

# GENERAL PURPOSE STANDING COMMITTEE No. 3

Thursday 16 September 2004

Examination of proposed expenditure for the portfolio areas

## JUVENILE JUSTICE, AND WESTERN SYDNEY

The Committee met at 5.30 p.m.

### MEMBERS

The Hon. A. R. Fazio (Chair)

The Hon. P. J. Breen  
The Hon. J. C. Burnswoods  
The Hon. C. E. Cusack

The Hon. E. M. Obeid  
The Hon. J. F. Ryan  
The Hon. J. S. Tingle

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### PRESENT

**The Hon. Diane Beamer**, *Minister for Juvenile Justice, Minister for Western Sydney, and Minister Assisting the Minister for Infrastructure and Planning (Planning Administration)*

**Department of Juvenile Justice**

**Mr D. Sherlock**, *Director-General*

**Mr P. Muir**, *Assistant Director-General (Operations)*

**Ms S. Cross**, *Assistant Director-General (Management Services)*

**Ms M. Anderson**, *Manager, Executive Services*

**The Office of Western Sydney**

**Ms J. Moxon**, *Manager, Office of the Minister for Western Sydney*

**Mr J. Scott**, *Director Strategic Projects (Premier's Department)*

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## **CORRECTIONS TO TRANSCRIPT OF COMMITTEE PROCEEDINGS**

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

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

**CHAIR:** I declare this meeting open to the public. I welcome you to this public hearing of General Purpose Standing Committee No. 3. First, I thank the Minister and the departmental officers for attending today. At this meeting the Committee will examine the proposed expenditure for the portfolio areas of Juvenile Justice, and Western Sydney. Before questions commence some procedural matters need to be dealt with.

I point out that, in accordance with the Legislative Council's guidelines for the broadcast of proceedings, which are available from the attendants and the clerks, only members of the Committee and witnesses may be filmed or recorded. People in the public gallery should not be the primary focus of any filming or photos. In reporting the proceedings of this Committee, you must take responsibility for what you publish or what interpretation you place on anything that is said before the Committee.

There is no provision for members to refer directly to their staff while at the table. Members and their staff are advised that any messages should be delivered through the attendant on duty or the Committee clerks.

For the benefit of members and Hansard, I ask departmental officials to identify themselves by name, position, and department or agency before answering a question referred to them.

The Committee has resolved to allocate the time in 20-minute blocks, starting with the Opposition followed by the crossbench and then Government members.

I declare the proposed expenditure open for examination. Minister, do you wish to make a brief opening statement?

**Ms DIANE BEAMER:** I wish to make some introductory comments on the budget for the Department of Juvenile Justice for 2004-05. In doing so, I will refer to some details of the department's spending in the past year. This budget reinforces the Government's continuing strong commitment to the important work of the Department of Juvenile Justice. It highlights the Government's determination to ensure that our communities are made safer and more secure by addressing juvenile crime through a range of effective programs.

As honourable members are aware, the Government was forced to tighten this year's budget allocations for most departments and agencies. In spite of this, the financial picture for the Department of Juvenile Justice is pleasingly positive. The department's allocation for recurrent funding—its operating expenses—has risen from \$122.7 million last year to \$130.6 million this year. This is a 6.4 per cent increase. At the same time there has been continued strong funding for the department's capital works, with a total of \$37.9 million to be spent. So, despite the fiscal stringencies, the department has been able to maintain the expanded services it has introduced in the past two years. At the same time it is continuing the impressive rebuilding program that is transforming its detention centres into the most up-to-date in Australia.

In examining this year's budget, it is important to acknowledge the very significant responsibilities the department bears and the challenges that face its staff. Young people sent to the care and supervision of the department form one of the most deeply troubled and most troublesome groups in our community. A marked trend over the past few years has been the increasingly complex profiles of young people coming into custody. This raises issues requiring specialist attention from the department and extra training for staff to deal with them. Recent studies, including a detailed health survey of young people in custody in New South Wales, have identified the complexity of the challenges posed by young offenders. They show that many have histories marked by physical, sexual, and emotional abuse, as well as drug and alcohol use from early ages.

In terms of capital works, the major spending on new and upgraded buildings and facilities will improve our detention centres. Let me describe briefly a matter that has caused some confusion: spending on security improvements at Acmena Juvenile Justice Centre [JJC]. Media reports earlier this year referred to my request for capital works enhancements for the whole department totalling \$12.2 million. Of this, \$7.2 million was sought for upgrading fencing and security cameras at multiple detention centres for the three-year period to 2006-07. The department has been fully funded for this \$7.2 million upgrade.

The reports claimed that there was an allocation of only \$200,000 in this budget for these purposes. The true figure is \$229,000. However, this completely ignored the fact that last financial year Treasury had immediately responded to the bid, allocating \$1.25 million for fences and security cameras at the Acmena and Riverina juvenile justice centres. So the assumption that insufficient money has been allocated to improve security at Acmena is without foundation. In fact, some internal security fencing has already been built, and the installation of closed-circuit television cameras at the centre has been completed.

The department's \$37.9 million major capital works building budget for 2004-05 will fund three major projects: Yasmar, Cobham and Reiby. The construction work is the second stage of a massive program that, when completed, will see almost the entire New South Wales system of detention centres virtually rebuilt or renewed. In the nine years since the Carr Government came to office the department has made huge strides to bring the New South Wales system into conformity with national standards for juvenile detention.

There are a number of programs that I could outline, including drug programs. Some \$5.8 million has been allocated for programs to counter drug and alcohol abuse by young offenders, expanding and continuing measures introduced under the Government's Drug Action program. We now have an objective classification system that will be rolled out throughout our centres within the next three months. "Youth justice initiatives" is a generic title that the department uses for its community-based programs. A total of \$6.5 million goes to them, including services provided by more than 40 non-government agencies.

Some \$4.6 million has been allocated to maintain the operations of youth justice conferencing, supporting this key scheme that diverts young offenders from the courts and gives victims a strong voice in proceedings. Some \$16.4 million funds 35 juvenile justice community centres in New South Wales. Some \$60.4 million is provided to fund the State's nine detention centres. On any given day the detainee population numbers about 300, and 800 staff work in the centres.

The past year has seen two major disturbances at detention centres: the first at Acmena JJC last December and the second at Cobham in July. There was also a significant industrial dispute at Kariong in July. It is important that this Committee have accurate, up-to-date information on such incidents, including any problems they revealed and what the department has done to address them. The Acmena disturbance saw detainees force staff to retire to the administration block before order was restored with police assistance. The total damage caused cost \$414,000 to repair. However, importantly, detainees did not injure staff members or other detainees. A total of 14 detainees were charged.

As I said, my urgent bid for extra funds was required to better strengthen window locks, and that work started earlier this year. Importantly, following the incident, the department established a Security Review Team to examine not only Acmena but all detention centres. So the lessons learned from that disturbance can be applied to all centres, and the problems identified have been fixed.

The Cobham centre incident saw little damage but several physical injuries to staff and detainees. Thankfully, none of them was serious. Detainees used metal louvre slats from airconditioning units as weapons. Urgent action has been taken to ensure that they cannot be used again. Six detainees were transferred to other centres, with charges laid, including affray, robbery with offensive weapon, and assault occasioning actual bodily harm.

The industrial trouble at Kariong arose when workers walked off the job at short notice, complaining of occupational health and safety issues. Apparently the action was triggered by an incident where a detainee had to be restrained by several staff members, several of whom suffered minor injuries. As a condition of their return to work, the department agreed with a Public Service Association [PSA] demand that an occupational health and safety audit be carried out immediately at the centre. Departmental officers, accompanied by PSA representatives, carried out the survey.

As I said at the outset, this budget is clear evidence of the Government's continuing commitment to ensure safer communities by grappling with the deep problems of juvenile crime. It

consolidates the improvements to our juvenile justice system that the Government started nine years ago.

**The Hon. CATHERINE CUSACK:** In your opening statement you indicated that the cost of the Acmena riot was \$414,000.

**Ms DIANE BEAMER:** Correct.

**The Hon. CATHERINE CUSACK:** I have an insurance claim from the department to the value of \$650,000.

**Ms DIANE BEAMER:** Is that the cost of the repairs?

**The Hon. CATHERINE CUSACK:** That is the claim that was made by the Department of Juvenile Justice for costs associated with the riot at Acmena.

**Ms DIANE BEAMER:** My understanding is that the total cost of the damage was \$414,993. Consequential costs relating to the relocation of detainees, salaries, and overtime came to \$136,248. So the cost of maintenance and repairs was \$414,000, and there were also other sundry costs.

**The Hon. CATHERINE CUSACK:** So when you use that figure of \$414,000, that is not really the true cost of the riot? You need to add in those other costs as well?

**Ms DIANE BEAMER:** The full \$414,000 accurately reflects the damage.

**The Hon. CATHERINE CUSACK:** So what was the cost of the riot, Minister?

**Ms DIANE BEAMER:** The two figures. The insurance claim is \$591,000. Of course, that included the \$414,000, and the \$176,248.

**The Hon. CATHERINE CUSACK:** What was the cost of the riot at Acmena?

**Ms DIANE BEAMER:** The insurance claim is \$591,000.

**The Hon. CATHERINE CUSACK:** So the total cost of the riot was \$591,000?

**Ms DIANE BEAMER:** Broken into those two figures, yes.

**The Hon. CATHERINE CUSACK:** In terms of the funding bid in relation to capital works programs, you indicated that the department put in a bid and that was fully funded at \$222,000. I have a copy of a spreadsheet from the department, which shows that it was seeking funding of \$5.14 million for this financial year. I cannot see how an allocation of \$222,000 fully funds a request for \$5.14 million?

**Ms CROSS:** The Treasury bid that was put up has been funded. It has been funded over a period of five financial years. This financial year the sum is \$229,000 and the following financial year it ranges from \$2.354 million to 2006-07, which is \$1.797 million to 2007-08, which is \$1.602 million.

**The Hon. CATHERINE CUSACK:** I understand what you are saying, that it is fully funded over a lengthy time, but the Minister just gave evidence to this Committee that this year's request for funding was fully funded at \$222,000. That misunderstandings arose because some money had been brought forward to pay for the Acmena riot out of the previous year's budget, but none of that adds up to what was requested by the department, \$5.14 million. I do not see how you can say this year's request was fully allocated?

**Mr SHERLOCK:** I think what the honourable member may be alluding to is the total cost, which includes security improvements, but also a bid the department made for casework facilities, casework rooms. I understood the Minister to say the security costs were fully funded, the bid for improved security. The actual budget bid at that time, I understand, included a bid for casework

rooms. That was not approved by the Government, but the bid for the fencing and the cameras was, I understand, fully funded.

**The Hon. CATHERINE CUSACK:** The custodial accommodation management project?

**Mr SHERLOCK:** Yes.

**The Hon. CATHERINE CUSACK:** The request from the department was for \$3.2 million for the project, and the Minister in her opening statement said that \$222,000 was received for that, and that fully funded the request for \$3.2 million in this financial year.

**Mr SHERLOCK:** The amount of \$1.25 million was allocated in the 2003-04 year.

**The Hon. CATHERINE CUSACK:** That was brought forward out of your old budget underspending.

**Mr SHERLOCK:** It was unexpended capital funding that was available to the department last financial year. That money will be reimbursed by Treasury. It was funding that was available for another project. Treasury gave the department approval to utilise that funding for that purpose. Additional funding of \$5.982 million to complete the project has been allocated for the period 2004-05 through to 2007-08.

**The Hon. CATHERINE CUSACK:** If I accept that, that is \$1.25 million plus \$222,000, which equals a total of \$1.47 million that has been allocated, is that right? The amount requested by the department is \$3.2 million, and the Minister just said that the amount had been fully funded?

**Mr SHERLOCK:** I am sorry, I do not understand those calculations

**The Hon. CATHERINE CUSACK:** The department's proposed asset acquisition program, this document, which was your bid for funding, has a custodial accommodation management project, with your bid of \$3.2 million?

**Mr SHERLOCK:** Yes.

**The Hon. CATHERINE CUSACK:** You did not receive that, did you?

**Mr SHERLOCK:** No, we did not receive the funding for the casework room.

**The Hon. CATHERINE CUSACK:** No, that was a separate program—\$1.9 million you wanted for that. I am talking just about the custodial accommodation management project, where the department requested \$3.2 million in this financial year, 2004-05.

**Mr SHERLOCK:** My understanding is the total bid was finally approved. The allocation year by year was certainly different from what we originally anticipated.

**The Hon. CATHERINE CUSACK:** I see what you are saying, but that is not what the Minister said. She said this year's bid was fully funded. I guess it is an issue of accuracy of reporting of information. That is the point I would make. I would like to table your two-page media release dated Monday 13 September bearing the title, "Juvenile Justice—Opposition Wrong and Irresponsible" and quote from it.

**Document tabled.**

**The Hon. CATHERINE CUSACK:** In this document, which was released last Monday, you said:

I received updated reports today on all the incidents raised by the Opposition and I am confident that all have been handled professionally and appropriately to ensure the safety and security of the community, Juvenile Justice staff and other detainees.

Do you agree you made that statement?

**Ms DIANE BEAMER:** Yes.

**The Hon. CATHERINE CUSACK:** Do you still stand by that statement?

**Ms DIANE BEAMER:** The claims that were made regarding a number of issues at that point in time were found to be false or flawed.

**The Hon. CATHERINE CUSACK:** My question does not relate to the title of the press release; it relates to your statement:

I am confident that all have been handled professionally and appropriately to ensure the safety and security of the community, Juvenile Justice staff and other detainees.

**Ms DIANE BEAMER:** The issues that were raised by you at that time were shown to be false, and the way in which the staff handled a number of those incidents was appropriate.

**The Hon. CATHERINE CUSACK:** Are you willing to say yes or no to the question whether you stand by that statement that you are confident that all of these matters have been handled professionally and appropriately?

**Ms DIANE BEAMER:** I do not believe you are in a position to direct how I answer the question. I have answered it.

**CHAIR:** Order! That is correct. It is standard procedure both in these Committees and in the Chamber itself that Ministers may answer questions in the way they see fit provided their answers are relevant to the questions asked.

**The Hon. CATHERINE CUSACK:** I am also entitled to ask additional questions on that topic?

**CHAIR:** Yes.

**The Hon. CATHERINE CUSACK:** Minister, are you saying that you are no longer confident that these matters have been handled professionally and appropriately by your department?

**Ms DIANE BEAMER:** There was an issue raised yesterday and I have a number of concerns about the way in which they were handled, and I have said so.

**The Hon. CATHERINE CUSACK:** In relation to the issues raised as of Monday, are you prepared to stand by that statement?

**Ms DIANE BEAMER:** Which issues are you talking about?

**The Hon. CATHERINE CUSACK:** The issues listed in your media release.

**Ms DIANE BEAMER:** Of how many people went to Kariong?

**The Hon. CATHERINE CUSACK:** The issues in your media release are pensioners gaining access to Kariong; the detainee and the pillowcase incident; the broken nose apology; the number of detainees transferred to adult facilities; and the hole in the wall at Kariong.

**Ms DIANE BEAMER:** In regard to one of the statements you have made there about the hole in the wall—for example, that I was put on notice—at no time did any staff member raise that with me. You have said publicly that that occurred. That is untrue. That is false. A louvre 15 metres from the ground in the gymnasium—a design fault in that centre—was highlighted some time ago. It was not raised by any staff member with me as you have stated, and that was an untruth. For example, with regard to pensioners accidentally gaining access at Kariong, my information that has come from the department and from the manager states that there were people who entered Kariong mistakenly thinking it was the Baxter centre, and they were redirected to the Baxter centre. The idea that they entered the detention centre, that they gained access to the detention centre and therefore were at risk,

is totally false. They did not gain access to the high-security area where juvenile detainees are housed. So that incident is absolutely false.

With regard to Kariong being overcrowded and in crisis, Kariong has a bed capacity of 36. It varies around the 30 mark. It was initially built for 48 but, as you would be aware from working on the staff of the then Minister for Juvenile Justice, Virginia Chadwick, it was actually built for 48 and did not include a school or any facilities for cooking. It was a woefully inadequately built centre. It was remodelled to allow for a school so that detainees could, in fact, access some programs. It now has a 36-bed capacity. Overcrowding is not the issue at Kariong. It houses the worst of the worst. There again, saying it was overcrowded was indeed wrong.

You raised a very serious incident about a pillowcase wrapped around a staff member. My understanding of that incident—and the director-general has talked to the staff member involved—is that a lighted pillowcase was thrown at a staff member. He returned to work the following day. I believe he had no time off. Can I correct something? When I referred to the louvres being 15 metres from the ground, I meant 5 metres. In terms of those issues that you raised and your determination to say that everything is about to blow up, you were indeed wrong.

**The Hon. CATHERINE CUSACK:** Minister, do you stand by the statement that you made on Monday that you are confident all of the issues I have raised as of Monday have been handled professionally and appropriately?

**Ms DIANE BEAMER:** When I have talked to the staff members there, when I have asked them to come forward if they have any concerns, my door is open confidentially, and people have taken up that offer. There are a number of issues which do concern me about the centre, none more than its actual design, which is, as you would be aware from the Ombudsman's report, characterised by a great deal of design faults. I have asked for investigations of those incidents that have been raised with me. I have called for a full report on the incident that was raised yesterday by you and the Leader of the Opposition. I can say at this stage I am not happy about the level of reporting that came to me.

**The Hon. CATHERINE CUSACK:** You have now lost confidence?

**Ms DIANE BEAMER:** If you are going to be pedantic—what is this?

**The Hon. CATHERINE CUSACK:** I am not asking you to say that you are confident in what happened yesterday.

**Ms DIANE BEAMER:** No, you are not asking me to say anything that I do not want to say.

**The Hon. CATHERINE CUSACK:** I am asking a question relating to your position on Monday.

**Ms DIANE BEAMER:** And I have answered it.

**The Hon. CATHERINE CUSACK:** In relation to the case of MMK, did you tell the media yesterday that video of the incident was too blurry to establish exactly what had happened?

**Ms DIANE BEAMER:** I think if you read my press statement, you will see that I said the centre manager advised me that the tape was inconclusive. I think they were the exact words I used. They were the exact words of the centre manager.

**The Hon. CATHERINE CUSACK:** Did you receive any written advice on this at all?

**Ms DIANE BEAMER:** Yes, I did.

**The Hon. CATHERINE CUSACK:** What did your written advice tell you?

**Ms DIANE BEAMER:** I do not have it with me here. I would be loath to table it since it mentions details of names, et cetera. It told me that an incident had taken place, that it was recorded

and that it was then passed on to the regional manager. The other thing it detailed were the incidents surrounding MMK since his incarceration two years ago.

**The Hon. CATHERINE CUSACK:** Did the written advice tell you there had been an incident of a sexual nature?

**Ms DIANE BEAMER:** Yes.

**The Hon. CATHERINE CUSACK:** Did the written advice say that it was too blurry to confirm that?

**Ms DIANE BEAMER:** No.

**The Hon. CATHERINE CUSACK:** When did you receive the written advice?

**Ms DIANE BEAMER:** I received written advice yesterday.

**The Hon. CATHERINE CUSACK:** What time yesterday? Was it before you spoke to the media?

**Ms DIANE BEAMER:** Yes.

**The Hon. CATHERINE CUSACK:** Despite having that written advice you told the media it was too blurry?

**Ms DIANE BEAMER:** I did not tell the media it was too blurry. I never said that at all.

**The Hon. CATHERINE CUSACK:** You received conflicting advice—one from the manager and the written advice?

**Ms DIANE BEAMER:** The written advice did not contain anything about the content of the video. I received verbal advice on the content of the video.

**The Hon. CATHERINE CUSACK:** Did the written advice say there was an incident of a sexual nature?

**Ms DIANE BEAMER:** Yes.

**The Hon. CATHERINE CUSACK:** Did it say it had been videotaped?

**Ms DIANE BEAMER:** Yes.

**The Hon. CATHERINE CUSACK:** Did it say it had been reported to management?

**Ms DIANE BEAMER:** I was aware of that because it was an incident report to management.

**The Hon. CATHERINE CUSACK:** Did you not find that inconsistent with the advice the manager verbally gave you?

**Ms DIANE BEAMER:** How?

**The Hon. CATHERINE CUSACK:** You have an incident report, I presume made by staff?

**Ms DIANE BEAMER:** That said it was videoed, yes.

**The Hon. CATHERINE CUSACK:** That there was a sexual incident?

**Ms DIANE BEAMER:** Yes.

**The Hon. CATHERINE CUSACK:** Then you have the manager on the phone saying, "We could not really see what was happening on the video." You do not find that inconsistent?

**Ms DIANE BEAMER:** Well, what I said to the media was that I was reported to by the manager. That is the truth.

**The Hon. CATHERINE CUSACK:** You did not tell the media you had a written report saying something else?

**Ms DIANE BEAMER:** I actually said to the media words to the effect that I was convinced that a sexual act had taken place.

**The Hon. CATHERINE CUSACK:** You feel confident you told the media the whole truth yesterday?

**Ms DIANE BEAMER:** I told the media that incident had taken place, that I was reviewing a whole range of things that have occurred, none more important than the actual fact that there were no officers, and that breaches all of our protocols regarding visitors. That concerned me a great deal. The statement that I made to the press regarding this was not, I believe, inconsistent. If I have been told something and I report that I have been told something, then it is not inconsistent.

**The Hon. CATHERINE CUSACK:** Minister, I have a copy here of the staff report on the incident.

**Ms DIANE BEAMER:** Yes.

**The Hon. CATHERINE CUSACK:** Is that the report that you would have received?

**Ms DIANE BEAMER:** Part of.

**The Hon. CATHERINE CUSACK:** Did you receive this yesterday?

**Ms DIANE BEAMER:** Part of, yes.

**The Hon. CATHERINE CUSACK:** The staff report states, for the benefit of the Committee—

**CHAIR:** The document will need to be tabled.

**Document tabled.**

**The Hon. CATHERINE CUSACK:** The staff report states in part:

The couple were very close to each other and the girlfriends arm appeared to be moving in a quick jerking fashion. Observing closer I realised the jerking movement was from the groin part of the [Detainee] body. The other youth officer on duty with me was returning detainees to their unit, I taped the happenings. When the girlfriend took her hand away I saw her wiping it with paper. I released—

It is spelt "released" but it is clearly a spelling error—

I realised that they were masturbating. When the other youth officer returned they had just finished.

Given that was the staff member, I would have thought that was a clear statement from the actual witnesses as to what had happened. You had that information prior to talking to the media?

**Ms DIANE BEAMER:** Yes. Can I ask a question or pose something? How does the statement tell me how clear the video is? Somebody is watching the incident right there. How does that tell me that? The question you posed was that they were contradictory. That obviously is not correct. That does not say, "I taped the happenings and had a clear copy of it." Can I also say this document has been tabled. It contains the name of a detainee. I would very much like the name of that detainee to be removed.

**The Hon. CATHERINE CUSACK:** It has been, Minister. I will pass this copy to the Minister so that she can be assured of that. Again for the record, although the Minister referred to many detainees being named in the document, there is actually only one detainee and his name has been removed.

**Ms DIANE BEAMER:** Sorry, that particular paper does.

**CHAIR:** The time for Opposition questions has expired. The Hon. Peter Breen has 10 minutes for questioning.

**The Hon. PETER BREEN:** Minister, you mentioned that the Kariong Juvenile Justice Centre accommodates 36 inmates. How many are there at the moment?

**Ms DIANE BEAMER:** I think there were 29 the other day, 28 today.

**The Hon. PETER BREEN:** The Ombudsman noted some design faults at Kariong. Are you able to briefly say what they are?

**Ms DIANE BEAMER:** Certainly. The Kariong centre, which was constructed well over a decade ago, was designed and constructed under the previous Coalition Government. Its aim was to provide a maximum security environment for the State's worst offenders. As I have stated, it did not, even with the original design, have a school or indeed kitchen services. The centre itself has layers of stairs which are problematic with young people and, of course, a safety issue. There are acoustic problems with the centre, which mean that any time there is a slight disturbance the whole centre has a sense that something is going on. That is, you can hear anything that is happening in any other part of the centre because of the way it is constructed.

We have had consultants assess the centre and express the view that there are very limited options to improve the flawed design. Given that, we have looked at various ways that the design could be improved. But it is quite difficult to change a three-level building into something that can adequately look after the State's worst offenders. I think the Ombudsman's report listed a great many concerns that they had with the design of that particular building and the ways in which to overcome them. Would you like some more detail? I will ask Peter Muir, the Assistant Director-General of Operations, to give more detail.

**Mr MUIR:** The Minister has quite accurately pointed out some of the initial design faults. The centre was to accommodate 48 young people. Even with the modifications and the downsizing of the capacity, the school, for example, still only has a capacity for 18 young people on any given day. Therefore, there are a number of young people, and if we use today's capacity, for example, 10 young people today who cannot fit into the school facilities, which are operated by the Department of Education and Training. This then leaves the department with the option of having to find other program options for these young people in a centre that lacks adequate spaces. Over the years the department has added additional rooms and spaces, but the site itself severely constrained our ability to put other facilities on there.

The stairs to which the Minister referred are three storeys high. So, for example, given this is a secure facility for some of the State's worst offenders, if someone is mucking up on one level the staff are required to take detainees who are sometimes physically resisting that move down flights of stairs. It becomes a very, very dangerous procedure for our staff to have to do this. Again, the noise issue to which the Minister refers—the centre is really just a very large concrete shell. No matter what works we have undertaken to try to mitigate noise, when you have to find a balance between security in the building and noise mitigation, it is very hard to mitigate noise. On any given day, even just the opening and closing of gates creates an enormous noise in the centre.

Other problems include the fact that the management is physically removed from the day-to-day operations of the centre. This was something that was highlighted in the 2000 Ombudsman's report. We have attempted in the most recent restructure to place the management back into that building, but again the facilities are very limited. There are inadequate counselling spaces. So in trying

to deal with the issues for which young people are offending and being violent, we just do not have the spaces in the building to provide that level of service.

**The Hon. PETER BREEN:** It appears from press reports that there is a certain level of interaction, if you like, between the community and the Kariong facility. For example, there was the question of a busload of elderly people entering, there were questions raised about pizzas being delivered, there were questions raised about going out shopping and buying Xboxes and various other things. Is there any connection between these reports and the design problems at the facility?

**Mr MUIR:** Our behaviour management at Kariong is based on two things: consequence and reinforcement. Where young people misbehave there are very clear actions for what they do. For the last year, for example, we had over 460 instances where young people were confined in segregation rooms for misbehaviour.

They are charged by police. We regularly impose management plans on detainees. That is a challenge with the most difficult detainees. We have limits under the legislation on how long we can keep people isolated when they are being violent. When we reach the legislated limit, the department must make a decision. We do not have the physical space at Kariong to allow us to separate detainees when they are being extremely violent, and some of them have been. We then need to run management plans in other parts of the centre, and that has proved very difficult.

The centre was reviewed by a regional commander from the Department of Corrective Services in 1999. He compared the level of amenity at Kariong unfavourably with a maximum security adult gaol. Any notion that Kariong is somehow a pleasant place was very much dispelled by that report. We have attempted to mitigate some aspects, and a proportion of the expenditure to which the honourable member referred relates to attempts to reward behaviour that we want to see. We believe our role as an organisation is not only to keep the young people sent to us by the court incarcerated and to deal with their misbehaviour but also to encourage positive behaviour when it occurs. Our aim is to move the most difficult young people out of Kariong back into the mainstream system. Officers at Kariong have had a great deal of success in achieving that outcome for some very difficult detainees. Part of the regime is to reinforce positive behaviour. The expenditure to which the honourable member referred is part of that program.

**The Hon. JOHN TINGLE:** I think the Minister said there were 28 detainees in Kariong at the moment. Are they all classified as high-risk detainees under the two-tiered system?

**Ms DIANE BEAMER:** They are all A1 or A2-category detainees.

**The Hon. JOHN TINGLE:** It has been reported, and it is mentioned in the budget papers, that the department is looking at a new classification system.

**Ms DIANE BEAMER:** That is correct.

**The Hon. JOHN TINGLE:** How many levels will there be?

**Ms DIANE BEAMER:** There will be five levels: A1, A2, B1, B2 and B3. B3 is the low-risk classification, B1 is the moderate-risk classification and A1 and A2 are the more high-risk classifications. The object of the system is to protect the community and the safety of the detainees and the staff, and to place detainees in the least restrictive custodial environment consistent with their risk. We want to link management systems with an objective classification system. That allows for more rational, consistent and equitable decision making regarding a detainee's classification level. Those classified as lower risk are able to access programs that would not be appropriate for those classified as higher risk. For example, woodworking would not be appropriate for a detainee with an A1 or A2 classification, but it would be appropriate for a detainee with a B3 or perhaps a B2 classification. It provides us with a better management tool to define the programs that are available for young people.

**The Hon. JOHN TINGLE:** I assume that A1 and A2-category detainees are definitely high risk.

**Ms DIANE BEAMER:** That is correct.

**The Hon. JOHN TINGLE:** How many detainees, if any, at Kariong would be removed because they were not classified as A1-category detainees?

**Ms DIANE BEAMER:** I am not aware of any of the young people who might be reclassified as B-category detainees and moved to another centre. It has been put to me that that is the method we intend to use to try to disperse the young people from Kariong. That is a total nonsense.

**The Hon. JOHN TINGLE:** I presume that, under the new system, all the detainees at Kariong will be either A1 or A2, or will they all be A1?

**Ms DIANE BEAMER:** The honourable member should remember that people move out of Kariong if their behaviour warrants it and if they have shown that they are better able to work within the juvenile justice system. If they are progressing well, and if they are able to do so, they move throughout the system. However, Kariong houses only A-category detainees. Should their behaviour warrant a reclassification, that will happen. That occurs now between the blunt A and B categories. This system will give us a better tool to use to determine whether they will progress to B1 and be given access to more appropriate programs. I am not aware of a situation in which we would allow B-category detainees into Kariong. We have three centres that take A-category detainees throughout the State. I do not envisage that that will change in the short term.

**The Hon. JOHN TINGLE:** It appears to me that the two-tiered system that has been used for a long time is very inflexible.

**Ms DIANE BEAMER:** Exactly.

**The Hon. JOHN TINGLE:** It does not provide much room for reassessment. Detainees are classified as A-category or B-category. An A-category detainee is in trouble and a B-category detainee might have a chance. Is the new multi-tiered system in place or is the department still using the two-tiered system?

**Ms DIANE BEAMER:** We are still operating the two-tiered system. We envisage that within three months we will have classified detainees and the new system will be in place. This project has been worked on for about two years. We have used expert criminologists as well as departmental officers to ensure that we get these classifications right. We will also have staff training in the application of the classifications. We envisage that it will take about three months to get the system up and running. This will add to our management tools to provide a better programming regime, particularly for the lower-risk groups.

**The Hon. JOHN TINGLE:** Mr Muir mentioned the importance of reinforcement. I have come to the conclusion that with the A and B-category system that might be difficult, particularly with A-category detainees because they might not be susceptible. Is that correct?

**Ms DIANE BEAMER:** Some of the A-category detainees, particularly those in the behaviour management unit, indulge in problematic behaviour. The case management model reinforces good behaviour and examines ways in which it can be rewarded, and it works. In addition, punishment is imposed. As Mr Muir said, there were more than 400 confinements at Kariong. Some were extended by the department because of the detainees' very poor behaviour.

**The Hon. JOHN TINGLE:** How many State wards are in custody?

**Ms DIANE BEAMER:** I am not aware of those figures.

**The Hon. JOHN TINGLE:** Are they increasing or decreasing?

**The Hon. JOHN RYAN:** Surely you mean people who have been State wards. State wards are not normally kept in custody.

**Mr SHERLOCK:** That involves parental responsibility orders. We do not have the numbers with us.

**Ms DIANE BEAMER:** Perhaps we can take that question on notice.

**The Hon. JOHN TINGLE:** Has there been an increase or decrease in the number of indigenous juveniles coming into the corrections system since 2003?

**Ms DIANE BEAMER:** The department has an Aboriginal overrepresentation strategy. It was launched in October 2001 and involves a clear focus and direction for the department with regard to the delivery of services to Aboriginals and Torres Strait Islanders. As the honourable member is aware, the department is charged with looking after young people who have been sentenced by the court to custody or to the care of juvenile justice officers. The department has very little scope to say it will not take indigenous people. It is a real problem to our community that we have such a high proportion of indigenous people in the corrections system. Our daily average was about 122 young Aboriginal people in 2001-02, and that figure has dropped a very small amount to about 116 in the past fiscal year. The number of detainees has decreased since 1996 from about 500 to about 300. The proportion of indigenous detainees has stayed roughly the same in percentage terms.

**The Hon. JOHN TINGLE:** I understand from the budget papers that \$31.8 million has been allocated for the completion of major works at Reiby and Cobham juvenile justice centres. What types of works are being carried out, what works have yet to be completed, and when is it anticipated that they will be completed? I imagine this expenditure relates to upgrades?

**Ms DIANE BEAMER:** The work at Reiby involves a demolition and reconstruction. It was old, dormitory-style accommodation. That facility holds the youngest detainees and is in the Campbelltown area. There was no way to refurbish it. The budget for Cobham covers the construction of major buildings; it involves an addition to the centre itself. The work at Lidcombe involves the relocation of the Yasmarr Juvenile Justice Centre to Lidcombe.

**The Hon. JOHN TINGLE:** That is a major overhaul.

**Ms DIANE BEAMER:** Yes.

**The Hon. EDDIE OBEID:** The Hon. John Tingle mentioned Aboriginal children and their overrepresentation in the corrections system. I understand that about one-third of the youths in the juvenile justice are Aboriginal. What is the department doing to address this very worrying situation?

**Ms DIANE BEAMER:** The department has put in place a number of programs. I will refer to two or three. Representatives of the indigenous community and the Department of Juvenile Justice have worked together on the Journey to Respect Program. It has been implemented in all departmental centres so that indigenous detainees are given culturally appropriate training in handling anger and the way they treat elders in their community. That is one of the special programs that the department has implemented. A comprehensive Aboriginal overrepresentation strategy has been vigorously pursued over the past two years.

The department has also undertaken a strong recruitment campaign. A total of 113 people of Aboriginal background are now employed by the department. I believe the department has the largest percentage of indigenous employees of any State Government department. The intention is to have positive role models in the detention centres and in the ranks of juvenile justice officers. The department has also established a unit to co-ordinate and promote Aboriginal programs and policies. It engages about 50 Aboriginal youth justice conferencing convenors. That program has been very successful. I also liaise with the Minister for Police to divert more indigenous people to the youth conferencing system. That has worked well in some areas and it has a high degree of acceptance, particularly with victims. That is one of the best aspects of that program. Victims feel satisfied that the system is fair, that it works well and they are able to confront the perpetrator. I want to work with the local area commands so we can more comprehensively divert young people from criminal justice system detention.

They are just some of the ways in which we have adopted initiatives to help young people. We are also looking at whether the Nowra circle sentencing model is appropriate within the juvenile justice system, but we have not as yet developed a model for young people. I believe it is a positive that we are currently reviewing how that can be applied to indigenous communities, particularly those in the Far West.

**The Hon. JAN BURNSWOODS:** Minister, you said earlier that the main job of the department is to keep the young people who are in its care safe and secure. Obviously, you cannot do that very well if the detainees are escaping custody and committing more crimes. Can you tell us about the rate of escapes from juvenile justice centres? Is it less than it used to be? What is being done to prevent escapes?

**Ms DIANE BEAMER:** In the past few years we have made significant progress in the reduction of the number of escapes from juvenile detention centres. In 1997 there were 121 escapes recorded from juvenile facilities. In 2003 that figure dropped dramatically, to 21. It represents a fall of about 83 per cent over the last six years. According to the latest figures as at 30 August, so far this year there have been 10 escapes from custody.

There are a number of reasons for this. The implementation of case management centres has improved communication between staff and detainees. This provides appropriate channels for detainees to discuss the issues and concerns they have, and it has had a substantial impact on detainees' behaviour. The improvement in the number of escapes over recent years can also be attributed to the closure of our less secure facilities, the construction of three new centres, along with fencing construction around juvenile justice centres. The tightening of eligibility of leave for detainees has also impacted significantly on the number of escapes. With improved physical security, improved staffing ratios and improved communication, we believe that the number of escapes could be reduced even further.

**CHAIR:** Before the Committee proceeds I would like Committee members to indicate whether they would prefer to have a full hour of questioning on the Western Sydney portfolio or to continue for another half an hour on Juvenile Justice.

**The Hon. JOHN RYAN:** I have at least 20 minutes worth of questions on Western Sydney, I imagine crossbench members may have fewer questions than that, and I do not know about Government members.

**CHAIR:** In that case, I propose to allow a further 20 minutes for Opposition questions on Juvenile Justice.

**The Hon. CATHERINE CUSACK:** Minister, have you seen the hole in the wall of the gymnasium at Kariong Detention Centre?

**Ms DIANE BEAMER:** No. On my last visit to Kariong Detention Centre about 12 or 18 months ago I saw the gymnasium. I believe you are referring to the louvres at the top of a wall at the height of approximately five metres. I am aware that two detainees climbed the rear wall onto the gymnasium, forced those metal louvres apart, and climbed through the rear of the gymnasium, which is within the centre itself. Since that time the gymnasium has only been used on rare occasions, and under strict supervision, pending an upgrade. Until that upgrade occurs, that will remain the case.

My advice from the department is that Kariong has received a quote from Witchcraft Engineering to place steel grills over the louvres, that the quote is around \$7,000, and that work to rectify the design fault will be undertaken as soon as practicable.

**The Hon. CATHERINE CUSACK:** Do you deny that you were told about this problem on 27 July?

**Ms DIANE BEAMER:** I was not told about this problem.

**The Hon. CATHERINE CUSACK:** When did you first become aware of it?

**Ms DIANE BEAMER:** You raised the issue as a hole in the wall. It was the design of the centre. You are well aware of the design of the centre. You raised this issue as a hole in the wall. It was part of the original design. It was not something that was created; it was not something that was made by detainees. It was there in the original design, and it was the louvres that were five metres from the ground.

**The Hon. CATHERINE CUSACK:** Are you saying that the hole in the wall existed—?

**Ms DIANE BEAMER:** It was part of the design that your Government put together.

**The Hon. CATHERINE CUSACK:** I show you a photograph of the hole in the wall. I am happy to table the photograph. Are you saying that that is part of the design of the louvre?

**Ms DIANE BEAMER:** No. I will go through my answer again. Two detainees climbed the rear wall of the gymnasium and forced the metal louvres apart. They climbed through that opening. The louvres are at the height of approximately five metres. Since that time the gymnasium has only been used on rare occasions, under strict supervision, pending an upgrade. We have received a quote for that upgrade. Part of the original design feature of this gymnasium was a louvred area five metres from the ground. The photograph you have shown me is of the vandalised louvres of the centre that your Government constructed.

**The Hon. CATHERINE CUSACK:** Do you know when Kariong Detention Centre was built?

**Ms DIANE BEAMER:** 1991.

**The Hon. CATHERINE CUSACK:** Do you know when I worked for Virginia Chadwick?

**Ms DIANE BEAMER:** When did you work for Virginia Chadwick?

**The Hon. CATHERINE CUSACK:** I am asking you. You told me that I was on her staff when the detention centre was built.

**Ms DIANE BEAMER:** You worked for Virginia Chadwick.

**The Hon. CATHERINE CUSACK:** That is correct, but you told me—

**Ms DIANE BEAMER:** I did not mention any years.

**The Hon. CATHERINE CUSACK:** In your earlier evidence you said that I was part of the construction—

**Ms DIANE BEAMER:** You would know if you were part of the construction. I said you worked for the government that constructed the detention centre. It was opened in 1991.

**The Hon. CATHERINE CUSACK:** To make a statement that associated me with the centre, you must have known when I worked for Virginia Chadwick?

**Ms DIANE BEAMER:** I made a statement about the previous Government's incompetence in building the centre.

**The Hon. CATHERINE CUSACK:** How did you know that I was working for the Minister responsible at that time, if you did not know when I was working for her?

**The Hon. JAN BURNSWOODS:** Is this an estimates committee hearing about budget matters, or is it about the life story of Catherine Cusack?

**The Hon. CATHERINE CUSACK:** It is a question regarding a statement made by the Minister—

**The Hon. EDDIE OBEID:** If the Minister said you worked for Virginia Chadwick when you did not, what is the big deal?

**The Hon. CATHERINE CUSACK:** I think I have made my point.

**The Hon. CATHERINE CUSACK:** Minister, you described the classification system as being a blunt A and B system. Is not the full truth that there are different classifications within each detention centre? For example, there would be a range of classifications at Orana, as well as different levels of security for detainees?

**Ms DIANE BEAMER:** As it now stands we have two classifications. They are blunt. We are working for a better management tool that allows for detainees to move through that system should their behaviour warrant it. For some time we have been working on the system together with experts in the field, who include, I think, Professor James Austin, head criminologist from George Washington University. We have been working on the new classification system for some time to ensure that it brings surety into the way in which detainees are managed throughout the program.

There are a number of units that have different aspects to them. In Kariong Detention Centre itself there are three systems: for serious indictable offenders, those who are under behavioural management, and those who have progressed to another level within the system. I might defer to Peter so he can speak about the incentives within the levels we have created—

**The Hon. CATHERINE CUSACK:** Minister, you have answered my question, which was whether detention centres have—

**Ms DIANE BEAMER:** But I am sure you want a fulsome answer.

**The Hon. CATHERINE CUSACK:** My time for questions is limited, and I wish to ask you further questions. Do staff at Kariong Detention Centre have any additional powers of search, given that they deal with, as you described, the worst of the worst? Do Kariong staff have powers that are not available to other staff in the system?

**Mr MUIR:** The powers of search are consistent for all juvenile detainees because the level of risk of any juvenile detainee entering a system would be assessed as the same. We are interested in whether a detainee is entering Kariong or Riverina. We want to know that they are not carrying weapons; we want to know that they are not carrying contraband or drugs. Those powers of search have been reviewed on many occasions. We have consulted not only with our staff on those powers of search but also with groups like the New South Wales Ombudsman.

**The Hon. CATHERINE CUSACK:** Staff do not have the power for internal search or requiring detainees to squat?

**Mr MUIR:** The only powers for internal search that exist in New South Wales are vested with New South Wales police. There is legislation, which is currently subject to review, in which the police internal powers have been reviewed. If the department had an occasion whereby in internal search was required, there are clear legislative and procedural provisions for that. The department also has overriding instructions, which I have given to my staff, that if search procedures fail to locate contraband and there is a suspicion, the department has the power to retrieve that contraband by force under legislation. Our legislation allows us to use force to obtain weapons or contraband. Where that is deemed necessary, approval is sought to use force, and on most occasions when I have been approached to authorise the use of force to obtain contraband such as weapons or drugs, it has been granted.

**The Hon. CATHERINE CUSACK:** Does that include internal search?

**Mr MUIR:** No. We have reviewed our search powers extensively. Our view on internal searching is that we can create search powers that will eventually create greater dangers. Let us not forget that something like 66 per cent of all young people who come to our centres have been subject to abuse or neglect, and a very high proportion of those have been subject to sexual abuse. If we start getting those search powers more and more draconian, young people will take greater risks. They will

start ingesting drugs or putting those drugs in other places that will create greater risk, and in fact make it harder, and not easier, for us to find. There are powers to request internal searches through the police, and we do have the power to use force.

**The Hon. CATHERINE CUSACK:** Are you familiar with an incident in Lidcombe Court in November 2003 in which a detainee had hidden a scriber, which is a metalwork tool, in his rectum, and when he got to the holding cells he took a member of the court hostage and a siege then ensued?

**Mr MUIR:** I am aware of that.

**The Hon. CATHERINE CUSACK:** He was a detainee from Kariong Detention Centre?

**Mr MUIR:** Yes.

**The Hon. CATHERINE CUSACK:** Can you describe the details of the siege and the damage that was caused to the holding cells when the siege was finally brought to an end?

**Mr MUIR:** A detainee did take a metalwork scriber from Kariong. The details were that the young person enlisted the assistance of one other detainee and attempted to break out. The escape was unsuccessful; it was contained by our staff and other officers. At no time were the young people close to exiting the court facility. Since that time the department has worked with the Attorney General's Department, the New South Wales Sheriff and the Legal Aid Commission to refurbish the cell facilities at Lidcombe, and they are now nearly completed. Our procedures are very clear. Young people leaving metalwork programs must be searched with a metal detection wand at all times.

**The Hon. CATHERINE CUSACK:** Was a hostage taken during that Lidcombe court incident?

**Mr MUIR:** I do not have a recollection. I could take that on notice and provide that specific detail.

**The Hon. CATHERINE CUSACK:** Do you have a figure on the damage that was caused to Lidcombe court?

**Mr MUIR:** No, we do not. The department does not own that facility. The facility is controlled by the Attorney General's Department, and the building works were undertaken at its cost. The department has no knowledge of the cost of those building works.

**The Hon. CATHERINE CUSACK:** Would a metal wand pick up metallic items secreted internally?

**Mr MUIR:** It should. They are metal detectors that are comparable with those used in most other settings such as courthouses. We use the standard wand that is used.

**The Hon. CATHERINE CUSACK:** If these boys were in a corrective services facility, of course, they would be subject to a search that would prevent them from taking these weapons into a court, would you agree?

**Mr MUIR:** This is not a corrective services facility. We have procedures that are designed around juvenile offenders. I repeat: many of these people have been subject to physical and sexual abuse. We have very strict procedures around the metalwork program. In fact, that program has now been closed. We have reviewed our procedures for dangerous items right across the department as a part of our security reviews this year. We have dramatically improved our performance against those types of incidents.

**The Hon. CATHERINE CUSACK:** The metal wand obviously would not pick up drugs secreted internally?

**Mr MUIR:** No. The department works very closely with the Department of Corrective Services. Corrective Services drug detection dogs visit our centres very, very regularly, and if drugs

are handled and secreted they will be found, or an indication will be given by the drug detection dog, and we will then take appropriate action, including isolating the young person until that is ascertained.

**The Hon. CATHERINE CUSACK:** You will not search them internally?

**Mr MUIR:** If there is a need. I can recall an example where there has been such an incident: we held a young person in isolation for the maximum of our statutory periods—which, in total, was 18 hours—when he refused to hand over the contraband that my staff informed me they strongly believed he had. I authorised the use of force, which was videotaped, and the contraband was retrieved.

**The Hon. CATHERINE CUSACK:** And how often has that happened?

**Mr MUIR:** I have only, to my recollection, been approached two to three times on the need to retrieve contraband by force.

**The Hon. CATHERINE CUSACK:** The Opposition has received reports that at least half the detainees in Lawson and Wattagan units at Kariong are under the influence of drugs during the week, and particularly over weekends and on Mondays, which is obviously after they have received visits. Are you aware that bongs made out of Orchy bottles have been discovered in these units, and a smell pervades the units?

**Mr MUIR:** Our own figures indicate that something like 15 per cent of all detainees entering custody were injecting drugs prior to their entry into custody, and something in excess of 90 per cent had been abusing drugs and alcohol prior to their entry into custody. This is a group of young people in New South Wales who were high-level drug users, many of whom were alcohol users at very high and disturbing levels prior to their entry into custody. It is hardly surprising then that they will attempt to continue this behaviour. The department has a very strong regime of drug interdiction. We not only have regular drug dog detection searches in all of our centres, including Kariong, we also undertake random urinalysis of all detainees, whereby they are compelled to provide urine samples to the department. Those samples are then analysed.

These figures are provided to me each month. If I look at drug detection indications in Kariong for the last month I have, which is July, there were zero drug-related finds by officers from the Department of Corrective Services, and there were zero positive indications from very highly-trained drug detection dogs. Of the six detainees urinalysis tested in July 2004, only one tested positive to cannabis. Cannabis, largely, will stay in the system anywhere from between a couple of weeks to a couple of months. So the figures that we are obtaining from our urinalysis and our drug detection dogs do not suggest to us that there are high levels of drug abuse in Kariong.

The other plank of our interdiction strategy is our Arunta telephone system, under which all detainees' telephone calls are monitored and recorded, and at Kariong particularly we have had a very heavy emphasis on listening to the tapes of detainees' conversations with their visitors, for example, so we can ascertain who may be planning to bring in drugs on their next visits.

**The Hon. CATHERINE CUSACK:** How many detainees did you test at Kariong?

**Mr MUIR:** In July 2004 six were tested.

**Mr SHERLOCK:** It is random testing. Not all detainees are routinely tested.

**The Hon. CATHERINE CUSACK:** So you are quite confident that the drug-testing regime is adequate in detention centres?

**Mr MUIR:** I have a high level of confidence in it.

**The Hon. CATHERINE CUSACK:** Including at Kariong?

**Mr MUIR:** Yes.

**The Hon. JOHN RYAN:** Six sounds a very low number.

**Mr MUIR:** There are some young people we do not test. For example, when a young person enters custody, drugs that may have already been in their system can stay in the system for up to 42 days. There is no point in us testing those young people until they have been in our system for a while because at the end of the day our interest is in testing for drug use while in our system, not prior drug use.

**The Hon. CATHERINE CUSACK:** Minister, you have a high confidence in the drug programs?

**Ms DIANE BEAMER:** I understand something like 539 urinalyses were carried out last year. I think that out of these, 70 returned positive results, and 11 refused. We have the drug detection dogs and the Arunta telephone system, which is part of our drug intelligence. We are looking at ways to use the best possible means to detect drugs within our system. We also, of course, carry out random searches with very little notice, or no notice, and I think just recently we called on the whole of the detention centres to carry out a thorough search immediately at all of the centres. These are methods and ways in which we try and detect the use of drugs within our system.

**The Hon. CATHERINE CUSACK:** What happened to the detainees who were found to have drugs in their system?

**Ms DIANE BEAMER:** It depended, I guess, on a number of things.

**The Hon. CATHERINE CUSACK:** Was anybody charged by the police?

**Mr MUIR:** Yes. In fact, people are referred to the police where there are cannabis finds or paraphernalia finds; they are all referred to the police. Whether the police act on them is not a matter for the Department, but with every drug find, our policy is to refer them to the police. A number of visitors have been charged attempting to bring contraband into centres.

**Mr SHERLOCK:** Could I just add in relation to that, that between July 2003 and July 2004 there have been a total of 392 searches conducted by drug detection dogs across the nine juvenile justice centres. During that period there have been 107 searches targeting visitors, with 3,844 visitors being screened. Of these, 139 visitors have been refused entry on the basis of positive indications by drug detection dogs. Perhaps if I could just add to Mr Muir's response in relation to Kariong that certainly six detainees were tested there by urinalysis, but in the same month, as he indicated, drug detection dogs visited the centre and searched every detainee and every detainee's room, and the result was nil found.

**The Hon. CATHERINE CUSACK:** But they cannot search the detainees internally, can they?

**Mr SHERLOCK:** No.

**Mr MUIR:** I have seen these dogs work. The Corrective Services officers are authorised to handle prohibited drugs, to train the dogs. They have worked with our staff and, for example, a staff member who simply touched the outside of a plastic envelope containing a substance then had a detection from the drug dog. The slightest scent of handling drugs or drug paraphernalia will give these dogs cause to indicate.

**The Hon. JOHN TINGLE:** Through you, Mr Muir, could I just ask to elucidate something? You said that drug finds are pretty small, and you mentioned cannabis. What about other drugs? Are they turned up in the searches?

**Mr MUIR:** Yes, there have been some other drugs, but they are very rare. Some of the drugs that we have had listed that we have found in other centres have been amphetamines from time to time, codeine, and diazepam and things like that.

**The Hon. JOHN TINGLE:** Nothing in the nature of, say, heroin, cocaine or ecstasy?

**Mr MUIR:** No, we have never had a find of that nature at all.

**The Hon. JOHN TINGLE:** You mentioned before that 15 per cent of the people who were admitted have been drug users?

**Mr MUIR:** Injecting drug users.

**The Hon. JOHN TINGLE:** Drug abusers. How do you deal with them? Do they go cold turkey? Do you have any special breakdown programs, methadone, whatever sort of drug they have been using, or do they just get cut off?

**Mr MUIR:** No, they do not. In March of last year we contracted Justice Health to provide health services in all our centres across New South Wales. They have brought to our system a very high level of medical care for young people who are withdrawing from drugs. The most recent initiative that they have employed is to employ a specialist doctor to come and work with young people who enter our centres, and he provides, for example, a half-day clinic at our major remand reception centre at Werrington. When young people come in he will assess them. All young people will be assessed. If they come into our system, for example, on some sort of drug maintenance program—you mentioned methadone—that is continued. We tend not to start those regimes on young people, but we will continue them, or, more to the point, Justice Health will continue that on health grounds.

If they are withdrawing, the policy of Justice Health is to provide them with adequate treatment, and to treat their symptoms is largely the way one handles withdrawal. In fact, since we have increased health care through Justice Health, medicated detoxification has actually decreased, and it is now the exception rather than the rule. It would have to be a fairly intense withdrawal regime, or, for example, if a young woman came in pregnant and withdrawing, we would not resort to those high level measures, but they are there and available.

**The Hon. JOHN TINGLE:** If somebody has been an injecting drug abuser and suddenly finds themselves in custody, and they have no choice but to stop using drugs, do you find that they are more accepting of detoxification programs simply because they do not have any alternative, or do you find they reject it, or resent it, or do not want to do it? In other words, how good do they feel about having to do it?

**Mr MUIR:** By and large my experience with young people who are in those situations is they do not like being there and many of them actually feel very safe in our environments and will comment that they want to use that time to clean themselves up, to withdraw from drugs and make some positive changes. Of course, we all know that those intentions are not always carried out. Young people can be very agitated when they arrive. There are probably a few answers to your question. The initial phase is they can be very agitated when they are withdrawing, but when they actually have withdrawn most find that they are happier withdrawing. We often see, for example, very significant weight gains once young people withdraw, have a reasonable regime of nutrition, and are no longer living on the streets and abusing drugs.

**The Hon. JOHN TINGLE:** Minister, I wonder if you could explain for me, because I genuinely do not understand it, the Pacific Islander youth partnership strategies. It seems that there is a special category or placement for Pacific Island juvenile offenders. Are there so many of them that it becomes a significantly necessary part of the overall program? What percentage of the program is it, and what sort of cost is involved in finding ways to deal with these people?

**Ms DIANE BEAMER:** Certainly, there are a number of groups within our centres that are overrepresented, and the Pacific Islander community is one of those overrepresented groups. I am going to have to take on notice the actual percentage of them within our communities and the percentage of them within our detention centres.

**The Hon. JOHN TINGLE:** I just make the point that I am surprised to see it. I did not realise they are an overrepresented group.

**Ms DIANE BEAMER:** They are significantly overrepresented within our centres. Our client profile tells me that something like 8 per cent of our detainee population is Pacific Islander. That, of course, nowhere near reflects their smaller numbers within our overall community.

**The Hon. JOHN TINGLE:** I am happy with that answer. I wanted to find out how significant it was.

**The Hon. PETER BREEN:** Minister, can I ask a question about the transition of a detainee from the juvenile justice system into the mainstream prison system. I assume that happens when they turn 18.

**Ms DIANE BEAMER:** Yes.

**The Hon. PETER BREEN:** Are there any cases of it happening before they turn 18? Could there be a case where a juvenile is such a difficult person or such a bad offender that he or she goes into the mainstream prison system early?

**Ms DIANE BEAMER:** It does not automatically occur when one is 18, and a number of issues surround that occurrence. This Government brought in legislation to limit the age at which a person can be in a juvenile detention centre: until the age of 21 if that is called for. Before that, I believe an offender could actually serve their whole sentence within the juvenile detention centre, even if they were still there at 26 or 27. I think that Act was introduced about 1996.

**Mr SHERLOCK:** No, it was about 2001-02, around that area.

**Ms DIANE BEAMER:** So before that we could actually have 25-year-olds and 26-year-olds. On attaining 21 years of age they are now automatically, if they still have part of a sentence to serve, removed to an adult correctional facility. We have asked that a number of detainees, who are under 18, transfer to the adult facility. That, of course, has to go before the courts to make a ruling on that. Just recently we were refused permission to add one detainee to the adult population. It often depends, of course, on the behaviour of the detainee and whether the juvenile setting is the best setting to house that young person.

Often we will have young people over the age of 18 who we believe will not benefit from spending their last six months, or however long their sentence is, in the adult system; or we think it would lead to worse outcomes for that young person. To go through the various processes: last year we transferred 33 detainees and I believe eight of those detainees were transferred under section 28 of the Act.

**The Hon. PETER BREEN:** I take it that the mandatory provision is about 18, is it?

**Ms DIANE BEAMER:** No.

**Mr SHERLOCK:** Perhaps I could just add to the Minister's answer in relation to that. Depending on the sentencing of a young person, if the person is what is termed a classified detainee or someone sentenced under section 19 of the Children (Criminal Proceedings) Act—in other words, they are sentenced as an adult in relation to a serious offence—the court may order that they serve part or all of that sentence in a juvenile facility. That now is limited to 21 years of age. In the event that any of those young people do not respond to management in a juvenile facility they can, with the consent of the Minister for Juvenile Justice and Minister for Corrective Services, be transferred to an adult facility.

An advisory committee is involved where that action is going to occur. The advisory committee is comprised of officers from the Department of Juvenile Justice and the Department of Corrective Services. They meet and consider the particular needs of a young person in the context of an appropriate classification for them in the adult system, again in the context of relevant programs that they might access in that system. That is an additional step in the process. In relation to young people who do not fit into the section 19 category, the department is required to make an application to the court—and as the director-general I have to make an application to the court, or the police can also make such an application.

**The Hon. PETER BREEN:** These are not serious offenders?

**Mr SHERLOCK:** Yes, they are sentenced as children under the Children (Criminal Proceedings) Act. Generally they are not serious offenders and are not sentenced according to law as an adult under the Crimes Act. However, whether they are under or over 18, by making an application to the court it is possible to have them transferred to an adult prison.

**The Hon. PETER BREEN:** The Minister said that one was refused recently.

**Mr SHERLOCK:** Yes.

**The Hon. PETER BREEN:** Are there any figures on how many are refused and how many are granted?

**Mr SHERLOCK:** It is extremely rare to have a refusal. Indeed, that is the only one that I can recall in four years in my current position.

**The Hon. PETER BREEN:** What about serious offenders who go before the committee rather than the court? Are there any refusals there?

**Mr SHERLOCK:** I can only recall one in that situation where the Ministers had actually approved the transfer, the committee felt that some considerations had to be further addressed, and ultimately the decision was reversed.

**The Hon. PETER BREEN:** Are figures available for the last 12 months as to how many may have gone before the committee and how many before the courts?

**Mr SHERLOCK:** I do not think we have those figures with us but we can certainly provide them.

**The Hon. PETER BREEN:** I would be interested if that could be taken on notice.

**CHAIR:** Could you please indicate what you would like placed on notice?

**The Hon. PETER BREEN:** Yes. First, the number of detainees who have gone before the committee or before the court and who have been refused. Second, how many have been approved; and the traffic back the other way from mainstream prison to the juvenile justice system.

**Mr SHERLOCK:** There have been, I think, one or two coming back the other way. I might add that the committee really is a secondary provision or a secondary safeguard, if you like. The approval in terms of the legislation rests with the two Ministers. The committee is an administrative process that has been added to ensure that appropriate decisions are made about the placement of young people when they are transferred to prison in terms of their classification and their access to relevant programs. That decision, obviously, is made on information about programs that they have accessed in the juvenile system and their classification, their behaviour and other factors.

**The Hon. CATHERINE CUSACK:** Adults have never been refused, have they?

**Mr SHERLOCK:** Adults returning?

**The Hon. CATHERINE CUSACK:** No, applications for adults going to prison have never been refused.

**Mr SHERLOCK:** There was one refusal, as I mentioned, and I cannot recall whether that was a person over 18 or under 18.

**The Hon. CATHERINE CUSACK:** Sixteen.

**Mr SHERLOCK:** Sixteen was it, yes.

**CHAIR:** The time has expired for Juvenile Justice questioning. We will now start questions on the Office of Western Sydney. I propose to allocate 10-minute blocks and if there is time remaining, it will be re-allocated.

**The Hon. JOHN RYAN:** Madam Chair, I made it clear that I wanted 20 minutes and I only agreed to the hour on the basis that we would have 20 minutes.

**CHAIR:** That is fine, Mr Ryan, but I have had an indication from other Committee members that they do not intend to ask any questions. I am not prepared to give you the full half an hour to start with because that would be unfair to other Committee members. You can argue and waste time or you can start your 10 minutes.

**The Hon. JOHN RYAN:** Minister, how many discussions did you have with Joe Tripodi in regard to the Orange Grove factory outlets? When did you have them and what did you tell him?

**Ms DIANE BEAMER:** Madam Chair, I would like to table all the transcripts of the inquiries, media reporting, answers to parliamentary questions and any other relevant documents relating to the Orange Grove designer outlets at Liverpool. I believe the answer is contained in the material I have tabled.

**Documents tabled.**

**The Hon. JOHN RYAN:** This material was, in fact, tabled by the Premier and Mr Knowles in other committees. I have had the privilege of reading that material and I can tell you that there is no information in it that tells us when you had discussions with Joe Tripodi and what you told him. I would be grateful if you would tell the Committee: When did you see Joe Tripodi about this matter and what did you tell him?

**Ms DIANE BEAMER:** The answer is contained in the material that I have provided.

**The Hon. JOHN RYAN:** Did you meet Joe Tripodi after you had had a conversation with Graeme Wedderburn from the Premier's Office?

**Ms DIANE BEAMER:** The answer is contained in the material that I have provided.

**The Hon. JOHN RYAN:** What did you tell Joe Tripodi in terms of what you would do in regard to the Orange Grove factory outlets?

**Ms DIANE BEAMER:** The answer is contained in the material that I have provided to the Committee.

**The Hon. JOHN RYAN:** I refer to a document entitled "Director-General's monthly meeting with Minister Beamer". This document says the following in regard to a discussion at that meeting regarding the Cross Roads and SEPP 66. It says, in terms of action, "Steve Driscoll to expedite the processing of LEP for Orange Grove for gazettal before 28.4.2004." Under comments it said, "Agreed should split LEP if possible and expedite the handling of Orange Grove with a view to gazettal before 28 April", which, as I understand from other places, was a date on which the court was to convene to consider whether there would be an extension of trading at Orange Grove. Do these comments, that is, that there was a decision to expedite the handling of Orange Grove with a view to gazetting it before 28 April, accurately express your view about Orange Grove as of 14 April 2004?

**Ms DIANE BEAMER:** Madam Chair, I have tabled all the transcripts of inquiries, media reporting, answers to parliamentary questions, and other material relevant to any involvement I may have had relating to the designer outlets centre at Liverpool. The answer is contained in the material I have provided.

**The Hon. JOHN RYAN:** I have read that material and it does not provide the answer. I would be grateful if you would tell the Committee whether this accurately reflects your view as of 14

April, which was before your meeting with Mr Wedderburn. Did you have a view that the LEP with regard to the Orange Grove factory outlets should be expedited?

**Ms DIANE BEAMER:** The answer is contained in the material I have tabled.

**The Hon. JOHN RYAN:** It is not, and I ask you again: Will you answer the question I have asked?

**The Hon. EDDIE OBEID:** She has answered it.

**CHAIR:** The Hon. John Ryan is well aware that he has asked that question on a number of occasions.

**The Hon. JOHN RYAN:** And I have not got an answer on a number of occasions.

**CHAIR:** No.

**The Hon. EDDIE OBEID:** It is her answer.

**CHAIR:** Order! I remind the Hon. Eddie Obeid that I am in charge. It is a well-established procedure, both in these Committee hearings and in the Chamber, that you may ask questions, and the Minister may answer questions as she sees fit. You have asked the same question three times. The Minister has given the same answer. You may continue to ask the question but I doubt whether you will get through the remainder of your questions. How you use your time is in your hands, but I advise you to use it wisely.

**The Hon. JOHN RYAN:** Which of the volumes you have tabled gives us the answer as to what your view was about whether the LEP should be expedited before April?

**Ms DIANE BEAMER:** The volumes have been taken away from me and I cannot point to them.

**CHAIR:** Order!

**Ms DIANE BEAMER:** I may not be answering the way you like but I have answered your question.

**The Hon. JOHN RYAN:** I believe you are in contempt of this Committee because you are not attempting to answer any of these questions.

**CHAIR:** Order! The Hon. John Ryan will be quiet.

**The Hon. JOHN RYAN:** No, I will not be quiet. We are being treated like jerks in this place. We have had this material. It does not answer—in fact, the Minister is misleading the Committee because the questions I am asking are not dealt with in those folders.

**CHAIR:** You will be quiet. What I have to say—

**The Hon. JOHN RYAN:** The Minister is misleading the Committee.

**CHAIR:** The Hon. John Ryan will be quiet when told to by the Chair.

**The Hon. JOHN RYAN:** In fact the Minister is lying to the Committee.

**CHAIR:** I will report your behaviour to the House.

**The Hon. JOHN RYAN:** Feel free, but the Minister is telling the Committee lies.

**CHAIR:** Your behaviour is disgraceful.

**The Hon. JOHN RYAN:** The material I have asked for is not in those volumes.

**CHAIR:** Calling the Minister a liar is using unparliamentary terminology.

**The Hon. JOHN RYAN:** She can take a point of order if she wishes, but I can promise you that I will not withdraw.

**CHAIR:** Order! Before we proceed any further I advise the people in the gallery that if I hear any more noise from them, any snickering or any other comments they make about either the Minister's answers or the questions asked, I will clear the gallery. You have been warned, and I will not advise you again.

**The Hon. JOHN RYAN:** They might be as disgusted as I am.

**CHAIR:** The Hon. John Ryan—

**The Hon. CATHERINE CUSACK:** Can I just—

**CHAIR:** No.

**The Hon. CATHERINE CUSACK:** Point of order: There are advisers to the Minister who are leaning forward giving advice to her.

**The Hon. JAN BURNSWOODS:** Do you mean the sopranos? We have been having them for weeks.

**The Hon. CATHERINE CUSACK:** No. They are not seated at the table, and I understand that that is not in order for this Committee. Can you advise the people sitting behind the Minister to stop leaning forward and whispering and giving her directions.

**CHAIR:** It has been common practice—

**The Hon. EDDIE OBEID:** What is the Hon. Melinda Pavey doing there?

**CHAIR:** Order! It has been common practice at other hearings of this Committee that I have attended for advisers to pass information forward. Before you go off your rocker I will seek clarification from the clerk on the matter. I have been informed by the clerk that it is common procedure in these hearings for advisers to pass information forward to Ministers. The advice I read out at the beginning of the Committee hearing relates to people passing information to members of the Committee, in which case it is prescribed that the attendants do so. I also remind all members of the Committee that the Minister's attendance here tonight is as a courtesy to the Committee, and you should bear that in mind when asking questions. We will resume Opposition questioning but I hope that the Hon. John Ryan will follow the directions of the Chair more carefully and not use unparliamentary language when speaking to the Minister.

**The Hon. JOHN RYAN:** I have not used any unparliamentary language.

**CHAIR:** You called the Minister a liar, and that is unparliamentary.

**The Hon. JOHN RYAN:** In a briefing prepared by Gary Pratley two days after the meeting with you on 4 April, on 16 April he described your position in these terms:

The Minister would need to approve the plan by Wednesday 21 April if it is to be gazetted in time to avoid closure of the centre and its associated loss of jobs.

The Minister has indicated that this is her preferred position subject to reviewing the independent assessment.

Did Mr Pratley accurately describe your position on 16 April 2004?

**Ms DIANE BEAMER:** You have access to all the transcripts, inquiries, media reports, answers to parliamentary questions and other relevant material. The answer is contained in the material that I have tabled.

**The Hon. JOHN RYAN:** It is not. You have not given any evidence to the parliamentary committee. About 80 per cent of the material you have tabled are the transcripts of the parliamentary committee, which you refused to attend. So the answer to that question is not in those volumes. I would be grateful if you would stop stalling and give the answer to the Committee.

**Ms DIANE BEAMER:** The answer is contained in the material I have tabled.

**The Hon. JOHN RYAN:** It is not, and you are not telling the Committee the truth. There is no reference in those volumes as to what your view was on 16 April. Did Mr Pratley accurately describe your view—yes or no?

**Ms DIANE BEAMER:** I point out to the Committee that we are here to talk about the Office of the Minister for Western Sydney. I have given my answer to this. I can continue to give my answer in exactly the same way. The answer is contained in the material I have tabled.

**The Hon. JOHN RYAN:** It is not in that material. I believe you are in contempt of the Committee by not answering the question, which is a reasonable question for the Committee. Why will you not give the Committee an answer? It is not in that material.

**CHAIR:** Before the Minister answers that question I point out that it is not possible for a Minister from the lower House to be in contempt of an upper House committee. Any attempt to intimidate the Minister to answer questions in the way you want by threatening contempt is inappropriate and out of order.

**The Hon. JOHN RYAN:** She is treating the Committee with contempt.

**Ms DIANE BEAMER:** You are just trying to bully.

**The Hon. JOHN RYAN:** No, I am not trying to bully.

**Ms DIANE BEAMER:** You are a bully, aren't you? You are a real bully.

**The Hon. JOHN RYAN:** I am not trying to bully. You are simply refusing to co-operate with the Committee in any way. You have attempted and you simply will not answer. You are lying to the Committee.

**Ms DIANE BEAMER:** You are a bully.

**The Hon. JOHN RYAN:** Speaking of bullying, are you aware that an officer of the department—

**CHAIR:** Order! I call the Hon. John Ryan to order. The time for Opposition questions has expired. There being no questions from the crossbench and Government members, the remaining time until 7.30 p.m. is allocated to Opposition members to ask the Minister questions about the Office of Western Sydney.

**The Hon. JOHN RYAN:** Why did Graeme Wedderburn visit your office on 1 July for a second meeting with you regarding the Orange Grove matter?

**Ms DIANE BEAMER:** The answers to that question are contained in the material that I have tabled.

**The Hon. JOHN RYAN:** They are not. There is no reference to that meeting, with the exception of Mr Wedderburn telling us about it. We do not know what he did. He simply told the Committee that he visited. That answer is not in that material. I would be grateful if you would give that information to the Committee.

**Ms DIANE BEAMER:** It is contained in the material I have tabled.

**The Hon. JOHN RYAN:** It is not. Show us where it is! Tell us which document it is in!

**Ms DIANE BEAMER:** I have tabled all of the transcripts of the inquiry—

**The Hon. JOHN RYAN:** Which do not contain it.

**Ms DIANE BEAMER:** —media reports, answers to parliamentary questions and other relevant material with the involvement that I may have had in relation to the designer outlets centre at Liverpool.

**The Hon. JOHN RYAN:** Which media report—

**Ms DIANE BEAMER:** The answer is contained—

**The Hon. JOHN RYAN:** It is not.

**Ms DIANE BEAMER:** —in the material I have tabled.

**The Hon. JOHN RYAN:** You can keep rabbiting that. It is not true. Where is the material that explains to us what Graeme Wedderburn asked you and what you replied to him? Where is it, and what does it say?

**Ms DIANE BEAMER:** The answer is contained in the material I have tabled.

**The Hon. JOHN RYAN:** It is not. I have read the material. It has been tabled for two other committees. Is the material available as a media report?

**The Hon. EDDIE OBEID:** Point of order: Unless the Hon. John Ryan can convince other members of this Committee that he has read all the paperwork in the volumes tabled by the Minister, he cannot say that the answer is not in those files.

**The Hon. JOHN RYAN:** There is no point of order.

**The Hon. EDDIE OBEID:** You do not have any information about what is in those files. Go and read them, and come back and tell the Committee whether or not it is there.

**CHAIR:** Order! There are precedents under Odgers and others about members being prepared to verify that what they are saying is fact. I am sure the Hon. John Ryan would be prepared to state that.

**The Hon. JOHN RYAN:** I am certainly prepared to state that. Most of the material tabled by the Minister are the transcripts of the committee hearings on Orange Grove. I was present for every single second of them. The other material tabled by the Minister are press clippings. I observed them last night. There is nothing in the press clippings that explains what Graeme Wedderburn did when he visited the Minister's office on 1 July. I would be grateful if you would either provide that material or at least describe the document which contains the answer to that matter.

**Ms DIANE BEAMER:** The answer is contained in the material I have tabled.

**The Hon. JOHN RYAN:** Are you sure that the answer to that is contained in the material, or are you misleading the Parliament?

**Ms DIANE BEAMER:** I am here to talk about the Office of the Minister for Western Sydney. I have with me two people who have come along to talk about the Office of the Minister for Western Sydney but they are sitting here wasting time. We can continue this for another 13 or so minutes or we can have some questions that relate to my portfolio responsibility in the Office of the Minister for Western Sydney.

**The Hon. JOHN RYAN:** How many full-time jobs did the Government's jobs co-ordinator find for the workers at Orange Grove?

**Ms DIANE BEAMER:** The answer to those questions is contained in the material I have tabled.

**The Hon. JOHN RYAN:** Are you aware that that was one of the tasks you assigned to the Office of Western Sydney?

**Ms DIANE BEAMER:** I do not believe that the Premier's Department, which I asked to appoint a jobs co-ordinator, was at all responsible to the Office of the Minister for Western Sydney. I am sure Ms Moxon would like to clarify that it was not a direction given to her.

**Ms MOXON:** That is absolutely correct. We have had no involvement or no directive on that matter. The program that the Office of the Minister for Western Sydney runs in relation to securing training and employment outcomes for disadvantaged people in Western Sydney is the Corporate Partners for Change program, which has been in effect for a number of years and is co-ordinated by the Office of the Minister for Western Sydney. It is in partnership with, and secures funding primarily from, the New South Wales Department of Education and Training. It is also in partnership with various trainers who provide prevocational training to disadvantaged people who either want a change for a better career or to secure employment in their chosen field. We have some data on the number of secured traineeships and employment outcomes in the years that that has been running, if you would like me to provide that detail.

**The Hon. JOHN RYAN:** No, because that is not the question I asked.

**Ms DIANE BEAMER:** It is also important in terms of—

**The Hon. JOHN RYAN:** The Minister is now asking herself questions.

**CHAIR:** Order! The Minister is providing a supplementary answer.

**The Hon. JOHN RYAN:** She is answering a question I did not ask.

**CHAIR:** You will not know until she answers the question.

**Ms DIANE BEAMER:** It is important to understand that the Corporate Partners for Change program targets the most disadvantaged in terms of employment in Western Sydney. We have people with disabilities, people who are long-term unemployed, particularly those stay-at-home mums who might have spent 15 or 20 years looking after their children. We have employment programs for them. We also target those most vulnerable young people who have a need for training. We have been exceptionally successful in Corporate Partners for Change to have outcomes that are positive. In the area of—

**The Hon. JOHN RYAN:** Point of order: The Minister is answering a question that I think, I am not sure, she asked herself. I did not ask her. I asked her how many full-time jobs were found for the people at Orange Grove. She then made some comment and invited Ms Moxon to make a further comment. I was prepared to tolerate that, but the Minister is wasting our time by answering a question I did not ask her. Our standing orders require her to be relevant.

**CHAIR:** The last question you asked of the Minister was: Was not the Office of Western Sydney responsible for the job co-ordinator who was looking after the Orange Grove—

**The Hon. JOHN RYAN:** I think she has more than answered that.

**The Hon. EDDIE OBEID:** Western Sydney is more than Orange Grove.

**Ms DIANE BEAMER:** I am pleased, if not relieved, to have something on the Office of the Minister for Western Sydney so we can talk positively about the achievements of the Office of the Minister for Western Sydney.

**The Hon. JOHN RYAN:** Minister, have you read the Deloitte review of the audit report into BSR Consulting?

**Ms DIANE BEAMER:** I am here in my capacity as Minister for Western Sydney. You have had an opportunity to ask these questions in the relevant committee, and I believe you did so. I am here in my capacity as Minister for Western Sydney. Will you please get to some questions about it?

**The Hon. JOHN RYAN:** Madam Chair—sorry, Minister—

**CHAIR:** You can ask me a question—

**The Hon. JOHN RYAN:** I was going to take a point of order, but I changed my mind.

**CHAIR:** —because the evidence you are asking for is in the documents I have tabled.

**The Hon. JOHN RYAN:** It is good to know we have objective public servants, is it not? Is it true that Mr Tony Kafer, who is the chief information officer in DIPNR and formerly an employee of BSR Solutions, called a meeting of his staff in the department—

**The Hon. JAN BURNSWOODS:** Point of order—

**The Hon. JOHN RYAN:** And told them that police would be investigating the leaking—

**CHAIR:** Order! The Hon. John Ryan will come to order.

**The Hon. JAN BURNSWOODS:** My point of order is similar to the answer that the Minister gave earlier, because I too, unfortunately, have sat through many hours of these committees. The Minister was quite correct in saying that the questions the Hon. John Ryan is now asking have been asked in other committees of other Ministers. The Minister is here in her capacity as Minister for Western Sydney. I ask you to rule that the Hon. John Ryan is not in order in continuing to raise issues that have already been raised in other estimates committees this week of other Ministers and, insofar as they relate to anything, they relate to things within the portfolios of other Ministers and not to the Hon. Diane Beamer's portfolio.

**The Hon. JOHN RYAN:** To the point of order: I asked a question as to whether an official or former official of BSR Solutions threatened staff in the IT department of DIPNR with a police investigation for leaking a report which is the subject of questions for the Minister for Infrastructure and Planning, to whom this Minister is assistant.

**The Hon. JAN BURNSWOODS:** Madam Chair, the member is not speaking to the point of order.

**The Hon. JOHN RYAN:** I am speaking to the point of order. That is an entirely relevant question to ask the Minister assisting the Minister for Infrastructure and Planning, and if the honourable member continues to talk over me I will keep going. The truth is she is capable of answering the question. She should do so.

**The Hon. JAN BURNSWOODS:** He is trying to get onto the record a whole variety of material that was not included in the question he asked. Therefore, he is not speaking to the point of order.

**CHAIR:** In ruling on the point of order, I would like to raise a couple of issues. Firstly, the estimates hearings tonight are into the portfolio areas of Juvenile Justice and Western Sydney. Infrastructure and planning questions are appropriately asked in General Purpose Standing Committee No. 4, which looks at the Infrastructure and Planning portfolio, as outlined on page 26 of the Budget Estimates Guide 2004-05. That is the first issue I wanted to raise.

Secondly, I uphold the point of order raised by the Hon. Jan Burnswoods in that we are supposed to be dealing at this stage of the hearing with questions on Western Sydney. I have not seen any intention by anybody here this evening to ask questions on the portfolio area of Western Sydney. I uphold that point of order and rule the Hon. John Ryan out of order.

**The Hon. JOHN RYAN:** Minister, is it true that Mr Kafer called a meeting of IT staff in the department and bullied and intimidated them with information that the police would be investigating the leaking of the audit report?

**CHAIR:** Order! I have already ruled that question out of order on the basis of the point of order raised by the Hon. Jan Burnswoods.

**The Hon. JOHN RYAN:** I am continuing to ask it.

**CHAIR:** If you are continuing to ask it and there is no indication that any other members want to ask questions about the portfolio of Western Sydney, I will close the hearing four minutes before it is due to close.

**The Hon. JOHN RYAN:** You can gag us if you like—

**The Hon. EDDIE OBEID:** You are not interested in Western Sydney.

**Ms DIANE BEAMER:** Have you formally closed?

**The Hon. JOHN RYAN:** No, she has not.

**The Hon. JAN BURNSWOODS:** Perhaps if members have extra questions on Juvenile Justice—

**CHAIR:** Or would the Hon. Catherine Cusack like to use the last three or four minutes to ask questions on the Juvenile Justice portfolio?

**The Hon. CATHERINE CUSACK:** As an alternative to closing the meeting?

**CHAIR:** That is the only alternative to closing the meeting.

**The Hon. JOHN RYAN:** You can close the meeting and you can gag away if you like. As far as I am concerned, the Minister is capable of answering the question, and she should. I would be happy to have a response from her.

**CHAIR:** It is not an inquisition. It is an estimates hearing on the portfolio areas of Juvenile Justice and Western Sydney.

**The Hon. JOHN RYAN:** If you are going to gag that question I will not press it. Minister, is Orange Grove not in Western Sydney?

**The Hon. EDDIE OBEID:** It is not Western Sydney.

**The Hon. JOHN RYAN:** Is Orange Grove not in Western Sydney?

**Ms DIANE BEAMER:** Are we going to get to this frivolous, time-wasting geography lesson?

**The Hon. JOHN RYAN:** I do not think sacking 400 people, Minister, is frivolous. I think it is really serious and I think you have treated the issue with incredible contempt.

**CHAIR:** Order!

**The Hon. JOHN RYAN:** Is Orange Grove not in Western Sydney?

**CHAIR:** Order!

**The Hon. JAN BURNSWOODS:** Tell us the joke about people with disabilities again and upset everybody.

**The Hon. JOHN RYAN:** Is Orange Grove not in Western Sydney?

**The Hon. JAN BURNSWOODS:** Tell us your joke about people with disabilities and zimmer frames, the one you entertained the upper House with.

**The Hon. JOHN RYAN:** I did not make that joke, but it was a joke. Is Orange Grove not in Western Sydney, Minister?

**The Hon. JAN BURNSWOODS:** Point of order—

**The Hon. JOHN RYAN:** It must be a hard question.

**The Hon. JAN BURNSWOODS:** I am just seeking some guidance. Earlier you pointed out, quite correctly, that the Hon. John Ryan's questions were out of order and that as he was—

**The Hon. JOHN RYAN:** This one is not. How is this out of order?

**CHAIR:** You do not have the call.

**The Hon. JAN BURNSWOODS:** —not asking questions related to the portfolio of Western Sydney that you would close the meeting four minutes early. I suggested, I thought as a sensible compromise, that if people—particularly, perhaps, the Hon. John Tingle, the Hon. Peter Breen, the Hon. Eddie Obeid or me—had questions on Juvenile Justice—

**The Hon. JOHN RYAN:** What we are observing, of course, is an opportunity by the Labor Party to waste time and to avoid the asking of questions.

**CHAIR:** Order! You do not have the call.

**The Hon. JOHN RYAN:** She is deliberately wasting time with frivolous points of order.

**CHAIR:** Order!

**The Hon. EDDIE OBEID:** She is entitled to be heard.

**The Hon. JAN BURNSWOODS:** We all look forward to estimates committees every year.

**The Hon. JOHN RYAN:** And you, like a good objective Chair, will probably give a ruling that lasts three minutes on this, and turn this into a farce.

**The Hon. EDDIE OBEID:** You have turned it into a farce.

**The Hon. JOHN RYAN:** Not at all. The Minister turned it into a farce by refusing to answer questions. She has refused to answer questions about Western Sydney,

**CHAIR:** The Hon. John Ryan will be quiet. You do not have the call.

**The Hon. JOHN RYAN:** She has refused to answer questions about Western Sydney.

**CHAIR:** The Minister has answered—

**The Hon. JOHN RYAN:** She is treating the Orange Grove issue as a joke.

**CHAIR:** Order! Turn your microphone off! You do not have the call!

**The Hon. JOHN RYAN:** You can turn it off for me, if you like. I am not turning it off. I have asked a question, Madam Chair. We are not getting a point of order, we are getting a lecture.

**CHAIR:** I rule there is no point of order. It is now 7.30, and the time for questions has—

**The Hon. JOHN RYAN:** It is not 7.30 yet.

**CHAIR:** The time for questions—

**The Hon. JOHN RYAN:** Minister, why has a member of your staff continued to be lobbied—

**CHAIR:** Order! The time for questions—

**The Hon. JOHN RYAN:** —by AMP on the question of Orange Grove—

**CHAIR:** Order! The time for questions—

**The Hon. JOHN RYAN:** After the Premier's office issued a directive to stick to the rules and not receive lobbying?

**CHAIR:** —for this estimates hearing has expired.

**The Committee proceeded to deliberate.**

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