committed in a detention centre. While the director-general can make an application, the decision is made by the sentencing magistrate. Obviously Ms Lee Rhiannon would be familiar with the new section that has been added to the Children (Detention Centres) Amendment Act that applies to juvenile detainees who are 18 years of age and effects their return to Juvenile Justice. I assume you are not talking about that?

**Ms LEE RHIANNON:** No. Have there been any appeals to the Children's Court under section 28 B (a) of the Children (Detention Centres) Amendment Act?

**The Hon. CARMEL TEBBUTT:** That is the new section. I will ask the director-general to respond.

**Mr BUTTRUM:** Since the introduction of the Act, I cannot recall a young person appealing it. I will have to take the question on notice.

**CHAIR:** That question can be taken on notice.

**The Hon. PATRICIA FORSYTHE:** I refer to maintenance. What has been the cost of maintenance at the new Arcmena Centre since its opening and how does that compare with the budget?

**The Hon. CARMEL TEBBUTT:** I do not have a figure for expenditure on maintenance at Arcmena, I will take that question on notice and get back to the Hon. Patricia Forsythe.

**The Hon. PATRICIA FORSYTHE:** The Auditor-General's Report highlighted the fact that Yasmar and Kariong had been due for major maintenance which did not occur in 1998-99. Has major maintenance now been carried out at either centre?

**The Hon. CARMEL TEBBUTT:** Yes. Major maintenance has been carried out at both Kariong and Yasmar. For the maintenance project at Kariong I approved \$ 2.6 million, for Yasmar I approved \$1.66 million. The work at Kariong consisted of repairs and painting to all buildings, upgrading of accommodation bedrooms to the deaths in custody standard, upgrade of the fire protection system as recommended by the New South Wales Fire Brigade, service to the electronic internal communication and security system, replacement of

perimeter security fence alarms, servicing of all locks throughout the centre, repair of all internal roads and paths and external parking areas, repairs to sporting fields and tennis courts, and the implementation of all rectification works associated with the recent disturbances, which included an insurance component.

The project is scheduled for completion on 31 August. At Yasmar this consisted of repairs and painting to all buildings, upgrading of accommodation bedrooms to the deaths in custody standard, work recommended by the New South Wales Fire Brigade, provision of additional detainee programming areas, upgrading the fire protection system as recommended by the New South Wales Fire Brigade, updating of all locks throughout the centre, repairs to tennis courts, and repair of all the internal paths and external parking areas.

**Ms LEE RHIANNON:** What prerelease programs do you have for people who will be leaving Kariong?

**The Hon. CARMEL TEBBUTT:** I will ask the director-general to respond to that question.

**Mr BUTTRUM:** Since the disturbances at Kariong, apart from cyclic maintenance, I can give an outline of what improvements we have done. First, the department has introduced an expanded induction training course for all senior youth workers including those at Kariong. It was found that the staff needed additional skills to manage young people. Virtually all Kariong staff have received specialist training in the restraint of difficult clients. This, of course, focuses on negotiation rather than physical response. A new course in drug awareness training has been developed with TAFE and introduced to improve the capacity of staff to understand and deal with clients with a drug usage history.

Staff have been trained in the department's client protection policies. The Department of Education and Training has established the education and training unit, formerly known as School, at Kariong, as a separate unit. Formerly it was part of the Mount Penang school. It is now a separate school and has a separate principal and new teaching staff in the centre. Since that has been done the number of people attending the training unit program has increased amazingly. As well as the school program that has been modified to be more focused on preparation for discharge, it has brought in more courses from TAFE which are particular skills that young people need to help them get employment, hopefully, when they leave the place. We have been given an initial grant of \$40,000 to purchasing courses from TAFE.

As well as day courses we have introduced night courses based on the development of living skills so that young people can live more independently when they leave. All that has been guided by the local education and training committee, which includes the new manager of the centre and incorporates the school principal, the co-ordinator of programs and staff development and other community members. They try to make a clear assessment of young people's skills development needs. They are the ones who determine what sort of courses will be purchased in from TAFE, other service providers and community groups to develop a greater emphasis on post-release skills.

Recently, the new manager of the centre approached the local Aboriginal elders. They went up to the centre for a barbecue. They have committed themselves to getting local Aboriginal people involved in visiting young people, meeting them, talking about their needs and becoming involved in the development of cultural awareness programs to reconnect kids to the culture that they had lost because they grew up in a white society.

**The Hon. CARMEL TEBBUTT:** Most detainees do not exit the system from Kariong. Most move to another centre during the period in custody from which they exit. It is more likely that they exit from the Frank Baxter centre. Detainees at Kariong are not able to access outside leave, because they are classified A.

**Ms LEE RHIANNON:** A lot of attention has been focused on staff. What is the allocation given to not only support staff but to help heal divisions within the staff?

**The Hon. CARMEL TEBBUTT:** That is an important issue. The Ombudsman's report highlighted the divisions in staff and referred to the need for a range of actions to be taken by the department. Obviously in a service provision system, such as Juvenile Justice, we are reliant on the quality, capability and commitment of staff. In the budget for the next financial year the Government has made available an additional \$1.9 million to provide improvements to staff training. Obviously improvements to staff training at Kariong would be a priority and the \$1.9 million is to be spent across the system. I will outline some of the improvements that have been put in place.

The department has introduced an expanded induction training course for all senior youth workers, including those appointed to Kariong. Kariong staff have received specialist training in the restraint of difficult

clients, which focuses on negotiation rather than a physical response. The Director-General has already referred to the course in drug awareness. The department is also creating a new unit to deal more expeditiously with staff disciplinary investigations. One of the issues that came out of the Ombudsman's inquiry was the need to deal with those issues in a timely way. A special unit will be created to do that.

The department is also introducing more stringent pre-employment screening of staff and a system of quality reviews has been introduced to monitor the progressive implementation of the newly established national standards for juvenile custodial facilities. The support that management provides to staff working at the coalface is also an important issue. To that end, a new cluster director is responsible for the supervision of Kariong and there has been the creation of the position of assistant cluster director to assist the cluster director and to provide a specific focus and support for Kariong, which as a maximum security centre has more difficult issues to deal with than other centres.

**CHAIR:** As the Hon. J. F. Ryan noted, there has been an increase in detainees from non-English speaking backgrounds.

**The Hon. J. F. RYAN:** Not many, but some.

**CHAIR:** Two per cent. Are there any initiatives or programs that cater for those detainees' special needs because of their language problems and cultural differences?

**The Hon. CARMEL TEBBUTT:** Are you talking about clients specifically in detention?

**CHAIR:** Yes.

**The Hon. CARMEL TEBBUTT:** There have been a number of initiatives. Staff training is an important area, making sure that staff are aware of culturally specific issues to deal with detainees in custody. In recent times staff training has specifically sought to address cultural awareness through the training and working with young people from a culturally diverse background. That is now delivered as part of the induction training for all new detention centre workers. The department's complaints brochure and juvenile justice handbook for new detainees is produced in both Vietnamese and Arabic. I understand the Director-General has copies of those that he could make available to the Committee. Interpreters are used by the department to explain to detainees and their families what facilities and programs exist in centres. The department encourages the involvement of particular ethnic communities through cultural nights which have been organised with various communities in different centres.

In addition to the five full-time Christian chaplains, religious counselling and support is provided by Buddhist, Hindu and Islamic clerics. While it is not a service that is provided to clients in detention, the introduction of youth justice conferencing should provide in the longer term a more sustainable way to address the over-representation of certain groups in the juvenile justice system. One of the initiatives that came out of the Drug Summit was for the department to improve the cultural-specific drug and alcohol services that it provides to detainees. The department is actively working on that program at the moment.

**CHAIR:** How many of this specific group have participated in youth justice conferencing?

**The Hon. CARMEL TEBBUTT:** I do not have that information here. We can take it on notice. I am not sure that the figures provide that level of detailed break-up according to the ethnic background of individual conference participants.

**CHAIR:** It would be useful for this data to be collected in the future so that programs can be targeted to specific groups and their difficulties.

**The Hon. CARMEL TEBBUTT:** I will take that on notice and undertake to provide that information if it is available.

**CHAIR:** Mr Buttrum, do you want to table the complaints brochures and juvenile justice handbook?

**Mr BUTTRUM:** We are just giving you copies. There are other documents available, but those two languages, Vietnamese and Arabic, pose the greatest problems in terms of families.

**The Hon. PATRICIA FORSYTHE:** In relation to information from the department, you have highlighted brochures in other languages. Why does the department not have a web site?

**The Hon. CARMEL TEBBUTT:** The Director of Corporate Services can respond to that.

**Mr HERMANN:** The Government has provided us with additional funding to upgrade all of our information technology facilities. Included in that was the establishment of a web site. Currently a contractor is working in the Department of Juvenile Justice to get the web site up and operating. It is currently in draft form and is expected to be online within a couple of weeks.

**The Hon. J. F. RYAN:** Although this may seem a basic question, I am not up-to-date with this information. What is the maximum and minimum salary band for a youth worker in a juvenile justice centre? What is the minimum standard of education and experience required prior to employment?

**Mr HERMANN:** The salary band is approximately base \$28,000 to \$32,000 plus shift allowances. The average salary of a youth worker last year was approximately \$40,000. You would get an idea from that that the shift allowances are approximately 20 to 25 per cent, depending on the exact configuration worked by a youth worker. As to the minimum education standard, at the moment we have introduced a standard of a certificate three in youth work or working towards that. With the additional funding given by the Government in the next financial year we will be able to increase the level of education of people via the induction program. The induction program will provide them with most of the certificate three requirements. That way we can ensure that the people who turn up at the workplace have that certificate three, or very close to it.

**The Hon. CARMEL TEBBUTT:** The department is an accredited competency-based training provider.

**The Hon. PATRICIA FORSYTHE:** At last year's estimates hearing the Committee was advised that a new induction training course was being trialled at Worimi. How many staff who participated in that extended training have accepted redundancy?

**The Hon. CARMEL TEBBUTT:** It is my understanding that at this stage no staff have accepted redundancy from Worimi, although I think seven staff have expressed an interest in redundancy. I am not able to provide how many of those staff participated in the expanded induction training. I imagine a number of them would have. At this date I do not think that any staff have accepted redundancy. The department is still working through that process.

**The Hon. PATRICIA FORSYTHE:** As to the disposal of property, what is the current status of the surplus land at Mount Penang? Has there been a valuation? What is intended to happen with it? Has the land been disposed of? By my calculations, the department still owns property at Minali, Minda and Worimi. Has any decision been taken about the disposal of any of those properties?

**The Hon. CARMEL TEBBUTT:** The Director of Corporate Services will respond.

**Mr HERMANN:** The land at Mount Penang is being given to the Festival Development Corporation. There has not been a recent valuation of that portion of land. It is a transfer mostly from one government body to another. I would have to get back to you with the exact status of where that transfer is up to. There has been a bit of toing-and-froing over the past 12 to 18 months.

**The Hon. PATRICIA FORSYTHE:** Is there any compensation for the department?

**Mr HERMANN:** There is no compensation for the department in there.

**The Hon. CARMEL TEBBUTT:** It must be made clear that the original sale of excess land at Mount Penang was factored into the rebuilding of the Frank Baxter Centre. Because that land was not sold the Government made available the capital funds to redevelop the Frank Baxter Centre.

**The Hon. PATRICIA FORSYTHE:** The other properties were Minali, Minda and Worimi.

**Mr HERMANN:** The Minda-Minali site is still owned by the Department of Juvenile Justice. At the moment we are looking at a range of options to reuse that facility. That is recorded in the Auditor-General's Report to Parliament last year. There are plans to reuse the facility for the construction of a new juvenile justice centre, but that is a plan at this stage.

**The Hon. J. F. RYAN:** What is the approximate size of that site?

**Mr HERMANN:** I think it is approximately five hectares; I could be wrong. The Worimi site is still owned by the Department of Juvenile Justice. The site is used jointly by the Attorney General's Department for a court and that facility will stay there as long as the court needs to be located there.

**The Hon. J. F. RYAN:** I understand that Mr Buttram is due to retire from service in Juvenile Justice. I have seen him dozens of times before committees and in various capacities. I have always found him to be very open, ready to help and extremely knowledgeable and progressive in the information he has given before committees; I am sure other members feel the same. I have also found him to have an honest and genuine commitment to the welfare of young people. He has served the State well in that regard. I congratulate him on the excellent service he has given to young people in this State. I wish him well for the future.

**The Hon. J. R. JOHNSON:** You speak in the name of all.

**CHAIR:** I add my congratulations and appreciation specifically to Ken whom I have known for a long time. We have been on a few committees together. It has been fantastic working with him. Again, I behalf of the Committee, we wish him well in his retirement. I thank the Minister and all the departmental officials for attending this morning's hearing. It has been a very informative and very satisfying experience from the point of view of getting what we want.

**The Hon. CARMEL TEBBUTT:** I know that the Director-General would want me, on his behalf, to thank the Committee and Hon. J. F. Ryan for his words. They are certainly shared by me. Ken is retiring. He will be sorely missed. He has made an enormous contribution to Juvenile Justice not just in this State but nationally. He will be greatly missed.

**The Committee proceeded to deliberate.**

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