

REPORT OF PROCEEDINGS BEFORE

GENERAL PURPOSE STANDING COMMITTEE NO 3

**INQUIRY INTO ASPECTS OF THE DEPARTMENT OF CORRECTIVE
SERVICES**

—

At Sydney on Friday 12 April 2002

—

The Committee met at 10.00 a.m.

—

PRESENT

The Hon. Helen Sham-Ho (Chair)

The Hon. G. S. Pearce

The Hon. P. T. Primrose

Ms Lee Rhiannon

The Hon. I. W. West

The Hon. Amanda Fazio

The Hon. J. F. Ryan

CORRECTED TRANSCRIPT

CHAIR: I welcome the media and the Minister to this first hearing of the General Purpose Standing Committee No. 3 for its inquiry into the aspects of the Department of Corrective Services. The Committee decided a short time ago to hold this as a public hearing, although initially it was intended to be a briefing. I want to thank the Minister for complying with the Committee's very short notice decision to have this as a public hearing.

The Committee resolved to give itself this reference under the powers given to it under paragraph 5 of the resolution of 13 May 1999 establishing the Committee.

I advise that under Standing Order 252 of the Legislative Council, evidence given before the Committee and any documents presented to the Committee that have not yet been tabled in Parliament may not, except with the permission of the Committee, be disclosed or published by any member of such Committee or by any other person.

Copies of guidelines governing broadcasting of the proceedings are available from the table by the door.

Today's hearing is intended to give the Committee an understanding of the main issues involved. After today and a meeting on 2 May with the Inspector General of Corrective Services, the Committee will meet to develop a programme of formal hearings.

Both the Minister and the Shadow Minister today have agreed to assist the Committee in providing initial evidence, and I am grateful for their co-operation. Although we will begin this hearing in public, I offer the Minister the opportunity to request to have evidence heard in private if he considers it is necessary. If any evidence is heard in private a transcript will be taken and the Committee will then consider whether to publish the transcript at a later date. However, if the Committee does later resolve to publish the transcript it will only do so after consulting the witnesses for their views.

CORRECTED TRANSCRIPT

The Hon. RICHARD AMERY, Minister for Corrective Services, before the Committee:

Mr AMERY: All I am looking for today is perhaps from the Committee just to determine to be a bit more specific in the terms of reference. Looking at the first term of reference, “the procedures for the appointment of the Commissioner”, I am quite happy to talk about that in general terms, about the Commissioner Ron Woodham, who I strongly support. It also refers to “Assistant Commissioners and Governors of Corrective Services, and circumstances relating to these recent appointments”. That is fairly broad, but we can probably start with something there. The second one is:

Whether associations between these senior officers in the Department of Corrective Services and prisoners are at all times appropriate, and undertaken with integrity and professionalism and whether proper disciplinary action is initiated when required.

That is pretty broad. I have some figures here. We have appointed between 2000 and 2002 eighteen Governor positions, three Governor positions have been filled on a temporary basis. I have a schedule for those. We have a string of Assistant Commissioner positions that have been appointed over the last couple of years, leading up to the appointment of Ron Woodham.

Obviously the announcement by the Opposition in the media on the day that we announced the appointment of Ron Woodham seems to indicate that he is to be the target of some Opposition questioning. I suppose we are looking at that Ron Woodham appointment which I support very strongly.

I would like some clarification about the terms of reference on point (b). How specific does the Department have to be? They may have to check about two tonnes of records to accommodate all that, so I would like to be a bit more specific.

CHAIR: I cannot say any more than what is in the terms of reference, because we have not started the inquiry. That is the whole point. In relation to point (a) of the terms of reference, we are only looking at the Commissioner as a Commissioner and probably not all the Governors, as I gather that there are so many, but perhaps the relevant Governors. We have not advertised, we have not done anything. This is the first thing we are doing, so we have to get some guidance from you. This is why we are here.

Mr AMERY: I suppose I am here to initially just have a briefing or a discussion about this inquiry. The Department and the Commissioner and a number of people are required to give evidence. What I would like to be able to send back to them, and some of the departmental people are here, is just where do we go, what are we searching for here specifically?

If you want to talk about the appointment of the Commissioner, I am quite happy to start talking about that.

Let me just go through a few broad comments. I became the Minister for Corrective Services late last year. Prior to my becoming the Minister, there had been a process in place initiating the Premier’s Office for the appointment of a new Commissioner. There were a number of people applying for this job. I suppose this comes under Cabinet confidentiality, but quite a number of people were applying for this job, three or four, something like that.

Not long into my tenure in the job, I then started looking at a recommendation to go to the Cabinet for the appointment of a new Commissioner. When I looked at the curriculum vitae and so on of the people applying I became very strongly of the view that Ron Woodham should be recommended to Cabinet for appointment. I am very pleased to say that there was unanimous support for his appointment. I am very pleased to say that he was supported in discussion by the two former Ministers for Corrective Services and I have been quite pleased with the fact that his appointment has been given strong support from the prison officers within the system and the fact that he is the first prison officer in the history of the Department to ever achieve the position of Commissioner. It is quite an achievement on his part.

I suppose the Corrective Services Department, like every organisation, has a number of disgruntled employees. They apply for positions over the years and they don’t get them. Of course,

after the decision is made and they do not get the position, then of course they start attacking the process. I can advise the Committee before we go into any in-depth evidence in that regard that all of the allegations being made against Commissioner Woodham – and I assume we are not going to canvass matters that have already been dealt with by the various authorities, the Independent Commission Against Corruption and courts, but if you are going to canvass that as well, I am quite happy to say that I have been completely briefed and read on all of the people who have had a gripe or a complaint against him over the years, leading up to the allegations that I think have been made public by the Opposition in recent months. I was fully aware of what the Inspector General had been corresponding with the former Commissioner and so on, so I was aware of all of those issues prior to my making those recommendations and coming to a decision that Ron Woodham should be the Commissioner.

I do not have any suggestion that I was aware of what had been leaked to you from some disgruntled officers within the organisation before the Commissioner's appointment. What I am looking for is: What is the Committee after? We all know the process of politics. The fact the Opposition made a comment on this matter on the day of his appointment would seem to suggest this is all about attacking our new Commissioner.

You have thrown into the equation a number of Assistant Commissioners, some of who have been appointed and some are acting, and Governors around the State. We have a multi-point witch-hunt going on. We are trying to work out what you are after, so the Department of Corrective Services does not spend unnecessary time going through files on which the Committee have no interest.

The Hon. JOHN RYAN: Madam Chair, may I ask some basic questions on what the Minister has said so far?

CHAIR: Before you ask a question, I want to give the Minister enough time to tell us what he wants to tell us.

Mr AMERY: This Committee is to take place over a couple of months. The Department will be required to bring in files and evidence from people, selection committees and the like. I have been a Minister since 1995. I have been involved in appointing and re-appointing Director Generals, CEO's of organisations in the Department of Agriculture, Department of Land and Water Conservation, SafeFoods New South Wales and so on. People within the Premier's Department deal with the processes of advertisements and so on. The same applies with Ron Woodham. If the Committee is looking for some new process that took place with Mr Woodham's appointment, then it is not there.

The only difference I can see in the appointment of Mr Woodham as CEO to the others is that the Premier's Department started the process before my being appointed Minister. However, I was finally that Minister who took it before the Cabinet. There was no difference in the process of the appointment of this CEO.

The Hon. GREGORY PEARCE: Minister, your entire approach so far has been to make it personal about Mr Woodham -- --

CHAIR: Remarks should be directed to the Chair. I think you should let the Minister finish.

Mr AMERY: I believe it is a good question, I am happy to answer the question.

CHAIR: The question can be asked.

The Hon. GREGORY PEARCE: Minister, you seem to be taking the view that this Inquiry is somehow a personal attack on Mr Woodham and that there is a group of disgruntled employees who have initiated this Inquiry. That was not my understanding. I did not think there was any concern about Mr Woodham's appointment. It was my understanding the Inspector General of the Department of Corrective Services had expressed concerns about various other appointments. Perhaps you could elaborate on why you think Mr Woodham is in this position?

Mr AMERY: I find the argument behind your question intriguing. On the very day I announced Mr Woodham's appointment, the then Shadow Minister Andrew Humpherson went to the

CORRECTED TRANSCRIPT

press gallery and spoke of moving a Legislative Council Inquiry into his appointment. You could probably check the press gallery for the timing of the press release. I repeat I made the announcement on a certain day. There was another issue going on in the Department of Corrective Services and I was attending a press conference. I also announced and introduced Ron Woodham to the press gallery. That very day the Shadow Minister, the Liberal Party spokesman on Corrective Services went into the press gallery, issued a press release and attacked his appointment. He said he would be lobbying in the Legislative Council for an inquiry into Ron Woodham. I think I am on firm ground about where certain members of this Committee are coming from.

The Hon. JOHN RYAN: Can you explain the time line between when you became Minister and when you made the appointment of Mr Woodham? I understand they were close together, only days apart?

Mr AMERY: I could get the exact date. There was a reshuffle in the latter part of November when I became the Corrective Services Minister. Within a few days I had been introduced to senior people of the Department. Mr Woodham was the Acting Commissioner. The former Commissioner had vacated his position. The appointment went to Cabinet during December. I think his appointment went to the Governor in early January.

The Hon. JOHN RYAN: Could we have a more specific timeline of dates?

Mr AMERY: Yes, I can do without. Coming back to the former question, the media release from Andrew Humpherson is dated 11 January 2002. If I can quote from that? I will be able to table a copy:

Today's appointment of Ron Woodham as NSW Corrective Services Commissioner is a slap in the face to the Inspector General, who only last year recommended that disciplinary action should be considered against Ron Woodham, according to the State Opposition.

The Shadow Minister for Corrective Services and Rehabilitation, Andrew Humpherson, says he is amazed at the decision to appoint Mr Woodham given the controversial background and the adverse official findings against him. Mr Woodham has been directly in charge of inmate custodial services.

I table the press release. In answer to the first question from Mr Pearce, that he was concerned I was focusing on Mr Woodham's appointment, this Committee was set up by the Opposition to question his appointment. I do not think I have better evidence than the Shadow Minister's press release issued on the day of the announcement of the appointment. There is no coincidence here.

CHAIR: Minister, the Committee receives the press release.

The Hon. JOHN RYAN: Do you have the specific dates of when you became Minister and when the appointment was made?

Mr AMERY: Yes, I can obtain those dates. In general terms I think they were wrapped up between my appointment towards the end of November and 11 January 2002, that includes the process of going through the file, going to Cabinet; the matter was delayed between Cabinet and the Executive Council. That involved a minute being put to the Executive Council. That was completed within the first week or so of January. It occurred within approximately a month and a half of my appointment.

The Hon. JOHN RYAN: Are you able to give us on notice a more specific time?

Mr AMERY: The date of my appointment as Minister, the date the appointment went to Cabinet and the date of the Executive Council approval? There are three dates.

The Hon. JOHN RYAN: Whilst I realise you may not wish to name the other candidates, can you tell us how many other candidates had been through the process until the point when you had the opportunity to make a decision? How many candidates did you have to choose between when you became Minister?

Mr AMERY: There were three people on the shortlist.

CORRECTED TRANSCRIPT

The Hon. JOHN RYAN: Were all of them available for appointment at the time you made the appointment?

Mr AMERY: One had pulled out of the application process.

The Hon. JOHN RYAN: It was a choice between two?

Mr AMERY: No, I think of the situation was that she had withdrawn her application but it is not for me to canvass whether that would have changed my decision. I went through all the applications to see who would be the most suitable appointment. Having gone through the work that had been done by the Premier's Department it was my view that Mr Woodham should be Commissioner.

The organisation had never had a former Corrective Services Officer appointed as Commissioner, unlike many other organisations. It is an organisation going through much change. I was very impressed with the work he had done over the last 10 years in various roles. He had been appointed Assistant Commissioner by the coalition government in the early 1990's. They obviously had no problem with appointing him to senior positions in various areas of the organisation.

His CV includes a bravery award during riots in the years gone by. I formed the view, even before I got to Cabinet, very early in the piece, that this person was the most appropriate to be Commissioner. By the way, I do not think I knew him before I became Minister.

The Hon. JOHN RYAN: Could you give us some idea of Mr Woodham's academic qualifications? His experience is well known, but does he have academic qualifications?

Mr AMERY: Going on my memory from documents like his CV and the like, he joined the Department of Corrective Services in 1966 as a junior prison officer and worked his way through the ranks. During that period he undertook various training programs and was instrumental, during the more senior parts of his service, in implementing a number of major reforms to the custodial services, management and so on.

What impressed me from his CV was that over the last 10 years he was very involved in other programs such as education of prisoners trying to, to use his words, "improve the product that we release from prison". From that work I found him to be a mixture of a person who had seen the prison service through the 1960s and 1970s and had been very much part of the change in the way prisoners have been treated during the 1970s, 1980s and 1990s. That wealth of experience was the reason why I considered him to be a very strong candidate.

The Hon. JOHN RYAN: Does he have any academic qualifications?

Mr AMERY: Do you mean university courses and so on? I can find that out. I know the Minister for Corrective Services does not.

The Hon. GREGORY PEARCE: What was the criterion of selection for this position? Is it written down?

Mr AMERY: The Director General of the Department of Agriculture has indicated he will step down. As has been very topical this week, the Commissioner of Police will step down. There is a set format, advertising is generally organised by the Premier's Department. If I make any errors someone from that Department can correct that. Generally speaking there are various advertisements, as set down in the guidelines of the Public Service, they call for nominations, those people interested apply. We have a copy of the advertisement for the position of Commissioner, but I suppose you would have that?

The process for the appointment of the Commissioner of the Department of Corrective Services is no different to that which I will be going through shortly in relation to the appointment of Director General for Department of Agriculture.

The Hon. JOHN RYAN: Cabinet obviously does some advertising?

Mr AMERY: Yes, Premier's Department and Cabinet.

The Hon. JOHN RYAN: At what point does the political process take over? What preparation has been done prior to the political aspect of the appointment? I do not mean to use that turn pejoratively, I mean how is the information you have about the candidates organised? Is it given to you in the form of specific CV's with recommendations? Is there a preliminary interview conducted by the Cabinet Office?

Mr AMERY: There is a panel made up, generally, of the head of the Cabinet. For example, in the Department of Agriculture we are appointing a person from outside. We have another couple of CEO's on the panel and generally Col Gellatly, Director General of the Premier's Department. The candidates are short listed down to two or three, that list is put to the various Ministers. I would like to point out in this particular case the only difference was that there was a change of Minister. John Watkins was the previous Minister. The process was going on with Col Gellatly and a panel from the Premier's Department. I picked it up after the reshuffle.

The Hon. JOHN RYAN: Had that process that was conducted by the Cabinet office been completed and presented to Mr Watkins prior to the change of office?

Mr AMERY: I could not say, I would not be able to answer that, but I can take that on notice.

The Hon. JOHN RYAN: You have mentioned that the Inspector General had written to the Government, or at least the Minister for Corrective Services, probably the previous Minister for Corrective Services, and made some complaint about the appointment process generally within the Department of Corrective Services and as I understand it, although I have not seen the correspondence, he in fact named –

Mr AMERY: You have not seen the correspondence?

The Hon. JOHN RYAN: No.

Mr AMERY: You must be the only one who hasn't.

The Hon. JOHN RYAN: I haven't. I would just be grateful if you could brief us as to what did the Inspector General of Corrective Services say about the appointment process and in particular what did he have to say about any complaint made about Mr Woodham.

Mr AMERY: I assume the Committee will hear from the Inspector General, so I will let him answer that aspect of it, but let me just say that there was some correspondence from the Inspector General about the appointment of a Governor. I will be very broad in these terms and I will let the people who give evidence in that regard fill in the proceedings. There was correspondence about – and at the end of the day I have to tell you these are matters of no great moment – a person who was unsuccessful in the appointment of these Governors made some complaints after not obtaining the position, made some objection that Mr Woodham was on a selection committee. He was not Commissioner, he was on a selection committee, there was another Commissioner at the time. My recollection of the case is that there was no objection to Mr Woodham being on the committee prior to the successful candidates being appointed, but afterwards there was some complaint made by an unsuccessful candidate. Again this is my general recollection of it and I think it is more appropriate that the people involved give their specific evidence in this regard.

When you start weighing up the substance of the concern, it came down to whether referees were interviewed and there was a reference in an Inspector General's letter that because of some lack of process here that somehow was determined to be corruption. I will let someone else make a judgment on whether it is corruption, but the matter was referred to the Independent Commission Against Corruption who declined to investigate. The matter was then referred to the former Commissioner, bearing in mind Mr Woodham was not the Commissioner, and the former Commissioner Dr Keliher. He was very concerned about how that whole complaint process had been dealt with and also pointed out that the Inspector General I think had probably overstepped his

CORRECTED TRANSCRIPT

authority in carrying out investigations and the Crown Solicitor advised that he was not able to come to those determinations.

The former Commissioner then declined and he, again probably like you will see when you see this correspondence, saw this of no great moment. No action was taken. He informed the Commissioner. He informed the Minister. I saw all the correspondence prior to making the recommendation about Woodham. At the end of the day I have to tell you it is a storm in a teacup.

I have been involved with being the Minister for a few departments and there are people who apply for jobs, some who don't get them and there's always something wrong with the process with some people when they don't get them. That is not in every case, I might say, but there are a number of cases where people have made complaints. When the Committee teases this out - I have no doubt this is where it is all coming from - you will find this is a matter of no great moment.

The Hon. JOHN RYAN: Did the Inspector General in his correspondence make specific reference to Mr Woodham?

Mr AMERY: Yes, I think so, but again I think it is very important that what the Inspector General put in his correspondence, what he meant by the correspondence and what his views are should be teased out by him. I think that is very appropriate. It is not for me to give a critique on what he is saying and what he meant to say and what his views are on the process. I think it is up to those people to make those comments, but I want to let you know that I was fully aware of all this correspondence, all of these issues prior to my making the recommendation to appoint the Commissioner.

The Hon. JOHN RYAN: Can I ask you a couple of questions about the matter of an appointment which occurs subsequent to the appointment of Mr Woodham and that is his own position that he vacated in order to become Commissioner. I am not exactly sure of its title, is it Assistant Commissioner in charge of Operations? Is that the correct title? The position that Mr Woodham occupied prior to being appointed Commissioner.

Mr AMERY: Are you talking about John Klok's position?

The Hon. JOHN RYAN: The position that Mr Klok came to occupy. How was that appointment made?

Mr AMERY: I understand that's very much a process, like you will see with the other CEOs, they appoint their senior officers by an internal process and I understand that was carried out along those lines.

One of the things I said to the staff of the department on becoming the Minister for Corrective Services was the first thing that really struck me about the organisation was with the loss of the Commissioner, the retirement or resignation or whatever of the previous Commissioner, we had an Acting Commissioner and a string of senior people who were in acting roles right throughout the organisation and in moving quickly to appoint a Commissioner I was trying to send a signal to the organisation that I want to get rid of all this uncertainty, all these people in acting positions; so having got the Commissioner's position adopted by the Cabinet and appointed by the Governor, I then asked the Commissioner to move and make sure that all these other people in acting roles, that "you start the process of filling those positions" and he has started that. I have not got the exact figures about where we are up to and how far we have gone through, but he has given me assurances that most of these acting positions will be filled as soon as possible.

The Hon. JOHN RYAN: Mr Klok's position is obviously a fairly significant one.

Mr AMERY: Yes.

The Hon. JOHN RYAN: Surely you would be briefed at the various stages that that was reached, whether an advertisement had been made.

CORRECTED TRANSCRIPT

Mr AMERY: All of that. We are only going through the process now. John Klok is Acting Senior Assistant Commissioner.

The Hon. JOHN RYAN: He was appointed to that position reasonably quickly upon Mr Woodham becoming Commissioner, wasn't he?

Mr AMERY: No, do you mean appointed to the acting position?

The Hon. JOHN RYAN: No, appointed to the permanent position. Is he permanently appointed?

Mr AMERY: No, we are still going through the process of appointing these acting positions. What happened the other day, Commissioner Ryan announced his resignation.

The Hon. GREGORY PEARCE: His termination.

Mr AMERY: Whatever; and what happens, the Assistant Commissioner takes up the Acting Commissioner's role until the process is finished.

The Hon. JOHN RYAN: So that process is still ongoing.

Mr AMERY: Yes. When the Commissioner speaks to you he will probably outline the procedure, but I am sure you are familiar with the public service arrangements, the guidelines for a CEO appointing their deputies and various other senior officers, their executives and so on. The same applies in certainly the other two departments that I have been the minister of.

CHAIR: I think it would be helpful for the Committee, at least for myself, if you can provide to the Committee some details of how these senior positions officially are being recruited.

Mr AMERY: We will get that from the Premier's Department. It is the same position in every government department.

CHAIR: How perhaps Mr Woodham and the Assistant Commissioner with the recent appointments are being recruited, the detail of the recruitment process and how many other applicants perhaps, just generally give us an idea. You can assume we want to know about it. It will be not as specific as Mr Ryan, but I would certainly like to know about this process.

Mr AMERY: It is just public service and Premier's office guidelines.

CHAIR: I understand that.

Mr AMERY: Built into that are Independent Commission Against Corruption guidelines and all those sorts of things, the same applies.

CHAIR: The recent appointments over the last twelve months, the appointment of the senior staff member or the deputy.

Mr AMERY: They act in that position until it becomes filled.

CHAIR: Say for the last twelve months is a figure I got out of my head.

Mr AMERY: We have still got a number of the acting people, we have Acting Assistant Commissioner of Probation and Parole, Acting Assistant Commissioner in Inmate Management, and so on. One thing I have been keen to do is to move to get all of these acting positions permanent and quite frankly I don't get involved in who is going to be the Governor here and the Governor there, but there is a process in place and I am satisfied that that process is being complied with.

The Hon. JOHN RYAN: Can I ask you a final question? You are aware that Mr Woodham has in fact been mentioned, in fact it would be fair to say adversely, in a number of important reports, particularly from the Independent Commission Against Corruption.

CORRECTED TRANSCRIPT

Mr AMERY: In relation to?

The Hon. JOHN RYAN: In relation to a number of inquiries.

Mr AMERY: Such as?

The Hon. JOHN RYAN: Certainly the report on the use of informers, for example.

Mr AMERY: I would just like you to be specific. What are we talking about here?

The Hon. JOHN RYAN: I am about to. When I finish my question, I am going to ask you about something very specific. That inquiry said of Mr Woodham:

Having said that, it must also be observed that Woodham at the end of the day still has difficulty in distinguishing between ends and means.

What weight did you put on, in your appointment of Mr Woodham, ensuring that the issues raised by the Independent Commission, quite apart from the recommendation which I accept was struck down by the courts, but nevertheless the comments made about Mr Woodham – which were repeated a number of times throughout that report - about his inability to distinguish the difference between means and ends, did you give that issue consideration in making the appointment of Mr Woodham?

Mr AMERY: I am not only aware of the Independent Commission Against Corruption report which, let's not forget the important component of what Mr Ryan just said, was overturned by the court.

The Hon. JOHN RYAN: The recommendation was, but the comments were not.

Mr AMERY: How do you make a recommendation? The report comes through to a recommendation. The evidence and the comments were obviously tailored to justify the recommendation, which was tossed out. I could give you some great reports of what the Independent Commission Against Corruption has said about Nick Greiner. Does anyone seriously believe he is a corrupt person?

The Hon. GREGORY PEARCE: No.

Mr AMERY: The situation was he was overturned by a court. I agree with Mr Pearce. Over the years they have got their recommendations wrong and on Mr Woodham they were shown to be wrong.

I want to make another point. You can dig up a few old reports if you like. I understand it has been said that Mr Woodham has probably been the most investigated or scrutinised public servant in the state.

The Hon. JOHN RYAN: There might be a few Police Commissioners who disagree with that.

Mr AMERY: Mr Woodham has come through the ranks. Your government, when you were in office, appointed him Assistant Commissioner.

The Hon. JOHN RYAN: Are you satisfied that Mr Woodham has the capacity to distinguish between ends and means?

Mr AMERY: Yes. Yes, I have watched him in the short time I have been the Minister, I have just watched him in operation, I have seen him when I have visited with him in gaols, I have seen him work with the various other organisations within the prison system, the probation and parole service, people like that, the prison officers, the public service people.

CORRECTED TRANSCRIPT

The advice he has given me on matters and, as you know, corrective services seems to be in the news every second day, has been shown to me to be sound in every regard. Whilst we can all know with the value of hindsight, I can apply hindsight to all the advice he has given me over the last three or four months and I am completely satisfied that the decision was right when I made it and I am now looking back on the type of advice he has given me over the last few months and I am more than ever convinced that I made the right decision in making that recommendation to the Cabinet.

CHAIR: Still on this process of appointment of the Commissioner, is it possible for you to provide to the Committee some documentation.

Mr AMERY: You want the guidelines about how it follows –

CHAIR: General guidelines that we probably can get our hands on anyway.

Mr AMERY: I thought that you and the Committee had that sort of thing.

CHAIR: We don't have the guidelines.

The Hon. PETER PRIMROSE: We have nothing. A number of us on this Committee had no idea.

CHAIR: Absolutely nothing.

The Hon. PETER PRIMROSE: All we ended up with was the terms of reference which were voted on, not unanimously, and that's how we ended up with this.

CHAIR: Can I finish my statement please?

The Hon. PETER PRIMROSE: Well, I thought we were allowed to speak.

CHAIR: I have not finished even asking my question.

The Hon. PETER PRIMROSE: We have no idea what this inquiry is supposed to be about.

CHAIR: Order. I am asking the Minister to give us some information, if I can.

The Hon. PETER PRIMROSE: It would have been great if the Committee had actually received some of this information from the people who proposed this inquiry. We were simply given something and none of us have any idea what on earth this inquiry is supposed to be about and now we are dragging ministers and public servants and everyone into it.

CHAIR: Order, Mr Primrose.

The Hon. PETER PRIMROSE: So, I am not allowed to ask a question.

CHAIR: I am asking a question, I have not finished.

The Hon. PETER PRIMROSE: I am a member of the Committee.

CHAIR: Let me finish my question. I haven't even finished my question.

The Hon. PETER PRIMROSE: It would have been great if we had received this before we started.

CHAIR: Order. Mr Primrose, this is the second time I have asked you to give me a chance to finish my question.

The Hon. PETER PRIMROSE: Well, I haven't been given a chance.

CHAIR: I know. I am asking a question. Let me finish the question.

CORRECTED TRANSCRIPT

The Hon. PETER PRIMROSE: All right, okay.

CHAIR: I am asking the Minister whether it is possible for the Minister to provide the Committee with some documentations of the applications of the recruitment process.

Mr AMERY: The process.

CHAIR: Not the actual general process, but in relation to those new applicants to the positions, because under ordinary guidelines you would have certain papers, they have applications, they have references and they have the CV, whatever, those papers, even if on a confidential basis.

Mr AMERY: They are all published and they are probably within the confines of this building.

CHAIR: I do not think it is published.

Mr AMERY: The guidelines for appointment of CEO's and Assistants are in the Public Service Guidelines, the ICAC guidelines. I can get them for you.

CHAIR: No, I mean individual applications of new applicants who got the job.

The Hon. AMANDA FAZIO: The applicants for what and which job?

CHAIR: In the last six months to one year.

The Hon. PETER PRIMROSE: You do not know what we are asking for?

The Hon. AMANDA FAZIO: No I have no idea.

CHAIR: The Assistant Commissioner and Commissioner, I will specify them.

The Hon. GREGORY PEARCE: I think the Minister said he could only help us with the Commissioner's job. That is the only one in which you had a role?

Mr AMERY: As I said earlier I am not going to be offering critiques and be speculating on all the other positions or Governors within the organisation. There is no secret here. The appointment of CEO's, Deputy CEO's and Assistants are all in place, we have guidelines. I would have thought that information was generally available to the Committee.

To pick up the point of Mr Primrose, we are at a bit of a loss here too. We are working on two very vague terms of reference and a press release from the Opposition. We would like to be able to give you a lot of evidence and documentation, but quite frankly I have had the view from day one that this is a fishing expedition.

The Hon. PETER PRIMROSE: Exactly.

The Hon. IAN WEST: With no license.

Mr AMERY: Without a license, yes. I realise the Committee has voted to have an Inquiry and we will cooperate with that but how about giving us some specifics? Perhaps Members of the Opposition, in referring to their press release, could give us specifics about what you are chasing here. I understand you will be doing a lot of this with CEO's this year.

CHAIR: I am asking the question in terms of recent appointments, the last six months is recent enough, specifically applications for Commissioner, Assistant Commissioner and Governors.

Mr AMERY: The Commissioner will talk to you and take you through the process. If you want the guidelines –

CORRECTED TRANSCRIPT

CHAIR: Not guidelines, I want the individual applications of the applicants.

The Hon. AMANDA FAZIO: No, that would breach –

Mr AMERY: There are certain things that have Cabinet confidentiality.

CHAIR: I understand.

Mr AMERY: People who did not get the job may not want their names given. With a qualification about Cabinet confidentiality and privacy laws, I am happy to cooperate.

The Hon. AMANDA FAZIO: They may not want their employers to know.

CHAIR: Ms Rhiannon, you have been waiting to ask a question.

Ms LEE RHIANNON: Are you aware if Mr Woodham has sat on many of the interview panels for a large number of the senior positions within your Department?

Mr AMERY: I would assume so, yes. He has sat on a number of them. One case that comes to mind involved a person who obviously was not happy in his lack of success in some applications and they are one of the persons who I understand to be stirring the pot over Mr Woodham. My understanding of the case -- and you are teasing my memory at the moment -- was that Mr Woodham was only on one or two panels of the number of positions for which he applied. I am not saying he was on everyone. Mr Woodham has been a senior officer in the Department since he received a senior appointment during the turn of the Liberal government. He certainly would have been involved in many selection panels.

Ms LEE RHIANNON: Could you give us figures for the number of times Mr Woodham has sat on selection panels for the Governors of the gaols?

Mr AMERY: We will see whether that information is available. I assume he would have sat on many, being a senior officer within the organisation.

Ms LEE RHIANNON: I would like to get a percentage on that. Are you confident in your Department your selection recruitment procedures are consistent with Department policy and have been conducted without interference?

Mr AMERY: What are you referring to, which case are you referring to?

Ms LEE RHIANNON: Overall are you confident that your selection and recruitment procedures are consistent with Department policy?

Mr AMERY: I have been given no evidence to the contrary. Can you give me some evidence?

Ms LEE RHIANNON: That is why I asked the question.

Mr AMERY: Generally? Since I have been the Minister?

Ms LEE RHIANNON: Yes, I appreciate you have only been the Minister for a short time.

Mr AMERY: Nothing has been put up on the radar screen that has expressed any concern for me in that regard. When positions are filled and someone is not successful of course there is always some comment about the processes and so on. I have been given no evidence to suggest or to give me any lack of confidence in that regard.

Ms LEE RHIANNON: You said that although you have only been in this job for a short time, before making the decision about Mr Woodham you were well read about the background to the various charges that have been made about Mr Woodham. Are you aware of the comments made by a member of your Party in the Shadow Ministry in 1993 about Mr Woodham?

CORRECTED TRANSCRIPT

Mr AMERY: You are referring to what, the ICAC Inquiry?

Ms LEE RHIANNON: Yes. So you are aware of Mr Doyle's comments?

Mr AMERY: Yes I read all the press releases. As a matter of fact he was only two doors down from me in the Shadow Ministry when this was going on. Can I seek the Chair's guidance? The Court has overturned the finding of the ICAC Inquiry in 1993 and Mr Woodham's career has advanced since then. Is this part of the terms of reference of this Inquiry? Why don't we start in 1966 when he started in the Service?

The Hon.. PETER PRIMROSE: Or his school reports, perhaps from his primary school?

Ms LEE RHIANNON: It sounds like you are avoiding of the question.

Mr AMERY: You could ask me a question about Mr Woodham. I could talk about the bravery award he got from a riot but what has that to do with this Inquiry? Are we now going to canvass everything in this Inquiry or is it going to be specific? That is the problem we have got with the lack of specifics in the terms of reference, it becomes a fishing expedition.

Ms LEE RHIANNON: Madam Chair I put in that it is relevant because it is about ALP Policy. The Minister said that he had the support of the Cabinet Members when the decision was made but when you look at the media release in 1993 and when you look at the decision you made there has been a clear change in the position of your Party in regard to Mr Woodham. In 1993 your Shadow Minister said you were calling for the immediate sacking of the Assistant Commissioner for Corrective Services, Mr Woodham.

Mr AMERY: Keep going.

Ms LEE RHIANNON: You would like me to read it all?

The State Opposition today called for the immediate sacking of the Assistant Commissioner for Corrective Services, Ron Woodham. Mr Woodham was found by the ICAC to have acted corruptly. Shadow Minister for Corrective Services Tony Doyle said Mr Woodham's position as the person responsible for gaol security was untenable given the ICAC Inquiry findings.

That was the ALP's position in 1993, you made a decision in 2001 to appoint him, when did the position of your Party change was regard to Mr Woodham?

Mr AMERY: There is no position of the Party in relation to Ron Woodham. What you are reading from is a press release of the Shadow Minister for Corrective Services at the time in relation to a finding by the ICAC, which was overturned by a court.

Ms LEE RHIANNON: You know that was on a legal technicality.

Mr AMERY: A legal technicality? You mean it does not suit you?

The Hon. PETER PRIMROSE: So you think he was really good?

CHAIR: Please do not interject.

Mr AMERY: If you want me to get Ron Woodham's files since 1966 and perhaps -- picking up Mr Primrose's point -- including school reports we can do that. I understood in the vagueness of these terms of reference we were talking about the appointment of the Commissioner and his Assistants, Governors and so on, all happening in the last couple of months. Now I have Lee Rhiannon wanting to start speculating about a report that was made ten years ago, comments made by Shadow Ministers and Governments -- and you might find a Prisoners' Action Group and a few other certain organisations making comments about him over the last 20 years as well.

If that is going to be the role of this Committee this is going to be a long Inquiry. The second point is that the Court overturned what you are referring to, just like the Court overturned the determination against Nick Greiner. Are there businesses and companies around Sydney now not

CORRECTED TRANSCRIPT

appointing Nick Greiner to their Board because of what the ICAC said about him, which was later overturned by a court? Let us get back to reality.

Ms LEE RHIANNON: Earlier in answer to Mr Ryan's question you said the Inspector General had "overstepped" his responsibilities. Does that mean you do not have confidence in the Inspector General?

Mr AMERY: Yes, I was referring to a comment by the former Commissioner who said he had overstepped his responsibilities. I was not the Minister and also was not involved when the correspondence between the Inspector General and the former Commissioner took place. You are misquoting me. I said that the former Commissioner actually said that he had overstepped his authority and I think I said that that was supported by legal advice.

CHAIR: Minister, going back to the question which Ms Rhiannon asked, whether it is within our terms of reference to get the background of Mr Woodham, in my mind we are looking at the procedures of these appointments. If it is the procedures then I think it is within our terms of reference. I rule that is within our terms of reference because it is about appointments within the procedures.

Mr AMERY: So this Committee is going to investigate inquiries made into a senior public servant over the last 20 years, none of which was sustained and the one that was, was overturned by the Court? Is that what you are saying?

CHAIR: No only senior appointments made in the last six months.

Mr AMERY: You are ruling the ICAC Inquiry?

CHAIR: Just the material within the procedures because a person cannot leave in the last six months, they leave whenever they are at the age. I am not ruling in or out the specific documents.

The Hon. PETER PRIMROSE: Madam Chair, this is effectively to be an open public deliberative. It is caused by the fact there was no adequate discussion, this was arrived at following a witch-hunt.

Mr AMERY: Where Mr Primrose's briefing papers from the people who proposed this Inquiry? Where is the evidence?

The Hon. PETER PRIMROSE: There were no briefing papers. We had two paragraphs.

CHAIR: This is supposed to be a briefing within the terms of a hearing. I am gratefully asking, as Chair, for information. As it was termed to be a hearing I was surprised at the questions being asked because I was not prepared for that. I am sure the other Members like Mr Primrose rightly raised objection but because it has turned out to be a hearing anyway, I think the Committee Members are at liberty to ask questions.

The Hon. PETER PRIMROSE: Can I ask a question? If we were to say: We were presented with this material, Minister now effectively you are being asked at the equivalent of: Have you stopped beating your wife? -- if I can use that old expression. No information was given to the Committee Members. There has been an appointment; the people who are subject to this fishing expedition are going to be expected to justify themselves to this kangaroo court hearing, which has set all this up. Effectively we have had suggestions made that what the courts have done in relation to earlier findings do not matter. This Committee is going to examine and re-examine if the Courts were correct.

Are you clear as to how far back you are to provide evidence presumably not only in relation to this appointment but every appointment that this man has sat on, presumably in his whole career?

Mr AMERY: I have sympathy. This is one of the problems my office and the Department has had since this was announced by the Opposition in January. We have a press release and we have a piece of paper with Members' signatures on it and we have two (a) and (b) terms of reference which

CORRECTED TRANSCRIPT

are so broad that the Department has only been able to identify some areas because we know who is briefing that Opposition. They are trying to out by the new Commissioner.

Perhaps I should put the challenge to this Committee of putting in writing what you want. Would you write to either be or the Commissioner as to what guidelines you want about appointments, what is the general following of it, what can we give you, what is not available, etc., because there are Members on this Committee who have been given nothing all are that this one-page document and the two press releases which I have tabled today. This is an Inquiry into a very senior public servant in this State. I think he is being somewhat victimised during this whole process.

CHAIR: I don't think it is victimising. I am sorry. It is not being victimised. This is why it was supposed to be a briefing. I say that again. We actually wanted to set the parameters by what you can inform us today, so the Committee can set up the plan of the inquiry.

Mr AMERY: you don't know what you want, do you?

CHAIR: Can I just finish?

The Hon. PETER PRIMROSE: We don't know what we want.

CHAIR: Minister, I just want to say that we will actually write to you, we were going to write to you anyway.

The Hon. AMANDA FAZIO: The other point I would like to make about the terms of reference for this inquiry is that the wording of part (b) of the terms of reference is such that it implies that there have been inappropriate and improper relations between officers in the department and prisoners, because of the way it is worded. It is an assumption that something has happened that's wrong and the Committee has never been given any evidence to back this assumption up, so in fact part (b) of the terms of reference of this inquiry can only be determined to be an open cheque for a witchhunt.

The Hon. GREGORY PEARCE: Let's not waste the Minister's time.

CHAIR: Order. We are not taking a deliberative meeting, because we need evidence, that is the point. We need evidence.

The Hon. PETER PRIMROSE: We need evidence to prove guilt. That is what this inquiry is about.

Ms LEE RHIANNON: You are trying to undermine it.

CHAIR: Order. We are asking a question to the Minister. We are not going to have any discussion.

The Hon. GREGORY PEARCE: Can I just clarify, what we have asked you Minister in accordance with these terms of reference is for the criteria for the selection of the Commissioner and these other senior officers, the qualifications which are required and the process undertaken. In terms of the Commissioner, the process as you have described it today was that the Premier's Department advertised and there were three or four applications, a short list of three, I think you said, was then forwarded to you and one of those three withdrew, so ultimately you had a choice between two. What we want to know is the basis on which you made the choice; and you mentioned Mr Woodham's experience and qualifications in part. We would like you to expand on that.

The Hon. JOHN RYAN: A document would be useful.

The Hon. GREGORY PEARCE: And basically to indicate to us whether there is any independent assessment of the job applications and beyond the Commissioner the role that you as Minister play in making selections, in determining the selection criteria and the selection committees that take place. Ms Rhiannon has asked you specifically about the participation of the current Commissioner in the selection committees. We would like those questions answered as well.

CORRECTED TRANSCRIPT

Mr AMERY: I didn't realise that the purpose of setting up this whole Committee, the reason was so shallow. The criteria, the qualifications and the process –

The Hon. GREGORY PEARCE: You have not been able to give us the things –

Mr AMERY: You have set up a committee with no questions. You have two broad terms of reference. You have asked for nothing. You have written to the department or me and asked for nothing. You have set up this Committee up today, as already indicated, as a bit of a fishing expedition.

The Hon. GREGORY PEARCE: It is not a fishing expedition at all. They are very specific.

Mr AMERY: If you or any member of this Committee wanted to know what the criteria are for the appointment of a senior public servant, what the qualifications were, and by the way there was an advertisement, and what the process is – not only is it all fairly well gazetted and so on – you could write the Minister or the Premier a letter and you will get all that. Do you mean that's the reason you set up this inquiry?

The Hon. GREGORY PEARCE: That's what we are asking.

Mr AMERY: Is that the reason you set up this inquiry?

CHAIR: This is the second time I have told you. After today we are going to do that. We are going to set that up after the briefing, so I don't want that discussion to be repeated a third time.

The Hon. AMANDA FAZIO: But now it is a hearing.

The Hon. PETER PRIMROSE: It is not a briefing.

Mr AMERY: This inquiry is to find out the criteria, qualifications and process, is it?

CHAIR: Order. Are there any other questions from the Committee? Any other questions? If there are no questions, one hour is up anyway and on behalf of the Committee I want to thank the Minister for being compliant. Before I actually close it and thank the Minister, we will be writing to you with all the questions we would like answered. Also I believe that there is an internal newsletter in the Department of Corrective Services. I wonder whether through you we can put some kind of notice to let people know that we have this inquiry, because we are not going to make any newspaper advertisements for this inquiry. I don't call for submissions.

Mr AMERY: I see, so if you have any complaints to make, please contact this number.

Ms LEE RHIANNON: Don't be so frivolous. You don't do yourself justice going on like that.

CHAIR: It is not going to be advertised in the newspaper.

Mr AMERY: I know where some of you are coming from.

The Hon. JOHN RYAN: Where do you think we are coming from?

Ms LEE RHIANNON: What are we trying to do?

Mr AMERY: Actually that's a good point, that you should be answering.

CHAIR: Order.

Mr AMERY: You've got no correspondence. You have tabled no requests. You have tabled no questions. You have tabled no evidence. You have set up an inquiry based on an Opposition member's press release. Now you want to put an ad. somewhere in the paper and say, "We've got this

CORRECTED TRANSCRIPT

inquiry, could you send us some comments or complaints?" The fishing expedition and the witch-hunt behind this is only too obvious. You have tabled nothing. You have asked for nothing. Write me a letter. Write me a letter or the Commissioner a letter seeking first off the information, this really secretive information, this criteria, qualification and process.

The Hon. GREGORY PEARCE: You don't seem to know it.

Mr AMERY: I have explained to you the process of appointing the Commissioner, as I did with the New South Wales Agriculture and Land and Water Director-Generals. What I want you, if you could, so that we can respond to it, the department and the Commissioner, table your evidence with the questions, so that they are backed up by the advice from the organisation; they can come here and answer what this inquiry is all about.

CHAIR: That will be the process.

Mr AMERY: It's no good throwing irons into a pond and hoping something will pop out that you can ask questions about.

CHAIR: Minister, you are right. This is exactly what we are going to do. I don't think somehow that the Lower House members understand the Upper House Parliamentary Inquiry.

Mr AMERY: That might be right.

CHAIR: Usually we do have a process, to advertise and people know that there is a Parliamentary Inquiry going on and I actually suggested to the Committee instead of advertising outside, because it is quite irrelevant to people outside maybe, we will have the newsletter to notify people, the internal newsletters, I believe there are several, so I am asking the Minister to facilitate this particular publicity.

Mr AMERY: Could you give us a copy of that ad?

CHAIR: Certainly. In the meantime the Committee, as I was saying before, would definitely write to all the relevant people for their submissions. This is the process I want to take. After the Committee has been informed of all this, then we will have a hearing. As I have said, and I will repeat myself again, this is not supposed to be a hearing and I apologise, it has become a hearing, but it is fine, because there is still information coming.

Mr AMERY: So you want to advertise the same terms of reference?

CHAIR: It is.

Mr AMERY: You are not changing that? You are not going to be more specific?

Ms LEE RHIANNON: You know it is not going to change.

Mr AMERY: The second term of reference, that broad term of reference, that is the term of reference, is it?

CHAIR: You can suggest that the Committee might want to change, but it is up to the Committee to do something.

Mr AMERY: I have got an organisation that is trying to help the Committee and the terms of reference are so broad that they just don't know what you are actually seeking.

CHAIR: Can I just interpret myself, my personal interpretation is we want to see the proper process of recruitment for senior staff within the Department of Corrective Services. The second thing is whether senior staff at all times are carrying out their duties in a professional manner. This is as simple as that.

Mr AMERY: Simple. At all times we will try to help you.

CORRECTED TRANSCRIPT

CHAIR: This is my interpretation. Other members of the Committee may have different interpretations, so within that process and the terms of reference unless there are any changes within the Committee I will carry out those terms of reference in the required Parliamentary way.

Mr AMERY: The Committee will put all their requests in writing to us?

CHAIR: We will. We will try to do that. It is possible that you might like to come back to the Committee to perhaps enlighten the Committee further.

Mr AMERY: I would be pleased to.

(Mr Amery withdrew)

(Short adjournment)

CORRECTED TRANSCRIPT

The Hon. MICHAEL RICHARDSON, Shadow Minister for Corrective Services, before the Committee:

CHAIR: Mr Richardson, to let you know what has transpired before, initially we asked the Minister and yourself to give us a briefing because, if I can speak for the Committee, the Committee had no prior information about Corrective Services. We are asking the Minister and yourself to give us the background within the terms of reference of all the information you have. The briefings were in private but the Committee deliberated and decided it should be a public hearing.

As far as I am concerned this is a public briefing hearing. Hansard is here, questions will be asked of you but you can make any statement you like. You are not being sworn because you are a Member of Parliament. You might like to make an opening statement and the Committee Members may ask you questions.

In any public hearing, as you would know, if there is any confidential material you want the Committee to hear then I will clear the room. I will respect your request.

Mr RICHARDSON: I am going to address briefly the terms of reference of this Inquiry. From what I heard the Minister say, there seemed to be focus exclusively on the appointment of Mr Woodham as Commissioner for Corrective Services. I know that the terms of reference of the Inquiry are broader than that. I think that is an important point to address because I think there are other issues that the Committee needs to examine going beyond the appointment of Mr Woodham.

Mr Woodham, of course, is the first Commissioner to have been appointed from within the service. He joined the Department of Corrective Services in 1966 as a prison officer. He spent some time as head of the Internal Investigation Unit, which he founded to investigate allegations of corrupt conduct by inmates or Corrective Services staff. During that time he was the subject of the internal vilification. As has been noted by some other authorities involved in those sorts of investigations, some of the methods employed would be found to be unorthodox and would ruffle some feathers.

Mr Woodham was able to build a network throughout the prisons, not just of prisoners but also of prison officers. That is germane in the context of the terms of reference. The second term of reference:

Whether associations between these senior officers in the Department of Corrective Services and prisoners are at all times appropriate, and undertaken with integrity and professionalism and whether proper disciplinary action is initiated when required.

I make no value judgments on those issues. That is for the Committee to determine.

There are two major issues against Mr Woodham. The first goes back to 1992/1993 when the Independent Commission Against Corruption reported on the use of informers within the prison system. I have a copy of that report, chapters 5 and 16, which I am happy to table. I think they will be germane to your Inquiry. Chapter 5 discloses the modus operandi that was used within the Internal Investigation Unit. You need to read that to understand the issues. I commend to the Committee to read all of the documents because I think you need to understand how the Internal Investigation Unit worked and the constraints upon anybody operating within the prison environment. That is important.

The major issue was that Mr Woodham provided a reference for Mr Bill Cavanough, who was serving a substantial amount of time at Parklea Prison and was regarded as the prison heavy, at the top of the pecking order, he was the enforcer, a drug dealer, he ran a gambling racket which earned him approximately \$500 per week within the prison. When you put all that together you got the impression that Mr Cavanough was not someone of good repute, to put it mildly.

He was to be transferred to Goulburn Gaol and this put him in fear of his life. He preferred to go to Victoria and face trial on a range of serious charges, kidnapping, aggravated sexual assault, assault, for which he ultimately received 10 years imprisonment, rather than be transferred to Goulburn. Mr Woodham provided a reference for Mr Cavanough, which accentuated the positive and made no mention of the role that he had performed as a prison heavy at Parklea. Ian Temby, then

CORRECTED TRANSCRIPT

ICAC Commissioner, described that letter as being unbalanced and calculated to mislead and Mr Woodham's behaviour as being inappropriate. He found that disciplinary action should be taken against Mr Woodham for two offences relating to the letter and said that he was guilty of corrupt conduct.

I stress this to the Committee. Mr Woodham went to the Supreme Court where Grove J found against the ICAC decision. He said the letter was not false. The previous argument had been that you could lie through omission as well as commission. He said it was the responsibility of the Crown to:

advance admissible adverse material to the sentencing judge. It cannot amount to improper conduct for a public official in a truthful recounting of some known good to refrain from volunteering advance self-cross-examination

I am happy to table a copy of the judgment. I stress that, once again, is in the context of procedural fairness. I think the Committee should look at the Cavanough letter because it is germane to your Inquiry. It is in chapter 16. It goes to the heart of the matter because it is indicative of the way Mr Woodham operated as head of the Internal Investigation Unit; and may also be indicative of the relationship between senior officers and prisoners, the way in which things are done within the prison service. That goes to the heart of the second term of reference. That is the first issue I bring to the Committee's interest.

The second issue is much more recent and something that I think the Committee is going to spend some time investigating. That relates to the appointment of new Governors at the Kirkconnell, Berrima and Oberon Correction Centres. An officer -- and I will go in-camera to reveal his name -- believed he had been inappropriately denied promotion because of actions taken by Mr Woodham. He made a protected disclosure to the Inspector General of Corrective Services, Lindsay Le Compte. I have a copy of Mr Le Compte's letter to that officer which I table. The letter is not confidential, as it has been presented to the media.

The Hon. JOHN RYAN: I move that the Committee receive that document. Madam Chair, in case there is anything on the document that might identify the author, I suggest that the Committee's publication be left for consideration at a later time.

CHAIR: That will be done later.

Mr RICHARDSON: After conducting a preliminary enquiry into matters raised the Inspector General determined there were reasonable grounds to suspect corrupt conduct had taken place in relation to the selection process for the position of Governor at Kirkconnell Correctional Centre. That matter was referred to the ICAC in accordance with the Inspector General's obligations, but the ICAC declined to further investigate the matter.

Mr RICHARDSON: They did not determine that there was no corrupt conduct. They declined to investigate. What then happened was that Lindsay Le Compte wrote to the then Commissioner of Corrective Services, Dr Leo Keliher, pointing out to him the various anomalies found in connection with selection processes for Governor positions and he states specifically involving Mr Woodham and referred also to the apparent failure on Mr Woodham's part to disclose relevant actual or potential conflicts of interest relating to this particular officer to the selection committee.

He also raised with the Commission the issue relating to Mr Woodham's involvement in referee checks, so once again it is very germane to your terms of reference, in particular relating to applications for the position of Governor at the Kirkconnell Correction Centre. He wrote:

I have made the Commissioner aware of the comments of Mr Farrell regarding the recommended applicant, the fact that your referees were not contacted even though you were the only person on the eligibility list for the position at Kirkconnell and the possibility that the independent member of the selection committee was not apprised of any actual potential conflicts of interest or the comments of Mr Farrell.

The Inspector General then recommended to the Commissioner that he institute a full examination of the issues to determine whether disciplinary action should be taken against Mr Woodham. He also recommended that Mr Woodham undertake a refresher course in selection procedures.

CORRECTED TRANSCRIPT

What occurred between then and now is, of course, that Dr Keliher resigned to take up a position in Queensland and Mr Woodham became the Commissioner, so you have the absurd situation of Mr Woodham disciplining himself, which I don't believe has actually occurred, and once again this letter goes really to the heart of your inquiry, because the protected disclosure did indicate that the prison officer concerned had not in his view been appropriately considered for this position, there were irregularities associated with his application, his references were not considered and the allegation is that this was due to interference by Mr Woodham, in the appointment of this officer.

I think that those are very serious allegations that it is appropriate for the Committee to investigate. If indeed that happened at this level for a Governor's position, then it is highly possible and probable that the same sort of thing has occurred in relation to the appointment of other senior officers and the allegation is that there is nepotism and cronyism, this is something that I have heard that is rife throughout the Department of Corrective Services, and that as a consequence the system of merit appointment has been disregarded, it is not being put into practice. That means, of course, that what you end up with is not necessarily getting the best person for the job and that, of course, reflects on the efficiency and functioning of the entire Department of Corrective Services. That is why I think your inquiry is so very important. I did hear what the Minister had to say about the appointment of Mr Woodham. This is not simply about the appointment of Mr Woodham. It goes much deeper than that. It is a much broader issue, broader general issue that the Committee has to consider.

Just to back up those statements, I would also like to table if I could – and I have blacked out the names of these people – a couple of e-mails that were sent to my predecessor, the Shadow Minister for Corrective Services, Andrew Humpherson and I would just like to read these to the Committee because I think that you should understand that these really do go to the heart of your inquiry. The first one:

I am a senior officer within the Dept Corrective Services, (some 18 years service) I can tell you that it is common knowledge amongst senior staff about the jobs for the boys attitude within this dept. I am told by senior people that the Knox report only touched the surface. There are plenty of political points to be won and all round cheers from staff in this department if jobs for the boys be eliminated and the perpetrators brought to account for their actions. At present there are officers within this dept, who have tertiary qualifications and have better ideas to run this dept, however because they are not politically correct they do not even get a look in. Keep an eye on the 6 regional commander positions just advertised within the Department. A gross waste of taxpayer monies and most staff will tell you who will get them anyway. Please keep going as you will no doubt meet with stubborn resistance. What scares them most is the press or more importantly bad press. If I can help you in anyway please contact me however please ensure confidentiality as I am too young (40) to have my "career" blacklisted. There are a great number that feel this way, and know that the dept is just bobbing along with no leadership or direction. We feel that we can help, sincerely frustrated.

The second e-mail, and once again I am quoting to you the entire e-mail because I am very keen to ensure that procedural fairness is followed in this inquiry.

I recently saw on the news that you are calling for an investigation into Mr Woodham appointment. I have the utmost respect for him and although I don't always agree with his work practices and ways of achieving an end I do respect all he has done for the Department.

I do feel, though, that a major investigation be called to uncover the corruption and blatant cronyism that is rampant within the Department.

I have been on the receiving end of this form of corruption on many occasions and have found my career has greatly suffered because I have voiced my displeasure with the treatment I have received. I have faced inactivity and laziness when asking for assistance, I have had my career development interfered with because of petty likes and dislikes and faced interview panels that have no wish to promote the best person for the job, just the person they want or have been told to promote.

This has taken several forms also, such as an applicants referee being the convener of the promotional interview, positions being given to people because of gender and sexual preference and staff being rewarded for working against their fellow staff members for the benefit of a particular person or persons.

These are just my personnel experiences, hearsay tells me it is not isolated to myself but that this disease has infected the whole Department to the point where it is accepted policy and many staff refuse to apply for promotion because they feel they have no chance against a staff member who is in the "click".

I have 12 years experience in this department and have seen no change for the better during this time, only a form of acceptance or resignation to the fact that those who complain become worse affected and can suffer even more in their attempt to achieve promotions.

I am willing to further discuss this with you but wish to keep it confidential for reasons outlined above

I think that those two e-mails bear out the contention of there being rampant nepotism and cronyism within the Department and also the belief that seems to be expressed in your terms of reference that

CORRECTED TRANSCRIPT

promotion is not always on merit, that there are other issues involved which, as I said previously, don't make for an efficient and well-run department.

CHAIR: Thank you very much for your statement. All those papers you have, you are going to table or are going to provide to the Committee, I think. Some of them are coming from documents that we will have anyway. Some of them do you want to table?

The Hon. JOHN RYAN: What documents are they?

CHAIR: Would you please name those documents that you want to table.

Mr RICHARDSON: Those two e-mails.

CHAIR: You make some very serious allegations. One swallow does not a summer make. Do you have any other evidence to back up those, any other people that have come forward to back up those allegations.

Mr RICHARDSON: The officer who made the protected disclosures will, as I understand it, provide you with some additional names.

CHAIR: In that case will you provide to the Committee on a confidential basis –

Mr RICHARDSON: On a confidential basis, yes.

CHAIR: The calling of witnesses and asking for submissions.

Mr RICHARDSON: Yes.

CHAIR: Why didn't he actually – if he wants the Committee to know, why didn't he actually contact the Committee in terms of making submissions to the Committee? He is aware that the Committee is going to make an inquiry.

Mr RICHARDSON: It seems pretty clear that there are the same sorts of issues involved that involved those two officers who sent me the e-mails. At this stage he doesn't want his identity to be disclosed, but he will do so when he provides evidence to the Committee.

CHAIR: Can I say in public now, for your benefit as well, that the process of getting witnesses and submissions is that they can make confidential submissions that the Committee will not release until the Committee decides at a later stage. Witnesses can request to give evidence to the Committee on a confidential basis and in camera and we don't release the name of where we are going to have the hearing, or he can have a public hearing and take evidence in public and then have part of it in camera.

Mr RICHARDSON: That is up to him to decide.

CHAIR: No, it is up to the Committee.

Mr RICHARDSON: It is up to him to decide whether he would like the hearing to be in camera.

CHAIR: I just want to tell you so that people know, because what you just said seems to me is a lot of allegations and it is very serious allegations of people, so we have to be very careful that we don't abuse our system and the privilege of people and so the Committee would not want to unnecessarily damage the name and understanding of personnel, so I want to warn that we will be very careful about this.

Did you want to go into camera?

Mr RICHARDSON: If you would like to ask me questions first of all, I simply want to reveal this officer's name in camera, that's all.

CORRECTED TRANSCRIPT

CHAIR: I understand that you have become the Shadow Minister very recently. Do you think that Mr Humpherson might have further information that he could provide to our Committee.

Mr RICHARDSON: No, I have all of his files.

The Hon. AMANDA FAZIO: Mr Richardson, can you explain to the Committee, do you actually have a problem with the principle of the Commissioner having come from within the ranks of the staff of the Corrective Services Commission.

Mr RICHARDSON: No, I don't.

The Hon. AMANDA FAZIO: Do you share the confidence of the then coalition government when Commissioner Woodham was first appointed to Assistant Commissioner?

Mr RICHARDSON: The inquiry is into some issues that have arisen since then, essentially.

The Hon. AMANDA FAZIO: No, but I am asking you, are you aware that Ron Woodham was first appointed Assistant Commissioner by a Liberal coalition government?

Mr RICHARDSON: He has been a prison officer since 1966. He has risen through the ranks. That included our time in government.

The Hon. AMANDA FAZIO: No, but it is a major step to go from being within the ranks to being Assistant Commissioner.

Mr RICHARDSON: But it is not for me to say whether I have confidence in his appointment.

The Hon. AMANDA FAZIO: So you are not prepared to confirm the actions of the then coalition government, that's fine. A lot of the evidence you have referred to today and some of the documents you have tabled for the benefit of the Committee today relates to an Independent Commission Against Corruption report. As you rightly said, Mr Woodham went to the Supreme Court and the Independent Commission Against Corruption decision was overturned. You have no more reason than that to bring forward, you are relying on a report that has been overturned in the Supreme Court?

Mr RICHARDSON: I provided this material from the Inspector General of the Corrective Services Mr Lindsay Le Compte and that is far more recent.

The Hon. AMANDA FAZIO: You accept that the comments made by the Independent Commission Against Corruption have been overturned by the Supreme Court?

Mr RICHARDSON: Yes, I did and I was at pains to point out that procedural fairness should be followed and that's why I have provided you with a copy of the Supreme Court judgment and I might add that it took me some days to acquire that.

The Hon. AMANDA FAZIO: Apart from two e-mails and a reference from a disgruntled applicant for the position of Governor at Kirkconnell Correction Centre, you have no other evidence to support your allegations or your quote I think that nepotism and cronyism is rife within the Department of Corrective Services? You have no evidence today to present to the Committee on that issue.

Mr RICHARDSON: I think that you should be bringing in a number of other witnesses from the Department and exploring that issue. I really do.

CHAIR: Can you suggest to the Committee who these people are?

Mr RICHARDSON: Well, we will go in camera.

CORRECTED TRANSCRIPT

The Hon. AMANDA FAZIO: It might be interesting to get your comments on that. I noted that in one of the e-mails there was a reference made to tertiary qualifications. Do you accept that some of the grievances might simply be from current serving members of the Corrective Services Commission with tertiary qualifications who don't approve of the Commissioner being somebody who has gained their experience on the job and who hasn't got tertiary qualifications? Are you worried about buying into that sort of argument, an argument that is quite common in bureaucracies and public services everywhere?

Mr RICHARDSON: In one of those two e-mails the author said that he supported Mr Woodham and once again I was at pains to provide the entire e-mail in the interests of procedural fairness, so I don't think any allegation you make about that really stacks up.

The Hon. AMANDA FAZIO: I thank you for explaining why because the terms of opposition --

The Hon. GREGORY PEARCE: Strike that out you are out of order.

The Hon. AMANDA FAZIO: You cannot strike that out.

CHAIR: Would the Committee Member's focus on putting questions to the witness? The Hon Peter Primrose?

The Hon. PETER PRIMROSE: Mr Richardson, have you spoken with the authors of those e-mails, which you have read out?

Mr RICHARDSON: No I have not. One of the e-mails we received in the last 24 hours.

The Hon. PETER PRIMROSE: When did you receive the earlier one?

Mr RICHARDSON: I received it, obviously, when I took over as Shadow Minister for Corrective Services. So you would have it to put that question to Mr Humpherson if you wish.

The Hon. PETER PRIMROSE: No, but you are here as the relevant Shadow Minister and you have indicated that you believe they are important enough to have been read onto Hansard. My simple question -- it was not pejorative anyway -- was whether you had actually taken the time to contact the authors of those two e-mails?

Mr RICHARDSON: No I have not contacted them yet. I brought them as an indication that the problem was wide spread, that was all.

The Hon. PETER PRIMROSE: Have you refer to the allegations within those e-mails to any other investigative agency?

Mr RICHARDSON: No I would think that this Committee was the appropriate body to be investigating those allegations. Indeed, since the e-mails were provided on a confidential basis it would not be appropriate for me at this stage to be forwarding them on to another authority.

The Hon. PETER PRIMROSE: You do not believe it is appropriate when you receive allegations of corruption to refer them onto an investigative agency?

Mr RICHARDSON: They were not allegations of corruption per se. They were allegations of irregularities within the Department of Corrective Services.

The Hon. AMANDA FAZIO: Have you take any steps, Mr Richardson, to ascertain the veracity of those e-mails? Do you know they have actually come from employees of the Department of Corrective Services?

Mr RICHARDSON: They have, yes.

The Hon. AMANDA FAZIO: You are confident that they will stand up?

CORRECTED TRANSCRIPT

Mr RICHARDSON: Yes I am confident.

CHAIR: I know that you are new to the job, but in the course of our Inquiry should you acquire any further information would you provide that to me please, that is further information that comes to your attention?

Mr RICHARDSON: Very clearly as the Inquiry unfolds there will be additional information that comes my way and I will be happy to provide that to the Committee either on a confidential or public basis.

CHAIR: If necessary would you be willing to come before the Committee on another occasion?

Mr RICHARDSON: I would be happy to assist in whatever way I can.

CHAIR: We will commence the in-camera session.

(Evidence continued in-camera)

(Mr Richardson withdrew)

(The Committee adjourned at 12.10 p.m.)

CORRECTED TRANSCRIPT