

PORTFOLIO COMMITTEE NO. 5 - LEGAL AFFAIRS

Tuesday, 9 March 2021

Examination of proposed expenditure for the portfolio area

COUNTER TERRORISM AND CORRECTIONS

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The Committee met at 9:30.

MEMBERS

The Hon. Robert Borsak (Chair)

The Hon. Lou Amato (via videoconference)

The Hon. Rose Jackson

The Hon. Trevor Khan

The Hon. Natasha Maclaren-Jones

The Hon. Daniel Mookhey

The Hon. Shaoquett Moselmane

Mr David Shoebridge (Deputy Chair)

PRESENT

The Hon. Anthony Roberts, *Minister for Counter Terrorism and Corrections*

CORRECTIONS TO TRANSCRIPT OF COMMITTEE PROCEEDINGS

Corrections should be marked on a photocopy of the proof and forwarded to:

**Budget Estimates secretariat
Room 812
Parliament House
Macquarie Street
SYDNEY NSW 2000**

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The CHAIR: Welcome to the public hearing for the inquiry into budget estimates 2020-2021 initial hearings. Before I commence I would like to acknowledge the Gadigal people, who are the traditional custodians of this land. I would also like to pay respect to the Elders past, present and emerging of the Eora nation and I extend that respect to other Aboriginals present. I welcome Minister Roberts and the accompanying officials to this hearing. Today the Committee will examine the proposed expenditure for the portfolios of Counter Terrorism and Corrections. Today's hearing is open to the public and is being broadcast live via the Parliament's website. In accordance with broadcasting guidelines, while members of the media may film or record Committee members and witnesses, people in the public gallery should not be the primary focus of any filming or photography.

I also remind media representatives that you must take responsibility for what you publish about the Committee's proceedings. The guidelines for the broadcast of proceedings are available from the secretariat. All witnesses in budget estimates have a right to procedural fairness, according to the procedural fairness resolution adopted by the House in 2018. There may be some questions that a witness could only answer if they had some time or with certain documents to hand. In those circumstances witnesses are advised that they can take a question on notice and provide an answer within 21 days. Minister Roberts, I remind you and the officers accompanying you that you are free to pass notes and refer directly to your advisers seated at the table behind you. Any messages from advisers or from members of staff seated in the public gallery should be delivered through the Committee secretariat. We expect that transcripts of this hearing will be available on the web from tomorrow morning. Finally, everyone should please turn their mobile phones to silent for the duration of the hearing.

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SIMONE WALKER, Deputy Secretary, Strategy Policy and Commissioning, Department of Communities and Justice, on former oath

MICHAEL COUTTS-TROTTER, Secretary, Department of Communities and Justice, on former oath

PETER SEVERIN, Commissioner, Corrective Services NSW, Department of Communities and Justice, sworn and examined

The CHAIR: Today's hearing will be conducted from 9.30 a.m. till 12.30 p.m. with the Minister and from 2.00 p.m. till 5.00 p.m. with the departmental witnesses, with questions from the Opposition and crossbench members only. If required an additional 15 minutes is allocated at the end of each session for Government questions.

The Hon. TREVOR KHAN: Yeah, nah.

The CHAIR: No. As there is no provision for any witness to make an opening statement before the Committee commences questioning, we will begin with questions from the Opposition.

The Hon. ROSE JACKSON: Minister, have you read the report on the State Insurance Regulatory Authority [SIRA] investigation into three Corrective Services workers compensation claims, dated 12 October 2020?

Mr ANTHONY ROBERTS: No, I have not read that report.

The Hon. ROSE JACKSON: Have you received a brief on the contents and findings of that report?

Mr ANTHONY ROBERTS: Not that I am aware of.

The Hon. ROSE JACKSON: We are going to go into some of the content of that report. It is reasonably damning. It is quite surprising to me, Minister, that it has not been brought to your attention. Is there a reason that you are aware of as to why it has not been brought to your attention?

Mr ANTHONY ROBERTS: I would have to take that on notice, but certainly if it is to do with operational issues I would suggest that it is better directed through me to the Commissioner.

The Hon. ROSE JACKSON: We will get to the operational issues that are relevant to the Commissioner, but amongst other things—

The Hon. TREVOR KHAN: Ask a question, rather than—

The Hon. ROSE JACKSON: Apologies. I had assumed that a report of this substance would have come across the Minister's desk. Amongst other things, it finds that Corrective Services may be in breach of the Work Health and Safety Act for repeated unreasonable behaviour and that it should be referred to SafeWork NSW. Is that not something that would be at the level that the Minister might be concerned about?

Mr ANTHONY ROBERTS: I would suggest that, from an operational point of view, it would be dealt with first and foremost by the Commissioner. I would ask you to direct any questions relating to that to the Commissioner.

The Hon. ROSE JACKSON: Commissioner, have you read the report on the SIRA investigation into three Corrective Services workers compensation claims?

Commissioner SEVERIN: I have read a draft report. The department has just recently formally responded to a range of issues that were raised. This is broader than Corrective Services. Obviously the management of workers compensation is dealt with through our corporate services branch. That being said, the former staff in question were certainly Corrective Services NSW employees.

The Hon. ROSE JACKSON: It is true that to some extent the report does contain recommendations and findings that go broader than just Corrective Services, but a substantial amount of the report deals with the behaviour of staff at Corrective Services NSW and makes a number of pretty damning findings. Have you taken any action in response to those particular findings?

Commissioner SEVERIN: We certainly have. This goes back much longer than the issuing of the draft report, I have to stress. The final report, to the very best of my knowledge, has not been issued because we have only just recently provided feedback to SIRA in relation to the report. We do disagree with a range of the assertions, not that we have in any way tried to not acknowledge the fact that matters were not dealt with in the most professional way, as they should have. But that being said, there is also a range of issues that were simply not represented the right way.

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Coming to your question in relation to actions that have been taken, we have looked at and we are currently in a major review of our injury management processes within the department. It is much broader than Corrective Services but it is clearly based on the findings that were made by SIRA at the time. The issue relating to what led to the actual complaint and then the subsequent WorkCover matter was in the most unfortunate way a combination of a managerial decision and then it was subsequently subject to court proceedings, which in many ways made it difficult to proactively manage matters as they should have been normally managed. Again I am not offering that as an excuse; I am simply trying to put it into a broader context.

The Hon. ROSE JACKSON: Do you at least acknowledge now, Commissioner, as you have said, that the incident that led to this entire multimillion-dollar saga back in 2015—obviously when Minister Roberts was not the Minister; I acknowledge that—was indeed a managerial issue and not a workplace performance issue? Do you acknowledge that fact now?

Commissioner SEVERIN: No. What I do acknowledge is there were clearly workplace performance issues that resulted in a managerial—

The Hon. ROSE JACKSON: How can you say that?

The Hon. TREVOR KHAN: Come on, let him answer.

Commissioner SEVERIN: —intervention. That subsequently resulted in some WorkCover claims being proffered. Then subsequent to that the police charged those officers involved with indictable offences, which then took some time to be dealt with by the courts. There was a clear connection between what was the original reason for the managerial intervention and the subsequent dealing of these matters by the courts. Those matters did not result in convictions; they were dismissed. Some of the staff were reinstated, others continued on workers compensation. Yes, there are clearly learnings out of this. Communication was inappropriate in many ways, and that is all contained in the report. There are a range of ways that we clearly can improve the way we are dealing with injury prevention and management. Again that is being looked at on a whole-of-department level as we speak.

We are also working closely with the Public Service Association [PSA] on this, which as you would be aware made a submission in this regard as well. They subsequently met with myself, the secretary and others to talk about a constructive way forward. It is a learning for us. It is clearly something that should not have been happening in the way it did. That being said, in situations like this there are many facets to the whole story. SIRA, of course, became involved following some complaints made through the partner of one of the injured workers, as I understand it, who was involved in her professional role.

The Hon. ROSE JACKSON: When you say that there was inappropriate or unprofessional language used in relation to the matter, are you referring to this quote from someone who works at Corrective Services:

... it's cruel to be kind and got to hit them in the pocket and when he's not getting any money and he is married with kids and most probably his own home, he's most probably got to think well fuck sake I've got to do this.

Excuse my language. That is a direct quote from the SIRA report, a direct quote from one of your staff members at Corrective Services NSW, about how a workers compensation claim for psychological injury should be managed. Is that what you are referring to as inappropriate?

Commissioner SEVERIN: It is totally inappropriate language. Absolutely.

The Hon. ROSE JACKSON: Has any action been taken against the individual identified as making that comment and found by SIRA to be almost certainly in breach of the code of conduct and possibly in breach of the law?

Commissioner SEVERIN: I need to take the detail on notice, but I believe that the person who said this no longer works for the department. I will take this on notice and if they do I will come back and give you an answer to your question.

The Hon. ROSE JACKSON: In relation to the charges that you mentioned and the lack of convictions in relation to that matter, do you accept that—

The Hon. TREVOR KHAN: Acquittal, it is called.

The Hon. DANIEL MOOKHEY: "Laughed out of court" is the way I would put it.

The Hon. ROSE JACKSON: Yes. As you mentioned, all those charges have been dropped. Indeed, all of the individuals who were charged were completely cleared by the professional services branch and, in fact, back paid. Do you accept that the reference to that matter has been completely disproven and there was no basis in fact for those charges?

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Commissioner SEVERIN: The charges did not proceed in front of the court because they did not meet the threshold of beyond reasonable doubt. This was a use of force which was complained about by the affected prisoner to the police. That was quite separate to Corrective Services; it was undertaken by a group called the immediate action team at the time. That was the allegation. The immediate action team at the time also required some clear professional retraining and reorganisation, which has happened, and that has led to a much broader review of the way we deal with our immediate action teams. So, yes, the charges were dismissed.

Subsequently as a result of that, and also because of the passage of time and the fact that the officers had been out of work and on WorkCover, we made the decision that we would not proceed. I believe that was actually a decision I personally made. We were not to proceed with any disciplinary action where the threshold of proof obviously is different. It is on the balance of probability. Yes, there was evidence to confirm that things happened that should not have happened. But it was, for me—in the context of a formal continuation of an investigation process—not productive to actually do that, because the people involved clearly had been quite deeply affected by what has happened. This was at least two years later.

The Hon. DANIEL MOOKHEY: Commissioner, their lives were ruined. Do you accept that? Do you accept that the three officers who were subject to bullying by your officers had their lives ruined?

Commissioner SEVERIN: Again, as I said quite clearly beforehand, this was not handled well. One of these matters is still before the court—finalising the matter.

The Hon. DANIEL MOOKHEY: One of them is. Two of them have been settled, but all three officers have had their lives ruined. Do you accept that that took place as a result of the actions by Corrections New South Wales?

Commissioner SEVERIN: Sorry, I cannot answer that question in the context of lives being ruined, but clearly these officers that were involved in the situation were deeply affected by it.

The Hon. DANIEL MOOKHEY: Minister, were you even aware that SIRA was undertaking this investigation?

Mr ANTHONY ROBERTS: I would have to take that on notice, but I do not believe so.

The Hon. DANIEL MOOKHEY: This matter has featured heavily in the media. It was on *Four Corners* last year. You are saying to us that after all this arrived in the public domain no-one told you that the regulator was investigating your department? Seriously?

Mr ANTHONY ROBERTS: I am not aware of that.

The Hon. DANIEL MOOKHEY: And you say you still have not received a copy of the report?

Mr ANTHONY ROBERTS: I have already answered that question.

The Hon. DANIEL MOOKHEY: Commissioner, I think you are incorrect in saying this is a draft report. The report was finalised on 12 October 2020 and referred to you at that time. Do you recollect receiving it?

Commissioner SEVERIN: I certainly received a report with the option and the opportunity to comment on it. This was not dealt with—I might ask the secretary to talk about it—by Corrective Services. The group that is responsible for injury prevention and management is a centralised group that covers the whole department.

The Hon. DANIEL MOOKHEY: I am aware of that.

Commissioner SEVERIN: So while my staff had input into our response, the response was dealt with—

The Hon. DANIEL MOOKHEY: We will hear from the secretary shortly, I am sure. Minister, in addition to what my colleague just mentioned, this report says that senior officials of Corrections altered evidence that was presented to icare, equally colluded with icare's scheme agent to deny a claim, and may or may not have provided misleading evidence under oath to the Industrial Relations Commission, all of which, incidentally, are crimes. Do you not think that the people involved—as well as everybody else—are entitled to feel that, given your ignorance of the matter, this is not being taken seriously at all by you or your leadership?

Mr ANTHONY ROBERTS: Just with respect to that, of course any type of bullying, particularly around workers compensation, is a critical issue for all of our staff. Our staff do a very difficult duty in quite often dangerous circumstances. It is certainly something that I will have a very close look into.

The Hon. DANIEL MOOKHEY: Well, the general manager who instigated all this at the time—who was the head of the Metropolitan Remand and Reception Centre [MRRC], I believe—is now an assistant Commissioner. Despite all these events and despite adverse findings being made by SIRA, this person has been

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promoted and has actually got more responsibility now than when they engaged in this the first time. Do you appoint the assistant commissioners?

Mr ANTHONY ROBERTS: No.

The Hon. DANIEL MOOKHEY: Do you, Mr Severin, or do you, Mr Coutts-Trotter? Who appoints the assistant commissioners?

Mr COUTTS-TROTTER: Mr Severin does, but I have to confirm those appointments. Staff of the agency—

The Hon. DANIEL MOOKHEY: So did either of you—

The Hon. TREVOR KHAN: Well, let him answer.

The Hon. DANIEL MOOKHEY: Sorry, Mr Coutts-Trotter. Did you finish?

The Hon. TREVOR KHAN: We have got plenty of time today.

The Hon. DANIEL MOOKHEY: Did either of you check whether it was appropriate to promote the general manager to assistant commissioner when they were being investigated by SIRA and subject to heavy court proceedings in which it was alleged that they had conspired to deny a claim to one of your employees? Was that a relevant consideration in your decision to appoint them as assistant commissioner?

Commissioner SEVERIN: The whole issue in relation to what happened at the time and the involvement of the general manager of the Metropolitan Remand and Reception Centre is certainly something that is very much front of mind. That being said—

The Hon. DANIEL MOOKHEY: Well, how it is front of mind, Commissioner—

The Hon. TREVOR KHAN: Point of order—

Commissioner SEVERIN: That being said, there was certainly also a very different account of what actually happened at the time.

The CHAIR: Point of order?

The Hon. ROSE JACKSON: Indeed, there were two accounts and it was in fact the general manager.

The Hon. TREVOR KHAN: I will take the point of order. Actually, it has now been reinforced by the activities of two of my colleagues. When a question is asked of the witness, the witness should be given the opportunity of completing their answer before one of the two questioners jumps down their throat.

The Hon. DANIEL MOOKHEY: I accept the opprobrium. Have you completed, Commissioner?

The CHAIR: I uphold the point of order.

The Hon. DANIEL MOOKHEY: Have you completed, Commissioner?

The CHAIR: Listen to the answer before you jump down his throat.

The Hon. DANIEL MOOKHEY: Sorry, Chair.

Commissioner SEVERIN: The action that Ms Wilson took at the time was entirely appropriate in the context of dealing with the issues relating to the immediate action team at the Metropolitan Remand and Reception Centre. Subsequently she was certainly a witness in various proceedings, including a KPMG review, and I have not—that is also in the context of all the issues that happened at the time. I have no concern about her motives at the time, the way she managed the initial issue that resulted in some professional retraining being preferred, and a change of the reporting relationships for the immediate action team.

The Hon. ROSE JACKSON: Minister—sorry. Commissioner, I want to read to you paragraph 4.1.17 of the SIRA report.

Mr ANTHONY ROBERTS: But thank you for coming through me.

The Hon. ROSE JACKSON: Apologies, Minister.

Mr ANTHONY ROBERTS: We might direct questions through me to the Commissioner. Thank you.

The Hon. ROSE JACKSON: SIRA found that the practice of backdating documents, which is what the now assistant commissioner was found to have done, intended to be tendered in court may be a breach of section 235 of the 1998 Act and the practice of backdating documents is almost certainly a breach of the code of

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conduct. A specific finding that the now assistant commissioner, separate to the action taken on 26 May 2015, subsequently backdated a document—doctored evidence to be submitted in court. That is a finding that has been made against the now assistant commissioner. That is a very serious finding, would you accept, Minister?

Mr ANTHONY ROBERTS: Commissioner?

Commissioner SEVERIN: All I can say to that is that we are still in dialogue about if that really happened. As late as 1 March we received an email from SIRA that they are still awaiting further responses from another party in relation to this matter.

Mr COUTTS-TROTTER: When I received the draft SIRA report through the Commissioner, I spoke to the head of SIRA, Carmel Donnelly. I talked at length with her about the issues raised in that report and also received her concern about the welfare and wellbeing particularly of one of the three injured workers. We have responded in details of the report that you are quoting from. I think, in fairness, we should allow SIRA to receive that response and complete their work. As I understand it, they are due to respond to the department through me pretty soon.

The Hon. ROSE JACKSON: Mr Coutts-Trotter, when you were asked about the context of this report by the PSA—

Mr ANTHONY ROBERTS: Through me.

The Hon. ROSE JACKSON: —which the Commissioner has said he is now in dialogue with, you indicated that there would be no fulsome response, or you refused to provide them with any response, detailing specific response to these accusations. In fact, you just made reference to a sort of department-wide review of the way workers compensation is managed, so I am questioning the extent to which you have specifically taken note of and responded to these findings.

The Hon. TREVOR KHAN: Is that a question?

The Hon. ROSE JACKSON: If you have, are you intending to communicate that to anyone else?

Mr COUTTS-TROTTER: I do not think that is a fair or accurate characterisation of the discussions that I had with senior PSA leadership. I have read all of the materials associated with this, including the KPMG report. I did that at some stage mid to late last year. I have pursued a number of issues with icare in relation to one and now two of the men who were the subject of the SIRA review, so I do not think it is fair to say that we have not taken on board the detail and looked at this really closely. But I think in fairness to my colleague Ms Wilson, we have responded to SIRA and they are yet to finally respond to us.

The Hon. DANIEL MOOKHEY: Mr Secretary—and through you, Minister—

Mr ANTHONY ROBERTS: Thank you.

The Hon. DANIEL MOOKHEY: —when you say you have responded to the KPMG report, which one?

Mr COUTTS-TROTTER: I would have to take that on notice. As I say, I read it mid last year.

The Hon. DANIEL MOOKHEY: Because the other aspect of this report is that there have been three, and all three of them were manipulated by QBE, icare and Corrections to water down the findings, so I am worried about which one you are responding to. If you are responding to the first one, that gives me more confidence than if you are responding to the last one, but the KPMG investigation has equally been part of SIRA's review because SIRA was investigating why that report was manipulated.

Mr COUTTS-TROTTER: Yes.

The Hon. DANIEL MOOKHEY: Hence, which one are you referring to when you say "the KPMG report"?

Mr COUTTS-TROTTER: Well, I suspect the iterations of the report because that is the criticism from SIRA, that there were drafts that were changed in iteration before finalisation.

The Hon. DANIEL MOOKHEY: At the instigation of Corrections?

Commissioner SEVERIN: That is disputed.

Mr COUTTS-TROTTER: Peter has the detail.

Commissioner SEVERIN: Again, we are clearly disputing the fact that there were backdates done in the context of manipulating any particular evidence. We have communicated that to SIRA. I might also add that

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the people in question have never had the opportunity to be personally interviewed and provided information in relation to this—

The Hon. DANIEL MOOKHEY: Did they volunteer to be interviewed?

Commissioner SEVERIN: —so findings have been made about Ms Wilson in the absence of her having any opportunity to even comment on the matter.

The CHAIR: Time is up.

Commissioner SEVERIN: As I said, we have responded to SIRA. We have received an email on 1 March indicating that they will consider the response. They are waiting for some further information from another party, and that will then be part of the finalised report.

The CHAIR: Minister, could you please detail what measures Corrections implemented to deal with the COVID virus over the past 12 months, especially amongst inmates?

Mr ANTHONY ROBERTS: Thank you, indeed, for the question. I want to take this opportunity to thank Corrections staff for the fantastic work they did in keeping COVID out. By way of, first and foremost, the suspension of visits, I can inform the Committee that on 17 March in-person social visits to inmates were suspended. Those in-person social visits resumed on 23 November. We had to suspend those visits again on 21 December, then to have them reinstated on 18 January. Now, as at 15 February, we have modified COVID-safe measures to allow more visitors at one time, taking into account improved conditions in the community. The safety of our staff and our inmates has always been our number one priority and will remain at the forefront of our decision-making processes. We have had longstanding safety practices in place to prevent and control infectious and communicable diseases in our prisons and other facilities, and I am pleased to say that no inmate has contracted COVID-19 when in custody in New South Wales.

To date there have been no confirmed cases among Corrective Services staff at any New South Wales prison. I can inform you that a healthcare worker at Long Bay Hospital was diagnosed with COVID-19 in March of last year. They treated one inmate and were in close contact with one Corrective Services NSW officer, but both were subsequently cleared by NSW Health. Corrective Services, following a Justice Health and Forensic Mental Health Network nurse at Surry Hills being diagnosed with COVID-19 in August of last year, established a seven-day-a-week central command post to streamline and coordinate those efforts. Again, all contact tracing in that case confirmed that there were no Corrective Services staff or inmates confirmed with COVID. Corrective Services continues to follow NSW Health advice, and we work closely with Justice Health and Forensic Mental Health Network. I can say that more than 6,800 adult inmates have been tested for COVID-19 since March of last year.¹

Each correctional centre had an established pandemic action plan and, of course, that was continually updated to respond to changing circumstances. Precautionary measures were implemented, aimed at minimising transmission through screening; reducing movements of staff, external visitors and inmates into correctional centres; reducing movements to and from court; health education; as well as hygiene measures and protocols for managing those with exposure to COVID-19. As I said, they included placing restrictions on visits to correctional centres. So, arguably, with our command post being established full-time in March of last year, which was a seven-day-a-week operation, that provided daily advice and information to governors, managers of security and community corrections officers on those key and emerging issues. Again, can I take the opportunity to thank the New South Wales leadership—the Premier, the department of health and the Minister—for the fantastic work they did. We did establish a field hospital, should there have been an outbreak of COVID-19 in our prisons. That was established effectively and very early. Again, that was built by our Corrective Services Industries staff and that is, again, a learning I think that came out of COVID.

The CHAIR: Sorry, you say a "field hospital". Is that one in each prison or—

Mr ANTHONY ROBERTS: No.

Commissioner SEVERIN: If I may?

Mr ANTHONY ROBERTS: Yes.

The CHAIR: Yes.

¹ In [correspondence](#) to the committee, dated 6 April 2021, the Hon Anthony Roberts, Minister for Counter Terrorism and Corrections provided a clarification to his evidence.

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Commissioner SEVERIN: It is a hospital that would have allowed us to treat those that require intensive care treatment in a prison, rather than having to refer them to a public hospital intensive care unit. It is at the Metropolitan Remand and Reception Centre. It was done, obviously, under the supervision of the ministry of Health and Health Infrastructure to meet all the standards required.

The CHAIR: So if you had an infection, say, in Wellington or something, they would transfer them there?

Commissioner SEVERIN: They would have transferred down to—

The CHAIR: To maintain security?

Commissioner SEVERIN: That is correct.

The CHAIR: Okay. Sorry, go on.

Mr ANTHONY ROBERTS: That was a key part of our strategy in preventing further outbreaks if there had been any. But what was interesting is that what came out of these restrictions around visits was actually the decrease in availability of contraband in our prisons with the removal of visits, or the temporary suspension of visits. What it has enabled us to do is actually roll out a number of other key measures around audiovisual link [AVL] usage, tablet usage and, of course, with respect to the AVL technology, what we found was that technology increasingly made available support for inmates there for those family visits for inmates. We had some 200,000 video visits facilitated—

The CHAIR: Talking about Corrections' use of audiovisual tablets to conduct court attendance and also, I suppose, visitor attendance is the next thing I was going to get onto. How was that worked out? How does the security around that work?

Mr ANTHONY ROBERTS: The security with respect to digital services, I will just give you the latest update on that. We have had, for example—that is now working very effectively with the Premier's priority on reducing reoffending. So, cell time—Commissioner, sometimes eight hours a day people would spend in their cells or more?

Commissioner SEVERIN: Up to 16.

Mr ANTHONY ROBERTS: Up to 16 hours a day, so that initiative has enabled prisoners now to talk to their families. There is evidence there of prisoners being able to read stories to their children of an evening, to be able to look at the children's new dog—in the cases where we have in our custody people from overseas, I remember a prisoner in one of our facilities who saw his parents face to face for the first time in a decade. So we have been able to roll the tablets out effectively and very quickly with respect to that. With respect to the security—and I will ask the Commissioner to expand on it—the tablets are effectively built from the ground up specifically for Corrections environments and each tablet is encased in a tamper-proof case. I am not sure whether we have one here today.

Commissioner SEVERIN: No.

Mr ANTHONY ROBERTS: No, we do not have one but I am happy to provide for the Committee at any stage—

The CHAIR: I would have thought you would have brought in an offender's tablet with you, Minister.

Mr ANTHONY ROBERTS: But not the offender. The software in the tablets is a custom version of a mature mobile operating system with potential features that can be used by inmates to circumvent security protocols, features such as SIM cards, slots and Bluetooth have been irreversibly removed. So all inmate activity on the tablets can be monitored by staff through the offender digital services platform. In the event, of course, of misuse by inmates, officers are able to impose penalties, including withdrawing inmate access to tablets. But close to 200,000 tablets have been deployed by numerous jurisdictions worldwide over a number of years and we are looking out to a complete rollout to most of our facilities this year. Did you just want to add around security?

Commissioner SEVERIN: I might just qualify that we are talking about two types of tablets. When the pandemic started we very quickly introduced tablets for video visits—that is where you have video enabled and that is the tablet that the Minister referred to in terms of families having not seen each other for 10 years et cetera. They replaced in-person visits and they continue to be used and we have facilitated 200,000 visits up to very recently. Those use the same technology that we also use for the inmates to engage in professional visits, legal visits et cetera. More recently we have started a trial of the tablets the Minister just referred to, which are in-cell tablets and they are tablets purpose-built for Corrections.

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They have no provision to connect with the internet through SIM cards et cetera, and they are very safe in the context of cybersecurity or digital security that we require. They will enable us to stream programs, education for prisoners to actually do their buy-ups—there is a the kiosk function—to also use as a telephone at this point in time, not video enabled but as a telephone. They are the ones that we handed out in the aftermath of lockdown to enable more education, more connectivity with things that actually matter. So there are two types of tablets. I think one of the positives that came out of this horrible situation with the pandemic is that we have moved much, much faster than anybody ever anticipated in the context of using digital technology in a smart way in Corrective Services.

Mr ANTHONY ROBERTS: And we will keep rolling that out.

Mr DAVID SHOEBRIDGE: Minister, there was a death in custody last week of a First Nations man in Long Bay prison hospital. What details do you have about the circumstances of that death?

Mr ANTHONY ROBERTS: Can I start by saying that every death in custody is a tragedy; their impact on families and loved ones cannot be underestimated. With respect to the number of deaths in custody across the board, are you just interested in First Nations—

Mr DAVID SHOEBRIDGE: Perhaps you could answer this first question and then there will be questions that flow, I am sure.

Mr ANTHONY ROBERTS: The death you are referring to I believe is an apparent unnatural death in custody. That determination will be made by the Coroner.

Mr DAVID SHOEBRIDGE: Commissioner, perhaps you have some further details about it? I understand it was a First Nations man in his mid-30s, who died at approximately 1.00 p.m. on Tuesday. I have some other details but it might be better coming from you.

Mr ANTHONY ROBERTS: Can I just say that we are speaking about two different individuals so I will ask the Commissioner.

Commissioner SEVERIN: This was a medical issue. It was an apparent natural causes death, the circumstances of which are still yet to be determined through post-mortem examinations and through, obviously, the investigation of the Coroner. The person had a medical condition and was in the Long Bay Hospital. It was identified by Health and by our staff supervising him when he was actually unresponsive and then obviously support was immediately provided. At this point in time my information is that it was a natural causes death, the circumstances of which obviously are subject to the post-mortem.

Mr DAVID SHOEBRIDGE: Commissioner, was it a First Nations man in his mid-30s?

Commissioner SEVERIN: Yes, that is correct.

Mr DAVID SHOEBRIDGE: Was he in the forensic hospital because of a mental health condition?

Commissioner SEVERIN: He was not in the forensic hospital, no.

Mr DAVID SHOEBRIDGE: Sorry, was he in Long Bay prison hospital because of a mental health condition?

Commissioner SEVERIN: I understand there were multiple issues. I am not across the detail of the exact medical condition that required him to be in Long Bay Hospital.

Mr DAVID SHOEBRIDGE: You do not know whether or not he was in the hospital for treatment for a mental health condition? Seriously, Commissioner?

Commissioner SEVERIN: I understand there were multiple issues.

Mr DAVID SHOEBRIDGE: But I have asked you a specific question.

The Hon. TREVOR KHAN: And he has answered it.

Commissioner SEVERIN: I am not aware that he was there for just mental health treatment.

Mr DAVID SHOEBRIDGE: But I have not asked about just mental health; I have asked if he was in the hospital being treated for mental health issues. He may have had comorbidities but you keep avoiding answering this question for some reason, Mr Severin.

Commissioner SEVERIN: Given that I do not have that detail in terms of just mental health stuff, I need to take that on notice, thanks.

CORRECTED

Mr DAVID SHOEBRIDGE: This was a First Nations man in his mid-30s and you say your conclusion is it was natural causes.

Commissioner SEVERIN: No, this is not my conclusion. I do not conclude; conclusions are made by the Coroner. This is the advice I have received—early advice—through the investigation people and the health professionals. However, this is all subject to proper post-mortem examination and investigation from the Coroner. So, it is apparent. I am not suggesting for one second that I have made a determinant comment in relation to the actual causes of death.

Mr DAVID SHOEBRIDGE: This death was not proactively notified in any public communication?

Commissioner SEVERIN: It was proactively notified in the context of the requirements in our policy. Aboriginal Affairs NSW was notified, Aboriginal Legal Service was notified through our Aboriginal policy unit and, of course, the next of kin were notified through the normal channels—that includes the NSW Police Force.

Mr DAVID SHOEBRIDGE: Having notified next of kin, having notified Aboriginal Affairs, having notified the Aboriginal Legal Service, you determined it was not appropriate to make any public notification at all about yet another First Nations death in custody?

Commissioner SEVERIN: That is correct: We do not publicise deaths in custody now.

Mr DAVID SHOEBRIDGE: You do not publicise them now? Since when has this policy come into place?

Commissioner SEVERIN: We do not have a policy that proactively informs the public of deaths in custody.

Mr DAVID SHOEBRIDGE: Why not?

Commissioner SEVERIN: Because all deaths in custody are tragic. All deaths in custody are subject to a very comprehensive investigation independently undertaken by the Coroner. I would suggest that it is not appropriate for us to simply advise the public in the absence of any detail that we can provide and cause a lot of anger, a lot of angst and a lot of grief that already no doubt exists by adding to that with a non-specific, simple message that somebody has passed away.

Mr DAVID SHOEBRIDGE: It is critical information in terms of the public being aware whether or not somebody has died in custody. Surely you should not be withholding that information from the public?

Commissioner SEVERIN: We are not withholding that information at all.

Mr DAVID SHOEBRIDGE: You are just not telling anyone.

Commissioner SEVERIN: We are informing the Aboriginal Legal Service, in the case of an Aboriginal death in custody, Aboriginal Affairs and, obviously, the proper investigation is happening. So this is a clear response also to the 1991 royal deaths in custody commission—

Mr DAVID SHOEBRIDGE: To not tell the public?

The Hon. TREVOR KHAN: Point of order—

Mr DAVID SHOEBRIDGE: I accept that.

Commissioner SEVERIN: —that we are informing other parties, including the legal services and the department responsible for Aboriginal affairs on those types of incidents.

Mr DAVID SHOEBRIDGE: Commissioner, there is no part of the recommendations from the Royal Commission into Aboriginal Deaths in Custody where it recommends that there be no public notification of deaths in custody. That is just plainly not true, Commissioner.

Commissioner SEVERIN: What I said is absolutely true. However, yes, I agree the commission did not recommend—

Mr DAVID SHOEBRIDGE: Nor would it have.

Commissioner SEVERIN: —that the public should be informed. Neither did she comment on the fact that it should not. It is our clear decision and certainly my view—my firm view—that it would not be helpful if we simply put media statements out or public announcements out on any deaths in custody.

Mr DAVID SHOEBRIDGE: That would include the unnatural death in custody that the Minister just told the Committee about. You have not told anyone about that?

CORRECTED

Commissioner SEVERIN: Likewise, again, any deaths in custody involving a First Nations person—

Mr DAVID SHOEBRIDGE: I have asked you about a specific one, Commissioner. The unnatural death in custody that the Minister just advised the Committee about, you have not told the public about that?

Commissioner SEVERIN: That is correct.

Mr DAVID SHOEBRIDGE: Can you now advise this Committee about the circumstances and the timing of the unnatural death in custody that the Minister was speaking about?

Commissioner SEVERIN: There was a female offender at the Silverwater women's prison who was found in her cell and it appears—and again I use language that is highly qualified as a result of the investigations and post-mortems that are in place—to be from unnatural causes. So it appears the woman has taken her own life. The notification was exactly the same as for any other deaths in custody. In this case it was a first nations woman so we obviously informed others as well. But we did not, and again we will not, put public statements out. That is not in any way to suggest that we are not 100 per cent accountable in the context of—

Mr DAVID SHOEBRIDGE: How can you be accountable if nobody knows about it, Commissioner, and if you do not tell the public about it? How old was this this First Nations woman?

Commissioner SEVERIN: I need to take that on notice. I have not got that —

Mr COUTTS-TROTTER: She was in her mid-forties. I think in fairness, telling the Aboriginal Legal Service, telling the department of Aboriginal Affairs and notifying oversight agencies—

Mr DAVID SHOEBRIDGE: But just not telling the public.

Mr COUTTS-TROTTER: —is a mechanism of accountability.

Commissioner SEVERIN: Absolutely.

Mr DAVID SHOEBRIDGE: When did this First Nations woman die? What was the date?

Mr COUTTS-TROTTER: The fifth of March, so last Friday.

Mr DAVID SHOEBRIDGE: Last Friday? So within the space of a week there have been two First Nations deaths in custody. One in Long Bay prison hospital and one in Silverwater women's prison, and you have not told the public, Commissioner. That is the situation: Two deaths in one week and you decide not to tell the public.

Commissioner SEVERIN: Most tragically and, yes, I have not informed the public. I have informed all the oversight bodies, as we do and have done under our protocols, consistent with any other jurisdictions' Corrective Services that I am aware of.

Mr DAVID SHOEBRIDGE: We might come back to that, Commissioner. Minister, given the very real concern, not just in this State but around the country, about First Nations deaths in custody, how do you defend a policy and a situation where we have had two First Nations deaths in custody in just the last week and you have not advised anyone, you have not advised the public, you have not made a public statement and you have kept mum about it. How do you justify that position?

Mr ANTHONY ROBERTS: I reject the whole premise of the questioning. We had, in 2021, a total of 24 deaths in custody in New South Wales. Twenty were non-Indigenous, four were Indigenous.

Mr DAVID SHOEBRIDGE: That cannot be right. That number cannot be right.

The Hon. TREVOR KHAN: Point of order—

Mr DAVID SHOEBRIDGE: You said 21 deaths; 20 were non-Indigenous. You have just told us about two First Nations deaths in custody. It cannot be right, Minister.

The Hon. TREVOR KHAN: Point of order—

Mr DAVID SHOEBRIDGE: Nonsense answers.

The Hon. TREVOR KHAN: Chair, I think Mr Shoebridge knows how this works when I take a point of order—that is, he does not persist. I do not wish to prevent questioning. I would simply ask that, firstly, witnesses be treated with some respect and, secondly, that they have the opportunity of finishing their answer before any of my good colleagues choose to talk over the top of them. It is unreasonable.

CORRECTED

Mr DAVID SHOEBRIDGE: To the point of order: If we have just had evidence about two deaths in custody in the last week and the Minister is giving an answer where he says there has only been one First Nations deaths in custody—

Mr ANTHONY ROBERTS: No, I never said that.

Mr DAVID SHOEBRIDGE: He says there have been 21 deaths and 20 of them were non-First Nations peoples. When we get such a contra-factual statement from the Minister within 10 seconds of the other evidence, it invites a correction. But perhaps that is not the way of doing it. I accept that.

The Hon. TREVOR KHAN: That is not a proper response to the point of order.

Mr DAVID SHOEBRIDGE: You are probably right.

The Hon. TREVOR KHAN: And there is a ton of time for further questions.

The CHAIR: I will cut to the chase. I will uphold the point of order. Minister, you cannot contribute to points of order; you can just answer questions.

Mr ANTHONY ROBERTS: It is the frustration, Mr Chair. If Mr Shoebridge would stop chattering and start listening, what I said, there were—

The CHAIR: Minister, let us drive that process. You continue to answer questions and Mr Shoebridge will continue to ask them. I am sure if he is not on the right track Mr Khan will take a point of order.

The Hon. TREVOR KHAN: You would not believe how frustrating I found the whole exercise.

Mr ANTHONY ROBERTS: Can I just again clarify what I said and that was, at 5 March 2021 for the period 2020-21, there were a total of 24 deaths in custody. Twenty were non-Indigenous and four were Indigenous—four.

The Hon. DANIEL MOOKHEY: Minister, through you—ideally to you, but you can direct how you see fit—did your department, prior to this SIRA investigation, initiate any of its own internal investigations into the matters we were talking about this morning?

Commissioner SEVERIN: Can you repeat your question?

The Hon. DANIEL MOOKHEY: Had Corrections New South Wales initiated any internal investigation into these matters prior to the SIRA investigation?

Commissioner SEVERIN: The incident that occurred at the Metropolitan Remand and Reception Centre, which then also was subject to some industrial action, was at the time investigated internally in the context of the broader issue of how our immediate action team should operate.

The Hon. DANIEL MOOKHEY: Who investigated it?

Commissioner SEVERIN: It was an internal investigation done by the security operations group. As a conclusion of that we changed the governance arrangement for the immediate action teams for the whole State, because there was a dynamic developing where there were inconsistencies in the way that they operated in various parts. There was also a concerning increase in incidents that involved the use of the immediate action teams, and we just wanted to make sure that they were all subject to the same consistent professional training, which was then operated or instituted. The immediate action teams have a dual reporting line. They have a direct reporting line to the governor of the prison and then they have got a professional reporting line to the general manager of the security operations group in the context of all the professional standards that apply to the use of force and the work of the immediate action teams.

The Hon. DANIEL MOOKHEY: Was the general manager, now assisting commissioner, ever subject to an internal investigation at any time?

Commissioner SEVERIN: No, she was not.

The Hon. DANIEL MOOKHEY: Was the director of HR ever subjected to an internal investigation at any time?

Commissioner SEVERIN: I am not aware of that but I can take that on notice.

The Hon. DANIEL MOOKHEY: Why not? Why were they not subject to any internal investigations?

Commissioner SEVERIN: Because there was no prima facie evidence that gave rise—certainly in the context of Ms Wilson at the time, and I can only speak for her because the director of HR is not a person that

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works for Corrective Services NSW. She is a departmental employee. But I would assume the same that gave rise for an investigation to be conducted.

The Hon. DANIEL MOOKHEY: Secretary, do you maintain the same reasons for the director of HR?

Mr COUTTS-TROTTER: It was four years before I joined the agency, so I will need to take that on notice.

The Hon. DANIEL MOOKHEY: Sure. Commissioner, through you, Minister, when you say that there was no prima facie evidence at the time, is there prima facie evidence now for the assistant commissioner to be investigated?

Commissioner SEVERIN: Again, once we receive the final report from SIRA—this is very much a point that is in contention, I might point that out very strongly—then we will undertake a fresh review of any matter that might need to be dealt with.

The Hon. DANIEL MOOKHEY: So if you maintain your view that SIRA is got it wrong, is that an effectively a summation of your position?

Commissioner SEVERIN: I maintain the view that the then general manager of the Metropolitan Remand and Reception Centre did not intentionally falsify records or change evidence or did anything that was intended not to let the matter proceed in the way that it should have.

The Hon. ROSE JACKSON: How then, Commissioner, do you explain the email on 10 November 2015, some months after not only the incident in May but the making of the original statement on 18 September? This is an email from the director of HR, "I have drafted some changes in tracked changes." Those changes included the insertion of an entirely new paragraph, including:

I had concerns about the performance of behaviour of [Employee 1] that I intended to deal with ... This new element had previously not been mentioned in the signed statement dated 18 September 2015.

How do you explain that email on 10 November with the tracked changes inserting an entirely new paragraph which SIRA found and it is obvious that it includes a new element that had not previously been mentioned at any time?

Mr ANTHONY ROBERTS: Commissioner?

Commissioner SEVERIN: There are two aspects to that. The first one is that I understand that Ms Wilson sought support from HR professionals in the context of providing that information and it was the advice—and this is not information that was made up. This is information that was contained and on the record. It just had not been mentioned in her previous statement.

The Hon. ROSE JACKSON: Commissioner, that is just not true. In fact, on the record at the Industrial Relations Commission the day after the incident lawyers for Corrective Services NSW gave sworn evidence that there were no performance issues and that the action taken was in no way disciplinary. So, yes, information was on the record.

Commissioner SEVERIN: That is correct.

The Hon. ROSE JACKSON: It directly contradicted that information included in the newly inserted paragraph.

Commissioner SEVERIN: I need to take the detail on that on notice.

The Hon. DANIEL MOOKHEY: But, Commissioner, I am struggling to reconcile how you are disputing all the SIRA's recommendations and findings when you yourself have said that you have not done an internal investigation of the matter. Because when you are saying this, it sounds like you are giving us your opinion. It does not sound like your opinion is informed by any investigation that you have done or anyone has done. It is just that you do not like what SIRA has concluded. Is that an incorrect statement?

Commissioner SEVERIN: That is incorrect, yes. I totally accept the role of SIRA and the fact that SIRA will make recommendations that we will obviously consider in terms of any action that needs to be taken, both in the context of Corrective Services and broader. If there is any further action that we need to take as a result of that in relation to employees that are with Corrective Services NSW, that action will be taken.

The Hon. DANIEL MOOKHEY: Why has the assistant commissioner not been stood aside?

Mr ANTHONY ROBERTS: Commissioner?

Commissioner SEVERIN: Can you repeat the question?

CORRECTED

The Hon. ROSE JACKSON: Why has the assistant commissioner not been stood aside since the receipt of this report in October last year?

The Hon. DANIEL MOOKHEY: Well, well before—

Commissioner SEVERIN: Again, I can only say that a lot of the details that were contained in the draft report are not accepted in the way they were drafted. We have written back and put our viewpoints forward.

The Hon. DANIEL MOOKHEY: The department's policy was to stand down the guards when there were allegations made about their behaviour. They were stood aside for years and then subjected to referrals to police, then a criminal trial and then further acrimony in the workers compensation system. How is it possible that the workers who were the subject of the bullying, the collusion and the alteration of evidence were stood aside but the people who were at least notionally responsible as found by SIRA are still in their jobs?

Commissioner SEVERIN: Could I just be very clear, the suspension of staff was only going to come into effect once the criminal charges were laid, so not as a result of the industrial issues. There was no disciplinary action, as was quite rightly pointed out, taken at that point in time. Once the charges were referred by police—in relation to the same matters I might add—we obviously suspended the staff because they allegedly had conducted an indictable offence or committed an indictable offence.

The Hon. DANIEL MOOKHEY: So the standard is—

Commissioner SEVERIN: As soon as the matter was dismissed by the courts, the staff were all offered reinstatement. Some remain on WorkCover, as we know. Again, I make no excuses. It clearly could have been dealt with much more constructively and we are learning from that. But, again, this was a very long, drawn-out event that was influenced by a whole range of other issues rather than just simply the laying of criminal charges.

The Hon. DANIEL MOOKHEY: Well, Commissioner, it is your opinion that this was surrounded by other issues. It is not SIRA's finding. But, Minister, this is your assistant commissioner. Your assistant commissioner has been subject to some pretty serious findings here from a regulator that has undertaken an investigation which has taken eight months. Surely you would agree that the assistant commissioner should be stood aside until at least all these matters are resolved.

Mr ANTHONY ROBERTS: That is an operational issue and that is one for the Commissioner and the department secretary.

The Hon. DANIEL MOOKHEY: But how can we have any confidence that your leadership is law-abiding when we have a report saying that it is not, when we have a Minister that does nothing about it and you are refusing to take any action?

Mr ANTHONY ROBERTS: What I am saying is that Corrective Services NSW staff do an incredible job under difficult circumstances. Again, I want to take this opportunity to commend and thank them for that work. This is an operational issue and it will be an issue that is dealt with within the department and there should not be political—

The Hon. DANIEL MOOKHEY: Well, Minister, it is the Corrections staff who have had their life ruined by all this. The hardworking staff that both you and I praise have had their lives ruined by this. The toll that it has taken on these officers has been immense. The toll that it has taken on their families has been immense. It is not an unfair perspective from their view that the people who are responsible for inflicting that treatment on them are held to account. Don't you agree?

Mr ANTHONY ROBERTS: I think we need to allow the processes to take place.

The Hon. ROSE JACKSON: Minister, there have been three now at least. This incident occurred in 2015. There have been three thorough reports. KPMG conducted a very long \$350,000 report into this specific matter for icare. Icare conducted its own internal investigation, Project Twining. Now SIRA has conducted an incredibly thorough investigation and produced a series of very damning findings. This situation has been thoroughly investigated. It is clear what has occurred. There is a consistent chain of evidence indicating, and I quote, "Individually or together the actions of Corrective Services leadership constitute workplace bullying". Are you going to do anything about that? That is happening under your watch.

Mr ANTHONY ROBERTS: We have processes in place and I will allow those processes and practices and procedures to continue.

The Hon. ROSE JACKSON: So you are not going to do anything about a finding that the actions of Corrective Services may individually or together constitute workplace bullying? You are not going to do anything

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about that? That is in a report that was handed down in October last year. You have had that available to you. You have not read it.

Mr ANTHONY ROBERTS: Well, the process is still underway by SIRA and, like the Commissioner said, they are still awaiting the response from all the parties and it would be inappropriate for me to make any decisions until that process has taken place.

The Hon. DANIEL MOOKHEY: Minister, has anyone apologised to these three officers for what happened to them?

Mr ANTHONY ROBERTS: I would have to take that on notice.

The Hon. ROSE JACKSON: Would you like to take the opportunity now to apologise to them, considering what you have heard about their treatment?

Mr ANTHONY ROBERTS: Certainly, I will take that on notice.

The Hon. DANIEL MOOKHEY: You will take on notice that you are going to apologise to them?

Mr ANTHONY ROBERTS: Well, when I see the full facts of the matter.

The Hon. DANIEL MOOKHEY: So you have settled with two of them. Two of them have been settled. Those settlements are multimillion-dollar settlements. The matters are resolved. There is no further thing to do with the officers. They have gone. They have left Corrective Services NSW. Don't you think that after inflicting this trauma on them and then paying them a million-dollar settlement, the least they deserve is an apology for what has happened to them from you?

Mr ANTHONY ROBERTS: Once I am fully briefed on this and once the process has been finalised, I will make those decisions.

The Hon. DANIEL MOOKHEY: Commissioner, are you prepared to apologise to the officers who were subjected to this bullying?

Commissioner SEVERIN: I am certainly prepared to acknowledge the fact that we as a department could have managed this very differently and that we will learn out of the experience and will make some changes to practice. As I have mentioned, that review is well and truly underway and it is also informed by a whole range of other experts, persons who were not around at the time, so it is quite fresh and quite positive. If there is any indication that Corrective Services NSW staff have deliberately made a point of interfering in an inappropriate way then, of course, I would apologise to those who were subject to that. This is still a process that we are going through and, yes, there is a lot of, as I mentioned, complexity behind this. It is not for me to deny the fact that things could have been managed differently and hopefully we will never find ourselves in a similar circumstance that will end up the way this one particularly ended up.

The Hon. ROSE JACKSON: Minister, are you concerned about the cost of this matter? It was originally a medical expenses only workers compensation claim for psychological injury back in 2015. It probably could have been handled with 10 or 20 sessions with a psychologist or a psychiatrist. It has now, with all of the reports and the settlements that have been paid to the three Corrective Services officers, cost your department probably well over \$6 million. Does that concern you? Is that something you are going to be ensuring is not repeated in the future?

Mr ANTHONY ROBERTS: Of course, as the Commissioner said, there are learnings that can come out of this and there obviously are. We need to ensure that this does not occur again. I mean any type of bullying and harassment in the workplace is unacceptable. I have to say the Commissioner has made it very clear, and staff make it very clear, what is acceptable practice and what is not acceptable practice. But certainly if there are learnings, we need to apply those learnings to ensure that something unfortunate like this does not occur.

The Hon. ROSE JACKSON: Yes, it is an expensive lesson. Part of ensuring that it does not happen again—part of ensuring that accountability—is individuals who have done the wrong thing being accountable for their actions. Do you accept that, in relation to at least the now assistant commissioner and the director of HR, that has not occurred—there has been no accountability for their clearly documented action in doctoring evidence and colluding with QBE to deny legitimate workers compensation claims?

Mr ANTHONY ROBERTS: I am going to allow the process to be concluded and then I will have something to say.

The Hon. ROSE JACKSON: And how long do you think that is going to take? How much longer?

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Mr COUTTS-TROTTER: We are expecting a response from SIRA pretty soon. In fairness, this preceded my time in the organisation so I have some degree of distance from it. Everything you have put on the record has a response, and we have provided responses in relation to pretty much everything you have canvassed through to SIRA. I wait on their response, and I wait on their response with an open mind. From my knowledge of the detail of it and my knowledge of the process, I think it is unfair at this point to make the findings, in essence, that you are making in relation to Ms Wilson. I do not think that is fair to her.

Mr DAVID SHOEBRIDGE: Will you table the response to the Committee so we can see it today, Secretary?

Mr COUTTS-TROTTER: I will talk to SIRA about that.

The Hon. DANIEL MOOKHEY: We did raise this with SIRA yesterday, Secretary.

Mr COUTTS-TROTTER: Okay.

Mr ANTHONY ROBERTS: Look, I feel the frustration here but it is a SIRA process and we have got to understand—

The Hon. DANIEL MOOKHEY: And I had the process instigated, Minister.

Mr ANTHONY ROBERTS: But we need to respect the process, that is all.

The Hon. DANIEL MOOKHEY: SIRA have made it clear that the report is final. It seems like you are just not accepting that it is final, and you disagree with the findings. That is the reason why we are frustrated. Because whilst you are hiding around—

Mr ANTHONY ROBERTS: No, I am not hiding.

The Hon. DANIEL MOOKHEY: Sorry, the best way of putting this is whilst you maintain the view that the process has not yet concluded, that is not the evidence that SIRA has given. What I am trying to struggle with is how is it possible that an entire investigation can take place without the Minister knowing, and why is it that we got the leadership of Corrective Services NSW still continuing to defend their officers' conduct when we have a report here that says, basically, everything that we have been told this morning is nonsense?

Mr ANTHONY ROBERTS: I think we just need to respect that process while it is underway.

The Hon. ROSE JACKSON: Was any action taken after the KPMG report or the Project Twining report was handed down? Accepting that you are disputing what SIRA has found, I think it is highly likely that SIRA comes back and says thanks for responding but our findings stand and we can have a discussion then.

Mr COUTTS-TROTTER: Possibly.

The Hon. ROSE JACKSON: Both Project Twining and even the very final KPMG report—after all of the pressure was put on by icare to wind back their initial findings—made relatively serious findings in relation to the performance.

The Hon. TREVOR KHAN: Are you asking a question?

The Hon. ROSE JACKSON: Was any action taken at that point? Those reports are certainly final.

Mr COUTTS-TROTTER: The rate of injury in Corrections rose in 2018-19. It rose in 2019-20. It has stabilised so far this year. Most of those injuries are physical injuries. Most of them are slips, trips and falls. We are doing physical work to deal with slips, trips and falls. We know locations that need work and they are on our minor capital works program. Peter Severin and colleagues have put in place a wellbeing strategy. The cost of workers comp to the taxpayer is driven by psychological injuries. It is driven by not responding quickly enough following an injury and not successfully returning people to work. So we are really focused on that because that offers the prospect of reducing harm to individuals, reducing costs to taxpayers and making the Corrections workplace safer for our staff and safer for the people who live there.

The Hon. ROSE JACKSON: That is great but KPMG and Project Twining internally to icare produced two comprehensive reports that found specific instances within the way that Corrective Services NSW managed this specific claim. They were pretty serious findings even from those two reports. Did you do anything about it?

Mr COUTTS-TROTTER: Yes, I did. I have spoken to people, I have read the material, I have spoken to the PSA, I have got involved in individual aspects of two of those claims and I have responded to SIRA. I wait on their response. I am trying to be fair minded about it.

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The Hon. ROSE JACKSON: But what I fail to understand is how you can say you are awaiting the final report of SIRA before there is any accountability for the clear evidence that staff at Corrective Services colluded—illegally colluded—with QBE on behalf of the NSW Self Insurance Corporation, or SI Corp.

Mr COUTTS-TROTTER: Mr Severin has taken that one on notice. You have asked specifically about someone mentioned in the report and we will have to come back to you on the record about what followed.

The CHAIR: Your time is up, Ms Jackson. Minister, can you outline to the Committee internally what work you are doing to reduce reoffending?

Mr ANTHONY ROBERTS: Thank you, Chair. Corrective Services NSW has four key initiatives to address the reoffending priority. Firstly, there is the increased participation of high-risk prisoners in the rehabilitation programs; better support for people transitioning from custody; delivering a better prison environment that enables rehabilitation; and, of course, transforming prisoner rehabilitation through digital technology, as we have mentioned before. To date we have had, under this Premier's Priorities—I am pleased to inform that we are reaching our targets. We have seen the trending down of reoffending rates. I am pleased to inform the Committee that over the next four months we will be increasing the average number of treatment hours through programs for prisoners by 15 per cent. We will be doing that by 400-short sentenced paroled people being engaged at new hubs; 63 people completing new intensive programs at Macquarie Correctional Centre; and 800-plus hours over 20 programs in the community for 140 people using digital technology.

We have also been able to implement—we are in the process thereof—remote access to child protection workers in two satellite centres and expand the data linkage research on housing, child protection, corrections and health of seriously mentally ill offenders exiting our prisons. Again, there will be a rollout of our Five-Minute Interventions to another 700 staff, our target being 6,500 staff by the end of 2021. We will be expanding an alternative sanctions pilot to a minimum security prison; delivering 4,800 tablets to 10 additional correctional centres by June of this year; and developing proof of concept for a single online place for offender learning and development. Of course then there is the trial online psychology assessment and support via collaboration with MindSpot.

One thing the Commissioner did not mention about our tablet rollouts is the interaction and the ability for prisoners to access online services such as Service NSW, where prisoners will be able to organise online—leading up to their release—driver licences. There is the ability there to interact with services around accommodation and so forth. Again, we know that accommodation when leaving prison is incredibly important to ensuring that there is a reduction in reoffending, as is the ability to access services with respect to employment opportunities. It is very pleasing, I think, to be able to say that we are on track. We are delivering on the Premier's Priorities, and we have some additional intervention cohorts, particularly around inmates with serious illnesses, and that is the continuous and coordinated model of care for people with serious mental illness. That went live in October.

We have women inmates as parents and there are some 400 women in custody who have been assisted by child protection caseworkers, with five caseworkers located across six correctional centres. Of course, this is an incredible achievement in such a short time frame. As I mentioned, it is implementing and rolling out plans in rural and remote communities. One of the great plans we have, of course, is around domestic violence [DV]. We are trialling a model to strengthen responses to DV. That initiative has been workshopped with staff and female inmates to focus on resistance and the safe exit from domestic and family violence. I think that was trialled at Dillwynia, Commissioner, was it not?

Commissioner SEVERIN: Yes.

Mr ANTHONY ROBERTS: It consists of seven two-hour sessions and I have to say that feedback from those women has been very, very positive.

The CHAIR: Do you have any stats on reoffending rates in relation to that area?

Mr ANTHONY ROBERTS: With respect to?

The CHAIR: Family violence, or in general.

Mr ANTHONY ROBERTS: Commissioner?

Commissioner SEVERIN: No, we do not have any statistics that specifically measure the effect on domestic violence reoffending. That being said, obviously the effect will not be known for a while because it is always within 12 months or within two years that we measure. At the moment all of those programs are being independently evaluated, mainly through tertiary institutions and some of them through the Bureau of Crime Statistics and Research [BOCSAR]. But the anecdotal evidence shows very clearly that the domestic violence

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initiatives are very robust and certainly very well frequented in Corrections. That goes for the men as well in terms of the short interventions that we provide, which are part of a broader strategy. It is something that we have started to do for people who come into custody who normally would not have access to those types of services and we acknowledge that it is a very significant area of need.

Mr ANTHONY ROBERTS: The pilot project at Dillwynia has been incredibly successful and that is the feedback from the female prisoners. We will be rolling that project out from the end of this month into Silverwater Women's, Emu Plains, Mid North Coast, Wellington and Clarence correctional centres.

The CHAIR: Right.

Mr DAVID SHOEBRIDGE: But the BOCSAR data has shown reoffending rates going up year on year on year. I think reoffending rates were a little over 39 per cent in 2016 and they increased to 42.2 per cent in 2018. That is for inmates leaving custody. Do you have any updates on where it got to in 2019 and 2020?

Mr ANTHONY ROBERTS: The reoffending rate is reported quarterly by BOCSAR. The most recent available data is for prisoners released from custody in the 12 months prior to November 2019. The average annual reoffending rate for prisoners released in that period was 29.5 per cent, which is a 0.2 per cent reduction from the results from the previous quarter of 29.7 per cent. That is the second consecutive quarter where the reoffending rate has fallen. You were speaking about—

Mr DAVID SHOEBRIDGE: I am talking about reoffending within 12 months of leaving prison and BOCSAR had it for all adults at 42.2 per cent in 2018.

Mr ANTHONY ROBERTS: Is that from the 2021 *Report on Government Services* [RoGS]?

Mr DAVID SHOEBRIDGE: The BOCSAR report. They will update it again in May.

Mr ANTHONY ROBERTS: It is important to recognise that the reoffending measure is retrospective as it is measured in the 12-month period after release from custody. A further six months is required for the courts to make determinations of guilt for offences that occur during this period and for the data to be cleared up. That means that we are only now starting to see the benefits of the interventions that were implemented in 2018-19. We do not expect to see any impact of the new work initiated under the Premier's Priority for reoffending until probably at least into the middle of this year. Did you want to add to that?

Mr COUTTS-TROTTER: Just that, Mr Shoebridge, the Premier's Priority is a specific counting rule on reoffending. It is the proportion of adult offenders released from custody who have a new proven personal property or serious drug offence in the 12 months post-release. I am not doubting the BOCSAR figures that you are using, but I would suggest that they would be a broader scope. That could be any contact with the justice system.

Commissioner SEVERIN: It is the old measure.

Mr ANTHONY ROBERTS: That is the old measure. But can I say that using various measures, when you have a comparison with return to corrective services within two years using the *Report on Government Services* model, the rate of return in New South Wales is significantly lower than in Queensland.

Mr DAVID SHOEBRIDGE: I am just using the measure that has been in place for decades, which is the percentage of prisoners exiting prison who are reconvicted of another offence within the next 12 months. It is nothing complicated; it has been the same measure for the past decades. Are you saying the Premier's objective has been partly achieved by redefining recidivism?

Mr ANTHONY ROBERTS: No.

Mr COUTTS-TROTTER: No, the aim was to try to focus on serious recidivism. The material on the Government's websites makes clear the counting rule that determines our target and determines our performance.

Mr DAVID SHOEBRIDGE: So do I understand, Minister, that your answer was comparing oranges with apples? That 29 per cent figure was not actually the calculation used by BOCSAR for the past few decades. It is a different measure.

Mr ANTHONY ROBERTS: What we are not measuring is someone, for example, who might be on parole and fails to report and then goes back into prison.

Mr DAVID SHOEBRIDGE: Are you sure? It does not sound to me like—

Mr ANTHONY ROBERTS: Yes, that is the RoGS.

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Mr DAVID SHOEBRIDGE: Perhaps you might give details on notice about how the Premier's measure is differing from the accepted measurement of reoffending that has been the status quo for the past few decades.

Mr ANTHONY ROBERTS: Happy to do it.

Mr COUTTS-TROTTER: Sure.

Mr DAVID SHOEBRIDGE: Perhaps you might also give an answer that compares apples with apples, being the percentage of prisoners exiting prison who are reconvicted of another offence within the next 12 months—the most current data you have on that.

Mr ANTHONY ROBERTS: Happy to.

Mr COUTTS-TROTTER: Sure.

Mr DAVID SHOEBRIDGE: Minister, I think your evidence in the last round was that there had been 24 deaths in custody this calendar year. Is that right?

Mr COUTTS-TROTTER: This financial year, so since 1 July 2020.

Mr DAVID SHOEBRIDGE: Since 1 July 2020.

Commissioner SEVERIN: Until 5 March.

Mr DAVID SHOEBRIDGE: Have there been any deaths since 5 March?

Mr COUTTS-TROTTER: No.

Mr ANTHONY ROBERTS: No, not that I am aware.

Mr DAVID SHOEBRIDGE: And it is 24 deaths, is that correct?

Mr ANTHONY ROBERTS: Yes, that is correct.

Mr DAVID SHOEBRIDGE: Four of which are First Nations people.

Mr ANTHONY ROBERTS: Correct.

Mr DAVID SHOEBRIDGE: How many of those deaths have been categorised as unnatural deaths?

Mr ANTHONY ROBERTS: Three.

Mr DAVID SHOEBRIDGE: And of those, we know that one was that First Nations woman who died in Silverwater last week. Is that correct?

Mr COUTTS-TROTTER: Yes.

Mr ANTHONY ROBERTS: Yes.

Mr DAVID SHOEBRIDGE: What were the other two?

Mr ANTHONY ROBERTS: I will take that on notice.

Mr DAVID SHOEBRIDGE: Will you be able to provide that information this afternoon, Commissioner?

Mr COUTTS-TROTTER: Yes, we would.

Mr DAVID SHOEBRIDGE: In relation to the death at Silverwater, was the First Nations woman a sentenced prisoner or was she on remand?

Mr ANTHONY ROBERTS: We will take that on notice.

Mr DAVID SHOEBRIDGE: Commissioner, you must know that.

Commissioner SEVERIN: The woman at Silverwater Women's was serving an eight-month sentence, to the best of my knowledge, but I need to qualify that. If there is any change, then I will provide that information separately.

Mr DAVID SHOEBRIDGE: Commissioner, I know that you are not forming a conclusion and it is not your job to form a conclusion, but was this woman found hanging in her cell?

Commissioner SEVERIN: That is my understanding, yes.

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Mr DAVID SHOEBRIDGE: How is it that First Nations women are still being placed in prison cells in New South Wales that have hanging points? It is 30 years since the Royal Commission into Aboriginal Deaths in Custody said to get rid of the hanging points and we had another death last week. How is this happening?

Commissioner SEVERIN: As I mentioned in evidence in previous hearings, there are cells in Corrective Services NSW's system that do have ligature points. We do not build any new cell with ligature points. We are eliminating obvious ligature points wherever that is identified. The issue here—again, I do not want to speculate about what led to this very traumatic and unfortunate incident—is that there are quite robust risk assessments undertaken to identify if a person presents with a risk of self-harm or suicide. It is my understanding that those risk assessments did not identify a particularly heightened risk in the case of this inmate and therefore she was kept in a normal cell, as we would have many cells in our system. Again, I offer this by way of explanation. Removing of hanging points is certainly one area, as I mentioned many times, on many occasions before, that mitigates the risk. However, it is much more relevant to have a very strong approach to assessing risk, to supporting persons who may show signs of being at risk and to manage them proactively so that the risk is properly dealt with rather than—

Mr DAVID SHOEBRIDGE: Commissioner, one of the repeated recommendations for dealing with First Nations inmates is to ensure they are not in a cell alone, particularly in a cell alone, where there are hanging points. How is that basic rule, that basic protection measure not being applied by Corrective Services?

Commissioner SEVERIN: It is certainly being applied. It is actually not correct that there is a requirement for First Nations people to be in double-up accommodation, as it would be quite inappropriate.

Mr DAVID SHOEBRIDGE: I will be clear. What I put to you, Commissioner, was to not be in a cell with hanging points, by themselves. That is, on my understanding, a pretty fundamental recommendation as part of a strategy to prevent First Nations deaths in custody, apart from not putting First Nations people in prison in the first place. Why is that not being complied with?

Commissioner SEVERIN: Very clearly, if there is any indication that a person is at risk, we are using the buddy system—as it is referred to colloquially—to mitigate that risk to some extent. If the risk is of a heightened nature—that they require observation—then it goes all the way to constant observation. It is a measure we regularly take. If a person does not show any signs of being at risk, it is actually in many, many cases the preferred option of the prisoner to be on their own rather than to share a cell with another person. I am not suggesting in this case, because I have not got that information, that the buddy system was something that was ruled out. But again—

Mr DAVID SHOEBRIDGE: Will you provide that information on notice, Commissioner?

Commissioner SEVERIN: If there is information that I can provide in the context of the investigations that are currently under way, I am certainly happy to do so. If that information at this point in time is not able to be shared, I will have to wait until those investigations are complete and the Coroner has made their findings.

Mr DAVID SHOEBRIDGE: Commissioner, how many cells had their hanging points removed in the last financial year?

Commissioner SEVERIN: I need to take that on notice.

Mr DAVID SHOEBRIDGE: Have any?

Commissioner SEVERIN: I have to take that on notice.

Mr DAVID SHOEBRIDGE: Is there a funded program in place to remove hanging points from cells?

Commissioner SEVERIN: There is a minor works program in place. That includes removing hanging points. We have done that at the Tamworth facility, for example. But I have to take the detail of that question on notice.

Mr DAVID SHOEBRIDGE: In a prison budget that over the last five years has had around about \$3.8 billion in capital works, your only budget for removing hanging points is a part of the minor works budget. Is that what you are telling me, Commissioner?

Commissioner SEVERIN: There is no dedicated budget for removing hanging points. It is part of risk-based approach to modifying cells where that is necessary. That is being done proactively. Another part of that includes that we are in the process of finalising the replacement of bunkbeds that, unfortunately, do have ligature points with those that do not have ligature points. We manufacture them ourselves. There is a program that is being funded through minor works. Of course, as I mentioned, the most important part is that we are retiring

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and have retired many, many unsafe cells in the context of ligature points and have built many more cells that do not have ligature points.

Mr DAVID SHOEBRIDGE: Is your evidence that all the hanging points have now been removed from Tamworth prison?

Commissioner SEVERIN: I would not say that that is my evidence. We have done a program of removal of hanging points. It is almost impossible, in a building that is being built over a hundred years ago, to remove every obvious or even not-so-obvious hanging point. Certainly, there is a program in place, which has been completed at Tamworth, to remove obvious hanging points. I would not be in a position to say every hanging point—

Mr DAVID SHOEBRIDGE: Could you give some details on notice about how many cells have had hanging points removed in Tamworth as a result of that program?

Commissioner SEVERIN: I can provide that information.

Mr ANTHONY ROBERTS: Can I just add to there that we have programs under way at Junee and Parklea correctional centres with respect to the removal of hanging points and we are refurbishing almost 200 of the Long Bay cells, which are, again, as the Commissioner said, very old, not fit for purpose, when you compare them to some of the new prisons with respect to the safety of staff and inmates.

Mr DAVID SHOEBRIDGE: Minister, it is almost inevitable, where there is a death in custody, that the family will approach Corrective Services and ask for assistance not just in transporting the body of their loved one but with funeral costs. There is at best a discretionary position in relation to First Nations families. Will you consider adopting a policy that will simply provide for the reasonable funeral costs so the families do not have that anxiety after there has been a death in custody?

Mr ANTHONY ROBERTS: I am happy to take that on notice. Certainly can I commend the Commissioner, who is very active when it comes to ensuring that, whenever there is any death in custody, those families are looked after, as well as the Corrections staff. Do not forget the effect of any death in custody on the Corrections staff and our medical support people. I am quite happy to take it on notice.

Mr DAVID SHOEBRIDGE: Commissioner, do you have any details on how the policy is administered now? Was my characterisation correct?

Commissioner SEVERIN: We have an approach where we allow families, obviously, or loved ones to request reimbursement of costs or carriage of costs. We assess that on a case-by-case basis, with the default position being that we are supporting meeting those reasonable costs that families incur.

Mr DAVID SHOEBRIDGE: What I have asked is: Could that policy could be revisited to remove that anxiety from families and just have a simple policy that says that it is the position of Corrective Services that the reasonable funeral costs, up to a certain figure, will be reimbursed. "Here is how you put the application on. Here is how you evidence the expenditure." It would remove a lot of anxiety from families who are otherwise facing tragedy and financial hardship, particularly First Nations families.

Commissioner SEVERIN: We are doing that at the moment, and we continue to do that. Where there is a situation where a family cannot meet those costs, we always support families.

Mr DAVID SHOEBRIDGE: I think the Minister has taken that on notice.

Mr ANTHONY ROBERTS: Nothing like process. Process is very important—procedures and practice.

The Hon. SHAOQUETT MOSELMANE: Thank you, Chair. Thank you, Minister. Can I take you to matters of counterterrorism, Minister? The New South Wales Crime Commission, which works in partnership with State and Commonwealth and international law enforcement agencies to investigate a range of serious and organised criminal activities, in its COVID-19 criminal activity and law enforcement submission to the Parliamentary Joint Committee on Law Enforcement regarding trends and changes in criminal activity related to the COVID-19 pandemic, has stated that, since the COVID-19 outbreak, there is noticeable increase in online activity among the extreme right-wing community, particularly around the COVID-19 rhetoric. Are you aware of those?

Mr ANTHONY ROBERTS: Can I just take the opportunity, before I start on the counterterrorism [CT] side, to say that, for security reasons, I do not intend to discuss aspects of our counterterrorism arrangements publicly. It is also not appropriate for me to comment on individual matters, particularly given the suppression orders that may be currently in place with respect to some individuals. I just want to put that on the record, that there are some things that I cannot possibly share in a public—

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The Hon. SHAOQUETT MOSELMANE: If I ask you questions in that regard, let me know.

Mr DAVID SHOEBRIDGE: I have seen your security measures with hedges in Parliament up to now. You clearly have a highly sensitive approach to this. It is not very effective, but clearly highly sensitive.

Mr ANTHONY ROBERTS: It seemed to work.

Mr DAVID SHOEBRIDGE: I do not think it did. A hedge is not a very good counterterrorism measure, just for the record, if you want to take that on board.

The Hon. TREVOR KHAN: It depends what it is made from.

Mr DAVID SHOEBRIDGE: He got this one from Bunnings.

Mr ANTHONY ROBERTS: How did you know it was a hedge?

Mr DAVID SHOEBRIDGE: It was a large green uniformly manicured barrier, otherwise known as a hedge.

The Hon. TREVOR KHAN: I am allergic to grevilleas; it would keep me out.

The Hon. SHAOQUETT MOSELMANE: Back to my question, Minister.

Mr ANTHONY ROBERTS: Thank you. You raise a very good point and it is a concerning point, and I greatly appreciate it. In February of last year the Director-General of ASIO, Mike Burgess, reported that the threat from far Right groups in Australia had increased in recent years and remains an enduring threat. I am able to tell you that ASIO also reported that far Right groups are gathering in small cells to share online propaganda and spread messages of hate. ASIO has also confirmed that far Right groups are, as you said, using the COVID-19 pandemic to promote propaganda and recruit new members. In the Director-General's review, Mike Burgess noted that, while the threat from the extreme Right had been actively monitored for some time, extreme right-wing individuals now comprised about a third of our counterterrorism investigative subjects.

Many of these groups and individuals have seized on COVID-19 believing it reinforces some of the interesting narratives and conspiracies that are at the very core of their ideologies. While any right-wing extremist-inspired attack in Australia is expected to be low, of low capability, ASIO has advised that more sophisticated attacks are considered possible as these groups become more cohesive and organised than in previous years. I am pleased to say that New South Wales is a very strong and connected society. There will always be a small number of individuals with extreme and violent views, and again we have seen groups such as the Lads Society and the Antipodean Resistance being active in New South Wales and extreme far Right online forums, such as The Base, have been actively engaging in recruiting members from all over the world, including Australians.

I will ask Ms Walker to expand on this point, if she can add further to it, but it is particularly around cybersecurity. It is about us being able to penetrate their communications and gather intelligence. ASIO believes that in nine out of ten matters where we are trying to penetrate communications, one of the biggest issues we do have, which is increasing, is the issue around encrypted devices and mechanisms that make it difficult for us to gather that important intelligence. Can I inform you that just as New South Wales has spent a considerable amount of money in developing our CT cybersecurity strategy and implementing safeguards, we are working closely with the police.

The Hon. SHAOQUETT MOSELMANE: And is this considerable amount of money on CT relating to white supremacist organisations?

Mr ANTHONY ROBERTS: No, this is across the board, but I will ask Ms Walker to expand on that.

Ms WALKER: As the Minister outlined, we have boosted our efforts around right-wing extremism. A couple of things that I think are important to highlight at this stage is that we have commissioned some specific research about the nature and prevalence of online far Right extremism that you referred to particularly. This is research by Macquarie University. We also funded a conference on collaborative approaches to counter extremist right-wing and Islamophobia threats. We do fund a couple of very specific programs that go to the issue that you have raised as well through our COMPACT Program, one of those being Community Action for Preventing Extremism, and also a more recent program that we have funded called Agency, which actually targets young people and informs them about conspiracy theories to create critical thought and scepticism about some of the things that young people are seeing online. We have a range of opportunities that we are taking up because we do take this change seriously.

The Hon. SHAOQUETT MOSELMANE: Minister, how much money do you spend on deradicalisation?

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Mr ANTHONY ROBERTS: Within the prison system?

The Hon. SHAOQUETT MOSELMANE: No, on the matter of counterterrorism.

Mr ANTHONY ROBERTS: That would be in the form of a number of programs that we have.

The Hon. SHAOQUETT MOSELMANE: How much money is that?

Mr COUTTS-TROTTER: In the four-year program, the four years just concluded was around \$47 million.

Mr ANTHONY ROBERTS: We have increased that.

Mr COUTTS-TROTTER: We have increased that, so there is \$12.3 million this year, 2021, and over this year and the following three years close to \$50 million has been allocated specifically to the countering violent extremism program across government.

Mr ANTHONY ROBERTS: That package, so almost \$50 million now, funds a number of New South Wales government agencies with four broad areas of focus, that is, stronger community cohesion, support for advice for vulnerable people, diversion and disengagement of people with extreme views and, of course, continued leadership and engagement through our communities.

The Hon. SHAOQUETT MOSELMANE: How much of that \$50 million is directed towards attacking white supremacist ideologies that are on the rise in Australia?

Mr COUTTS-TROTTER: We would be happy to provide on notice examples of specific interventions that have been funded that are directed exclusively at right-wing extremism. But a lot of the work—for example, the Step Together hotline where friends, families and community members can ring if they have a concern about somebody who appears to be moving towards an extremist view of one kind or another—is agnostic to the nature of the extremism. What is of concern to us, of course, is when people's views become violent and the possibility of action becomes real, and we want to disengage people regardless of the source of that extremism from those views and that behaviour. We can give you examples of specific interventions, research and other activities that are directed at far Right extremism, but a lot of the COMPACT Program is actually about trying to protect the high levels of cohesion that we already enjoy, including among young people who might be vulnerable to far Right extremism.

The Hon. SHAOQUETT MOSELMANE: The report or submission by the New South Wales Crime Commission refers to a Boogaloo ideology. Can you tell me what that is, Minister? It refers to extreme right-wing circles as Boogaloo. Are you aware of it? Apparently it is on the rise as an ideology.

Ms WALKER: I have seen some reference to it, but I would need to get more detail and I can provide that for you.

The Hon. SHAOQUETT MOSELMANE: The reason I ask is that with the rise of these different white supremacist ideologies, are they now becoming equally or more dangerous than, say, the ISIS ideology or the caliphate ideology in Australia?

Mr ANTHONY ROBERTS: No. All I can say is that the threat of a terrorist attack is still probable, but no.

The Hon. SHAOQUETT MOSELMANE: And is the threat of terrorist attack probable from these organisations?

Mr COUTTS-TROTTER: It is a national assessment that there are people with the intent and potentially the ability to use violence, and that includes far Right extremists, as is clear from the actions of police in New South Wales. In late last year there was the arrest of a young person seemingly engaged in Neo-Nazi extremism. "Probable" is an assessment across the whole of the landscape, including far Right extremism.

Mr ANTHONY ROBERTS: The primary threat remains from Islamic extremism, but what we have seen is that other violent ideologies, such as those on the extreme Right, are also of concern.

The Hon. SHAOQUETT MOSELMANE: I am just referring to the specialist submission by this organisation that makes reference to white supremacists and, in talking about the white supremacist ideology, it says that the possibility of onshore domestic terrorist attacks remains and indeed ASIO assesses such an event as probable. "Probable" sits in the middle, so it is very serious in other words. It is not imminent, but there is a potential danger there. There is a probability of that happening via these organisations and yet you see them as low priority.

Mr ANTHONY ROBERTS: Look, I have to be very careful here.

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The Hon. SHAOQUETT MOSELMANE: Sure.

Mr ANTHONY ROBERTS: Some of these questions are probably better directed to the police commissioner. But while any right wing extremist-inspired attack is expected to be somewhat low in its capability, ASIO advises us that more sophisticated attacks are considered possible, again, as these groups are becoming more cohesive and organised than in previous years. But any terrorist attack in Australia for at least probably the next 12 months is likely to be committed by a single person or a small group using simple methods. The use of basic weapons, improvised explosive and firearms remains more likely.

The Hon. SHAOQUETT MOSELMANE: Minister, you may say that, but the Australian citizen who committed the Christchurch attack comes from this white supremacist ideology and, as a result, caused significant death, destruction and harm to many people. He comes from Australia. That level of death and destruction on par with an ISIS-related activity, would you not think, Minister, rather than say it is low? There is a potential probability that something like this could happen in Australia given the threats that these various organisations have been spreading against mosques and synagogues in Australia.

Mr ANTHONY ROBERTS: Can I just reinforce again that we live in a very open and cohesive society in Australia and, importantly, in New South Wales. We worked closely with and our agency supported our New Zealand counterparts in the aftermath of that awful attack and we also assisted with the investigation and so forth. We also work closely with religious leaders, community partners, multi-faith groups, schools and local councils, as you would be aware—

The Hon. SHAOQUETT MOSELMANE: Yes.

Mr ANTHONY ROBERTS: —across New South Wales to support those affected from that awful event. We have seen that individual sentenced to life in prison without parole. We saw the royal commission in New Zealand, which made 44 recommendations that seek to build New Zealand's social cohesion and improve their counterterrorism methods, including the establishment of a ministerial portfolio responsible for counterterrorism coordination, which we have had in New South Wales for some time. I am really pleased to say that we have been able to work with and assist our New Zealand friends with outlining and delivering upon some of those key recommendations. Ms Walker, having been involved very closely in this, did you want to outline anything further?

Ms WALKER: As the Minister said earlier, the levels of threat are decided by ASIO and are published in their annual report, so that is where we reference the "probable" category. It is really clear, I think, that this is a whole-of-government view, and our counterterrorism strategy goes across the whole of government. Of course there is a very big engagement from police, for example, through their engagement in a hate crime unit, where they are actively working on this area. But as the secretary pointed out, a number of our programs take the view that we do not want any young people involved in any type of extremism and that we will actively work with the community to prevent that wherever the basis of the extremism comes from.

The Hon. SHAOQUETT MOSELMANE: What I am struggling to grapple with is that people from the Islamic community, the Jewish community and the Asian community who are now suffering significant hate attacks and hate crimes will have cold comfort from this interpretation that it is "low". I mean, the reality is for them that the significant number of individual attacks is, according to the Lowy Institute, 18 per cent, particularly on the Asian community. This is only physical attacks at this point, but it is obviously growing.

The Hon. TREVOR KHAN: You cannot conflate the Lowy report with other things.

The Hon. SHAOQUETT MOSELMANE: Are you taking a point of order?

The Hon. TREVOR KHAN: Yes, I am. You are treading very dangerously.

The CHAIR: Order! Interjections are disorderly at all times.

The Hon. SHAOQUETT MOSELMANE: Correct.

The Hon. TREVOR KHAN: Fair enough.

The Hon. SHAOQUETT MOSELMANE: The Minister can respond to that.

Mr ANTHONY ROBERTS: So are you speaking about the Lowy report from the Lowy Institute?

Mr COUTTS-TROTTER: I think you have heard the word "low" and have built something from that. "Probable" is a threat assessment across the whole ideological landscape. ASIO is on the record as saying that Sunni extremism still represents the primary threat but has been really explicit about the serious threat posed by far-right extremism and the fact that far-right extremism has been on the rise and will remain an enduring threat in Australia. From the first countering violent extremism strategy in New South Wales in 2015, the Government

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has been agnostic to the source of threat. There have been programs funded from 2015 onwards that directly address the very real threat of far-right extremism. As is obvious from police charging in New South Wales, the New South Wales police have been very, very active in disrupting far-right groups.

The Hon. SHAOQUETT MOSELMANE: Where are those far-right groups based in New South Wales?

Mr ANTHONY ROBERTS: I would be more comfortable if that was—it is probably more appropriate for the New South Wales police to answer that question.

The Hon. SHAOQUETT MOSELMANE: As the Minister responsible for counterterrorism you would obviously know where the activities of far-right groups are. Is it western Sydney, where there is growth in various migrant communities? Where is the growth?

The Hon. TREVOR KHAN: Point of order: The Minister has answered the question. He has indicated that the question should be referred to the police Minister. That is the answer.

Mr ANTHONY ROBERTS: Thank you.

The Hon. SHAOQUETT MOSELMANE: To the point of order: That was a follow-up question and the Minister was about to respond.

The CHAIR: There is no point of order. The member should not be answering on behalf of the Minister.

The Hon. TREVOR KHAN: I was not trying to do that.

The Hon. SHAOQUETT MOSELMANE: Yes, you were.

The CHAIR: No, not often.

Mr ANTHONY ROBERTS: As I made it clear at the start, I am responsible for driving the Government's strategic policy agenda on counterterrorism. The questions that you are now asking are more appropriate to be directed to the police Minister. I would feel more comfortable.

The Hon. SHAOQUETT MOSELMANE: You would feel more comfortable if it was directed to the police?

Mr ANTHONY ROBERTS: Look, for security reasons I am not about to discuss aspects of our counterterrorism arrangements publicly.

The Hon. SHAOQUETT MOSELMANE: Mr Coutts-Trotter?

Mr COUTTS-TROTTER: The published report of the research the Minister commissioned through Macquarie University confirms what many other experts in the field have identified, which is: Who is vulnerable to engagement with right-wing extremism, how does that happen and how do people become influenced towards those extremist world views? The cohort is largely young men from 18 to 30. We are seeing what has been described as a "weaponisation of irony". If you look at far-right groups in the US, if you look at far-right online activity in Australia and New South Wales, there are a lot of internet memes, there is a lot of shocking speech and it enables people to actually espouse hateful extremist views while pretending that it is just ironic, that it is just a joke. So there are patterns to this that we are seeing in the US, we are seeing in Europe and we are seeing unfortunately in Australia. That then is really important input into the kind of work that my colleague Ms Walker was talking about, which is how you work with young people to understand the points of influence and help them better challenge fake news, conspiracy theories and the crazy internet wormholes that from time to time young people get dragged down.

The Hon. SHAOQUETT MOSELMANE: Minister, the deradicalisation policy was targeted predominantly at members of the Muslim community. Is there a program now being developed to target white supremacists?

Mr ANTHONY ROBERTS: The answer is yes. As Ms Walker pointed out, we are now engaging across all communities around social media. Can I again say—while I am not going to publicly disclose the locations of potential threats or extremist groups—Mr Coutts-Trotter and Ms Walker made it very clear that unfortunately now the locations are not necessarily geographical; they are more cyber-based. As you stated quite correctly, COVID-19 had a lot of people on the computer looking at a lot of crazy, strange things. Ms Walker, do you want to outline further what we are doing again to engage everyone about empowering them and probably hardening the target against extremism?

Ms WALKER: There are a number of online facilities that we have—including "stop the hate", which has been relaunched as a digital platform—to encourage young people to think critically about some of the

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information they are observing from the internet. As the secretary mentioned, there is a lot of information out there that is compelling to young people. The more that we can raise the profile through both the Department of Education and the programs that they run and also social media campaigns—to inform young people that there are other considerations when they are taking on information from the internet. I think that we have seen that work effectively through the Department of Education and also through Multicultural NSW. This is a really consistent and concerted effort to use digital platforms—because that is where we know young people get their information—to completely challenge the ideologies that they are seeing.

The Hon. SHAOQUETT MOSELMANE: The reason I ask, Minister, is because I need to understand how much money you are actually allocating to deradicalisation amongst areas where white supremacists are dominant. I know that now they use electronic means all over Australia. But in terms of focusing and honing in on areas where white supremacists are dominant, is there a funded program? And how much money is being spent on deradicalisation amongst those potential targets of white supremacists?

Mr COUTTS-TROTTER: I am happy to take on notice—

Mr ANTHONY ROBERTS: The exact amount.

Mr COUTTS-TROTTER: —details of the exact amounts across the Community Partnership Action [COMPACT] program and other elements of the countering violent extremism strategy. Just to reiterate, it has been a strong focus from the get-go, from 2015 onwards.

The Hon. SHAOQUETT MOSELMANE: Is there a policy specific to white supremacists?

Mr ANTHONY ROBERTS: We are agnostic when it comes to extremism. This is about fighting extremism at all levels.

The Hon. SHAOQUETT MOSELMANE: Fighting one group and understanding their ideology is one thing; fighting another group that is on the rise and understanding their ideology is another. People need to understand—this is new to me about boogaloo. It was new to you. There are probably others that are on the rise that we do not know about. These areas of white supremacist organisations on the rise need to be understood by your Government—by you, Minister, and the whole of Government—not just us.

Mr ANTHONY ROBERTS: Just by way of figuring, I am happy to take on notice what sort of breakdowns we do have. In the first three years the New South Wales COMPACT program reached over 40,000 young people through 24 community-based youth projects. I am happy to get a breakdown on that. Community Action for Preventing Extremism, which was the CAPE program, specifically targeted far Right extremism. Again we have expended another almost \$14 million in this area over the next four years to expand that. But I am happy to take it on notice, unless you want to add something else?

Mr COUTTS-TROTTER: Well, no. We will be coming back with details about the change to the Radicalisation and Extremism Awareness Program, which trains staff in Corrections and Youth Justice to recognise and report on all indicators of radicalisation, including indicators of far Right extremism. So we have had nearly 8,500 Corrective staff trained through that program and around 1,600 staff in Youth Justice. It does have a specific component to try and help people recognise signs of far Right radicalisation. So there are a range of things that have been taking place and will continue to take place because far Right extremism is a very real threat in our community.

The Hon. SHAOQUETT MOSELMANE: Minister, Australia is the only Five Eyes country that has not listed any right-wing extremist organisations as terrorist organisations. Why is that, Minister, given that Canada has, for example, listed the Proud Boys as one?

Mr ANTHONY ROBERTS: Just with respect to that, the Federal Government has made the announcement that it is now looking at—

Mr COUTTS-TROTTER: Sonnenkrieg.

Mr ANTHONY ROBERTS: —Sonnenkrieg.

The Hon. SHAOQUETT MOSELMANE: What is that again? I am sorry, Minister. What was that?

Mr ANTHONY ROBERTS: So they are proscribing Sonnenkrieg.

Mr COUTTS-TROTTER: The Commonwealth Minister for Home Affairs indicated he was consulting with States and Territories through, in New South Wales' case, Minister Roberts, to seek our views about a potential listing of a far Right hate group, Sonnenkrieg, as a terrorist organisation.

The Hon. SHAOQUETT MOSELMANE: Is that a New South Wales-based organisation?

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Mr COUTTS-TROTTER: No, it is—

The Hon. SHAOQUETT MOSELMANE: Across Australia?

Mr COUTTS-TROTTER: It is international, but it is present across Australia.

The Hon. SHAOQUETT MOSELMANE: Can you tell us a bit more about it? I do not know much about it. Can you elaborate on this organisation?

Mr COUTTS-TROTTER: I am happy to provide some details for you this afternoon.

The Hon. TREVOR KHAN: It was in the paper this week.

Mr COUTTS-TROTTER: Yes.

The Hon. SHAOQUETT MOSELMANE: Why has Australia not, for example, like Canada, listed the Proud Boys as part of the—

The Hon. TREVOR KHAN: Point of order: This member is asking public servants and a Minister of the New South Wales Government about what Australia is doing.

The Hon. SHAOQUETT MOSELMANE: No, I am asking the Minister, who is in collaboration with the Commonwealth Government—

The CHAIR: Again, that is not a point of order, Mr Khan. You know that.

The Hon. TREVOR KHAN: Sorry. My frustration is getting the better of me.

The CHAIR: The Minister or his delegates can answer, if they see fit, for Australia or Victoria or anywhere else they like—or not.

The Hon. SHAOQUETT MOSELMANE: Correct, and he can tell me, "Not the case."

The Hon. NATASHA MACLAREN-JONES: Why don't we just ask about another country?

The CHAIR: We have a lot of time. There is another hour to go.

The Hon. TREVOR KHAN: I will restrain myself.

The Hon. NATASHA MACLAREN-JONES: They are running out of questions.

The Hon. SHAOQUETT MOSELMANE: Thank you, Chair.

Mr ANTHONY ROBERTS: So, by way of assistance, terrorist organisations are listed in the Criminal Code Act 1995. For an organisation to be listed the Commonwealth Minister for Home Affairs must be satisfied on reasonable grounds that the organisation is directly engaged in or preparing, planning, assisting or fostering the doing of a terrorist act, or advocates the doing of a terrorist act. What we do in New South Wales is provide advice and intelligence to the Commonwealth about the listing or re-listing of terrorist organisations. That was set out in the Intergovernmental Agreement on Counter-Terrorism Laws in 2004. In New South Wales I respond to the Commonwealth on behalf of the Premier, but any operational issues around this right-wing organisation is best directed to the police Minister.

The Hon. SHAOQUETT MOSELMANE: But do you see the Proud Boys as a dangerous organisation?

Mr ANTHONY ROBERTS: I would direct your question to the police Minister.

The Hon. SHAOQUETT MOSELMANE: My question is with regards to potential counterterrorism threats from such an organisation. Do you not think that this organisation could be a threat to the people of New South Wales, as you are the Minister for Counter Terrorism and Corrections?

Mr ANTHONY ROBERTS: For security reasons I am not going to start discussing aspects of our counterterrorism arrangements publicly. That sort of information should be sought from—if they are prepared to give it—the relevant authorities. I direct that question again to the police Minister.

The Hon. SHAOQUETT MOSELMANE: I will ask one more question; further questions I will pass to my colleague. Minister, are you aware of any links between any right-wing extremist organisations and outlaw motorcycle gangs?

Mr ANTHONY ROBERTS: Again, I am not going to discuss or comment on individual matters or cases or investigations that are underway.

The Hon. SHAOQUETT MOSELMANE: Not naming any matters—just a general, broad question.

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Mr ANTHONY ROBERTS: I am not going to discuss any potential matters or comment on individual cases or any potential investigations that may or may not be underway. Again, that question is best directed to the police Minister.

The Hon. SHAOQUETT MOSELMANE: Thank you.

The Hon. ROSE JACKSON: Just a quick follow-up question in relation to partly counterterrorism and partly corrections. Are you aware of any updates in relation to the possible relocation of the New Zealand terrorist to Australia to serve the remainder of his life without parole prison sentence here?

Mr ANTHONY ROBERTS: No, I am not. Commissioner?

Commissioner SEVERIN: No, not at this point in time.

The Hon. ROSE JACKSON: Thank you. I just wanted to check if there had been any update on that discussion. Minister, I just wanted to clarify in relation to the SIRA report that we have been discussing—I appreciate you have not read it, but were you advised of its existence? Were you aware that it existed?

Mr ANTHONY ROBERTS: I would have to take that on notice.

The Hon. ROSE JACKSON: You do not recall anyone in your office briefing you verbally or providing you a written brief? You have no recollection of that?

Mr ANTHONY ROBERTS: Not to my recollection, no.

The Hon. ROSE JACKSON: No-one advised you specifically not to read it?

Mr ANTHONY ROBERTS: No.

The Hon. ROSE JACKSON: Do you recall anyone saying, "Look, it's best if you don't read it"?

Mr ANTHONY ROBERTS: No.

The Hon. ROSE JACKSON: No, thank you. I just wanted to clarify.

The Hon. NATASHA MACLAREN-JONES: Clearly the way they operate in Labor.

The Hon. ROSE JACKSON: In relation to Corrective Services' engagement with SIRA for the report, Minister, were you aware or did you receive any briefing when Corrective Services claimed public interest immunity over the entire 800-document bundle that it provided to SIRA in the course of its investigation?

Mr ANTHONY ROBERTS: No.

The Hon. ROSE JACKSON: I ask because public interest immunity is, obviously, slightly more than just an operational matter; it is a public policy issue. Public interest immunity requests or claims must be approved by the Solicitor-General or the Crown Solicitor, not by the Minister, so I did wonder whether that had gone through your office. You are saying it has not.

Mr ANTHONY ROBERTS: Not that I am aware of.

The Hon. ROSE JACKSON: Commissioner Severin or Mr Coutts-Trotter, can you shed any light on what the public interest against disclosure to SIRA—that was not, obviously, a public disclosure to the extent that it was in open court. SIRA requested documents and Corrective Services claimed public interest immunity over the entire 800-document bundle. Can you shed any light on what that request for public interest immunity was based on?

Mr COUTTS-TROTTER: To the best of my recollection, when I became aware of that issue I said we should provide the documents to SIRA, and to the best of my recollection, we did.

The Hon. ROSE JACKSON: When was that?

Mr COUTTS-TROTTER: Sometime last year.

The Hon. ROSE JACKSON: This report, which was dated 12 October—as at the date of this report that information had not been provided. Do you recall whether it was prior to mid-October last year?

Mr COUTTS-TROTTER: I take at face value what you are reporting. I have a recollection of the issue being raised with me, and my decision was that we should release the material to SIRA.

The Hon. ROSE JACKSON: As you have indicated, you understand that has occurred.

Mr COUTTS-TROTTER: I think so, yes.

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The Hon. ROSE JACKSON: Who made the decision in the first place to refuse to cooperate with SIRA and claim public interest immunity over the entire documents? Where did that decision originate?

Mr COUTTS-TROTTER: I do not know, but I am happy to take that on notice and provide it to you.

The Hon. ROSE JACKSON: Prior to you indicating that you did not wish to pursue that claim of public interest immunity, was advice being sought from the Crown Solicitor? Had any engagement to follow the proper process about public interest immunity commenced?

Mr COUTTS-TROTTER: I cannot confirm so, again, I will take that on notice.

The Hon. ROSE JACKSON: As I have asked, there are two reports that are certainly final in relation to this matter: the KPMG report and the Project Twining report. There is one that SIRA believes it has completed but, obviously, we have heard you believe there is still a discussion ongoing about its contents. If, once that is resolved, there is an intention to take action against individuals who have committed misconduct, how will that be managed within Corrective Services, Commissioner Severin? Would you oversee that? In the normal course of events, would you oversee those kinds of misconduct matters?

Commissioner SEVERIN: Generally, if there are issues of alleged misconduct, there is an investigation that occurs by the Investigations Branch or it is dealt with through the Professional Standards Branch. In this case, obviously, we are not dealing just with Corrective Services NSW employees; we are dealing with departmental employees—a mixture. It would ultimately be a conversation that I would have with the secretary as to how this is best dealt with in the context of what may come out of it. At this point in time, certainly, the people who have been identified in the report, like you mentioned, have not had the opportunity to ever put forward their views.

Mr ANTHONY ROBERTS: So it depends on the outcome.

Commissioner SEVERIN: Absolutely.

The Hon. ROSE JACKSON: Some of the individuals who work at Corrective Services are more senior individuals, but some of them working in the injury management unit are lower down the reporting line. Would any potential misconduct investigations into those people be overseen by the assistant commissioner? Within the normal chain of command in Corrective Services, is that the person who would oversee misconduct matters of that nature?

Commissioner SEVERIN: The assistant commissioner has absolutely no line responsibility for any person who might have been involved in injury prevention management in this particular case.

The Hon. ROSE JACKSON: I appreciate your comments and your clear concern that those individuals have not had the opportunity to respond to some of the things. Does it concern you then that one of the things that SIRA found in relation to Corrective Services' management of the workers compensation claim was that a particular lawyer was the preferred lawyer and that that person, the lawyer, was instructed not to take evidence from, for example, some of the workers involved in the incident? Would that concern you?

Commissioner SEVERIN: Again, the responsibility for managing that aspect was not one of the issues I had anything to do with. So, again, I am happy to take that on notice, and I will get back to you on the record.

The Hon. ROSE JACKSON: I am not suggesting it was your decision to do that. In fact, it is clear from the SIRA report that those instructions in relation to what lawyer to use, what doctors to use, what to ask the doctors, who the lawyers were to talk to, were not coming from you. But you have seen this report, and those decisions are documented in this report. When you read that, does it concern you that that is the way that staff in Corrective Services are managing workers compensation claims?

Commissioner SEVERIN: Again, the management of workers compensation claims is a generic function within the department, not a function of Corrective Services. That is not to say that I do not have views. Obviously, they are a service provider. They provide a service to Corrective Services, as they do to every other part of the department. If there is evidence and it is conclusive that staff have acted inappropriately, that will be dealt with.

The Hon. ROSE JACKSON: Minister, I will put this to you. One of the things that comes out of the report is, as I have said, we have discussed—a key theme in the report is that Corrective Services colluded with QBE, as an agent of SICorp, the Treasury self-managed workers compensation scheme, to deny legitimate claims. That is a key finding of this report. We have discussed the fact that that is somewhat contested. This is a comment from someone identified in the report as working for Corrective Services NSW, giving instructions to QBE to delay the claim:

... that's the way Corrective Services wants to go.'

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...

'It's not just ... —

myself, as the person communicating—

it's the hierarchy, above, way above us (both laugh),—

that is from the transcript of the phone call—

it is two more levels above us'.

That is someone from Corrective Services.

Mr ANTHONY ROBERTS: At what level?

The Hon. ROSE JACKSON: Well, that is my question to you. At what level are these injury management staff at Corrective Services, and who are two levels above them? They are identifying the instructions in relation to denying legitimate workers compensation claims as originating—they are identifying themselves as following instructions from "the hierarchy". Can we shed any light on who that might be in reference to?

Commissioner SEVERIN: I can only talk about the hierarchical arrangements. I have no idea which individuals may be referenced here. The injury prevention management officer who would have dealt with that reports to a manager who reports to a director who reports to an executive director of human resources or people. That is the hierarchy within injury prevention and management.

The Hon. ROSE JACKSON: Are those people all within Corrective Services or are some of them departmental staff?

Commissioner SEVERIN: None of them.

Mr COUTTS-TROTTER: So—

The Hon. ROSE JACKSON: Mr Coutts-Trotter does that; it is a bit confusing because they are being identified—

The Hon. TREVOR KHAN: He is trying to answer you.

Mr COUTTS-TROTTER: No, this of course precedes the creation of the Department of Communities and Justice so I am unfamiliar with the details of the relationships within the then Department of Justice. But within the Department of Communities and Justice, as my colleague Peter Severin indicates, the workplace injury strategy is something that needs to be led by the most senior leaders in the department but its implementation is carried out largely through our human resources stream. We have changed both—we are looking at further changing the operating model but we have changed the way things work even since the new department was created in May 2019. So it has changed very significantly from the arrangements that applied within the Department of Justice.

The Hon. ROSE JACKSON: Just one more follow-up question: If an investigation is initiated into the individuals in Corrective Services who are alleged to have illegally colluded to deny a legitimate workers compensation scheme and they have identified people higher up in the hierarchy—not named, identified as "two levels above us"—as to who was giving them instructions, will you seek to identify who those people are to ensure that the senior people who issued these instructions to behave in this way are properly identified and action is taken against them?

Mr ANTHONY ROBERTS: It sounds like a hypothetical. Could I just maybe ask you to rephrase it?

The Hon. ROSE JACKSON: This report has identified unnamed individuals in the senior hierarchy of Corrective Services—although I accept that they may have been staff from the Department of Justice—who issued instructions to more junior staff to behave in this way—

The Hon. TREVOR KHAN: No, it does not. It relates to a conversation where an assertion was made. That is all.

The Hon. ROSE JACKSON: An assertion is made that more senior staff instructed junior staff to behave in this way. Will you ensure that those people are identified and face proper accountability for their behaviour in the course of the investigation, which I am sure will eventuate?

Mr COUTTS-TROTTER: Well, I do not concede that but I have an open mind to that possibility. The most important thing is that we have a culture in the organisation that helps prevent injury and rapidly, compassionately and appropriately responds to people who are injured. What is clear from the unhappy history—the terrible history for three individuals of this case—is that there were opportunities to deal with this differently

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and a whole lot better. That raises systemic questions and the organisation needs to have confidence in its leadership that we are open, that we are transparent and that we are serious about these things.

I would simply give you my assurance that we and I will behave in a way that is congruent with that. I will exercise my authority appropriately to ensure that people can have that confidence in the organisation. We are not here to cover up, we are not here to be defensive about lessons that we need to learn from past experience. We do not want that to happen again. We do not want anybody to have the experience that those three men had at different points in time in our response.

The CHAIR: Minister, Corrections had a Premier's priority to reduce reoffending under Mike Baird and now another priority to reduce reoffending under the current Premier. Did you actually ever achieve Mr Baird's priorities?

Mr ANTHONY ROBERTS: On 28 June 2019 our Premier announced a new Premier's priority aimed at reducing recidivism in the prison population. That entails a number of key elements, including the bedding down of components of the 2016 strategy. With respect to, again, the measuring of these, the reoffending rate is reported quarterly and the most recent bulk data, again, is the prisoners released from custody in the 12 months prior to November 2019. We are seeing a trend—the average annual reoffending rate for prisoners released trending down. Again, this is the second consecutive quarter. The trend can be attributed to the Government's \$330 million investment in the 2016 to 2020 period. The introduction of initiatives such as High Intensity Program Units and case management of the Practice Guide for Intervention [PGI] for offenders on community supervision appear to have successfully supported the rehabilitation of offenders. Again, what we have to take into account is that it is important to recognise the reoffending measure is, again, retrospective as it is measured from the 12-month period after release from custody and a further six months is required for courts to make determinations. That means we are only now starting to see the benefits of—

Mr DAVID SHOEBRIDGE: Point of order: I feel like I have stepped into a time warp—those exact words were put on record half an hour ago.

Mr ANTHONY ROBERTS: We are talking about the reduction of reoffending rates.

Mr DAVID SHOEBRIDGE: Those exact words—you put these exact words on record half an hour ago.

The Hon. TREVOR KHAN: I do not think so, no.

Mr DAVID SHOEBRIDGE: Okay, well, the transcript will show.

Mr ANTHONY ROBERTS: The key elements of the strategy were the bedding down of the components of the 2016 strategy, increasing access to—

The CHAIR: How is this reflective in the current Premier's strategy?

Mr ANTHONY ROBERTS: We are continuing to see a trending down. So there is actually a time lag for actually measuring reoffending rates. That time lag is—

Mr COUTTS-TROTTER: It is about 18 months.

Mr ANTHONY ROBERTS: Yes, about 18 months until we are able to see, able to measure those reoffenders or people who do not reoffend. The specific reforms that were introduced in the 2016-2020 strategy were the new custodial case management model and that established a new case management for offenders, whether they were under community correction, supervision or in custody so that they could be continually targeted for the intervention and programs they needed most and when they needed it. The Practice Guide for Intervention was implemented in 2016-17 to improve the delivery of cognitive behavioural interventions as part of one-on-one interventions with offenders in the community who were under community correction supervision. Targets for that Practice Guide for Intervention have been continually and consistently met throughout 2019, with some almost 270,000 supervision sessions delivered in the calendar year. So the NSW Bureau of Crime Statistics and Research undertook formal statistical evaluation of the changes in supervision impact on reoffending in 2016-17.

While BOCSAR did not find a statistically significant change in the effectiveness of the supervision, they found a three percentage point reduction in parolees returning to custody within 12 months of release. So that result reflects on the early stages of PGI implementation when the quality of delivery was still being developed and work is continuing to improve the quality of implementation. Then we have the High Intensity Program Units and Local Coordinated Multiagency offender management—again, a multi-agency initiative that is delivering results. That involves our health, community services, police and community corrections and they work in partnership to arrange access to interventions that help reduce a participant's risk of reoffending and improve

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community safety. Again, it has been commenced in three sites in 2017 and now there is a total of 10 sites. Commissioner, did you want to add to that?

Commissioner SEVERIN: No, I think you have summarised it well.

The CHAIR: Minister, turning to another question—and maybe Mr Severin is the one who can probably better answer this one—what measures has Corrections had to introduce to the Corrections firing range after it was found that many people, including MPs, were using the range?

The Hon. TREVOR KHAN: Not me!

The CHAIR: I am not pointing any fingers.

The Hon. ROSE JACKSON: It was David Elliott.

Commissioner SEVERIN: We provided comprehensive information to the NSW Police Force as part of their investigation. In that context we also updated procedures to be very clear about third-party use of the range. We, by the way, had not had any third-party use of the range since that time and so, in essence, for us it is a new set of procedures—updated procedures. We also obviously fully cooperated with the police investigation that—

The CHAIR: Is the range actually properly licensed by registry now, as every other range in the State is?

Commissioner SEVERIN: It is.

The CHAIR: What conditions are on the range?

Commissioner SEVERIN: I need to take that on notice—the detail of that.

The CHAIR: Yes, I would like—

Mr DAVID SHOEBRIDGE: Do you still give some machine guns to Ministers?

Commissioner SEVERIN: I will take that on notice.

Mr DAVID SHOEBRIDGE: I would have thought a "no" would have been a fairly easy answer on that.

Mr ANTHONY ROBERTS: No, we will take it on notice.

Mr DAVID SHOEBRIDGE: Unbelievable.

The CHAIR: Your earlier answer probably answered that one. The range is basically now restricted for use to correctional officers themselves?

Commissioner SEVERIN: It is, at the moment, only being used for the training and re-accreditation of correctional staff. If we wanted to use it for any other use, there are mechanisms in place to do that in a lawful way. But we have no intention to do so.

The CHAIR: I would have thought, because of the location of the range, it would be a very good place to do training and experience work for police officers, for example.

Commissioner SEVERIN: Police officers have used the range and this is again very much consistent with the legal requirements. It is not a regular occurrence because our range is literally booked out all the time by Corrective Services.

The CHAIR: Turning now to X-ray machines, what are you actually aiming to achieve by having X-ray machines installed in prisons?

Mr ANTHONY ROBERTS: I will pass on the operational side to the Commissioner but can I tell you, what came very much out of COVID-19 in the reduction of visitors, as I mentioned before, was reduction in contraband in jails. It is so critical for us to keep contraband out, such as weapons, drugs, mobile phones, SIM cards and other paraphernalia. So we learnt a few lessons there. We saw a reduction in the amount of contraband being found in the jails. We saw very much, speaking to inmates as well as prison officers, that with the reduction in drugs you had prisoners now properly participating more in programs. There was certainly a better uptake and better response around that, and that was a very positive outcome. We did see, however, a rise in contraband through mail as prisoners tried to work around the new system and the new world. But certainly with respect to the scanners, we received from the State Government—thank you, Treasurer and Premier—money to roll out full body scanners across a number of centres—

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The CHAIR: Do you intend using the scanners on visitors as well? And families?

Mr ANTHONY ROBERTS: That is the end goal here. Again, you speak to any family that is visiting a prisoner. It can be incredibly traumatic visiting a prisoner. Of course, on top of that, you have the potential pressure that is put on family members to bring in contraband. That might not be from the actual prisoner themselves but a friend of the prisoner. So in order to reduce that trauma, to make prisons run a lot more effectively and to keep that paraphernalia out of the prisons, that is our intention to roll it out.

The CHAIR: This may be a question and a comment. Full body scanners at the airport, or course, are set to detect metal. That is relatively easy but how do you set it to detect drugs, for example?

The Hon. TREVOR KHAN: Definitely operational, that one.

Mr ANTHONY ROBERTS: The Commissioner has done a large amount of work on this.

The CHAIR: I listen.

Mr ANTHONY ROBERTS: I will pass on to the Commissioner for that. But also what we are doing now is we are photocopying mail that comes in. It could be paintings and so forth because, again, they were being used—postal services were being used—to get drugs into prison. So they are now photocopied, the originals destroyed and then the copies passed on to the prisoners. But with respect to the X-ray machines—

The CHAIR: Sorry, could you just elucidate that. You are photocopying the mail and then giving the inmate the photocopy.

Mr ANTHONY ROBERTS: Correct.

The CHAIR: And the authorities are hanging onto the original.

Mr ANTHONY ROBERTS: No, we destroy it.

The CHAIR: You destroy it?

The Hon. TREVOR KHAN: Because you can impregnate the paper.

The CHAIR: Because it is impregnated with some sort of drug or something. Or it might be secret writing on there or something.

Mr ANTHONY ROBERTS: No, mostly just impregnated with drugs.

The CHAIR: Drugs, yes. Sorry. Commissioner?

Commissioner SEVERIN: Thank you, Chair. The difference between the machines that you find at airports and these—these are X-ray machines. So they do use radiation, however, in a very, very low dose and all regulated through the Environment Protection Authority. We are currently seeking final EPA approval for one of the machines that is an even lower dose than the original one that we looked at and that will allow us to then use the machine on women and visitors. It is going to be a significant enhancement in relation to detecting contraband in a non-intrusive way. My personal objective is also to eliminate, as much as is possible, the need for strip searches of women offenders.

The CHAIR: That was the next question. When you are having prisoners moving from one part of a prison to another part of a prison, is it the intention to also screen them through these devices?

Commissioner SEVERIN: No, not on regular movement but certainly on reception and following visits and as required if there is any suspicion. To give you an indication from the machines that we are currently using—and I am not going to bore you with the technical detail but—

Mr ANTHONY ROBERTS: Bore us.

The CHAIR: No, please bore us.

Commissioner SEVERIN: It is about really the safe limits. We have a licence to operate the machines per person of one millisievert per annum. That is 1,000 microsieverts. So each time you undergo a scan, that equates to 2 microsieverts. As you would understand, there would be many scans you could do until the 1,000 microsieverts, or one millisievert, are reached. The new machines that we are looking at—the ultra-low setting has 0.25 of a microsievert. So it is a much lower risk and there is no risk to anybody at that point in time. The real advantage of the machines is that we can use them as a non-intrusive way of detecting contraband, and even going further that we do not have to in all likelihood use strip searches, for which every correctional jurisdiction has been criticised, on female offenders going forward.

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The CHAIR: Thank you. Just statistics-wise, what is the inmate count at the moment—the headcount? You usually have that to hand.

Mr ANTHONY ROBERTS: We have 4,114—this is as at Sunday 21 February—remand. You could probably give us the up-to-date, as of today—

Commissioner SEVERIN: The total number is 13,105 in custody at midnight last night.

Mr ANTHONY ROBERTS: Which is down from 13,197 as of 21 February.

The CHAIR: And last year? Do you know what the comparative is?

Commissioner SEVERIN: The detail on the day I would have to take on notice but it would have been in the low 14,000s. The COVID pandemic has had an impact on prisoner population. We went down as low as 12,800 or thereabouts and we have since then climbed again between 400 and 500, and the trend is going up.

The CHAIR: And the staffing headcount?

Mr ANTHONY ROBERTS: So just going back to your prison population question, as of 2019 the last Sunday of June it was 13,544. In 2020 it was 12,883. But the staffing count from June 2018 was 8,808 and in February of 2021 it was 10,116.

The CHAIR: So it is still well up there.

Mr ANTHONY ROBERTS: This is staffing.

The CHAIR: I beg your pardon. That was staffing. Okay.

Mr ANTHONY ROBERTS: Yes, it is good news—mostly in rural and regional New South Wales.

The CHAIR: Yes, I know. That was my next question. How has the process of new prison development and the building program that has been ongoing for quite a while proceeding?

Mr ANTHONY ROBERTS: I must say exceptionally well.

The CHAIR: This Government spends a lot of money on imprisonment.

The Hon. ROSE JACKSON: Yes.

Mr ANTHONY ROBERTS: Well, we are. But I am pleased to say—as we have mentioned before, there are some prisons that were part of our prison fleet that were no longer fit for purpose. They were old. They were not necessarily terribly safe for inmates, let alone staff. Programs were no longer being able to be carried out there efficiently so we made a decision to retire part of the ageing fleet and, of course, they were replaced with a new fleet of purpose-built prisons. The ones particularly in the bush—in Brewarrina an agreement has been reached with the NSW Aboriginal Land Council to resolve a land title claim there on the site. It has been agreed to subdivide the almost 10,500 hectares so it can benefit Brewarrina traditional landowners while continuing to provide jobs for the community. Around half of the site is proposed to transfer to the Brewarrina Aboriginal Land Council.

The CHAIR: Is that the old prison site you are talking about?

Mr ANTHONY ROBERTS: No, this is a separate site. That is the other half. It includes an area of some incredible wetlands there. The remaining property, including the correctional centre buildings, will be transferred to Brewarrina Shire Council under the community use policy and under that policy council has an agreement to lease the facilities to Orana Haven to establish a recreational drug and alcohol rehabilitation program for women, which is great news. Finalisation for the future use for Brewarrina has been, I have got to say—

The CHAIR: I am told that was all the instigation of that excellent local member.

Mr ANTHONY ROBERTS: Yes, Roy Butler.

The CHAIR: Roy Butler, yes.

Mr ANTHONY ROBERTS: Yes, he is a fantastic local member. I want to thank him and the community. We worked very closely in repurposing not just Brewarrina but also Ivanhoe. We have got a great landing through the shire council and Roy to provide a much-needed service that will service actually the local population and the local country. Of course, at Ivanhoe I am pleased to say that, working very hard—and do not forget this is in the middle of COVID, where you saw a lot of reduction and restrictions in operations just broadly around service provision and industry. We are about to land an in-principle agreement that is looking at about a 10-year lease site to Tronox mining as a base for workers employed at a newly established mining operation there.

CORRECTED

Department of Planning, Industry and Environment [DPIE] and Tronox are in the final negotiations there, but that will see a great result for the Ivanhoe community.

Again, this has been some great work done by DPIE, my department and the local community and member looking around and finding—just as Ivanhoe was established there very much around—there was a rail workers camp there that became not fit for purpose anymore. A prison went there. It was no longer fit for purpose and now we will have about 30-odd jobs there in Ivanhoe, which is about double almost thereabouts the amount of jobs that were there before. Again, this is what happens when you have got a local member who works closely with you and he has just been incredibly supportive all the way.

Mr DAVID SHOEBRIDGE: Minister, were there any provisions under the COVID rules specifically to keep women with dependent children in connection with their families?

Mr ANTHONY ROBERTS: Commissioner?

Commissioner SEVERIN: There were no specific arrangements other than the use obviously of the video visits as a result of cancelling the family visits. We quite proactively ensured that there was a lot of flexibility there in terms of timing of those visits to compensate for the inability of the mothers to actually be physically together with their children during that period of time.

Mr DAVID SHOEBRIDGE: Well, Commissioner, the last data that I saw showed that over half of the women in prison actually have dependent children. Do you know what the current data is or proportion of women in prison?

Commissioner SEVERIN: I will take that on notice.

Mr DAVID SHOEBRIDGE: But it would be right, would it not, that the majority of women in prison have dependent children? Mr Coutts-Trotter, you might provide us—

Mr COUTTS-TROTTER: From memory, around 65 per cent of women are mothers, but only around 25 per cent had care of their children at the time they came into custody. That is my best recollection, Mr Shoebridge, but we will take it on notice and respond.

Mr DAVID SHOEBRIDGE: Is there any budget being proposed to come up with alternatives to prison to ensure that women, even if they are sentenced or potentially facing a sentence, do not lose the children and then the children become effectively punished by the justice system? Is there a budget in place? Is there a program in place to prevent this?

Mr ANTHONY ROBERTS: There are a number of programs in place, starting with Mothering at a Distance. Then we have the Corrective Services Mothers and Childrens Program. You have got Bolwarra. Then you have got a number of other programs assisting mothers. Mr Coutts-Trotter, did you want to—

Mr COUTTS-TROTTER: I think the most significant impact, Mr Shoebridge, has been the Government's sentencing reforms, which included the introduction of the intensive corrections order, which is imprisonment in the community so it attaches strong supervision-type conditions on people. But for a mother with care responsibilities she is not going to be separated from her children, her children are not going to have their mother separated from them. So BOCSAR is doing an outcomes evaluation on those changes, yet to come later this year, but the initial evaluation of those changes have indicated that, as was the intention, the number of people serving hugely disruptive very short prison sentences has been reduced and that many of those people are now serving prison sentences in the community under intensive corrections orders.

Mr DAVID SHOEBRIDGE: What is the definition of a short prison sentence, Mr Coutts-Trotter?

Mr COUTTS-TROTTER: From memory that was six months or less, yes.

Mr DAVID SHOEBRIDGE: In questions taken on notice in the last estimates hearing, I was advised that of all the prisoners who had completed an intake screening questionnaire [ISQ] in 2019—and this is women inmates—there were 1,610 women with dependent children and 1,055 without dependent children, which would suggest that the overwhelming majority have dependent children, Mr Coutts-Trotter. Do you have an update on that figure?

Mr COUTTS-TROTTER: Look, I will—sorry, Peter has got it.

Commissioner SEVERIN: So this is the statistic—1920.

Mr DAVID SHOEBRIDGE: Is this from the ISQ?

Commissioner SEVERIN: This is from our intake assessment.

CORRECTED

Mr DAVID SHOEBRIDGE: Yes.

Commissioner SEVERIN: So the percentage of women who had children was 59 per cent and the percentage of those children living with the offender prior to reception was 16 per cent. Those not living with the offender was 46 per cent. Then 36 per cent had no children.

Mr DAVID SHOEBRIDGE: So apart from sentencing reforms, which are all upstream from Correctives, are you able to identify any program, any funding or any new facility in Correctives that is going to prevent children from being irreparably severed from their parents and mothers in particular?

Mr ANTHONY ROBERTS: There is Mothering at a Distance, which is an educational program developed by Tresillian Family Care Centres that aims to enhance the mother-child relationship and increase the mother's knowledge and skills to care for her infant. The remand version of this program is being developed and as I think I mentioned earlier, is being trialled. There is the Corrective Services mothers and children program that offers a range of options for the mums. Eligible women who wish to assume an active parenting role whilst serving a custodial sentence are able to apply to the program. Full-time and a casual residential placement for women and their children is provided at Jacaranda Cottages at Emu Plains Correctional Centre. Program participation is dependent on assessment, of course, of what is best for the child.

Again, can I say that the Emu Plains facility was repurposed to become a dedicated mothers' and children's and work readiness facility for women in November 2020. Repurposing has required a new staffing model for each centre. That was through some fantastic consultation with staff and their representatives. You have the Bolwara Transitional Centre, being a community-based residential pre-release alcohol and other drug program for women where offenders receive intensive case management and participate in programs. Residents also participate in domestic violence programs such as—

Mr DAVID SHOEBRIDGE: My question was about new programs and new policies, Minister, and you seem to be conflating existing with new. Is that right?

Mr ANTHONY ROBERTS: No.

Mr DAVID SHOEBRIDGE: You are conflating the two or are you saying these are all new programs?

Mr ANTHONY ROBERTS: These programs are live programs, they continually change.

Mr DAVID SHOEBRIDGE: My question was not whether they are live or not, my question was new.

Mr ANTHONY ROBERTS: Commissioner?

Commissioner SEVERIN: There are a couple of initiatives that I think are very important to mention. The first one was already mentioned earlier today and that is that we have co-located case workers from Family and Community Services with Corrective Services facilities to facilitate women having the ability to have their children in their own care upon release. Another initiative is underway at the moment but it is a—

Mr DAVID SHOEBRIDGE: Just stopping you there, those case officers that are new, I think there are five. Is that right?

Mr ANTHONY ROBERTS: Five in six centres.

Mr DAVID SHOEBRIDGE: But there are none in the majority of regional Corrective Services facilities—regional prisons tend to not have one?

Commissioner SEVERIN: At this point in time we have got them in mid North Coast, Wellington and Clarence, so that is regional. Mid North Coast is Kempsey. Wellington obviously is in the west and Clarence is in Grafton. I was going to focus on a policy review that is currently underway. Section 26 of the Act allows suitable women to serve their sentence in the community in the context of them being mothers and being there to care for their children. We are looking at, if we can, possibly extending the use of that provision in a meaningful way and what that would look like, which would mean that while it is not a program that would stop a person being sentenced to a term of imprisonment, it would allow the offender to serve their time at home.

Mr DAVID SHOEBRIDGE: Minister, the Australian Productivity Commission releases regular reports on government services and in its 2020 report on prisoner education and training it showed that New South Wales has the most woeful record of any jurisdiction in the country on the proportion of prisoners receiving education or training. Are you aware of the report and are you aware that New South Wales has the worst record in the country?

Mr ANTHONY ROBERTS: Does it actually say "woeful" or is that your descriptor?

CORRECTED

Mr DAVID SHOEBRIDGE: Are you aware of the report and are you aware that New South Wales has the worst record in the country, or are you going to have a semantic argument with me, Minister?

Mr ANTHONY ROBERTS: It depends, it is up to you.

Mr DAVID SHOEBRIDGE: I will tell you why I say woeful. New South Wales has 22.9 per cent.

The Hon. TREVOR KHAN: Point of order: It seems to me the question was asked.

Mr DAVID SHOEBRIDGE: The Minister can give me whatever answer he wants and then I will explain why it is woeful.

Mr ANTHONY ROBERTS: Okay. For what year?

Mr DAVID SHOEBRIDGE: This is the 2020 Productivity Commission report.

Mr ANTHONY ROBERTS: I have to say, we have a very good story to tell in the educational and vocational training in Corrections.

Mr DAVID SHOEBRIDGE: Are you aware of the report? My question is are you aware of the report and are you aware that New South Wales has the worst figure in the country? It is not a general chat.

The Hon. TREVOR KHAN: Point of order: The Minister was starting to answer the question. Whether he had got to the point you like is another thing. The Minister is entitled to answer the question without interruption.

Mr DAVID SHOEBRIDGE: The key qualifier being answer the question, but I accept that.

The CHAIR: I will allow the Minister at least a couple of sentences. Remember, Minister, your answers must be directly relevant.

Mr ANTHONY ROBERTS: Thank you. In 2019-20, 8,986 inmates completed a core skills assessment, and 99 per cent of inmates with a sentence of six months or more were assessed for education participation. And 2,572 inmates participated in the foundation skills program; 582 inmates completed a literacy and numeracy course, and the completion rate for literacy and numeracy courses—

Mr DAVID SHOEBRIDGE: Minister, you are not responding to the question. Point of order: The Minister is not being directly relevant.

Mr ANTHONY ROBERTS: —was 23 per cent.

Mr DAVID SHOEBRIDGE: I asked about the rate of prison education in New South Wales compared to other jurisdictions and a specific report, and he has mentioned neither.

The Hon. TREVOR KHAN: To the point of order: The first part of my response to the point of order is there is no requirement in budget estimates for direct relevance. The standard position is that Ministers are entitled to answer the question as they see fit and, on any basis, I will add, the Minister is being responsive to the question that was asked.

The CHAIR: Budget estimates respond to the same orders as the House.

The Hon. TREVOR KHAN: No, the standing orders with regards to direct relevance does not apply.

Mr DAVID SHOEBRIDGE: I press my point of order.

Mr ANTHONY ROBERTS: The number of inmates participating in vocational training was 3,714, representing 84 per cent of the target of 4,406. Overall the number of enrolments was 5,071, indicating enrolment in one or more vocational training programs per inmate.

Mr DAVID SHOEBRIDGE: Minister, you know that New South Wales had 22.9 per cent of prisoners engaging in education and training in 2018-19, or you would if you had read the report—the lowest in the country. The ACT has 70.8 per cent of prisoners and inmates engaged in education and training. South Australia has 68.6 per cent of prisoners engaged in education and training. New South Wales has the worst record in the country. Are you ashamed of that record?

Commissioner SEVERIN: If I can make a comment there, Mr Shoebridge. I think it is very important to recognise that—

Mr DAVID SHOEBRIDGE: I suppose you have to know about it to be ashamed of it.

Commissioner SEVERIN: —the change that we introduced in 2017 focused our effort and continues to do so very much on literacy and numeracy and those foundational skills. That is clearly in recognition of the

CORRECTED

fact that we have got a very high number of inmates in custody who are functionally literate. We could easily increase participation in what is called our education program by simply doing what happened in the past, and that is anything that involves somebody coming to a classroom and engaging in some form of activity is enrolled in the education program. We do not do that.

Mr DAVID SHOEBRIDGE: Commissioner, you are not responding to the key fact that it is the worst record in the country.

Commissioner SEVERIN: I dispute that. It is a qualitative issue.

Mr DAVID SHOEBRIDGE: It is the Productivity Commission's own data.

Commissioner SEVERIN: That is what I tried to explain. I tried to explain under the Productivity Commission counting rules that there is no distinction in relation to the type and quality of a program. We clearly draw a distinction between an engagement in education and an actual program which ends up providing a tangible outcome. We had an 81 per cent increase in inmates completing literacy and numeracy certificates.

Mr DAVID SHOEBRIDGE: Commissioner, you told us on answer last year that the reason the numbers were so bad was because TAFE NSW does not have the resources—that is, available trainers to meet the request for vocational training programs. That is what you told us last year. Your story has changed.

Commissioner SEVERIN: Yes, absolutely. We have certainly improved significantly in the number of inmates participating and completing vocational training, which has increased 25 per cent. Yes, that is as a result of us obviously working with our service providers, particularly TAFE NSW in increasing the availability of those programs, particularly in the regions. There has been some impact through COVID, which is marginal. It is the same anywhere in Australia. But the key issue here to recognise is that we focus our education on attaining certificates and not simply turning up in a classroom.

Mr DAVID SHOEBRIDGE: I will give you its very focus, because less than a quarter of inmates receive it. That is very focused.

Mr ANTHONY ROBERTS: Mr Shoebidge is comparing apples with oranges.

Mr DAVID SHOEBRIDGE: No, you are refusing to engage with the data from the Australian Productivity Commission and you are ignoring the fact—

Mr ANTHONY ROBERTS: You are comparing apples with oranges.

Mr DAVID SHOEBRIDGE: Let me finish, Minister. You are ignoring the fact that the rate of prisoner education and training in New South Wales is less than a third of that that is found in South Australia and in the ACT. It is the worst in the country and you do not even know the data, Minister, do you? You are not even aware of it until I tell you.

Mr ANTHONY ROBERTS: You are comparing apples with oranges.

The Hon. ROSE JACKSON: I wanted to ask about the mooted new prison in Camellia. What is the status of that facility? Are you going to build it, first question? Yes or no?

Mr ANTHONY ROBERTS: There are a number of options for a new metropolitan facility. A strategic business case for an expanded capacity in the greater Sydney metropolitan area was endorsed by the Expenditure Review Committee in September 2017. The requirement for that additional correctional capacity in Sydney was also acknowledged in the report on the prison population by the Auditor-General in 2019. Corrective Services is currently working with stakeholders to develop options to meet this long-term service need. The options being explored include identification of a suitable site or sites for acquisition within the Sydney metropolitan area to meet the forecast additional capacity needs into the future and/or options for further development of existing metropolitan prison sites.

I can inform you that the final business case is being prepared to assess all options for consideration by the Government in 2021. Prudent planning for strategic options will ensure that the Government is prepared for fluctuations in the prison population. The Government has assessed some 600 sites to date and has identified a number of suitable locations. In answer to your question, the site at Camellia is but one of a number of options that are being considered. The Government will consider the relative merits of all options, including the social and economic impacts, before deciding upon an appropriate strategy. The Government has not decided on a preferred option as of yet. We have a number of options—as I said, there were 600 sites. That will go before a committee of Cabinet, the ERC, to make a determination. I do not have anything before me to add to that.

The Hon. ROSE JACKSON: You have assessed 600 sites. How many of those 600 are still on the list of possible sites? How many has that been whittled down to? Five? Ten? Three hundred? One?

CORRECTED

Commissioner SEVERIN: There are about three to four sites that are still under consideration, and there is a lot of due diligence, obviously, that has to happen. As the Minister said, Camellia is only one of those.

The Hon. ROSE JACKSON: One of those three or four. Is Wollondilly still part of that three or four or have you abandoned Wollondilly as an option?

Mr ANTHONY ROBERTS: I would have to take that on notice. I am not aware.

The Hon. ROSE JACKSON: If it has been removed, was it removed because local people in that area strenuously objected to it being on the list for a potential new prison?

Mr ANTHONY ROBERTS: Again, I will have to take that on notice, but I am not aware of the exact sites. Obviously Camellia, the Commissioner has said, is one of them to be reviewed. But we will look at the social and economic impacts of any decision.

The Hon. ROSE JACKSON: So the member for Wollondilly has not met with you or made any representations to you in relation to the potential Wollondilly site that you are aware of?

Mr ANTHONY ROBERTS: No. I think subsidence is an issue down there.

The Hon. ROSE JACKSON: The intention is to resolve this this year, I think you said?

Mr ANTHONY ROBERTS: That is correct.

The Hon. ROSE JACKSON: Once that is resolved and the final site has been decided and development on that has commenced, is that when you are going to sell Long Bay? Is that the plan?

Mr ANTHONY ROBERTS: To be very frank with you, facilities at Long Bay are closer to the end than the beginning of their asset life. As we discussed today, older jails quite often are a lot less safe than newer prisons. But older facilities such as Long Bay represent, as I have said, the design philosophies of their day and are more costly to maintain and so forth. Nevertheless, Long Bay Correctional Complex remains very much a critical component of the Corrections network, providing a number of very important functions. I can tell you that it will continue to be required for the foreseeable future. We have a large amount of health investment there.

I do not want people to become alarmed. I think every Minister, both from the previous Government and this Government—the department continues to do its due diligence about planning, looking at its fleet and reviewing its fleet. In fact, it reminds me that—I think it was in the early the 2000s—the previous Labor Government were looking at some sort of swap to put something like a Disney World or a Movie World on the Long Bay site. It was one of those options that get thrown up by government—or at least elements within government and property—that of course do not go anywhere. Again, Long Bay is going to be required for some time.

The Hon. ROSE JACKSON: I appreciate that but you have described the strategy for the new prison build in Sydney as the "outer metro strategy". Can you understand why people would perhaps draw the conclusion from that, that you are looking at moving prison capacity out of areas like Long Bay and into areas further out in the metro area of Sydney? Can you understand why people would draw the conclusion?

Mr ANTHONY ROBERTS: We are meeting what we understand to be the prison capacity—the number of prisons beds for the new prison—by 2025. The funding of any new prison is not predicated on the sale of any other land or prison. Did you want to add to that, Commissioner?

Commissioner SEVERIN: You are right. It is a strategy for the whole of the greater metropolitan area. It is the one area where, while we have added capacity to existing facilities, there is no long-term plan in place at this point in time. The way a plan like this would shape up is that it provides a whole range of options, and that will then obviously be subject to Cabinet consideration.

The Hon. ROSE JACKSON: Minister, can you see, though, how your answers that you have to plan for the future and that is why these things are under consideration would seem to suggest that you have thought about the future of sites such as Long Bay, and that you would have a view about how long they would need to be online as facilities in use? You are right; you do not just close these things at a whim. The planning for things like that does take some time. So is that planning in the works now? Is that the plan that you are working on: to build a prison at Camellia, close Long Bay and sell that site?

Mr ANTHONY ROBERTS: I have no plan before me. But again, just as you are thinking about it, I think everyone thinks about where a new prison might go if you happen to be in this sort of space. I think everyone is interested in where a new prison is going to go and what is going to just generally happen across the board with the fleet.

CORRECTED

The Hon. ROSE JACKSON: Absolutely, people are interested.

Mr ANTHONY ROBERTS: And that is a good thing.

The Hon. ROSE JACKSON: I think communities where new prisons are mooted to be built are pretty interested and have found the limited information about what is really under consideration quite frustrating. So will you commit to being really up-front with local communities where new prisons are proposed to be—

The Hon. TREVOR KHAN: They were very engaged in Grafton.

Mr ANTHONY ROBERTS: Grafton was just fantastic. I have got people queueing up around the corner, knocking on my door—MPs wanting prisons in their electorates.

The Hon. ROSE JACKSON: Name them.

Mr ANTHONY ROBERTS: Name them?

The Hon. ROSE JACKSON: Who is lobbying you right now to build a new prison in their electorate?

Mr ANTHONY ROBERTS: Well, that could be commercial in confidence.

Mr DAVID SHOEBRIDGE: No, you said MPs.

Mr ANTHONY ROBERTS: MPs.

Mr DAVID SHOEBRIDGE: It's only fair—you have said you got a queue of MPs lining up. Tell us who they are.

Mr ANTHONY ROBERTS: Anyone outside of the greater Sydney metro area.

Mr DAVID SHOEBRIDGE: Put them on notice. Tell us who they are. Who are the MPs who have been asking you privately for prisons in their electorates?

The CHAIR: Did Daryl Maguire lobby you at all for Ivanhoe?

Mr ANTHONY ROBERTS: No.

The Hon. TREVOR KHAN: It's just about the only thing he didn't lobby on.

Mr DAVID SHOEBRIDGE: Are you proposing one at Rhodes?

The CHAIR: Did he ever kidnap you in his car from the airport and take you around? All right, we have reached the end of questions.

Mr DAVID SHOEBRIDGE: No, are we going to get on notice the list of MPs—

Mr ANTHONY ROBERTS: No.

Mr DAVID SHOEBRIDGE: No? Okay.

The CHAIR: Minister, I note you have taken a number of questions on notice. You have 21 days to respond. Thank you very much for coming.

Mr ANTHONY ROBERTS: Thank you indeed, everyone.

(The Minister withdrew.)

(Luncheon adjournment)

The CHAIR: We are starting with Labor questions.

The Hon. ROSE JACKSON: When you received the report of the SIRA investigation into Corrective Services officers' workers compensation claims, Mr Coutts-Trotter, did you think that some of the content of that report might be serious enough to need to brief the Minister on it?

Mr COUTTS-TROTTER: I will concede, as I did with the Minister's office, that clearly we should have briefed up on it.

The Hon. ROSE JACKSON: So you did not do that.

Mr COUTTS-TROTTER: No, I did not make sure that we had and I should have.

The Hon. ROSE JACKSON: Is a report such as this the type of thing where you would, in the normal course of departmental processes?

CORRECTED

Mr COUTTS-TROTTER: Yes.

The Hon. ROSE JACKSON: So it was just an oversight on behalf of your office that a brief did not go across.

Mr COUTTS-TROTTER: It was an oversight on behalf of the department and I accept accountability for it.

The Hon. ROSE JACKSON: How regularly do you meet with Minister Roberts?

Mr COUTTS-TROTTER: I usually meet with the Minister weekly.

The Hon. ROSE JACKSON: So between your receipt and knowledge of this report in October last year and now, in weekly meetings, it never came up? It never was something that you thought of in your personal interactions with him about the big issues that the department was doing? It seems as though in his portfolios, Counter Terrorism and Corrections, this would be one of the—

Mr COUTTS-TROTTER: No, I am readily conceding that, Ms Jackson. I had assumed we had briefed, but I should have taken personal responsibility for ensuring that we had.

The Hon. TREVOR KHAN: That cuts off that line of questioning, does it not?

The Hon. DANIEL MOOKHEY: Was it your responsibility or was it the Commissioner's responsibility as well?

The Hon. ROSE JACKSON: That is right. Was it Commissioner Severin's responsibility?

Mr COUTTS-TROTTER: I am the head of the agency. Ultimately I have to accept responsibility for a failure to brief as we did here. Responsibility would be shared by a number of people, but accountability rests with me.

The Hon. ROSE JACKSON: Was it a deliberate decision? That is what I am getting at.

Mr COUTTS-TROTTER: No.

The Hon. ROSE JACKSON: Was there a conversation around, "We do not need to talk to the Minister or his office about this"?

Mr COUTTS-TROTTER: No, not at all. We are very keen on the upward expression of doubt and on avoiding surprises. It would have been good and proper practice to brief up on it and we should have.

The Hon. ROSE JACKSON: I want to ask next about your conversation with Ms Donnelly from SIRA, because obviously you and the Commissioner have characterised the SIRA report as a draft report. There is nothing in or on the report that indicates that. It is not described as a draft report at any point by SIRA, as my colleague Mr Mookhey has mentioned and he might pick up on this as well. From his questioning of SIRA yesterday, there is nothing to suggest they believe it is a draft report.

Mr COUTTS-TROTTER: Okay.

The Hon. ROSE JACKSON: You called Ms Donnelly and said you received the report. Did you discuss its status with her? In that phone call that you had with her, what led you to conclude that it was a draft report or that anything about it was open to further amendment?

Mr COUTTS-TROTTER: Firstly, I am a little uncomfortable about venturing a recollection of a private conversation. But given the consequence of the issues, I will. I got the report and I read it and I thought, "This raises a range of serious concerns." I rang Carmel Donnelly, who I have known as a colleague for a long period of time and for whom I have a great deal of respect, to discuss the report and to get her sense of what she thought were significant issues in it. As I think I said, she was particularly concerned about the welfare and wellbeing of one of the three men who were the subject of the report. I then undertook to take advice and I told Ms Donnelly, as I am happy to repeat here, that I took SIRA's report and advice seriously and I would pursue it within the organisation.

That is what I did and a letter on my behalf was returned to SIRA in December. It does raise issues or concern with a very considerable number of points in the report. Reiterating a point that Peter has made, as you have put on the record, the report raises questions about the integrity and behaviour of one of my colleagues without affording her any procedural fairness at all. That is really one of the issues that we have responded to with SIRA. Was there a draft stamp on the report? No. Could SIRA have considered it a final report? Possibly. But I did undertake to the CEO of SIRA to take advice and respond, which is what I have done.

CORRECTED

The Hon. DANIEL MOOKHEY: Can I just follow that up, Secretary? You said you wrote to Ms Donnelly in December?

Mr COUTTS-TROTTER: No. My recollection was that I wrote but in actual fact I approved of a letter going from a colleague of mine, the head of human resources, to SIRA in December.

The Hon. DANIEL MOOKHEY: The head of human resources for the department?

Mr COUTTS-TROTTER: Yes.

The Hon. ROSE JACKSON: Is that Ms Cathy Hellams?

Mr COUTTS-TROTTER: No, it is Brigitte Fairbank. Cathy Hellams is a less senior colleague.

The Hon. DANIEL MOOKHEY: Was Ms Fairbank her boss? Two individuals were involved in the HR department. Ms Fairbank wrote the letter. Who was the other person you said?

Mr COUTTS-TROTTER: No, you raised another person's name.

The Hon. DANIEL MOOKHEY: Sorry. Yes.

The Hon. ROSE JACKSON: Who was identified as the head of —

Mr COUTTS-TROTTER: I do not know if this is really a fair thing to do, having a discussion about a range of people who have not had a discussion with SIRA. But you are raising their names in relationship to a report produced by SIRA, which we have provided a detailed response to, which we know SIRA is in turn going to respond again to. I am just not sure that is a fair fight, to be honest.

The Hon. DANIEL MOOKHEY: To be fair, that is not the fight we are having. Secretary, you just said that you approved a letter being sent by the director of HR. HR is subject to this investigation.

Mr COUTTS-TROTTER: No, because Brigitte Fairbank did not work for the organisation when—

The Hon. DANIEL MOOKHEY: The function is—

The Hon. TREVOR KHAN: Just let him answer.

The Hon. DANIEL MOOKHEY: Sorry.

Mr COUTTS-TROTTER: Brigitte Fairbank was one of my inspired recruitments. She joined the Department of Family and Community Services about two years ago. So she had no direct history or involvement with any of this.

The Hon. DANIEL MOOKHEY: But the part of the department she led did, did it not?

Mr COUTTS-TROTTER: There would be potentially some staff from former Justice who are now in her team, yes.

The Hon. DANIEL MOOKHEY: Basically, the position you have adopted in the correspondence you approved with SIRA was created and sourced by the unit of the department that was under investigation by SIRA. Is that an unfair characterisation?

Mr COUTTS-TROTTER: I think it is. I had no history with the matter. Brigitte Fairbank had no history with the matter. We both tried to make good decisions based on the information we had about what was appropriate to send back to SIRA in response to their report and review.

The Hon. DANIEL MOOKHEY: On notice, is it possible that we could get copies of that correspondence?

Mr COUTTS-TROTTER: I am more than happy to do that on advice. I just want to make sure that SIRA would be comfortable with that and that there is no other impediment. But I have no opposition to it.

The Hon. DANIEL MOOKHEY: The basis of the department's disagreement with SIRA was that SIRA did not afford procedural fairness. Is that a—

Mr COUTTS-TROTTER: No. There are, I think, 49 specific comments that go to some of the issues you have canvassed this morning. But I do pick that one out because we seem to be getting back to talking about an individual or individuals and I just do not think it is fair to them to have it canvassed in the way we are doing it now if they have not had a chance to directly put their perspective to SIRA, nor have SIRA had a chance to consider the responses I have endorsed on behalf of the department.

CORRECTED

The Hon. DANIEL MOOKHEY: SIRA in its report says in conducting its investigation it used its regulatory powers to require production of thousands of additional documents and information from Corrective Services, icare and QBE. As part of the investigation, SIRA reviewed documents, emails, audio recordings and various versions of the KMPG reports. SIRA also met with and received further information from three employees. You agree that is what SIRA did.

Mr COUTTS-TROTTER: That is my understanding.

The Hon. DANIEL MOOKHEY: But you are saying that SIRA reached conclusions on the basis of its inspections and then did not put those findings to the people who were the subjects of the investigations.

Mr COUTTS-TROTTER: We find ourselves here today debating someone's professional reputation. That person has not had a chance to respond directly to the source of the report that raises in your mind at least concerns about her behaviour.

The Hon. ROSE JACKSON: Mr Coutts-Trotter, is any of the factual evidence from the SIRA report contested in the response from the department? Do you contest any of the facts?

Mr COUTTS-TROTTER: From memory, yes. There is a finding that the Industrial Relations Commission was misled, when on my recollection—advice was provided to the IRC that there was no disciplinary matter on foot, which is discipline under the Government Sector Employment Act. The issue from the perspective of the department and Ms Wilson was that there was a performance issue there; it was not a disciplinary matter, it was a performance issue. But elsewhere in all of the materials associated with this, an injury manager provided advice in May and June of 2015, I think, many years ago, that used the word "disciplinary". That was a mistake. It was not ever a disciplinary matter. It was a performance issue. We take very seriously our responsibility as a model litigant to be truthful and accurate to the Industrial Relations Commission. So we do reject the assertion or the finding that we misled the Industrial Relations Commission. We did not.

The Hon. ROSE JACKSON: We might come back to that. Just in relation to your response, is it a letter? Or did you prepare a report? I think you mentioned 49—

The Hon. TREVOR KHAN: He has given evidence. It was a letter.

Mr COUTTS-TROTTER: It is a covering—

The Hon. ROSE JACKSON: I want to know if the department prepared a report in response to SIRA's report or just sent a letter—

Mr COUTTS-TROTTER: No. It is a covering letter that then attaches responses that reference paragraph numbers in SIRA's review.

The Hon. ROSE JACKSON: Ms Fairbank produced that letter?

Mr COUTTS-TROTTER: She actually signed it under my authorisation. Yes.

The Hon. ROSE JACKSON: Presumably, Commissioner Severin and others were consulted in the preparation of that.

Mr COUTTS-TROTTER: I do not know exactly who was consulted. I am relying on the professionalism of my colleague.

The Hon. DANIEL MOOKHEY: Of the nine findings of the SIRA report, was that the only finding you rejected?

Mr COUTTS-TROTTER: I will go back to the correspondence and respond on notice, unless there is—at the very least we can respond on notice in relation to each of the findings. But I would imagine there is no impediment for us actually releasing the document we sent to SIRA. If that is the case, we will.

The Hon. ROSE JACKSON: Did Ms Donnelly in your conversation with her in December give you any indication that SIRA was open to amending its report?

Mr COUTTS-TROTTER: I have got no recollection of that at all. I do not think so. I do not think it was a discussion in those terms. So—

The Hon. ROSE JACKSON: Did she use the word "draft"?

The Hon. TREVOR KHAN: Just let him finish.

Mr COUTTS-TROTTER: Did she use the word "draft"? I have got no recollection.

The Hon. ROSE JACKSON: Did you ask her to change the SIRA report after she had received—

CORRECTED

Mr COUTTS-TROTTER: No. I was ringing her to say, "I've got your report. I want you to know I've got it, I've read it and I'm going to take it seriously."

The Hon. ROSE JACKSON: Mr Coutts-Trotter, if there was no conversation with Ms Donnelly about it being a draft report, if there was no conversation with Ms Donnelly about SIRA changing its report, surely you must be able to act now, six years after this incident first occurred, on the findings of the SIRA report. You have characterised the failure of the department and of Corrective Services to take action against people against whom findings are made on the basis of "we await some kind of final report". You have the final report. The report will not be changing. Do you accept that, Mr Coutts-Trotter?

Mr COUTTS-TROTTER: No. I am advised that SIRA has indicated it will be responding to my colleague Ms Fairbank's letter of December very soon, in a week or so. I will consider the matter when I get that response.

The Hon. ROSE JACKSON: When are you going to draw a line under it? This exchange of letters could go on forever. They could send a response and you could say, "Thank you for your response dated April. See our response" and then they could—this is the public service. This exchange of letters could be never ending. When will you draw a line under what has happened and take action so that there is genuine accountability for what has occurred?

Mr COUTTS-TROTTER: I am not into endless correspondence. I wait on SIRA's response, and I will deal with it promptly.

The Hon. DANIEL MOOKHEY: Secretary, in respect to the actions SIRA recommends you take are you intending to take actions after you conclude your dialogue with SIRA? Or can you act on them prior?

Mr COUTTS-TROTTER: Sorry. We tried to make the point earlier that we have been working for a year with a whole variety of people inside and outside the organisation to develop an injury management strategy for the department. My colleagues in Corrections put in place a wellbeing strategy last year. That is going to be further developed. This afternoon, even as we speak, people running that work are meeting with the Public Service Association to bring them back into the discussion about it, so there are a whole lot of things that go to the fundamental issue here other than the behaviour of individuals, which is providing a compassionate and quick response—an immediate response—particularly to people who have sustained psychological injury, so better, quicker response, and then a much better and faster return to work.

The Hon. DANIEL MOOKHEY: I, of course, accept that you are undertaking those general activities, but I want to ask you specifically about the actions that have been recommended by SIRA as they apply to Corrective Services. To be fair, the report makes a whole variety of recommendations as well to icare, which I am not going to deal with here, just the ones that focus on Corrective Services. Action number one that is recommended is that, in line with a risk-based regulation approach, SIRA immediately establish a focused insurer supervision regime in relation to Corrective Services. Is Corrective Services in dialogue with SIRA to establish that insurer supervision regime currently?

Mr COUTTS-TROTTER: No, not to my knowledge.

Commissioner SEVERIN: We are not directly involved with SIRA.

Mr COUTTS-TROTTER: But I did check with colleagues this morning, because I did notice that in the transcript yesterday. We welcome that work with SIRA, but I do not think that it has progressed.

The Hon. DANIEL MOOKHEY: That is fair. Action number two is that SIRA conduct an audit and collect information regarding the management of Corrective Services workers compensation claims, particularly psychological injury claims. Has that work started, from your perspective, Commissioner?

Commissioner SEVERIN: I am not aware of it. It would be done through our injury prevention and management branch.

The Hon. DANIEL MOOKHEY: Action number three—and to be fair to you, Mr Secretary, this one arises from the finding which you are in dispute about—is that SIRA formally refer the pattern of changing and conflicting representations made by Corrective Services about the conduct of the employers to SafeWork NSW to consider whether it constitutes repeated unreasonable behaviour directed towards employees in breach of the Work Health and Safety Act. I presume you are waiting for the finalisation of the report?

Mr COUTTS-TROTTER: Yes.

CORRECTED

The Hon. DANIEL MOOKHEY: It also says that SIRA formally write to the secretary of the department of Stronger Communities recommending that he consider whether the conduct of specific Corrective Services officials may have been in breach of the code of conduct. I presume SIRA is yet to write to you?

Mr COUTTS-TROTTER: SIRA is yet to write to me.

The Hon. DANIEL MOOKHEY: But you are expecting them to write to you in that respect.

Mr COUTTS-TROTTER: They could, yes.

The Hon. DANIEL MOOKHEY: Are you expecting to obtain any legal advice or have you thought yet about how you would action that?

Mr COUTTS-TROTTER: I would take whatever advice is necessary for me to make a good decision.

The Hon. DANIEL MOOKHEY: I think they are the three or four actions arising specifically from the recommendations as they apply to Corrections NSW but at this point in time, in respect of all of those, we are waiting for the conclusion of your dialogue. Is that a fair summation of the position?

Mr COUTTS-TROTTER: Yes, I think that is right. In relation to all of this, we welcome whatever involvement SIRA wants to have in this because, details aside, we share a common objective, which is to improve the workplace health and safety performance of our agency and, in this case, Corrections.

Mr DAVID SHOEBRIDGE: Commissioner Severin, you never met with the three workers. Is that right? They requested to meet with you—the three workers who were the subject of the workers compensation claims—and you never met with them.

Commissioner SEVERIN: I did not meet with them at the time when matters were before the courts, that is correct, and I clearly obtained advice in that regard because this was not in relation to the workers compensation matter; this was in relation to the charges that were referred against them. The two were obviously intertwined. The short answer is no, I did not meet with the three officers.

Mr DAVID SHOEBRIDGE: Even once the criminal cases had been dismissed against them, you chose not to meet with them?

Commissioner SEVERIN: I cannot recollect that there was a continued request from any of those three to meet with me after the criminal matters were concluded. The clear advice I received was that, while matters are pending before the courts it would be inappropriate for me to meet to discuss any of the issues relating to these matters.

Mr DAVID SHOEBRIDGE: Commissioner, it would be fair to say that you backed management in from the outset, did you not? You backed the general manager in from the outset without ever really hearing the case brought by the employees?

Commissioner SEVERIN: No. The whole matter started as a performance-related issue to the immediate action team [IAT] at MRRC, which these three staff members were part of, where they refused to report to a newly arranged reporting arrangement and the matter then also resulted in a range of concerns that were subsequently referred to the security operations group in the context of possible changes to training procedures and procedures of general conduct and professional conduct of members of the IAT, which I talked about this morning. In parallel, there were some WorkCover claims received, which obviously were dealt with through the injury prevention and management branch, and then charges were referred by the NSW Police Force, which then made their way through the courts and it took about, from memory, 18 months to two years until that was finalised.

Mr DAVID SHOEBRIDGE: The GM in question was married to an assistant commissioner in Corrective Services. Is that right?

Commissioner SEVERIN: Yes.

Mr DAVID SHOEBRIDGE: Did any of these issues come across the assistant commissioner's desk—her husband's desk?

Commissioner SEVERIN: Indirectly, yes. She reported to a director and the director indeed reported to the assistant commissioner, who was Acting Assistant Commissioner of Custodial Corrections at the time.

Mr DAVID SHOEBRIDGE: Then that assistant commissioner reported through to you. That was the chain of command, was it not?

Commissioner SEVERIN: Correct.

CORRECTED

Mr DAVID SHOEBRIDGE: It went from GM to director and then her husband, who was an assistant commissioner, and then to you?

Commissioner SEVERIN: That is correct.

Mr DAVID SHOEBRIDGE: Did you ever think to question whether or not that was inappropriate in the circumstances, to have a chain of command which involved the husband of the general manager, given what we now know of the very serious concerns about the conduct?

Commissioner SEVERIN: No, it is very clear that we had some very clearly established behavioural arrangements, because obviously those types of reporting relationships can occur in an organisation like ours, and it was very clear and strictly observed by both the assistant commissioner at the time and the general manager of the metropolitan remand centre that that professional relationship remained exactly that. I had no reason—and I am on record saying this earlier during investigations in this matter—to have any concern about this relationship in any way negatively influencing things that occurred.

Mr DAVID SHOEBRIDGE: There is an unquestionable conflict of interest if the assistant commissioner dealing with this matter is the husband of the GM, who at least in part has been responsible now for millions and millions of dollars of civil claims being paid by Corrective Services to these three officers. You must acknowledge there is a conflict of interest if the person in the chain of command is the husband of the general manager whose conduct is in question. You must accept there is a conflict of interest there.

Commissioner SEVERIN: I think we need to very clearly distinguish what the responsibilities were. The responsibilities at the time were not to deal with injury prevention and management or workers compensation claims. The responsibilities were for the operation of Custodial Corrections in that context, the Metropolitan Remand and Reception Centre, and my comments relate entirely to the operational responsibilities that were in place at the time. I have no reason to be concerned about the relationship having any negative influence or any subjective influence on the way operations were conducted at the time.

Mr DAVID SHOEBRIDGE: SIRA's review includes the notation:

Several key documents have been considered in this report. These include, but are not limited to, a contemporaneous note provided by the General Manager, MRRC, to the Acting Assistant Commissioner.

That contemporaneous memorandum is a major evidentiary issue throughout the whole of the report.

Commissioner SEVERIN: Yes, I do not have any recollection of that detail.

Mr DAVID SHOEBRIDGE: Was it disclosed to SIRA that the acting assistant commissioner was the husband of the general manager? Has that been disclosed to SIRA?

Commissioner SEVERIN: That was well known, and this document was well known during proceedings.

Mr DAVID SHOEBRIDGE: The question, though, Commissioner—

Commissioner SEVERIN: Absolutely.

Mr DAVID SHOEBRIDGE: It was disclosed?

Commissioner SEVERIN: I even had to give evidence myself in one of those reviews in that regard. This was a question put to me at the time, which I diligently answered.

Mr DAVID SHOEBRIDGE: You think there is no conflict of interest when contemporaneous records and notes clearly for the purpose of management are being passed between a wife and a husband where one of those parties is in a chain of command above the other. You do not see a conflict of interest; you think that is fine?

Commissioner SEVERIN: That was not what I said before. I said that I had no reason to be concerned that the personal relationship that those two had was in any way adversely influencing or affecting operational decision-making and outcomes. So the issue—

Mr DAVID SHOEBRIDGE: Commissioner, the whole—

The Hon. TREVOR KHAN: Let him answer.

Mr DAVID SHOEBRIDGE: Sorry, I thought you had.

Commissioner SEVERIN: —in relation to contemporaneous notes being exchanged is not something that I have any recollection of. I need to take on notice the detail of that in order to properly answer that question.

CORRECTED

Mr DAVID SHOEBRIDGE: But you understand the concept of a conflict of interest. It is not just whether or not a decision made may in the cold light of day have been the same as that made by somebody without a conflict of interest; it is about ensuring that there is integrity and trust in the processes. Where a husband is passing judgement in a managerial line on their partner, then there is not that objectivity. That brings into question the actions taken because there is a conflict of interest that you did not insist upon being removed, Commissioner.

The Hon. TREVOR KHAN: Interesting policy issues you are raising, David.

Commissioner SEVERIN: Again, in the absence of knowing what the content of the contemporaneous note was, it is very hard for me. Of course there would be exchange of information between the general manager of the Metropolitan Remand Centre and the acting assistant commissioner through the director—of course. That is just the normal course of operational reality. But the nature of the note that you are quoting is not known to me and in the absence of that I am not prepared to make any judgements.

Mr DAVID SHOEBRIDGE: What about the fact that the information that you are getting about the general manager's conduct and about how the general manager dealt with the workers compensation claims is being sieved through the assistant commissioner who is married to the general manager? What about that? You are sitting above that and that is where the information flow is coming from. You don't think—

Commissioner SEVERIN: Very clearly this is not about handling workers compensation claims; this is about dealing with operational matters. The handling of workers compensation claims is the responsibility of a completely different part of the department. It was the same in the old justice department as it is now.

Mr DAVID SHOEBRIDGE: Did the general manager end up getting the position of assistant commissioner that had previously been occupied by her partner?

Commissioner SEVERIN: That is correct but it is not the position we talked about in the context of the relationship that you just alluded to.

Mr DAVID SHOEBRIDGE: So the acting assistant commissioner moved to another substantive commissioner role and then when he left the general manager took that assistant commissioner job. Is that right?

Commissioner SEVERIN: Years later, yes, through a merit-based selection process, which included one of my peers from Victoria on the panel. So it was—

Mr DAVID SHOEBRIDGE: And why did the—

The Hon. TREVOR KHAN: Well—

Mr DAVID SHOEBRIDGE: Sorry, I thought you had finished. Commissioner?

Commissioner SEVERIN: I have finished.

Mr DAVID SHOEBRIDGE: Can you explain why it is that—where you have a reporting structure that goes general manager, director, assistant commissioner—the general manager wrote her report to the assistant commissioner and not to the director? Can you explain that?

Commissioner SEVERIN: I cannot explain without having the actual fact in front of me. It is quite often that we, obviously in the context of operations, provide reports. The general manager would provide reports to me if that is necessary under the circumstances and particularly if there is time pressure. That does not mean that the director or indeed the assistant commissioner when it comes to myself is not also in that loop.

Mr DAVID SHOEBRIDGE: Rather than a generalised response of what it may or may not have been, could you take on notice why in this instance that chain of command was stepped over and the report went directly from the general manager to the assistant commissioner?

Commissioner SEVERIN: Yes, happy to do so.

Mr DAVID SHOEBRIDGE: To either Mr Coutts-Trotter or the Commissioner, on the Clarence Correctional Centre, which is being run by Serco, can either of you provide details of how much has been paid to date to Serco for the running of that facility?

Commissioner SEVERIN: No, we cannot because it is not a daily rate that is part of the contract. I am happy to take it on notice. There are very complicated payment mechanisms because it includes the capital and it includes the service operation. I would have to take that on notice.

Mr DAVID SHOEBRIDGE: Break it down by all means, Commissioner, if that assists, but the one thing I would really like is: How many dollars have gone from the State of New South Wales to Serco in total in relation to the Clarence Correctional Centre?

CORRECTED

Commissioner SEVERIN: So the question is limited to Serco, not to NorthernPathways, the—

Mr COUTTS-TROTTER: Consortium.

Commissioner SEVERIN: —consortium?

Mr DAVID SHOEBRIDGE: I am more than happy if you can also provide the money that has gone to the consortium, yes. It may well be that the consortium then hands money over to its partners. So I appreciate your assistance, Commissioner, in getting to the nub of the question.

Commissioner SEVERIN: Yes. I will take that on notice.

Mr DAVID SHOEBRIDGE: I asked some questions on notice earlier this year about the medical treatment for inmates at Clarence Correctional Centre. I asked Corrective Services what, if any, concerns have been raised by the local area health district regarding the Clarence Correctional Centre since the centre's opening? I was told that no formal concerns have been raised by the local area health district with Corrective Services. What informal concerns have been raised?

Commissioner SEVERIN: There were a couple of doctors who resigned very early after they had been appointed to Clarence Correctional Centre for various reasons. There was a concern raised at the time about the capacity of the service to continue to provide the required standard. That was addressed very quickly. It was clearly something that we were also concerned about. Through our contract monitoring and operational monitoring, NorthernPathways very quickly sought to engage additional resources and also to ensure that there is no shortcoming in the service they provide.

Currently they have a number of permanent ongoing GPs. There is one full-time equivalent GP assigned to the centre, a mental health GP and there is 0.4 of an FTE drug and alcohol GP. Recruitment is underway to finalise the last outstanding GP vacancy. It is a very proactive health model where the doctors actually work in the prisons. They are not just sessional service providers. In the interim, locum GPs have been utilised to fill shortages and also nurses have been recruited and are in the process of being onboarded.

Currently there are 40 registered nurses and 11 enrolled nurses employed by the operator. There are another 12 registered nurses who are currently undergoing the internal clearance processes who will come online. The roster consists of about seven to 14 registered nurses on each day shift. That is augmented by two to four enrolled nurses, and there are two to four registered nurses and one to two enrolled nurses on afternoon and night shift. There are four nurse practitioners employed by the operator, two of whom are specialist mental health nurse practitioners. Recruitment is currently occurring to fill an additional two nurse practitioner roles. So Serco and NorthernPathways as the overarching consortium is taking this very seriously, as do we.

What is very positive for us is that the need to move people into the public health system is significantly lower than it has ever been. It is actually not any higher—even though they have 1,200 inmates in the facility—than it was when we were running the old Grafton Correctional Centre. There was a concern that may be known about 1,700 additional people providing a burden to the local health service. That is not only not the case but actually there has not been any increase on demand on the Grafton hospital.

Mr DAVID SHOEBRIDGE: NSW Health has advised us that there were 174 occasions just up to 5 February where inmates from Clarence Correctional Centre had had medical treatment provided at Grafton Base Hospital. Would that be about right? Would that accord with your figures, Commissioner?

Commissioner SEVERIN: I do not have that number in front of me, but it certainly does not sound wrong, which is—

Mr DAVID SHOEBRIDGE: And then—sorry?

Mr COUTTS-TROTTER: There were 14,000 medical transfers in the course of the year, just to put it in context, across the system. The data I have seen suggests that the rate of transfer, equalised for prison populations, is about a quarter of what it was from the old Grafton jail.

Mr DAVID SHOEBRIDGE: You said, Commissioner, that they are recruiting another 12 nurses at the Clarence Correctional Centre and, I understand, at least one GP position. Is that right?

Commissioner SEVERIN: That is being filled as we speak, yes.

Mr DAVID SHOEBRIDGE: How many positions were vacant or how many positions are currently not filled in the health team at Clarence Correctional Centre? We have one GP and 12 nursing positions. How many other substantive positions are not filled?

CORRECTED

Commissioner SEVERIN: When we talk "filled"—I also mentioned that any shortfall is made up by locum GPs at the moment until they fill a full-time GP for the centre, which is very different to any other facility that we are running in the State. So, they have GPs that are actually employed for the centre; they are not simply coming in, which is very, very good. I need to take on notice the question in relation to any other vacancies, but shifts are not left short. That means that there would then be nurses that come in, either on overtime or through agency nursing, to make up any shortfall and ensure that the service is provided.

Mr DAVID SHOEBRIDGE: Is it true that there is a dialogue between Serco health services, New South Wales correctional services, the local health district and Grafton Base Hospital management to try to resolve issues?

Commissioner SEVERIN: We certainly have a dialogue. There is no dialogue that actually looks at any problems and resolving that involves Corrective Services NSW. The assistant commissioner responsible for the oversight of the Grafton contract met with the local health district and went to the hospital to assure himself that there were not any issues. Certainly his feedback was that there were no concerns raised by the local health professionals at the time. This was the general manager, as I understand it, or CEO of the service in the region.

Mr DAVID SHOEBRIDGE: Can you provide on notice what, if any, payments are made under the contract with NorthernPathways or Serco for the provision of medical treatment at the Clarence Correctional Centre? What payments have been made to date?

Commissioner SEVERIN: Yes. If that figure is separately available, of course we can.

Mr DAVID SHOEBRIDGE: Alright, and what, if any, light you can shed on what the budget is for the provision of medical services at Clarence Correctional Centre?

Commissioner SEVERIN: Any of the financial arrangements that are in place—if they are able to be disaggregated, we certainly can make that available.

The Hon. ROSE JACKSON: I just wanted to follow up a line of questioning that my colleague Mr Shoebridge asked, Commissioner Severin, in relation to the initial decision of yourself to back in the management of the MRRC when this incident took place. I want to ask again: Did you decide when this incident took place back in May 2015 that you were going to back them in? Did that then lock you into a position that made it more difficult to properly manage the workers compensation claims when all of the facts came to light?

Commissioner SEVERIN: First of all, there were issues that then ended up in the Industrial Relations Commission. The issues related very clearly to a group of staff not following the instructions of their line management in relation to reporting arrangements and arrangements of general professional conduct. That matter escalated into an industrial dispute, which then was dealt with by the Industrial Relations Commission. At the time, I had absolutely no reason not to back the general manager in her intention to ensure that the IAT was operating beyond reproach and as is professionally required. In the context of the workers compensation, the decision to actually hold people to account resulted in, as I recollect, some early WorkCover claims. But the whole matter became far more pointed when it resulted in criminal proceedings—when complaints were made to New South Wales police by prisoners and they resulted in investigations and charging of those officers involved. At that point I had nothing to do with that because it was before the courts, very clearly, and neither did the general manager.

The Hon. ROSE JACKSON: Indeed. I want to specifically focus, though, on how this incident around changes to the reporting lines of the IAT back in 2015—clearly there was tension and disagreement. You characterised performance issues around that; I might come back to questions around that later. But how that escalated into a six-year, \$6 million catastrophe for the three individuals involved, and really for Corrective Services—I refer you to an email in an exchange that you had with then Minister Elliott that you forwarded to the then general manager. You say, "Please see comments from the Minister below. Good to read." The Minister says, "You have my complete and full support on this. Pass on my thanks to the staff for diligence and perseverance. I trust our prison guards will eventually realise that their position is completely untenable." That was specifically in relation to the industrial action that was taken.

Commissioner SEVERIN: That is correct.

The Hon. ROSE JACKSON: But that industrial action was taken as a result of the meeting in which the three guards were stood down and they argue—well, the matter has been settled—they were publicly humiliated in front of their colleagues. That caused their psychological injury. That email exchange that you had with the Minister and the general manager in the day after this incident occurred really set you and the leadership of Corrective Services on a path of backing in management that you are unable to get off. Is that what has happened? Is that how the situation has gone from an industrial dispute into such a catastrophe?

CORRECTED

Commissioner SEVERIN: First of all, when the action was taken by the general manager, which I certainly supported and I have always made that very clear, the future was not known. What ensued after that was clearly aggravated by the criminal proceedings and we cannot ignore the fact that we were talking about serious indictable offences that allegedly had been committed that were subject to court proceedings. The general manager made it very clear at the time that professional conduct needed to be assured. Staff refused to report as directed to a senior assistant superintendent instead of the manager of security. That was a workload issue and a volume issue.

As a result of that, the then general manager decided to no longer have those staff as part of the IAT because clearly they did not comply with quite reasonable—we are talking about very reasonable instructions. They were not instructions that were there to undermine or that were unreasonable. There was also obviously a string of issues that preceded this action. It is not the style of the then general manager to simply jump at matters for the sake of doing so; she is very considerate and very professional. Yes, in that context, I certainly backed that action. I also supported the subsequent defence or appearance in the Industrial Relations Commission and kept across that by virtue of briefings. I obviously was not personally involved in that.

The Hon. DANIEL MOOKHEY: Just to be clear: The specific action, Commissioner, that you say you backed, taken by the general manager, was the decision of the general manager to call a meeting of the employees and address what could either be characterised as their alleged misconduct or her concerns about their performance?

Commissioner SEVERIN: Sorry, I have got a hearing impairment.

The Hon. DANIEL MOOKHEY: That is okay; fair enough. The specific action you said that you backed the general manager about, you are referring to the decision of the general manager to call a meeting of the IAT and confront them with what she perceived to be issues with their performance or allegations about their misconduct. You supported that specific decision to hold that meeting and address them in that way?

Commissioner SEVERIN: I supported the general manager confronting the performance issues and the professional conduct of members of the IAT at the time.

The Hon. DANIEL MOOKHEY: And the appropriate procedure in place at the time was for the general manager to call a collective meeting of the entire IAT and address it in that way? Is that the way in which the performance issues were to be addressed?

Commissioner SEVERIN: It was the way that the general manager chose to do it at the time. I believe that the intention was to make a very general statement in relation to the expectations of an immediate action team. There is no set procedure as to how you convey decisions or messages. There is no set procedure to have to organise a meeting of everybody involved. That is clearly managerial prerogative, and in my opinion—

The Hon. DANIEL MOOKHEY: But there are specific—

The Hon. TREVOR KHAN: Wait a minute.

Commissioner SEVERIN: —it was exercised appropriately at the time.

The Hon. DANIEL MOOKHEY: But there are specific policies and procedures in place to address performance issues with employees, correct?

Commissioner SEVERIN: If it would have been a disciplinary-related matter, if it would have been a performance-related matter that affected an individual. This was the way a group of individuals behaved at the time as a professional group. I find it entirely appropriate that a senior officer gets their staff together and talks to them in relation to the expectations. That is not to erode the confidence that staff can have in also being supported if they are doing the right thing, but this was also about the fact that we needed to take a very fresh look at the way our immediate action teams were operating right across the system.

The Hon. ROSE JACKSON: Indeed, it is the case, of course, that if there are concerns about performance or management wanting to go in one direction and a group of staff not supporting that, that a meeting to discuss those expectations would be appropriate, but that is not what happened, Commissioner. In fact, there is—

The Hon. TREVOR KHAN: Is this a question or is it a lecture on management style?

The Hon. ROSE JACKSON: Is that a point of order or a lecture on my question?

The CHAIR: Order!

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The Hon. TREVOR KHAN: Point of order: What we now seem to be getting to is not asking these witnesses questions but essentially a lecture as to how various things should happen. It seems to me budget estimates has moved a long way if it is now not even going to get close to asking a question. I simply ask, Chair, that the members ask questions.

Mr DAVID SHOEBRIDGE: To the point of order: In all fairness, I think there was a preamble that was establishing the facts before the question.

The Hon. SHAOQUETT MOSELMANE: Yes, correct.

Mr DAVID SHOEBRIDGE: I think that is an understood part of budget estimates, but I will let Rose finish.

The Hon. TREVOR KHAN: Further to the point of order: I hear that preamble issue, but what we have repeatedly heard this afternoon and this morning is a preamble that makes a variety of assertions of opinion, not facts, and then perhaps at the end we are graced with something that might be close to a question. So what the witnesses then answer is sometimes part of the various assertions that are put, and it is just simply a very odd way to try to extract information.

The Hon. SHAOQUETT MOSELMANE: Further to the point of order: There is no rule against a preamble, no matter what the content is, so I do not think it is a point of order.

The Hon. TREVOR KHAN: Can I just say that Ms Walker has sat there all day watching this spectacle. It would be nice if she got something.

The CHAIR: Ms Walker has had one question. She got one question this morning.

Mr DAVID SHOEBRIDGE: Ms Walker can rest comforted that I have some questions for her as well.

The Hon. TREVOR KHAN: Oh, please.

The Hon. ROSE JACKSON: Chair, I will come to my question.

The Hon. SHAOQUETT MOSELMANE: You have plenty of time.

The Hon. ROSE JACKSON: Commissioner, there was no—

The CHAIR: Can I rule on this since everybody had a go?

The Hon. TREVOR KHAN: Yes.

The CHAIR: I take the point of order, although I do not accept it. A preamble is quite acceptable but, obviously, if the preamble is too long the thread of the question will be lost and you might not get the answer or the acknowledgement that you are seeking because you are giving the answerer a chance to think about the answer they are going to give you before they actually do it.

The Hon. ROSE JACKSON: Thank you, that is very good feedback on my budget estimates strategy.

The CHAIR: The idea is to ambush them.

The Hon. TREVOR KHAN: That is an outlandish proposition.

The Hon. ROSE JACKSON: Commissioner, do you accept that the three employees who, as you characterised, were subject to the performance issues never received any prior warning or had any previous concerns expressed to them about their performance or conduct?

Commissioner SEVERIN: I would have to take that on notice because I do not have any recollection of their service histories.

The Hon. ROSE JACKSON: That was a finding from the Industrial Relations Commission in relation to the strike action that was taken.

Commissioner SEVERIN: Yes.

The Hon. ROSE JACKSON: Just to clarify, in general terms, performance issues would not be managed in the first instance by calling a collective meeting, identifying three individuals in front of their colleagues and standing them down from their positions. In general, warnings or prior discussions about performance or conduct would precede an action such as that.

Commissioner SEVERIN: It would be a two-way process. So if it is relating to individual performance issues there is obviously, as you pointed out quite rightly, a human resource process that deals with that. This was the performance in broader terms of a highly specialised group of people. I certainly recollect having conversations

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about concerns that had been raised about the way the group went about their business, which then, ultimately, resulted in this action being taken and the subsequent industrial action that is well documented. Of course, a lot of subsequent action has happened in relation to the training and the professionalisation of our immediate action teams.

The Hon. DANIEL MOOKHEY: Commissioner, the substance of Corrective Services NSW in relation to the industrial relations dispute was tested by the Industrial Relations Commission. Do you agree?

Commissioner SEVERIN: Sorry, the accusation?

The Hon. DANIEL MOOKHEY: The actual substance of the position that you just outlined that preceded the industrial action then led to an Industrial Relations Commission proceeding, correct?

Commissioner SEVERIN: Yes.

The Hon. DANIEL MOOKHEY: The Industrial Relations Commission considered Corrective Services' position in that proceeding, correct?

Commissioner SEVERIN: That is correct.

The Hon. DANIEL MOOKHEY: And it found in favour of the employees, not Corrective Services. That is correct?

Commissioner SEVERIN: Yes.

The Hon. DANIEL MOOKHEY: So Corrective Services did not succeed in its action in the Industrial Relations Commission. Is that correct?

Commissioner SEVERIN: No, I think the matter was actually resolved in the way that—yes.

The Hon. DANIEL MOOKHEY: Yes, but then thereafter Corrective Services makes the referral to the police for criminal investigation. Did Corrective Services make that referral or did someone else?

Commissioner SEVERIN: My recollection was that it would have been managed through Corrective Services staff, but that the complaint came from prisoners.

The Hon. DANIEL MOOKHEY: Right. The court system then considered the conduct of the officers, correct?

Commissioner SEVERIN: Yes.

The Hon. DANIEL MOOKHEY: The court system dismissed those charges, correct?

Commissioner SEVERIN: Yes.

The Hon. DANIEL MOOKHEY: No findings whatsoever were made against those three officers, correct?

Commissioner SEVERIN: That is correct.

The Hon. DANIEL MOOKHEY: Thereafter they then resigned after they reached settlements, correct? And two of them have left Corrective Services?

Commissioner SEVERIN: That is right.

The Hon. DANIEL MOOKHEY: In the course of that settlement Corrective Services agreed that its actions had created psychological harm, correct?

Commissioner SEVERIN: Yes.

The Hon. DANIEL MOOKHEY: So there is no dispute whatsoever that Corrective Services has accepted liability for creating and inflicting psychological harm on these employees. That is correct?

Commissioner SEVERIN: It is the department, actually, that—

The Hon. DANIEL MOOKHEY: The department, yes.

Commissioner SEVERIN: Absolutely.

The Hon. DANIEL MOOKHEY: But there is no dispute whatsoever that that was a result of Corrective Services' behaviour?

CORRECTED

Commissioner SEVERIN: There is no doubt whatsoever that it was a result of matters that occurred in the workplace—

The Hon. DANIEL MOOKHEY: Yes, for which the employer—

Commissioner SEVERIN: —and in that context the Department of Communities and Justice accepted liability.

The Hon. DANIEL MOOKHEY: Sure. We now have an investigation into the management of the workers comp dimension, into how Corrective Services and/or the department handled it. That is correct?

Commissioner SEVERIN: Yes.

The Hon. DANIEL MOOKHEY: Yes, and so far the findings of that have been adverse but, to be fair, are disputed. Is that correct?

Commissioner SEVERIN: Yes.

The Hon. DANIEL MOOKHEY: So I see four different opportunities here where Corrective Services' position has been tested by different authorities. So far, none of them have resolved in favour of Corrective Services. Is that an unfair summation?

Commissioner SEVERIN: No, I do not think so.

The Hon. DANIEL MOOKHEY: Great. So, after you agreed, particularly in the common law settlement or the settlement of the matter, in which you accepted liability for creating the psychological harm, what specific forms of accountability did Corrective Services apply to the officers who were involved or otherwise responsible for the circumstances that led to that harm? To cut to the chase, why do we have to wait for SIRA to finish its review into the workers comp management when you have already accepted liability and paid over millions of dollars to these employees before the conduct of Corrective Services management is dealt with?

Commissioner SEVERIN: I think that question has been answered earlier but, again, the secretary might want to say something as well. We are still awaiting the final report or the communication from SIRA. We are disputing a whole range of facts—

The Hon. DANIEL MOOKHEY: I do not think I am making my question clear, to be fair to you. I do not think I am asking you fairly. This might be a question better directed to the secretary as well, so I will leave it. Secretary, the decision to enter into a settlement with these workers, who made that decision on a common law basis?

Mr COUTTS-TROTTER: I actually think the decision is referenced to us but was made by icare.

The Hon. DANIEL MOOKHEY: Yes, that is the way, because effectively subrogation principles in insurance imply they take over your position. Did they consult you before they agreed to that?

Mr COUTTS-TROTTER: I have no knowledge of one of the three settlements. I have knowledge of one other that is complete and I did involve myself to some extent in that to encourage icare, on the basis of the information I had picked up in my readings and discussions with people, to settle. The third matter we have had some consultation with icare in the last week.

The Hon. DANIEL MOOKHEY: Sure. In respect of the first matter, which encouraged icare to settle, can I just say that I welcome that. That was a meaningful intervention at the time that caused icare to change its behaviour.

Mr COUTTS-TROTTER: Right.

The Hon. DANIEL MOOKHEY: I personally appreciate it, given that I was the one who was asking them the questions as to why they were being so recalcitrant in that respect. So, firstly, I want to acknowledge that.

Mr COUTTS-TROTTER: Okay.

The Hon. DANIEL MOOKHEY: Secondly, Mr Secretary, after that did settle, at that point in time did it occur to you that perhaps the code of conduct inside the department would be triggered?

Mr COUTTS-TROTTER: Not of itself because of—to be honest, I cannot quite remember the sequencing between my involvement in that matter and me receiving the SIRA review in October. The settlement of that matter of itself, no, it did not trigger me to think about the code of conduct.

CORRECTED

The Hon. DANIEL MOOKHEY: Sure. After the settlement was struck, did you take any actions at that point in time ahead of the SIRA report? To be fair to you, SIRA was at that point still not substantially in the way part of its investigation. So it is not fair to you to have expected to be able to sort of do it in respect of SIRA's pressure.

Mr COUTTS-TROTTER: Beyond saying there are some obvious flaws in how we handled this and talking to colleagues with corporate responsibility for work health and safety issues—actions beyond that, no.

The Hon. DANIEL MOOKHEY: Can I ask, on notice, perhaps, can we get the costs incurred by Corrective Services in the Industrial Relations Commission matter?

Commissioner SEVERIN: For this matter?

The Hon. DANIEL MOOKHEY: Yes, in respect of all the proceedings involving the Industrial Relations Commission. Can we find out how much that cost Corrective Services?

Commissioner SEVERIN: If that can be reconciled, we can.

The Hon. DANIEL MOOKHEY: Can we also get the cost of any engagement with icare that led to the settlement of the two matters? To be fair, the settlement was paid by the Treasury Managed Fund [TMF], which is the relevant insurer, so it is not like the cost of the settlement came from your budget.

Mr COUTTS-TROTTER: I am happy to take that on notice. We did not commission further legal advice or anything else. It was really just a message that, based on what I have seen, it seemed quite appropriate to settle the matter and that that should happen.

The Hon. DANIEL MOOKHEY: My final question on this, which you probably do need to take on notice, is: Has this led to an adjustment to the premium that Corrective Services has to pay to TMF—as the relevant insurer—to insure you, particularly as the re-rating process is probably taking place now? On notice, can we get any advice as to the implications or—

Mr COUTTS-TROTTER: I am not sure. We can do our best to try to disaggregate this.

The Hon. DANIEL MOOKHEY: Maybe, on notice, Mr Secretary—

The Hon. TREVOR KHAN: Just let him answer.

The Hon. DANIEL MOOKHEY: I just want to cut to the chase. Can we get the premiums for Corrective Services paid to the TMF in the past three years?

Mr COUTTS-TROTTER: Yes, I think so. Yes, because they do rate on a workplace basis so, yes.

The Hon. DANIEL MOOKHEY: If it is possible, can we get the premium history for the past four years—

Mr COUTTS-TROTTER: But I should stress the premium increases are a function not of these three matters, significant as they are; they are overwhelmed by the broader injury performance of the organisation.

The Hon. DANIEL MOOKHEY: Rest assured, Mr Khan, Mr Shoebridge and I have some expertise in how premiums are now handled.

The Hon. TREVOR KHAN: I would not say expertise; increasing familiarity I think might be the term.

Mr DAVID SHOEBRIDGE: But perhaps in giving that answer, Mr Coutts-Trotter, you could indicate what you understand to be the drivers of the change—maybe it is assault rates, maybe it is psychological injuries, maybe it is something else.

Mr COUTTS-TROTTER: It is physical injuries, mostly slips, trips and falls in terms of injury frequency. In terms of what is driving costs, it is psychological injury and slow return to work. So we understand the nature of the problem.

Mr DAVID SHOEBRIDGE: In that regard you are not on an island in New South Wales.

Mr COUTTS-TROTTER: No, I appreciate that.

Mr DAVID SHOEBRIDGE: Commissioner, in March of last year temporary measures were put in place on visitations, quite reasonably, to deal with the threat of the pandemic. I think you gave some answers to Mr Borsak accurately detailing what those provisions are. I am not inviting you to repeat that; I am aware of those answers. We are now 50 days with no community transmission of COVID. When will you be reviewing that set of arrangements for visitors, particularly family visitors?

CORRECTED

Commissioner SEVERIN: In-person visits have recommenced, in two stages so far. Initially we limited in-person visits to two adults or one adult and one child. It is now up to five visitors, which is almost back to normal for some institutions, particularly minimum security facilities that do allow more visitors. In maximum security we are limited by the space available. The next question that we will have to consider is the wearing of face masks and social distancing. As I understand it, the team is working currently with Health to identify if there is an option to further relax visits in the context of face masks and social distancing. Otherwise, we are back to a normal in-person visit regime.

Mr DAVID SHOEBRIDGE: The current online set of COVID-safe in-person visit rules for Corrective Services puts a 50-minute cap. It says, "Visits will run for a maximum of 50 minutes per visit to reduce the risk of transmission." What was it prior to COVID?

Commissioner SEVERIN: It varied between 30 minutes and longer periods depending on the location of the facility. We have places where you could visit for a number of hours, like Mannus, for example. We hope to be able to get back to that. We are very much relying and working closely with our colleagues from Health. We do not make those decisions and the arrangements just simply based on our own wisdom; we always take our lead from Population Health, who have advised us very, very competently.

Mr DAVID SHOEBRIDGE: But I assume that it is Corrective Services who trigger a review by Health?

Commissioner SEVERIN: Yes, that is correct.

Mr DAVID SHOEBRIDGE: I am asking whether or not you are going to trigger a review by Health?

Commissioner SEVERIN: It is happening as we speak.

Mr DAVID SHOEBRIDGE: I have had approaches, particularly from some family members of inmates, who report having a 14-hour round trip and then having a maximum 50-minute window when they visit. They say that that is a huge stress upon the family and they say—and I think it is a very reasonable argument—that given the lack of COVID-19 transmission that is an unreasonable restriction. Many of these families rely on public transport to visit regional facilities.

Commissioner SEVERIN: Absolutely, that is totally acknowledged.

Mr DAVID SHOEBRIDGE: So you are looking at expanding the cap?

Commissioner SEVERIN: Yes.

Mr DAVID SHOEBRIDGE: To return to pre-COVID time windows?

Commissioner SEVERIN: Again, it really depends on what the Health advice is. I would assume that there would be some continued restrictions but, hopefully, it will be as close to pre-COVID caps as possible, or pre-COVID arrangements as possible.

Mr DAVID SHOEBRIDGE: One of the other concerns that has been raised is the prohibition on any kind of physical intimacy. In fact, the policy talks about limiting it to a fist pump or an elbow touch or similar. No hugs, in particular, is what has been raised with me—long trips, kids cannot hug dad, kids cannot hug mum. Is that part of the review?

Commissioner SEVERIN: That is part of the review, including the wearing of face masks.

Mr DAVID SHOEBRIDGE: Do you have any time parameters about when that review will be completed?

Commissioner SEVERIN: No, I do not have a firm time line but I am talking about weeks rather than months here, if not an even shorter period.

Mr DAVID SHOEBRIDGE: Have there been plans put in place to ensure the prison population gets ready and rapid access to the COVID vaccine? Are they in any particular tranche or category, given that the risk of transmission in correctional centres is so high?

Commissioner SEVERIN: Yes, there is dialogue underway with Health. Prisoners and prison staff—that is anybody who works in a prison and has prisoner contact, so not just the prison officers and social workers and so on but also service providers like educators et cetera—are in category 1B. My understanding is—and again this is information that is getting refreshed almost on a day-by-day basis—that the logistics are being worked through as we speak for a program that will roll out over a period of 12 weeks. It will be led by the Justice Health and Forensic Mental Health Network, which I very much welcome because it means that everybody including

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staff can get vaccinated in one space. My understanding is that they will have teams go around. I am not across all the detail but planning is well underway.

Mr DAVID SHOEBRIDGE: Mr Coutts-Trotter, did you want add anything to that?

Mr COUTTS-TROTTER: Only that the prioritisation of groups in 1B are consistent nationally, so the national decisions about the prioritisation which we support.

Mr DAVID SHOEBRIDGE: Perhaps I may have not heard you, Commissioner. Staff, visitors and educators are all in category 1B. Are the inmates themselves also in category 1B?

Commissioner SEVERIN: Yes. I just need to qualify, not visitors. So not prison—

Mr DAVID SHOEBRIDGE: Not necessarily family members.

Commissioner SEVERIN: Not their families.

Mr DAVID SHOEBRIDGE: But, say, visiting professionals, visiting staff?

Commissioner SEVERIN: Prisoners are part of that and anybody working in a prison environment and who has prisoner contact.

Mr DAVID SHOEBRIDGE: I understand. Is there a process in place to start communicating with prisoners in New South Wales to ensure that they are well informed about the vaccination regime and are given cogent, peer-reviewed evidence about the efficacy of the vaccination regime so that we do not have a rumour running wild or some of those—we will get to this in a second, Ms Walker—online anti-information, anti-scientific rumours running through the prison population?

Commissioner SEVERIN: The answer is yes. There is a very comprehensive communications package that has been prepared. We have taken note of experiences in other parts of the world where those regimes have already started to be rolled out and learnt from some of the observations that those countries have made, particularly the United States and England. We will have a tailor-made package for New South Wales Corrections available well before the actual process starts.

Mr DAVID SHOEBRIDGE: What will be the position if any Corrective Services staff, without a sound medical bases, refuse the vaccination?

Commissioner SEVERIN: It is a voluntary program nationally so there would be no consequences if either a prisoner or a staff member refused to be vaccinated. It is entirely voluntary and we cannot discriminate on the basis of a person refusing to get vaccinated. So it really comes down to our communication strategy and being compelling in the context of the virtues of being vaccinated.

Mr DAVID SHOEBRIDGE: Have you got advice about what kind of target rates are needed in staff and then separately what target rates are needed—and they may be the same figure—in inmates in terms of vaccination rates to provide the kind of herd immunity and a level of safety in prisons in circumstances where we may have a COVID-19 outbreak?

Commissioner SEVERIN: I do not have any of that information available. It might well have been part of a briefing where there were percentages talked about but—

Mr DAVID SHOEBRIDGE: Could you provide it on notice?

Commissioner SEVERIN: If it is available, I can. I am not entirely sure if it is available.

Mr COUTTS-TROTTER: It is definitely available on a population-wide basis. So there is a range of scenarios and assumptions about the share of the population that, for sound medical reasons, cannot safely be vaccinated and then some assumptions about people who might be vaccine refusers. From memory, you need 65 per cent or 70 per cent of the population to get there. But we will take it on notice.

Mr DAVID SHOEBRIDGE: To the extent you have information that you are providing to inmates about the vaccination process, can you provide examples of that to the Committee so that we can see the kind of information?

Commissioner SEVERIN: As soon as it is available, we are happy to do so.

Mr DAVID SHOEBRIDGE: Ms Walker, it is a good entree into right-wing extremism. My colleague Mr Moselmane was asking you some questions and I think he referred to something that is known in the extreme right-wing community as boogaloo.

Ms WALKER: Boogaloo.

CORRECTED

Mr DAVID SHOEBRIDGE: Your pronunciation of that is better than mine. To what extent is that set of conspiracy theories, which as I understand them are predicated on an anticipated race or civil war collapse in society, a live real conspiracy theory floating around in New South Wales?

Ms WALKER: The advice that we got was particularly about some of the organisations that you mentioned—Sonnenkrieg, which is the one that is the UK-based organisation, and also boogaloo. I guess the one thing I just want to preface in this conversation is that we do not want to give too much of a platform to international organisations that are true and do exist but are actively seeking some legitimacy.

Mr DAVID SHOEBRIDGE: No, can I just say to be clear, Ms Walker, I do not want you to pointlessly name these right-wing conspiracy crackpots when they will then refer to this as though they have got some validity and relevance. I fully accept that. My understanding is that that concept of boogaloo is not about a specific organisation but it is a collection of right-wing nutjob conspiracy theories predicated around race, civil war, pandemic and society collapse. Is there a coherent set of beliefs there that is being transmitted through the community?

Ms WALKER: The advice that I have is that coherent is probably not the word we would use but that it is a set of theories in broad disarray.

Mr DAVID SHOEBRIDGE: It is just that the New South Wales Crime Commission talks about a noticeable increase in online activity amongst the extreme right-wing community and references this particular crackpot theory as being at the core of extreme right-wing online commentary. Is that your understanding? Do you agree or disagree with the Crime Commission?

Ms WALKER: That is some of the advice that I have been provided, which is why we have sought, through our COMPACT program, to fund programs particularly for young people that actively work for inclusion. Because we know that regardless of the name of the organisation, the type of the organisation or even the ideology, the behaviours of these organisations are what they often have in common. And exclusion—social exclusion particularly—is a precursor to that so a lot of these programs that we fund are really a primary prevention.

Mr DAVID SHOEBRIDGE: But there is a particular trope in the right-wing extremism, according to the Crime Commission, where they form the view that, if they can accelerate divisions in society, foster dissent, foster civil war and foster violence, they will further their aims. That is a particular issue involving right-wing extremism according to the Crime Commission. Do you agree with the Crime Commission's views?

Ms WALKER: That is the research that I have seen, yes.

Mr COUTTS-TROTTER: Just to tease that out a little bit further, in assessing COMPACT grants applications, the assessment panel includes someone from the Department of Security Studies and Criminology at Macquarie University, and Macquarie has already been commissioned by the Government to do research into the dynamics of online right-wing extremism in New South Wales. So there is an attempt to keep connecting with people who are academic experts in the field as well.

Mr DAVID SHOEBRIDGE: Do you accept the Crime Commission's position that—I will not say it is unique, but this is a distinct feature of right-wing extremism. This kind of accelerationist, divisive trope is a distinct feature of right-wing extremism.

Mr COUTTS-TROTTER: It is one trope among many. I have spoken briefly to the Crime Commissioner about his organisation's evidence but I am happy to follow up further with him.

The CHAIR: Mr Coutts-Trotter, that raises the question: Is there evidence that there are actually real organisations behind these nut job posts that have any substance at all and in fact in reality exist or are they a number of nut jobs with computers who are seeking to try and push a stupid line?

Mr COUTTS-TROTTER: On the advice of ASIO and others, there is a degree of organisation to some of it, beyond doubt, but it is extremely fluid. One of its characteristics is that, you know, people in one group one day are aligned to another group the next. But there are some things that—as we discussed earlier, it is the 18- to 30-year-old men group at most risk and there is a sophistication to the way humour is used to kind of engage with young men. There is a sophistication to the way in which what is said online could be explained as satire or a joke or you could read it as a legitimate commitment to hate, so it is a very complex and very fast-changing environment. But, as Ms Walker was pointing out earlier, part of the response is to try and develop the capability of young people to identify and be able to challenge some of this stuff online.

Mr DAVID SHOEBRIDGE: The Crime Commission also says that with some of the traditional mass gathering events being reduced in scope, including Anzac Day, New Year's Eve and the like, the concern is that these right-wing extremists may start targeting soft targets.

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Mr COUTTS-TROTTER: Yes.

Mr DAVID SHOEBRIDGE: And one of the tragic examples is what we saw in Christchurch. Is that consistent with your understanding, Ms Walker?

Ms WALKER: I think, as it was mentioned earlier, during the COVID period is when we saw increased activity attracting people online through those sorts of soft targets. So, yes, there has been a considered increase in that space.

Mr DAVID SHOEBRIDGE: What are you doing to address that increased online extremism? Here, I suppose, I am focused on the right-wing extremism that has been identified by the Crime Commission. I will just preface it by saying this: We have had the rise in that kind of online hate and extremism during COVID. The concern is that, as COVID restrictions ease, people get back out into community and we return to normal, there is an increased pool of right-wing extremists as a result of what happened during the COVID shutdown.

Ms WALKER: Again, I do not want to necessarily repeat what I said this morning, but when we look at our COMPACT grants, a lot of those are about working with young people who are disengaged and disenfranchised. It is done through local community groups. Sometimes it could be the PCYC. It is maybe some of those people who have been in their homes back out into the community, connecting with people and being challenged on their views and their thoughts—there is the opportunity to get ahead of this.

Mr DAVID SHOEBRIDGE: But are the people who are being targeted for that intervention being identified by law enforcement and potentially your department as having this online behaviour, and then are you sending resources targeted to those individuals? Or are you targeting community organisations through COMPACT and hoping that they will have connections with those individuals? Is it (a) or (b)?

Mr COUTTS-TROTTER: I think it is (a) and (b). Police are looking at what is happening online and are looking for indications that individuals or groups represent a real risk of violence. We have seen arrests in this case in the last year of people with far-right extremism. The Step Together hotline is a place where people who have concerns about family members, community members or others can come to share those concerns, so that can identify individuals who are at risk of escalating in extremism. Then COMPACT grants and other activities seek to really bolster social cohesion at a community, organisational and school level. So it is a bit of column (a) and a bit of column (b).

Mr DAVID SHOEBRIDGE: I distinctly recall speaking with a father from the Turkish community—

Mr COUTTS-TROTTER: Yes.

Mr DAVID SHOEBRIDGE: —who had a very moderate religious-secular family background. He was deeply concerned about his son engaging in online extremism. He went to New South Wales police. They said they would not help him until a crime had been committed. He went to the Australian Federal Police. They said they would not help him until a crime had been committed. He went to Multicultural NSW. They said it was not their core business and then ultimately his son was arrested when he returned back into Australia, having travelled to Turkey and then entered a part of the Middle East that was part of the deemed terrorism zone. His experience seems to be contrary to what you are telling me about there being these resources available. That contact happened, I admit, about four years ago. Has that changed since then?

Mr COUTTS-TROTTER: There is a funded case management service that seeks to disengage a small number of people who might fit that profile. I think that has been developed since then.

Ms WALKER: Yes, that has been running for two years.

Mr COUTTS-TROTTER: Yes.

Mr DAVID SHOEBRIDGE: Can you give details of that, including contact numbers and the number of people who have been dealt with in that on notice, Ms Walker?

Ms WALKER: On notice we can, yes.

Mr COUTTS-TROTTER: Yes.

The Hon. SHAOQUETT MOSELMANE: As promised, I have a few questions.

The Hon. TREVOR KHAN: But weren't you going to put them on notice?

The Hon. ROSE JACKSON: Nice try.

The Hon. SHAOQUETT MOSELMANE: No, but they are sure to be taken on notice, perhaps.

The Hon. TREVOR KHAN: Well, there's a good—

CORRECTED

Mr COUTTS-TROTTER: Well, that is a hint. I will follow your hint.

The Hon. SHAOQUETT MOSELMANE: There are three areas: court cells, uniforms and training.

Mr COUTTS-TROTTER: Okay, sounds like a job for Peter Severin.

The Hon. SHAOQUETT MOSELMANE: Firstly, in terms of prisoners' self-harm and mental health issues, how long are inmates being held at Surry Hills and Amber Laurel without access to professional risk assessments?

Commissioner SEVERIN: Surry Hills is one of two custody centres that we operate here in Sydney. There is a third one in Kariang. We under law cannot hold anybody for more than seven days in a facility like that and they are actually being treated by Justice Health straightaway, so there is an immediate medical assessment that includes a risk assessment when somebody comes into custody through police.

The Hon. SHAOQUETT MOSELMANE: You mentioned Surry Hills. What about Amber Laurel?

Commissioner SEVERIN: That is the same.

The Hon. SHAOQUETT MOSELMANE: It is the same. The next question is: How many inmates are taken out to hospital who have self-harmed from these two locations?

Commissioner SEVERIN: I need to take that on notice.

The Hon. SHAOQUETT MOSELMANE: What is the longest length of time an inmate has been housed at Surry Hills or Amber Laurel?

Commissioner SEVERIN: Again, I need to take that on notice—

The Hon. SHAOQUETT MOSELMANE: Okay, see. There you go. It is pretty fast.

Commissioner SEVERIN: —but, as I mentioned, seven days is our legislative frame.

The Hon. SHAOQUETT MOSELMANE: How long do inmates go without a change of clothes?

Commissioner SEVERIN: At Surry Hills and Amber Laurel?

The Hon. SHAOQUETT MOSELMANE: Yes.

Commissioner SEVERIN: Again, I need to take that on notice.

The Hon. SHAOQUETT MOSELMANE: That question then leads onto the issue of uniform. For the last few decades prison officers have been provided with around \$250 of allowance for purchase of Corrective Services-issued uniforms.

Commissioner SEVERIN: Yes.

The Hon. SHAOQUETT MOSELMANE: That is for the last few decades. That amount of money is no longer providing adequate purchasing power. Is Corrective Services reviewing their uniform allowance?

Commissioner SEVERIN: It has been reviewed. The submission is on my desk as we speak. I just need to discuss this with our finance CFO in context of resource implications.

The Hon. SHAOQUETT MOSELMANE: And the review would say they would be supplied with more than \$250?

Commissioner SEVERIN: The review recommends an increase of that allowance.

The Hon. SHAOQUETT MOSELMANE: Good to hear. Well, I will not ask the second question, which is about the adequacy of the \$250.

The Hon. TREVOR KHAN: Good.

The Hon. SHAOQUETT MOSELMANE: How many workers are on workers compensation at present?

Commissioner SEVERIN: Again, we need to take that on notice.

Mr COUTTS-TROTTER: We are happy to take that on notice.

Commissioner SEVERIN: I assume that is Corrective Services workers.

Mr COUTTS-TROTTER: Just to be clear, you are talking about Corrections' staff?

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The Hon. SHAOQUETT MOSELMANE: Yes.

Mr COUTTS-TROTTER: We will take that on notice.

The Hon. SHAOQUETT MOSELMANE: Has there been an increase in psychological claims and if so, what measures are Corrective Services NSW implementing to protect staff?

Commissioner SEVERIN: I think there was quite comprehensive information provided in that regard, but just to summarise, there has been an increase in psychological injury claims, which is of great concern. There is a departmental strategy that the Secretary eluded to before. There is also a very specific strategy that we roll out in Corrective Services NSW using two programs essentially. One is Stand TALR, which is a program that was developed by the Prison Officers Union in Western Australia. We have partnered with them. It has been used in other jurisdictions as well. Then there is another program, which is called RAW Mind Coach, which is an application that has also been used for other uniform services such as Fire and Rescue, and I think the ambulance, I am not entirely sure. Those programs are very much focused on the resilience and mental health wellbeing of staff and really give them a great opportunity to identify what the things are that affect their wellbeing in the workplace.

More importantly, also we have committed a full-time resource out of my office, reporting to my chief of staff, a very experienced senior officer in the custodial ranks. She is not only driving these initiatives, but she has got a lot of credibility. She attends work places and is there for people to refer matters to. We are further 50 per cent funding a staff member who is seconded to the PSA because a lot of staff have more confidence in dealing with somebody who represents the union than the employer. Again, she is a resource we jointly fund with the PSA to support staff and also to proactively prevent matters from happening.

Last but not least, there is quite a significant effort made to upskill our senior staff in actually more proactively dealing with matters of people having difficulties in the workplace. This comes to the point of getting them back to work earlier. That is not something they are doing on their own. There are obviously some other areas in the department that need to contribute to that. It is quite a package of activity. My strategic focus in that context has been to say that we have gone through a lot of change and a lot of reform. We have had to absorb an enormous increase in prisoner numbers. We built an entirely new system. We went through staffing benchmarking and so on. It is very important now to focus in the strongest of ways on our staff. One last comment—and this again is something that is backed up by evidence, quite stating the obvious—a workplace that is culturally an intact workplace is also one that is far more conducive to achieving better outcomes for offenders in the context of reducing reoffending.

The Hon. SHAOQUETT MOSELMANE: Thank you, Mr Severin. A couple of questions arising from that. You have indicated that psychological claims have increased; what percentage of increase has there been?

Commissioner SEVERIN: Again, I need to take that on notice.

The Hon. SHAOQUETT MOSELMANE: Given the complex nature of mental health injuries, how many injury management staff are employed by the department?

Mr COUTTS-TROTTER: We are looking at the, in the jargon, the operating model at the moment. We have looked across the department and seen the number of claims that different injury management staff are managing in each division and our managing board will soon get proposals to make some changes there that will have the effect of increasing resourcing for claims management in Corrections.

The Hon. SHAOQUETT MOSELMANE: That means you will employ more managers?

Mr COUTTS-TROTTER: We are going to put more people to the work, yes.

The Hon. SHAOQUETT MOSELMANE: Training of Corrective officers. A prison officer killed an escaping inmate last year in Lismore Base Hospital. Many prison officers go decades without a recertification, yet are required to conduct this work from time to time. How often are officers recertified on their firearms?

Commissioner SEVERIN: There is no legislative requirement—the same goes for Police—on recertification. However, I have commissioned a project to look at formal recertification because we do retrain people and we obviously do require people to do their shoots on the range, but there is no formal requirement. I would like to formalise that a lot more. Mind you, the staff member in question was very well trained. It is not an issue of lax training standards. Recertification as well as issues relating to be fit for duty are two areas that we are currently focusing on.

The Hon. SHAOQUETT MOSELMANE: When are you hoping to have that report?

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Commissioner SEVERIN: Within the next couple of months, I guess. It is also something we need to consult with the union on, because it will add a requirement. Obviously if somebody cannot meet the requirements of recertification, they will not be able to use a weapon.

The Hon. SHAOQUETT MOSELMANE: How often are officers recertified on using their batons?

Commissioner SEVERIN: Again, it is not a compulsory recertification. Everybody gets trained. Training programs, certainly for the immediate action teams and our security operations team, are quite intensive and very regular. The officers do not carry batons at work as part of their normal equipment; that is not necessary. Those who use batons as part of their job are regularly trained. Those who do not, obviously do not get trained. That is not to say they were not originally trained or can seek training in the use of batons that we provide for staff.²

The Hon. SHAOQUETT MOSELMANE: Finally, recertification on first aid?

Commissioner SEVERIN: First aid?

The Hon. SHAOQUETT MOSELMANE: Yes.

Commissioner SEVERIN: First aid is mandated for all of us when we have to use our skills for first aid, we need to recertify. I think it is five years, but again, I take the detail of that on notice.

The Hon. ROSE JACKSON: In relation to the management of the workers compensation claims by staff at Corrective Services that we were discussing earlier, separate to the issue of whether there has been any accountability for people who may have breached either the code of conduct or legislation, have you, in general terms—either Commissioner or Mr Coutts-Trotter, depending on who would be responsible for this—clarified with staff the different roles that they have as an employer and as a self-insurer, so that this issue of staff directing outcomes has been mixed, even though you say you are still awaiting an outcome in a specific incident?

Mr COUTTS-TROTTER: We have, but we have sought with SIRA to get some clarification about their expectations of how departments—not just us, it would apply to all departments—manage the role of employer and self-insurer. The primary task is to get sick and injured people back to work safely and quickly.

The Hon. ROSE JACKSON: Just to clarify, you have made clear that it is not the role of departmental staff or Corrective Services staff to tell claims management contractors claims should be refused. This is to be denied. That practice, to the extent that even that, as I said, put the SIRA report aside, even Project Twining and other completed reports found that that was occurring?

Mr COUTTS-TROTTER: The short answer is yes. It is not appropriate behaviour.

The Hon. ROSE JACKSON: I asked a question on notice about bullying complaints in Corrections and we received information that there has been a reasonably considerable increase. Total number of reported bullying harassment claims, 2016, 25; 2019, 42. That is quite a significant increase. Workers compensation claims in relation to bullying and harassment in 2015, 29; 2018, 72; 2019, before the end of the year, 62. Are you concerned about the increase in bullying claims and attendant workers compensation claims for bullying and harassment?

Commissioner SEVERIN: Yes, I am. All the measures that I referred to in response to an earlier question are obviously also very much aimed towards a healthy work environment. We have taken very careful note also of feedback that our staff provide through formal or informal channels, surveys, et cetera. And it is an issue that I very proactively address with my executive team. It is not one that we deny exists. I guess there are always some instances where performance management is mistaken for bullying but that cannot be used as an excuse for the fact that we do get evidence of bullying and harassment. Obviously the numbers that you quoted speak for themselves. So the cultural engagement and wellbeing strategy is very much also focused on eliminating bullying and harassment in the workplace.

The Hon. ROSE JACKSON: It seems as though one of the particular issues—and there has been some public reporting on this—is sexual harassment in Corrective Services. Again, it is not a problem that is unique to Corrective Services; it is something that has been spoken about. Are you taking any particular steps to ensure that female staff are not subject to sexual harassment at work?

² In [correspondence](#) to the committee, dated 26 March 2021, Commissioner Peter Severin, Corrective Services NSW, provided a clarification to his evidence.

CORRECTED

Commissioner SEVERIN: We are. We have started this at Cessnock and we are continuing to run an information program on awareness of what sexualised behaviour actually is and the inappropriateness of that type of behaviour in the workplace. The first session was done by one of my assistant commissioners, who is a forensic psychologist and very experienced in this field, and we are obviously now multiplying that around other workplaces. Again, it is a proactive way of ensuring that staff not even inadvertently do something that constitutes sexual harassment.

The Hon. ROSE JACKSON: My colleague asked a question about injury management within Corrective Services. I think you answered, Mr Coutts-Trotter, that there was an increase in the number of people—

Mr COUTTS-TROTTER: There was an increase in 2018-19 and an increase in 2019-20.

The Hon. ROSE JACKSON: How many people are now—

Mr COUTTS-TROTTER: Sorry, I was talking about the number of injuries.

The Hon. ROSE JACKSON: Apologies. I am talking about the number of case managers doing injury management.

Mr COUTTS-TROTTER: I will take that on notice, Ms Jackson.

The Hon. ROSE JACKSON: And it would also be useful to know—you will probably have to take this on notice—the caseload of those individuals. As we have acknowledged, for a range of legitimate reasons it is a tough place to work. You are working with criminals and so there are quite a lot of workers compensation claims. It is a stressful workplace so it would be good to know how much caseload there is. What are the return-to-work strategies across the department like? For example, someone has put in a workers compensation claim, say, for sexual harassment in Corrective Services. They are able to return to work but perhaps they do not wish to return to Corrective Services. Perhaps they feel as though that is not the right place for them. How easy is it for those injury management staff at Corrective Services to place people elsewhere in the department?

Mr COUTTS-TROTTER: Not as easy as it should be, and this is something that is part of the challenge for us to solve. Taking your example, the most important thing is that we make contact with the person who says they are injured and not wait for a claims manager to make a decision to accept or not accept the injury. It is really important from day one to be responsive, particularly to psychological injury. We do have to be more creative about how we find return-to-work options for people. Even today we have heard ourselves talking about Corrective Services and Family and Community Services—we are actually a single department, Communities and Justice. So there is quite a job to get people to realise that there are more options for placement beyond their service stream. So there is an opportunity to do more. The operating model that is being developed will seek to try and have better answers to that.

The Hon. ROSE JACKSON: Is that part of that department-wide review of workers compensation that you have referred to, that challenge?

Commissioner SEVERIN: Yes, the workplace injury management strategy. Part of the strategy is to address that very question.

The Hon. ROSE JACKSON: What engagement have you had, Commissioner, with the Government's response to the ice inquiry? There were recommendations, as you would know, related to Corrective Services. Have you been engaged in developing that response?

Commissioner SEVERIN: Certainly my team in our correction strategy and policy branch has been engaged in contributing to a response, which then ultimately informed the Government's response to the ice inquiry.

The Hon. ROSE JACKSON: Do you have any information about when we might expect that response?

Commissioner SEVERIN: No, I don't.

The Hon. ROSE JACKSON: Worth a try. Fair enough.

Mr DAVID SHOEBRIDGE: By the end of this year I think is the official line, isn't it, Rose?

The Hon. ROSE JACKSON: Yes, that's right. Just a quick follow-up question or two about the Outer Sydney Metro prison strategy—I cannot remember the exact name. It is about building another prison in Sydney. For the Camellia proposal, which I accept is one of, as you describe, three or four, is there a specific piece of land that you have in mind as a potential site there?

Commissioner SEVERIN: It is land that, I understand—and again the detail of this is very much part of a planning process—is owned by Shell at the moment and is not being used for any particular purpose. Shell

CORRECTED

has got quite a significant operation in that area. It is their pipeline for fuel to the airport. It is a site that has certainly some contamination issues. That would have to be very carefully assessed before anything happens on that land. Then again—we do not even know because we have not been communicating with the owner of the land—they may not even want to sell it. So for us it is, simply from a purely Corrective Services perspective, looking at places where we could strategically and operationally realise something. Camellia, because it is in the broader consideration, was one of many others. Again, somehow it made its way into the media in a very emotive sense. It was not accurate. But there is no reason to deny the fact that it has been one of many sites that our experts have been looking at.

Mr DAVID SHOEBRIDGE: Commissioner, in answers to questions last year about overwork and long shifts by Corrective Services officers, you advised that there were 65 cases where officers worked effectively three shifts—that is, more than 16 consecutive hours. Is this still happening? What is the policy?

Commissioner SEVERIN: First of all, I hope not, but I have to take the detail on notice. It is obviously not in anybody's interest to work 24 hours, and unless there is an operational emergency where that may have to happen, it should never be the pattern of work.

Mr DAVID SHOEBRIDGE: There were 65 occasions last year where officers—

Commissioner SEVERIN: Sixty-five times—

Mr DAVID SHOEBRIDGE: —worked greater than 16 consecutive hours. Is there a policy—

Commissioner SEVERIN: That is a double shift. That is not 24 hours.

Mr DAVID SHOEBRIDGE: Greater than 16 hours.

Commissioner SEVERIN: Okay. Sorry.

Mr DAVID SHOEBRIDGE: Is there a policy to prohibit this, because it is a high stress environment and a large amount of responsibility if you are on your feet for 24 hours potentially?

Commissioner SEVERIN: There are clearly rostering principles in place and they certainly provide that a triple shift is completely out of the question. I am not across the level of detail to know the detail about double shifting and consecutive double shifts. Double shifts do occur because we have to backfill absenteeism with overtime, if need be.

Mr DAVID SHOEBRIDGE: I can understand double shifts from time to time but we are talking greater than 16 hours.

Commissioner SEVERIN: It is certainly not permissible under the rostering guidelines or principles to work a 24-hour day or any more than 16 hours.

Mr DAVID SHOEBRIDGE: It is my understanding that there is a prohibition on working longer than 16 hours and yet that was breached 65 times in the 12 months to 12 March 2020. You cannot at the moment shed any further light on that?

Commissioner SEVERIN: I need to take the detail on notice, thanks.

Mr DAVID SHOEBRIDGE: All right. Can you then advise how many occasions in the 12 months leading up to today—and I more than happy if you want to roll it through to 12 March 2021 so that we are comparing apples to apples—officers worked greater than 16 consecutive hours, and how it happened that the policy was repeatedly breached?

The Hon. TREVOR KHAN: Can we find out what the element over the 16 hours is? It might be 30 minutes.

Commissioner SEVERIN: Just to put it in perspective, on any given day we would work tens of thousands of shifts. It is not an excuse, but certainly in relative terms 65 occasions is also not a systemic problem that I can see.

Mr DAVID SHOEBRIDGE: And you might give any information you can that is of assistance about how much more than 16 hours. One key data point that I think would be useful is what the longest shift was.

Commissioner SEVERIN: We will get that information.

Mr DAVID SHOEBRIDGE: Commissioner, last year I asked for the cost per inmate of publicly owned versus private prisons and the Minister in his wisdom referred me to the *Report on Government Services 2020*.

Mr COUTTS-TROTTER: Excellent report.

CORRECTED

Mr DAVID SHOEBRIDGE: It is an excellent report, but unfortunately it does not provide that information.

Mr COUTTS-TROTTER: As I said, an excellent report.

Mr DAVID SHOEBRIDGE: Given that unhelpful guidance last year, could you provide the cost per inmate of public versus private prisons over the past financial year?

Commissioner SEVERIN: We can see if we can disaggregate the information to that level. The difficulty here is that the cost per prisoner per day includes a whole range of costs that are not directly associated with running that particular facility: transport and escort costs, corporate services costs, IT costs—a whole range of additional costs that you find rolled up in the RoGS figure, but disaggregating it becomes very difficult.

Mr DAVID SHOEBRIDGE: I suppose, Commissioner, the difficulty I have with that answer is—

Commissioner SEVERIN: It is easy for us to provide a sum that we have spent on the private sector, maybe with the exception of Clarence where it is very complex because it is a public-private partnership. But to make it a meaningful comparison is very difficult because totals for the public sector and to some extent some services applied to the private sector as well—transport of prisoners, for example—include all of those costs.

Mr DAVID SHOEBRIDGE: The difficulty I have with that answer is that we get a figure in the 2020 report that says that the cost of open plus periodic costs—and I assume this is largely for public prisoners in the public system—is \$151.93 per day. In secure facilities, it is \$220.11 per day. The average or the net is \$197.45 per day.

Commissioner SEVERIN: That includes public and private.

Mr DAVID SHOEBRIDGE: That includes public and private, does it? Given the fact that we are able to get such precise figures, it seems hard for me to understand why you could not disaggregate that.

Commissioner SEVERIN: It is easier to do for the whole of system, where your additional flow-on costs can simply be loaded up and divided by the number of prisoners. If you have to then separate all of those cost elements out, it might prove to be very difficult. However, I am more than happy to ask the financial experts to provide that information in as meaningful a way as possible.

Mr DAVID SHOEBRIDGE: There is a public policy benefit in doing this—to actually have a look at the costs in the two systems.

Mr COUTTS-TROTTER: Sure, and presumably when making the decision to commission a private provider we must have a public sector comparator.

Commissioner SEVERIN: We do, absolutely.

Mr COUTTS-TROTTER: Yes.

Mr DAVID SHOEBRIDGE: It may be that you do it facility by facility rather than an aggregated group.

Mr COUTTS-TROTTER: Yes.

Mr DAVID SHOEBRIDGE: And you provide whatever commentary is necessary to understand why that cost may be up or higher or lower than the average, given that they are quite distinct.

The Hon. TREVOR KHAN: We have had this discussion in another inquiry, David, and one of the problems was you are comparing old with new. That is one of the problems with the exercise.

Mr DAVID SHOEBRIDGE: I absolutely agree with that. For example, you would not want to compare Berrima with anything.

The Hon. TREVOR KHAN: Exactly. It has a size and age issue all built into it.

Mr DAVID SHOEBRIDGE: I understand that. Commissioner, just to be helpful, there was that memorandum between the general manager and the assistant commissioner that I was speaking about that is referenced in the SIRA report. It might be easiest if I just give you a copy of it.

Mr COUTTS-TROTTER: Yes, thank you.

Mr DAVID SHOEBRIDGE: I might just simply say I do not see anything on the face of it that would be problematic about publishing, but I might ask the Committee members if we could hold off publishing it for 24 hours until we have your opinion on whether or not there is anything sensitive in it that would prevent its publication.

CORRECTED

Mr COUTTS-TROTTER: Okay.

Mr DAVID SHOEBRIDGE: I am not asking for that determination now.

Mr COUTTS-TROTTER: No, sure.

Commissioner SEVERIN: Yes, sure.

Mr DAVID SHOEBRIDGE: There is this excellent *Report on Government Services 2020*, Mr Coutts-Trotter. It provides some data about the time out of cells per day for New South Wales.

Mr COUTTS-TROTTER: Yes.

Mr DAVID SHOEBRIDGE: What it shows is that New South Wales is the worst performer across the nation. It also shows that in fact the time out of cells per day across New South Wales has fallen from an average of about 11 hours per day in 2009-10 to something in the order of eight hours per day in 2018-19—a fairly dramatic deterioration in just a decade. First of all, am I reading the graphs right?

Mr COUTTS-TROTTER: I do not have the graphs in front of me and I only have a year-on-year comparison, but it could well be that you are reading the graphs right.

Commissioner SEVERIN: I might respond to that, Mr Shoebridge. We certainly are concerned about time out of cell. It is one of the areas of focus and has been for a number of years. I have been talking about this in previous estimates hearings as one of the areas where improvement is necessary. Within New South Wales, we have one fully paid shift for staff. That is in secure custody. That limits the ability to have time out of cell in excess of eight hours minus the time it takes for prisoners to be unlocked and locked away of an afternoon. That is a reality and it is different to the reality in some other States, but it has certainly been historically the case for as long as I have been here and for a long time before that.

What we have been able to do within New South Wales is actually improve our performance. Between 2018-19 and 2019-20, in open custody, we went from 10.4 hours to 11 and in secure custody we went from 7.2 to 7.8. Out of an eight-hour shift, 7.2 is relatively good productivity. Do I think that is as good as we would like it to be? No, but unfortunately the realities of the system are such that we only have one fully staffed eight-hour shift available within which to operate the facilities. We continue to look at opportunities to extend time out of cell, but also the introduction of the tablet technology—I brought one along—allows us to at least ensure that offenders can continue to engage in meaningful activity when they are in their cells. They are obviously doing that. Certainly in the trial sites, which have been operational for a little while, there is very positive evidence of that.

Mr DAVID SHOEBRIDGE: Commissioner, do you have the overall average across the system for time out of cells? You gave us the open and the secure.

Commissioner SEVERIN: I can certainly find that.

Mr DAVID SHOEBRIDGE: While you are doing that, Commissioner, the *Report on Government Services 2020* shows that there was a dramatic collapse in the time out of cells in New South Wales between 2011-12 and 2012-13. Since then New South Wales has been at the bottom of the pack, but there was that dramatic collapse between 2011-12 and 2012-13. Do you know what led to that dramatic collapse, what the changes were and if they are reversible?

Commissioner SEVERIN: I will take that on notice. This is a vague memory, but I understand that there was a counting error and the formula was not used in the right way before then. That would have been a footnote in the *Report on Government Services* at the time, but I had better take that on notice.

Mr COUTTS-TROTTER: Can I ask my colleague a question?

Mr DAVID SHOEBRIDGE: Indeed.

Mr COUTTS-TROTTER: What about Macquarie and the rapid-build prisons that actually enable a different pattern of operation?

Commissioner SEVERIN: That, obviously, got far more longer periods where normal routines just continue to happen.

Mr COUTTS-TROTTER: Fifteen hours.

Commissioner SEVERIN: That is up to 15 hours, that is right.

Mr DAVID SHOEBRIDGE: They are the dormitory-style rapid-builds?

CORRECTED

Mr COUTTS-TROTTER: They are.

Mr DAVID SHOEBRIDGE: My assumption was that that would have seen a very substantial increase in the system-wide numbers. That may be what explains the move from 7.2 to 7.8 hours; I do not know. But I assume that they are picked up in your most recent figures, Commissioner?

Commissioner SEVERIN: The counting rules for time out of cell are very, very narrow. It is a day in time that we are looking at. It is not an average. It is one day.

Mr DAVID SHOEBRIDGE: It is a snapshot. It is like a census.

Commissioner SEVERIN: It is 30 June of that year that is being looked at under the Report on Government Services counting rules. If we happen to have a particular operation or circumstance on that, that can be cleansed to some extent, but there are limitations to doing that. There has been a lot of dialogue, not just for Corrective Services, but for a whole range of other government services in relation to the counting rules. However, they are the same rules for everybody.

Mr DAVID SHOEBRIDGE: That might explain a one-year aberration. But New South Wales has been at the back of the pack with very consistently low figures at a consistent rate since 2012 and 2013, Commissioner. We have not seen it jump up and down.

Commissioner SEVERIN: We have consistently not better performed in secure custody in about seven and a half hours, or thereabouts, which is lower than a range of other jurisdictions. That is absolutely clear.

Mr DAVID SHOEBRIDGE: I think the balance of my questions, even if I asked them now, would be taken on notice anyhow.

Mr COUTTS-TROTTER: I think that is right.

Mr DAVID SHOEBRIDGE: You would say that, Mr Coutts-Trotter.

The Hon. ROSE JACKSON: I just have a couple more questions. In relation to the new prison facility in Sydney, wherever that ends up being. Are you aware of whether there is any intention of making that a private prison facility, or has a decision not been made on that?

Commissioner SEVERIN: Not even considered at the moment. Again, as I mentioned this morning, there were many options that have been looked at, not just one facility, but different arrangements across existing sites et cetera.

The Hon. ROSE JACKSON: I wanted to ask about strategies to work with the Housing team in relation to homelessness. We asked Deputy Secretary Vevers about the Set to Go program, which he acknowledged had been quite successful but that the take-up had not been as high as might have been expected and there was a problem with awareness about the program. Is that something you are working on? Obviously we all have an interest in reducing prisoners returning to homelessness.

Commissioner SEVERIN: Yes, we do. There is a steering committee, which Paul Vevers and Luke Grant jointly chair. I am a member of that steering committee as well. Then we have a range of our operational experts who deliver the services there, so it does receive very senior attention because it is a great opportunity.

The Hon. ROSE JACKSON: Are you able to provide any information on notice about how many people have engaged that program?

Commissioner SEVERIN: Yes.

The Hon. ROSE JACKSON: I understand it was only set up quite recently. It was then expanded to the entire prison network in November last year, I think.

Commissioner SEVERIN: That is correct. We can provide all of that.

The Hon. ROSE JACKSON: Thank you. That would be useful. Since COVID, we have seen a reduction, as we have discussed earlier, in prison numbers. Is the assistant commissioner's memorandum in relation to double- or triple-bunking still in operation, despite the reduction in prison numbers?

Commissioner SEVERIN: I cannot answer the question whether that memorandum has been withdrawn. But our strategy is very clearly to reduce the number of double-ups and triple-ups. I do not think that we would have any triple-ups in cells that were not designed for three persons. We obviously have a priority to pull those double-ups out that prove to be of highest risk in terms of the fit-for-purpose arrangements. There is a program called the prison bed adjustment program, which will reduce the overall state to 15,600. That is well

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under way and will see us then move forward in a way that will significantly reduce the level of single cells being used by two prisoners.

The Hon. ROSE JACKSON: It is a good program. My understanding is that there was a specific memorandum that was issued by the assistant commissioner as a temporary measure to avoid our obligations under the United Nations Standard Minimum Rules for the Treatment of Prisoners.

Commissioner SEVERIN: I need to take that on notice.

The Hon. ROSE JACKSON: As I said, it is useful that there is a program to address this. But I would like to know whether that memorandum to avoid those obligations is still in place.

Mr DAVID SHOEBRIDGE: Commissioner, do you keep data on the number of sexual assaults on inmates on a year-to-year basis?

Commissioner SEVERIN: Assaults on inmates?

Mr DAVID SHOEBRIDGE: Sexual assaults on inmates.

Mr COUTTS-TROTTER: Yes, we do.

Commissioner SEVERIN: Assault inmate on inmate?

Mr COUTTS-TROTTER: Sexual assaults.

Mr DAVID SHOEBRIDGE: Sexual assaults on inmates to the extent that they have been inmate on inmate or Corrective Services officer on inmate.

Commissioner SEVERIN: Sorry, sexual assault. I misunderstood you. Yes, we do.

Mr DAVID SHOEBRIDGE: Do you have those figures there, Mr Coutts-Trotter?

Mr COUTTS-TROTTER: I cannot disaggregate them because they are included in serious assault data, but we do keep that data so we can provide it to you.

Mr DAVID SHOEBRIDGE: Do you have a document or something you could table, Mr Coutts-Trotter?

Mr COUTTS-TROTTER: We have data for the six years up to 2019-20, so starting from 2014 -15 and then sequentially. There were 20 sexual assaults in 2014-15, 25, 26, 18, 40, 23.

Mr DAVID SHOEBRIDGE: I assume there is a whole dataset there of other assaults?

Mr COUTTS-TROTTER: Serious assaults, yes, we can get that to you on notice. Actually, I can give it to you now.

Mr DAVID SHOEBRIDGE: Thank you. For the same period?

Mr COUTTS-TROTTER: Same period, serious assaults. This includes sexual assaults. This incorporates the numbers you have just heard: 2014-15, 62; 2015-16, 73; 2016-17, 37, 41, 67, 34.

The CHAIR: You seem to have taken a number of items on notice.

Mr COUTTS-TROTTER: We have.

The CHAIR: You have 21 days to return those, please. Thank you very much for coming.

(The witnesses withdrew.)

The Committee proceeded to deliberate.