

GENERAL PURPOSE STANDING COMMITTEE No. 5

Thursday 6 July 2000

Examination of proposed expenditure for the portfolio area

CORRECTIVE SERVICES

The Committee met at 10.05 a.m.

MEMBERS

The Hon. R. S. L. Jones (Chair)

The Hon. Jan Burnswoods
The Hon. R. D. Dyer
The Hon. J. R. Johnson

The Hon. M. I. Jones
The Hon. C. J. S. Lynn
The Hon. J. F. Ryan

PRESENT

Department of Corrective Services

Dr L. Keliher, *Commissioner*

Mr R. Woodham, *Senior Assistant Commissioner*

Ms C. McComish, *Assistant Commissioner, Inmate Services*

Ms P. Maurer, *Director, Indigenous Services Unit*

CHAIR: At this meeting the Committee will examine the proposed expenditure from the Consolidated Fund for the portfolio area of Corrective Services. Before questions commence, some procedural matters need to be dealt with. As you would be aware, part 4 of the resolution referring the budget estimates to the Committee requires the Committee to hear evidence on the budget estimates in public. Under Standing Order 252 of the Legislative Council, this Committee has resolved to authorise the media to broadcast sound and video excerpts of its public proceedings held today. The Committee's resolution conforms with the guidelines governing the broadcast of proceedings adopted by the Legislative Council on 11 October 1994. The attendant on duty has copies of those guidelines.

I emphasise that only members of the Committee and witnesses before them 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 the reporting of both Houses of Parliament, you must take responsibility for what you publish or what interpretation is placed on anything that is said before the Committee. While there has been provision in previous years' budget estimates resolutions for Committee members and substitute members to refer directly to their own 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 through the attendant on duty or the Committee clerks. For the benefit of members and Hansard, and the effective operation of this Committee, it is 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, when a member is seeking information in relation to a particular aspect of a program or subprogram, it will help the officers and the Committee, if the program or subprogram is identified.

The Committee has agreed to the following format for the hearing: 15 minutes cross bench; 15 minutes Opposition; 15 minutes cross bench; and 15 minutes Opposition. However, it is a fairly loose arrangement. The Committee will pursue lines of questioning on certain issues rather than individual questions. As you would be aware, one hour 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 reports. I declare the proposed expenditure open for examination.

Mr Woodham, did you make a comment to community representatives that only one indigenous organisation at any one time would be recognised by the Department of Corrective Services as being appropriate to service indigenous prisoners in New South Wales?

Mr WOODHAM: No, I did not.

CHAIR: Are you certain about that?

Mr WOODHAM: Yes.

CHAIR: At least one person present swears that you did say that.

Mr WOODHAM: They are wrong.

CHAIR: I have a letter, a copy of which I will provide you, from Paul Byrnes, Manager, Operations Branch, dated February 2000 which states:

The pass that was issued to you in respect of your role with the Deaths in Custody Watch Committee took into consideration the responsibilities that were undertaken on behalf of ATSIC to monitor the recommendations of the Aboriginal Deaths in Custody Royal Commission. With effect from 1 January 2000 the NSW Aboriginal Prisoner and Family Support Service has responsibility for this function.

As the role of the Indigenous Social Justice Action—

It is "Association", not "Action"—

(ISJA), duplicates the services provided by the NSW Aboriginal Prisoner and Family Support Service, the representatives of ISJA will no longer be afforded Authorised Visitor status.

Would that indicate that only one Aboriginal organisation would be allowed to be represented?

Mr WOODHAM: There is a difference between allowing one group that is funded and authorised to go in and carry out the function of the death watch committee as compared with only one group coming into correctional centres. The statement I made was—and there has always been an understanding, even with Ray Jackson in the first death watch committee—that there would be only one authorised funded group to carry out that function in corrections in New South Wales.

CHAIR: Only one funded group?

Mr WOODHAM: To do the death watch function, yes; not to come to gaols.

CHAIR: Just that one function?

Mr WOODHAM: Yes.

The Hon. J. F. RYAN: But you withdrew its pass, which appear to have covered a broader function than only that function because the letter continues:

Accordingly, your Authorised Visitor passes, for both organisations, are no longer valid. It would be appreciated if you would return both passes to the Operations Branch as soon as practicable.

Mr WOODHAM: That is true.

The Hon. J. F. RYAN: If his pass was withdrawn one could understand how Mr Jackson might have come to the conclusion that he no longer had a valid role within the Department of Corrective Services for which he could get a pass?

Mr WOODHAM: Yes. I have a letter from ATSIIC dated 11 November 1999 to Mr Byrnes and the department which states that Ray Jackson is, in their opinion, authorised to go into prisons in relation to deaths in custody issues until the end of December 1999. At the end of December 1999 Ray Jackson's role in that area ceased, and ATSIIC funded a new group, the family support service, which took over that function from that date.

CHAIR: Did it have access from that date?

Mr WOODHAM: Yes, it did.

CHAIR: What is the number of indigenous organisations which currently have passes to enter New South Wales correctional centres? What are the names of those organisations? What is their brief? When was their access authorised?

Mr WOODHAM: I may not be able to give you the exact date when access was granted.

CHAIR: You will take that on notice and give it to the Committee at a later date?

Mr WOODHAM: In the south-west region: the Bathurst Business Enterprise Centre, which provides small business courses to Aboriginal inmates; the Aboriginal Justice Advisory Council, Benalbilla region, which was established to monitor the recommendations of the Royal Commission into Aboriginal Deaths in Custody; Aboriginal official visitor, Mr Jack Walker, who provides support and advice to Aboriginal inmates; the New South Wales Aboriginal Prisoner and Family Support Service, which we know; Mr Barry Williams, lecturer, Aboriginal and community studies, providing education and support to Aboriginal inmates; Mr James Slater, Aboriginal co-ordinator, Leanda, who provides educational support to Aboriginal inmates; the New South Wales Aboriginal Housing Office, which assists inmates in finding accommodation; Link-up: Miss Debbie Frail has just been funded by our department to visit on behalf of Link-up in an attempt to link inmates, especially those from the lost generation, back to their families. I had the pleasure of launching that program and to be the key speaker at that launch; the Negerrie Aboriginal Legal Service and the Aboriginal Legal Service, Bathurst, provide legal assistance to Aboriginal inmates; and the Aboriginal Medical Service provides medical assistance to Aboriginal inmates.

In the metropolitan region: the Aboriginal Medical Service, Redfern, provides medical assistance to Aboriginal inmates; the Aboriginal Legal Service, Redfern, visits for the obvious reason; the New South Wales Aboriginal Prisoner and Family Support Service; Link-up is also acting in that region; the Aboriginal

Corporation for Homeless, which is also known as the Jack Walker hostel; the Aboriginal Mental Health Service, Rozelle Hospital, provides support to Aboriginal inmates on mental health issues; the Darek Medical Centre, Aboriginal, provides medical assistance to female Aboriginal inmates; the Rirlly project provides services to Aboriginal inmates who mostly camp at Goodooga and provides a cultural and support program to female Aboriginal inmates; AJAX has access to jails whenever it wishes; ATSIC provides funding to the department for specific Aboriginal events and programs; the Department of Aboriginal Affairs provides advice; the Department of Education and Training provides funding to the department for Aboriginal programs and scholarships; the Indigenous Men's Health Information and Resource Centre provides health services to Aboriginal male inmates; the Nagimpe program, which is commonly known as the "Glen" on the Central Coast, provides services for prisoners, especially with alcohol or other drug problems.

In the north-west region: Minigaa Wajaar is an Aboriginal dance troupe that comes in to NAIDOC week. There are a number of Aboriginal groups that come in from the community for the NAIDOC celebrations in "A. week" as we call it. Yallawirri Nunri provides pre- and post-release support to Aboriginal inmates; the Black Creek Aboriginal Corporation provides assistance with family visits and post-release services—

The Hon. J. F. RYAN: All these groups have passes?

Mr WOODHAM: They can come into the correctional centres, yes. The list goes on.

CHAIR: They actually have passes?

Mr WOODHAM: A lot of them are regional groups and they can make application to the individual governors for passes and to get approval to enter the prison.

CHAIR: Do you personally sign the passes?

Mr WOODHAM: I personally sign the passes for the larger groups that have large numbers of people that want to visit a number of correctional centres, yes.

CHAIR: For which of those groups have you signed passes in the last six months as opposed to the small groups that can gain access when they wish?

Dr KELIHER: Perhaps I can assist. As at 26 June the authorities that applied for and were issued passes were the Anglicare life after prison ministries which had six passes issued. The children of prisoners support group had 14 passes issued; one was awaiting the furnishing of additional information and three were being prepared for signature. The city care prison ministry had one pass being prepared for signature and CRC justice support had 50 passes forwarded. Jewish community services had one pass issued.

CHAIR: Is that an Aboriginal organisation?

Dr KELIHER: Not as such. The New South Wales Aboriginal Prisoner and Family Support Service had six passes issued originally; five were current and one was cancelled at the request of the chief executive officer. These authorities were issued on 28 March.

CHAIR: How many of those organisations are Aboriginal groups—only two?

Dr KELIHER: Mr Woodham has just listed 60 Aboriginal groups.

CHAIR: We are talking about passes that he signs and groups that have regular passes as opposed to organisations that can gain access on an ad hoc basis.

Ms McCOMISH: Perhaps I can answer that question. Of those groups listed by the commissioner, one is a specific Aboriginal support group: the New South Wales Aboriginal Prisoner and Family Support Service. It is supported by the Aboriginal and Torres Strait Islander Commission with a board of directors, all members of which are respected Aboriginal people. It is a statewide service that provides services to Aboriginal prisoners and also to their families. It also fulfils the functions of the previously mentioned Aboriginal death watch committee. Additionally, the other agencies that the commissioner has just listed provide services to all inmates including Aboriginal inmates. Groups such as the children of prisoners support group provides significant services to Aboriginal families.

CHAIR: So only one actual Aboriginal organisation currently has permanent passes. Is that what you are saying?

Ms McCOMISH: One designated Aboriginal organisation.

Dr KELIHER: That can visit a large number of correctional centres.

The Hon. C. J. S. LYNN: My question is to Senior Assistant Commissioner Woodham. Have you or your wife ever harassed your colleague Senior Assistant Superintendent John Smith?

The Hon. J. R. JOHNSON: Fair go!

The Hon. JAN BURNSWOODS: Not again; give it up! Last time we had to halt proceedings because of your offensive questions. You are outrageous.

CHAIR: No interruptions please.

The Hon. C. J. S. LYNN: What is the answer to that question? Is there no answer?

Dr KELIHER: I find that question appallingly offensive. It is stupid, ill-considered, ridiculous and not even worthy of an answer.

The Hon. C. J. S. LYNN: Dr Keliher, have you ever been briefed about any instances of harassment?

Dr KELIHER: I have a very good understanding of the whole case in question. I have a very sound understanding of the matter, and the question is impertinent, stupid and ill-considered.

The Hon. C. J. S. LYNN: Has there been an apprehended violence order taken out by Mr Ron Woodham against Superintendent John Smith?

Dr KELIHER: That is a matter of public record.

The Hon. C. J. S. LYNN: Is the answer yes or no?

Dr KELIHER: It is a matter of public record.

The Hon. C. J. S. LYNN: I have not come across that public record, and I am asking you whether the answer is yes or no.

Dr KELIHER: Perhaps you should check somewhere else.

The Hon. C. J. S. LYNN: I am asking a question here. I have got you here before the Committee. The answer is quite simple: yes or no?

Dr KELIHER: Mr Chairman, I suggest that I restrict my answers to matters associated with the budget estimates for the Consolidated Fund. What has this question got to do with that?

The Hon. J. F. RYAN: Mr Chairman, Dr Keliher appears to be taking a point of order. I do not know whether newspapers are matters of public record, but the salary of Mr Ron Woodham is in the budget and character and integrity are important parts of the Corrective Services portfolio.

The Hon. JAN BURNSWOODS: I think we should ask some questions about the Hon. C. J. S. Lynn's salary, character and integrity.

The Hon. J. F. RYAN: Some level of questioning about the issue is justifiable.

The Hon. C. J. S. LYNN: Feel free, any time—no. 1118 is my office and 3350 is my telephone number.

The Hon. JAN BURNSWOODS: The trouble is that we already know all the answers about the Hon. C. J. S. Lynn's integrity and character so we hardly need to ask.

CHAIR: While uncomfortable and disturbing, the questions are in fact in order. You can answer them in any way you wish, but they are in order.

Dr KELIHER: My strong view is that they should not be answered. I think they are impertinent.

The Hon. J. F. RYAN: You have been asked by the Chairman to answer them, Dr Keliher.

Dr KELIHER: That is my answer.

The Hon. J. F. RYAN: When two senior officers of the Department of Corrective Services are involved in litigation involving violence, it is legitimate for us to ask—and I do not think it is impertinent for us to ask—whether any of those events took place at work.

Dr KELIHER: The entire issue had its genesis in the workplace. That is correct.

The Hon. J. F. RYAN: Are you satisfied that no incidents of a violent nature have occurred between these officers at work that would in some way compromise their capacity to carry out an ethical service within the Department of Corrective Services?

Dr KELIHER: I am perfectly satisfied.

The Hon. C. J. S. LYNN: Assistant Commissioner Woodham, did you direct that a formal complaint by Superintendent Smith against another staff member, Mary Woodrow, be dismissed?

Mr WOODHAM: No.

The Hon. C. J. S. LYNN: Have you ever received verbal or written reports from governors when members of Parliament have visited gaols?

Mr WOODHAM: Yes, I am sure I have over the years.

The Hon. C. J. S. LYNN: Do you convey any of those reports to the Minister?

Mr WOODHAM: Reports that I get would normally be verbal: that someone has been there and what it was about. I cannot think of any reason for placing a written report.

The Hon. C. J. S. LYNN: Would you receive a report as a matter of course if a member of Parliament visits a gaol?

Mr WOODHAM: Not always, no.

Dr KELIHER: If I may interpose for a moment. It is standard operational procedure that if a politician wishes to visit a correctional centre he or she usually arranges that visit through the Minister's office. So the Minister's office is well aware that an Opposition spokesperson or a local backbencher from the area where the gaol is situated plans to visit a correctional centre. That is well known to the Minister's office. We are not always privy to understanding why they are visiting: they may wish to speak to a particular inmate or to staff. We would not always be aware of what the visit was about in particular.

CHAIR: Is a report often done, either verbally or in writing, as a result of that visit?

Dr KELIHER: If there are no senior officers in attendance with the visiting politician, the gaol governor or deputy governor will often ring in and say that the visit went ahead, what time it was, who was there and what was discussed—any issues that the person may have raised with the gaol governor or deputy governor or whoever accompanied him or her.

CHAIR: Do these reports, written or verbal, go directly to the Minister's office?

Dr KELIHER: No, not necessarily. Most of them are quite mundane.

CHAIR: Do you recall which ones were not mundane?

Dr KELIHER: I can recall none that were not. In the main, they are Opposition spokespersons. For example, Mr Hazzard recently visited a couple of centres and was accompanied by the gaol governor. The gaol governor called in and reported that the visit had gone ahead with no major dramas and nothing of interest to report. That is the sort of thing we get and that is not even passed on to the Minister's office in a formal sense.

The Hon. C. J. S. LYNN: Assistant Commissioner Woodham, I refer to Mr David Owens, who is in command of security investigations. Could you advise the Committee why he was declared unattached when Commissioner Keliher said that he was not suspended but reassigned?

Mr WOODHAM: Dave Owens had made a decision to retire in October this year.

The Hon. J. R. JOHNSON: Last year?

Mr WOODHAM: He has made a decision to retire in October of this year. He was assigned other duties and regional commander, north-west, Mr Ken Middlebrook, is in the process of being phased in to that position.

The Hon. J. F. RYAN: When did Mr Owens make the decision to retire?

Mr WOODHAM: You will have to ask him. I do not know exactly when, but he talked to me about it for some time and there were personal reasons involved.

The Hon. J. F. RYAN: Are you aware that David Owens is the subject of an inquiry about some ordering he has done with a security firm? Did he make the decision to retire before or after that inquiry commenced?

Dr KELIHER: Perhaps I can interpose at this point. The matters were contemporaneous, but I am not sure it necessarily followed that they were related. I am not sure there was any causality that could be ascribed to one or the other.

The Hon. J. F. RYAN: I accept that possibility, but I think the Committee is entitled to know whether one came first. Do we know in which order the events occurred?

Mr WOODHAM: He had a very major personal matter impact on him and his entire family that had nothing to do with the job.

The Hon. J. F. RYAN: I accept that that might be the case.

Mr WOODHAM: The inquiry started around the same time as he made a personal decision to retire in October.

The Hon. J. F. RYAN: Did he convey that decision by some means—in writing, for example?

Mr WOODHAM: He did, yes.

The Hon. J. F. RYAN: Is there a date?

Mr WOODHAM: Yes, there is. We can make that available.

The Hon. C. J. S. LYNN: When were you first aware of the concerns about, or the allegations that had been made against, David Owens?

Dr KELIHER: I was first made aware that there was a potential problem during the time that Mr Owens was overseas.

The Hon. C. J. S. LYNN: That was when he was in Singapore?

Dr KELIHER: Around that time—Singapore or Thailand.

The Hon. C. J. S. LYNN: How did you become aware of the allegations?

Dr KELIHER: I was informed that it was rumoured that he was accompanied on the trip by a principal from Advanced Security Systems. I endeavoured to determine whether that was the case. In the course of the next 24 hours I was informed that it was the case. I then asked Senior Assistant Commissioner Ron Woodham to contact Chief Superintendent Owens and ask him to return to Australia.

The Hon. J. F. RYAN: Dr Keliher, at the last meeting of the estimates committee you were asked some questions in relation to David Owens. In response to a question, "Is it not a fact that David Owens has been suspended from his normal duties?", your reply was, "No, that is completely incorrect." My colleague the Hon. C. J. S. Lynn then asked, "He has not been suspended?" You said, "Mr Owens is currently assigned other duties. He is not suspended."

We noticed that in the *Government Gazette* there is a reference to Mr Owens being removed from the service under the relevant section of the Public Sector Management Act. Does your statement that he is not suspended still stand? The difficulty is that "not suspended from duties" indicated to us that he was still operating within Corrective Services. Then we read a couple of days later in the *Government Gazette* that he has been removed from the position altogether. Could you explain to us whether there has been a change in Mr Owens' status that you would have been unaware of when you were answering the questions on 20 June?

Dr KELIHER: No, there is no change of status in what I said. Mr Owens is not suspended from duty. Mr Owens is on duty. He has been assigned other duties and because of the nature of the Public Service Management Act it was necessary to appoint someone else to the position that he had vacated. To effectively do that we had to remove him from that position so that we could appoint another person to it. So it is a technical, human resource management issue as far as I am concerned, and a legal issue. But the truth of the matter is that David Owens is still on duty. He has not been suspended. The only way he can be suspended is by direction from me. I have to write to him and say, "You are suspended from duty." I have not done that.

The Hon. J. F. RYAN: What other duties has he been assigned to? Are they duties within the Department of Corrective Services?

Dr KELIHER: Yes, they are duties within the Department of Corrective Services.

The Hon. J. F. RYAN: Are they of similar nature to those he used to do prior to his suspension?

Mr WOODHAM: Maybe I could answer that. He has been involved in projects. He was very much involved in the court takeover from the police in New South Wales. That process is still under way. He still has contact with that. He is also involved in a project in relation to security issues, particularly modification or elimination of self-harm in the court cell complexes. He has travelled with a group of people looking at court cells in an attempt to eliminate self-harm wherever possible before we take them over. They are the types of projects that he is on.

The Hon. M. I. JONES: Mr Woodham, can you tell us about the security relating to tradesmen and deliveries into prisons?

Mr WOODHAM: It would vary. There would be nowhere near the security complications in a minimum security—

The Hon. M. I. JONES: Maximum security.

Mr WOODHAM: In a secured environment they should be accompanied by a prison officer. If they take vehicles in and out they should be searched thoroughly and be accompanied, especially if they are using tools or anything that might be used as a weapon by inmates. They should have a supervisory custodial officer accompanying them at all times.

The Hon. M. I. JONES: When maximum security prisoners receive visits from family and friends what are the security arrangements?

Mr WOODHAM: In a secured environment?

The Hon. M. I. JONES: In a maximum security prison.

Mr WOODHAM: In a security environment people have to produce identification to prove they are who they say they are. An entry is made in the offender management computer system. In some secured gaols

now the biometric process is in place, and that is being improved as we move along. Passive drug sniffer dogs may pass by the people entering the prison. By the way, that type of exercise is also applicable to staff. We are now conducting exercises with staff being screened by passive dogs, not merely visitors. The visit could be under camera surveillance by in an area in which an officer can monitor the visit as it progresses. They are basically the security arrangements.

The Hon. M. I. JONES: How are the drugs brought in?

Mr WOODHAM: Over the weekend I was looking at how the drugs are brought in. I just cannot believe that people will turn up for a visit and have drugs in their pockets or in their wallets.

The Hon. J. R. JOHNSON: Were they detected?

Mr WOODHAM: Yes. We hope all. Of course, the use of body cavities is fairly prominent.

The Hon. M. I. JONES: With visitors to maximum security prisoners?

Mr WOODHAM: Yes.

The Hon. M. I. JONES: So there is physical contact between them?

Mr WOODHAM: Yes.

The Hon. J. F. RYAN: People on remand or in maximum security—

Mr WOODHAM: People on remand are allowed three visits a week. There is physical contact.

The Hon. M. I. JONES: In light of the volume of drugs getting into maximum security prisons, is consideration being given to preventing the passage of drugs from a visitor to a prisoner?

Mr WOODHAM: There are two ways to look at it. There is the demand issue and the supply issue, whenever you look at drug use in a correctional centre. We are only a microcosm of what is happening outside. I think everyone on the street knows heroin has never been cheaper or of higher quality. It is fairly easy to secrete on somebody's person. I am probably moving away from your question. Would you repeat it?

The Hon. M. I. JONES: Are you prepared to take further action to prevent drugs being passed from visitors to inmates?

Mr WOODHAM: It would be ridiculous to even contemplate having only non-contact visits. You would be penalising the children more than ever if contact did not take place. Of course, children have been used. We have found drugs in babies' bottles, in nappies, in prams. People have used even those means to bring drugs into prison.

The Hon. M. I. JONES: Would you say that drugs are only transmitted from visitors to inmates?

Mr WOODHAM: No.

The Hon. M. I. JONES: There are security flaws, therefore, in other areas of—

Mr WOODHAM: There have been examples of staff bringing in drugs for inmates. That is a problem. We are even considering taking further precautions in that area.

The Hon. M. I. JONES: What action is taken against staff caught with drugs?

Mr WOODHAM: They would be charged criminally.

The Hon. M. I. JONES: And how many such criminal charges have been laid?

Mr WOODHAM: There would have been several over the last five or six years.

The Hon. M. I. JONES: Four, 10?

Mr WOODHAM: I would say more than four. I can get the exact figures.

Dr KELIHER: The number is thankfully low. One would hope that we would not have a large number of those people. But there have been recorded instances. During Independent Commission Against Corruption Operation Cadix—a full review of the operations of the Department of Corrective Services—which has gone on for more than three years, several instances have been uncovered of employees of the department or the Department of Health, the corrections health service, introducing contraband. There was a case at Parramatta, a Mr Josh Sua, who was a prison officer, was found to have brought alcohol and drugs into the Parramatta centre. That officer was, of course, sacked from the department. I believe that the independent commission did not recommend that charges be laid.

The Hon. M. I. JONES: Would you say that the amount of drugs being taken into prisons is or is not alarming?

Mr WOODHAM: The amount of drugs in society is alarming. The amount of drugs coming into prisons is alarming. Over 70 cent of those in prison are in there for drug-related crimes and the demand is very high. The value of drugs triples from street value to gaol value. We are very, very concerned about the spin-off of that inside prison.

The Hon. M. I. JONES: Given that in a maximum security environment people are incarcerated behind high walls and you have security measures in place for tradesmen and for deliveries, such as food, to the prisons, what additional steps could you take to stop drugs from being taken into prisons?

Mr WOODHAM: You could strip search everybody who has a visit. However, that would not stop it because male and female visitors frequently use body cavities, as do male and female prisoners who receive the drugs in the visit sections. We could show you a video of how easily and quickly the transaction is done.

The Hon. M. I. JONES: If there is no contact between the two—

Mr WOODHAM: Who would even contemplate not allowing families to have contact with inmates?

The Hon. M. I. JONES: People in a society who are no longer prepared to accept the proliferation of drugs in prisons, may I suggest.

Mr WOODHAM: Most families that visit inmates are law-abiding, decent people and they should have physical contact with their loved ones in prison.

The Hon. M. I. JONES: You are not prepared to investigate the prohibition of contact?

Mr WOODHAM: We have had a look at it but it is not an option that we would support in any shape or form.

The Hon. M. I. JONES: What further security measures can you take in relation to tradesmen, and the delivery of food and other necessities into prisons? Can that be tightened up?

Mr WOODHAM: Yes. We are looking at that. We are moving into cook-chill or pro-serve catering process right across the State. In the secure gaols we recently tested an X-ray machine through which all food can pass, even food in aluminium containers. The suppliers tell us that it will detect the presence of any package, whether it be drugs or metal. However, we are more concerned about a firearm or parts of a firearm being moved into a secured correctional centre, so we are looking at the latest technology that is available in X-ray machines with a view to X-raying the food as it goes in, particularly food prepared outside the walls of the maximum security gaol.

The Hon. M. I. JONES: If your objectives for corrective services are the protection of society, rehabilitation, and punishment acting as a deterrent to crime, in your opinion how successful are New South Wales prisons in achieving those specific goals?

Mr WOODHAM: I believe that we have made great progress. There can always be improvement. There is no doubt about that. I and others in this room spent the week of the recent Drug Summit trying to come up with some ideas that would minimise the harm of drugs once they get into prison, and also taking steps in

drug interdiction operations to try to stop them getting into prison. I think any inmate in this system now has the opportunity to address his or her alcohol and drug problem if he or she wishes to. Some, of course, do not wish to. Hopefully, they all will; the opportunity is there.

Dr KELIHER: May I also add that, as Mr Woodham pointed out, 70 per cent plus have a drug problem. Many of these people turn up at the gaol gate having been sentenced by the courts for the first time at the age of 23 or 24, and they may have to serve a very short sentence of three or four months. They come into gaol and, effectively, before you even get to know their names, they are released. They have done their time and they are out on the street and back into their old ways. If they come back to gaol within six or 12 months or two years, it should not come as a great surprise. It is a tragedy, but it is no surprise.

Having said that, I do not think it is then up to the Department of Corrective Services. I find this whole question about recidivism quite puzzling—that in some way this is seen to reflect on my ability to do my job, or the ability of Mr Woodham or Ms McComish or Ms Maurer to do their jobs. I find it quite difficult to understand how I am not doing my job effectively if a person in his or her twenties with a drug habit, who has received a short gaol sentence in the first instance, comes back to gaol at a later stage. Quite clearly, some people are prepared to take risks, and very high levels of risk, to feed their drug habits, and some of these people regard incarceration as a risk-management issue.

The Hon. M. I. JONES: Does that statement, therefore, absolve you of your responsibility to try to rehabilitate them?

Dr KELIHER: Of course it does not, and I am not suggesting for one moment that it does. Clearly, the Department of Corrective Services in New South Wales puts an enormous amount of money, time, resources and effort into programs for alcohol and other drugs, welfare services, health services, psychological counselling, education programs, and work release programs. All of these things are very much focused on attempting to rehabilitate people, to actually get them on a path where they can lead a reasonable life. As Mr Woodham said, some of them just do not want to do so. They are not interested, and they will be recidivists, but it does not absolve us from trying to assist those people. We always try to assist them.

The Hon. C. J. S. LYNN: Commissioner Keliher, I refer to the question I asked earlier regarding an allegation of harassment between Assistant Commissioner Woodham and Superintendent Smith and your admission that this did occur in the workplace. Does the fact that one party or the other had to resort to legal action to resolve such dispute indicate a breakdown in your management systems?

Dr KELIHER: I said that the genesis of the issue lies in the workplace. It does not indicate any problems or issues associated with management, as suggested.

The Hon. C. J. S. LYNN: If that situation had its genesis in the workplace, surely you would have been aware of that situation?

Dr KELIHER: I was aware of the origins of it, yes.

The Hon. C. J. S. LYNN: If you were not able to resolve the situation, and they had to resort to legal action, would that not indicate a breakdown?

Dr KELIHER: Mr Chairman, this borders on an issue associated with the health and welfare of a particular person. I do not know that there is any great benefit to be gained from following closely this line of questioning. Really, to discuss, essentially, this particular person's health, I find it a little off-putting.

The Hon. C. J. S. LYNN: I was not questioning his health; I was questioning the systems.

Dr KELIHER: The point I am making is that I am questioning his health; that is the issue at hand. That is why it got to that situation.

The Hon. C. J. S. LYNN: It would indicate, would it not, that the systems could be improved, if an issue such as that had to be resolved in a legal system outside the workplace?

Dr KELIHER: That is a view you might be entitled to hold.

The Hon. J. F. RYAN: Are you saying that Mr Smith is not currently working at his normal job in Corrective Services?

Dr KELIHER: That is correct.

The Hon. C. J. S. LYNN: Senior Assistant Commissioner Woodham, was David Owens ever employed in the ICAC liaison role?

Mr WOODHAM: David Owens was the director and then the commander of security investigations, and of course had a lot of contact with ICAC during the three years that ICAC had been involved with Operation Cadix and Corrective Services. He provided a lot of information, reports and assistance to ICAC.

Dr KELIHER: Could I also add, Mr Chairman, that Mr Owens was not the only person in contact with the ICAC. I personally had contact on occasions. We had also a central agency liaison team established, and on day-to-day matters a lot of the discussions were held directly between officers from the central agency liaison team and ICAC. But certainly Commander Owens did have contact with the independent commission.

The Hon. J. F. RYAN: Dr Keliher, at the last estimates hearing you said in response to questions relating to Commander Owens, "I think it is appalling that a person such as Commander David Owens is being traduced in such a way." Would it be fair to take from your comments that you have confidence in Commander Owens and in his integrity?

Dr KELIHER: I have a great deal of respect for Commander Owens. Commander Owens has served the people of Australia, and more particularly the people of New South Wales, as a police officer and as a prison officer for many, many years—many decades—and he has risen up through the ranks and been promoted on the basis of the service that he has given. He is, and has been, an outstanding servant of the people of New South Wales. If you go back and check on all of the things that he has done in terms of innovations and improvements—just the work he has done in the area of intelligence systems in this State; the work he has done in taking over the management of the police cells and the court processes—those alone would mark him as a person of the highest calibre. I just felt that by focusing in on this one particular issue, it was attempting to blacken the name of a person who had established his bona fides well and truly in the past.

The Hon. C. J. S. LYNN: Commissioner Woodham, why do you condone the practice of covering up riots in State gaols?

Dr KELIHER: Is this directed to—?

The Hon. C. J. S. LYNN: It is directed to Commissioner Woodham.

Dr KELIHER: I am sorry, Mr Chairman. Mr Woodham is Senior Assistant Commissioner. As Commissioner, I can answer that question.

CHAIR: Commissioner, we specifically asked Mr Woodham to come before us today. Therefore it would be appropriate if Mr Woodham could answer the question.

Dr KELIHER: Well, I think I should answer it first, and then Mr Woodham, as Senior Assistant Commissioner, can also follow up. Again, it is one of those questions that does not make any sense, and it is completely false. But for the detail of how stupid the question really is, I will leave it to Mr Woodham.

Mr WOODHAM: I have never covered up any riotous situation.

The Hon. C. J. S. LYNN: Senior Assistant Commissioner Woodham, did a riot at Goulburn gaol in late March demolish an entire wing of the gaol and require the relocation of 40 inmates?

Mr WOODHAM: It was not a riot. I would not regard that as a riot. The prisoners were in their cells. They cannot riot much in their cells. They did that damage to their cells. They totalled their cells; they destroyed everything in their cells. For humane reasons for a start, because they had smashed their toilets to pieces, we moved them into other cells.

The Hon. C. J. S. LYNN: Were they individual riots?

Mr WOODHAM: There were 40 prisoners, in 24 cells, who damaged their cells.

The Hon. C. J. S. LYNN: Was the half a million dollars worth of damage done due to the abundant presence of drugs and alcohol in Goulburn gaol?

Dr KELIHER: The figure of half a million dollars is completely incorrect.

CHAIR: What is the figure?

Dr KELIHER: It is somewhere around \$150,000.

The Hon. JAN BURNSWOODS: The Hon. C. J. S. Lynn would not want to get the facts to get in the way of a good story for the media.

The Hon. C. J. S. LYNN: That is why I am asking questions.

Dr KELIHER: The truth of the matter is that it had nothing to do with drugs or alcohol in gaol. It started in the most innocuous way, with one inmate throwing a rock over a wall into another yard. The inmates in the other yard picked up two rocks and threw them back, at which point four rocks were thrown back. The whole thing escalated, to the point where the officers came in and cleared the yards, and some of the people who were locked in their cells, and locked in early after having the yards cleared, felt aggrieved. To express their disappointment, they ripped plumbing off the walls, smashed their toilet bowls, tried to burn their mattresses, and things like that. So, yes, it was a minor disturbance, and that happens from time to time.

The Hon. C. J. S. LYNN: Senior Assistant Commissioner Woodham, have any complaints of sexual harassment been made by students at the Corrective Services Academy against lecturers?

Dr KELIHER: Not that I am aware of.

The Hon. J. F. RYAN: Mr Woodham, may I ask a couple of follow-up questions with regard to passes. Is it a fact that the New South Wales Family Support Service only received passes after the budget estimates hearings? I notice that you made reference to the date 26 June, which was after the hearings. Is it therefore a fact that after Mr Jackson's pass was withdrawn in February, no pass was available to an ATSIC-funded organisation until June?

Mr WOODHAM: The passes were issued on 28 March, well before that. I can refer to deaths that occurred in the last six months, where people from that organisation were allowed into the prisons.

The Hon. J. F. RYAN: In the previous estimates hearing Dr Keliher said:

Well I do not think that the answer would go vastly different from the answer Mr Jackson would give you. Mr Jackson has a history of going beyond the bounds and responsibilities that he is required to undertake, and when he has done this often enough his accreditation comes in to question, which is why, as the Acting Director of the Indigenous Services Unit pointed out, the black deaths in custody ... has now been superseded by the Prisoners and Family Support Unit to undertake that role. Mr Jackson exceeded his brief.

Given that the Committee has other correspondence with suggests that you had a high view of Mr Jackson, would you explain in what way Mr Jackson exceeded his brief?

Mr WOODHAM: It is history that when the death watch committee first started in New South Wales Ray Jackson had my 100 per cent support and so does any other group that is authorised and funded to come in and carry out that function. On 4 November 1999 an incident occurred at Parklea prison when some Aboriginal prisoners were attacked by other ethnic inmates. On 14 December Ray Jackson phoned Governor Stuart Campbell saying he would like to visit inmates as a member of the deaths in custody committee. He was allowed total access to Parklea at that time. On his exit Ray Jackson informed Governor Campbell that things had settled down; that things were right and there was nothing to worry about.

However, on 15 December Ray Jackson made statements to the ABC *AM* show about certain prisoners fearing for their lives in Parklea. To follow that up, on 17 December members of the APFS visited Parklea prison and apologised for Ray Jackson's actions to the Governor. They stated that there elections were coming up in ATSIC and the APFS and that he was trying to make a name for himself—big note himself. I can go on.

Dr KELIHER: The comment that I made in no way reflected upon Mr Jackson's role as official visitor to the Metropolitan Remand and Reception Centre at Silverwater. Mr Jackson has undertaken that role and, to the best of my knowledge, has provided services to the inmates there—not only Aboriginal inmates—that he has helped with property issues and to make contact through welfare, family and so on. It was particularly in the other role to which I was referring he was exceeding his brief. I am sorry I interrupted Mr Woodham.

CHAIR: As a courtesy, Mr Woodham, would you finish your answer?

Mr WOODHAM: Even though that happened Mr Jackson was allowed in to the MMTC at Long Bay when a death occurred on 3 December. He was allowed in the next day with the family.

The Hon. J. F. RYAN: Was that Mr Lantry?

Mr WOODHAM: Mr Russell. Mr Jackson was allowed in. But he was overstepping the mark and there were two letters from the Minister to Mr Jackson on that issue and two letters from the Commissioner to the Inspector General about Mr Jackson not being allowed into certain prisons for certain reasons.

The Hon. J. F. RYAN: Who carried out the death watch role between December 1999 and March during which time the death of Trent Lantry at Cessnock occurred?

Mr WOODHAM: At 10.15 on the day of the death, Barry Cain from the Aboriginal Prisoner and Family Support Service entered Cessnock gaol.

CHAIR: In relation to an answer you gave earlier to the Committee, I refer to Erskine May's *Parliamentary Practice* because the way you answered that question reflected on the Committee. You may wish to reflect upon your comments.

Dr KELIHER: If Erskine May suggested that there was something improper in my comment, I certainly retract the statement that the question of the honourable member was stupid and perhaps request that the word "distasteful" be substituted.

The Committee proceeded to deliberate.
