

# **GENERAL PURPOSE STANDING COMMITTEE NO. 6**

**Friday 4 September 2015**

**Examination of proposed expenditure for the portfolio areas**

## **CORRECTIONS, EMERGENCY SERVICES, VETERANS AFFAIRS**

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### **CORRECTED PROOF**

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**The Committee met at 2.00 p.m.**

#### **MEMBERS**

The Hon. P. Green (Chair)

The Hon. L. Amato (Deputy Chair)

The Hon. C. E. Cusack

The Hon. G. J. Donnelly

The Hon. S. G. Farlow

The Hon. D. Mookhey

Mr D. Shoebridge

The Hon. E. Wong

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#### **PRESENT**

**The Hon. David Elliott**, *Minister for Corrections, Minister for Emergency Services, and Minister for Veterans Affairs*

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**CHAIR:** Welcome to this public hearing for the inquiry into budget estimates 2015-16. Before I commence I acknowledge the Gadigal people, who are the traditional custodians of this land. I also pay respect to the elders past and present of the Eora nation and extend that respect to other Aboriginals present or who may be listening. I welcome Minister Elliott and accompanying officials to this hearing. Today the Committee will examine the proposed expenditure for Corrections, Emergency Services and Veterans Affairs. Today's hearing is open to the public and is being broadcast live via the Parliament's website. A transcript of today's hearing will be placed on the Committee's website when it becomes available.

In accordance with broadcasting guidelines, while members of the media may film or record Committee members and witnesses, people in the public gallery should not be the primary focus of any filming or photography. I also remind media representatives that they must take responsibility for what they publish about the Committee's proceedings. It is important to remember that parliamentary privilege does not apply to what witnesses may say outside of their evidence given at this hearing. I urge witnesses to be careful about any comments they make to the media or to others after they complete their evidence as such comments would not be protected by parliamentary privilege if another person decides to take action for defamation. The guidelines for the broadcast of proceedings are available from the secretariat.

There may be some questions that witnesses could only answer if they had more time or with certain documents to hand. In these circumstances witnesses are advised that they can take a question on notice and provide an answer within 21 days. Any messages from advisers or members' staff seated in the public gallery should be delivered through the Chamber and support staff or the Committee secretariat. Minister, I remind you and the officers accompanying you that you are free to pass notes and refer directly to your advisers seated at the table or behind you. Transcripts of this hearing will be available on the web from tomorrow morning. Finally, I ask everyone to turn off their mobile phones for the duration of the hearing.

All witnesses from departments, statutory bodies or corporations will be sworn prior to giving evidence. Minister, I remind you that you do not need to be sworn as you have already sworn an oath to your office as a member of Parliament. As there are a large number of witnesses we have not been able to accommodate all of them at the main table. We will swear in all witnesses, including those seated at the table behind. I ask when these witnesses respond to questions they come forward with their name plate and change position with a witness at the table.

**FERGUS O'CONNOR**, Acting Deputy Secretary, Department of Justice,

**ADAM DENT**, Commissioner, NSW State Emergency Service,

**ANDREW CAPPIE-WOOD**, Secretary, Department of Justice,

**DENISE HANLEY**, Acting Executive Director, Juvenile Justice, and

**GREG MULLINS**, Commissioner, Fire and Rescue NSW, affirmed and examined:

**PETER SEVERIN**, Commissioner, Corrective Services NSW,

**SHANE FITZSIMMONS**, Commissioner, NSW Rural Fire Service,

**ROB ROGERS**, Deputy Commissioner, NSW Rural Fire Service, and

**CAROLINE MACKANESS**, Director, Veterans Affairs, Department of Premier and Cabinet, sworn and examined:

**CHAIR:** I declare the proposed expenditure for the portfolios of Corrections, Emergency Services and Veterans Affairs open for examination. As there is no provision for a Minister to make an opening statement we will begin with questions from the Opposition.

**The Hon. DANIEL MOOKHEY:** Minister, when was the last time in any New South Wales prison that inmates refused to return to their cells and seized control of part of a facility and created a disturbance which included the setting of a fire or the throwing around of a garbage bin or television set? When was the last time that happened?

**Mr DAVID ELLIOTT:** That is an operational matter so I am going to refer that to the commissioner.

**Mr SEVERIN:** We had a disturbance of that nature that you have just questioned yesterday afternoon at lock-away time at Lithgow Correctional Centre, which fortunately was able to be managed very quickly and swiftly by the staff. No injuries were sustained. No inmate or staff had an injury and staff did not have to use force. Obviously, in environments like maximum security prisons from time to time inmates refuse to follow lawful orders and refuse to enter their cells. In that case, various strategies are deployed to ensure compliance and they commence, obviously, with a de-escalation strategy to talk to the inmate and reason with them. However, if need be, force may be used and that includes the use of chemical munitions. However, that is very much limited to very few occasions.

**The Hon. DANIEL MOOKHEY:** Did the use of chemical munitions occur yesterday?

**Mr SEVERIN:** Yesterday chemical munitions were deployed, which immediately resulted in compliance of all inmates involved in this particular incident.

**The Hon. DANIEL MOOKHEY:** How many prisoners are currently in Lithgow Correctional Centre?

**Mr DAVID ELLIOTT:** In Lithgow there are 422.

**The Hon. DANIEL MOOKHEY:** How many staff were on duty yesterday?

**Mr SEVERIN:** I would have to take that on notice but there were 20 staff responding to this incident.

**The Hon. DANIEL MOOKHEY:** What is the design capacity of the Lithgow Correctional Centre?

**Mr DAVID ELLIOTT:** The maximum state for Lithgow is 460.

**The Hon. DANIEL MOOKHEY:** But what is the design capacity?

**Mr DAVID ELLIOTT:** I would have to take that on notice. We do not have the engineer here with us.

**The Hon. DANIEL MOOKHEY:** I am happy to table the report from which I am quoting, which is the "Full House" report that lists the design capacity of Lithgow as 335 and the operational capacity as 430. Are you confirming it is now at 460?

**Mr SEVERIN:** The operational capacity is now at 460. There were 30 additional double-up cells created in the last 18 months.

**The Hon. DANIEL MOOKHEY:** When did a prisoner last escape from any New South Wales correctional facility?

**Mr DAVID ELLIOTT:** That again is an operational matter which I am happy for the commissioner to answer.

**Mr SEVERIN:** The last escape was the escape of a prisoner from Goulburn Correctional Centre, which occurred earlier in August.

**The Hon. DANIEL MOOKHEY:** Who was the prisoner?

**Mr SEVERIN:** The prisoner was an inmate who was in the maximum security section of Goulburn prison, who escaped at around 12.20 that day by being able to climb over the perimeter wall. He was subsequently apprehended by NSW Police about 12 hours later.

**Mr DAVID ELLIOTT:** I think it is important to add that we now have a record low number of escapes since records began in 1977. Particularly when you had 180-odd 20 years ago, we are doing pretty well.

**The Hon. DANIEL MOOKHEY:** Thank you for that supplementary piece of information. I am going off media reports, so please confirm if any aspect of it is wrong. I have faith in the media but not 100 per cent. Is it the case that the prisoner who escaped was a gentleman by the name of Mr Stephen Jamieson?

**Mr SEVERIN:** Yes, that is his name.

**The Hon. DANIEL MOOKHEY:** What exactly was he imprisoned for?

**Mr SEVERIN:** I would not have that information available at this point in time. I would have to take that on notice. From memory, and we will correct the record with the proper information, he was convicted of armed robbery offences.

**The Hon. DANIEL MOOKHEY:** That was how the media reported it. It is good to know they got that right. How did he escape?

**Mr DAVID ELLIOTT:** There are two separate inquiries into that at the moment. But it is an operational matter that I am more than happy for the commissioner to give some preliminary advice on.

**Mr SEVERIN:** I think it is important to recognise that there is still an investigation happening. The escape was effected from the back of the multipurpose unit, which is an annex to the main facility. It is also surrounded by a perimeter wall. He was able to tie bedsheets and at least one blanket together and use a broomstick, which was part of his equipment in his cell, to create an anchor point, throw that over the wall and then climb over the wall undetected at that point in time, as has been reported.

**The Hon. DANIEL MOOKHEY:** Thank you. So you are saying that he escaped from the rear of the facility?

**Mr SEVERIN:** Yes.

**The Hon. DANIEL MOOKHEY:** How many checkpoints did he have to pass through prior to reaching that rear point of exit?

**Mr SEVERIN:** If I interpret your question in relation to checkpoints as physical barriers that he had to negotiate—

**The Hon. DANIEL MOOKHEY:** Yes, physical barriers or otherwise interaction with staff—

**Mr SEVERIN:** There was no interaction with staff.

**The Hon. DANIEL MOOKHEY:** So there was no interaction with staff?

**Mr SEVERIN:** There was no interaction between him and staff at that point in time.

**The Hon. DANIEL MOOKHEY:** At any point in time from his departure from the exercise yard? Is that where he was?

**Mr SEVERIN:** That is correct.

**The Hon. DANIEL MOOKHEY:** So that was from the exercise yard to the point of exit. What is the distance between the exercise yard and the point of escape?

**Mr SEVERIN:** It is about five metres to the wall. The yard is a sterile zone. Obviously he then had to negotiate the wall.

**The Hon. DANIEL MOOKHEY:** Prior to him entering the exercise yard, did he have any contact with staff?

**Mr SEVERIN:** Of course, he would not have been able to enter the exercise yard without staff allowing him to go in there. He would have also obviously been accounted for through the normal muster arrangements that are in place—where headcounts are taken at various times during the day. I do not have any details about him having specific communication with staff during the preceding hours on the day.

**The Hon. DANIEL MOOKHEY:** In respect of the interactions he had with staff, no staff member noticed the presence of a broom or bedsheets?

**Mr SEVERIN:** Of course there was a broom but he used his bedsheets. Again, this is subject to investigation, but he used the bedsheets that he was appropriately entitled to have in his cell at that point in time. He tied them together. So he was able to have two bedsheets and a blanket and he used those. He tied them together to actually have a length that was sufficient to climb over the wall.

**The Hon. DANIEL MOOKHEY:** And that contraption was not noticed?

**Mr SEVERIN:** There was no contraption as far as I understand it; there was a normal bedsheet on his mattress and the blanket was on top of that bedsheet. That is a very normal form of bed dressing, and that is what he used.

**The Hon. DANIEL MOOKHEY:** How long was he in the exercise yard for prior to his escape?

**Mr SEVERIN:** I would have to take that on notice.

**The Hon. DANIEL MOOKHEY:** Thank you. And, Minister Elliott, I understand that I have to ask questions through you so if at any point you wish to interrupt then please feel free to do so. How many guards were on duty in tower 10 and tower seven at 12.00 p.m. on Tuesday, 18 August 2015?

**Mr SEVERIN:** My understanding is that neither tower 10 nor tower seven was staffed at that point in time. Electronic security was put in place some years ago to replace the need to use towers during certain times of the day. Tower 10 has been staffed at all times in the afternoon and during the night but not during the day shift as there are other resources in the centre. Obviously following this incident we proceeded to re-staff the towers 24/7 pending the outcome of the security review, which has been independently undertaken by the chief of the New Zealand Corrections Department.

**The Hon. DANIEL MOOKHEY:** Can I ask again, through you of course, Minister, was this Mr Jamieson's first escape attempt?

**Mr DAVID ELLIOTT:** I would have to take that on notice.

**The Hon. DANIEL MOOKHEY:** Is the Commissioner able to shed any light on that?

**Mr DAVID ELLIOTT:** We will take it on notice. As I said, and the Commissioner has highlighted—

**The Hon. DANIEL MOOKHEY:** Minister, sorry, I accept your answer. Are you aware—

**Mr DAVID ELLIOTT:** We are not going to get very far if the Hon. Daniel Mookhey keeps interrupting me. The matter is before two inquiries. As I said we will take it on notice because it would be an injustice if I gave you the wrong information.

**The Hon. DANIEL MOOKHEY:** Thank you. When are those inquiries due to report?

**Mr DAVID ELLIOTT:** The first one I should have on 7 September.

**The Hon. DANIEL MOOKHEY:** So that is next week?

**Mr DAVID ELLIOTT:** Yes.

**The Hon. DANIEL MOOKHEY:** And when is the second one due?

**Mr SEVERIN:** The internal investigation will have an interim report available to me within the next week and then obviously there will be a final report prepared pending further interviews that have to be done. The investigation concerns the actual incident. The security review concerns all matters of security at the Goulburn Correctional Centre.

**The Hon. DANIEL MOOKHEY:** Minister, are you intending to make public the report that you will be receiving on Monday?

**Mr DAVID ELLIOTT:** I will make that decision based on any operational or security concerns that we may have. I am not going to release a report that is going to give a template or a blueprint for people to escape from jails in New South Wales. I think it is important to note that the last escape from the Goulburn Correctional Centre was 19 years ago under a Labor Government. I want to make sure that we get this right.

**The Hon. DANIEL MOOKHEY:** Minister, are you personally aware of any previous attempt to escape made by Mr Jamieson? So not in respect of this latest incident but rather any previous attempts.

**Mr DAVID ELLIOTT:** I would have to take that on notice. It certainly predated my tenure as Minister.

**The Hon. DANIEL MOOKHEY:** Minister, are you aware of any prisoner attempting to escape via the digging of a tunnel?

**Mr DAVID ELLIOTT:** That is an operational matter which the Commissioner may wish to answer.

**Mr SEVERIN:** As a general comment, I am not aware of any inmate trying to escape in New South Wales since I have been a commissioner here by digging a tunnel.

**The Hon. DANIEL MOOKHEY:** So you are not aware of any?

**Mr SEVERIN:** I am not aware at all of any occurrence where an inmate tried to dig a tunnel to effect an escape.

**The Hon. DANIEL MOOKHEY:** So is the case therefore that the media reports that refer to a previous attempt by Mr Jamieson to escape via tunnel are incorrect?

**Mr DAVID ELLIOTT:** The Hon. Daniel Mookhey, I can answer that; if we have to respond to every single media report, I would probably prefer you to table them.

**The Hon. DANIEL MOOKHEY:** I am happy to table them.

**Mr DAVID ELLIOTT:** Can you table the media report you are referring to?

**The Hon. DANIEL MOOKHEY:** We will have that tabled by the end of the session, no problem.

**Mr DAVID ELLIOTT:** Okay, well then we will take that question on notice.

**The Hon. DANIEL MOOKHEY:** Thank you. Minister, were there any other escape attempts prior to that of Mr Jamieson that you are aware of? Are you aware of any attempted prison escape by any prisoner other than Mr Jamieson—so the last one prior to that?

**Mr DAVID ELLIOTT:** Since Federation?

**The Hon. DANIEL MOOKHEY:** We will start with the period since you have been the Minister.

**Mr DAVID ELLIOTT:** I would have to take that on notice. As I said, we are doing pretty well given the number of escapes that occurred 20 years under the Labor Government.

**The Hon. DANIEL MOOKHEY:** Minister, are you aware of any attempted escapes from Kirkconnell Correctional Centre since you have been Minister?

**Mr DAVID ELLIOTT:** Again that is an operational matter so the Commissioner is probably best placed to answer that.

**Mr SEVERIN:** We had two incidents of inmates escaping from outside of Kirkconnell Correctional Centre. In the first incident, it was from an honour house—where inmates are literally just locked into the house of a night-time but they can basically climb out of a window. These are minimum-security inmates. The second one was an inmate in a maintenance group who walked away. This inmate was apprehended within a very short period of time by Corrective Services NSW staff. The first inmate ended up giving himself up a day later and reporting to police. I need to stress of course that we are talking about minimum security environments with no physical barriers stopping the inmate from leaving the gazetted prison reserve—as opposed to an escape from secure custody like the one that Mr Jamieson was involved in.

**The Hon. DANIEL MOOKHEY:** Thank you. When did those two incidents occur?

**Mr SEVERIN:** I would need to take that on notice as to the exact dates.

**The Hon. DANIEL MOOKHEY:** Can you give us an estimate? It is not have to be exact.

**Mr SEVERIN:** It would have been in about June or July.

**The Hon. DANIEL MOOKHEY:** So that is three prison escape attempts since this Minister became the Minister?

**Mr SEVERIN:** We are not talking about attempts here; we are talking about successful escapes.

**The Hon. DANIEL MOOKHEY:** Sorry, yes; you are right to pick me up on that—these were three successful escapes.

**Mr SEVERIN:** There were three occurrences.

**Mr DAVID SHOEBRIDGE:** And the longest was for 24 hours.

**The Hon. DANIEL MOOKHEY:** Sorry, but I am asking the questions now.

**Mr DAVID ELLIOTT:** Mr Shoebridge is quite right, and I more than happy for him to take the questions as well.

**The Hon. DANIEL MOOKHEY:** Was Mr Kyle Baker one of those prisoners who escaped from Kirkconnell Correctional Centre?

**Mr DAVID ELLIOTT:** I will repeat my previous comments that the escapes in 2014-15, which the Commissioner has referred to, as I understand it, are 12 fewer than in the previous year. So we are doing pretty well. It is the lowest number of escapes—

**The Hon. DANIEL MOOKHEY:** Point of order—

**Mr DAVID ELLIOTT:** Can I finish?

**CHAIR:** A point of order has been taken.

**The Hon. DANIEL MOOKHEY:** I am sure the Minister will have ample opportunity to inform the Committee of the figures to which he refers but my question was very specific. Was Mr Kyle Baker one of the prisoners who escaped?

**Mr DAVID ELLIOTT:** It is an operational matter that the Commissioner can either answer or put on notice.

**Mr SEVERIN:** I would have to take that on notice.

**The Hon. DANIEL MOOKHEY:** Thank you. I will ask you this as a supplementary question either for now or to take on notice. Was it the case that Mr Baker was at large for five days?

**Mr SEVERIN:** Again, I need to take that on notice.

**The Hon. DANIEL MOOKHEY:** Was it the case that Mr Baker turned himself in to Penrith police?

**Mr SEVERIN:** One of the escapees, as I mentioned in an earlier response, did turn himself in to NSW Police.

**The Hon. GREG DONNELLY:** Is the definition of "contraband" used by NSW Corrections specific to a complete set of items? I am referring to items entering prisons.

**Mr DAVID ELLIOTT:** That is a regulation. The commissioner will answer.

**Mr SEVERIN:** "Contraband" is defined under regulation; very specific items are prohibited inside a correctional centre.

**The Hon. GREG DONNELLY:** Do you have that list with you?

**Mr SEVERIN:** I would refer to the regulation but I have not got it with me.

**The Hon. GREG DONNELLY:** Does that regulation include mobile phones?

**Mr SEVERIN:** Absolutely.

**The Hon. GREG DONNELLY:** In terms of the number of mobile phones entering prisons, do you have the figures for the year 2011-12 with you?

**Mr SEVERIN:** I do not have them with me. I just know that we—

**The Hon. GREG DONNELLY:** You can take that on notice.

**Mr SEVERIN:** I will take that on notice.

**The Hon. GREG DONNELLY:** Do you have the figures for 2012-13?

**Mr SEVERIN:** I do not have any figures in terms of mobile phones with me.



**The Hon. GREG DONNELLY:** Presumably you do not have the figures for 2013-14 either. I ask that you take those figures on notice as well. Do you have the figure for 2014-15?

**Mr SEVERIN:** I do not.

**Mr DAVID ELLIOTT:** The number of what?

**The Hon. GREG DONNELLY:** Mobile phones that have entered prisons.

**Mr DAVID ELLIOTT:** We will have to take that on notice because it is obviously part of the data that would be collected.

**The Hon. GREG DONNELLY:** So the figure 320, which has been widely reported in the public domain, does not resonate with you?

**Mr DAVID ELLIOTT:** You are talking about 2014-15?

**The Hon. GREG DONNELLY:** Correct.

**Mr DAVID ELLIOTT:** The Security Operations group and Corrective Services actually conducted 77,592 searches. The list of contraband that I am about to read out is not the total list of things—

**The Hon. GREG DONNELLY:** I am talking about mobile phones specifically.

**Mr DAVID ELLIOTT:** I will get to that. The list of contraband that was found in those 77,592 searches included green vegetable matter, powder and tablets, needles, jail-made brews, mobile phones, chargers and sim cards. The information I have about what you are referring to is that 320 mobile phones were located and seized during the targeted searches.

**The Hon. GREG DONNELLY:** Those 320 mobile phones had actually entered the prisons, is that correct?

**Mr DAVID ELLIOTT:** Is that a trick question?

**The Hon. GREG DONNELLY:** No. They were not stopped at a security point; they actually entered into the security system. Is that correct? Were they intercepted or within the prison?

**Mr SEVERIN:** First of all, I think it is very important to realise that this number is in no way higher or more escalated than previous numbers. Unfortunately, for many years hundreds of phones have made their way into our searches.

**The Hon. GREG DONNELLY:** How many did you say?

**Mr SEVERIN:** Hundreds of phones. I will take the exact number on notice.

**The Hon. GREG DONNELLY:** Please do that.

**Mr SEVERIN:** Mobile phone introduction to prisons is certainly a challenge for any jurisdiction in corrections, particularly with phones getting very small—right down to keychain type or car key size phones. Phones are intercepted entering the prisons through visitor interceptions. We had interceptions at our front gates on a number of occasions and we have also, through a range of quite sophisticated ways of detecting mobile phones, secured mobile phones that had already made their way into prisons.

**The Hon. GREG DONNELLY:** I may have been unclear; I will ask the question another way. I am looking for the figures for the years I have given you with respect to mobile phones that actually entered into prisons. That figure of 320 does not necessarily represent phones that have entered into prisons; it includes some that have been intercepted? Is that what you are saying?

**Mr SEVERIN:** That is absolutely right. But we would not have any sort of de-escalated data in relation to where a phone was found. We would have data on the total number of phones seized but not any specific data on a phone that was intercepted coming in to visit or that was found in an accommodation area.

**Mr DAVID SHOEBRIDGE:** In April this year the report titled "Full House: The growth of the inmate population in New South Wales" was delivered. When will you be providing a response to the 47 recommendations contained in that report?

**Mr DAVID ELLIOTT:** We are progressing on the implementation of those recommendations. We have already implemented a number of the strategies recommended in the report and we are working to implement others all aimed at reducing potential adverse impacts arising from that particular report. As you would be aware, both the Inspector's report and Corrective Services' response are publicly available on the Inspector's website.

**Mr DAVID SHOEBRIDGE:** Perhaps on notice you could tell me which of the 47 recommendations are supported, which have been implemented and which are not supported?

**Mr DAVID ELLIOTT:** I will have to take that on notice. I appreciate your interest in this.

**Mr DAVID SHOEBRIDGE:** That report said that the prison population as at February 2015 was 11,022 inmates.

**Mr DAVID ELLIOTT:** Yes.

**Mr DAVID SHOEBRIDGE:** What is your best understanding of the number of inmates as of today?

**Mr DAVID ELLIOTT:** In preparation for that question, I have 11,898.

**Mr DAVID SHOEBRIDGE:** About 870 additional prisoners or almost a 7 per cent increase in prisoner numbers between February and now. Is that correct?

**Mr DAVID ELLIOTT:** Sure.

**Mr DAVID SHOEBRIDGE:** Do you know what has been the primary cause of that increase in prisoner numbers?

**Mr DAVID ELLIOTT:** We will probably have to take that on notice because this is something the other portfolios would have to provide advice on. Obviously we can only inherit what the courts give us.

**Mr DAVID SHOEBRIDGE:** I understand. You are down the food chain of the criminal justice system.

**Mr DAVID ELLIOTT:** I would not put it that way, but yes.

**Mr DAVID SHOEBRIDGE:** The "Full House" report detailed that as at February 2015 the inmate population was 11,022 but the available bed space was only 10,960. Commissioner, how do we deal with that discrepancy and were there prisoners who did not have access to an actual bed?

**Mr SEVERIN:** There has not been any occurrence where a prisoner did not have access to a bed. The demand increase, which was quite unprecedented, particularly in the latter part of the last calendar year leading into this calendar year—

**Mr DAVID SHOEBRIDGE:** Well it has continued on, has it not? You have had another 700-odd.

**Mr SEVERIN:** It has continued on but it has plateaued at the moment to some extent and we are obviously carefully monitoring the trend. We have created quite a significant number of additional spaces by recommissioning existing infrastructure previously not used, by introducing double-up accommodation, and by also looking at the installation of modular accommodation, which fortunately is not only going to be a real addition to the system but also one where prisoners actually build the infrastructure to an exceptionally high standard.

**Mr DAVID SHOEBRIDGE:** These are the portable homes or portable cells for prisoners?

**Mr SEVERIN:** I would not call them portable but they are modular so they can be removed, if need be, in future years; they certainly stand up to any medium security standard. The strategy that is in place at this point in time deals with very short-term adjustments, medium-term infrastructure adjustments like modular and then, of course, long-term strategies like the new prison at Grafton and the addition of 400 beds at Parklea.

I am confident that we have a robust strategy in place. Dealing with unprecedented high numbers of inmates coming into the system presents its challenges. The response has to be one that ensures the safe operation of the system and security at all times. Fortunately, our metrics clearly indicate that there have not been any significant changes in the occurrence of incidents from when there was a lower number of inmates. Commissioner, can we go back to the discrepancy between the 11,022 inmates and the 10,960 available beds? There must have been inmates who were not sleeping in permanent beds in cells. Where were they accommodated?

**Mr SEVERIN:** We at all times have used court accommodation. Courts have accommodation, like the Amber Laurel Correctional Centre, which is at Emu Plains, which is a staging facility for us. Surry Hills Court has court cells. Yes, there have been situations where we have had to use those cells for inmates for a few days.

**Mr DAVID SHOEBRIDGE:** Police cells and court cells or just court cells?

**Mr SEVERIN:** Court cells, basically. There could be police complexes in the same building.

**Mr DAVID SHOEBRIDGE:** What was the longest period that someone spent in a court cell?

**Mr SEVERIN:** I will have to take that on notice.

**Mr DAVID SHOEBRIDGE:** Perhaps you might give me the average time that people spent in a court cell.

**Mr SEVERIN:** Again, I will have to take that on notice.

**Mr DAVID SHOEBRIDGE:** I understand.

**Mr SEVERIN:** The average time is 72 hours, but that is not to say that there have not been times when people have spent longer in court cells.

**Mr DAVID SHOEBRIDGE:** Minister, your evidence is that the current number of inmates is 11,898.

**Mr DAVID ELLIOTT:** Yes.

**Mr DAVID SHOEBRIDGE:** I accept that the number might have fluctuated between when you got it this morning and now. What is the available bed space in New South Wales prisons today?

**Mr SEVERIN:** The current capacity in our prisons, which does not include any court cells, is 12,050 beds. There are a range of beds there that we do not count, such as specialist segregation beds and specialist reception beds. There would be another 400 beds that are not in the official count. On top of that, there is the capacity in court complexes.

**Mr DAVID SHOEBRIDGE:** The "Full House" report found that New South Wales is the State where inmates spend the fewest hours out of their cells and is well below the national average of 10 hours a day. The average number of hours out of cells has dropped from 11.4 hours per day in 2010-11 to just 8.2 hours per day in 2013-14. That means there are up to 16 hours a day in which inmates have no access to fresh air, programs, recreational activities or contact with their families. Do you believe that is an acceptable outcome, Minister?

**Mr DAVID ELLIOTT:** You would have noticed in the budget that the Government is increasing capacity, with another 600 beds to be built in Grafton and another 400 beds to be built in Parklea. Add to that Kirkconnell, where there has been an increase of 260 beds. The figures speak for themselves. Over the four years of the forward estimates there will be \$3.6 million in funding to address any other capacity issues.

**Mr DAVID SHOEBRIDGE:** Do I take that answer to mean that you do not believe that the current 8.3 hours is acceptable and you are looking at increasing accommodation to increase the out-of-cell hours?

**Mr DAVID ELLIOTT:** I will take the question on notice and give you a considered response. I am addressing the capacity issue that you raise.

**Mr DAVID SHOEBRIDGE:** There is a philosophical argument—

**Mr DAVID ELLIOTT:** I suspect, Mr Shoebridge, you and I have different philosophical views.

**Mr DAVID SHOEBRIDGE:** —that it does not involve numbers going into prison, which is not within your power. You are probably right to say that we differ on it.

**Mr DAVID ELLIOTT:** That is the beauty of politics.

**Mr DAVID SHOEBRIDGE:** I might ask this question to the Minister or to Juvenile Justice.

**The Hon. CATHERINE CUSACK:** Direct your questions through the Minister.

**The Hon. GREG DONNELLY:** Ms Cusack, you are not the Chair.

**CHAIR:** Order!

**Mr DAVID SHOEBRIDGE:** What is the current population of juveniles in detention in New South Wales?

**Mr DAVID ELLIOTT:** I have that. I will make sure that I give you an accurate figure. It is 281.

**Mr DAVID SHOEBRIDGE:** What proportion of those inmates are Aboriginal?

**Mr DAVID ELLIOTT:** Ms Hanley will answer that.

**Ms HANLEY:** I believe it is 52 per cent at the moment.

**Mr DAVID SHOEBRIDGE:** That is a slight rise from last year, isn't it?

**Ms HANLEY:** It is a slight increase, from 48 per cent.

**Mr DAVID SHOEBRIDGE:** Do you know the number of Aboriginal juveniles as a proportion of the overall juvenile population in New South Wales?

**Ms HANLEY:** No, I do not. I would have to take that on notice.

**Mr DAVID SHOEBRIDGE:** It is about 3 per cent.

**Ms HANLEY:** You are correct. It is around 3 per cent between the ages of 10 and 18.

**CHAIR:** Minister, on 10 August 2014 the Government announced it would implement a smoking ban throughout New South Wales prisons from 2015. I recently heard on 2GB reports from anonymous corrective services officers who were told to remove cigarettes and associated smoking apparatus and were allegedly then told by management to return them to prevent potential riots. Do you have knowledge of any such occurrence? Secondly, could you advise the Committee of any issues that your department faced because of the smoking ban and whether it has been successful in addressing them?

**Mr DAVID ELLIOTT:** I am reluctant to respond to allegations, suggestions, innuendo and rumours. I can confirm that on 10 August the Government implemented smoke-free prisons, which was consistent with prisons in other jurisdictions in Australia and in New Zealand. This was in response to, amongst other things, concerns that corrections officers, like everyone else in the workforce, are entitled to a smoke-free workplace. The Government undertook extensive planning to ensure that any potential risks were mitigated. Our program

included a comprehensive communication plan. We engaged with staff. We appointed people to champion the policy. We developed security plans, which included a review and update of any contingency plans related to prisoner unrest. We also provided support to managers post the implementation.

In comparison, Queensland Corrective Services transitioned to a smoke-free workplace in May 2014. You are no doubt aware that Victoria had an incident, which gave us reason to review the entire policy. We did things slightly differently, which is a credit not only to the commissioner but also to the rank-and-file members of the New South Wales corrections team.

Despite suggestions from the Opposition and from the community that this would be a failure, it was not. We took adequate steps and we avoided any concerns. Our concerns were addressed by the fact that we implemented nicotine replacement therapy as part of the strategy. We provided ample information. There was an emotional plea from a senior corrections officer who had had a stroke as a result of smoking. Nothing better illustrates why one should give up smoking than a stroke or heart attack. We provided access to telephone support through the Quitline. The nicotine replacement therapy, which was provided by Justice Health, was probably the reason that we had a smooth transition. To answer your question: there was a period of amnesty for months. That did not mean that people could smoke; it meant that if they surrendered cigarettes they would not be breached or charged for having them.

**CHAIR:** It was alleged that management told to staff to return cigarettes and smoking apparatus to prevent potential riots. The commissioner might be aware of that.

**Mr DAVID ELLIOTT:** I am reluctant to respond to allegations. Although I have been in the job for only four months, I am aware that allegations, suggestions and innuendo can reflect unfairly on frontline members of the department. I think we might put that on notice so we can give you an accurate reflection on what happened.

**CHAIR:** My next question would be was that in that grace period where you are just trying to have a bit of flexibility?

**Mr DAVID ELLIOTT:** If you heard the allegation for the month following the implementation of the policy then yes it was in the grace period.

**CHAIR:** The Government has announced, as you just noted, a new \$200 million privately run jail in Grafton, and I congratulate the Government on that because that was when the recommendations from my inquiry on closing and downsizing New South Wales prisons—

**Mr DAVID ELLIOTT:** Thank you for the recommendations, Mr Chair.

**CHAIR:** It would be very helpful to the economy and the history of that wonderful town. Could you update the Committee on the progress of the building of this jail and where it is up to?

**Mr DAVID ELLIOTT:** The Baird Government will tender for the private sector partner to design, construct, finance and maintain the Grafton prison. It is obviously a long-term investment in Grafton. Your committee, amongst others, was very, very supportive of this particular facility. We will spend \$20 million to procure the services of the private sector for the new prison and also, supplementary to this jail, as I mentioned in my response to Hon. Daniel Mookhey's question, that includes another 400 expansion to Parklea. This is all about delivering an efficient and effective prison system, making sure that we have state-of-the-art facilities and community safety and, more importantly, the notion of rehabilitation is at the forefront of everything that we do.

As you aware, we have privately run prisons currently running in Junee and Parklea. They have been very efficient; they have provided value for money but also decency in the treatment of inmates and they provide innovation and efficiency. The prison of 600 inmates that you are referring to will probably require 200 employees and, if you consider the multiplier effect of 200 new employees in a town like Grafton, they have very good reason to be happy with the Baird Government. I think that this will be a worthy investment. On top of that, you have the construction jobs that will come about with it and, of course, the consumption of local products and services.

Although it is not a sexy investment in metropolitan Sydney, the construction of a jail in regional New South Wales is something that is, for want of a better word, worth celebrating. I am really happy with this

policy. I am delighted that we got \$314.6 million over the four years out of this budget to that investment and, as I mentioned, over the past year, to complement the extra growth in jobs required, Corrective Services has recruited and trained an extra 419 custodial staff. So we are in a good space at the moment.

**CHAIR:** I note that five custodial officers at the Metropolitan Remand at Silverwater have been suspended from duty after being charged with allegedly assaulting inmates. Do not worry, my question is not directly on that, but what is the Government doing to ensure this kind of behaviour is not repeated?

**Mr DAVID ELLIOTT:** The matter is before the court—

**CHAIR:** That is why I am not referring to that.

**Mr DAVID ELLIOTT:** I am very, very careful about answering that question.

**CHAIR:** I am merely asking about a systematic approach to make sure it is not—

**Mr DAVID ELLIOTT:** If you are asking for programs as part of their training, I will take that on notice and we will be able to explain the program and the training of our officers. But you would appreciate that the fact that anybody is charged within the department should reflect that we have a zero tolerance approach to this sort of behaviour.

**CHAIR:** Could you tell us what the average cost of keeping an inmate is today?

**Mr DAVID ELLIOTT:** I am advised by the commissioner that it is \$184.00 per day, but you understand that depends on whether they are minimum security, maximum security or Supermax.

**CHAIR:** I might change portfolios a little bit. I note we have just seen Thor, the plane, coming in to assist in the fire services. I am wondering if you have a comment about the recent changes to the 10/50 law. Given the fact that the type of underscrubbing that it tries to encourage, changing that law may have an impact on future fuel loads. What does that mean for New South Wales in terms of this coming summer's fire situation?

**Mr DAVID ELLIOTT:** That is very much an operational question that I might invite Commissioner Fitzsimmons or Deputy Commissioner Rogers to answer.

**Mr FITZSIMMONS:** The provisions of the 10/50 were a tool to facilitate private landholders being able to undertake preparatory works in and around their property with vegetation management or clearing close to their homes and within the prescribed 10/50 area. It is but a part of the broader practice of risk management, hazard reduction and associated treatments to prepare for fire seasons and help mitigate the impact of fires against that risk to communities.

**CHAIR:** We will go back to the Opposition.

**The Hon. DANIEL MOOKHEY:** Minister, how many prisoners do you forecast will be in prison in New South Wales jails in the years 2016 and, if you have it, 2017?

**Mr DAVID ELLIOTT:** I have to take that on notice because I do not have an understanding of what the courts are going to give us.

**The Hon. DANIEL MOOKHEY:** Does the department undertake any modelling or any projections?

**Mr DAVID ELLIOTT:** We will take that on notice.

**The Hon. LOU AMATO:** The Minister does not have a crystal ball.

**The Hon. DANIEL MOOKHEY:** Minister, are you aware of any other government agency or bureau that does provide such forecasts?

**Mr DAVID ELLIOTT:** I will have to take that on notice too. I do not know what other agencies do.

**The Hon. DANIEL MOOKHEY:** Minister, are you aware of a forecast by the NSW Bureau of Crime Statistics and Research that suggests that if relevant influences remain unchanged, New South Wales will have 12,191 prisoners by March 2017?

**Mr DAVID ELLIOTT:** Can I have a look at that? I am not familiar with this. The research was done prior to my tenure as Minister, but I can refer you to my previous answer about preparing for any potential increase in numbers, and that is the reason why this budget has dedicated the funds to reopen Grafton jail with an extra 600 beds, that is the reason why this Government has an investment for an extra 400 beds in Parklea and that is why we have reopened Kirkconnell and Kariong. I am reluctant to respond to research that was done before I was made the Minister.

**The Hon. DANIEL MOOKHEY:** The projects that you just described, were any of those capacity expansions planned with the use of any form of modelling as a part of the decision to build those jails and invest the money that you have spoken of—build them, let them out of to the private sector, prepare a contract summary? Was any modelling undertaken that informed the decisions that you have described?

**Mr DAVID ELLIOTT:** I will take that on notice.

**The Hon. DANIEL MOOKHEY:** How many guards currently work in Corrective Services NSW?

**Mr DAVID ELLIOTT:** I am reluctant to correct you, but they do not like being called "guards"—they are officers. I apologise for correcting you on that, but I have a lot of respect for them, so let us not call them guards. We have a total in Corrective Services NSW of 7,200 employees and, to potentially foreshadow your next question, 2,775 of them are female.

**The Hon. DANIEL MOOKHEY:** I congratulate you on your attempted tuition, but in this case it was not correct. Can you repeat that figure in respect of the number of employees?

**Mr DAVID ELLIOTT:** The employees, as of 1 July, the beginning of this budget year, are 7,200.

**The Hon. DANIEL MOOKHEY:** How many of them are the officers that you just—

**Mr DAVID ELLIOTT:** I will have to take that on notice, because you would understand the difference between uniformed staff and the clerical staff.

**The Hon. DANIEL MOOKHEY:** Minister, through you, I ask the same question to the commissioner.

**Mr DAVID ELLIOTT:** I will have to take that on notice. Do you understand the difference between uniformed staff and the clerical staff?

**The Hon. DANIEL MOOKHEY:** That is precisely what I was asking.

**Mr DAVID ELLIOTT:** I will take that on notice.

**The Hon. DANIEL MOOKHEY:** Minister, may I ask the same question of the Commissioner?

**Mr DAVID ELLIOTT:** I will take it on notice. It is not going to be difficult for him to find out but let us put it on notice.

**The Hon. DANIEL MOOKHEY:** Minister, again either to you or, through you, to the Commissioner: Do you know whether there are more officers this year than there were three or four years ago?

**Mr DAVID ELLIOTT:** There are fewer—did you say four years ago?

**The Hon. DANIEL MOOKHEY:** About four years.

**Mr DAVID ELLIOTT:** Four years ago or last year?

**The Hon. DANIEL MOOKHEY:** Four years—2011-2012.

**Mr DAVID ELLIOTT:** In 2012 there were 4,097 Corrections officers and in 2015 there are 4,253 officers.

**The Hon. DANIEL MOOKHEY:** Can you repeat the statistics?

**Mr DAVID ELLIOTT:** In 2012 the number of Corrections officers was 4,097 and the number in 2015 is 4,253.

**The Hon. DANIEL MOOKHEY:** It is approximately 140 higher—sorry, more.

**Mr DAVID ELLIOTT:** I think you will find it is a bit more.

**The Hon. DANIEL MOOKHEY:** On the basis of those figures, and relating it to the previous answer you gave about prisoner numbers, does that mean the prisoner-to-officer ratio is now higher?

**Mr DAVID ELLIOTT:** Without a calculator I am going to have to take that on notice.

**The Hon. DANIEL MOOKHEY:** If you are going to take it on notice, I will also put to you my specific arithmetic so you can come back and tell me whether I am wrong. The specific question I wish to ask is: Has the ratio of prisoners to officers increased from 1.64 to 1.88? We will make it from March 2013 to June 2015.

**Mr DAVID ELLIOTT:** Let us take that on notice. I will get out my calculator and test your figures.

**The Hon. DANIEL MOOKHEY:** In respect of the additional capacity that you have just described regarding bed capacity, how many additional officers are you intending to employ over the same period?

**Mr DAVID ELLIOTT:** I am going to have to take that on notice as well. As has been said by some of your colleagues, I do not have a crystal ball. In the four months that I have been the Minister I have been to four graduation ceremonies. The numbers we are recruiting are healthy and I will be more than happy to take that on notice. As I have mentioned, I have been to four graduation ceremonies since I have been the Minister but certainly, in the previous financial year, a total of 574 staff were recruited.

**The Hon. DANIEL MOOKHEY:** Are they new positions?

**Mr DAVID ELLIOTT:** Some people retire. That is the number of new salaried people.

**The Hon. DANIEL MOOKHEY:** I congratulate the 574 on their graduation. Have you embarked on any workforce planning needs, any modelling or any planning strategy, or are you aware of any that your predecessor embarked upon in respect of growing the staffing scenario to match the foreseen increase in prisoner numbers?

**Mr DAVID ELLIOTT:** We are increasing the number of prisoners but I will ask the Commissioner to answer that.

**Mr SEVERIN:** We obviously undertake very detailed planning in relation to any additional infrastructure that we need to commission. The majority of infrastructure related to existing operations—you do not have to actually organise all the ancillary staff, like gatehouse staff and others; you literally need to compensate, obviously, for the increased prisoner numbers and make sure that you do that in a safe and responsible way. It is not just about Corrections officers; it is also about the support staff, welfare staff, psychologists and the like. So every time we plan for additional capacity, we undertake quite detailed planning but also obviously consultation with our employee representatives to ensure that we have staffing levels that are commensurate with the increase in capacity.

**The Hon. DANIEL MOOKHEY:** Minister, either to you or, through you, to the Commissioner: How much money was expended on overtime for prison officers in the past financial year?

**Mr DAVID ELLIOTT:** I will have to take that on notice.



**The Hon. DANIEL MOOKHEY:** How much is budgeted for the next financial year in respect of overtime?

**Mr SEVERIN:** We do not actually budget for overtime. Overtime is a factor that has a range of causes, some of it is relating to short-term absences, some of it is relating to the requirement to escort people and supervise them in hospital, which are unplanned activities. So we obviously monitor the overtime expenditure and identify strategies to limit and reduce overtime expenditure wherever that is possible. What we have also experienced is that, with the training regime—and the Minister referred to the graduation ceremonies—we do invest in the upfront training of our staff. It takes about eight weeks, at a minimum, to train an officer after we recruit them. So there is always a lag time involved, if you have to respond very quickly. But obviously we are also planning ahead. As we speak, we have six different classes being undertaken in various locations and that will continue in accordance with the infrastructure that has been approved and the funding that has been made available.

**The Hon. DANIEL MOOKHEY:** Minister, how many officers were subject to any form of physical assault in the prison system last year?

**Mr SEVERIN:** Again, the actual rate of assault on staff has gone down.

**The Hon. DANIEL MOOKHEY:** I am asking about the specific number, not necessarily the rate.

**Mr SEVERIN:** I do not have the actual number of staff but the rate of assaults and serious assaults, prisoner on officer, has gone down to 0.55 and that compares to an average rate in Australia of 0.95.

**Mr DAVID ELLIOTT:** I have some further figures. I am delighted to hear you ask questions about officer welfare. We have the "Report on Government Services" by the Productivity Commission suggesting that the rate of assaults had decreased on prisoner on prisoner. So that is slightly different from what you are asking. It is 14.8 to 14.2. That suggests to me that it is becoming a safer work environment.

**The Hon. DANIEL MOOKHEY:** Is that prisoner on prisoner?

**Mr DAVID ELLIOTT:** That is prisoner on prisoner.

**The Hon. DANIEL MOOKHEY:** I was not actually asking about that.

**The Hon. CATHERINE CUSACK:** Congratulations Minister, that is impressive.

**Mr DAVID ELLIOTT:** As for the number of prisoner on officer assaults, as the Commissioner highlighted, we inherited a 0.58 figure and it is now, in the previous financial year, 0.55. So it has gone down and it is encouraging. The Commissioner, quite rightly, highlights that there is the category, unfortunately, of serious assault as well. So the number of assaults of prisoner on officer under the definition of "serious assault" has decreased by 0.01 in 2012-13 to zero in the last financial year. So in New South Wales the 2013-14 prisoner on staff serious assault is below the national average of 0.05.

**The Hon. DANIEL MOOKHEY:** Minister, do you think there is any correlation between the disturbance in Lithgow, the two escapes that happened on your watch and the increase in the prisoner-to-officer ratio?

**Mr DAVID ELLIOTT:** Can you ask the question again?

**The Hon. DANIEL MOOKHEY:** In respect of yesterday's incident, the escape of two prisoners from Kirkconnell, as well as the riot—

**Mr DAVID ELLIOTT:** An escape yesterday?

**The Hon. DANIEL MOOKHEY:** No, I am talking about the incident; I said the incident—the riot yesterday.

**Mr DAVID ELLIOTT:** Where?

**The Hon. DANIEL MOOKHEY:** At Lithgow. Are you aware that there was a riot in Lithgow?

**Mr DAVID ELLIOTT:** Yes but you said Kirkconnell. It was not a riot, it was a disturbance. Nobody was injured.

**The Hon. DANIEL MOOKHEY:** Do you think there is any correlation between the disturbance as well as the escape attempt in Goulburn and the two escape attempts at Kirkconnell, all of which occurred in the past three months, and the increase in the prisoner-to-officer ratio that your Government has presided over?

**Mr DAVID ELLIOTT:** It is purely speculative.

**The Hon. PETER PRIMROSE:** There are reports that at the Goulburn SuperMax prison there was a prisoner found to have in his possession three mobile phones, a charger, a USB and a 30-centimetre homemade knife in his cell. Is there any further update on the investigation into that matter that you can provide to the Committee?

**Mr DAVID ELLIOTT:** I am not going to answer that question because there is an ongoing investigation and it would be inappropriate for me to comment.

**The Hon. GREG DONNELLY:** You have nothing to add?

**Mr DAVID ELLIOTT:** No.

**The Hon. GREG DONNELLY:** When does the investigation conclude?

**Mr DAVID ELLIOTT:** It is a police investigation so if you want to put it on notice I will find out whether the Police Force will provide an answer on when it is going to be concluded.

**The Hon. GREG DONNELLY:** Minister or Commissioner, have there been any reported cases—and I am talking about in a complete sense, not only looking back over the current financial year but also the two previous financial years—of drones that have entered airspace over any correctional facilities in New South Wales?

**Mr DAVID ELLIOTT:** None in New South Wales.

**The Hon. GREG DONNELLY:** There have been no reported cases?

**Mr DAVID ELLIOTT:** None reported in New South Wales.

**The Hon. GREG DONNELLY:** What are the procedures in place for correctional facilities in New South Wales to deal with the issue of the appearance of a drone or drones if it occurs?

**Mr DAVID SHOEBRIDGE:** Point of order: I am troubled by allowing that question because it clearly relates to potential security issues involving the New South Wales prison system. I do not think it would assist.

**Mr DAVID ELLIOTT:** Mr David Shoebridge is correct, and I thank him for highlighting that. The ministerial council has written to the Commonwealth Government that has jurisdiction over aviation.

**The Hon. GREG DONNELLY:** I will approach it another way because I do not want to compromise matters. Are correctional officers in prisons aware of the procedures they need to follow in the event of sighting a drone over airspace at a prison?

**Mr DAVID ELLIOTT:** That is an operational matter. Operational procedures are best answered by the commissioner.

**Mr SEVERIN:** A very longstanding procedure following a helicopter escape incident many, many years ago in relation to any kind of object that enters the correctional—

**The Hon. GREG DONNELLY:** I am talking about drones entering the airspace.

**Mr DAVID ELLIOTT:** The Commissioner is giving his answer.

**Mr SEVERIN:** In the broadest terms, "drones" is simply a reference to an unmanned flying object. We are not just concerned about unmanned flying objects; we are also concerned about any flying objects. There are procedures in place to deal with the occurrence of any flying object entering a correctional facility. However, the significant issue for us is at this time there is no mechanism to declare a correctional centre an airspace that you cannot enter—and that was the reference made to the ministerial council.

**The Hon. GREG DONNELLY:** For example, if tomorrow a drone appeared over a prison facility in New South Wales are prison officers aware of the procedures they need to follow to deal with such an incident?

**The Hon. SCOTT FARLOW:** Point of order: The commissioner has provided a very full answer in terms of anything that may appear in the airspace and the protocol for that, of which drones are one.

**CHAIR:** Order! The point of order goes to relevance. I think the Minister was about to answer the question.

**Mr DAVID ELLIOTT:** It is an operational matter—

**The Hon. GREG DONNELLY:** I am not asking for any revelation.

**Mr DAVID ELLIOTT:** No, okay. As part of the ministerial council agreement in Darwin this year I have written for clarification. It is hypothetical—the commissioner has said that it has not happened yet so I am not going to speculate about operational matters because, as I said to you before—

**The Hon. GREG DONNELLY:** Okay. So there are no procedures.

**The Hon. SCOTT FARLOW:** That is not the case; that is not what he is saying at all.

**Mr DAVID ELLIOTT:** If you just listen—

**The Hon. GREG DONNELLY:** You have explained about the Council of Australian Governments process and I understand—

**Mr DAVID ELLIOTT:** No, it is not COAG; it is the ministerial council. I am not going to speculate on operational matters because, as I said in a previous answer, in this portfolio I am not prepared to publish a blueprint—

**The Hon. GREG DONNELLY:** I am not asking you to do that. I take that as a no. As you would be aware, Corrective Services was provided with a specific exemption or a dispensation by the Minister for Health with respect to clause 46 of the Public Health Regulation 2012, which expires in September. Has that dispensation been extended?

**Mr DAVID ELLIOTT:** I am advised that it has, yes.

**The Hon. GREG DONNELLY:** Extended to what date?

**Mr DAVID ELLIOTT:** The commissioner can answer that because it is a human resources matter.

**Mr SEVERIN:** It has been extended to March 2016, pending some quite intensive work that is currently being undertaken between the Ministry of Health, Justice Health and Corrective Services NSW with the assistance of the Kirby Institute to identify any possible health impact that has on inmates.

**The Hon. GREG DONNELLY:** My question essentially was whether the extension has been granted.

**Mr DAVID SHOEBRIDGE:** I refer to Juvenile Justice. As I understand it, if Aboriginal children make up 3 per cent of the population but 52 per cent of the jail population in New South Wales then their over-representation in jail is about the rate of 40 times for non-Aboriginal juveniles. Is that acceptable? If you do not think so, what are you doing to address that gross over-representation?

**Mr DAVID ELLIOTT:** The answer to your question is a hardy no, I do not find it acceptable. I do not find it acceptable that any young person is in a juvenile justice centre in New South Wales but I am horrified at the over-representation to which you refer.

**Mr DAVID SHOEBRIDGE:** I know you have more to say. I have asked this question on four separate occasions—

**Mr DAVID ELLIOTT:** Do not interrupt me, otherwise we will be here all day. You asked me whether I found it acceptable and I said, no, I do not find it acceptable. You then asked what programs are running. There are a number of programs—and I am sure Ms Hanley will be happy to complement my answer. In 2014 we did a community and practice review, with the emphasis in Juvenile Justice on specialised programs of intervention and targeting. The framework will stress the importance of continuity of service with sometimes multiple transitions between community and custody. Obviously the focus is on case management.

I will name a couple of these programs, which I am sure Mr David Shoebridge will be interested in. Changing Habits and Reaching Targets [CHART] allows young people on community orders to participate in changing their mentality. CHART is evidence based and provides behaviour intervention specifically designed for young people. It will focus on young people to provide key skills such as problem solving and assisting them to make links between their beliefs and their attitudes—essentially finding a moral compass. As I said when I was appointed Minister, I think mentoring will go a long way to assist in juvenile recovery. There is also obviously a drug and alcohol education program, which Ms Hanley may want to provide some further advice on.

There is the Intensive Supervision Program [ISP], which allows for an Aboriginal team adviser to work systematically with each young person. There is Dthina Yuwali, which is an Aboriginal program staged for alcohol and other drug groups. That program builds on the relationship between substance abuse and provides young offenders with a pathway against reoffending. There is Youth on Track and a whole of range of programs that we are implementing. Maybe Ms Hanley might want to offer some supplementary remarks.

**Ms HANLEY:** We know that diversion has been very effective in reducing Aboriginal incarceration in our juvenile justice centres. So the Young Offenders Act and the warning, cautions and youth justice conferencing scheme has proven to provide additional opportunities for Aboriginal young people—and other young people—to help them desist from offending. It is very effective. Aboriginal young people, like non-Aboriginal young people, are likely to desist from crime but, in relation to over-representation, in the past 12 months we have had a large percentage of Aboriginal staff working with young people in both juvenile justice centres and the community.

**Mr DAVID SHOEBRIDGE:** What is the proportion?

**Ms HANLEY:** The proportion is 8.9 per cent of the total Juvenile Justice workforce identify as Aboriginal and Torres Strait Islander [ATSI]. Identification is voluntary. We continue to be a leading employer of Aboriginal staff across government. We also engage a number of Aboriginal mentors and elders to work with Aboriginal young people. Cultural education is crucial for Aboriginal young people in terms of connection to country. There is a whole range of evidence-based programs that we will continue to attempt to decrease that percentage.

**Mr DAVID SHOEBRIDGE:** Minister, I accept fully that you and Ms Hanley mean what you say when you give this evidence but you could replay the scene from 12 months ago when the former Minister and the former head of Juvenile Justice gave exactly the same answers. It was the same the year before that and the year before that. The only difference has been that the proportion of Aboriginal kids in Juvenile Justice detention facilities has grown from 45 to 46, 48, 49 and then 52 per cent. Do you accept that something fundamentally fresh needs to be tried to address this?

**Mr DAVID ELLIOTT:** I spent some of my teenage years at the Bimbadeen Aboriginal college in Cootamundra, which was a very heartening experience and probably a great opportunity for me to get an understanding of the problems facing young Aboriginal people. Ms Hanley mentioned that we have a focus on mentoring. The best mentoring is going to come from Aboriginal people. If you have young Aboriginal people who are prepared to be mentors I want to get their résumés because we can use them.

**Mr DAVID SHOEBRIDGE:** Would you be looking at going to Cabinet for a fresh program that is properly funded to get those kinds of Aboriginal mentors?

**Mr DAVID ELLIOTT:** I am not going to make policy on the run right here.

**Mr DAVID SHOEBRIDGE:** I am happy for you to take it on notice.

**Mr DAVID ELLIOTT:** I will take it on notice. I am also very keen for you and I to sit down and have a private conversation about any ideas you have. We do not put anything in or out when it comes to Juvenile Justice.

**Mr DAVID SHOEBRIDGE:** Going back to the broader prison population, what steps are being taken to ensure that all Aboriginal prisoners in correctional facilities have access to education courses specialising in Aboriginal history and culture as was recommended by the royal commission report into Aboriginal deaths in custody? That is for the broader prison population but also for Juvenile Justice. Those are the kinds of courses that teach Aboriginal people respect and identity and culture.

**Mr DAVID ELLIOTT:** Absolutely they do. We have programs targeting Aboriginal inmates including the Balund-a residential diversionary program at Tabulam and the Gundi program at St Heliers Correctional Centre, which provides a number of skills. In Kariang we now have programs aimed at primarily young Aboriginal inmates serving short sentences. You would appreciate from your legal background, Mr Shoebridge, that one of the challenges in corrections is that if you only have a short sentence the officers do not have the time to implement the programs.

**Mr DAVID SHOEBRIDGE:** The problem is so many prisoners have short sentence followed by short sentence. They can spend 40 years in jail on two-year short sentences and never get access to the programs.

**Mr DAVID ELLIOTT:** Sure, but you know I do not have control of that. It is the magistrates who have that control.

**Mr DAVID SHOEBRIDGE:** You and your commissioner probably have control to track those kinds of people to give them—

**Mr DAVID ELLIOTT:** We hope that when an Aboriginal young person leaves, he or she does not come back.

**Mr DAVID SHOEBRIDGE:** Hope and experience are two different things.

**Mr DAVID ELLIOTT:** Yes, you are right. But let me finish my answer. Let us not get engaged in a philosophical debate over that. There is a focus on criminogenic programs as well as, importantly, education, fitness and wellbeing. Indigenous inmates are also invited to participate in the general programs that address offending behaviour. The commissioner has rightly highlighted to me there was an increase in participation of 4 per cent. It is baby steps, but there has been an increase in participation.

**Mr DAVID SHOEBRIDGE:** I think the proportion of Aboriginal prisoners in the Long Bay facility is something in the order of 20 to 25 per cent. Is it true that there is not a single Aboriginal teacher employed at Long Bay?

**Mr SEVERIN:** I would have to take that question on notice in relation to Long Bay. An average of 23.7 per cent of our inmates are Aboriginal or Torres Strait Islander.

**Mr DAVID SHOEBRIDGE:** There is a bizarre problem facing New South Wales prisoners who want access to TAFE and education—that is, if they are seeking access to an externally run TAFE course they are not classified as disadvantaged because they do not qualify for a Commonwealth pension because they are in jail and they therefore have to pay full fees to access a TAFE course. What steps are you taking to get rid of that ridiculous position so that prisoners can be properly classified as disadvantaged and gain access to TAFE courses?

**Mr DAVID ELLIOTT:** I might invite the commissioner to talk about the TAFE courses.

**Mr DAVID SHOEBRIDGE:** It is a kind of Kafkaesque problem they are in.

**Mr SEVERIN:** That is clearly outside our area of influence and control. We certainly have been in dialogue with TAFE SA, but they are also subject to Commonwealth policy in relation to who is classified as a disadvantaged person and who is not. In response to changes that have been made to the eligibility for certain supports we are currently identifying alternative service delivery models by skilling up more of our own staff to be able to run vocational programs in particular. Overseers who manage the industries will be skilled up to a greater rate—they are already doing that. As we speak we are also reviewing the way we deliver education and vocational training services to ensure that we get really the best value for money in that regard.

It is certainly a challenge. There has been a change in policy that we are subject to, but it is not something that we can directly influence other than through trying to identify opportunities. There are opportunities particularly in the context of pre-release preparation and long-term unemployed categories. I have personally been in dialogue with the relevant Commonwealth department to see if we can identify some pathways that will be successfully able to transition people better into the workforce when they get out.

**CHAIR:** When the recent floods took place down south the dam at Kiama was in the process of being decommissioned. Is there anything we can learn from that? Was it just bad timing or a freak of nature or should the Government be changing its policy on how it decommissions dams?

**Mr DAVID ELLIOTT:** The storm you are referring to was known as an east coast low. The State Emergency Service [SES] responded to 1,810 jobs, which I put on record because the 900 personnel in the field deserve to be highly commended and thanked. However, the specific question about the dam is not in my portfolio. I will have to take it on notice.

**CHAIR:** Does somebody from the SES have a comment about that?

**Mr DENT:** I cannot say a lot. The Minister is correct that the management of dams is an issue for another portfolio. I suspect it is the Jerrara Dam that is being referred to here.

**CHAIR:** That is correct.

**Mr DENT:** That was in the process of being decommissioned, which does change the way in which an alert can be issued. It gets to a red alert very quickly when it is not actually a real dam.

**CHAIR:** And flood behaviours as well?

**Mr DENT:** Because of the process the flood behaviour was somewhat modified and there were some issues on the day. It is important to understand that a flood from the Jerrara Dam would have only impacted 10 households. But the actual issue of whether that process and policy is right is unfortunately not one for us to answer.

**CHAIR:** I understand that, but the flooding was. You have great experience with flooding, unfortunately, and you guys do a great job. Minister, I understand from statements made by the Government that it will provide something like \$7.5 million to Marine Rescue NSW. Can you provide the Committee with details on what the funds will be used for, what initiatives are in progress and if they will include the replacement of the radio base at Lake Macquarie?

**Mr DAVID ELLIOTT:** I will have to take that on notice. Marine Rescue is not owned by the Government. It is a volunteer non-government organisation. They do a fantastic job. I am in constant contact with Commissioner Stacey Tannos. In fact, I met with him as recently as last week. But I will have to take on notice how the money is going to be spent.

**CHAIR:** Let us see if I can get three strikes in a row. The Federal Government has announced \$2.2 million in funding over three years to enhance bushfire mitigation in New South Wales as part of the Commonwealth's National Bushfire Mitigation Program. Will the Government match that funding amount and, if so, where and how will the money be spent?

**Mr DAVID ELLIOTT:** I will pass to Commissioner Fitzsimmons on that, but I will make some preliminary opening remarks. I am very confident in the level of funding going to our Emergency Services portfolio. It is a record spend. In the three or four months that I have been the Minister, I have certainly seen that

they are good custodians of our money, particularly since the majority of them—and this is unique to Australia—are volunteers. They are great custodians of our money.

The NSW Rural Fire Service budget for the next financial year is \$361 million, which is an increase of 8.6 per cent—that is a \$29 million increase on the previous year's allocation in real terms. Of course the allocation has to go towards hazard reduction. You will have seen in the press this week that, as part of delivering on our election commitments, \$9.8 million has gone to the large air tankers and the appropriately named very large air tankers—those are the technical terms, Mr Chair! They will be used for combating fast-moving and dangerous bushfires. Commissioner Fitzsimmons may want to make some supplementary remarks.

**Mr FITZSIMMONS:** Thank you, Mr Chair, and thank you, Minister. We do work closely with the Commonwealth in matching funding and programs to assist with mitigation. We enjoy still more than \$30 million per annum being distributed across New South Wales to priority hazard reduction programs. They are identified and prioritised at the local level by each of the local bushfire management committees across New South Wales. So there are local risk profiles and local risk assessments, and local treatment options and priorities. Through that process—involving more than 60 local committees, typically based on local government areas or a collection of local government areas—they identify the body of work that needs to be done in the mitigation and hazard reduction program. It can include mechanical works such as trittering, slashing, grading and those sorts of things. It can also include fire trail maintenance and construction activity. It can also include the construction of firebreaks.

It can be prescribed burning and other programs such as community engagement and education to facilitate the provision of those priority works right across the different local areas around the State. We report on that annually. It is captured through the land management agencies and the fire agencies working together at that level. What I mean by that is that local government, private landowners, State government land managers and the Commonwealth; and obviously the fire services assist in a lot of the prescribed burning activities. We have seen increasingly in recent years mitigation moneys also being spent on seeing a demonstrable increase in hazard reduction completion rates through the use of specialist resources that otherwise would not be available to them to assist local committees. That may be not only out-of-area crews, fire trucks and those sorts of things but also aircraft to help look at aerial ignition patterns and control the spread of fires and their intensity.

**CHAIR:** To return to my previous question about the 10/50 regulations. Commissioner, has 10/50 been an effective tool for fire mitigation throughout New South Wales?

**Mr FITZSIMMONS:** The 10/50 provisions were certainly a response to lots of feedback from the community that they felt impeded. It was quite cumbersome to get clear advice and guidance on what they could or could not do, particularly close to homes. The 10/50 provisions provided for a streamlined process that gave those living in the most high-risk areas the ability to remove vegetation and to thin out vegetation within close proximity to their home or other specified assets. As you would be aware, we have had lots of community feedback on the initial rollout of the program.

The Government, through the Rural Fire Service, sought to have the review bought forward, and that was very public. There were more than 3,500 submissions made to that review. We captured the fundamental elements, all those elements, in that review. It resulted in some 30 recommendations being made for adjustments to the scheme to mitigate against instances where people were exploiting the system or misusing the system against its original intent. In particular a lot of environmental controls around sensitive habitats and endangered species were captured in the scheme. We worked very closely with the office of environment and heritage and the department of planning to ensure that we had the right elements factored into the 10/50 review. Codes of practice and things like that have been adjusted to accommodate that. It passed through Parliament only a week ago.

**CHAIR:** We are very aware of that, Commissioner. Would you be of the view that it has struck the right balance now after that review?

**Mr FITZSIMMONS:** Certainly the review has, in my view, sought to address all the feedback that came in. It was a very comprehensive review. We have planned over the coming weeks and months a number of forums, particularly with local government. We will be going around the State and inviting along local governments in particular. They typically manage tree preservation orders and often are responsible for

enforcement of certain provisions. We will be conducting those in quite a number of locations around New South Wales.

**CHAIR:** Minister, could you update the Committee on the regional emergency management plans. Where are they currently up to?

**Mr DAVID ELLIOTT:** Which one in particular?

**CHAIR:** In general, the emergency management plans across New South Wales.

**Mr DAVID ELLIOTT:** I will invite Mr O'Connor to make some comments on that.

**Mr O'CONNOR:** If you have a specific one in mind we can certainly get back to you on it.

**CHAIR:** No, I do not. I am just looking for a comment in general about where they are up to and how they are going.

**Mr O'CONNOR:** The plans are kept routinely under review, and particularly when they have been exercised during an operation. Where they have been activated at regional level there is an after-action review, which looks at how the regional plan actually went. So they are kept under constant review, particularly in light of an activation. Also there is an exercise program, which tends to look at particular issues in a region.

**CHAIR:** Thank you.

**The Hon. DANIEL MOOKHEY:** Minister, to return to one of your previous answers, I think you stated that the number of employees in Corrective Services NSW is 7,200?

**Mr DAVID ELLIOTT:** Yes.

**The Hon. DANIEL MOOKHEY:** Minister, can you explain why the budget papers only forecast 6,330 then?

**Mr DAVID ELLIOTT:** That 7,200 figure I gave you included casuals. So I will take that question on notice. I should warn you that that 7,200 included casuals.

**The Hon. DANIEL MOOKHEY:** I understand. But you are aware that the employee figures listed in the budget papers are for full-time equivalent [FTE] employees?

**Mr DAVID ELLIOTT:** I will take that on notice.

**The Hon. DANIEL MOOKHEY:** Right.

**The Hon. GREG DONNELLY:** I want to return to the issue, just to be really clear on it, of the occurrence of a helicopter or a drone over a correctional facility. The question is: Are correctional officers clear about what procedures to follow in the event of that happening? That is my question.

**Mr DAVID ELLIOTT:** The Hon. Greg Donnelly, you have asked this question already. I just want to remind you that the only time a helicopter has ever afforded an escape from a New South Wales prison was under the previous Labor Government. As a result, reviews were undertaken and heads were moved. I am not going to run a commentary on an operational matter that is going to potentially provide a blueprint for anybody who wants to breach security.

**The Hon. GREG DONNELLY:** Okay, that is fine, so the Minister is not prepared to answer the question. The question was about whether people know the procedures, and the answer is that the Minister is not prepared to answer.

**Mr DAVID ELLIOTT:** It is really irresponsible for the Hon. Greg Donnelly to try to put that sort of question on the public record.

**The Hon. GREG DONNELLY:** It was a question about whether or not corrections officers know—



**CHAIR:** Order!

**Mr DAVID ELLIOTT:** It is really irresponsible of the Hon. Greg Donnelly to try to put that sort of question on the public record.

**The Hon. GREG DONNELLY:** I think the answer is that they probably do not know. I move onto the issue of Rural Fire Service headquarters. I understand that the current lease expires in 2018?

**Mr DAVID ELLIOTT:** Yes.

**The Hon. GREG DONNELLY:** Do we have the actual month of when that expires?

**Mr DAVID ELLIOTT:** I am glad you asked that question, because that lease signed by Tony Kelly was a disgrace—

**The Hon. GREG DONNELLY:** The question, Minister—

**The Hon. SCOTT FARLOW:** Point of order: The Minister is trying to answer the question and is being completely relevant.

**CHAIR:** Order! The Hon. Greg Donnelly has asked the Minister a question. The Minister is entitled to answer it, even if the information he is sharing is a little uncomfortable for the Hon. Greg Donnelly. The Minister should be allowed to answer the question in full.

**Mr DAVID ELLIOTT:** That is a very important question and I am delighted you asked it. Given that it is clearly a management issue, I will ask the commissioner to respond.

**The Hon. GREG DONNELLY:** It was a specific question.

**Mr DAVID ELLIOTT:** If you keep interrupting me I will put everything on notice.

**The Hon. GREG DONNELLY:** Go for your life.

**CHAIR:** Order!

**The Hon. GREG DONNELLY:** You have hardly answered anything this afternoon.

**Mr DAVID ELLIOTT:** When I inherited the portfolio I was very upset that Tony Kelly had put the taxpayers of New South Wales into such a vulnerable position.

**The Hon. GREG DONNELLY:** We are very upset that you are upset, Minister.

**Mr DAVID ELLIOTT:** Given that it is a management issue, I am more than happy to invite the commissioner—

**The Hon. GREG DONNELLY:** If you do not know, we can move on to the next question.

**Mr DAVID ELLIOTT:** No, you have asked the question. I think it is fair and important that Commissioner Fitzsimmons answers the question.

**Mr FITZSIMMONS:** The current lease expires in November 2018.

**The Hon. GREG DONNELLY:** When was the lease last renegotiated?

**Mr FITZSIMMONS:** That would have been in recent years.

**The Hon. GREG DONNELLY:** When was that?

**Mr FITZSIMMONS:** It is the subject of periodic review. I could get you the specific date but it would be in recent years.

**The Hon. GREG DONNELLY:** So you do not know but you can take that on notice?

**Mr FITZSIMMONS:** That is correct. I can get you the specific date.

**The Hon. GREG DONNELLY:** If it be the case that it was in recent years, I understand that the Goodman Group—the owner of the property—was concerned that there was some real doubt about the intentions of the Rural Fire Service and whether or not you wanted to stay in that property when they last spoke to you about this. What do you say to that?

**Mr FITZSIMMONS:** What I would say is that I would be reluctant to believe everything you read in a newspaper report.

**The Hon. GREG DONNELLY:** I did not read that in the newspaper.

**Mr FITZSIMMONS:** That has certainly not been the case with us. We sought to have a much longer term extension of the current lease but the landholder—

**The Hon. GREG DONNELLY:** To when?

**Mr FITZSIMMONS:** We were looking for a 10-year extension, if I recall correctly.

**The Hon. GREG DONNELLY:** That is 10 years to what point?

**Mr FITZSIMMONS:** The 10 years would have been up in 2014, which is probably the indicative date of when we would have renegotiated the extension of the lease. We sought a 10-year extension and there was no movement on that 10-year extension. We are the subject now of I think it was a three- or four-year extension that Goodman would ultimately commit to. To suggest that we were vague on our intentions for longevity is fundamentally wrong.

**The Hon. GREG DONNELLY:** So it was out to 2024, if you got your way so to speak?

**Mr FITZSIMMONS:** At least 2024. I think the original provision was a five plus five year extension with a view to extending thereon. We sought certainly to have a much longer term extension, but the suggestion that we were vague or unclear as to our intention for a longer period is simply not correct.

**The Hon. GREG DONNELLY:** In light of comments made by the Rural Fire Service, the Lidcombe site was always considered a long-term home for you. I will not put a specific date but are we talking roughly at least a couple of decades—a long-term home?

**Mr FITZSIMMONS:** I would agree. It was a multi-million dollar investment. It was purpose-built. It was done with the collaboration of many constituent players and key agencies, and particularly given the infrastructure redundancy available in that proximity.

**The Hon. GREG DONNELLY:** Minister, in light of what the Committee has been told, have you taken steps to make representations to the Goodman Group about an ability to further extend the lease for this purpose-built multimillion dollar building the RFS occupies at Lidcombe?

**The Hon. CATHERINE CUSACK:** Point of order: If the member is representing a commercial interest at a time when there is a commercial negotiation going on over a lease then I ask that he disclose that interest or he should at least reflect on the appropriateness of what he is doing.

**The Hon. GREG DONNELLY:** I am not.

**The Hon. CATHERINE CUSACK:** You are. You are championing—

**The Hon. GREG DONNELLY:** That is not a point of order. I am asking a question.

**CHAIR:** Order! There is no point of order.

**The Hon. CATHERINE CUSACK:** You absolutely are and I suggest if there is a disclosure to be made that you should make it.

**The Hon. GREG DONNELLY:** There are no disclosures to be made.

**CHAIR:** It is at the discretion of an individual to make a disclosure as to any matter before the Committee.

**The Hon. GREG DONNELLY:** Let us be clear. I do not here in any way whatsoever represent any company. I am asking a question of the Minister.

**CHAIR:** Will the Minister indicate if he is going to answer the question or take it on notice?

**Mr DAVID ELLIOTT:** I am going to take it on notice because it is probably not something that I have put much thought into.

**The Hon. GREG DONNELLY:** Minister, I put this to you. We have a lease that is to expire relatively soon. It is a multimillion dollar—

**Mr DAVID ELLIOTT:** A lease signed by Tony Kelly.

**The Hon. GREG DONNELLY:** —purpose-built building at Lidcombe and it is accessible to a number of other agencies working very closely with the RFS. The clock is ticking down. I would have thought that you would have been turning your mind as to whether or not—

**Mr DAVID ELLIOTT:** It is a management issue so I will take it on notice.

**The Hon. GREG DONNELLY:** So you have not as yet made any representations?

**Mr DAVID ELLIOTT:** If I have to repeat my answers three times each time you ask me a question then we are going to be here for a long time.

**The Hon. GREG DONNELLY:** Notwithstanding the fact that we are in a very serious situation here—you have been the Minister now for just over 4½ months?

**Mr DAVID ELLIOTT:** Yes.

**The Hon. GREG DONNELLY:** And you know that this is a very significant matter, yet you have not even contemplated the possibility of speaking to the owners for an extension of the lease.

**Mr DAVID ELLIOTT:** I do not know why—

**The Hon. CATHERINE CUSACK:** That is so inappropriate.

**The Hon. SCOTT FARLOW:** Maybe that is how you did things in your day.

**The Hon. GREG DONNELLY:** Well—

**CHAIR:** Order! The Minister will be allowed to complete his answer. I would suggest that the member should then change his line of questioning because the Minister has made it very clear.

**Mr DAVID ELLIOTT:** I do not know what motivated Tony Kelly to sign that contract. I will take the question on notice.

**The Hon. GREG DONNELLY:** I will now move to a question about planning for the new Rural Fire Service premises. Can you take us to the line item in the budget papers that outlines the money set aside for the new Rural Fire Service headquarters?

**Mr DAVID ELLIOTT:** I will allow the Commissioner to answer that.

**Mr FITZSIMMONS:** There is no line item set aside for head office relocation. As a matter of fact, we are working at the moment with Government Properties. We are doing facilities analysis, location analysis and all the sorts of things that would be expected of government agencies in determining new construction and building locations.

**The Hon. GREG DONNELLY:** Has an approximate budget been calculated for this relocation exercise?

**Mr FITZSIMMONS:** Not specifically but I think it is fair to say that a replacement building of the sort that we are in now would be in the order of \$30 million or \$35 million.

**The Hon. GREG DONNELLY:** Is there an expectation or a plan that has been settled that it is going to be moved outside the Sydney metropolitan area?

**Mr FITZSIMMONS:** Not that I am aware of.

**The Hon. GREG DONNELLY:** Are you saying that it could be in Sydney or moved to regional New South Wales?

**Mr FITZSIMMONS:** The ultimate decision is clearly a decision of government but all the indications are and the location analysis is that it ought to be geographically located as close to where it is now in order to provide the full functionality of a headquarters and state-operational centre for bushfire coordination.

**The Hon. GREG DONNELLY:** Can I put to you that if in fact you are able to stay in the premises where you are currently located, would that be an ideal situation for you?

**Mr FITZSIMMONS:** It would be a sensible solution, yes.

**Mr DAVID ELLIOTT:** Just to your point—

**The Hon. GREG DONNELLY:** It is still my time for questions.

**Mr DAVID ELLIOTT:** To your point about relocating the Rural Fire Service—

**The Hon. GREG DONNELLY:** Minister, moving on—

**Mr DAVID ELLIOTT:** The questions have to come through me and you did not refer the last one through me.

**The Hon. GREG DONNELLY:** The question has been answered. We are now moving on to another question.

**The Hon. SCOTT FARLOW:** The Minister is adding to that answer.

**Mr DAVID ELLIOTT:** Your questions are supposed to come through me.

**The Hon. GREG DONNELLY:** I am moving to another line of questions.

**Mr DAVID ELLIOTT:** Sorry, your questions—

**CHAIR:** Order! We will move on to another line of questions.

**The Hon. DANIEL MOOKHEY:** How much money has the Government spent on legal fees and investigations for bullying and harassment in the Rural Fire Service in the financial years 2013-14 and 2014-15?

**Mr DAVID ELLIOTT:** The Rural Fire Service?

**The Hon. DANIEL MOOKHEY:** Yes. How much money has the Government spent on legal fees and investigations for bullying and harassment in the Rural Fire Service in the financial years 2013-14 and 2014-15?

**Mr DAVID ELLIOTT:** We certainly take any allegations of bullying very seriously but the figure that you are referring to will have to go on notice. I do not want to mislead the Committee by giving an incorrect figure.

**The Hon. ERNEST WONG:** In light of reports that there are more Australian veterans suffering from post-traumatic stress disorder who are lost to suicide upon returning home than those lost in combat, will the Government commit to additional funding resources to assist our Aussie diggers who are suffering from mental health problems upon their return?

**Mr DAVID ELLIOTT:** I am sorry, could you repeat the question?

**The Hon. ERNEST WONG:** There are more Australian veterans suffering from post-traumatic stress. Will the Government commit to additional funding resources to assist our Aussie diggers who are suffering from mental health problems upon their return?

**Mr DAVID ELLIOTT:** You may be aware that the welfare of veterans is in the Federal jurisdiction. When it comes to providing that sort of support for returned servicemen it is not the New South Wales Government that provides that support; that support is provided by the Commonwealth Government.

**The Hon. ERNEST WONG:** Thank you.

**Mr DAVID ELLIOTT:** I have not finished. Even though the matter is not in the State's jurisdiction, Premier Baird, before the last election, released a policy called Securing our Future because he believed that the welfare of returned servicemen should be at the forefront of the mind of every member of Parliament. The Securing our Future policy is dedicated to making sure that as many non-defence jobs are available as possible. That will include public sector jobs. A similar policy has been implemented elsewhere in the world. President Obama's wife, Michelle Obama, has a similar policy. I commend her for that. I also highlight to member that it does not have to occur formally through Government policy. I am delighted to announce that Commissioner Severin was recently given an award by the Defence Reserves Support Council—

**The Hon. ERNEST WONG:** Sorry, Minister—

**Mr DAVID ELLIOTT:** I have not finished.

**The Hon. ERNEST WONG:** That is not my question. My question was about veterans with mental health problems.

**CHAIR:** Order! Allow the Minister to finish.

**Mr DAVID ELLIOTT:** I am better qualified to speak about the welfare of veterans than you are.

**The Hon. GREG DONNELLY:** There is no need to be arrogant, Minister.

**Mr DAVID ELLIOTT:** If the member is going to interrupt me, I will have to remind him of my responsibilities.

**CHAIR:** Order!

**The Hon. ERNEST WONG:** I am not interrupting; I just want an answer.

**CHAIR:** Minister, finish your comment and allow the member to ask another question.

**Mr DAVID ELLIOTT:** Whenever I go to a graduation ceremony for Fire and Rescue or Corrective Services, I see military ribbons. I am sorry if Mr Donnelly thinks the welfare of veterans is a waste of time.

**The Hon. GREG DONNELLY:** You are deliberately wasting the time of the member.

**Mr DAVID ELLIOTT:** I certainly am not.

**The Hon. GREG DONNELLY:** You are, Minister.

**Mr DAVID ELLIOTT:** If you think that the welfare of veterans is a waste of time—

**The Hon. ERNEST WONG:** Point of order—

**CHAIR:** Order!

**Mr DAVID ELLIOTT:** Mr Donnelly, that is a comment that you will have to wear for the rest of your Parliamentary career.

**CHAIR:** Order!

**The Hon. ERNEST WONG:** Point of order: This is my time to ask questions.

**The Hon. GREG DONNELLY:** The Minister is wasting time.

**CHAIR:** Order! This is not the place to become political over such sensitive matters. Mr Wong has taken a point of order. What is the member's point of order?

**The Hon. ERNEST WONG:** My point of order is relevance. I want the Minister to tell me if there is any funding or any programs to help veterans with this disorder.

**CHAIR:** Order! I bring the Minister back to the question.

**Mr DAVID ELLIOTT:** The answer is that it is not in the State's jurisdiction. However, this Government has implemented a policy called Securing our Future that guarantees a certain number of public sector positions to returned servicemen so that those who are concerned about their welfare—

**The Hon. GREG DONNELLY:** The answer is no.

**The Hon. CATHERINE CUSACK:** This is directly relevant.

**The Hon. SCOTT FARLOW:** It is completely relevant.

**Mr DAVID ELLIOTT:** Opposition members clearly do not understand welfare matters.

**The Hon. GREG DONNELLY:** The answer is no.

**The Hon. ERNEST WONG:** So there are no programs to support—

**The Hon. CATHERINE CUSACK:** Employment is directly relevant to mental health.

**The Hon. ERNEST WONG:** Point of order: I should not be interrupted by other members when I am asking questions. Thank you. How much money is the New South Wales Government delivering for support programs that target veterans who are at risk of homelessness or who are presently homeless?

**Mr DAVID ELLIOTT:** Approximately 10 per cent of people sleeping rough in New South Wales are veterans. A range of services, particularly relating to health and financial assistance, has been made available by the Commonwealth Government and non-government organisations to veterans who are homeless or at risk of becoming homeless. As I mentioned in answer to the first question, the services are provided by the Commonwealth Department of Veterans' Affairs. They aim to assist financial wellbeing, self-sufficiency and physical wellbeing, as well as improve the quality of life of veterans. The Department of Veterans' Affairs does not provide long-term housing for veterans, but it does provide short-term crisis accommodation and emergency payments for those who are homeless or at risk of becoming homeless. The New South Wales Government, under Mike Baird, provides housing support to the general population. That includes both long-term and short-term accommodation.

**The Hon. GREG DONNELLY:** The answer is no.

**CHAIR:** Order!

**Mr DAVID ELLIOTT:** Veterans who meet the criteria to access that housing are eligible to apply. That is influenced by various factors, including their health and wellbeing.

**The Hon. GREG DONNELLY:** What a disgrace!

**CHAIR:** Order!

**Mr DAVID ELLIOTT:** Last year RSL LifeCare established a shelter at Narrabeen specifically for veterans. It is available to any ex-servicemen and women who have post-1976 service. As well as being a permanent residence, the RSL LifeCare facility provides accommodation for families and veterans on a short-term basis. Dealing with short-term homelessness is the key. If short-term homelessness is not dealt with, it becomes long-term homelessness. If we cannot provide security to people in the short term, through Housing NSW or in partnership with RSL LifeCare, or through the Commonwealth Department of Veterans' Affairs, which is the jurisdiction with responsibility, then we are not providing the service that we should.

**Mr DAVID SHOEBRIDGE:** Minister, through you, I ask Commissioner Dent what has been the expenditure of the State Emergency Service on legal costs and disbursements in relation to employee disputes in 2013-14 and 2014-15?

**Mr DENT:** I will take that on notice. I do not have detailed figures here. My tenure has been only since January, so I am not familiar with the previous year's figures.

**Mr DAVID SHOEBRIDGE:** I wish you good luck in your job. It is a tumultuous organisation at the moment. When did the service of Deputy Commissioner Pearce cease?

**Mr DENT:** It ceased in early May this year, following the April event.

**Mr DAVID SHOEBRIDGE:** Was there a payout to Deputy Commissioner Pearce?

**Mr DENT:** I cannot answer specifically on the circumstances of the deputy commissioner's departure. The standard provisions under the arrangements for public service senior executives would have been made available to Deputy Commissioner Pearce. That was managed through the independent process.

**Mr DAVID SHOEBRIDGE:** Are you saying that he received only standard termination payments?

**Mr DENT:** Deputy Commissioner Pearce exited the agency under the terms of his contract, which required a SOORT [Statutory and Other Offices Remuneration Tribunal] determination. Whatever the determination of SOORT is, that is what he would have been provided with.

**Mr DAVID SHOEBRIDGE:** Can you provide that figure on notice?

**Mr DENT:** I am not sure that I am able to do that.

**Mr DAVID ELLIOTT:** We will let you know whether it is available or confidential.

**Mr DAVID SHOEBRIDGE:** For how long did Deputy Commissioner Pearce not work but receive payment prior to formally exiting the agency?

**Mr DENT:** Deputy Commissioner Pearce was working in the agency until the day he left. There was a period prior to my tenure when Deputy Commissioner Pearce was not actively in the agency.

**Mr DAVID SHOEBRIDGE:** For how long?

**Mr DENT:** I cannot answer that question. I will take it on notice.

**Mr DAVID SHOEBRIDGE:** I will direct this question to you, Minister. My colleague asked questions earlier about the number of bullying complaints and instances of bullying over the last two full financial years and the financial year to date. The question was asked of the Rural Fire Service. Could I ask the other commissioners here to take that same question on notice as directed to their own agencies?

**Mr DAVID ELLIOTT:** Sure.

**Mr MULLINS:** Which question?

**Mr DAVID ELLIOTT:** Allegations of bullying and the cost of it.

**Mr DAVID SHOEBRIDGE:** The legal costs in relation to bullying, the number of bullying complaints and the number of complaints that have been upheld are the areas I am interested in.

**Mr DAVID ELLIOTT:** All the emergency services agencies will take that on notice.

**Mr DAVID SHOEBRIDGE:** Thank you, Minister. Commissioner Fitzsimmons, I commiserate with you for the lack of assistance you received from the Office of Environment and Heritage in dealing with your 10/50 Vegetation Clearing Code of Practice. You have since engaged in a process to reform the 10/50 code. The code is now meant to exclude parcels of land that are covered by State Environment Protection Policy [SEPP] 26, which applies to littoral rainforest. Is that right?

**Mr FITZSIMMONS:** Yes. There is whole range of provisions for exemption in the code review.

**Mr DAVID SHOEBRIDGE:** But the exclusion of land covered by SEPP 26 is meant as one of the improvements in the code?

**Mr FITZSIMMONS:** That is as I understand it. Deputy Commissioner Rogers is here to talk to the detail, but yes that is one of the SEPPs that was incorporated following the review.

**Mr DAVID SHOEBRIDGE:** One of the most high-profile abuses of the 10/50 code was the destruction of littoral rainforest on a property at Fingal Head, which was covered by SEPP 26. My office performed a search of that property just yesterday and found that it was still in a 10/50 clearing entitlement area and the littoral rainforest, the remnant that is left on that and on adjoining patches, is still open for clearing under code 10/50. Can you explain that? I am happy to give you a copy of the search.

**Mr FITZSIMMONS:** Is the implementation date not adjusted now for the application of the new code review?

**Mr DAVID SHOEBRIDGE:** That is why I am asking you that question. If you are asking Deputy Commissioner Rogers I am happy for him to answer it.

**Mr ROGERS:** Basically, the code needed to be gazetted. The code is being gazetted today, so our target is to make sure that the mapping comes into force at close of business today. That should then address the relevant SEPPs that were not covered by the transitional arrangements.

**Mr DAVID SHOEBRIDGE:** So you are comfortable that if I did a search on Monday it will be excluded?

**Mr ROGERS:** To the best of the mapping that is available.

**Mr DAVID SHOEBRIDGE:** What mapping have you relied upon, because the OEH was being deeply unhelpful in the provision of mapping to your agency before? Have they managed to find some mapping to do their job?

**Mr ROGERS:** Yes, we have mapping from the Department of Planning and OEH. The quality of the mapping in some cases is probably not as fine as we would like it, but obviously we will work with them to try to refine that mapping as we go along.



**Mr DAVID SHOEBRIDGE:** Could you provide on notice details of your issues in relation to the mapping that you are having provided to you from OEH and from Planning?

**Mr ROGERS:** The quality of that mapping?

**Mr DAVID SHOEBRIDGE:** The quality of the mapping.

**MR ROGERS:** Certainly.

**Mr DAVID SHOEBRIDGE:** I assume that is not just SEPP 26; I assume it is also land protected, which is identified as koala habitat. There are similar concerns in relation to the quality of that mapping, I assume. Is that right?

**Mr ROGERS:** There are. I think the Department of Planning is working with local government to try to make sure that—for example, you mentioned the koala habitat—it is pulled together, because at the moment there is definitely a little bit of inconsistent format between local government areas, but they are the custodians—

**Mr DAVID SHOEBRIDGE:** NSW Planning has no idea what land is covered under the SEPP protecting koala habitat, so I hope that they can explain it to you, Deputy Commissioner, because they cannot, for example, explain it to Coffs Harbour Council or any other council.

**Mr ROGERS:** I have seen maps of the councils—I understand that is what is being pulled together—but I will defer to your knowledge.

**Mr DAVID SHOEBRIDGE:** Commissioner, do you know how many trees have been lost as a result of the 10/50 code that was implemented?

**Mr FITZSIMMONS:** No, we have not kept records of the activities of people thinning vegetation or removing trees.

**Mr DAVID SHOEBRIDGE:** Have you done any qualitative analysis of the vegetation clearing that has occurred under 10/50 to see if it was achieving the objects, which was to provide fire safety?

**Mr FITZSIMMONS:** It is not possible to do what you are inferring because the whole idea of the scheme is to allow for people to exercise those provisions on their property. What we are aware of is, and I think I mentioned it while you were absent, through the review we carefully considered and reviewed more than 3,500 submissions, a number of which provide information on what they thought was a misuse of the program, which certainly shaped up some the content of the 30 recommendations.

**Mr DAVID SHOEBRIDGE:** The overwhelming majority of submissions pointed out abuse and misuse and raised concerns with that did they not?

**Mr FITZSIMMONS:** Invariably, when you seek feedback it is those who are concerned with the program rather than those who support it who respond. So there was a range of interests concerning the code and their concerns with the limitations or things that they thought should be included and, indeed, what they thought was a misuse of the code and an unintended application of the code.

**Mr DAVID SHOEBRIDGE:** You say there was a range of submissions, but could you take on notice the number of submissions that supported your code and the number of submissions that were critical of your code? It was in the order of 95 per cent, was it not?

**Mr FITZSIMMONS:** It is published on our website, the code review and the submissions.

**CHAIR:** Minister, in regards to that particular topic I am wondering if your commissioners would have a view whether such measurements of the effectiveness of the code could be tracked through public inquiry, either through windstorms or future fires, whether there would be a decrease in calls to the Rural Fire Service or the SES for help, given windstorms and stuff like that. Would that be a measurable—

**Mr DAVID ELLIOTT:** You would be able to measure the amount of calls for assistance, but every emergency is different.

**CHAIR:** There would be fewer trees in Lane Cove, for instance, or Epping or somewhere around that area.

**Mr DAVID ELLIOTT:** It would be purely speculative I would say.

**Mr DAVID SHOEBRIDGE:** There would be a lot more pissed off residents but fewer trees.

**CHAIR:** I think my point is made. Could I just focus a bit on Veterans Affairs? I note that there is \$600,000 for the veterans employment scheme to employ veterans within the New South Wales public service, and I know you touched on this a bit, but let us be more focused. We are very pleased to also see \$15.7 million to complete the construction of the Education and Interpretive Centre at the Anzac Memorial in Hyde Park. How many veterans will eventually be employed at the centre?

**Mr DAVID ELLIOTT:** I might ask Caroline to answer that. That is not the Securing our Future policy?

**CHAIR:** No.

**Ms MACKNESS:** The Anzac Memorial is a very small facility and we do not intend to draw on the Government's recurrent budget to a great extent into the future. It will be a very modest facility. We currently have a very small staff of approximately nine. A number of those staff are veterans.

**CHAIR:** How many of those staff?

**Ms MACKNESS:** I can let you know that we have not only veterans on staff but also sons of veterans and the wife of an active current serviceman. It has been an active policy of ours to encourage veteran-related employment. Into the future there will be only a very small increase in staffing at the centre and it will need to be a blend of skills obviously because we are dealing with students and educational programs, but, again, we will actively recruit and encourage veteran employment.

**CHAIR:** I guess my point there was in the priority, as you said, Minister, of non-defence jobs for people returning from service. The New South Wales Government also will provide 31 grants this year to restore 20 World War I memorials. Can you indicate what happens in this process to achieve those 31 grants, who will be doing the restoration and when the process will start? I am wondering if you would just take one point: How do, say, the local RSL or sub-branches get access to that money to fix those memorials?

**Mr DAVID ELLIOTT:** Thank you for your interest in this. The Community War Memorials Fund is there, as you quite rightly identify, to protect and conserve war memorials. There are two grant rounds every year and they, quite deliberately, close on Anzac Day and Remembrance Day. For the 2014-15 financial year, the administration of the application process will be renewed to improve streamlining. It was promoted to the public more widely through RSL clubs as well as local members of Parliament. Seventy-one grant applications were received in the last round, which concluded on Anzac Day this year—double the number received in previous rounds. I am obviously thrilled about that, but I suspect that that reflects the Centenary of Anzac and people have it a lot more front of mind.

I know from my travels around regional New South Wales people wanted to make sure that their memorials were schmick, were back to as close as possible to their original glory for what became a very, very popular commemoration. The last financial year saw a total of \$247,000—nearly a quarter of a million dollars—allocated to 45 recipients over 52 programs. The next rounds will be opened in the next couple of weeks—so you will be hearing me spruiking those—and they will be providing for any conservation works, as per the previous protection profession conservation assessments, and a range of different types of war memorials have already received funding for statues, memorial gates, honour rolls and memorial halls.

Most recently I saw a memorial at Glen Innes, which was a magnificent regeneration of that memorial. It includes sandstone; \$10,000 went to Goulburn and the Taree RSL Sub-branch applied for grants and received \$5,000 for the Taree Memorial clock. I have mentioned the Tumbulgum Community Association. So it is not just for the RSL Clubs. Any established incorporated community group can apply for grants because, in some

parts of New South Wales the sub-branches no longer have veterans in them and so the ownership of the sub-branches and the memorials have been taken over by auxiliary members. I am excited about the next round because since I have been the Minister and because I am a veteran I have been going around spruiking it and making sure that when I see memorials that are in need of a little love, I let them know that the applications will be open very soon. A full list of previous grants is published in the Premier's annual report.

**CHAIR:** Can you update the Committee on the highlights and progress of the Centenary of Anzac for this year, how it is going and what is planned to the end of the year?

**Mr DAVID ELLIOTT:** I will need another two hours for that.

**CHAIR:** Perhaps you can just pick out the headlines, a couple of snapshots.

**Mr DAVID ELLIOTT:** Those grants that I mentioned have been absolutely fantastic. The Premier's marquee project, of course, will be the Hyde Park War Memorial, which is jointly funded by the Commonwealth and New South Wales governments—about \$19 million each. The Centenary of Anzac has included a number of trips and scholarships, both publicly funded and sponsored by the private sector. I pay tribute to Clubs NSW for the wonderful work it has done in sponsoring young people to go to see battlefields. We just sent 100 young people—you may have met them—to Gallipoli. They were chosen from a variety of private and public schools from around the country.

We have already had a heated discussion about Securing our Future. It is a unique program for veterans in New South Wales. It is a program that was initiated thanks to the Centenary of Anzac and because of the high level of tempo in our military at the moment and the number of people who are coming back from overseas operations. It is something that the community must have front of mind. If we provide anything of significance to our veterans in 2015, it is going to be a future for them. Memorials are wonderful—Fire and Rescue NSW has their memorial as do the Rural Fire Service [RFS] and Corrective Services. The State Emergency Service [SES] has a great relationship with the Australian Defence Force. But, at the end of the day, until we provide meaningful employment for our veterans, the memorials will mean nothing.

**CHAIR:** I conclude by thanking you, Minister, and your officers for coming along this afternoon. The Committee extends its thanks to you and your organisations for the way in which you keep the community of New South Wales safe and secure. It is important to our quality of life. Whatever role we can play, if we can assist you in making a difference in your communities, we would be happy to hear from you. That concludes the hearing. You have 21 days to return answers to the questions on notice. The Secretary is available to assist you, if required.

**(The witnesses withdrew)**

**The Committee proceeded to deliberate.**

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