

REPORT OF PROCEEDINGS BEFORE

STANDING COMMITTEE ON LAW AND JUSTICE

INQUIRY INTO CRIME PREVENTION THROUGH SOCIAL SUPPORT

At Sydney on Wednesday 9 February 2000

The Committee met at 10.00 a.m.

PRESENT

The Hon. R. D. Dyer (Chairman)

The Hon. J. Hatzistergos

The Hon. J. F. Ryan

KENNETH JOHN BUTTRUM, Director-General, Department of Juvenile Justice, Level 5, Roden Cutler House, 24 Campbell Street, Sydney, and

PAMELA JOYCE KING, Manager, Strategic Initiatives, Department of Juvenile Justice, Level 5, Roden Cutler House, 24 Campbell Street, Sydney, sworn and examined:

CHAIR: Did you receive a summons issued under my hand in accordance with the provisions of the Parliamentary Evidence Act 1901?

Mr BUTTRUM: I did.

CHAIR: Are you conversant with the terms of reference of this inquiry?

Mr BUTTRUM: I am.

CHAIR: Could you briefly outline your qualifications and experience as they are relevant to the terms of reference of this inquiry?

Mr BUTTRUM: I worked in the juvenile justice branch of the Department of Community Services for quite a number of years: From 1971 until 1972 I worked at Mount Penang Training School for Boys. I then worked as the superintendent of Talimba, which was an experimental therapeutic program for juvenile offenders at Camden. From there I came into the juvenile justice branch of the department and was involved in the reorganisation of juvenile justice services in this State up until 1989, when the juvenile justice functions were separated from that department. I stayed on with the Department of Community Services. I came back to this department in August 1995 and I have been with this department ever since as the director-general.

CHAIR: I believe that the department has made a detailed written submission. Is it your wish that that submission be included as part of your sworn evidence?

Mr BUTTRUM: It is.

CHAIR: Ms King, did you receive a summons issued under my hand in accordance for the provisions of the Parliamentary Evidence Act 1901?

Ms KING: Yes, I did.

CHAIR: Are you conversant with the terms of reference of this inquiry?

Ms KING: Yes, I am.

CHAIR: Could you briefly outline your qualifications and experience as they are relevant to the terms of reference of this inquiry?

Ms KING: I joined the Department of Juvenile Justice in June 1998 as the manager of strategic initiatives. I am responsible for parliamentary support within the department, executive support, as well as the strategic positioning of the department in its future directions.

CHAIR: The department has a written submission. Is it your wish that that submission be included as part of your sworn evidence?

Ms KING: Yes, it is.

CHAIR: Mr Buttrum, I now invite you to make a brief submission to the Committee if you choose and we will then proceed into questions. Is it Ms King's wish to speak initially as well?

Mr BUTTRUM: I think she will be speaking during the question time. We have prepared for this inquiry a folder of material for each of the members, a copy of which has been tabled, and I would like to quickly state what is in that document. On page two there is a graph that tries to outline the strategic systemic approach to juvenile justice that we have introduced in this State since 1995. That strategic approach has now been cemented in legislation in the Young Offenders Act 1998. It has attempted to ensure that for first and less serious offenders who come into the juvenile justice system there are pre-court diversionary systems. That was done because there is evidence that even the process of young people appearing before the Children's Court has a contaminating effect on their continuance in the juvenile justice system.

The new Act and this approach aim to divert pre-court young offenders from the system to avoid that sort of contaminating effect of the system itself. We now have in the law police warnings and cautions in which the police have the discretion to warn and caution young offenders based on their knowledge of the crime and on the young person's willingness to admit to their offending. We have introduced youth justice conferencing across the State. That is the system by which young people agree to attend a conference. That conference is attended by the young person, a support person of the young person, the victim of the crime, a support person of that victim if that is his or her choice, the police officer who has been involved or a representative of that police officer and the convener of the conference. The conveners are people we have selected from expressions of interest from members of the community. They have all been trained in convening conferences and they are the chairpersons of the conferences.

The aim of the conference is for the young person to face up to the consequences of their actions by listening to the police' perception of the offence, the victim's perceptions and feelings about the offence, the parents of the young person or the young person's support person. Once that confrontation has taken place—and I use "confrontation" in the widest sense of the word—the conference breaks to try to determine a course of action or establish conference outcomes to which the young person has to agree. Those conference outcomes are basically a promise by the young person to do certain things which are agreed to by the conference. Members probably read the publicity recently where a couple of young people who have been conferenced actually attended the neurology ward in one case and the

burns unit in another of Royal North Shore Hospital as part of the outcome plan to meet the terms that were established at that conference. Of course, that conferencing system was based on the New Zealand family conferencing system and has now been established in every part of the State.

The next option open to the young person is for the person to be referred to court and charged by the police. If a person does go through the court system we have been attempting to assess that young person's suitability for involvement in community-based programs rather than being sent away to institutions because there is a wealth of evidence that shows that institutions should be used as a measure of last resort. The reason is that generally speaking you are taking young people who could be considered adrift because of the problems they have gone through and locking them up with a whole lot of other problematic young people. Of course the end result is that they are influenced negatively rather than positively, despite the best efforts of our staff in the institutions. Generally throughout the world it is accepted that institutionalisation for young people should be used as a measure of last resort and that is the basis of the juvenile justice system in New South Wales.

The next page of the submission outlines the changes in the number of finalised court appearances over the last three years. Up until three years ago the number of young people appearing before the Children's Court in New South Wales was on the rise, peaking at 16,113 finalised court appearances in 1996-97 and last year dropping to 13,313. That drop is basically about the number of young people who were counselled or cautioned in that period. This is the most positive indicator that the scheme seems to be working in diverting people into other systems. Page four shows that the number of young people in detention in New South Wales over the past five years has decreased from an average of 510 in custody on any one day to about 353 as at the end of the last quarter. Today in custody there are about 350 young people in detention centres in New South Wales. That is still nowhere near the low level of young people who are in detention in Victoria. Even though the scheme seems to be working at diverting young people away from detention, it is not near the level in Victoria yet, but thankfully the trend seems to be changing in that direction.

The Hon. J. HATZISTERGOS: What is the difference?

Mr BUTTRUM: On any one day in Victoria there are about 140 young people in detention. We still have around about 350 people even though it has dropped from about 510 three years ago. On the next page are graphs to show the trends in court appearances and the offences that young people commit. You will notice the generally positive figure of theft offences which young people are committing. Out of the 13,000 finalised court appearances for young people last year they dropped at 4,923. But theft offences still form the greatest group of offences for which young people appear before the courts.

The Hon. J. F. RYAN: Are they largely car thefts?

Mr BUTTRUM: No, car theft is actually dropping basically because cars are being made by the companies less easy to break into. We believe that there is a connection between theft offences and, in fact, some offences against people which include armed robbery and the increasing use of drugs in the particular population that we are talking about. If you

turn over the next page you will see that there has been an increase in those offences involving violence. That group of offences includes homicide and related offences, although that category of offences has dropped from 1997-98 when there were 25 such offences to 12 offences in the last financial year.

Aggravated sexual assault during those four years has increased from 90 to 121; aggravated robbery from 367 to 510; non aggravated robbery from 91 to 138; and aggravated assault from 93 to 115. There has been a marginal increase but whilst that is worrying I do not think that we should panic about it. Instead of panicking we should look at the possible reasons for it. Later on in this folder you will see a survey that we have completed. The research unit of the department in association with John Howard from Macquarie University has done a survey of young people in detention about their drug usage.

The Hon. J. HATZISTERGOS: On what page?

Mr BUTTRUM: The pages are not numbered but on the page after the poem in this booklet called "Summary of Preliminaries" from the New South Wales Drug Offenders Drug Use Survey.

The Hon. J. HATZISTERGOS: It is the survey results?

Mr BUTTRUM: Yes. At the heading "Reported Drug Use" some of the most concerning things are: .2 under the heading "Reported Drug Use" shows that over half, that is 56.3 per cent, admitted to having tried speed or amphetamines. The use of that drug is generally associated with increasingly aggressive behaviour, and 34 per cent claim to have tried cocaine. In the last survey about four years ago only 14 per cent claimed to have used cocaine so there has been a major increase in the use of cocaine. I am reliably informed that the use of cocaine increases feelings of invincibility in these kids which could be associated with the increase in violent offences.

The third dot point shows that 27.3 per cent had tried ecstasy or similar drugs compared with 13.3 per cent at the previous survey; 50 per cent identified as having used heroin which is more than three times what was recorded in the last survey. Those are clear indicators of why more and more young people are stealing to support their use of drugs. Some of the other more alarming features of this survey, if you look over at page 2 under "Other Findings" shows that 63.5 per cent of the surveyed group said that at least half of their friend group, if not all of their friends, used the same drugs as they do. That shows the power of peer influence in drug usage.

One-third of the sample, that is 33.6 per cent, stated that they felt their drug and alcohol use was a problem but 64 per cent stated their use had also been a problem in the past. Further you will see that those young people claimed that they were experiencing many problems because of their drug use, including: 68 per cent claimed that their drug usage was causing them legal or criminal problems; 56 per cent claimed that it was causing them financial problems; 46.8 per cent claimed that they had problems with work or school due to their drug use; 51 per cent claimed that they had problems with their family members or people in their lives as a result of their drug usage; 38 per cent claimed that they had health problems; and 50

per cent claimed that they had psychological problems.

The reason why I have skipped to this is because I think this is a major social problem influencing youth crime in this State and until such times as we deal effectively with the drug problem, we will continue to have these problems in our society. One of the other worrying things in this survey is that 50 per cent of those surveyed claimed that they were experiencing some to a great deal of physical violence in their family. Only 28 per cent said there was no violence in their family in answer to the question about that. There is a whole lot of literature which says that these young people get caught up in a cycle of violence which often commences in their home situation and that seems to be borne out by the findings of this survey.

In addition to this survey recently we surveyed a group of young people in Reiby Detention Centre, Campbelltown. It was a snapshot survey on one day. Of the young people that we surveyed that day we matched information provided on their abuse histories and 87 per cent of them had been officially notified as abused to various authorities and 63 per cent of them had been notified as abused on three or more occasions. That verifies the issue about violence or abuse being in the background of young people who are locked up for criminal offences. A lot of social issues are revealed in that survey which will be of interest to this inquiry.

The Hon. J. HATZISTERGOS: Are you referring to physical abuse?

Mr BUTTRUM: We have not been able to survey that. We know that they have been notified to a Government department as being abused. We did not break that down. There is sexual abuse, emotional abuse—

The Hon. J. HATZISTERGOS: Neglect—

Mr BUTTRUM: And neglect. We did not break it down into those categories. We have surveyed young women who are locked up in Yasmar from time to time. I am reliably informed by the staff of Yasmar that up to 90 per cent of those young women have been sexually abused by someone generally known to them and oft times a member of their family. In relation to the other contents of this document, on the page after the information on violent offences there is a table showing figures from 1989-90 to 1998-99, which shows the age of children before the Children's Court on criminal matters. Of those children appearing before the Children's Court: only 0.2 per cent are 10 years of age; 0.5 per cent, and that has dropped marginally over time from as high as 0.9 per cent, are 11-year-olds, that is 0.5 of 1 per cent; and 1.5 per cent are 12-year-olds and that has fallen.

It is encouraging to know that the number of younger children appearing before the Children's Court as a percentage of the total has dropped over a period of time. The most predominant groups appearing before the Children's Court are 15-year-olds who formed 17 per cent last year; 23 per cent were 16-year-olds; 31 per cent were 17-year-olds and 13.7 per cent were 18 years and over. The Committee would know that young people who commit their offences before turning 18 actually appear in the Children's Court in this State.

On the next page one will see that the age distribution of juveniles in juvenile justice centres, that is our detention centres, has increased over time even though the numbers have dropped. At June 1999 when we surveyed that population 27.8 per cent of young people in detention were 17 years of age, 20.8 per cent were 18 years of age and 17.2 per cent of people locked up in detention were over 18 years of age. That takes the total to about 56 per cent; that is 56 per cent of young people in our detention centres are over the age of 17 years. That has markedly changed over a period of time. In years gone by our detention centres were filled with 13-year-olds, 14-year-olds and 15-year olds. That systemic approach to juvenile justice seems to be working. At the moment we are locking up only the more serious and older offenders.

The next page shows the breakdown of young women who appear before the Children's Court compared to young men. It has never gone over 20 per cent, and last year 17.8 per cent of the young people appearing before the Children's Court were females. That has remained fairly stable since about 1993-94. One of the bigger worries of the system at the moment is the number of Aboriginal young people who are in detention. It is my strong impression that the reason for that is the deprived backgrounds in which those young people live. Most of the Aboriginal young people who are locked up are locked up for theft offences and not the more serious violent offences. It is still a very great worry to us, and it is my definite impression that until the social circumstances in which these young people live is markedly changed, that trend will continue.

The next pages show a breakdown by offence by local government area of all the young people who appeared in the Children's Court up until June 1999 from July 1998. If the Committee wanted to link these figures to the demographic information about those suburbs that are poorer, you would find a definite connection between the frequency of offence in certain local government areas to the level of social advantage or disadvantage that exists in those areas. That is why I have included that data for your consideration. I know that you are interested in recidivism, and I would like to talk a little about it because it is a worry. Michael Cain, who was a researcher with my department, produced this mammoth piece of research, which has been acknowledged as groundbreaking research throughout Australia, on the recidivism of juvenile offenders. Section 4 of the report contained a lot of information that you will be exceptionally interested in.

Part of Michael Cain's research, which looked at 52,935 offenders who appeared before the Children's Court between 1986 and 1994, studied their reoffending rate on the basis of the disposition of their first court appearance. Michael Cain explains in the report that he has taken other factors out of consideration when he makes these conclusions. He concluded that about 15 per cent—19,694—of those young people dealt with by the Children's Court by very minor penalties at the first court appearance, reoffended in the 10- to 18-year-old period. When you look at the 686 who were sent away to institutions at their first court appearance, their recidivism rate was almost 80 per cent. That research verifies various other research that has been carried out throughout the world, that institutionalisation should be used only as a last resort because of the difficulty of contamination that occurs in detention centres.

The Hon. J. HATZISTERGOS: You said that this was 1996 to 1999?

Mr BUTTRUM: No, 1986 to—

The Hon. J. HATZISTERGOS: 1986 to 1994?

Mr BUTTRUM: Yes.

The Hon. J. HATZISTERGOS: That is the period?

Mr BUTTRUM: That is the period.

The Hon. J. HATZISTERGOS: It was not actually covered in this 1996 publication?

Mr BUTTRUM: Yes.

The Hon. J. HATZISTERGOS: So this is research he has done since—

Mr BUTTRUM: No, this is the summary of that particular part of research that is incorporated in that document. As you can imagine, analysing 52,935 cases took quite some time. That is why the publication came out later than the period.

The Hon. J. HATZISTERGOS: This publication came out in 1996. Is that right?

Mr BUTTRUM: Yes.

The Hon. J. HATZISTERGOS: So that it is two years after this information was—

Mr BUTTRUM: There was a long period in which the information he gathered was analysed.

CHAIR: I am sorry to interrupt further. However we have to proceed with witnesses from Corrective Services at about 11.15 a.m. I would politely invite you to conclude as soon as you conveniently can. Then we will go into a questioning period, and many of the issues will be brought up in any event.

Mr BUTTRUM: In relation to the social issues relating to young offenders, when you consider the history of young offenders in the detention centres, which, under the system we have introduced, are generally the more difficult young offenders, they are the people who seem to have suffered the most disadvantage in their families. Michael Cain has concluded, but has not carried out a further study, that 70 per cent of young offenders before the Children's Court do not reoffend because they are the young people who have the strongest social connections. When they first reoffend, their social support system quickly surrounds them and supports them out of the system. We need to do a study on that to ensure that is verified, but that seems to be the most likely explanation. Because when you look at the 15 per cent who become persistent reoffenders and analyse their backgrounds, you find that

many of them have experienced significant family stress, including the breakdown of those families. Those young people have suffered significant losses, and a lot of psychologists say that the impact of such losses in their lives is the same as if one of their family members had died and disappeared off the face of the earth, and they have not come to grips with those losses.

A large proportion have been affected by neglect or physical, emotional or sexual abuse as I said previously. Often they find it hard to trust, relate to or empathise with others, especially adults. As a result many act impulsively and experience difficulty managing their emotions and behaviours. Those are the effects of not living in a supportive environment, either family or an alternative to some sort of family. It is my conclusion that nothing is more important in the case of those young people who are likely to reoffend than to try to put them into other social support systems to ensure that they do not end up at the rear end of the system in custody. In dealing with those people you will see the programming principles we have established for implementation in all our detention centres. We have not relaxed about detention centres, nor given up on them as places of rehabilitation. We are trying to ensure that programs in those centres are based on the principles in this document to meet those needs.

CHAIR: On behalf of the Committee I thank you and the Department of Juvenile Justice for the thoroughness and the time and trouble that has been taken in the production of this excellent submission. I also indicate that any question I or any other Committee member asks may be responded to by either or both of you as you choose. I would like to focus on the degree of representation of State wards in juvenile detention and in the Juvenile Justice system. You will be aware that in 1996 the Community Services Commission issued a discussion paper in which it was claimed that State wards make up 17 per cent of young people in Juvenile Justice. In fact, a witness who will appear before the Committee this afternoon is likely to rely on that statistic. On the other hand, in the department's main submission to us at page 14 it is stated that data collected to date indicates that the number of wards involved with the department is probably no more than 4 per cent at any given time. Could you illustrate or endeavour to explain to the Committee why you believe it is 4 per cent rather than 17 per cent, because clearly it is a large disparity?

Mr BUTTRUM: Certainly. When the draft report first came out, the report that mentioned 17 per cent, we employed Andrew Marsden who was formerly with the youth policy association peak body to work with DOCS and ourselves on strategies to ensure that we minimise that flow of wards into the Juvenile Justice system. When he re-analysed the data he found that there was a discrepancy between the original submission and the data that was available. We then wrote to the commission to try to correct the original data. We believe that the data is more likely to be 4 per cent, but at the same time, as I said earlier, fewer young people are being made wards these days, which may be part of the reason for the drop in the number of wards locked up. We are concerned about the number of people locked up who seem to have been subject to abuse.

As a result of those reports Andrew Marsden has established a plan that we and DOCS are now working on to ensure that there is far closer case work co-ordination between the two departments so that we work more effectively with joint clients of both departments.

Those strategies are being put into place at a local level at the moment. There is absolutely no dispute between the directors-generals of both departments about the need for those strategies, but what we are saying is that those strategies are dependent upon the sorts of things that we do at the local level. We have had a number of meetings of our cluster directors, our management people who look after a certain area of our services and the DOCS area managers, and they have developed quite specific local strategies to work more closely on those difficult clients.

CHAIR: Earlier in your oral submission you focused on reoffending rates. It is clear from what you said and from the department's submission that the core of the problem relates to about 15 per cent of juvenile offenders; they are the ones who appear at court more than once. It is also said at page 2 of the department's submission that 9 per cent of juvenile offenders are responsible for 31 per cent of all proven appearances. What factors do you believe influence reoffending by juveniles? Are there characteristics that can be attributed to this core problem area of juveniles compared to those who do not reoffend?

Mr BUTTRUM: I certainly believe that that is true. In the additional submission we gave to the Committee today, the characteristics of young people who are in detention are outlined. Those characteristics are: the breakdown of family relationships; early drop-out from school—the majority of people in detention centres dropped out of school before completing year 8; the earlier a young person gets into the system the more likely he or she is to reoffend. The alarm bell rings for us if a young person starts reoffending at, say, age 11. We know that we need to target resources to that young person and concentrate on the level of support or the level of disruption in that young person's family. Definite signs include early offending, the breakdown in family relationships, early exit from school, early drug usage, and drug usage in a young person's family. They are all social background indicators that young people are more likely to become reoffenders.

CHAIR: In the early 1990s the Standing Committee on Social Issues examined juvenile justice and concluded that most juveniles have only one contact with the juvenile justice system and do not reoffend. That conclusion is borne out by the statistics contained in your submission which indicated that 70 per cent do not reoffend. Am I entitled to draw the conclusion that since the social issues committee reported that the rate of recidivism has not increased but is relatively stable, or would I not be entitled to draw that conclusion?

Mr BUTTRUM: You would be entitled to draw that conclusion because of the Cain research for the period 1986 to 1994. Similar research has been carried out in other States with similar results showing that the rate of young offenders committing only one offence fluctuates from about 65 to 70 per cent. The reason why they fall out of the system is because they are the kids with the greatest number of social supports around them. The kids who stay in the system longest are the 15 per cent who become serious repeat offenders; the other 15 per cent appear twice only. That totals about 85 per cent who drop out of the system or grow out of the system. We worry about the other 15 per cent and they seem to have the greatest level of social disadvantage. If they do not have support systems around them through their families, and if we are to successfully pull them out of the system, we have to put other supports around them. That is not an easy thing to do.

CHAIR: In your earlier submission you said a lot about drug use among young people. Do you believe that drug use has increased significantly over the past three years? If so, is it a case of increased supply, lower price, or other factors? Has this phenomenon gained momentum over recent years or it is perhaps part of a cycle?

Mr BUTTRUM: There is little doubt that drug usage by young people has increased, particularly by young people in the juvenile justice system as shown in the latest research, which I have incorporated in the folders. I went through some of those critical issues earlier. Availability is a major factor in increasing usage. Recently it was cheaper to buy heroin in Sydney than it was to buy marijuana. Marijuana usage is claimed by 87 per cent of young people who are locked up. If it is cheaper to get heroin, it would not surprise me that some young marijuana users will swing to heroin use if they cannot continue their use of marijuana. It is clear to me and to the department's field staff that the major reason for young offenders using drugs is because they are trying to escape from a whole lot of unhappiness and hurt in their backgrounds. A major way of escaping it is by running away, and if they do run away and end up on the streets amongst their peers who are undergoing similar experiences, obviously the influence of their drug-using peers is very great.

CHAIR: I refer to the Young Offenders Act 1987. Page 5 of the department's submission mentions that data on police cautioning rates and the types of offences for which police administer cautions, indicate that a fair proportion of that group is being diverted. It is also stated that anecdotal evidence from conference administrators suggests that recidivism rates for children who participate in youth justice conferences are also low. You say that that is anecdotal at this stage. I take it that statistics will be forthcoming.

Mr BUTTRUM: Yes.

CHAIR: Do you feel encouraged by police cautioning rates, the extent of diversion and the results of juvenile conferencing? Do you think that we are on the right track and that those reforms are working?

Mr BUTTRUM: Yes, I am greatly encouraged by the results. The New South Wales Bureau of Crime Statistics and Research is currently completing an evaluation of that Act. I have seen a draft of its report and the results are most encouraging. When that report is completed by the bureau I am sure the Committee will have the evidence that the scheme is working well. We are very pleased with it. The other encouraging thing about conferencing is the overwhelming public support we have for it.

The Hon. J. F. RYAN: One of the tables you have provided refers to trends in court appearances. It refers to justice, good order and other offences. Could you give the Committee a better understanding of what those offences entail? It looks like about a quarter of young people in custody are there for those sorts of offences.

Mr BUTTRUM: No, these are not the young people in custody, these are court appearances. Those offences are the offences for which they are appearing in court, they are not being locked up for those offences.

The Hon. J. F. RYAN: Do you have similar data which refers to people in custody, as to the degree of seriousness of the offence for which they are in custody?

Mr BUTTRUM: I can supply the Committee with those figures. Young people are locked up generally because of the serious nature of their offending or the repetitive nature of their offending. That is why magistrates send them away to centres. Still, a great proportion are being sent away for property offences, but increasingly they are being sent away for offences against a person, including armed robbery, aggravated assault and sexual assault. Previously, when the numbers in detention were higher, the majority were locked up for property offences, but that trend is changing.

The Hon. J. F. RYAN: The argument normally runs, particularly within the Aboriginal community, that a large number of young people are incarcerated for what appears to be minor offences which might not necessarily send a non-indigenous member of the community to prison. Do you have any data which would either confirm or refute that statement?

Mr BUTTRUM: We have anecdotal data which show that a lot of young people are being remanded in custody prior to the finalisation of their offences, particularly young Aboriginal people, that is true. The majority of young Aboriginal people who are committed to institutions are there for repeat stealing offences and are not generally, as described by criminologists, as serious theft offences. As you well know there is a great deal of debate about what is a serious offence and what is not.

The Hon. J. F. RYAN: You indicated to the Committee that obviously drug abuse and drug use is a very significant factor for people going into juvenile justice custody. According to your survey half the people in institutions have used heroin and nearly all use marijuana. There are 10 specialised drug councillors available for a population which is 385 people every day. Given that drug use is the reason that young people end up in custody, do you think that that is an adequate level of attention or is it necessary to devote more resources to the rehabilitation and training of young people with regard to drug use?

Mr BUTTRUM: I do not think that counselling is the only way that we need to deal with drug use. Certainly we can use more counsellors and recently we were funded by the Drug Summit to put additional counsellors in the communities in which drug abuse seems to be a major problem. I said at the Drug Summit, people will continue to use drugs while they have a fairly hopeless view of their future. People will continue to have a hopeless view of their future when they have massive education deficits, many are functionally illiterate. As well as drug counselling, which is critical, remedial education is important. Job skills training is also important.

The education and training unit in each detention centre increasingly focuses on remedial education to overcome those basic deficits in numeracy and literacy, but they have also been funded to increase the number of work skills employment courses which are brought in through TAFE. Those courses include forklift driving. Research shows that we have to stop training kids in leisure-time craft activities, which was the focus 10 years ago in detention centres with people making cane baskets and that sort of thing. We are now focusing on job

skills which are based on marketplace forces. We know that more young people will be needed as forklift drivers so we introduced the forklift driving course.

As well as those courses we think it is important to bring young people into contact with role models. Therefore, young people at places like the Frank Baxter Centre at Gosford are increasingly becoming involved with local sporting teams, whereas before the Mount Penang centre used to have its own sporting teams. We are now putting young people out into community sporting teams so they are actually meeting non-offending adults and gaining some trust in them. At the Frank Baxter Centre we have a rural fire brigade service and we have community members coming into that, as well as training young people in the centre. We have to look at a holistic approach to break these kids out of the cycle of drug use. I agree that counselling services are important and particularly group work with these kids is very important, generally taken by the counsellors or people they train. I think that is critical. I also think that a broad scope of developmental programs is also important so you raise the level of hope in the young people so that they see there is something else in life besides crime.

The Hon. J. F. RYAN: I think we got off the subject of drugs but I would like to return to it. To what extent is drug use within juvenile justice centres prevalent?

Mr BUTTRUM: It is a problem to us, there is no doubt about that. Drugs are coming in through visitors. We are always walking a fine line between being draconian and diminishing the number of visitors. We want to encourage visitors to come into the centre so we are trying to introduce a number of strategies to minimise drugs being brought in. We are searching visitors' bags. We have now introduced lockers outside the centres so people leave the stuff outside. We are now selling lunch packs, barbecue packs, to visitors so they do not bring in food. I know that sounds terrible but the sad fact of the matter is people are actually undoing packaging in very shrewd ways, putting the drugs inside and resealing the packaging. One problem we have at the moment that we have not solved is that some people are bringing drugs into the centres in their body cavities. We have no right—nor do we want to—to search people's body cavities, so that is always going to be a problem to us, unfortunately. As a result of the Drug Summit we have been given funding to introduce passive alert dogs, and we are going to contract that service from Corrective Services rather than train our own dogs, which would be inordinately expensive for us.

We are also introducing a telephone monitoring system, because we try to encourage young people to make telephone calls to people. This system will allow us to give the young people a plastic card. They will apply to have numbers registered on the plastic card. They will be transferred onto the plastic card by our staff and the young people will be able to make phone calls but only to the numbers on the plastic card. We have to sort out the legalities of this, the privacy issues, but this will allow us to monitor some of those phone calls, because we think some of those drug drops are being organised through those calls. We are trying to balance our duty of care responsibility but at the same time not make the system entirely like the adult system, where there is greater and more intrusive examination of people.

The Hon. J. F. RYAN: How long would a young person normally spend in custody?

Mr BUTTRUM: On remand the average length of time is about 14 days, but the average committal at the moment is between six months and seven months. But, 40 per cent of the young people locked up in our detention centres are in for prison sentences and at the moment they are averaging about three years and 10 months. Those young people are principally held at the Frank Baxter Centre at Gosford and at Kariong. So, we do have these very short remand periods and about 47 per cent of the young people in detention at the moment are remandees for those short periods. Can I just say that some of those remandees on some of the more serious offences can be locked up for 12 months to 18 months awaiting trial.

The Hon. J. F. RYAN: The media recently, and I think there have been questions in Parliament recently, have referred, for want of a better term, to the conduct of some of the staff within the Department of Juvenile Justice. I think I recall only a week or so ago it was suggested some female members of staff was behaving inappropriately with one of the male inmates in an institution on the Central Coast.

Mr BUTTRUM: Yes.

The Hon. J. F. RYAN: It occurs to me that one of the other possible sources of inmates obtaining drugs can also be from the staff.

Mr BUTTRUM: Yes.

The Hon. J. F. RYAN: Is that a problem that has been considered, addressed and eliminated?

Mr BUTTRUM: We have had several investigations of staff bringing things in. To be realistic, I think it is a definite possibility. We have not managed to catch anybody doing that. We are currently considering the sniffer dogs to examine staff property. We are also considering the possibility of staff leaving their own private material outside the centre in staff lockers, being cognisant of that. Whilst that incident you are referring to was described as inappropriate behaviour, we go through this continual struggle about some of our staff being considered aloof from the kids. That particular incident occurred at the end of a very hot day's sport.

CHAIR: Mr Buttrum, is the incident you are referring to still before the courts?

Mr BUTTRUM: No, it is not before the courts. It is about the ethic of our staff. What happened that day, the young people who had been involved in sport—tennis I think, and I forget what the other sport was—said it was hot, can we go for a swim. So, at the end of the sports period they jumped into the pool. The staff members of the school jumped into the pool with them. A couple of the staff at that particular centre thought it was quite inappropriate, and we think it is inappropriate, but we believe, and I am absolutely certain, that nothing untoward occurred in the pool. I have to say that in my opinion that story was part of a beat up. The teachers that were involved in that incident were exceptionally experienced people. We have spoken to them about it. I do not believe that incident will occur again. But, it was not, as was inferred in the press articles, some sort of insidious sexual romp in the pool.

The Hon. J. HATZISTERGOS: Generally I think in juvenile justice issues it is thought that in sentencing young people their personal situation takes a higher priority than other sentencing factors, such as retribution by the community and matters of that kind. I am just staggered by the statistics that indicate that 50 per cent of young people who are in the centres are 17-year-olds to 18-year-olds, and the statistics you have indicated show that first offenders who are sent into custody are likely to reoffend, I think, by 80 per cent. Have you looked at the circumstances of those people who had been sent into an institution for the first time, particularly the older ones, the 17 to 18 year olds, and seen whether those sentences are appropriate or not?

Mr BUTTRUM: The issue of my looking at whether those sentences are appropriate would be disputed by the magistracy, because they say it is my duty to administer the punishments that they have deemed appropriate at the time, and that is what we tend to do. I think that job would be more the job of the Judicial Commission to look at. I think if I looked at those issues it would be considered that I, an administrator, was interfering in the jurisdiction of the Children's Court or the other courts. I think that is a matter for the courts to look at. From time to time we do refer issues to Stephen Scarlett, with whom we have a very good working relationship. We refer issues to him and we think it is then his responsibility to deal with those issues, not the department's.

The Hon. J. HATZISTERGOS: For example, the information you have provided us with today, the statistics, is that information that has been passed on?

Mr BUTTRUM: That information has certainly been passed on, and Michael Cain met with the Children's Court magistrates to discuss all that study just after it was published. That is a public document. We know that that data has been provided by us in our speaking at conferences with the magistracy, so it is readily available and readily accessible, and we do try to draw people's attention to that, but individual magistrate's decisions are more appropriately looked at by the court system itself.

The Hon. J. HATZISTERGOS: I think you were trying to say something and you truncated something you were going to say in relation to the juvenile centres and the reason they are not so successful in rehabilitation. Are you able to outline to us why they are not and what you are doing about trying to make them more successful?

Mr BUTTRUM: I can certainly address that. I think there has been a time in the past where the emphasis in the detention centres has been on the security of the centres, which I think is a right focus, and now just about every detention centre in New South Wales has a high prison fence around it. But in determining those sorts of community safety issues I think we also have to pay attention to our legal responsibilities under the Act, and the Act quite clearly says we are responsible for the development of those young people. In the past three years we have put out this program model that is in your folder and we are driving that programming model, and the whole focus of that programming model is young people being encouraged to look at their own behaviour, see why they feel they are going wrong and what they need to do to alter their behaviour.

That is being done through an increasing number of psychologists and other

people in our detention centres who have the skill to do it, because it is fairly difficult to do. For instance, we have a violent offenders program in our detention centres, we have a sex offenders program in our detention centres. That is to deal with the increasing frequency of those offences by our detainees. The whole focus of the education and training units as we now call them in the centres—they used to be called schools, but school is anathema to most of these young people—is with the units working with our own staff to provide a more holistic programming bases.

We have problems from time to time with members of the public saying, "Well, these young people should be locked up. Stop doing these things with them." Some of those community attitudes are reflected in my staff. Some staff in our detention centres are still focused on and believe that the primary role is punishment, despite our best efforts to change that. We are trying to weed those people out of the system, but they exist. They try to undermine some of the more creative programming things we are attempting to do.

In those programming being implemented we are getting young people out, after they have been properly assessed, and into community activities. They are actually doing community work. In a number of our centres they are involved in riding for the disabled. For instance, at Worimi they have been involved in teaching disabled young people to swim. We believe all those things are important, but sometimes the community says, "Those people were locked up, they should be inside the four walls of those centres."

I am saying that those programs should be graduated so that until the young person is properly assessed as to their risk to community safety we should keep them in there, but as soon as they have been properly assessed we should be attempting to do those things with those young people that will ensure their successful community reintegration. That means we increase their involvement in the community as their sentence goes on so that they are not locked up one day and out on the streets the next.

At times it is hard to convince the public that that is the process we should be going through because there will always be members of the public who believe that young people should be locked up and that they should serve their time and then they should be released. We have always to be cognisant of community opinion. We also have a responsibility to help the community become aware of what we are attempting to do in our detention centres.

Ms KING: Could I add briefly to that. We have also a post-release support program. When young people leave custody they have some opportunity to continue whilst they are outside some of the support programs that were started in the centres. That is critical because in the research Cain showed, the peak time of reoffending when they left was that three-month period. Post-release support helps to stop that as far as we possibly can.

Mr BUTTRUM: As you will see also, we have introduced a number of accommodation support programs because, as the Howard document revealed, 56 per cent of young people were leading a fairly transient lifestyle prior to coming in, which suggests they had been homeless or, at best, not in stable accommodation. We have contracted with a number of community agencies to help us provide ongoing and more stable accommodation

for young people after they leave. That is listed in the information I have provided to you.

The Hon. J. HATZISTERGOS: In your annual report I cannot find evaluations for many of your programs. You document what you are trying to do. You then indicate that you have done them, but you do not actually evaluate the on-the-ground outcomes. Where do I find that information?

Mr BUTTRUM: That is correct. Pam is working at us dealing with that issue more thoroughly. One of the issues is that we had not had very good data collection systems. In the run-up to the Y2K problem we have completely revised the data collection system, which will now enable us to measure the success of these programs on the following bases: reoffence rates, the frequency of reoffence and the seriousness of reoffence. The system we have introduced will allow us to do that. So, we are hopeful that now that is in place we will be able to more thoroughly analyse whether those programs are working, particularly the detention centre programs, that is, in terms of reoffence, but of course there are other measures. If a kid's reading age improves while they are at the centre, we have to look at those sorts of social issues too.

The Hon. J. HATZISTERGOS: I will have a look at next year's annual report to see if there is any improvement.

Mr BUTTRUM: I hope you will find it.

CHAIR: The department's submission refers to a study conducted in 1996 that found a strong relationship between sterner punishments and higher levels of reoffending. The statement made was: "For each step up the sentencing ladder there is a corresponding jump in the level of reoffending." What conclusion can be drawn from that? Is the study implying that the more stern punishment is causing reoffending or is it more a matter that the young person is, to put it loosely, a more serious offender anyway and more likely to commit further serious offences?

Mr BUTTRUM: Cain's report has tried to isolate that. He is saying that how the young person is treated at the first court appearance definitely influences ongoing offending, but he is suggesting that, for instance, if a young person is placed under community supervision, the level of scrutiny of that young person's behaviour is increased and, therefore, you are more likely to catch him reoffending. That is one of the things he thinks may influence the reoffence rate for supervised orders. There is more research that needs to be done into that issue. But Cain is implying that the way a young person is dealt with in the court at the first appearance, isolated from all other factors, actually determines whether he will become a recidivist.

CHAIR: Has the department within its facilities a screening test for young people with intellectual disabilities? What efforts are made to assist young offenders with disabilities to reintegrate into the community following release?

Mr BUTTRUM: We have been concerned about this and we had Professor Susan Hayes developed a test that has become known as the HASI, which is easily applied.

She has examined a heap of young people at Reiby, the old Mount Penang and Yasmar centres. She estimates that about 15 per cent of young people locked up had a mild intellectual disability. We are working on training the psychologists in our centres to apply that to every young person that comes in to try to determine whether that person has an intellectual disability and what we need to do with that young person to help them be dealt with more appropriately in the centres.

(The witnesses withdrew)

CATRIONA ANNE McCOMISH, Assistant Commissioner, Inmate Management, Department of Corrective Services, GPO Box 31, Sydney, 2001, and

PETER JAMES McDONALD, Acting Assistant Commissioner, Probation and Parole Service, Department of Corrective Services, GPO Box 31, Sydney, 2001, sworn and examined:

CHAIR: Ms McComish, in what capacity are you appearing before the Committee?

Ms McCOMISH: As a witness for the department.

CHAIR: Did that you receive a summons issued under my hand in accordance with the provisions of the Parliamentary Evidence Act 1901?

Ms McCOMISH: Yes, I did.

CHAIR: Are you conversant with the terms of reference for this inquiry?

Ms McCOMISH: Yes, I am.

CHAIR: Would you please briefly outline your qualifications and experience as they are relevant to the terms of reference for this inquiry?

Ms McCOMISH: My qualifications in psychology are a Bachelor of Psychology with honours, and a Master of Psychology (Clinical and Forensic). In education, my qualifications are a Diploma of Education. My experience is in both service delivery and in management across the public service, that is, health, education, community services and corrective services.

CHAIR: The department has made a submission to this inquiry. I take it that you agree to include that as part of your sworn evidence?

Ms McCOMISH: Yes.

CHAIR: Mr McDonald, in what capacity are you appearing before the Committee?

Mr McDONALD: I am appearing as a witness for the Department of Corrective Services.

CHAIR: Are you conversant with the terms of reference for this inquiry?

Mr McDONALD: Yes, I am.

CHAIR: Would you please briefly outline your qualifications and experience as

they are relevant to the terms of reference for this inquiry?

Mr McDONALD: I hold a Bachelor of Arts degree with majors in psychology and sociology. I have worked for the Department of Corrective Services in the probation and parole field for some 23 years. My normal position is that of Regional Director of the Probation and Parole Service.

CHAIR: As I have just said to Ms McComish, the department has made a written submission. I assume that you are willing to include that as part of your sworn evidence?

Mr McDONALD: Yes, I am.

CHAIR: I invite you to briefly address the Committee, in whatever sequence you choose, before we ask you questions.

Mr McDONALD: Probably by way of addition to the department's submission, I believe it would be useful to bring forward the contribution that the Probation and Parole Service makes within the wider Department of Corrective Services. Too often the Department of Corrective Services is seen as a department that manages prisons with the prison population as its sole emphasis. The Probation and Parole Service is a major aspect within the Department of Corrective Services. The mission of the Probation and Parole Service is to reduce the impact of crime on the community by effectively managing offenders and by decisively influencing sentencing and releasing decisions. There are a number of nuances within that mission, but principally the Probation and Parole Service envisages that the extent to which offenders who are coming before courts and/or before parole boards and other bodies are able to be managed in the community in a way that is acceptable to both the releasing authority and the community, that is a preferable way of managing people from both the social perspective as well as from the economic perspective.

The service runs a considerable number of programs within the community. I will briefly go through those. If the detail is too much, I will be happy to shorten it. One of the major programs, which takes up about 35 per cent of our time, is the preparation of pre-sentence reports for courts across all levels of jurisdiction but principally at the Local Court level and District Court level. In the last calendar year, 1999, the Probation and Parole Service wrote in excess of 24,000 pre-sentence reports. Those reports were provided to courts to provide background analysis of offenders and analysis of underlying causes, and to provide options for sentencing authorities both within the community as well as within custodial settings.

The other major program that operates in relation to corrective services is the Parole program. It is designed, as I think the committee would be aware, to provide for people to be released from prison. Currently there are 2,900 people being supervised on our parole program. In addition to that, the probation program which we operate, which has 10,800 offenders currently under supervision, is managed across the state of New South Wales. Internal systems of case management are used to develop those programs and they are designed to divert as many people as possible away from an offending lifestyle. I will talk a

little bit later about how that is achieved.

Other programs include the community service program. In 1999, it dealt with over 5,800 offenders. It provides for reparation by offenders in the community. It also provides that a court may sentence someone to perform a certain number of hours of a developmental program in an attendance centre. Additionally, we operate a home detention program. Currently there are 142 offenders in that program who are under a fairly strict regime. Offenders undergo random urine testing for drug abuse and breath testing for alcohol abuse. Offenders are able to participate in normal paid employment or in employment-seeking activity. They can perform a level of community service and attend programs designed to address the issues underlying their offending behaviour.

The service is also participating in the trial Drug Court program which currently has 120 offenders being managed by the Probation and Parole Service in partnership with the corrections service, Health, TAFE, the Attorney-General's Department, the Director of Public Prosecutions, and the Police Service. The broad context of all that is that apart from the number of prisoners whom we are managing within the correctional system, there are in excess of 19,000 offenders being managed in one of those programs in the community. We are walking a fine line between the protection of the community on one side and the development away from offending behaviour for offenders on the other side.

The issue of recidivism, as the committee is aware, is a fairly complex statistical process. One of the issues for us is that an offender may receive a three-year good behaviour bond and might offend on several occasions during the three-year period of the bond. The focus from our point of view would be to see progress in terms of an offender offending less seriously or less regularly. Our experience is that offenders mature over time and, as they become older, they offend less. Often the mere fact that an offender is a recidivist does not mean that they do not cease offending. Most of the evidence suggests that by putting people through particular programs, the offending behaviour is substantially addressed but that often does not occur on the first brush through.

One of the measures which we refer to in the annual report is that 87 per cent of probation and parole supervision orders are successfully completed. We believe that is a fairly good statement of outcome for all those programs. Currently 82 per cent of community service orders and 79 per cent of our home detention orders are successfully completed. The Drug Court program remains a trial program and is still subject to evaluation. I do not have the data that can provide details for that.

More broadly, there is a lot of research being undertaken. Much of it was done in Canada in the late 1980s on the effectiveness of probation and parole activity and the appropriate methods of dealing with offenders to effect substantial reductions in recidivism. The Probation and Parole Service has adopted that research under a broad model of best practice. We are currently in the process of developing a specific range of programs designed to meet the specific needs of the offender population of 19,000. We are bringing into the organisation the best practice principles of service delivery with the aim of achieving that level of recidivism reduction that the Canadians have reported. That is also the also known as the framework of "What Works" and "Evidence-Based Practice". It is modelled in the New

Zealand, the United Kingdom and North America areas. The service is developing approximately 10 programs to deliver in that area.

We are also operating across community levels. There is an example which I can provide of a recent program in Lismore which we have operated with other government departments and which targets Aboriginal families, particularly indigenous offenders with a long history of violence and alcohol abuse. It was recently the subject of an award at the Premier's public sector awards. What I have said is just a snapshot of how the Department of Corrective Services, in a wider context within the community, is making a contribution towards managing offenders and responding to offending behaviour.

Ms McCOMISH: I think is very important that the points that Mr McDonald just made also serve as a framework for what I will add to the department's submission. We recognise within the department the research that is taking place around the country and, indeed, around the world which supports the notion that if you are really looking to reduce further offending or violence in the community, then you must establish sound programs based on a reasonable rationale and those programs must have a community arm to them. There is only so much that we can do in terms of offender development when people are actually locked within the walls of a prison. If some of those changes of behaviour and support are not sustained in the community through partnerships with community agencies and other departments, then those gains will be lost.

A major focus within the department now is the idea or philosophy of through care. Those who are working within the prison system will have access to whatever work has been done prior to someone coming into the correctional system. The pathway is continued while the inmate's needs are addressed, and specific programs are provided while they are in prison. When they are released, that is continued and that notion of through care really forms the frame work for the way in which we provide our service and programs now.

There are a couple of things I would like to add to the submission you have already received from the department. One is to highlight the key result areas for the department in this area of crime prevention and the other relates to management of offenders. The goal is to safely and effectively manage offenders while effecting the orders of the court and discharging the duty of care. The other major key result area I would like to highlight is reducing offending behaviour, that is, to provide opportunities and encouragement for offenders to acquire insight and skills that positively address deficits or addictions associated with offending behaviour.

The area of inmate management for which I am responsible consists of the range of programs and service areas that we provide for inmates from the time they arrive at a correctional centre. It includes the reception, screening and case management, which are statewide initiatives within which all programs have to fit. It includes the range of services such as psychological, welfare, alcohol and other drug, adult education vocational training services, Corrective Services Industries, chaplaincy and the inmate classification and programs area. It also includes the community funding program that the department implements. Those services and programs are provided across all centres, so every centre has program staff consisting of psychologists, welfare officers, education officers, a chaplain and AOD

counsellors. Every centre also has allocated resources to provide for specialist part-time teachers and part-time specialists to provide specific programs. On top of those statewide mainstream programs and services a range of specialised programs have been developed to meet the needs that we know inmates have and which relate specifically to their offending behaviour.

In terms of a quick snapshot of the inmate population, I realise that the Committee has already received a number of submissions and has heard a great deal of evidence about the population that actually ends up inside the correctional system. In looking at their needs, we know that over 15 per cent of men and women inmates are Aboriginal and Torres Strait Islander, over 30 per cent are from a non-English-speaking background, 28 per cent are aged between 18 and 24 and approximately between 2 per cent to 12 per cent have an intellectual disability. Also, 75 per cent have a significant alcohol and/or other drug problem which has contributed directly to them coming into the correctional system, 16 per cent of inmates have been sexually abused before the age of 16, 21 per cent have attempted suicide prior to coming into the correctional system, around 49 per cent meet a diagnosis of personality disorder, 60 per cent are not functionally literate or numerate, 48 per cent are long-term unemployed, 60 per cent did not complete year 10, 65 per cent have no stable family background or family to support them now and that over 65 per cent are hepatitis B or C positive. Those figures are across the population.

If one takes a specific section of the population such as women, some of those characteristics are significantly higher. I heard Mr Buttrum, Director-General of the Department of Juvenile Justice talk about the level of sexual abuse, for example, found amongst young women in juvenile justice institutions. We have found that also, and across the world one would find a similar level of disadvantage and abuse in the backgrounds of women who come into prison. In establishing programs and services they are the kind of characteristics that we have to take on board, both in terms of safe management of the men and women while they are in prison but also in looking at how one works with them and what sort of services we should be providing to lessen their chance of being involved in further offending upon release. Our program planning is based on a series of indicators of what makes an effective program. Mr McDonald referred to some of the research that has come primarily out of Canada, North America, the United Kingdom, New Zealand and is also now coming out of some States in Australia.

There is a high degree of consistency in the factors that will come forward about what makes an effective program. The attempt is to target higher risk offenders, to target those factors that are closely associated with offending behaviour so, rather than a generalist notion of counselling or courses to raise self-esteem, one targets the factors which directly contributed to the offences, such as alcohol and other drug problems. The programs need to be structured and consistent across the system and the acquisition of social and cognitive skills related to real-life performance also must be targeted. Essentially, there must be a community arm to the programs. A lot of the research that has emerged has come from programs based in the community. They have a much greater chance of success, obviously because one is able to work with establishing supports in the community which have been absent and which have contributed to the offending behaviour in the first instance.

The criteria about what works and what makes for effective programming in preventing further crime and in the safe management of people means that, in the department, we emphasise the critical nature of the assessment and of the case management system, that we have specialised programs and specialised units that target high-risk offenders, that we establish a strategy and programs which have a through-care component—that is the follow-up in the community, and there are a range of ways in which that occurs—that we establish holistic goals in relation to offending behaviour, that we develop standardised outcomes and that the evaluation is built into all of our program implementation. I think the best way for me to now proceed would be to answer questions.

CHAIR: I would like to thank the department for the quality of its submission to the Committee. Any question that I or my colleagues ask may be responded to by either or both of you as you see fit. I start by asking two questions that I think will need to be put on notice because of their detailed character. First, what is the current annual cost of imprisoning an inmate in maximum security, medium security and minimum security? Second, what is the comparable annual cost of managing an offender through parole, probation, community service programs, home detention and Drug Court programs? I do not expect you to tell me that right now but will you please take those questions on notice and endeavour to give the Committee the best answer you possibly can?

Ms McCOMISH: Yes.

CHAIR: Page three of the department's submission states that it is difficult to address all of the factors influencing offending behaviour, particularly as around 50 per cent of inmates only receive a sentence of six months or less. Can you tell the Committee the problems occasioned by that and what, if anything, can be done to better target short-term prisoners?

Ms McCOMISH: Short sentences mean that inmates often remain very unsettled for the time that they are in prison. They have the advantage of maintaining their links to the community but usually they see their time in prison only as a very brief transition and they are not interested particularly in entering any structured program pathway. That group is also at high risk of reoffending. They tend to move through the system and return fairly quickly. We do not have much time to work with them to actually address the various attitudes, behaviour and deficits in their lives which have contributed to them coming in, so it is very likely that they go back into exactly the same circumstances with exactly the same problems that they had when they came in.

The issue involves time, access and the particular frame of mind of the inmate who is in for a short period of time. What can we do about it? An extremely important initiative is the assessment that we do upon entry, with information we often have from the Probation Service with pre-sentence reports or indeed other departments that have had involvement with the people. Even though they may only be there for a matter of months we are actually able to set up a combined case plan that looks at what kinds of things need to be addressed in the community. Also, we can then link them and ensure as much as possible that it is organised in such a way that they are likely to come out of prison and actually access those other resources. Many may be quite practical resources and the best way of getting people into a different sort of lifestyle, which lessens the chances of them returning to us.

It may be assistance with housing or referral to a rehabilitation unit. If we are successful in following through, that might be quite critical in preventing the person returning. Assessment and joint case management are crucial for those short-term offenders.

Mr McDONALD: There is a further problem that attaches to that, that is, sentences of less than six months almost invariably do not attract any community component to the sentence. Quite often people with this level of sentence will already have an existing community order which may continue upon their release from prison, but for the most part prisoners with sentences of less than six months return to the community without any community order or structure that would assist them and the motivation that may have been developed within a program within a correctional facility is often lost in the environment of the streets.

CHAIR: The submission also relates to alcohol and other drug education programs in prison and refers to an exit survey carried out by Corrective Services in 1992 indicating that 66 per cent of inmates report a relationship between their drug use and their subsequent imprisonment. It also mentions that 67 per cent of inmates reported being under the influence of a drug, including alcohol, at the time the most serious offence was committed. I realise that you are public servants and might feel a bit inhibited in responding to this question too openly but this Committee has to grapple with measures to inhibit reoffending. Can you comment in your view on the adequacy of drug education treatment programs available to prisoners, what more might be needed and how it can be improved?

Ms McCOMISH: The department made lengthy and comprehensive submissions to the Drug Summit on this matter and, indeed, was involved in a working party on Drugs in Corrections. Many of the strategies that have emerged we see as strategies that we were on the way towards implementing but which will quite critically improve our overall coverage in tackling the problem of drug abuse and alcohol abuse while people are in prison. The aim of our alcohol and other drugs services is to minimise the harm done by drugs and alcohol abuse to the individual, the family and the community. We have set up a statewide strategy where there are mainstream alcohol and other drug education programs such as relapse prevention, drink-driver programs, harm minimisation and so on offered around the centres, given that the majority of the population actually have those issues, and then there are some specialised streams.

These target high-risk groups you mentioned before the group who may be in for sentences of less than six months who are very difficult for us to involve in intensive rehabilitation programs such as we are establishing for inmates at the prerelease stage. As a result of some funding made available from the Drug Summit and in co-operation with Corrections Health Service we have established drug free zones or healthy lifestyle zones where inmates, even though they only have a short sentence, may stay and actually elect to participate and be referred to these areas. They are subject to fairly rigorous—more rigorous than usual—and targeted urinalysis. They also have access to an increased level of program activity. It is really aimed at both increasing their motivation to stay off drugs, to give them the skills to manage their lifestyle when they leave the centre and very practical social and living skills along with the usual health education and healthy lifestyles type programs.

I mentioned that we are also refurbishing an area of Long Bay for an intensive drug rehabilitation unit. That will be at the prerelease stage and will involve the input of community rehabilitation services and community agencies to aid that transition. In this area, perhaps more than any others, it is absolutely clear to everyone that the pull of the old lifestyle and the use of drugs and alcohol is exceedingly hard for inmates to resist if they do not actually have some very ready and practical alternatives. I believe that the programs and the strategy that we have set up within Corrective Services fits in with our current state of knowledge about what can be usefully done.

The strategy acknowledges the size of the issue, and it certainly relies on the partnerships that have been formed with the Health Department, community health regional authorities, rehabilitation agencies and community agencies as essential to actually realising the goals. It also obviously has a target of ensuring the safe management of the inmates while they are actually with us. It is very clear in that area why we have chosen the range of programs that we have. They are subject to evaluation, again as a result of funding made available through the Drug Summit recommendations, that we are doing together with Corrections Health. We are doing a very rigorous evaluation of all alcohol and other drug intervention programs whether it be the methadone program, the detoxification units that we have or the alcohol and other drug education and intervention programs.

CHAIR: In relation to intellectual disability, Associate Professor Hayes gave evidence to this Committee last year. She estimated that perhaps some 20 per cent of inmates are subject to intellectual disability. I note that the department's submission to the Committee mentions this matter and, among other things, states that it is not uncommon for inmates with an intellectual disability to present a veneer of confidence which makes it difficult to detect their impairment. Interestingly, it is also stated that the rate of recidivism among those inmates is significantly higher in all age groups compared with other inmates. I understand that the Department of Corrective Services is undertaking a study jointly with the Department of Community Services and the Public Guardian to support inmates with intellectual disabilities post release. Could you tell the Committee something about that initiative and perhaps any others that you might believe are needed to prevent people with intellectual disabilities from reoffending?

Ms McCOMISH: It is actually very difficult for us to provide an accurate estimate of the number of inmates who have an intellectual disability. I read in the first report of this Committee the evidence of Associate Professor Hayes. We have not actually seen that study and at this stage find it difficult to comment specifically on a figure of 20 per cent or some one in five of the inmate population having an intellectual disability. All that we know is that we have identified, through an appropriate assessment, more like two per cent of the population which is similar to the level of disability found in the community.

We believe that it is higher than that but at this stage we do not have any reliable figures. It is important to insert that note of caution while agreeing that there are certainly enormous issues about both the incarceration of that group of people, how we manage them inside prisons and the concerns that have been raised by the small survey that we have done which indicates that they return to prison at a much greater rate than the rest of the population.

You mentioned the Public Guardian program, the project that Corrective Services has formed in partnership with the Office of the Public Guardian and the Department of Community Services. In order to look at the issue of return to prison one factor that has strongly emerged is the lack of support services, including accommodation for people who have an intellectual disability and have been in prison. They are clearly a group that provide a challenge to any department or agency to deal with. They appear to be a group that has fallen outside the various categories that are taken care of, for example, by the Department of Community Services.

In order to find out if that lack of support services is a problem we have entered into this project, jointly funded by the Department of Community Services and the Department of Corrective Services with a steering committee including the Office of the Public Guardian, to address some of the critical needs of those identified inmates that we know are leaving Corrective Services and who have major social problems and deficits to deal with and also to give us some idea of the size of the problem. We are really working in a bit of a vacuum of just who they are and how big is the problem.

In October last year a project officer was appointed and at this stage is funded for a 12-month period. At this stage the person in the position has been very involved with four particular clients who have posed multiple problems for both departments. We expect that we will actually get an interim report on the issues that have been raised by following through with these particular case studies, and the size of the problem, in March this year. The issue of suitable post-release options for offenders with a disability is seen as a major problem for the project officer. We knew that, but what has been identified even in following through with a few case studies is that it is actually very hard to co-ordinate the services and to find services available for that population.

What we have picked up so far confirms basically what was everyone's best guess that post-release services is an issue for this population. The other issue which appears to be a problem in relation to the over incarceration of this group—if we assume that there is over representation of them in prison—is that, in addition to finding it difficult to provide appropriate social support and services in the community, they are often very isolated in that they do not have any family support either nor any peer group. One of the reports that you often receive is that prison is their home; it is somewhere where they can, in fact, get a bed, get fed and it becomes familiar and so the institutionalisation of this group is of great concern as well.

That group reported in the recidivism data reformed to earlier is clearly those who are not convicted of the more serious offences. Something like 50 per cent of the population which we have identified as having an intellectual disability who are in prison, are in prison for serious violent offences such as murder and serious sexual assault. That section is not the group that is reported in the recidivism data that we have given you. They represent a problem for us of how to manage them for long sentences in prison because they do not easily fit any of the standard mainstream management schedules and so we have a specialised stream of programs and placement for that group.

CHAIR: The department's submission refers to the problem relating to

Centrelink's change of practice regarding the making of advance social security payments to inmates at the point they are being released from custody. Could you tell the Committee briefly the problem that occasions, the impact it might have on recidivism and what can possibly be done to rectify the problem that has arisen.

Ms McCOMISH: I am glad to report that the problem has been rectified. It was really the impact of existing legislation. Centrelink, because of its own requirements, did an audit of offices around the country, it was a problem across all States, and realised that some officers were not implementing legislative policy. They should not provide payment under existing legislation to inmates prior to release. They actually had to present themselves at an office and fill out the required forms in order to get their social security payment. The implementation of that policy caused enormous problems. I suppose the issue raised is that often legislation is passed, or other departments' policies will change in a way which does not take account of the needs of prisoners. That is a major issue of social policy and the implementation of social policy, that this group often gets forgotten. They are in prison, it is as though they are not part of the community and they are not considered until you look at the consequences of policy.

To release people with no funds, perhaps on Saturday night in a country town, obviously causes enormous problems for them and indeed for society. For many of them their only way to get somewhere or to get some money to get food is to rob or steal. Also the chances of them heading straight to the street for a shot when they have then got some money are much higher. Potentially, the change in practice had a huge impact on our population. As Centrelink offices around the country started to conform to their policy at that time and refused to issue payments, it became an obvious problem at the prisons. It was from the prisons that we first heard that this was or would cause a problem and there was no way to address it. We then had a number of meetings with Centrelink management from Canberra. The legislation has been changed to ensure that payments can be made immediately prior to release.

Even before that legislation was enacted there was some delay, because of the Christmas break and it did not get through in time, so we worked out an interim arrangement whereby the staff at the centre could inform the local Centrelink office of who would be released in a particular area, and we could cover them with some emergency payment from the correctional centre, which Centrelink would reimburse. It was a very co-operative solution in the end, but there is that whole issue about social policy that we struggle with in Corrective Services to have our population recognised, otherwise they will be greatly affected. If they are greatly affected, it will then affect the community.

CHAIR: I want to ask a question about the department's community grants program. I think I am correct in saying that the department provides some \$1 million plus to fund community groups to support prisoners post release. I would like to ask you two things relating to the program. First, how are the agencies funded chosen, and how is their effectiveness tested? In a previous hearing Justice Action suggested that there was a conflict of interest in the departments funding community groups to run post-release programs that would compromise those groups if they wished to criticise the department, because they were dependent on the department's funding. Could you give me a response to that claim?

Ms McCOMISH: In the current financial year we are providing in total \$1.56 million to a range of 10 community-based agencies. First of all, how are those agencies chosen? It has been on the basis of historical funding. Some of those agencies have been providing services to ex-prisoners and families of prisoners and, indeed, prisoners for 100 years under one name or another. But certainly since the 1980s the five major agencies have received funding as a result of good work done. It has grown on that basis. The department, in terms of looking at how those services are evaluated and, indeed, looking at the relationship, which is the second part of your question, between the department and the agencies, and how that relationship might lead to a compromising for the agencies, we had a major evaluation report of the whole community grants program prepared last year.

There are a number of recommendations from that report that the department has accepted, but there is no decision yet in terms of their implementation, which would have a major effect on the relationship of the department and the agencies. The major recommendation would move the basis of the funding to a purchaser-provider model with very clearly stated service objectives. The department would actually identify what services were required and the agencies would contract to provide those, and we would be able to evaluate that they were doing that. There are other parts to the recommendations, but that is the major focus of them. To make such a change would also require a significant enhancement of funding to meet all of the recommendations that were proposed. We have applied to Treasury for designated funding and in the forward estimates we have requested an enhancement for the Community-Funding Program, as it is now called. We have put that forward for the last three years, but this year it has a great deal of support, I think that is, in part, recognition of the critical role that those services and agencies play.

There is a steering committee to oversee the consultation process on the recommendations. There were many responses to the report, that was commissioned by the Department. They need to be considered and there therefore needs to be further consultation with the stakeholders in terms of how we proceed with the recommendations. We expect to start that process in March this year. The agencies will all be informed in terms of how that process will play out. In this financial year a decision will be made, depending on how much funding we are actually able to provide, in regard to how the funding is allocated and what service contracts or service agreements are set up with the various agencies.

The Hon. J. F. RYAN: In other hearings the recommendations of another parliamentary report by the Social Issues Committee relating to the children of women prisoners has been raised by other people. I notice at the end of that report there is a response, I think it is the six-month report after the report had been published, from the Government as to which recommendations would be taken up and which would not. The report is now about four years old and those responses are of some date. Could the Department of Corrective Services have another look at those recommendations and provide this committee, and another committee I chair that will have a look at this issue as well, with an update of what status those recommendations have within the Department of Corrective Services?

Ms McCOMISH: Yes, we can do that.

The Hon. J. F. RYAN: Your submission refers to programs generally, but I

have absolutely no knowledge of what those programs might be. Could you provide to the Committee a more detailed briefing of what those programs are and the amount of resources from the department that are allocated to those programs, together with any information that the department has available to it as to the effectiveness of the recommendations? Your report makes reference to the fact that you employ a range of programs to assess the causes of offending behaviour, including drug and alcohol education programs and so on to the treatment of high-risk inmates. You referred to overseas research that might indicate what good programs are. At the moment I still have no idea what these programs consist of. I also note that on page three of your submission you said it also must be accepted that the department must work within budgetary constraints.

The Committee would be interested to know what those budgetary constraints are and how they relate to those programs. With regard to one program in particular, which relates to rehabilitation of drug and alcohol abuse, I notice that your submission says with regard to detoxification units that there is one at the Metropolitan Remand Centre and one at Mulawa. Where women prisoners go who are transferred out of Mulawa after they have been sentenced, which, I think, is fairly common—Mulawa is either maximum security or reception—or where would the department intend them to access detoxification facilities, given that I have seen evidence that drug and alcohol use is a very significant contributor to women offending. As I understand it, it is a higher factor than for men. That being the case, it seems that a drug and alcohol program that involves detoxification would be significantly needed. What do the women do? Do they stay at Mulawa for a period of time to use a facility?

Ms McCOMISH: I may be able to add to that. Obviously, I will need to take on notice specific descriptions, and I think you want the whole range of programs and, if possible, the budget that is allocated?

The Hon. J. F. RYAN: Yes.

Ms McCOMISH: In terms of the detoxification facility, the reason that it is at Mulawa is that it is our major reception centre for women, and the detoxification unit is established at within a Reception facility. There is then a detoxification service at other Centres, that is to ensure that if someone is clearly in need of medication, for example a woman at Grafton, we actually can provide the service. It is fairly rare, even with the numbers we have, that people need to be put into a designated detoxification bed. Therefore, we designate beds at reception centres. For the men's system it is at the Metropolitan Reception and Remand Centre, and Mulawa is our major reception centre for women, that is why the detoxification unit is there. If a woman were received at one of the regional centres, such as Grafton, and was in need of a specialised bed and needed to be looked after in a specialised detoxification unit for a number of weeks she would be transferred to Mulawa. I do not believe that has happened, because they can use a local facility and they have an adequate detoxification service. The CHS has nursing and medical services at all of the centres and their aim is to ensure that there are regional detoxification services even where they do not have a unit.

The Hon. J. F. RYAN: With regard to assessing the effectiveness of programs, I noticed that the department has said in its submission that it is impossible to

measure in broad terms of the resources dedicated to reducing offending behaviour or of the success or otherwise of strategies employed for this purpose is not easily measured. I recognise that it is not easy, but I cannot imagine that the department has no method of assessing that effectiveness. Do I also detect in your oral comments, when you said that the department is considering assessing its programs with regard to meeting certain criteria which can be seen to be criteria for good programs measured overseas, that there is some restructure of programs within the Department of Corrective Services and that it might be expected that there might be some programs that operate now that can be discontinued, to be replaced by others?

Ms McCOMISH: Yes, there is a restructure of programs. It is taking into account something that I mentioned in the beginning of my comments, which is how critical the preparation for release is. There are two critical points. The entry into the system and we have a very comprehensive assessment that takes into account all facets of the person. We can then establish a program pathway, which means that many of the existing programs will fit in with that. But there needs to be a move towards what it is that inmates need to get on board and deal with prior to being released. Rather than a restructure, I suppose it is a refocus, and there may well be some change in emphasis in the programs offered. The major statewide strategies that we have set up to deal with sex offenders, violent offenders, people with intellectual disability, people at risk of suicide, have already been established within those criteria so they will continue. What change we might get is movement around the edges, probably in the centres where they might offer a new range of education programs and drug and alcohol programs if a different priority is allocated. However, that is not the focus of the re-focus, which is more about ensuring that departmental priorities are implemented.

The Hon. J. F. RYAN: Earlier you referred to case management. I have heard that term used many times, but what does it mean within Corrective Services?

Ms McCOMISH: Within Corrective Services it means a couple of things: One, that each inmate is treated as an individual and that all aspects of his or her functioning are taken into account. That is also a classic notion of case management. If someone is participating in a range of programs there will be a case management team of all people who know about the individual, including an allocated case officer who discuss progress. All Correctional officers have a case load. Secondly, case management in the Correctional system also provides for dynamic security. We are moving away from the notion that we provide safe, secure management and fulfil the orders of the court by towers, walls and essentially the old notion of warehousing, in which we only ensure that people are well locked away.

We have now moved towards the philosophy that the best way to manage and know who is a risk, indeed a risk of escaping, is to get to know them and to know about them. Officers form a relationship of case officer to inmate. They will have a caseload of, say, 10 inmates and meet with them as part of the case management team which will include the specialist program staff. They will review whether they are participating in a program and if not, why not, and what can be done.

The Hon. J. F. RYAN: I have been informed that recently an evaluation or consultant's report was prepared within the Department of Corrective Services with regard to

case management. Is that true?

Ms McCOMISH: Yes. The department did a thorough statewide audit of how case management was working around the centres. Various recommendations flowed from that. Further, as a result of the ICAC investigation into the Department of Corrective Services and potential causes of corruption that lasted three years—the final report is due shortly – a survey and a report were prepared on case management. Case management changes the role of the Correctional officer. That aspect of the ICAC report considered whether the role change increased the likelihood of increased corruption and found it does not, but made many recommendations about case management and how it could be implemented more consistently across the State. The Commissioner agreed with the recommendations and, to some extent, we formed a partnership with ICAC in the final phase of implementing case management around the whole system.

The Hon. J. F. RYAN: You described case management as each officer having a case load of 10 prisoners. That indicates that there is a fairly significant level of professionalism required by the officers. Prison officers are not paid enormous salaries and their requisite educational qualifications are not high, they do not have to be graduates. How can you ensure that prison officers have the professional qualifications to carry out what appears to be a fairly complex and professional task?

Ms McCOMISH: That appropriate training, was a major recommendation of the ICAC report and the research survey conducted as part of the report. We were required to look very carefully to make sure that in both our recruitment and training continuum for officers that the requirements of case management are established as a core role. With recruitment at all levels we have included the ability to understand the philosophy of case management and the various qualities and skills that are required to be a case officer. Those requirements are included in the advertisements and as part the basic training for prison officers. There is a major section in that training on case management and the development of skills and it continues through the continuum of training.

Case management and how a case officer is defined is different from what ‘case manager’ means in a community health service. A case officer is not required to have the skills to assess the specialised needs of the person, nor expected to perform a counselling or intervention role. It is more that they get to know how inmates function on a day-to-day basis and that the inmate can relate to them. They report on that to the case management team, which has a range of professional membership and can take up the other issues. It is a somewhat different role than that described in some other services

The Hon. J. F. RYAN: The prison union has had a fair bit to say about case management, probably because it would be a fairly commonly held view by prison officers that they should not be case managers. They believe that their job is to lock up people, not to act as social workers. How have you been able to manage that conflict of philosophies to ensure that case management has been successful?

Ms McCOMISH: Case management was first implemented in the institutions. I am aware it has been in the Probation and Parole Service for very long time and is to some

extent a different model than used by Correctional officers but case management was implemented in prisons in 1993. That attitude, represented by some submissions from the Prison Officers Vocational Board (POVB) probably has contributed to the length of time it has taken to get a consistent standard of case management through the system. It is a huge change, not something that the department can say that is what is to be done and expect everyone to take it up gleefully the very next day.

Now, seven years down the track, there are some very good examples of case management in some centres and other centres are really struggling. Only a small group of officers would take the position you described, which is that it is not their role. Basically they are very clearly told that it is their role. If they have problems with it they are given whatever support is necessary through either skills development, or a mentoring system. It is their role and it is the way in which Corrective Services works. It is the way in which all management services and programs are delivered.

The Hon. J. F. RYAN: My next question may seem naive. When the public, to whom we are responsible, hear that the Department of Corrective Services is planning to establish drug-free zones within prisons, they say that all prisons are supposed to be drug-free zones. Why is that not happening?

Ms McCOMISH: It is an example of how dedicated some people are to having the drug of their choice. Corrective Services puts a significant amount of its budget and significant resources into preventing drugs entering gaols. There are drug dog detector teams at centres around the State and an enormous number of visitor intercepts. There is both random and targeted urinalysis of inmates. Some say that is far too restrictive and there is always the concern of how far, particularly with visitors to a centre, we can go in restraining their rights and liberties.

It is always a balancing act and we continue to review and upgrade our system of detecting drugs and preventing them getting into gaols. Because of the nature of the prison population, high turnover, short sentences and importance of prerelease stages in which prisoners have enormous access to the community - and may even live in the community part-time - we also acknowledge that it is difficult to keep the system drug free. There is a problem with perception. A preferred title for those zones is "healthy lifestyle" for that reason, because "drug free" sends a mixed message.

The Hon. J. F. RYAN: The Justice Action group said in evidence that there were not many interceptions of drugs. Basically they are of the view that there was rigorous surveillance of visitors and, as you suggest, they had some problems with that. They said that there was a yield of only 75 intercepts in a year.

Ms McCOMISH: I do not have the figures with me; I can provide the information at a later time.

The Hon. J. F. RYAN: It would be helpful for the Committee to have a response from the department.

Ms McCOMISH: A recent issue was how rigorous detection of drugs on visitors should be. The drug dog detector team is used; visitors randomly pass a drug detection dog, and those dogs are very effective at picking up any illicit substance. The visitors can be required to turn out their pockets and their cars can be searched. However, we are limited in how far we can go. The police may need to be brought in. To find drugs and use that as an indicator of how many visitors may be bringing drugs in, I do not think that the two necessarily marry. It is a matter of making it as difficult as possible, but there are many ways in which people can bring in drugs. It is constantly surprising that visitors will continue to do so when they know of the severe consequences. Visits can be stopped for certain periods and for ever for repeat offenders. Also, there are consequences for the inmates who were to receive the drugs. Perhaps the Committee would be interested in knowing how many visitors are banned from centres.

The Hon. J. F. RYAN: I do not know how to put this delicately: Probably there is another source for drugs entering prisons. The implication was made in evidence before the Committee that perhaps it may not be visitors alone who are introducing drugs into the prison system. In the short time available to you I suspect that it would be difficult for you to describe all the measures that you use to prevent staff bringing drugs in to gaols. Is it possible for you to provide the Committee with information as to the extent to which you attempt to stop staff doing that?

Ms McCOMISH: Yes.

The Hon. J. F. RYAN: Earlier I asked you about information relating to the amount of money spent on various programs within the Department of Corrective Services. I suppose you could regard drug interdiction and the efforts of dogs as part of your drug and alcohol program as useful for the Committee. Would you be able to segregate the amount spent on preventing drugs entering gaols, which would be considerable, from the amounts spent on the treatment and rehabilitation of prisoners?

Ms McCOMISH: Yes, I can do that.

The Hon. J. F. RYAN: You can take that on notice.

The Hon. J. HATZISTERGOS: I was interested that you indicated you intended to convert your community grants program into more of a purchaser provider policy. One of the criticisms that was made by Action for Justice was that that money is in fact not under the control of groups that can be seen as representing ex-prisoners, of which they would regard themselves as one, and consequently that the money is serving the interests of Corrective Services, which was perhaps described in evidence by one of the witnesses in the following terms:

There is a management interest in ensuring that they sit in their cells. The least noise that comes from them the better. There is a conflict between the management interests of the Department of Corrective Services and the public interest in ensuring that when they get back on the street they can be more functional, they can use their time better and they can defend themselves in front of the courts better.

That is a fairly hostile view of what your department provides. I suppose in summary what I

am saying is that you are moving your policy one step back from what they would like to see. They would obviously like to see themselves in some way controlling access to that money. You are going backwards and saying we will determine what our policies and objectives are as far as these programs are concerned and we will contract out to various groups who are in a position to provide those.

Ms McCOMISH: Yes.

The Hon. J. HATZISTERGOS: Do you have in place at this point those policies that you will be seeking to address through the community grants and, secondly, will the groups you are going to be funding to provide those services have any correlation to the groups you are currently funding? Thirdly, will you have some sort of purchasing policy whereby in particular you will see the funds properly acquitted?

Ms McCOMISH: We do not have specific policies in place in regard to the community grants program. They are expected to emerge as a result of the consultation and implementation schedule in the recommendations from the report I described before. We do have in place, however, specific policies in the department regarding the focus of our inmate management programs and services, we regard the community services provided by the agencies as part of that focus. The primary focus of those policies in the end has to be that the services provided by the community agencies have a rationale as to how they address recidivism. The reason, from the department's point of view, for providing funding to community-based agencies is that they contribute to the department's business, not so that they can, in the case of the Prisoners Action Group, advocate for ex-prisoners, unless it can be shown that the specific advocacy improves the chances of those people not reoffending.

So, we have the broad direction of the department and all the policies in regard to that, but we do not have yet specific policies in regard to how those broad policies will be reflected in the agreements with the community-based agencies. In regard to whether the agencies that are currently funded will be the agencies that are funded in some new form of agreement: the agencies that are currently funded provide very valuable services to prisoners, ex-prisoners and their families and have a history of doing that and have built up a service, we would want to continue that relationship. The expectation would be we are working towards the same goal.

What we are seeking is to have the services that we actually require more specifically detailed so we can ensure that this particular agency can provide those. So, there might be some shift in focus amongst those agencies or in the range of services they provide, but that would be done in partnership. We would not expect that they would lose out. That brings me to the third point of your question which is, I think, of concern: this idea that if you go fully to the purchaser provider model, you put out tenders for contracts and that you actually disadvantage your small service-oriented agencies because other much bigger groups who have significant administrative sections are more likely to be able to put in economically advantageous tenders. We would not want that to happen and we will not pursue that model.

The Hon. J. F. RYAN: Does the Prisoners Action Group get any funding at all from Corrective Services for any program they operate.

CHAIR: You mean Justice Action?

The Hon. J. F. RYAN: Justice Action.

Ms McCOMISH: You see, there was a split, originally they were part of another organisation and there was a split within that organisation. I think the group you are referring to now is essentially an advocacy group, it does not provide services for ex-inmates. I am not saying advocacy is not a service, but they do not provide concrete services like accommodation or family support.

The Hon. J. HATZISTERGOS: They claim they do. They even offered to fit out cells with computers.

Ms McCOMISH: Yes, they claim they want to provide some services for prisoners. I was talking about ex-prisoners. I think they would certainly claim that the advocacy and the support they provide for prisoners by visiting them and being their voice is a service, but from the department's point of view we do not understand how that links to our main business, which is what our budget is allocated for.

The Hon. J. F. RYAN: I think they also said they provided some sort of a service outside, a couple of the prisoners, assisting prisoner visitors. In any event, it seems to be one of the relevant questions to ask you, they are obviously going to be a difficult group for Corrective Services to deal with in that they do tend to be fairly vocal and my impression was the evidence they gave the other day is that they do offer a lot of services to former prisoners that would have high credibility with the former prisoners. Therefore, that would make them a group that would be seriously considered for funding but, I guess what they are saying to us, because of the profile of being vocal advocates for prisoners, Corrective Services would be inclined to make sure they are the very last group to get any funding.

Ms McCOMISH: I think there is more independence—and there certainly will be in future—to the way funds are allocated.

The Hon. J. HATZISTERGOS: I cannot see that from what you have said so far. You have indicated you intend to try to support the groups that are currently being funded to continue to be funded notwithstanding that you are moving to a purchaser provider program.

Ms McCOMISH: That is right.

The Hon. J. HATZISTERGOS: The words you used were your concern is that some of those organisations might be displaced, even though you had a long relationship with them. It does not provide much of a window of opportunity for any other tenderers.

Ms McCOMISH: I was not thinking of other small groups. That concern has been expressed by other agencies, including Prisoners Action Group, that there are large agencies which, if they chose to put their resources into a tender, can usually produce a tender which appears that they can provide the services you want at a cheaper cost because of their

size, and you lose something valuable in the direct service delivery that has been built up. Any group, including Prisoners Action Group or Justice Action, can apply to the department to be considered, there are specific criteria being developed for services and programs. At the moment, as I say, the programs have been historically funded and what we are seeking to do is both get an increase in our ability to fund agencies, an increase in our budget for the community funding programs, and also to open it up. When I say independence would be built in, the decision about allocation would be by a steering committee, including representation from other groups. But the criteria might well rule out a group like Prisoners Action if they are not able to show they are providing services that have that high validity.

The Hon. J. HATZISTERGOS: The criteria raise the question of some sort of the purchasing policy.

Ms McCOMISH: Yes.

The Hon. J. HATZISTERGOS: Are you in the course of preparing one?

Ms McCOMISH: That was the recommendation of the report and we are in the course of trying to sort out through consultation, including with the Council of Social Service of New South Wales, what is the best way of going about that, and having input from all of the agencies in developing the criteria. We do not want to go to the model of having to put out to tender but it might be through expressions of interest, for example, which is what we did recently: I suppose an example of the independence of process that can occur is that we had funds available for services for victims of crime, the Premier had announced that a certain percentage of profits made from Corrective Services Industries would be allocated to victims of crime, as part of the department's approach to providing reparation to the community. So we had a certain amount of funds, around \$100,000, and we put out an Expression Of Interest, and received an amazing range of projects. We had a steering committee with representatives from various groups, including departmental representation. Some of the projects were very worthwhile, such as that from the Bankstown Migrant Women's Association to buy personal alarms for non-English speaking women, for whom the fear of violence in the community was an enormous issue. It was a small amount. There was a great range in the proposals, some were for larger amounts and some for smaller amounts. Specific criteria were sent out in a package and that is what people addressed. It was quite an independent and transparent process. I do not see why that could not happen in this area too. You are right, there will always be contention from groups who have a certain view about what the department is doing, but it is as transparent a process as we can make it. It is to our advantage too, because it counters that kind of view.

The Hon. J. HATZISTERGOS: Can you provide us with a copy of the review report on the community grants program?

Ms McCOMISH: Yes.

The Hon. J. F. RYAN: While we are asking for a report, I suppose you would not be brave enough to make available to the Committee the recommendations and report that we referred to earlier relating to the audit on case management, or is that asking for too much?

Ms McCOMISH: The Independent Commission Against Corruption report is a public document.

The Hon. J. F. RYAN: I am aware of that one. I am referring to the one you referred to as the audit—at least of the recommendations.

Ms McCOMISH: I will take that on notice and we can certainly provide the recommendations and perhaps a summary of the report.

CHAIR: Mr McDonald, an earlier witnesses to this inquiry, Professor Tony Vinson, was critical of the lack of contact between the role of the service and released prisoners, both as to the frequency and lack of continuity, from his point view. He argued there is little opportunity for a supportive relationship to be established between the prisoner and the officer. Do you believe that is a valid criticism and can the position be improved in any way?

Mr McDONALD: As with most criticisms, there is always an element of validity. We have recently done a review of the way we provide services to people who are released on parole. As I indicated earlier, there is always a tension between the issues of compliance and issues of support for people in the community. More broadly, our values concept is to walk alongside people on parole rather than the implication that we would attempt to walk on top of. Ultimately the tension between the issues of compliance with conditions particularly imposed by the Parole Board is an issue and a tension that we have to struggle with. We have some published standards particularly because research supports the fact that people released to the community on parole are most at risk in the three-month period after their release.

Parole officers are required to see the parolee at least once per week during that period or more if the case management plans dictate it. That contact happens within a formal office setting and within the offender's community, the offender's home, the offender's employer where appropriate, or significant others. I do not think the criticism is wholly substantiated across the population of parolees. Certainly I believe there would be elements where that tension between a parole officer having an offender comply with conditions and also provide a supporting environment is always a problem that is struggled with, but the number of parolees who successfully complete parole would fly in the face of that criticism more generally.

I might also say that we have more recently released an Aboriginal offender management plan, which is designed to focus on the specific indigenous cultural issues. That takes into account particular lifestyle issues that apply to the indigenous community, which are probably not applicable to middle-class white society in terms of where people live, what associations they have, and the fact that many of the indigenous community have a criminal record. In other circumstances we would try to have someone not move in a milieu where there are people with a substantial criminal record. We try to address that in dealing with indigenous offenders as well. More generally, it is a valid criticism, or an expression of a problem in dealing with the process, rather than it being a problem per se.

(The witnesses withdrew)

(Lunch adjournment)

SARAH CONANT HOPKINS, Solicitor, Council for Civil Liberties, Level 1/619 Elisabeth Street, Redfern,

KATHERINE LYNNE McFARLANE, Solicitor, Positive Justice Centre, Locked Mail Bag 18, Suite 317, Newtown,

JOHN CHRISTIAN MURRAY, Student, Positive Justice Centre, Locked Mail Bag 18, Suite 317, Newtown,

VIOLET ROUMELIOTIS, Executive Officer, CRC Justice Support of 174 Broadway, Broadway,

CRAIG LAWRENCE BAIRD, Manager, Prisoners Aid Association, P.O. Box 102, Petersham, and

KELVIN JOHN WILLIS, Social Welfare Worker, CRC Justice Support, 174 Broadway, Broadway, affirmed and examined:

CHAIR: In what capacity do you each appear before the Committee?

Ms HOPKINS: As secretary for the Council for Civil Liberties.

Ms McFARLANE: As an executive member of the community organisation Positive Justice Centre.

Mr MURRAY: As a founding member of the Positive Justice Centre.

Ms ROUMELIOTIS: As Executive Officer of CRC Justice Support.

Mr BAIRD: As a member of the Prisoners Are Community.

Mr WILLIS: To give evidence about earlier evidence given to the Committee. I am supporting CRC.

CHAIR: Did you each receive a summons issued under my hand in accordance with the provisions of the Parliamentary Evidence Act 1901?

Ms HOPKINS: I did.

Ms McFARLANE: I did.

Mr MURRAY: I did.

Ms ROUMELIOTIS: I did.

Mr BAIRD: Yes, I did.

Mr WILLIS: Yes.

CHAIR: Are you conversant with the terms of reference for this inquiry?

Ms HOPKINS: I am.

Ms McFARLANE: I am.

Mr MURRAY: I am.

Ms ROUMELIOTIS: I am.

Mr BAIRD: Yes, I am.

Mr WILLIS: Yes.

CHAIR: Could you briefly outline your qualifications and experience as they are relevant to the terms of reference for this inquiry?

Ms HOPKINS: I am secretary of the Council for Civil Liberties [CCL] and I have been with that organisation for over three years. I am also deputy principal solicitor of the Sydney Aboriginal Legal Service.

Ms McFARLANE: I am an executive member of the Positive Justice Centre, an organisation dealing with social and criminal justice issues. I am a solicitor with experience in the criminal justice area and I am also an Official Visitor for the Minister for Corrective Services.

Mr MURRAY: I was in the care of the State for 11 years. I have been a member of quite a few social justice organisations and I am a founding member of the Positive Justice Centre. I did quite a bit of work going into Mulawa Gaol with the Mulawa project.

Ms ROUMELIOTIS: I have a Bachelor of Arts with a major in Sociology. I have been involved in the community sector both in a paid and voluntary capacity for over 19 years. I have sat on a number of bodies relating to prison issues in my capacity of EO for CRCJustice Support over the past 4 years.

Mr BAIRD: I have a Bachelor of Arts in welfare studies. I commenced work as a welfare officer with the Prisoners Aid Association in 1991 and have been a manager of that organisation since 1995.

Mr WILLIS: At present I am employed as a social welfare worker with CRC Justice Support. Prior to that I was a senior youth worker with the Department of Juvenile Justice at Reiby Juvenile Justice Centre. Prior to that I worked voluntarily for the Hepatitis C Council, and prior to that I worked voluntarily for Justice Action.

CHAIR: Do you each wish to have any written submission provided to this inquiry included as part of your evidence?

Ms HOPKINS: Yes.

Ms McFARLANE: Yes.

Mr MURRAY: I do.

Ms ROUMELIOTIS: Yes. I would like also to table this document to be included in the submission.

Mr BAIRD: Yes. I also have a further document to put forward in response to earlier claims made in evidence.

CHAIR: I have requested that initially two representatives speak to the committee for relatively brief periods not exceeding approximately 10 minutes. After that, we will have an all-in questioning session directed to any and all of the representatives who are appearing. I understand that the two who have been nominated to speak initially are Ms Roumeliotis and Mr Murray. Is that correct?

Ms ROUMELIOTIS: That is correct.

CHAIR: In that case, Ms Roumeliotis, I invite you to speak to the committee.

Ms ROUMELIOTIS: Those of us who are present today represent a broad cross-section of community groups constituted to support the needs of prisoners, ex-prisoners and their families for which criminal justice and imprisonment are a focus area of work. Our comprehensive base of expertise and experience is grounded by those agencies which provide services funded within the community grants program of the Department of Corrective Services and the Supported Assistance Program [SAP] of the Department of Community Services. We also represent groups which are funded to a lesser extent by other government departments or by private sponsorship, as well as non-funded organisations comprised of volunteers.

Two of the services represented today, CRC Justice Support and the Prisoners Aid Association of New South Wales, have over 140 years of experience in working with prisoners, ex-prisoners and their families. For many years, this was achieved through the work of volunteers. Although volunteers still provide a comprehensive base for our services, as services and programs have become increasingly professionalised. In general, the funded agencies we represent provide varying levels of pre-release assistance and preparation, practical and therapeutic counselling for prisoners, ex-prisoners and their families, visitors services and transport, crisis and supported accommodation and referral, health information, general post-release support, banking and property help.

Many of our services operate in the prisons daily. We provide the primary anchor which straddles the boundaries of the prison and interconnects to the community. At the coal face, we become the voice for parents, children and partners of prisoners, advocating

and negotiating with prison staff and the bureaucracy usually for the most basic civil and human rights for the imprisoned family member. We see at first hand the impact of the prison programs and regimes on prisoners and their families. CRC's transport project alone in the past year transported almost 1,300 family members to eight of the most inaccessible prisons in this State, such as Junee and Oberon. This access brings with it a sound knowledge and understanding of the New South Wales prison system and how it operates at all levels.

However constituted, the services represented today are bound by the belief that in the majority of circumstances, the imposition of a custodial sentence should be an option of last resort. Prisons and prisoners are the active responsibility of the community at large and are members of the community, irrespective of their physical separation or marginalisation during the term of imprisonment. A healthy and successful life after prison is proportionately enhanced by the degree of appropriate Federal and State Government policy and legislative frame work and, further, through accessible and equitable services developed cooperatively and in partnership with the community. Investment of resources should be focused on addressing the underlying social causes of the majority of crime. Resources targeting prisoners, ex-prisoners and their families needs to be realistic and well targeted to combat recidivism.

It is important that members of this standing committee understand the characteristics of those who make up the prison population in New South Wales. Males are typically under 35 years of age. Over 50 per cent were unemployed in the six months prior to reception into prison. They have below functional reading levels. They are born into a country where English is the first language. They have a history of injecting drug use. Over half suffer from mental health problems, are in full-time custody, and have a known history of crime and imprisonment. They are under sentence, and have a sentence of less than 12 months. Females are typically under 35 year of age. Over 75 per cent were unemployed in the six months prior to reception. Eighty-five per cent are survivors of sexual assault or incest and 50 per cent have a history of psychiatric illness. The majority are hepatitis C positive and 80 per cent to 90 per cent have some form of drug addiction and a history of injecting drug use.

Importantly, these pre-sentence social conditions do not change during incarceration. If anything, the ability of inmates to change or improve these conditions is stifled; hence the conditions are exacerbated. Recent evidence suggests that changes to the way in which family and community support services are accessed and delivered impact upon family and community cohesion and, subsequently, upon rates of crime. Craig Baird will address the questions of how the Federal Government's recent changes to income support payments to prisoners upon release is having a negative impact on crime prevention, as has the Federal Government's shift in policy and administration of employment and training services.

I along the with my colleagues will address the questions of housing, families, access to health and legal services, indigenous prisoner issues, young offenders, State wards, women, and funding for prisoners' support programs. Finally, it has come to our attention that allegations of poor outcomes and performance by some of our agencies, in particular CRC, were heard by the standing committee last week. Both CRC and the Prisoners Aid Association of New South Wales strongly rebuff these allegations and will be tabling documents in support of our organisations. We are keen to respond to any questions that members may have in

relation to this matter.

Mr MURRAY: First, I would like to address a misconception that many of the witnesses giving evidence to this committee have made and that is to perpetuate the myth of a youth crime wave. There is none and has not been for quite some time. More importantly, the present beat-up suggests, as do many researchers such as Cohen and Sturma, that crime waves are mostly artificial creations. The Australian Institute of Criminology recently released its report titled "Juveniles in Australian Correctional Institutions 1981-1998". This reports that the number of juvenile detainees has fallen an average of 3.2 per cent a year since 1981. Interestingly, and this probably reflects the politicisation and scaremongering around juveniles, the remand rates have doubled over that period from 21.4 per cent in 1981 to 42.6 per cent of detainees in 1998. This suggests that if remand rates had remained stable, detention rates would have further declined. But what is important about this is that nationwide juveniles are detained less than 25 per cent of the proportion of adults at adult prisoners' detention rates.

A fact that has not emerged in all the debates on crime is that children and young people as well as adult women commit far less crime than do adult males, yet no-one has suggested a nine o'clock curfew, crime prevention initiatives, mentoring programs nor street clearances for men. During the peak of juvenile crime wave reporting by Sydney newspapers around 1996, the Attorney General's Crime Prevention Division released "Juvenile Crime in New South Wales—a Review of the Literature" which stated as its conclusion:

It is clear that the overwhelming majority of juvenile crime is not serious. Juvenile offending is not violent in nature, is directed at property and is not organised. When drug related, it predominantly involves cannabis but has not significantly risen during the eighties or nineties and is very transient—the majority of juvenile offenders desisting from crime after their first court appearance. Finally, the juvenile component in serious crime is a great deal smaller than the adult contribution.

These are all points that do not come across in either media reporting or, as it seems, in some of the evidence given to this committee—evidence which many are relying upon for increased funding and earlier intervention in the lives of children in the State of New South Wales. This is especially concerning as the majority of the organisations that are seeking increased funding and earlier intervention have had a rather troubled history when working in this area. The history of children who have already experienced this type of intervention suggests that the State should carefully consider its position in this area as well as examining its own unique responsibilities for many of the State's recidivist criminals and the role it has played in creating them.

The Positive Justice Centre and our colleagues, however, are strong advocates of crime prevention and believe it is a fundamental area that is deserving of social, political and State action. But the centre also believes that crime prevention has inherent risks which can further marginalise minority groups and that it is at risk of fulfilling purposes other than that of creating a generally better society. The Positive Justice Centre also believes that the rush into crime prevention through initiatives such as Families First programs and the Pathway to Prevention initiatives seriously places the future wellbeing of children who are coming before child welfare authorities in doubt. It is also a denial to date of the State's responsibility for individuals who have already gone through those systems.

We believe that a strong component of any crime prevention strategy or services that the State initiates must address those who have already gone through the child welfare system and who have found themselves fast-tracked into the criminal justice system, homelessness, social exclusion and prostitution. Therefore the State must recognise its responsibility in this area to State wards and others who have been in care, such as Aboriginal people, and the intergenerational problems that that system has created. We believe that the services that are provided should be meaningful, should involve the target audience both in service delivery and utilisation, and generally should assist these individuals to achieve their potential. To this end we also believe that crime prevention initiatives as a matter of course must target the wider adult and juvenile prison populations, for to do otherwise suggests that we as a society may as well lock them up and throw away the key. I wish to quote from a document on expert and offender perceptions of program elements linked to successful outcomes for incarcerated women.

The complex and interrelated nature of the needs of female offenders is a necessary consideration in the design and implementation of correctional programming and may account for a perception that the most effective programs address multiple needs. Specifically, prior victimisation of women through childhood sexual abuse and/or battery can contribute to substance abuse and mental health problems which in turn effects criminality. In an era of get-tough strategies, fiscal constraints and increased court and legislative interference, it is necessary that we search for an identity which works for that of women offenders. This can be accomplished by careful and methodologically documented successful cases to promote the funding, implementation and delivering of quality and effective programming for incarcerated women.

CHAIR: Before I begin questioning, I indicate that any question that is put by me or one of my colleagues may be responded to by one or any number of you as you see fit. Before we proceed further, I want to ask whether they are any other witnesses appearing before the committee who have not already tendered documents that they wish to present?

Ms McFARLANE: Yes, I have a document from the Positive Justice Centre which addresses some issues, such as the intergenerational cycles of offending and women prisoners, which I would like to tender.

CHAIR: Yes, certainly. Mr Willis, I understand that you were aggrieved or dissatisfied to some extent that a witness who appeared before the committee last week made some comments that are critical of CRC Justice Support. If I am correct in saying that, could you briefly apprise the committee of your criticisms of those remarks?

Mr WILLIS: Yes. I am very critical and feel that it is a bit of a personal attack because I am an ex-prisoner and I am employed by CRC. One of the witnesses last week claimed that CRC in the nineties refuses to employ ex-prisoners. That is absolute rubbish. I went for a job with CRC in 1997 to work in Mulawa and the only reason I did not get it was that I was not a girl, about which I am glad. The point I am making is that the CRC was more than willing to employ me in 1997. I was an ex-prisoner and then I did not have the experience that I have now.

I have not walked straight into the welfare field like that man suggested all ex-prisoners should do. You cannot take an ex-prisoner straight from prison and put them in a position where I am now, that is, a social welfare a position, and expect them to perform in the job. These men do not have the capabilities. Maybe some of them have, but 90 per cent of

them would not have the capability whatsoever. For me it has not been just a situation of getting out of gaol and going straight into a job. I had to go through labouring and that kind of stuff and I have retrained myself in the welfare field.

There was talk about CRC and the records that it keeps. Maybe the records are kept because the people at Justice Action just do not have the capability to keep records. I know that when I was working there voluntarily we kept vigilant records and we kept up to date with everything. I do not know how it operates now but I know we used to keep records there, anyway. Mr Collins says that the money currently going to CRC Justice Support to the tune of \$1 million a year from a number of areas should be left in the control of the prisoners themselves.

I am an ex-prisoner and I know what the story is. I could tell you what would happen to that money and it would not go where it was supposed to go. You need people who can do the job and who care. Every single person I work with, even though they are not ex-prisoners, care about the people they work for and that is what matters in this job. These people care and this is why I work for them.

CHAIR: Mr Murray, in your preliminary remarks to the Committee I understood you to say something to the effect that a previous witness had alleged that there is a juvenile crime wave. Could you advise the Committee which witness you have in mind?

Mr MURRAY: They were a few. It was one of the witnesses from Barnado's specifically but I notice that a few had said that the problem with juvenile crime is a big reason why we should initiate these programs but I am afraid that we do not have a crime wave.

CHAIR: I ask the question because I am not aware of any witness having taken that line. Senior officers of both the Department of Juvenile Justice and the Department of Corrective Services gave evidence this morning, none of whom made remarks to that effect.

Mr MURRAY: I noticed that it was mainly the NGOs who were running that sort of argument that crime was out of control with juveniles. They did not quite use those terms but they were suggesting that there were indeed problems with crime increases.

CHAIR: Who said that?

Mr MURRAY: Miss Voigt was a witness who said that.

CHAIR: Ms Voigt gave evidence at an early stage of our inquiry, not essentially about juvenile justice at all. She gave evidence about substitute care of children. In your written submission to the Committee you referred to a study or discussion paper by the Community Services Commission in December 1996 suggesting that State wards make up 17 per cent of young people in juvenile justice. We heard evidence this morning from Mr Ken Buttrum, the Director-General of the Department of Juvenile Justice. He told the Committee that it appears from figures at their disposal that the figure was nearer to 4 per cent of young people in juvenile justice with the background of being a State ward. Would you like to comment on the disparity or where you think the truth lies?

Mr MURRAY: It is very hard to find the truth in this area. Cabinet Office in its draft youth policy statement also came out with a 17 per cent figure in 1996. I am glad to see that the figure has gone up from the 2.3 per cent that the Community Services Commission in "Just Solutions" said was the situation. I am afraid that in "Just Solutions" the only real solid thing one could say about those figures is that they failed to identify the wardship status of 85 per cent of children in custody. On those figures, to say that they came to 2.3 per cent by only examining the backgrounds of 15 per cent of the children in juvenile justice and finding that 42 per cent of them were State wards suggests there is a much higher figure. Considerable evidence from overseas, from America and United Kingdom for example, suggests, as does evidence coming out of the Department of Corrective Services, that it is a much higher rate. I am not sure of the Department of Corrective Services statistics at the moment but the last time I was informed, about 30 per cent of women had been removed from their families as children, so the figures are everywhere.

Ms McFARLANE: One of the issues of particular concern, given the experience of the Positive Justice Centre in working with adult prisoners at Mulawa Correctional Centre, was the number of women who commented that they had been through the care system, they were now in gaol and their children were in the care system now. They expressed concern to me and other workers that they were afraid that the cycle would continue. That is only anecdotal evidence as there have been no studies apart from the one that John Murray mentioned. Corrective Services did a self-reporting study looking at the numbers of women who have been removed from their families, including through adoption, formal ward arrangements or being taken away from immediate families.

International experience in the United Kingdom found that 20 per cent of all adult detainees had a history of out-of-family care. The United States had the same figures quoted earlier, that is, 17 per cent of adult females had been in the care system. An issue we are concerned with showed that in the United States and Great Britain 10 per cent to 25 per cent of women in prison who were in care themselves have children who are in care now and my written submission seeks to address that as well.

CHAIR: In your written submission you refer to the practical difficulties associated with rehabilitation in the prison system in particular affecting women prisoners. You make the point that most women are sentenced to a term of less than a year and around 60 per cent for less than six months. You say that places considerable strain on the prison system in the sense that in your view most resources go to intake assessments, classification and transfers. You also make the comment that given the relatively brief sentences to which I have just referred and to which you refer in your submission, women can slip through the system without completing the drug and alcohol or education course that would see them rehabilitated as the system defines it, to use your words. Could you tell the Committee a little more about what you see the deficiencies being, given the relatively brief sentences to which you refer and what could be done to improve the position?

Ms McFARLANE: A spokesperson for the Minister for Corrective Services in the *Daily Telegraph* a couple of days ago also commented that unfortunately the fact that people do not serve long enough in prison was an impediment to rehabilitation. Our experience

has been that resources are insufficient within the system to address the needs of women prisoners. The department addresses quite pragmatically the most obvious things that are needed in order for a person to be rehabilitated. For instance, if someone comes in having committed a fraud offence or a drug offence, their social security aspects, their financial management and, for drug offences, their drug abuse is what is looked at. Although most women in prison are doing very short sentences, the resources tend to be concentrated on those who stand to benefit, as the system sees it, through more long-term assistance. That is a quite acceptable approach from the department if the rehabilitation is then extended to the post-release community, so that women who may be in for relatively short periods of time can still access assistance on the outside to stop that cycle of short periods of offending over and over and returning inside to the gaol system.

My written submission refers to a study done in the United States in 1989 by the National Institute of Corrections which sought to identify concerns in relation particularly to women offending. It considered the lack of data on women and crime, the idea that programs are based to serve the predominantly male community when in fact they need to be gender targeted to deal with things that male prisoners simply do not have as issues. The Positive Justice Centre supports an audit of the rehabilitation programs currently in place either within the gaol that address women's issues or as a post-release service. My submission gives an indication of existing problems both here and internationally and suggests some reasons for change.

CHAIR: Ms Roumeliotis, the 1999 evaluation of the community grants program operated by the Department of Corrective Services recommended moving to a purchaser-provider model for prison post-release services. Could you tell the Committee the impact of such a change on your service and perhaps other services? Do you have any concerns regarding that proposed change?

Ms ROUMELIOTIS: Yes, if I could just make a couple of comments before I directly answer that question. As the program is currently structured, it is a virtual exclusive manifestation of the State Government's support for post-release needs of ex-prisoners and their families. The current levels of resources are woefully inadequate to meet the needs of the target group. The 1998-99 State budget allocated \$1.171 million to the community grants program of Corrective Services out of a total expenditure of \$433 million. That is not even one-third of 1 per cent of that department's budget, which was meant to provide virtually all post-release services and fund the community's role in pre-release services.

When this is viewed against the Government's cumulative social justice budget, in 1998-99 of a planned total expenditure of \$28.8 billion, the investment of \$1.171 million dollars towards diminishing the likelihood of reoffending by the group identified as the greatest risk is statistically invisible. One of the major issues raised by community-funded groups and non-funded groups interested in this area is the importance of the department adopting a through-care model and involve a number of other departments in looking at a whole-of-government approach—I know it is a cliché—in relation to this area and trying to attract more resources into the area.

A review was done of a specific program, the report of which was released

about nine months ago. Funded groups and non-funded groups, other than a steering committee that was established, have only had an opportunity to comment on the recommendations but there has been no further consultation from the department in relation to the outcomes of the review and what the department's thoughts are on the way forward. However, it has had the impact that funded agencies are now on 12-month contracts where previously they were on triennial contracts. This has meant that for every 12 month period you do not know if you are able to employ people for a further 12 months. For example, CRC only had a funding contract until 31 December, which means that one of the peak services to provide post-release services to prisoners, ex-prisoners and their families does not have a contract and does not know if the contract will be renewed. The process has been problematic.

If we move to purchaser-provider we do not exactly know what the department's interpretation of that is and what impact it will have. However, we do believe that agencies that provide a good and fair service that meets performance outcomes should be funded and we do not at any time believe that we deserve to have the money because we have had it in the past. We look forward to trying to develop a way forward with the department.

CHAIR: In the written submission to the Committee of the Council for Civil Liberties you draw the Committee's attention to the broad consensus reached on the desirability of diverting juveniles and young people from formal legal procedures. In its submission to the Committee the Department of Juvenile Justice referred to this matter and in regard to the Young Offenders Act 1997 said that warnings, cautions and youth justice conferences are all designed to, as far as possible, divert offending young people from court. The department continued:

Data on police cautioning rates and the types of offences for which police administer cautions indicate that a fair proportion of this group are indeed being diverted.

Further the department said:

Anecdotal evidence from conference administrators—

that is juvenile justice conferences—

suggests that recidivism rates for children who participate in those conferences are also low.

Could you give the Committee the perception of your organisation of how well the Young Offenders Act might be working or otherwise in the areas of cautioning and juvenile conferences?

Ms HOPKINS: The council certainly commends the initiative of the young offenders program. In relation to a valuation such as you requested I think it may be of assistance, through the Aboriginal Legal Service, if we forward you something in writing in relation to the assessment of the Aboriginal Legal Service of their client base and the young offenders program. From anecdotal evidence Aboriginal youth are being excluded to a large extent from the operation of the diversionary programs which is of great concern to the council given that in terms of indigenous rates of imprisonment it is the juvenile rates of incarceration which are the worst. My understanding of the statistics at the moment is that

something like 80 per cent of young female offenders at Yasmar are Aboriginal, and the rate for the 12- to 14-year-olds is something in the vicinity of 35 to 40 per cent and the 14- to 18-year-olds is something like 25 to 30 per cent also.

The Hon. J. HATZISTERGOS: How are they excluded?

Ms HOPKINS: It is a good question. We do not have the reason why they are being excluded.

The Hon. J. HATZISTERGOS: How?

Ms HOPKINS: They are not being cautioned. The figures that are coming back to us show that Aboriginal youth are not being adequately represented in those figures. The incarceration rates of Aboriginal youth are stagnant, if not increasing. It is a difficult cultural issue and that sort of program needs to be dealt with in a culturally appropriate way and it may well not be, but that is speculation. There needs to be a specific valuation of why Aboriginal youth are not being included. The program has requested information from various agencies about the reasons for that but there has been no response at this stage.

The Hon. J. HATZISTERGOS: The Committee has been to Moree and has heard of programs which have been designed to deal with Aboriginal youth in a way that they do not actually get to the police. In other words they are taken out of harm's way. It does not mean that they may not get to the cautioning stage but there is a preventative action taken to prevent them getting there and that may have some impact on the statistics.

Ms HOPKINS: In the inner city area of Sydney west or the Redfern area—

The Hon. J. HATZISTERGOS: I am talking about Moree.

Ms HOPKINS: I know, and it is good to hear that there are those sorts of initiatives happening—

The Hon. J. HATZISTERGOS: and Ballina as well.

Ms HOPKINS: In the Sydney area there is a dearth of resources for community agencies to deal with the juvenile issue. Juvenile Justice has resources, inadequate I would submit, but the real lack of resources is with community agencies. As it stands Juvenile Justice is a communication link between the detention centres and the community and their clients, and there needs to be greater networking and communication systems between the community and the detention centres.

Mr MURRAY: Ken Buttrum, when he appeared before the Budget Estimates Committee at the end of last year stated:

Although the total number of people on detention has dropped, the proportion of Aboriginal kids still remains high.

He suggested that there were certain attitudinal problems in his department and other

departments. He said:

An attitudinal problem of various people in the system—
He says that that is why it happens. I assume it is basically racism he is talking about there. He continues:

. . . which we have tried to address.

He says that there is also another cultural problem that takes place, and it is a bit of a weird one. "In the past Aboriginals have been coerced into admissions of various offences that they have not committed and therefore legal services have always advised young Aboriginal people not to admit anything." Basically they are hamstringing themselves because under the conferencing process you have to plead guilty to the police in the first instance to be diverted and because of past racism and things like that, that is one of the reasons why that is not happening.

The Hon. J. HATZISTERGOS: Someone is pressuring them into pleading guilty when they are not?

Mr MURRAY: They have been pressured in the past to plead guilty for lots of offences.

The Hon. J. HATZISTERGOS: By whom, the police or the Legal Aid Commission?

Mr MURRAY: By the police and stuff like that. It is an historic fact and it stretches back over the last 100-odd years.

Ms HOPKINS: If I could just speak to that issue It is a good point that Mr Murray has raised because the cautioning system, as you are aware, does require somebody to admit their guilt. To do that they need legal advice so they brought in a cautioning system but there is no funding to have Aboriginal Legal Services to provide that advice after hours and it is usually after hours that children are picked up on a number of these matters. That may well be a reason for exclusion. I am sure that when there has been a valuation done it may well include that reason.

Mr MURRAY: Mr Cunneen from the Institute of Criminology at Sydney University in a document entitled "Community Conferencing and the Fiction of Indigenous Control" said:

The available theoretical observational and empirical evidence strongly suggests that family group conferencing, far from being a panacea for offending by indigenous young people is likely to lead to harsher outcomes for indigenous young people. They do not receive the same benefits of diversionary options as non indigenous people.

Those sorts of things had been recognised before the legislation was put in place and unfortunately the legislation was a bit naive in saying that people had to plead guilty to the police. I think that is discriminatory against young people.

Ms HOPKINS: In relation to the culture within detention centres, it does appear that it has remained unchanged in that juvenile justice workers continue to require the training that rehabilitation has to be their primary focus when they are dealing with juveniles in detention centres. There does seem to be a problem dealing with the cultural issues of Aboriginality. An example I put to the Committee was that South Sydney Youth Services received funding for a Koori justice project to go from detention centre to detention centre and to run a program for Koori offenders. I was advised that one detention centre would not allow the project in that centre because they felt that it was culturally biased towards Aboriginal offenders and it was not fair to non Aboriginal offenders. That sort of culture has to stop.

Mr WILLIS: As a senior youth worker working with Juvenile Justice at Reiby I would like to add that when I worked with Koori boys I found it was pretty much a revolving door with those lads. You talk to the boys and you would find out that they were getting treated better inside juvenile justice than what they were at home. John said that the boys plead guilty to charges that they have not done. I had one kid, whether it was true or not, from his words he had 15 charges on him and he had only committed one crime which was stealing a car.

There is a great deal of racism within the workers within Juvenile Justice. I can say that with no problem at all because I was a senior youth worker with them for 16 months. The Koori workers, I have found, are the best for the Koori kids. They understand them better, they have a lot more patience with them and the kids respond better to Koori workers. I believe there should be more Koori positions available within the system for Aboriginal workers who are qualified to do the job.

CHAIR: I take it that the Council for Civil Liberties supports the reforms in the area of cautioning and juvenile justice conferencing? Do you merely wish to say to the Committee that there are some inhibitions or problems with carrying out these programs?

Ms HOPKINS: That is right. One of the qualifications would be the requirement that the children plead guilty without having access to legal advice and as I said the apparent problems with young Aboriginal offenders.

CHAIR: It seems from some of the submissions that the Committee has received that there are problems regarding recent Federal Government changes to social security payments, for a start, payments made to prisoners upon their release. As early as this morning the Committee was told by Ms McComish, Assistant Commissioner, Department of Corrective Services that early this year Centrelink discontinued its practice of making advance social security benefits to inmates who were being released from custody. She said that Corrective Services has held discussions with Centrelink in relation to that matter and she understands that legislative amendments will be pursued at the earliest opportunity to deal with this problem. Could those of you who are interested in this matter speak to the Committee about what you see is the problem and what needs to be done to fix it?

Mr BAIRD: It is my understanding that some of their difficulties from the original Federal Government proposal have been worked through and the situation now is

considerably better than what it looked like it would be. Prior to the changes the inmate received a two week special benefit on release. Their next payment was a half payment and then they went onto the regular social security system if they were unable to find employment or whatever.

The changes that were brought in basically originally were to take away that automatic payment on release. If a person walked out of gaol they would have nothing from social security. They would have to attend the social security office to organise their payments. That would have caused considerable problems for people released on weekends and public holidays. It also complicated the process for people who were released on week days as they still essentially had to get to the social security office and that may have involved some travel expenses.

It would seem that the changes that have been made have addressed a lot of those issues. If the inmate is released on a public holiday or a weekend he or she will now get a half-crisis payment. They will have to front at Centrelink at the earliest opportunity to receive the other half of that crisis payment. There have always been some problems with the social security system and how it assists people who are released from gaol. The basic flaw remains and, to put it simply, it is that when an inmate is released from gaol in that first four weeks of their release they only receive three weeks worth of money.

To take you through the situation, at the moment if you are single and over 21 years of age you will get released. You will get a crisis payment of \$162 and one week advance on the Newstart of \$162. You will have \$325 to cover you for that first fortnight which equates to \$23.20 a day to find accommodation, feed yourself, travel to look for work, travel to meet probationary and parole requirements and many people need to go on methadone and that is maybe \$6 or \$7 a day. You are meant to get by over those first two weeks on \$325. After that you receive a half Newstart allowance of \$162 that is meant to last you for two weeks, that is \$11.63 per day to meet all those similar requirements.

Admittedly, accommodation and some of those issues may have been sorted out in the first two weeks, but obviously it is still insignificant in terms of the cost that released people come across when they walk out of the gaol and go to set themselves up in the community. As I stated, effectively it is three weeks worth of money cut into four weeks. I would not be so brash as to say that it is an invitation to commit crime, but I would say that through that system we are placing people at a very high risk of reoffending and of ending up back in gaol, and often that has effects on the community as a whole. It has all those problems of more victims, more costs in the legal system. Obviously, it is a Federal Government responsibility, but it is a huge concern.

CHAIR: In some of the submissions we have there was a degree of criticism of interpretation of parenting payments to partners of prisoners on the part of Centrelink. Could you explain the problem as you see it affecting partners of prisoners?

Mr BAIRD: There are a couple of issues. With partners it appears that if one is on a benefit as a couple and one of those persons goes into gaol the remaining partner does not revert to what a single person would get, that part reverts to less than what a single person

would normally get on the benefit. At the time of crisis in a family, when it could be quite easily argued that its needs are probably more than the single average person on a benefit, particular stress is placed on families and children. One of the other issues relating to families is also relevant to the parenting allowance and where that goes. Generally, when a woman goes into prison the parenting allowance has to be changed to the new carer of the child while the woman is in gaol. There is a long delay in changing over those records and getting the parenting allowance directed to the correct person—sometimes two or three weeks—which can cause particular hardship on the carer of the child. That same delay is often experienced when the mother is released, once again causing significant financial hardship not only on the parent but on the child.

Ms McFARLANE: May I comment generally? The examples that Prisoners Aid has just given are very important in terms of the Federal sphere, but there are a lot of other State programs or policies that impact upon prisoners in every aspect of their lives. For example, prisoners are seen by some services as arguably less worthy than others to entitlements to services. For example, I have received many complaints from prisoners about DOCS or the New South Wales Police Service, suggesting that when they make complaints about the possible sexual abuse of their children by other people, those services are less inclined to follow up a complaint if it has been made by somebody on the inside. These are mainly prisoner complaints, but interestingly it was also commented on to me by workers and Corrections officers that when a complaint of abuse has been made that has mandatory child protection reporting and investigation you would find that the parents—the prisoners—are given very little feedback. One can only assume that is because they were deemed less worthy of getting the information than perhaps other parents in the community.

There are also issues that prisoners are not seen as recognisable, social needs groups. As Prisoners Aid pointed one of the different issues that affects people coming out of gaol is that the Department of Housing and Centrelink, particularly, are culpable in that if you are coming out of gaol you do not have automatic access as a special needs group to housing. You wait in the queue with everybody else, even though it is commonly accepted that being in prison carries with it a whole range of social factors that one would assume would put you above the queue of other people who may experience difficulties, but one or two rather than the complete gamut of social factors that affect people coming out of prison.

The other issue is that prisoners are often overlooked as a distinct group in themselves when the legislation is being planned. An example, as Prisoners Aid said, is Centrelink payments to prisoners in New South Wales, given that New South Wales is the only State that releases on weekdays after 5.00 p.m. or on the weekends, which means that the needs of the prisoner group at which the legislation was targeted completely missed them with resulting problems and, as you now can see, the legislation has to be amended. That was also the difficulty with the Attorney General's Department and the State Debt Recovery Office and the Positive Justice Centre sent letters indicating this - that the amnesty in 1997-98 for fine defaulters and—I am sure you will remember that discussion—meant that the State could not continue to imprison people on the basis of non-payment of fairly minor fines. An amnesty was therefore declared.

However, the legislation made no provision for people who may already have

been in prison (and, thus, very unlikely to be able to afford the fines) to cut them out under the old scheme where they could spend an extra day in gaol. Nor was any provision made for the accessing of information or the provision of information to people already in the system. What happened was that once those factors were realised the legislation was amended and the amnesty extended to cater for the prisoner group it was actually intended to assist.

Mr BAIRD: One issue that I have been confronted with through a number of phone calls at our office is the victims compensation. Victims of compensation is a positive thing; victims need to be considered. But I have received a number of calls from people who have been released who are on a very limited income—generally on Social Security—receiving rather large bills and imposts for victims compensation. If the financial impost on them causes them to commit crime, it serves no purpose. In terms of the practical application of the victims compensation and gaining money from offences, the practical implications need to be looked at more closely so that we are not collecting compensation money, yet on the other hand, because the person does not have the money so that person is going out there and committing further crime.

The Hon. J. HATZISTERGOS: The taxpayer should pay, should they? Is that what you are saying?

Mr MURRAY: It should be taken into account at sentencing because it is like a double whammy. You are guilty of the offence and then you have to cough up the dollars later on. It is two punishments, in a way.

The Hon. J. HATZISTERGOS: The rate of recovery of victims compensation payments is 3 per cent.

Mr BAIRD: I am sure it is not high because they do not have money.

Mr WILLIS: I always thought that prison was the punishment.

The Hon. J. HATZISTERGOS: We can cope with a philosophical argument, but victims compensation is not actually punishment: It is compensation to the victim.

CHAIR: What, if any, has been the impact of the Jobs Network on prisoner access to employment assistance? The submission made by your organisation refers to changes in the classification of prisoners so that they are no longer eligible for long-term unemployed assistance. Could you tell the Committee a little bit about that?

Mr BAIRD: There are a couple of issues with people trying to access employment services under the new Jobs Network scheme. First, in terms of the definition of long-term unemployed, it is now the case that if a person goes to prison for, say, five years and is released that person is not seen as being long-term unemployable when he or she fronts at the Centrelink office, even though that person has been unemployed for four or five years. That person is unable to get the benefits of encouragement, I suppose, to employers and access to appropriate Jobs Network facilities to find employment. We would argue that it really is imperative that that needs to be included in terms of a person's term of unemployment, and

then that person is released that that person really should be considered as long-term unemployed and attract the various benefits in terms of services that would be available to that person.

The other issue relates particularly to services that were operating as a skill share which, with the introduction of the Jobs Network was unable to be continued for economic reasons brought about by the funding situation of the Jobs Network. In essence, CRC applied for a contract to run its skill share, which was targeted towards people who had been released from prison. It won a contract, which ran for three months, but CRC was unable to run it any further because of remuneration through the Job Network. Previously as a skill share it would not get the money upfront, it would spend the money. With the Jobs Network CRC was required to spend the money and then get the money back, which caused some cash-flow problems.

Sydney Skill Share and CRC had operated that service for a very long time. They had gained lots of experience and contacts in working with the particular difficulties that released people face in finding employment and gaining skills. Unfortunately all this has been lost. I suppose that is a fairly catastrophic effect in terms of people who are released and who are looking for employment services because they are now forced to go to more general services which, I have no doubt, have good intentions and do as good a job as they can; but, quite frankly, they do not have the experience or the ability to work with ex-offenders that the skill share that CRC operated previously had.

Ms ROUMELIOTIS: The service ran for just over 10 years and had developed a number of networks. It was known as a centre of expertise for ex-offenders. The last two or three training programs that we had run with ex-offenders, one was warehouse training and the other was a fork lift driving, more than 65 per cent of the ex-offenders got work after that training course because the service was able to expand that list of people and canvass those who were quite sympathetic and who were quite happy to employ ex-offenders. We saw a number of people are going into a number of jobs and rebuilding their lives and reintegrating into the community. At the moment the larger services that run the Jobs Network do not have that expertise, and it costs a lot of money to bring someone who has just come out of gaol, particularly the recidivist and the people who have been in gaol for a long time to bring them up to scratch, to get them ready to prepare a resume to look for a job and successfully fill that job. Many of those services are not willing to spend the money to do that, so ex-offenders miss out on vital services.

Mr WILLIS: While I was in prison in the 1980s—I was released in 1988 after I had done three years—I found the best program in there was the works release program. When I got out of prison I had \$4,000 in my pocket, and that set me up in a flat with furniture one week later. I never went back to prison. When you get out with nothing in your pocket there is not much chance for you, I do not believe.

The Hon. J. F. RYAN: Job training, such as preparing a resume and so on, would it not be sensible to do that in prison?

Mr BAIRD: There are some programs in the prisons that address that, but it is

always difficult in terms of everyone going through those programs. As we heard this morning lots of people are in for very short terms and they may not get access to those programs. No doubt there is that, to try to get people through the programs, but with the large number of people in the system and the limited amount of dollars that are available—

The Hon. J. F. RYAN: But it is not likely to be any easier to cater for such a program on the outside. What makes it easier to do it on the outside than on the inside if it is something that everybody has to do?

Mr BAIRD: Yes, it is something everybody has to do, that is true. The beauty of it happening at Sydney Skill Share is that it was happening in a real situation. A person would come in and say, "I want to apply for this job. I need help with my resume." That resume could then be worked through with the worker, tailored specifically for that job. It is true that no doubt you would get those skills in a class-room situation, as no doubt we probably all did when we went through school, did work experience and things like that, but there is still a difference between learning in the classroom and being out there in the community and doing it. While they may have gone through those courses and gained some of those skills, that does not mean they are able to go through and do it without any support when they go out into the community. They may have some head starts, but it is important that there are those people to support them through it.

(Short adjournment)

The Hon. J. F. RYAN: This morning and at other times Mr Buttrum, and many of your submissions, state that the issue of drug use drives a lot of people into the criminal justice system and keeps them there. Do you have any first-hand knowledge from helping people, or in Kelvin's case any experience, of the best features of drug and alcohol services. Firstly, is there an adequate level of programs for drug and alcohol services within Corrective Services and Juvenile Justice? What are some of the better services in this field that seem to be more successful than others?

Ms HOPKINS: In relation to drug and alcohol services within the correctional centres, from an indigenous point of view the Council for Civil Liberties and the Aboriginal Legal Service say that there needs to be an Aboriginal drug and alcohol worker in every correctional centre. In centres with many indigenous inmates there should be more than one worker. At the moment in the Mulawa centre there is not an Aboriginal drug and alcohol worker, although there has been in the past. When there is an Aboriginal drug and alcohol worker progress is often made because a relationship of trust is built up. Mid last year that worker left the correctional centre and since then there has not been an Aboriginal worker. If we cannot fulfil that basic requirement we do not have a chance of getting anywhere towards assisting indigenous inmates to successfully stay out of custody once they are released.

The Hon. J. F. RYAN: What services do you say an Aboriginal drug and alcohol worker should provide to inmates?

Ms HOPKINS: Counselling services, structure programs, group sessions, one-on-one counselling. Critically they also provide access to residential rehabilitation programs

post-release. They will assist an inmate who is on remand to obtain a residential rehabilitation facility as an alternative to full-time custody in the sentencing option, or on a bail application. A comprehensive drug and alcohol facility within a gaol that is culturally appropriate can have a real impact on bringing down the prison population.

The Hon. J. F. RYAN: This morning representatives from the Department of Correctional Services said that they had access to 10 specialist drug and alcohol counsellors. Is that what you are referring to?

Ms HOPKINS: Yes, but 10 where? Is it 10 throughout the entire system?

The Hon. J. F. RYAN: It was 10 within Juvenile Justice.

Mr MURRAY: That is wonderful, because a couple of years ago young people who were at the right age would hope to have served their sentence in Mulawa, especially a lot of State wards who have drug and alcohol issues. They were fearful of being sent back to a Juvenile Justice institution because they would not be able to address their drug and alcohol problems without access to methadone and other facilities. It is good to see these changes happening. In a lot of ways the Women In Prison Task Force recognised that 70 per cent of women in prison had major drug and alcohol problems and back then the task force recommended huge sweeping changes regarding detoxification facilities, et cetera.

We now have three or four detoxification beds at Mulawa, although the original plan was for six. Almost 80 per cent of women require those services and in a lot of ways Corrective Services policies ensure that drugs end up coming into prisons. Prisoners who cannot get methadone for three months ask what they are supposed to do; go cold turkey? It is an additional punishment within the system. Making people wait for three months to go on methadone will ensure that drugs continue to enter the system. Other policies include urinalysis tests. It is hard to find heroin under urinalysis, whereas it is easy to discover marijuana. Therefore, the women will not use marijuana because the chances of being discovered are much greater than with heroin. The punishments are exactly the same. There are conflicting policies which create a lot of the drug problems within prisons.

Ms HOPKINS: In relation to detoxification facilities at Mulawa given that there are only four beds, that severely limits the Drug Court referring people to detoxification programs, because they have to use those beds. Anecdotal evidence tells us that women are not accessing the Drug Court program as they should.

Ms McFARLANE: A problem for women in prison is not the fact that they have a drug problem but rather the characteristics of people in prison referred to by Violet Roumeliotis from CRC. The overlap between sexual abuse and various forms of domestic violence and a whole lot of social factors, either when the women were children or in adult life, is bound up with the drug use. Technically it is drug use that sends them to gaol but that is not the problem that they have. If you have programs that simply address someone's drug use without necessarily having programs that support them and look at the psychological effects of incest and various other forms of abuse, it is asking a lot of someone to let go of the only crutch that they may have been using as a form of self-medication. The evidence for that is

found in studies throughout the world which show that these factors are closely bound up.

Ms ROUMELIOTIS: It is the view of CRC Justice Support that drug and alcohol programs run in prisons are good and do not do any harm, but certainly, as with most things, there are not enough. The MRRC, which is a 900-bed facility, would not have more than two or three drug and alcohol workers. If you have 70 to 80 per cent of inmates with drug and alcohol issues, there will not be enough to go around for any real assistance. We were involved with the Drug Summit corrections working group, as an associate delegate. The bind is whether we actually advocate for more resources into prisons. As Sarah said, there are only four beds at Mulawa and that involves Drug Court beds. There are not a lot of beds for people who are detoxifying in the system. The MRRC may have 10 beds.

Should we advocate for more resources in the prison system, or take up the position which we lean towards that people should detox outside prison. It should be seen as a health issue and as Kath said people should be referred to services in which their drug and alcohol issues as well as all other issues are dealt with in a community-based setting rather than within the prison. We will end up having Corrections Health and Corrective Services building this empire and having larger detoxification facilities and in-house programs which really should be run within the community. Obviously people will re-integrate better when services are community-run.

The Hon. J. HATZISTERGOS: What happens to their drug problem whilst they are in prison? If it is not resolved while they are there, what will happen?

Ms ROUMELIOTIS: I am not advocating that there should not be drug and alcohol services for people whilst in prison. We should look at it more laterally and say that people who need to detox should not be in prison in the first place but that other viable alternatives should be investigated prior to them going into prison. Prison should be absolutely the last alternative. Australian standard health services should be available to them within prisons. If we have such a large number of people in prison with drug and alcohol problems you are not able to therapeutically assist them to resolve their problems in any meaningful way while they are in prison.

Mr MURRAY: And it is a more expensive setting.

Ms ROUMELIOTIS: A far more expensive setting than community-based programs. Corrections Health works closely with Corrective Services, but at the end of the day Corrective Services makes the decisions about programs, policies, what operates and what does not. Security issues are paramount. Quite often programs are stopped because of security considerations. With budget overruns, drug and alcohol and similar programs are the first to go, because they have to pay for custodial staff to open and shut doors, et cetera. Because of the nature of the system programs are shoved further down the ladder of priorities. That will not be overcome. This morning Ms McComish said that there is a vigorous urinalysis program as well as the sniffer dog program, a whole infrastructure around trying to detect drugs and that is very expensive. That money could be better spent on community programs.

Ms HOPKINS: Particularly given that we have been discussing today the fact that a lot of the sentences are less than six months. The new sentencing legislation will require magistrates to give reasons if they sentence someone to less than six months. It is clearly the case that the majority of people in custody with drug problems are serving sentences of less than six months. The situation at the moment is that the courts do not have the options, the custodial alternatives, to use in relation to rehabilitation programs that deal with a variety of issues. I keep harking back to Aboriginal women but I do that because they seem to be largely ignored in terms of resources, but if there is a program available to magistrates, a residential program for Aboriginal women, the residential program that deals with drug and alcohol issues and issues that Kath McFarlane was just raising, being sexual and domestic violence issues, employment and training issues, parenting skills and a program that took children, it would lift the resource burden off Corrective Services and place it in community corrections where, in my submission, it should rightly be.

Mr MURRAY: The problem is going to get much worse. The select committee on safe injecting rooms came to a consensus of all the experts in Australia that there were about 300,000 injecting drug users in this country about five to seven years ago, only one-third, 80,000, of whom were blue collar and likely to end up in the gaol system. In the same way as the La Dain “royal commission into the non-medical use of drugs” in Canada found, we were simply recycling that 80,000 people through the gaol system. I think in New South Wales now, five years after that consensus of the experts in this country, we probably have at least 80,000 in Sydney. So I think the potential for a major crime problem arising out of that is huge.

Mr WILLIS: When I was a senior youth worker out at Reiby we had an AOD worker there—that is D and A for the old school. They used to target the boys to do the AOD classes. They always had the opportunity to knock back these classes. I do not know if any of you have seen it, but the sad thing I used to see were kids sitting there rocking backwards and forwards in a centre like that coming down off heroin. There is nothing we can do for them except put our arms around them and tell them they will be all right. That is all we can do for them until they get out of the system. In the meantime you sit there and watch the kids. I do not know what it is like personally, but I can imagine from just sitting there and talking to these boys.

It is a hell of an experience and you feel so sorry for these boys. The bad thing about these AOD classes is that many attend them just to get out and that is not really solving the problem. They do not go there for the real reason, they go there to make it look good so they can get out after their control orders are finished. Another thing is the searching policies within Juvenile Justice are an absolute waste of time. There will be drugs in the system, especially in Juvenile Justice, for ever and ever unless you do something about the searching policies, because the searching policies are just rubbish and the boys can bring in anything they want, from \$4,200 cheques to bags of heroin and cut-off syringes. I experienced that the whole time I was at Reiby, many, many times.

Ms ROUMELIOTIS: CRC piloted a women's supported accommodation program about two years ago. It is basically for women just coming out of prison who are on methadone and who have children. We have two women who lived in one of our houses since

1998. They were both formally sex workers and they have been in prison for assault, armed robbery and drugs and they have been out of prison now for two years, the longest they have ever been out. They have been going along to a number of training, parenting and rehabilitation programs with the support of CRC staff, the women's housing worker. If you look at it crudely, if those two women had been in prison for two years it would have cost the State \$60,000 per woman per year. Just keeping those two women out of prison for two years has saved the State \$240,000. That is with one worker supporting them. It is a great idea. It is a partnership with the community tenancy scheme. The women live in the house and once they are settled they can keep the house and take over paying the rent. We would get another house, we do not make people move out. So they keep the ties they make with the local community, the kids go to the local school and they are not disrupted. That is just one example of a program that can assist the types of women who are in our gaols at the moment work effectively in the community.

The Hon. J. F. RYAN: To take the subject off drugs just for the moment, fascinating though that is, we were talking earlier about transition from gaol to the community, and that appears to be another the area where you can have a positive impact in reducing the recidivism rate. Before I go on to ask you about the more positive things that can be done about that, one of you said in evidence that an inadequate priority was given to people on the housing list when they came out of gaol. I suppose I need to ask you this question. Someone would say why should a person who has been a prisoner have a priority over, say, a family trying to escape domestic violence with a limited resource such as housing?

Ms McFARLANE: That was me who said the last thing, so I will answer. There is always a problem when you are looking at competing worthy interests, and I was not suggesting they should be ranked as crudely as that. But, when you look at the overlap of the people in the prison system, many of the women in the present system are there because they were trying to escape domestic violence or they were in co-dependent relationships where their male partners were also engaged in criminal activity which therefore involved them in it. If there was adequate housing for everybody who needed it, you would then find that the gaol population would fall quite dramatically. The situation is, unless positive steps are undertaken to identify prisoners as a special needs group, and the social services are put in place that acknowledge that their range of experience is basically the worst of the community wrapped up in one person's everyday experience, and unless affirmative action is taken to address that, the cycle of reoffending is going to continue. I think the community would be quite in favour of any proposal that actually reduced crime that was being committed against the general community.

The Hon. J. HATZISTERGOS: How do you balance up the priorities with someone who is at risk but outside the system? That is, at risk of offending but not in the prison system and they have an equal claim to be provided with housing to prevent them from offending as opposed to a prisoner who has been released?

Ms McFARLANE: If I can address that in this way. One of the key indications from the research that the Positive Justice Centre has undertaken our own experience, and shows that intergenerational offending is a key issue. As The Children of Imprisoned Parents Report found, if you are the child of a prisoner or a close family member

of a prisoner, your chances of becoming involved in the criminal justice system are much higher than anybody else in the normal community. You then also find that your chances of suffering that domestic violence, sexual abuse, incest and other forms of abuse are also more than doubled compared to the so-called general community. If there was a way whereby the future generation of people that would be likely to get involved with criminal justice could be provided with adequate social support, you would address the problem before it gets to the situation where you have to balance the domestic violence survivor who has not killed her abusive partner against someone who has.

The Hon. J. HATZISTERGOS: What I am suggesting is that it is almost an incentive, if you offend and go to prison you get looked after but if you are at risk and manage not to you are put further down the list.

Ms McFARLANE: I take your point, but I do not think you would find any disagreement amongst people here that there are inadequate services regardless of whether you get to prison or whether you are going to go at some stage in the future because the services are not there, and that will propel you into crime.

The Hon. J. HATZISTERGOS: A few years ago the housing department had a policy whereby if you were evicted from your home you would be elevated in the waiting list and get a home straight away. All that resulted in was people deliberately getting themselves evicted.

Mr MURRAY: I do not think that people would deliberately get themselves convicted.

The Hon. J. F. RYAN: I did not want to spend a long time on that, I just wanted to see whether you had a response that we could use in our report.

Ms ROUMELIOTIS: Could I just add that currently there are only 32 beds particularly focused on men coming out of prison in the whole State and eight for women. That is at Guthrie House. There are not a lot of beds available to them as they are coming out. In fact, 21 of those 32 for men are shared. So, when they have been in confined cells and sharing they have to come out and stay in abysmal conditions again, but there is not a lot. There is a dwindling number of boarding houses in the city. In the past six or seven years it has gone down from about 800 beds to about 300 beds. As we read in the papers, it is going to become increasingly hard. A lot of places we used to traditionally be able to refer a lot of our men clients to are now being fixed up as trendy backpacker accommodation.

Rent has gone from \$80 a week to more like \$120 per week for a cupboard-size room. It is pretty grim. I know there are competing priorities but there is a social cost if those people are coming out onto the streets. It causes more problems for the community in the long run if that is not addressed. Of course, there are special needs groups like people with intellectual disabilities. Sex offenders is another big group. Quite often we get calls from welfare staff trying to house sex offenders and it is virtually impossible trying to put them in these types of services, because you can not guarantee their safety. There is nowhere else for them to go. It is very difficult.

The Hon. J. F. RYAN: Perhaps it would be worthwhile spending five minutes talking about what makes an effective transitional program. One of you said in a submission that there is not always a sufficient or effective transitional process. Speaking of everything in that which might be as obvious as leaving gaol with adequate information to allow you to establish a bank account all the way through to the more complex issues like housing, what are some of the things, gaps, deficits and problems with the transitional process that could be addressed in either the long or short term?

Ms HOPKINS: In relation to the first stage, which would be the classification system within the gaol and the number of people reaching—for men C3 and for women there is another term—the lowest classification so that they are able to do work release and pre-release programs, there is a report currently being undertaken by the Department of Corrective Services. I understand it is still in draft and has not yet been released, but the unpublished material I understand indicates that the numbers getting to the works release stage are atrociously low and, again, the problem is particular to the Aboriginal prison population.

Last year something like 2.9 per cent of the indigenous male prison population reached C3 and one woman got to that level. So, as Kelvin pointed out, if people are not getting to the works release stage or to any pre-release program, their chances on the outside are very grim. In relation to the Aboriginal side, the question has to be asked, is works release a culturally appropriate program in the first place for Aboriginal people. Prior to their release day should they be released into the community for certain outings, training, whatever, to allow them to adapt back into the community?

At this stage it is simply not happening and with Aboriginal people the problem is one of institutionalisation. A great proportion of our clients are people who have spent the majority of their juvenile and adult life in institutions, whether it be juvenile detention centres or as State wards and then adult gaols. Their ability to cope on the outside is extraordinarily low and that goes to what you are saying about having identification. They are unable to fill out forms to open bank accounts. They have to take members of the family, often very extended family, to fill in social security forms. They do not have anywhere to stay. Anecdotally, I have clients who say they missed three buses outside the gaol because they did not know where to go. It is tragic stuff. As a community, how are we benefiting by this?

Mr BAIRD: A lot of it has to do with resources. There are not a lot because the resources are not there but there are examples of people who go through the system, come out, maybe go through supported accommodation and it works out for them. They are able to access services. But as Violet said, with only 32 beds available in supported accommodation for men and only eight or 10 for women, and you look at the number of people being released, there is a heck of a big crack that people are falling through.

The Hon. J. HATZISTERGOS: Are you able to indicate what proportion of released prisoners accessed your services?

Mr BAIRD: We do not have statistics on the proportion of ex-offenders that accessed our services. At Prisoners Aid Association we see around 500 or 600 inmates in a

year that come into our office. I do not know what proportion that is of those released from custody. Some people come and see us twice over a short period of time. So, then they may not be separate individuals in those findings.

The Hon. J. HATZISTERGOS: Where are you based?

Mr BAIRD: Prisoners Aid Association is based in Broadway. We only have three staff, but we do a lot of work.

The Hon. J. HATZISTERGOS: Do you not access prisoners, for example, in rural areas?

Mr BAIRD: No. We provide services. Our main work at Prisoners Aid with ex-offenders relates to emergency financial assistance and referral assistance. Obviously it is a lot easier for us to deal with people who can come into our office or maybe in the outer western suburbs where we can do a home visit, but even home visits are a stretch when you only have three staff. We assist people in the country if they phone us and we can verify details, then we can arrange a deposit to a bank account for them or send out a food voucher. We are able to do that, but obviously it is limited and it is difficult.

Ms ROUMELIOTIS: CRC has a Hunter office with two staff and they access the gaols in that area. A lot of our work is on the telephone talking to prisoners who are going to be released from a range of gaols around the State. We provide them with information about services in that area if they live in that area or intend to stay in that area or about what is happening in the metropolitan area if they are coming back. Most of those who come into the actual office are people who have come out of metropolitan prisons, but our transport project goes to most of the regional rural gaols across the State. There is a timetable as far down as June. It is difficult. For those in rural gaols, particularly indigenous inmates and people with special needs or people from non-English speaking backgrounds, there is a great gap in providing appropriate post-release services to them.

The Hon. J. HATZISTERGOS: Is there a difference in the services you are able to provide to people depending upon where they are released from, for example, whether that is from the country or the metropolitan area?

Ms ROUMELIOTIS: There is a major difference. We cannot access as frequently. For example, CRC quite often goes to the metropolitan prisons, which have the majority of remandees, and runs prerelease information talks and gives people information about a variety of things they may require, comes in contact with prison staff and develops those contacts. But with rural prisons it is much harder to get to on a regular basis. We have developed a video and some resources that we can send out for welfare and IDS staff to play to people prior to them being released. Promotional information is sent to the prisons to put up and resources for families, which is another big area, in visitors areas to try to provide them with some information about phone numbers to ring if they require information and support.

The Hon. J. F. RYAN: Just before a prisoner is due to be released, say in the last week or so, does the Department of Corrective Services do anything at all to provide the person with contacts for obvious areas of assistance that they will need when they leave?

Mr BAIRD: They have a prerelease program, but not every inmate goes through that.

The Hon. J. F. RYAN: Why not?

Mr BAIRD: It depends on the circumstances in which they are being released. It depends also on them voluntarily going to that program. Some of that is out of Practice Services control. Obviously if a person does not want to go, there is no point forcing them. Obviously, there are budget implications in running those programs. All the community organisations take part in those programs when requested.

The Hon. J. HATZISTERGOS: Does the department actually conduct the programs or does it to get organisations such as yours?

Mr BAIRD: They are co-ordinated generally by inmate development staff [IDS] and generally they get people in from community agencies, maybe from Centrelink or the Commonwealth Bank, to tell people about the types of preparations they may need to make for their release.

Ms ROUMELIOTIS: Quite often something might be planned three months in advance and our staff turn up or they are told there is a lockdown today and it is off or something has happened and it is not going ahead. As I said, things can be organised but they do not always happen. I know when I first started in the job I thought it should be easy just prior to someone being released that they should go through the steps. I believe it is shortage of resources. Quite often we think all prisoners are seen by welfare or inmate development staff, but they are not. In fact, most of them see them when they ask. It is not—

The Hon. J. HATZISTERGOS: Pro-active?

Ms ROUMELIOTIS: No. That is right

Ms HOPKINS: The Council for Civil Liberties is in the final stages of preparing a prisoners' rights manual, which goes through the rights of prisoners in relation to all these sorts of things because what we find is that prisoners are not aware of what they are entitled to. So, Corrective Services may say to you, "Oh, we have this course we will run" but the prisoners are not aware of it. We are trying to educate the prison population about their rights.

The Hon. J. F. RYAN: Certainly it does not happen, even in a low security area, that somebody will grab hold of a prisoner and say, "You're going next week, have you organised a house? Have you got a bank account?"

Mr BAIRD: It does not happen like that.

The Hon. J. F. RYAN: Basically you do a class and if you catch on, that is great.

Mr WILLIS: Basically you are kicked out on the street, "See you later."

Mr BAIRD: When you look at the other difficulties with literacy rates of people in prison, they are doubly disadvantaged.

The Hon. J. F. RYAN: That was my next question. Evidence has been given that literacy rates are a big factor in offending and in prisoners being returned to custody. What effective programs, if any, are being run within Corrective Services and Juvenile Justice to address literacy and numeracy? Are there any that are any good? Would you comment on the adequacy of resources?

Mr WILLIS: None. Reiby has four different schools. The boys that are 15 years and under had to go to school but the boys over 15 had a choice. Usually the boys that were over 15 did not go to school.

The Hon. J. F. RYAN: Most of the people at Reiby at the moment are over that age.

Mr WILLIS: That is right. Most of them do not go to school. It has four different schools and as a worker you would go there and help the boys and you would find the classes were not set out like a normal school day. It was broken up because the boys have low concentrations levels and stuff like that, which is understandable, and you break the day up. A lot of the young fellows enjoyed the classes like that. I believe the teachers there are very good at what they do, but it may be better if it was compulsory for the young boys, it does not matter what age they are, to go to school to learn to read and right properly. Most of the boys in there, especially Koori lads who come from Moree, Taree, Forster and all round there have no idea, and that is to put it bluntly. They do not really care. They just want to get out and play touch football.

The Hon. J. HATZISTERGOS: When a person is going to be released do any of your agencies receive a list or something from Corrective Services to say these people could be candidates for your services?

Mr BAIRD: No. The only contact we may get is that from time to time an individual welfare officer may contact us to tee up something or if they are going into an accommodation service there maybe some co-ordination in saying, "We have booked him in. He is being released Monday. He'll be there at whatever time" or something like that I assume.

Ms ROUMELIOTIS: Or self-referral. There would be privacy considerations in getting a list of people's names.

The Hon. J. HATZISTERGOS: What I wanted to know was how you promoted your organisations. Do you put out brochures or something else in the prisons?

Mr BAIRD: Certainly at Prisoners Aid we have posters in the prisons about our visits and things like that. We try to get involved in the media on radio programs, community radio, talking about our services and things such as that.

Ms McFARLANE: If I could return to a point that is related to the last questions about prisoners being released, a point needs to be made that all prisoners, regardless of whether they are male or female, start off, if they are coming to the gaol system on remand, as maximum security inmates. This means that the services available to them, particularly prerelease packages, post-release issues and various other programs that are available that may be more long term, just are not there. There has been at least one well documented case where a prisoner was removed to an intensive case management gaol system because they were deemed to be a super threat, but that person was found not guilty. So, after spending quite a considerable amount of time in a very isolated unit with very little interaction and certainly a massive loss of social interaction and basic skills as well as employment, house, family and all those related issues, the door was opened and they were on the street.

If that person had any idea of the existence of programs, bearing in mind that they were fairly isolated in the first place, even getting out the door of the unit to find how to get to CRC or to Prisoners Aid is a massive achievement, if they got that far. Unless there is some greater consideration than currently operates whereby somebody on remand is not automatically regarded as a maximum security maximum threat person, the programs that are available are going to fail at least that proportion of people released straight by the court system.

Ms HOPKINS: A similar problem is the E classification. If a prisoner has escaped at any stage, whether it is during this sentence or three sentences ago, and they are classified E, they keep that classification for their entire life and cannot progress through the classification system. So, someone who escaped when they were 19 and now they are 35 and serving a sentence cannot progress through the classification system and access those programs.

Ms ROUMELIOTIS: I would like to make another very quick point about education. For as long as inmates can work and get a wage of \$30 or \$40 as opposed to trying to do a full-time education course and being paid \$10 or \$15 a week, that will always be a disincentive to them to try to develop their skills in prison.

The Hon. J. F. RYAN: One of the issues raised by some of you that has not been raised in the questioning or discussion is the incarceration of State wards. Would anybody like to make a comment about how that should be addressed or reduced, if that has not been said already?

Mr MURRAY: I am not sure how it could be reduced. Transition and leaving care up until a couple of years ago amounted to receiving a piece of paper from the department saying "It was very nice having you and now you are an adult and we know that you can look after yourself, it would be a very nice idea if you enroll to vote and make a will." That was the extent of the service until about five years ago. A hell of a lot needs to be done and I would not even like to say where to start. One thing that might be useful is having a categorised system of wardship so that any child who is removed to care becomes a State ward. [with all the protection that is meant to entail] There is still the same number of kids in care as there was a decade ago.

The Hon. J. HATZISTERGOS: Juvenile Justice tells us that those numbers have reduced.

Ms McFARLANE: They do not call them wards any more.

Mr MURRAY: They are trying to move away from the whole idea of State ward, and I do not think that is helpful. Do we just at change the name and the problem is gone?

Mr WILLIS: I find that most of the boys in juvenile detention who are State wardship are very institutionalised. They just keep coming back and coming back and there is no doubt that they will see mainstream prison. I can see it. I am working with one young lad and I have been working with him for a very long time. The system let him down tremendously by releasing him on a Wednesday to a refuge. It was really great thinking, sending him to this refuge. He was thrown out of the door at six o'clock in the morning and was told the come back at seven o'clock at night. What does that boy to do during the whole day? He went back to what he normally does, that is, committing crime. He was back with us the next day.

Ms HOPKINS: In relation to your question on transition, Juvenile Justice's service, as I understand it, is significantly lacking in transition for the juveniles being released from detention centres. The situation is that some juveniles, as extraordinary as it may sound, are still being released from a control order without any case planning being done at all and without any transport arrangements being made. The gap between Juvenile Justice and Community Services seems to be a serious and ongoing problem.

Mr MURRAY: We are talking about it now in 2000, but it was first recognised that State wards were overrepresented in the juvenile justice system as early as 1981. That was in evidence given to the Burdekin inquiry which again raised the matter in 1989. In 1981, a departmental report found that State wards were 160 per cent more likely to re-offend than non-wards. That is re-offend, not offend. We know that 80 per cent of kids do not re-offend. Back in 1981, it was known that over-representation was going on but it has not come out into the light. It has been kept safely behind closed doors. Bureaucrats are working away on it and 20 years later there are no programs in place. The Community Services Commission did a three-year report on children in care which then turned into "Just Solutions", but was unable to identify the wardship status for 85 per cent of the juvenile population in prison. We have got absolutely nowhere on this issue and it really needs attacking in a big way.

Ms McFARLANE: In the "Children of Imprisoned Parents" report, there was quite a substantial discussion about the responsibility of district officers from the Department of Community Services [DOCS] in relation to the children of imprisoned parents and ensuring that access to the parent did occur throughout the parent's incarceration. There has been much research done internationally, as indicated in that report, to show that if mothers in prison have access to their children through visits, letters or residential programs, the mother's rehabilitation is improved and the chances of re-offending are reduced by 50 per cent, according to a recent US study if you want to actually put figures on it. But the children's involvement and the likelihood of their re-offending is also dramatically reduced. Despite all

this information, which is well documented, the Positive Justice Centre recently received a letter from the Legal Aid Commission's children's section complaining yet again about the disinclination of DOCS officers to come to Juvenile Justice and to the courts and get the State wards out of the juvenile justice system.

The Chief Children's magistrate made the point that on many occasions children are remanded into custody in juvenile courts because DOCS officers do not go to the hearing. The Children of Parents in Prison support group has also been battling quite recently with exactly the same problems as those raised in the "Children of Imprisoned Parents" report about the failure of DOCS to actually meet its obligations. That was a recommendation of that report. Basically, if you can enforce the obligation upon the various interdepartmental bodies and agencies who have clearly accepted their responsibility as given in evidence from their reports, that is, that they have a way of reducing recidivism, the studies show that the crime rates will fall.

Mr MURRAY: On that matter, I have three documents. One is a proposal for research into the area of incarceration of State wards which contains a good literature review which suggests that there may be systematic issues that are ongoing in that area. The Positive Justice Centre has commissioned research from the University of Technology Sydney to look into issues behind the "Just Solutions" report. The other one is "Addressing Offending Behaviour" which is a paper we delivered to a crime prevention conference in Melbourne recently.

(The witnesses withdrew)

(The Committee adjourned at 4.06 p.m.)