

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

**Friday, 2 September 2016**

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

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

**The Committee met at 14:00**

### **CORRECTED PROOF**

#### **MEMBERS**

The Hon. P. Green (Chair)

The Hon. L. Amato

The Hon. C. Cusack

The Hon. S. Farlow

Mr D. Shoebridge

The Hon. E. Wong

The Hon. L. Voltz

#### **PRESENT**

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

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

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

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



**The CHAIR:** Welcome to the public hearing of the inquiry into Budget Estimates 2016-17 in the portfolios of Corrections, Emergency Services and Veterans Affairs. I acknowledge the Gadigal people who are the traditional custodians of this land. I also pay my respects to the elders past and present of the Eora nation and extend that respect to other Aboriginals present. I welcome Minister Elliott and the accompanying officials to this hearing. Today the Committee will examine the proposed expenditure for the portfolios of Corrections, Emergency Services and Veterans Affairs.

Today's hearing is open to the public and is being broadcast live via the Parliament's website. The transcript of today's hearing will be placed on the Committee's website when it becomes available. In accordance with the 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 filming or photography. I also remind media representatives that they must take full 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 their evidence at the hearing, so 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 decided to take action for defamation. The guidelines for the broadcast of proceedings are available from the Committee secretariat. There may be some questions on notice that a witness could only answer if they had more time or with certain documents to hand. In these circumstances, witnesses are advised that they may take questions 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 Committee secretariat. Minister Elliott, I remind you and the officers accompanying you that you are free to pass notes and to refer directly to your advisers seated at the table behind you. Please switch mobile phones to silent. All witnesses from the department, 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.

**WAYNE EVANS**, Acting Chief Financial Officer, Department of Justice, sworn and examined

**MELANIE HAWYES**, Executive Director, Juvenile Justice, Department of Justice, affirmed and examined

**PETER SEVERIN**, Commissioner, Corrective Services NSW, sworn and examined:

**ANDREW CAPPIE-WOOD**, Secretary, Department of Justice, sworn and examined:

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

**GREG NEWTON**, Acting Commissioner, NSW State Emergency Service, sworn and examined:

**SHANE FITZSIMMONS**, Commissioner, NSW Rural Fire Service, sworn and examined:

**ROB ROGERS**, Deputy Commissioner, NSW Rural Fire Service, sworn and examined:

**FEARGUS O'CONNOR**, Acting Deputy Secretary, Liquor Gaming and Emergency Management, Department of Justice, affirmed and examined:

**CAROLINE MACKANESS**, Director, Office of Veterans Affairs, sworn and examined:

**The CHAIR:** I declare the proposed expenditure for the portfolios of Corrections, Emergency Services, and Veterans Affairs open for examination. The questioning on the portfolios of Corrections, Emergency Services, and Veterans Affairs will run from 2.00 p.m. to 4.00 p.m. Government members have waived their right to ask questions. As there is no provision for a Minister to make an opening statement before the Committee commences questioning, we will begin with questions from the Opposition.

**The Hon. LYNDIA VOLTZ:** Minister, you would be aware of the alarming incidents that have been reported in the juvenile detention centres in the Northern Territory and Queensland?

**Mr DAVID ELLIOTT:** Yes.

**The Hon. LYNDIA VOLTZ:** And you would be aware that the Federal Government has initiated a royal commission into detention in the Northern Territory?

**Mr DAVID ELLIOTT:** Yes.

**The Hon. LYNDIA VOLTZ:** Have you ordered any action as a result of these revelations in the other States?

**Mr DAVID ELLIOTT:** Thank you for your question. I want to make sure it is clear to this Committee that Juvenile Justice in New South Wales does not use restraint chairs, does not use spit hoods and does not use chemical agents. We are subject to scrutiny and oversight by a number of external agencies and they are engaged with community groups who also work with children and young people in all our centres. Each Juvenile Justice centre in New South Wales has dedicated teachers, a clinic, psychologists, chaplains and health workers and each centre has an Official Visitor who attends the centre on a regular basis. They may speak privately to any child who is in Juvenile Justice and, of course, any child can report to me directly any concerns or complaints that they may wish to have brought to my attention.

In New South Wales we have an independent Inspector of Custodial Services tasked with reviewing both adult and juvenile facilities and reporting the findings to us as parliamentarians. Inspector Fiona Rafter, who was appointed this year, is already reviewing the use of force within New South Wales Juvenile Justice facilities. That review was already underway before the reports that you are referring to went to air. The review is obviously unrelated to anything that happened in another jurisdiction.

The New South Wales Ombudsman can also receive complaints from young people in custody and, as the Ombudsman does, conduct its own motion investigations in the Juvenile Justice centres. Young people can make an unlimited number of calls to the Ombudsman and these are not monitored. The Ombudsman will independently visit and speak to any detainee. I am delighted that at the moment we are running an efficient operation under our new Executive Director, Ms Melanie Hawyes. The National Children's Commissioner, Megan Mitchell, has also visited to complement all the work we are doing in Juvenile Justice centres in the past 12 months and again visited the Frank Baxter Juvenile Justice Centre in August. I invite the Executive Director, Ms Melanie Hawyes, to make any remarks that she might see fit.

**The Hon. LYNDIA VOLTZ:** I will ask some questions. You state that you are undertaking a review of the use of force. What date did that begin?

**Ms HAWYES:** The Independent Custodial Inspector is undertaking that review. I will have to take on notice the day it began but it is due to complete in October.

**The Hon. LYNDA VOLTZ:** Why was that review ordered?

**Ms HAWYES:** It is part of routine practice. The Custodial Inspector is entitled to initiate any reviews at any time. We worked with her in the selection of that and it was well before the Northern Territory footage aired.

**The Hon. LYNDA VOLTZ:** Was it as a result of any incidents?

**Ms HAWYES:** No, it began in May 2016. It was, as I say, part of routine practice to reflect on our practices regularly.

**The Hon. LYNDA VOLTZ:** You are saying that you have confidence that there will be no issues within juvenile detention, following the revelations that have come up in the Northern Territory and Queensland?

**Ms HAWYES:** I do not think anyone can ever say that. I will reiterate the formal oversights that are built into our legislation and practice. As the Minister laid out, we are subject to scrutiny from the Ombudsman, Official Visitors, and the Custodial Inspector and, in practice, the centres are open and busy places. There are teachers, health professionals, Aboriginal elders and members of the community coming and going on any given day.

**The Hon. LYNDA VOLTZ:** But these other juvenile detention facilities in other States would have had overlays on them as well, would they not?

**Ms HAWYES:** I cannot speak to their practices.

**Mr DAVID SHOEBRIDGE:** One of them had the commissioner in it while the chemicals were supplied.

**The Hon. LYNDA VOLTZ:** Minister, you said that young people in juvenile detention centres can report directly to you. How would they report directly to you?

**Mr DAVID ELLIOTT:** They can call me or they can write to me. In New South Wales we have, as the Executive Director just said, a very open and transparent process. We have the Inspector of Custodial Services and we have chaplains going through there. As the Executive Director just said, they are busy places. I have visited them on a number of occasions and have met with individual detainees, so I am very confident that the way we are running the operation of juvenile justice in New South Wales is good. I am very happy with it, and I think it is important to note that, at the moment, we only have 239 detainees in Juvenile Justice centres in New South Wales, which is a lower figure than we had last year.

**The Hon. LYNDA VOLTZ:** Someone in a juvenile detention facility can pick up the phone and be put through to your office and you will answer their call?

**Mr DAVID ELLIOTT:** If they want to, they certainly can—or to the Ombudsman. I think it is important to note that I regularly remind young people when I visit Juvenile Justice centres that if they have any problems they should call me.

**The Hon. LYNDA VOLTZ:** How many former soldiers are currently in New South Wales prisons?

**Mr DAVID ELLIOTT:** I have to take that on notice, but I will make the point that given the incident that occurred this year we have a process to enable inmates who have previously served in the Australian Defence Force [ADF] to register their service when they enter custody. As part of the screening process, the assessment process, inmates coming into custody for the first time will be asked whether they previously served in the Australian Defence Force. If they have, and if there are any concerns for their safety, then—as for anybody else who may have a security concern when they enter a corrections centre—they will be managed in accordance with existing processes.

It is a statement of fact, and it is quite right, that a disclosure of any previous service in the military by any inmates is entirely voluntary. It is important that any claims of ADF service will be verified, because we cannot have a situation where people are going into a jail claiming that they are a veteran without that being verified. The primary purpose of the disclosure, of course—

**The Hon. LYNDA VOLTZ:** You are talking about veterans. I am asking you about Defence personnel. I am asking you how many former Defence personnel are currently—

**Mr DAVID ELLIOTT:** I have said to you that I will take that on notice. We do not collate that at the moment.

**The Hon. LYNDIA VOLTZ:** Yes, but you are talking about people representing themselves as veterans. I am talking about Defence personnel. There is a difference between Defence personnel and veterans, is there not?

**Mr DAVID ELLIOTT:** A big difference, and that is why I said I would take your question on notice. But I am giving you an explanation about how we are dealing with veterans coming into Corrections establishments.

**The Hon. LYNDIA VOLTZ:** Minister, do you stand by your comments on *A Current Affair* on Monday, 15 August, that "the jails are full of radical terrorists and that is where they should be"?

**Mr DAVID ELLIOTT:** Radical terrorists are in jail, and I do not know where else we would want them to be.

**The Hon. LYNDIA VOLTZ:** "The jails are full of radical terrorists"?

**Mr DAVID ELLIOTT:** That point was made in the context of us finding out where radical terrorists should be.

**The Hon. LYNDIA VOLTZ:** Minister, do you agree with the comments of Miranda Devine, when she wrote:

The fact O'Keefe was a minimum security prisoner, in remand over a domestic dispute, just makes the failure more acute. If overcrowding is the problem, follow the lead of former Premier Bob Carr and build new jails.

**Mr DAVID ELLIOTT:** Thank you for asking that question, because we are building new jails. We recently announced a policy called Better Prisons. Better Prisons is all about providing new jails. It is about creating a situation in New South Wales where we do not have pressures with custody. We have an allocated \$6.2 billion budget over the next four years. That is a record budget. That includes \$2.2 billion in capital which, over four years, will fund our prison bed capacity.

I do not like the fact that we have had to increase the capacity in our jails. I do not think any politician in New South Wales does. But we do have an obligation to make sure the community is safe and secure. I want to put on the record my gratitude to Corrective Services for the work they have done in making sure we address that point the you have just made, Ms Voltz. Our program is going to include an additional 1,000 beds in Cessnock, 650 beds in Parklea and a 1,700-bed correctional centre in Grafton to replace the old jail, which is not state-of-the-art. We need state-of-the-art facilities for the twenty-first century. We have to move beyond those Victorian era jails if we are serious about rehabilitation.

**The Hon. LYNDIA VOLTZ:** Minister, since 2011, how many prisons has the Coalition Government closed?

**Mr DAVID ELLIOTT:** I will invite the Commissioner to answer that because it predates my tenure as Minister.

**Mr SEVERIN:** Three correctional centres were closed, being Berrima, Kirkconnell and Parramatta, and there was a downscaling of capacity at the Grafton Correctional Centre in August 2012.

**The Hon. LYNDIA VOLTZ:** How did shutting down those prisons and the reductions impact on the rest of the corrections system?

**Mr DAVID ELLIOTT:** If you are asking me, I would say the decision was made according to the then current environment.

**The Hon. LYNDIA VOLTZ:** You can answer, or I am happy for the Commissioner to answer. How did shutting down those four prisons impact on the rest of the corrections system?

**Mr DAVID ELLIOTT:** I invite the Commissioner to answer that because, as I said, it predates my tenure as Minister.

**Mr SEVERIN:** At the time there had obviously been a significant decline in prisoner numbers. In that context it was a decision—taken before my time also—that did not impact on the system at all.

**The Hon. LYNDIA VOLTZ:** Was there not a spike in prison numbers in 2014?

**Mr SEVERIN:** We started experiencing growth, which was certainly unprecedented, in later months. That then resulted in the reopening of, initially, the Kirkconnell Correctional Centre and, soon after, the Berrima

Correctional Centre, as well as a detention centre in Wollongong. We also brought the Grafton Correctional Centre back to full operational capacity—in fact with a small expansion of that capacity.

**The Hon. LYNDA VOLTZ:** What was the cost of reopening those three facilities?

**Mr SEVERIN:** The actual cost of reopening I would have to take on notice. Overall, obviously, the cost of reopening them would have been lower than the cost of continuously operating them during that period of time. But I will get the exact figures for the recommissioning for you.

**The Hon. LYNDA VOLTZ:** Minister, given that the NSW Bureau of Crime Statistics and Research [BOCSAR] predicted that New South Wales would have 12,191 prisoners by March 2017, can you tell me what the current figure is?

**Mr DAVID ELLIOTT:** There are 12,679 prisoners.

**The Hon. LYNDA VOLTZ:** It is already exceeding what BOCSAR was putting forward for 2017, is that right?

**Mr DAVID ELLIOTT:** I might invite the Secretary to answer that.

**Mr CAPPIE-WOOD:** BOCSAR's most recent short-run predictions point to 13,500 at the end of the first quarter of 2017.

**The Hon. LYNDA VOLTZ:** Minister, BOCSAR is also predicting that, within 20 years, based on the trends observed since 1982, there will be an additional 5,409 prisoners in New South Wales. How is the first four years of inaction under your Coalition Government going to impact on the overcrowding that these predictions suggest?

**Mr DAVID ELLIOTT:** I will just highlight that, as per my earlier remarks, we are working towards providing immediate and ongoing relief to the bed pressure. I am not going to sugar-coat it; we have bed pressure here in New South Wales. It is in order to meet the demand for prison beds in the future that we are investing that \$3.8 billion in the Prison Bed Capacity program. I cannot see any way around that.

To address the forecasts from BOCSAR, since the beginning of this year new beds have been added in the Metropolitan Special Program Centre, in Long Bay Hospital, in the Long Bay complex, in the Metropolitan Remand and Reception Centre, at Cessnock, at Dillwynia Women's Correctional Centre, at Silverwater Women's Correctional Centre, at Glen Innes and at Kariong. Then we have additional beds in the form of modular cells and conversions of one-out cells and two-out cells, accommodating both maximum and minimum security and male and female inmates. In addition to all of that, this month Berrima Correctional Centre will be recommissioned. There are inmate crews working on that as we speak, and they will be followed by other inmates this month. The former Wollongong Community Offenders Centre at Unanderra will be repurposed and hopefully opened in January next year.

It is important to note that, to complement the fact that we are bringing in 1,000 new beds at Cessnock, increasing the capacity at Junee and expanding Parklea, I am also focused on the issue of reoffending. That is why I announced this week a \$237 million funding package to address reoffending. I know full well that, with 48 per cent of the prison population returning to jail within two years, we have to do something about reoffending. Clearly, if people are reoffending after they have been incarcerated they have not learned their lesson. The \$237 million that the Government has invested and the programs that we have announced this week will go a long way to addressing that. It will include an extra 345 psychologists and community workers. There will be high-intensity programs and rehabilitation programs. There are people doing sentences of less than six months in jail. Because their sentences are short they cannot participate in rehabilitation programs. That has to be addressed.

**Mr DAVID SHOEBRIDGE:** Stop the short sentences.

**Mr DAVID ELLIOTT:** The other focus is domestic violence.

**The Hon. LYNDA VOLTZ:** Commissioner, given the spend that the Minister announced for the next four years will not accommodate the projections for 2017, what will be impacts of overcrowding?

**Mr SEVERIN:** Are you asking about demand vis-a-vis the numbers?

**The Hon. LYNDA VOLTZ:** Yes.

**Mr SEVERIN:** We are very carefully looking at the capacity that we can bring online very quickly. While that will be a short-term solution, it will be followed by the completion of construction of permanent beds. Not only have we looked at continuous double-up but we have also looked at an innovative way of



realising new infrastructure fast, which is by using rapid build prisons. It is a unique concept that has been thoroughly tested. I am delighted that we will be able to bring on good capacity and we will have better outcomes in a much shorter time frame. In the interim we are very carefully assessing the opportunities that we currently have—and there are some left—to create very short-term solutions. We have not changed any of our policies to push inappropriately into minimum security environments inmates who are not suitable to go there. We are maintaining the integrity of our operations. Nevertheless, the current pressures, as the Minister outlined, are quite serious. The day-to-day proposition is very strongly supported by good medium- and long-term planning.

**The Hon. LYNDA VOLTZ:** Minister, what are the most common drugs seized from inmates in New South Wales correctional centres?

**Mr DAVID ELLIOTT:** I highlight the fact that the Security Operations Group conducted in the last financial year 59,704 intelligence-based searches in correctional centres. That is impressive when you consider the size of the prison population. In the past financial year the finds included green vegetable matter, 43; powder, 21; and crystal methamphetamine, 19. I will invite the commissioner—

**The Hon. LYNDA VOLTZ:** Would you clarify that? My question was: What are the most common drugs seized? What is green vegetable matter?

**The Hon. CATHERINE CUSACK:** Marijuana.

**Mr DAVID SHOEBRIDGE:** A large cache of broccoli.

**The Hon. LYNDA VOLTZ:** What is powder?

**Mr DAVID ELLIOTT:** Tablets.

**The Hon. LYNDA VOLTZ:** Talcum powder.

**Mr DAVID SHOEBRIDGE:** Brussels sprouts.

**The Hon. LYNDA VOLTZ:** Minister, would you clarify what you mean by green vegetable matter and powder? Are they the most common drugs seized?

**Mr DAVID ELLIOTT:** I will invite the commissioner to answer that.

**Mr SEVERIN:** Green vegetable matter is synonymous with cannabis. However, in the absence of laboratory tests, which are done as part of the forensic analysis, we are required not to jump to conclusions in order to not jeopardise prosecution. That is why we, as well as every other jurisdiction in Australia, refer to it as green vegetable matter. Powder could be methamphetamine as well as heroin.

**The Hon. LYNDA VOLTZ:** The Minister mentioned methamphetamine and powder as two separate items.

**Mr SEVERIN:** Yes, crystal meth.

**The Hon. LYNDA VOLTZ:** Crystal meth is a separate item?

**Mr SEVERIN:** Yes. They are the three most commonly found drugs. That has been consistent for a number of years. Previously, before the emergence of crystal meth, cannabis would have been the most common drug that we found.

**The Hon. LYNDA VOLTZ:** You have recorded the figures for 2014-15, so you would have tested those figures. Do we know what were the most common drugs seized in 2014?

**Mr SEVERIN:** The same three drugs.

**The Hon. LYNDA VOLTZ:** Rather than calling it "green vegetable matter", would you have tested to find out what you had seized?

**The Hon. CATHERINE CUSACK:** That is done at the court stage; the final stage.

**Mr SEVERIN:** Yes. That is really a matter for prosecution. We always refer—

**The Hon. LYNDA VOLTZ:** So you seize something, assume that it is a drug and do not test to find out what it is?

**Mr SEVERIN:** We are very confident in every case that relates to cannabis.

**The Hon. LYNDA VOLTZ:** Powder is the other one.

**Mr SEVERIN:** There are very clear chains of evidence that have to be preserved in order for the police to refer prosecutions and achieve successful convictions. Therefore, in our statistics you will always find cannabis referred to as "green vegetable matter" because it is not our responsibility to do the analysis that is required to prosecute these cases.

**The CHAIR:** We will go to questions from the crossbench.

**Mr DAVID SHOEBRIDGE:** Commissioner or Minister: What proportion of the prison population do you understand to currently take illegal drugs?

**Mr DAVID ELLIOTT:** I invite the commissioner to answer that.

**Mr SEVERIN:** I would have to take that on notice. There are no tests undertaken across the whole of the prison population. We undertake targeted drug testing. We undertake program-related drug testing. People in a drug and alcohol therapeutic intervention program are subject to regular drug tests. People who participate in leave programs prior to release and/or who are in a work release program are subject to program-related drug tests. If there is any suspicion that inmates may have contact with drugs there is a targeted drug testing program.

**Mr DAVID SHOEBRIDGE:** My question was specific: What proportion of prisoners do you understand currently take illegal drugs? The answer is that, sitting there now, you do not know but you will go and have a look and see if you can find out.

**Mr SEVERIN:** I can certainly take that on notice.

**Mr DAVID SHOEBRIDGE:** Would you also take on notice what proportion of prisoners have consumed illegal drugs historically, over the past five years?

**Mr SEVERIN:** I will take that on notice and see whether any data is available.

**Mr DAVID SHOEBRIDGE:** Has there been any observable, measurable effectiveness from the 52,000 intelligence-based—

**Mr DAVID ELLIOTT:** It is 59,000.

**Mr DAVID SHOEBRIDGE:** —from the 59,000 intelligence-based operations relating to drugs that the Minister announced earlier?

**Mr DAVID ELLIOTT:** There have been significant reductions in the finds, in all the categories, from 2014-15 to 2015-16.

**Mr DAVID SHOEBRIDGE:** I am asking whether there is a reduction in drug use in New South Wales prisons.

**Mr DAVID ELLIOTT:** There has been a reduction in the number of finds of illicit drugs.

**Mr DAVID SHOEBRIDGE:** Commissioner, are you in any way tracking this? Do you have any yardsticks to measure against to see whether this enormous effort is having any measurable impact on the number of prisoners in New South Wales who are consuming illegal drugs; or do you keep repeating the same actions and hoping that something magical will change in the future?

**Mr DAVID ELLIOTT:** I just said that there has been a significant reduction in the number of drug finds from the 2014-15 financial year to the 2015-16 financial year.

**Mr DAVID SHOEBRIDGE:** Do you have any evidence at all? Is there a study or are there reports—

**Mr DAVID ELLIOTT:** I will table this document.

**Mr DAVID SHOEBRIDGE:** Let me finish the question, Minister. I am happy for you to table that. Do you have any reports, any evidence, any suggestion of an authoritative nature that the reduction in finds correlates to a reduction in drug use amongst the New South Wales prison population?

**The Hon. CATHERINE CUSACK:** How would you analyse that?

**Mr DAVID ELLIOTT:** We can safely say that when there has been a significant reduction in finds then there would be a reduction in consumption. In the past financial year there were 17,538 offenders in custody who participated in at least one therapeutic program addressing their criminal needs. We are happy to table this document.

**Mr DAVID SHOEBRIDGE:** I am happy for you to take it on notice. The commissioner has offered to do that.

**Mr DAVID ELLIOTT:** You need to be aware that there has been a 53 per cent increase in drug and alcohol treatment programs in jails.

**Mr SEVERIN:** I can make a further comment. The drug strategy that is very consistent with established good practice basically has three particular focus areas: one is deterrent to deter people from getting drugs into prisons; the second is detection, which obviously relates to searches and other matters; and the third is treatment, and that is what the Minister just alluded to. It is the combination of those three strands that actually make things measurable. So we measure the effectiveness of our programs. We measure the effectiveness of our searches by looking at the contraband we find and by looking at the intelligence and analysing that very carefully.

**Mr DAVID SHOEBRIDGE:** So it is the amount you find rather than any measurable analysis of the amount of drugs in prison or the number of prisoners who are consuming drugs? It is simply how much you find and you hope that that has some correlation.

**Mr SEVERIN:** No, it is not quite like that. A further initiative that will be implemented as part of a process of introducing key performance indicators in our prisons will be a randomised drug testing program, which will apply to public and private prisons alike. That will focus on a randomly selected, through ABS stat system, group that will be tested regularly and that will give us further indication as to the consumption of drugs in custody.

**Mr DAVID SHOEBRIDGE:** Minister, I appreciate your evidence earlier that you do not use restraint chairs, spit hoods or chemical agents in juvenile detention facilities in New South Wales. Is solitary confinement used in any juvenile detention facility?

**Mr DAVID ELLIOTT:** It is important for you to know that we are committed to providing a safe environment for New South Wales. There is no provision or practice of isolation of young people in custody. Confinement is a punishment determined in response to any misbehaviour. I invite my executive director to talk about section 21 of the Act, which essentially provides for a range of punishments following detainee misbehaviours which includes cautions, restriction of activities—

**Mr DAVID SHOEBRIDGE:** I understand there is a gradation, but I want to know specifically about solitary confinement. Is solitary confinement used in New South Wales juvenile detention facilities?

**Ms HAWYES:** There is no practice of solitary confinement or isolation. At all times a young person has access to key workers, health professionals, the Ombudsman if they wish and visitors.

**Mr DAVID SHOEBRIDGE:** Do they spend time in prison cells by themselves without other inmates?

**Ms HAWYES:** Yes.

**Mr DAVID SHOEBRIDGE:** Is that part of an escalation of a punishment regime that they will be isolated by themselves?

**Ms HAWYES:** The confinement may be used as a punishment in response to a misbehaviour, yes.

**Mr DAVID SHOEBRIDGE:** So there are juveniles in the juvenile detention system in New South Wales who are contained in solitary confinement?

**Ms HAWYES:** Not solitary. At all times they have access to other people.

**Mr DAVID SHOEBRIDGE:** They are in a prison cell by themselves, they are on their own, they are solitary. Is that correct?

**The Hon. CATHERINE CUSACK:** Have you ever been to a centre?

**Mr DAVID SHOEBRIDGE:** You do not get to ask the questions today, Catherine.

**The Hon. LYNDA VOLTZ:** Point of order: I appreciate that the Hon. Catherine Cusack would like to answer the question herself but it is inappropriate for her to constantly interject and talk over the Minister when he is giving a response.

**The CHAIR:** Yes, interjections are disorderly at all times.

**Mr DAVID SHOEBRIDGE:** Ms Hawyes, are juveniles in New South Wales juvenile detention facilities kept in cells by themselves to the exclusion of other juveniles as a form of punishment?

**Ms HAWYES:** They all have separate rooms. The measures we have for dealing with behaviour range from cautions, restrictions, withdrawal of privileges and, as a last resort, restriction from a place of confinement, which in practice tends to be their room.

**Mr DAVID SHOEBRIDGE:** So there are juveniles in New South Wales juvenile detention facilities who have a prolonged period of being confined in their room by themselves as a form of punishment. That happens.

**Ms HAWYES:** Confinement is highly regulated. There are limits to the length of confinement and anything exceeding 24 hours must be approved by an executive and there is a flag that goes to the Ombudsman automatically of that.

**Mr DAVID ELLIOTT:** Mr David Shoebridge, your definition of "confinement" would suggest that every prison cell is confinement. We have a situation in New South Wales when young people will go to confinement for their own safety but as the Executive Director has said—

**Mr DAVID SHOEBRIDGE:** My questions were specifically about punishment, and the answers have been about punishment.

**Mr DAVID ELLIOTT:** As the executive director has said, they are still exposed and have access to people. But your definition of "confinement" does not make sense because all prison cells are confined.

**Mr DAVID SHOEBRIDGE:** Minister, I am talking about children being locked in a room, with nobody else in the room, we now know for up to 24 hours, without external authorisation. Is that correct?

**Ms HAWYES:** With executive authorisation and an automatic notification to the Ombudsman.

**Mr DAVID SHOEBRIDGE:** Who authorises the solitary confinement for up to 24 hours? Children can be locked in their cells for up to 24 hours. Who authorises that?

**Mr DAVID ELLIOTT:** Seventy-two per cent of the confinements are less than six hours so that should set the scene for your concerns about confinement.

**Mr DAVID SHOEBRIDGE:** So 28 per cent are greater than six hours. Who authorises the locking up of children by themselves in their cell for up to 24 hours?

**Ms HAWYES:** Executive level endorsement.

**Mr DAVID SHOEBRIDGE:** Who is that? Who is the executive level endorsement?

**Ms HAWYES:** In practice, in centres it will be regional directors and centre managers.

**The CHAIR:** What protections are offered to officers if you are not using spit masks?

**Mr DAVID ELLIOTT:** I invite the executive director to comment.

**Ms HAWYES:** In New South Wales if there is a situation where a young person is spitting at an officer they wear protective glasses and a mask—much as you might see people wearing masks to prevent infection. That kind of personal protective equipment is what we use in the centres.

**The CHAIR:** Like what a doctor might wear in accident and emergency departments of hospitals?

**Ms HAWYES:** Yes.

**The CHAIR:** Will you provide the Committee with a snapshot of how radicalisation works in New South Wales correctional centres. Is it increasing? How do you evaluate if it is happening? What are you doing to deal with it if it is increasing?

**Mr DAVID ELLIOTT:** It is certainly a matter that I am delighted to hear the Committee express an interest in. At the moment we have 29 inmates in custody who have been charged or convicted with terrorism-related offences. They are considered a specific risk to national safety. A small number of inmates have not been charged or convicted but they are known or are suspected to be harbouring radicalised views. Importantly, any inmate that is identified as radicalising others is separated from the mainstream population. We do have a number of programs to deal with radical prisoners. A Proactive Integrated Support Model [PRISM] is being run in prisons to assist inmates disengage with violent extremism. Of course, anybody who is considered a risk to national security is identified. The prison program will include psychologists, an Imam and program officers. I might invite the commissioner to make any other remarks about what we are doing in that space at the moment.

**Mr SEVERIN:** The prison program is a federally funded initiative which involves New South Wales and Victoria—the two jurisdictions where we have the highest number of persons in custody who have been charged and convicted of offences relating to terrorism. We have an ongoing and quite intensive approach to review what is good practice in dealing with radicalisation. Radicalisation itself is not a criminogenic issue, so there is no therapy that you can actually apply to de-radicalise a person. So we need to very carefully look at what other people are doing. We are looking internationally. We are looking at our own experts in Australia. We have recently hosted a roundtable with pre-eminent experts in this space and we continue to refine our approach.

Fundamentally, it is about early identification of radicalised behaviour by our staff. There is a training program that more than 2,000 of our officers have already enrolled in and the great majority have completed. It is a program that generically allows those that have done the program to identify signs of radicalised behaviour and then bring that to the attention of authorities, which will then lead to a more careful assessment. Those inmates who have been identified as being radicalised or for whom we consider that there are good opportunities for a de-radicalisation PRISM program are very carefully assessed using a tool called the Radar tool, which again is one that has been internationally developed and refined for the Australian circumstances. Then there is a quite concerted effort through those specialists that the Minister mentioned to positively engage with those inmates to change their attitudes. It is really about attitudes in particular.

This is a very new phenomenon in our custodial services and we will continue to look at what works best. I am not saying for one minute that we have got it all sorted out. A lot of it hangs together with the fact that we are not just simply dealing with an isolated form of radicalisation. There are a lot of gang affiliations that contribute to it. There is a lot of just simply criminal gang activities that also come into play. It is quite a complex issue. Most importantly what we are doing—and intensively so—is working very closely with other areas of the criminal justice system and the intelligence community to ensure that we do not miss anything. Obviously, our knowledge is quite limited and confined in most cases to Corrective Services.

**Mr DAVID ELLIOTT:** Can I conclude the commissioner's answer by setting the scene for radicalisation in New South Wales prisons for radical—

**The CHAIR:** If you can also take this into consideration in your answer: What, if any, follow-up is done for prisoners who have been exposed to those personalities?

**Mr DAVID ELLIOTT:** In New South Wales, as I mentioned, we have 29 prisoners under that designation. A like-for-like comparison is New Zealand, which has the same population as New South Wales and, from what I understand, has one. As the commissioner said, this is an emerging problem for prisons in New South Wales. I call the corrections officers who work in Supermax the last line of defence. They have to be just that little bit more than the rank and file corrections officer because of the very unique circumstances that they are working under. As I mentioned in my opening remarks to the previous question, when a radical prisoner whose interpretation of his religion is not what we consider acceptable is seen to be spreading his message he is isolated.

If your question is what do we do with the other prisoners who he has been exposed to, I will defer to the commissioner about that. It is very difficult for a corrections officer to identify who has been listening to what messages, but we do have so many programs that are available, not just the PRISM program. That is the whole reason why we have chaplains there and why we have official visitors there. That is the whole reason why we have those programs that hopefully will identify people who have some sort of anxiety because of any messaging that they may have received from a radicalised prisoner.

**The CHAIR:** How many more resources or how much more manpower does it take to look after those 29 terrorism prisoners? Is there a multiplier effect or is it just handled in your staffing procedures?

**Mr DAVID ELLIOTT:** Put simply, if they are identified and they are charged accordingly for terrorism-related offences they go into Supermax. The commissioner might want to expand on that but, as you are probably aware, that is essentially a jail within a jail. They are not all terrorists in there. Some of them have been placed into Supermax for other reasons, but for the 29 that are there—

**The CHAIR:** They do not need more staffing than usual?

**Mr DAVID ELLIOTT:** Supermax is a jail within a jail but the commissioner might want to expand on that.

**The CHAIR:** I just want a quick answer on that if possible so I can move on.

**Mr SEVERIN:** Twenty-five of the 29 that we are talking about are in Supermax at this point in time. Of the other four, two of them are in other parts of the system and two of them are female and at the Sydney Women's Correctional Centre.

**The CHAIR:** I need to move on. Quite simply, do you have to provide staff for them any differently?

**Mr SEVERIN:** We do have the capacity at the Supermax facility. Yes, the staff is there. What we need to do and are doing through the funding that I spoke about is create some specialist capacity that can be operating system wide.

**Mr DAVID ELLIOTT:** To answer your question, prisons are multifaceted institutions. Of course it is less expensive to manage an individual in minimum security than it is in medium, maximum and Supermax. If you are looking for a specific figure, the Commonwealth grant for the PRISM program is \$600,000 but that is not a concern of ours because that comes from the Commonwealth. In addition to that Treasury has given us another \$295,000 to respond to the threat of radicalisation in our system.

**The CHAIR:** Why the significant growth since 2012?

**Mr DAVID ELLIOTT:** Again, that is operational. Before I defer to the commissioner I would like to say that is because we have got a very good police force in New South Wales. I compliment them every day on the work that they are doing in this space. This is not something that the olds and bolds who join the police force—

**The CHAIR:** Is there any particular group or certain charges that are growing? Are there more domestic violence or non-paid fine offenders?

**Mr DAVID ELLIOTT:** Going to Supermax?

**The CHAIR:** No, just generally. The general population of prison is growing significantly. Is there any identification of what those categories are?

**Mr DAVID ELLIOTT:** That is a Bureau of Crimes Statistics and Research [BOCSAR] figure that you are looking for.

**Mr CAPPIE-WOOD:** Generally speaking the sentenced prisoner population as opposed to the remand population is showing a fairly steady relationship to the crime statistics in terms of nature and number of crimes. There is a slight tick up and down occasionally in terms of fraud. For domestic violence, given the focus on remedial action and also targeting perpetrators, we are seeing a slight tick up—

**Mr DAVID SHOEBRIDGE:** But rates of crime are going down.

**Mr CAPPIE-WOOD:** Generically the rates of crime are going down, yes.

**Mr DAVID SHOEBRIDGE:** The prison population cannot be related to rates of crime, or is it the proportion of crimes?

**Mr CAPPIE-WOOD:** It is in relationship to the overall reportage of crime as opposed to the rate of crime, whereas the crude term the clear-up of crime rate is increasing with the effectiveness of the police. As a result of that we are seeing some changes in the sentenced prisoner make up, but that is a gradual change over time and it reflects the nature of police activities. We are seeing additional numbers coming into prison who have drug-related sentences attached to them as a result of the increased activity of the police.

**The Hon. LYNDA VOLTZ:** Does Corrective Services NSW utilise drug detection swabs at reception prior to visitors entering the prisoners?

**Mr SEVERIN:** Yes, we do .

**The Hon. LYNDA VOLTZ:** Do they routinely swab prisoners?

**Mr SEVERIN:** Yes.

**The Hon. LYNDA VOLTZ:** Has the use or detection of crystal methamphetamine in New South Wales prisons increased over the past 12 months?

**Mr SEVERIN:** As I answered before, the detection has actually decreased over the last 12 months for crystal meth. That is clearly also a result of the increased detection efforts that have been made.

**The Hon. LYNDA VOLTZ:** What about the use based on your swabs? You swab, so has the use increased?

**Mr SEVERIN:** As to the rate of our drug testing I would actually have to take that statistic on notice. As I mentioned, we have targeted and program related drug testing. We will have a randomised program in the future. I am happy to take that on notice.

**Mr DAVID ELLIOTT:** It is important in answering that question to repeat what I said before that 59,000 intelligence-based searches is pretty good. In the last financial year 36 inmates were charged by police as a result of contraband. We are introducing body scanners and a whole lot of intelligence-based operations. As I said before, the strategies that we have not only include those searches that I mentioned but also include daily searches of staff and there are monthly centre-wide searches. I think it is important when you are asking those questions to note that I will be tabling the figure of inmate contraband fines. The comparisons from 2014-15 to the last financial year—

**The Hon. LYNDA VOLTZ:** Will that include how many litres of illegal home brew has been seized?

**Mr DAVID ELLIOTT:** Yes, it certainly will.

**The Hon. LYNDA VOLTZ:** Can you confirm whether or not there is a sufficient supply of trained drug detection dogs in the correctional system?

**Mr DAVID ELLIOTT:** We have got a fantastic canine system up at Windsor, if that is what you are asking.

**The Hon. LYNDA VOLTZ:** How many trained drug detection dogs are currently available?

**Mr DAVID ELLIOTT:** I would have to take that on notice. But I would invite you to go and visit the canine section at Windsor jail; it is a very impressive set-up and those dogs do a fantastic job.

**The Hon. LYNDA VOLTZ:** I do not need to. You are here and I can ask you questions. How much tobacco has been seized from inmates within correctional centres over the past 12 months?

**Mr DAVID ELLIOTT:** For the 2015-16 financial year—which is the only financial year that we have data for that because smoke-free only came in 12 months ago—it was 767 grams of tobacco. That is essentially in the first 12 months of the ban.

**The Hon. LYNDA VOLTZ:** Does that include tea-bacco or is tea-bacco separate?

**Mr DAVID ELLIOTT:** No, tea-bacco is something quite separate. The only figure that we have got at the moment is for the six months from September 2015 where there were 69 tea-bacco incidents.

**The Hon. LYNDA VOLTZ:** Have any chemical munitions been utilised in any New South Wales correctional centre in the past 12 months?

**Mr DAVID ELLIOTT:** As in the use of forced chemical munitions by officers?

**The Hon. LYNDA VOLTZ:** Yes.

**Mr SEVERIN:** Yes, it is an operational question.

**The Hon. LYNDA VOLTZ:** They have?

**Mr SEVERIN:** Yes, they have been utilised.

**The Hon. LYNDA VOLTZ:** Do we know how many?

**Mr SEVERIN:** We obviously keep statistics on that but it is a very effective way of avoiding significant injury and also effectively dealing with unrest.

**The Hon. LYNDA VOLTZ:** I do not disagree, but if you could provide that on notice. Have any guns been fired?

**Mr SEVERIN:** Guns have been fired in two prisons where we have towers still operational, but only as warning shots to alert staff to an area where there was a problem and also to obviously warn the prisoners that they need to disengage in whatever activity they were engaged in.

**The Hon. LYNDA VOLTZ:** What locations were they?

**Mr SEVERIN:** Long Bay and Goulburn.

**The Hon. LYNDA VOLTZ:** I assume you do not have the dates off the top of your head but could you provide those on notice?

**Mr SEVERIN:** Yes.

**Mr DAVID SHOEBRIDGE:** And also for the use of the chemicals.

**Mr SEVERIN:** Yes.

**The Hon. LYNDA VOLTZ:** Does the fact that inmates have been accessing social media and the internet pose a security risk to the community?

**Mr SEVERIN:** Any communication that is not controlled is a concern to us. With the advent of more sophisticated technology and increasingly more sophisticated hardware to drive that technology, we are continuously looking to improve the way we detect that if it makes its way into a prison.

**Mr DAVID ELLIOTT:** Can I continue with that? In New South Wales the use of mobile phones in jails is not only unacceptable but it needs to be addressed. That is why we have introduced the telephone jamming equipment, which has trialled in Lithgow very successfully since 2013. But we have to continue to go to the Commonwealth through the Australian Communications and Media Authority to get permission to use those jamming devices. We are also looking at the trial of mobile telephone jamming equipment at Goulburn very soon.

**The Hon. LYNDA VOLTZ:** Could you explain how the maximum security inmate Wesam Hamzy got access to a mobile phone?

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

**Mr SEVERIN:** Is it Bassam Hamzy that you talk about?

**The Hon. LYNDA VOLTZ:** Wesam Hamzy, that is right.

**Mr SEVERIN:** That was in 2008, I think it was widely reported—

**The Hon. LYNDA VOLTZ:** It was reported in 2015.

**Mr SEVERIN:** Sorry, if it is Bassam Hamzy he has not been—

**The Hon. LYNDA VOLTZ:** No, W-e-s-a-m Hamzy.

**Mr SEVERIN:** Wesam Hamzy?

**The Hon. LYNDA VOLTZ:** Yes.

**Mr SEVERIN:** I am not aware as to how that inmate got access to a mobile phone but obviously it would have been through illicit means and obviously staff found that phone in 2015.

**Mr DAVID ELLIOTT:** It is important to note that the number of mobile phones that have been found in jails in New South Wales has gone down from 114 in the 2014-15 financial year to only 81 in the last financial year, and the number of SIM cards and chargers have also gone down. Chargers have gone down by 50 per cent, from 121 chargers in the 2014-15 financial year and only 60 found in the last financial year. As far as I am concerned, that figure is still too high and that is why we are rolling out this new and improved technology.

**The Hon. ERNEST WONG:** How many mobile phone scanners have been procured and utilised in prisons in New South Wales since August 2015?

**Mr DAVID ELLIOTT:** How many scanners have been found?

**The Hon. LYNDA VOLTZ:** No, have been procured.

**Mr DAVID ELLIOTT:** The Commissioner advises me that there have been 21.

**The Hon. ERNEST WONG:** How many mobile phone signal jammers have been installed or utilised in any New South Wales prisons in the past year?

**Mr DAVID ELLIOTT:** Sorry, the second part of your question?

**The Hon. ERNEST WONG:** How many mobile phone signal jammers have been installed or utilised in any New South Wales prisons in the past year?

**Mr DAVID ELLIOTT:** That is 21.

**The Hon. ERNEST WONG:** No.

**Mr DAVID ELLIOTT:** Sorry, the jamming is in Lithgow and we are waiting to roll out the one in Goulburn.

**The Hon. ERNEST WONG:** So only one centre has got it?

**Mr DAVID ELLIOTT:** Yes. You have to appreciate that the Commonwealth Government media authority has to give us permission to use those jammers.



**The Hon. ERNEST WONG:** How many full body scanners has the Government purchased since August 2015?

**Mr DAVID ELLIOTT:** How many full body scanners?

**The Hon. ERNEST WONG:** Yes, full body scanners.

**Mr SEVERIN:** We do not use full body, we have metal detection.

**The Hon. LYNDA VOLTZ:** You do not have any full body scanners?

**Mr SEVERIN:** We do not use full body scanners.

**Mr DAVID SHOEBRIDGE:** Did the Minister not say full body scanning was used.

**Mr SEVERIN:** Mobile phone scanning.

**The Hon. ERNEST WONG:** I would like to ask a few questions in regards to the Emergency Services.

**Mr DAVID ELLIOTT:** Sure.

**The Hon. LYNDA VOLTZ:** Do not do that yet. I just want to ask—

**The CHAIR:** Order! Members can go to any other portfolio.

**The Hon. LYNDA VOLTZ:** But I would rather stay with this one. Minister, are you aware of the United States Federal Government's recent decision to no longer use private-for-profit prisons to house inmates?

**Mr DAVID ELLIOTT:** Yes.

**The Hon. LYNDA VOLTZ:** What actions have you taken since this announcement regarding the comparisons between our own private- and government-run correctional centres?

**Mr DAVID ELLIOTT:** Sorry, what actions?

**The Hon. LYNDA VOLTZ:** Have you taken since this announcement regarding the comparisons between our own private- and government-run correctional services?

**Mr DAVID ELLIOTT:** I do not look to the United States as running the best correctional establishments in the world. They still have the death penalty.

**Mr DAVID SHOEBRIDGE:** And they have a lot of private prisons and they are terrible.

**The Hon. LYNDA VOLTZ:** Which is probably why there has been a recent report on it.

**Mr DAVID ELLIOTT:** From what I understand from the media announcement—and since it is not in my jurisdiction I cannot be held accountable for the decisions of Barack Obama—Barack Obama is reducing the amount of private prisons just in the Federal jurisdiction.

**The Hon. LYNDA VOLTZ:** That is right because the report showed—have you read the report?

**Mr DAVID ELLIOTT:** Barack Obama's report?

**The Hon. LYNDA VOLTZ:** Yes.

**Mr DAVID ELLIOTT:** No. I do not read American—

**Mr DAVID SHOEBRIDGE:** The report of the Federal inspector of prisons in the United States?

**Mr DAVID ELLIOTT:** No.

**Mr DAVID SHOEBRIDGE:** One of the most important reports on private prisons at a time when you are rolling out private prisons.

**Mr DAVID ELLIOTT:** As I said, I do not look to the United States as a benchmark for running prisons in New South Wales.

**The Hon. LYNDA VOLTZ:** But you did—

**Mr DAVID ELLIOTT:** Please let me finish. We are introducing benchmarking in New South Wales as part of the Better Prisons program. What we want to do is to benchmark the performance of public prisoners as well as to make sure that everybody is getting value for money when it comes to taxpayers. Remember, of

course, that it was the Labor Party that privatised Parklea prison, so I did not know there was some philosophical problem with it for you.

**The Hon. LYNDIA VOLTZ:** Do you believe that the current private prisons in New South Wales can deliver better services for less money?

**Mr DAVID ELLIOTT:** That is what benchmarking is about—for us to make sure that the public prisons are providing it. But, unlike when the Labor Party privatised Parklea, with the market testing I am doing in Windsor at John Maroney, I am allowing the public sector and the private sector to show me how best they can run a prison.

**The Hon. LYNDIA VOLTZ:** Then why has the acting general manager of Cessnock Correctional Centre just issued a notice to reception room staff to thoroughly search all property received from Parklea Correctional Centre to identify and remove mobile phones and other contraband prior to being issued.

**Mr DAVID ELLIOTT:** Could you table that? I have not seen that.

**The Hon. LYNDIA VOLTZ:** I do not have to table it. I am asking you why he has issued it.

**Mr DAVID ELLIOTT:** I am not familiar with the operations of Cessnock jail today, so if you table it I can take it on notice.

**The Hon. LYNDIA VOLTZ:** Your acting general manager at Cessnock Correctional Centre has issued a notice to the reception room staff to thoroughly search all property received from Parklea.

**Mr DAVID ELLIOTT:** I will invite the Commissioner to answer that question, but unless you table it I am not going to speculate on gossip.

**Mr SEVERIN:** While I am not aware of that particular instruction, in all likelihood it would follow intelligence holdings that would have come to notice recently indicating that there maybe some contraband trying to be introduced through inmates coming from Parklea. I think it is a very vigilant way of instructing staff to watch out in addition to their normal search routine.

**The Hon. LYNDIA VOLTZ:** So, basically, they are saying they have no faith in a privately run Parklea Correctional Centre's ability to search for contraband?

**Mr SEVERIN:** Not at all—far from it. There are very, very strict monitoring regimes in place for both Parklea and Junee correctional centres and the role and function of Parklea now is a remand centre because it is slightly different to what it used to be, and that has all been adjusted in the context of the increased monitoring. So we have seven days a week onsite monitors in both of those facilities and we have a quite rigorous performance regime, which, of course, in the future is going to be further improved, most recently with the tender documents that have been issued for Grafton.

**Mr DAVID ELLIOTT:** I think it is important to conclude on that point that private prisons in New South Wales—and I cannot speak for what has happened in the United States—operate under the exact same legislative obligations that a public prison has to provide. They still have to be subject to the inspector's custodial services, they still have chaplains, they still have official visitors, they still have all of those same legislative and, indeed, moral obligations that a public prison has. But unless you table that document I am not going to really be able to give you an accurate answer.

**Mr DAVID SHOEBRIDGE:** A for-profit corporation does not have the same moral provision as the State Government, you know that, Minister. You are just making it up.

**The Hon. LYNDIA VOLTZ:** Anyhow, let us go to my questions. Minister, do you agree that qualified teachers with bachelors degrees, masters degrees and diplomas are best suited to deliver educational programs to inmates in prisons?

**Mr DAVID ELLIOTT:** Not necessarily. I think you need to appreciate that the reforms that we are introducing in New South Wales prisons are based on the fact that we need to double the amount of people doing literacy and numeracy programs. The savings that we are introducing with these education reforms in New South Wales are cost neutral to Corrections; they are focused on changing a delivery model. You do not need to have a bachelor's degree to teach literacy to a prisoner.

This is the only time that this model is being used in Australia. The model that we are looking to, the reforms that we are implementing, are being used in all of the other jurisdictions, including the Labor jurisdictions across Australia. What we want to do is make sure that we attack that reoffending issue that I was speaking about earlier. We have 48 per cent of people returning to jail within two years. As far as I am

concerned, that means that we are not rehabilitating them. Why are we not rehabilitating them? Because they are not coming out better people.

**Mr DAVID SHOEBRIDGE:** Solution: Sack the teachers. That is what you are saying.

**Mr DAVID ELLIOTT:** No, in fact, we are doing exactly the opposite. We are doubling the amount of prisoners that are going to be exposed to literacy and numeracy programs.

**The Hon. LYNDA VOLTZ:** But not by having teachers teaching them. Do you at least accept that teachers have special teaching skills?

**Mr DAVID ELLIOTT:** You would be aware that around Australia, registered training organisations provide trade training to plumbers, electricians, builders and to a whole range of professions—even the union movement owns an RTO. So again I say to you that you do not need to have a bachelor's degree to teach prisoners. This is about the prisoners; this is not about the teachers. I need to double the amount of prisoners that are doing literacy programs. I cannot have a situation like we have in Cooma where they are learning music but they are not learning literacy and English skills. That just does not make sense. That is not what a moral government does.

**The Hon. ERNEST WONG:** Minister, you have replaced 152 highly trained and highly skilled Corrections teachers with 20 clerks. What qualifications or experience will be necessary for those 20 clerks? You are replacing teachers with clerks.

**Mr DAVID ELLIOTT:** I will defer to the commissioner for that, but before I do that can I just highlight the fact that the RTOs will be providing qualified instructors. This is not something that is new. Labor States around Australia have implemented this reform. This is about making sure prisoners are taught how to read and write.

**Mr DAVID SHOEBRIDGE:** And the best people to do that are teachers, not clerks. Do you not understand that? We do not have our children taught by clerks because we know teachers are the best to teach.

**The Hon. LYNDA VOLTZ:** We will go back to my questions. Given that social disadvantage, family breakdowns, abuse and lack of educational opportunities when an individual is young can lead them towards a life of crime, do you agree that providing inmates with quality education while incarcerated will provide them with the best opportunity to rehabilitate and ultimately reduce recidivism?

**Mr DAVID ELLIOTT:** Again, I will pass to the commissioner on that. But teaching people to read and write is a fundamental obligation of the prison system. The commissioner might want to add to that.

**Mr DAVID SHOEBRIDGE:** It is done by teachers.

**Mr SEVERIN:** If I can just refer to the model. What we are doing is we are moving from our in-house-provided model to an outsourced model—very consistent with many other States like Queensland and Victoria—and that allows for a consistent and system-wide provision of curricular-based learnings and teachings. We are going to link adult education—we are talking about adult education; we are not talking about children, we are not talking about secondary age, we are talking about adult education—so nobody will teach inmates who is not qualified to do so, nobody will teach inmates who is not engaged through a quite clearly defined contract and quite clearly defined performance outcome regime in our 32 publicly managed correctional centres.

We are not replacing teachers with clerks. The clerks will be—and they are not actually clerks; they can be professionals, they can be people from other areas—there as coordinators. They will be assessing the literacy, numeracy and other education needs of offenders—something that is not always happening at the moment. They will then organise the provision of the learnings through the engaged service provider, who will obviously send their educators into our prisons.

**The Hon. LYNDA VOLTZ:** So, essentially, they will still be teachers?

**Mr SEVERIN:** Our teachers that we have do a very, very good job. They are very committed and they are certainly not the ones that we are blaming for having done anything wrong. It is the model that is wrong. It is the in-house provision of what is going to be a very broad spectrum of education, that you simply cannot have the skills provided in every facility that is required to do that. At no time have we been critical about the quality of our teachers. At no time have we been critical about what their dedication and commitment has been. I sincerely hope that a lot of those teachers will decide to stay with us. We will have 45 assessment and planning officers, we will continue to have four correctional educators and 16 teachers across our intensive learning centres and there will be 24 education coordinators.

**The Hon. LYNDA VOLTZ:** What is the increase in funding for this program?

**Mr DAVID ELLIOTT:** It is budget neutral.

**The Hon. LYNDA VOLTZ:** How do you have more people giving broader services and it is budget neutral?

**Mr DAVID ELLIOTT:** Thank you for asking that.

**Mr DAVID SHOEBRIDGE:** Privatising—dumb it down, that is how. Privatised it, contract it out and dumb it down.

**Mr DAVID ELLIOTT:** Thank you for that question, and if I can be given the opportunity to answer. At the moment, Corrections teachers are taking something like 11 weeks leave a year. We need to provide—like the union does with the RTOs—instructors that are going to be able to provide more face-to-face hours. At the moment, 62 per cent of teaching hours are being used in New South Wales prisons. That is unacceptable as far as we are concerned. This policy is budget neutral, this policy is about the prisoners—

**The Hon. LYNDA VOLTZ:** So you are critical of the current teachers?

**Mr DAVID ELLIOTT:** I did not say I was critical of the current teachers; I just said it was the most efficient way possible.

**The Hon. LYNDA VOLTZ:** Yes, you are. You are saying they are taking 11 weeks leave and they are only doing 62 hours of teaching.

**Mr DAVID ELLIOTT:** That is a statement of fact; that is not criticism.

**The CHAIR:** We will pass to the crossbench. Mr Shoebridge?

**Mr DAVID SHOEBRIDGE:** Ms Hawyes, you said that children can be locked on their own in their cell for up to 24 hours with authorisation from either the manager of the facility or a regional director. Is that right?

**Ms HAWYES:** In certain circumstances, yes.

**Mr DAVID SHOEBRIDGE:** So if they are to be locked in their cell by themselves for longer than 24 hours, what is the authorisation required for that?

**Ms HAWYES:** I think some context is important in terms of the rooms that they are in. They have TV, intercom access, showers and toilets, and air-conditioning units.

**Mr DAVID SHOEBRIDGE:** Can you tell me who authorises locking children in cells by themselves for longer than 24 hours?

**Ms HAWYES:** The regional director would authorise it, and any segregation of a young person in custody that goes for over 24 hours, as I have said, would automatically be notified to the Ombudsman.

**Mr DAVID SHOEBRIDGE:** On how many occasions in the last two years has a child been locked in their cell for 24 hours?

**Ms HAWYES:** I will need to take that on notice so you get accurate—

**Mr DAVID SHOEBRIDGE:** What is the longest period in the last two years that a child has been locked by him or herself in their cell as a form of punishment?

**Mr DAVID ELLIOTT:** I might answer that for you because, I think, to address your question, the advice I have is that there were 13 instances of confinement for a period of greater than 24 hours. But I think you need to appreciate that 50 per cent of the young people that were put in confinement it was for under two hours. If you are basing your questions on what you have seen on television, please do not liken this jurisdiction with the Northern Territory. I think what we are doing here is a lot more effective.

**Mr DAVID SHOEBRIDGE:** I am not equating this to Don Dale, I am trying to find out what is going on in New South Wales. Thank you for that detail. That is in the last 12 months, is it?

**Mr DAVID ELLIOTT:** That was in the financial year past.

**Mr DAVID SHOEBRIDGE:** There were 13 occasions when children were locked in their cells—

**Mr DAVID ELLIOTT:** Confinement for a period greater than 24 hours.

**Mr DAVID SHOEBRIDGE:** What was the longest period that a child was confined for?

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

**Mr DAVID SHOEBRIDGE:** Minister, are you aware of the Mandela rules?

**Mr DAVID ELLIOTT:** I am not familiar with that. I will ask the executive director if she is familiar with them?

**Ms HAWYES:** I am not.

**Mr DAVID SHOEBRIDGE:** You are not aware of the most recent international iteration on the basic fundamental rights of prisoners, the United Nations [UN] Mandela rules? And you are running our juvenile detention facilities. Is that right, Ms Hawyes?

**Mr DAVID ELLIOTT:** Ms Hawyes has just arrived to run that organisation.

**Ms HAWYES:** I have just arrived.

**Mr DAVID SHOEBRIDGE:** You are the Minister. You were not aware of the Mandela rules either?

**Mr DAVID ELLIOTT:** No, I have not received a briefing from the United Nations on the Mandela rules. I will take it on notice.

**Mr DAVID SHOEBRIDGE:** Are you aware that the Mandela rules expressly prohibit the use of solitary confinement against children?

**Mr DAVID ELLIOTT:** We are talking about confinement here.

**Mr DAVID SHOEBRIDGE:** Confining children, by themselves, in a cell for punishment.

**Mr DAVID ELLIOTT:** I will just finish my last answer—I have not been briefed by the United Nations on the Mandela programs or rules, so I will take it on notice. But I am confident that, in the New South Wales juvenile justice system—with all of the oversight we have and the fact that we have a reduced number of juvenile justice detainees in New South Wales, year on year, with the fact that we have probably one of the most professional workforces in Australia when it comes to Juvenile Justice, the fact that we have an inspector general who is doing a number of reports before the allegations—

**Mr DAVID SHOEBRIDGE:** Minister, you are locking children in cells by themselves for longer than 24 hours as a form of punishment and you do not even understand that it is against basic UN convention.

**Mr DAVID ELLIOTT:** As I said, I have not been briefed by the UN so I will have to take that on notice.

**Mr DAVID SHOEBRIDGE:** What proportion of the children who have been locked in cells by themselves as a form of punishment are Aboriginal children in this State?

**Mr DAVID ELLIOTT:** I will have to take that on notice but, so far as Aboriginal and Torres Strait Islanders in custody at the moment, as I said to you last year, Mr Shoebridge, I find any young person in a juvenile detention centre unpalatable. If I had my way we would not have anybody in a juvenile justice centre. At the moment we have, unfortunately, 158 Aboriginal or Torres Strait Islanders in juvenile justice centres.

**Mr DAVID SHOEBRIDGE:** That is out of—

**Ms HAWYES:** Two hundred and thirty-nine.

**Mr DAVID ELLIOTT:** That 239 figure is as of today. My figure of 158 is the last financial year, which is on 292, so it is coming down.

**Mr DAVID SHOEBRIDGE:** So more than 50 per cent of the children in New South Wales juvenile detention are Aboriginal?

**Mr DAVID ELLIOTT:** Yes, 54 per cent.

**Mr DAVID SHOEBRIDGE:** Do you accept that that is an appalling result, given that Aboriginal children make up only about 3 per cent of the child population of New South Wales?

**Mr DAVID ELLIOTT:** As I said to you last year when you asked me this, as someone who spent a significant amount of time in my childhood in the Bimbadeen Aboriginal Training College, yes I find that unacceptable.

**Mr DAVID SHOEBRIDGE:** Minister, I accept that the number of children in jail has gone down, but the proportion of those who are Aboriginal has gone up since we spoke last year.

**Mr DAVID ELLIOTT:** It has gone up by 2 per cent. We have a number of programs that we are implementing to address that. One of the great successes, of course, has been Youth on Track. That is a system where we are providing intervention to 10- to 17-year-olds.

**Mr DAVID SHOEBRIDGE:** With respect, my question was not about Youth on Track; it is about the number of Aboriginal children.

**Mr DAVID ELLIOTT:** Yes, that is a raw figure but I think you also should be aware that this is not something that I am accepting. You asked me whether I find it acceptable and I said I do not find it acceptable. That is why we are investing in Youth on Track. That is why we are opening programs in Blacktown, in the mid-North Coast and in the Hunter Valley to unite and engage young people and their families in casework. And 42 per cent of the young people who are doing the Youth on Track program are Indigenous. If you are going to ask me for an editorial opinion as to whether I find something acceptable, the answer is no and that is why we are doing something about it.

**Mr DAVID SHOEBRIDGE:** Minister, do you understand that as we are meeting here, prison teachers have taken your department to the Industrial Relations Commission because of your most recent change management documents?

**Mr DAVID ELLIOTT:** I will have to take that on notice. The Industrial Relations Commission had not advised me.

**Mr DAVID SHOEBRIDGE:** That is the advice I have: that there is a three o'clock hearing in the Industrial Relations Commission by reason of the outrage that prison teachers had at the most recent presentation about change management.

**Mr DAVID ELLIOTT:** The union is allowed to take any matter to the Industrial Relations Commission.

**Mr DAVID SHOEBRIDGE:** But it appears that you are not even aware of it. Maybe the commissioner is.

**Mr SEVERIN:** That is not consistent with my information at all. There was a change management planned meeting scheduled for Wednesday. The union advised by email that they could not make it. The person to whom the email was directed did not read it for about half an hour because she had another commitment. It was during work time and the union decided to lodge this as a dispute. The matter was resolved by 4.30 p.m. that day. The union still insisted on registering a dispute.

**Mr DAVID SHOEBRIDGE:** There is no hearing this afternoon at 3.00 p.m.?

**Mr SEVERIN:** There is a hearing because the union insisted on going through with the hearing. The meeting has been rescheduled for next Wednesday.

**Mr DAVID SHOEBRIDGE:** Commissioner, do you not agree that if budgets were not the problem that the best professional to provide teaching is a teacher?

**Mr SEVERIN:** I do not agree with that for adult education in the context of what we are doing in Corrective Services. I particularly do not agree with that in the context of the nexus between general education and vocational training, which is highly relevant, and all the evidence that exists around the world confirms that in the context of providing protective mechanisms for inmates to desist from offending.

**Mr DAVID SHOEBRIDGE:** What will be the length of contract for the private providers that you will be getting—the clerks—to come in and train in prisons?

**Mr DAVID ELLIOTT:** You have completely misunderstood the policy. The clerks are not providing the training.

**Mr DAVID SHOEBRIDGE:** We will call them "trainers"—the trainers that are going to be provided by the private, often for-profit, corporations that are coming in to our prisons and replacing our public teachers. What will be the length of contract that the private providers will be signed on to?

**Mr SEVERIN:** They are obviously not necessarily private providers; it could be a government provider as well—a TAFE college.

**Mr DAVID SHOEBRIDGE:** We will call them "external"—to make it neutral.

**Mr SEVERIN:** It is not privatisation.

**Mr DAVID SHOEBRIDGE:** Not necessarily but almost, certainly.

**Mr SEVERIN:** The proposed length of contract—that is yet to be formally approved—is five years with an option to expand by a further two years. That obviously will allow for a service provider to plan for a considerable period of time, which is obviously important given that we want to ensure that we can run our very comprehensive education program right across the State.

**Mr DAVID SHOEBRIDGE:** Teaching in a prison—with the enormous stress that inmates are under, the large number who have special needs, often significant developmental delays, large gaps in their childhood education, and many with drug addiction and violence problems—requires specialty knowledge and specialty skills that cannot just be replaced by an external provider in the way that you are proposing, Commissioner. Surely you accept that.

**Mr SEVERIN:** No, I do not, because international and national experience says otherwise.

**Mr DAVID SHOEBRIDGE:** They are doing it in Queensland. Just because they privatise it in Queensland does not mean that we have to follow that same flawed route here, does it?

**Mr SEVERIN:** We are looking at outcomes, we are looking at effectiveness, and we are looking at the results of the education reforms and the education programs. Again, I am not in any way critical of our teachers; I am critical of the model that we are using.

**The CHAIR:** Before I ask my next question, I invite you to have a cup of tea because we will go straight through. Minister, how many satellite dishes have been found in the possession of prisoners?

**Mr DAVID ELLIOTT:** Satellite dishes?

**The CHAIR:** Yes, satellite dishes. It seems that they can smuggle everything else in.

**Mr DAVID ELLIOTT:** I will take that on notice but I suspect it is zero.

**The CHAIR:** Minister, there has been some indication that drones are becoming part of prison smuggling. Could you address that please?

**Mr DAVID ELLIOTT:** Thank you for that question, Mr Chair. Drones are a concern in New South Wales prisons and it has been on the agenda with the ministerial council. A number of unmanned aerial vehicles have been used for prison surveillance and the reasons behind that could be varied. It could be that someone is trying to assist an inmate to escape or it could be a desire to drop contraband into a prison but, with that in mind, at last year's ministerial council meeting my then colleague from Victoria and I and other corrections Ministers agreed to write to the Federal Attorney-General requesting legislative changes so that we can regulate the use of drones over prisons. They have acknowledged it. The Commonwealth has acknowledged that this is an emerging problem, particularly because of the sophistication of those drones. I am hoping that we get a practical solution as soon as possible. But, as I said, it is like the matter I am dealing with—jamming electronic devices in jails—I have to work within the current Commonwealth guidelines.

**The CHAIR:** Can we jam the drones at the same time? That brings me to the second part of the drones technology issue. I know that Commissioners Fitzsimmons and Mullins are here, so I would not mind a quick brief on how we are using drones in fighting fires, detecting fires and so on.

**Mr DAVID ELLIOTT:** They are both a help and a hindrance. I do not want to put words into Commissioner Mullins' mouth, because it is an operational matter, but both of the agencies are very conscious of the need to make sure we are on top of this technology and that we regulate this technology.

**The CHAIR:** I am interested in it from the perspective of surveillance as well.

**Mr DAVID ELLIOTT:** That is right. It is both a help and hindrance.

**Mr MULLINS:** In the urban firefighting space we have a couple of drones that we will start to use regularly at major factory fires, for example. They are on our new mobile command centres. We have just received our CASA licensing. That was quite an involved process—to get pilots trained and have all the necessary clearances. They will in future be a regular feature, to give incident commanders an eye in the sky.

**The CHAIR:** There are probably a couple of kids at the local primary school who could fly them for you.

**Mr MULLINS:** I bet they do not have a licence for them! But our drones are quite sophisticated. We do have limits on our use of them. There is a lot of work going on. We would like to have similar limitations to those of the military—in some cases; we do not have the hardware that the military have. We would like CASA to lift some of the requirements. It is national work.

**The CHAIR:** Is that a request to the Minister for more resources?

**Mr MULLINS:** No. Through the Australasian Fire and Emergency Authorities Council—which, until yesterday, I was president of—we have been working with Federal authorities to look at where we could extend the recognition of the professionalism in emergency services that the military have, so we can use them more extensively. Shane has a much better grasp of the problems with drones in airspace, particularly where we have aerial firefighting going on. If it is okay, we can invite him to comment.

**Mr DAVID ELLIOTT:** Yes, that would be fine.

**The CHAIR:** I would be interested in knowing more about how we use them in floods and whether we are using drones to map the behaviour of floodwaters.

**Mr FITZSIMMONS:** For larger scale operations, there is still a fair bit of work to be done around drone technology. In the area of smaller, more agile, tactical deployments for things like structural firefighting, there is some work evolving through Fire and Rescue in that area. We are working both at a State level and at a national level—interagency work with aviation bodies and through the National Aerial Firefighting Centre. There is still a lot of discussion going on around the cost-effectiveness and the utilisation of drones for things like surveillance and aerial imagery. There are a number of commercial providers entering the market, but there is still a lot of work to be done in terms of identifying in detail the specifications and requirements.

At the moment, we do have a lot of airborne systems that provide us with near-live imagery. These images are captured, uploaded and tidied for our operational systems and can then be viewed and accessed by people on the front line through their mobile devices. The idea is that we would be looking at whether there is a place for drones, the larger scale drones. We are on standby nationally for some piloting, or some trials—without confusing the words.

**Mr DAVID SHOEBRIDGE:** Can you have a pilot of a drone?

**Mr FITZSIMMONS:** That is it. We are trialling some drones, with appropriate pilots and technology to operate them. We are looking at partnering with the universities and other professional bodies on that. One thing we are picking up on—from one of my more recent interactions with colleagues in the United States—is that they are not necessarily using them a lot for surveillance and detection, but they are using them as airborne communications platforms. They might put a radio repeater in the air and provide a radio coverage platform for an extended period of time, saving the need for portable or fixed infrastructure being built in a particular location—infrastructure that may only be used on a very ad hoc basis—or augmenting what might be required on the ground.

**The CHAIR:** Yesterday I had a little fire at home and I thought that, if the local station could fly a drone over and check it out, they would not have to bring out all their assets.

**Mr FITZSIMMONS:** There is certainly some tactical work drones can be used for in a bushfire environment. We are even talking about using them for field officer work in hazard reduction burns and operations—to get a better perspective on penetration, reach and effectiveness of burns. Similarly, they can be used for small fires. The flipside of course is—and Commissioner Mullins mentioned it, as did the Minister, I think—there are a lot of unwelcome drones in operational environments, particularly where there are a number of helicopters and other air assets flying around in support of firefighting operations already. We have worked very closely with CASA and the industry to get a lot of advice and warnings out about the unwelcome nature of such devices and the significant penalties that attach should these things be operating where they are not welcome and interfering with operations.

**The CHAIR:** Minister, the *Sydney Morning Herald* on 14 July this year published concerns regarding the NSW Ambulance GPS tracking system. They said that a survey of 400 paramedics found that 94 per cent had problems with the NSW Ambulance vehicle tracking system. I understand that you are doing something about this. Can you comment on this terrible statistic and what is being done to resolve it?

**Mr DAVID ELLIOTT:** Ambulance services are under the jurisdiction of the Minister for Health, so you probably need to refer that to her.

**The CHAIR:** Going back to teachers: I have had representations from them about their deep concern, as well as their deep love for their job and their commitment to prisoners in Long Bay jail. How do you propose, in your changes, to continue those special relationships between those teachers and prisoners—teachers who have invested a lot of their time in helping those people with long sentences to reform.

**Mr DAVID ELLIOTT:** There is no reason why an RTO educator cannot have that sort of relationship.

**The CHAIR:** There is no guarantee they are going to hire the same teacher.



**Mr DAVID ELLIOTT:** No, that is why we are outsourcing it. That is why we are saying to the RTOs, the providers—whether it be TAFE or somebody else—that they should present some options for us to consider. But, as I said, this is about making sure more teaching hours occur. This is about making sure that more prisoners can learn literacy and numeracy. I am sure you would have been as horrified as I was when I found out that there were jails in New South Wales where an inmate could do music and arts but did not have the option of doing literacy or numeracy. I love the arts more than anybody, but, if we are going to truly rehabilitate somebody, if we are going to truly make them job-ready, if we are going to truly put them out of our prisons and ask them to make a contribution to society, the very least we should do is make sure they are able to read.

This is not about the teachers; this is about the prisoners. This is about me making sure that every opportunity is made available to the prisoners, that more teaching hours are available, as I said. It is about making sure that the people, the RTOs, that are coming in have the same KPIs as any other provider in the prison system. As I said, this is something that Labor governments in other jurisdictions are doing. This is not necessarily something radical; this is making sure that the increased number of prisoners I am unfortunately finding in New South Wales correction centres have every opportunity to be educated, rehabilitated, released and make a contribution to society.

**The CHAIR:** That is a fair comment, but in another inquiry we had, the Clontarf Foundation, which does a lot of work in the Indigenous area, gave evidence. One of their major points was that the person needs to be valued before they will receive an education. If you have that relationship with current teachers, why would you fracture it?

**Mr DAVID ELLIOTT:** I think it is an important point for me to conclude on. The teachers are just one aspect of the rehabilitation. That is why we have chaplains in jails, that is why we have counsellors in jails, that is why we have medical staff in jails, that is why we have official visitors, that is why we have the Inspector of Custodial Services and that is why we have families. Rehabilitation is all about making sure there is a whole lot of support.

**The CHAIR:** Trust is a big part of it. That is my point.

**The Hon. ERNEST WONG:** Minister, given that Fire and Rescue NSW has been forced to lose appliances as a result of budget constraints and cutbacks enacted by your Government, is your first priority in Emergency Services to save money or to save lives?

**Mr DAVID ELLIOTT:** Clearly, it is to save lives. What cutbacks are you referring to?

**The Hon. ERNEST WONG:** You tell me. Are you denying that there are cutbacks? Fire and Rescue NSW has not been forced to lose any appliances; is that what you are saying?

**Mr DAVID ELLIOTT:** It is a record budget. Did you read the budget papers?

**The Hon. ERNEST WONG:** Of course we did.

**Mr DAVID ELLIOTT:** Have you read the Appropriations Bill? It is a record budget.

**The Hon. ERNEST WONG:** I want to know, because we have learned that Fire and Rescue NSW has been forced to lose appliances. Are you saying that that is not the case? Do you deny that?

**Mr DAVID ELLIOTT:** I am sure the commissioner will be even more interested than I am to find out where you are getting your information. We have a record budget for Emergency Services. We have had that for the two budgets that I have been Minister. If you have specific examples of depletion of assets, please table them. I will address them. I invite the commissioner to comment.

**The Hon. LYNDA VOLTZ:** Maybe you could—

**Mr DAVID ELLIOTT:** Mr Wong is asking the question.

**The Hon. ERNEST WONG:** I just want to know. You can say, "No, I deny that." I would be happy with that.

**Mr DAVID ELLIOTT:** I will ask the commissioner to make a supplementary remark, but your question implies that there have been cutbacks. It is a record budget.

**The Hon. ERNEST WONG:** I am talking about the claim that Fire and Rescue NSW has been forced to lose appliances. Has it?

**Mr DAVID ELLIOTT:** That is an operational matter. The commissioner might like to answer.

**Mr MULLINS:** I admit I am a bit lost.

**The Hon. SCOTT FARLOW:** We all are.

**Mr MULLINS:** From the way it is couched, I assume that the question has come from an inside source. "Appliances" to us means trucks. Somebody may have given you inaccurate information.

**Mr DAVID SHOEBRIDGE:** You cannot fish, Commissioner.

**Mr MULLINS:** We have a lot of new trucks coming in. In a couple of locations we have replaced very old trucks with brand-new trucks. The type of truck is different from what they previously had at those two locations. Even the Fire Brigade Employees Union, who jump on me very quickly if we do something that is perceived to be not in their members' interests, has agreed with these replacements. I think you have been given inaccurate information by local employees who were not particularly happy with a couple of decisions.

**The Hon. ERNEST WONG:** Thank you. Minister, would you provide an update on the relocation of the Rural Fire Service [RFS] headquarters? Will that headquarters be moving to Orange?

**Mr DAVID ELLIOTT:** The decision on relocating RFS headquarters is based on the fact that the former Labor Government did not award tenure for as long as it should have done. As you would have noticed if you had read the budget papers, there is a sum of \$14.2 million to establish a new headquarters for the Rural Fire Service. Even though the lease expires in November 2018, because that will be the business end of the fire season we will be bringing that relocation forward to June 2018, hopefully. The headquarters will be purpose specific. You would appreciate that RFS headquarters cannot just be placed anywhere. We have to consider the fact that there are liaison officers and all the other agencies that need to work hand in glove whenever there is a major fire incident in New South Wales. The media needs access, and sometimes—

**The Hon. ERNEST WONG:** The question is whether it will be moved to Orange. The answer is that it has not been decided.

**Mr DAVID ELLIOTT:** Let me finish.

**The Hon. ERNEST WONG:** The local member, Andrew Gee—

**The Hon. CATHERINE CUSACK:** He is not the local member anymore.

**Mr DAVID ELLIOTT:** He is not the local member anymore, but of course a local member would advocate for a facility as large as the Rural Fire Service headquarters to be in their electorate. I have received representations from as far away as Lismore and Parkes to have the RFS headquarters in their electorate. The key considerations are what technical capabilities we have, what infrastructure support there is and what auxiliary facilities are available. That decision is yet to be made. I am taking advice from a range of members of Parliament about where it could be. Wherever it is going to be, you need to appreciate that it is not just about the Rural Fire Service.

When there is a large bushfire we have to make sure the police have the capability to provide support and liaison officers. We need to ensure that the military can integrate with the headquarters as quickly as possible. We need to involve the Ambulance Service, Fire and Rescue and the State Emergency Service [SES]. This is a complex headquarters. It cannot pop up overnight. Social and electronic media play an important role in community safety. We need to make sure that any facility can provide that sort of support. I will not make the decision lightly. The decision has been forced upon me because the former Labor Government decided on a shorter tenure. I will make sure that the \$14.2 million that we spend in the next financial year will be money well spent. It will serve the best interests of the 80,000 volunteers in the Rural Fire Service. More importantly, it will guarantee community safety.

**The Hon. ERNEST WONG:** In recent years, various parts of the State have been hit extraordinarily hard by major storm events and floods. The communications breakdown during such events has been raised as a significant issue for emergency services personnel. What is the make, model and average age of the communications radios used by SES personnel in New South Wales?

**Mr DAVID ELLIOTT:** I invite the commissioner to answer that question.

**Mr NEWTON:** Thank you for the question. The SES is currently going through a process of upgrading all its radios as part of an upgrade of operational communications across the State. That will provide volunteers with the latest radios, not just in the standard hand-held model but in other communication mechanisms that they can use. As for the age of the current issue of radios, I will have to take that on notice. Motorola 5000 radios are in common use across most services.

**The Hon. ERNEST WONG:** How much funding has been allocated for new communications equipment for NSW SES, NSW RFS and Fire and Rescue NSW?

**Mr DAVID ELLIOTT:** In this budget?

**The Hon. ERNEST WONG:** Yes.

**Mr DAVID ELLIOTT:** I will ask individual commissioners to answer that or take it on notice.

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

**Mr FITZSIMMONS:** We have just finished a \$50 million radio infrastructure upgrade program across New South Wales, providing the most contemporary, highly integrated government radio network [GRN] and ultra high frequency [UHF] compatible network available. I think it is the largest integrated radio network in the country. It provides for full portability and movement of volunteer RFS members. They are also able to communicate with other agencies in emergency services and the broader government sector. I will get you specific figures, Mr Wong, on ongoing enhancements. With radio infrastructure there will be ongoing improvements. Radios are very technical today. They are highly sophisticated digital encrypted radios that require re-profiling from time to time. That is effectively a software upgrade that requires us to reprogram channelling and talk groups and so on. There is money allocated for that. We have ongoing moneys allocated for government radio network connectivity and maintenance and support operations. I am happy to provide the specific figures on notice.

**Mr NEWTON:** The budget allocation for the NSW SES operational communications equipment is currently \$12 million. That is not just for hand-held radios; it is also for enhancements to radio networks. For example, in the far west of the State, working with the Rural Fire Service, we have seen a 450 per cent increase in the coverage by leveraging off both organisations and using some of that budget. It is also related to other communications tools that are used for the transition of data, supporting electronic devices in vehicles so that we can communicate and provide task specific information to teams on the ground, in addition to advice or information they receive over the radio.

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

**Mr MULLINS:** We have got a significant program. If I may, I will take on notice the dollars. We have a government radio network that covers a large part of the State. We also have private networks in different areas. We are digitalising a lot of analogue radio sites. We are working with other bodies, such as the NSW Ambulance, NSW Police Force, NSW Rural Fire Service and NSW State Emergency Service, to combine the sites to save costs. We are working with the Telco Authority on a rationalisation which will save millions of dollars. We also have satellite communications. One of the recent innovations is satellite tracking of every fire truck in New South Wales, which has reduced our response times and has made fire engines reach emergencies more quickly. That is an ongoing program.

We have mobile data terminals in every fire truck now, which has reduced radio traffic and made it quicker and easier for firefighters to access things like maps of hydrants, plans, weather and bureau data. They can actually look on the map and see other fire engines approaching and task them as they come in. Every fire engine has 4G networks and mobile phones. We have a lot of redundancies; we are in a constant upgrade program. I have mentioned before two mobile command centres, which are the most sophisticated in Australia, that we are using. I will get those dollars for you on notice.

**Mr DAVID ELLIOTT:** Mr Wong, do you still want the figures on notice?

**The Hon. ERNEST WONG:** Yes.

**Mr DAVID ELLIOTT:** Are you asking about operational communications [OPCOMS] or do you want the figure? It will make a big difference. Do you want the communication and the landline that is available in the units?

**The Hon. ERNEST WONG:** The communications, particularly—

**Mr DAVID ELLIOTT:** OPCOMS?

**The Hon. ERNEST WONG:** Operational, yes. Following the disastrous floods in the Hunter region in April 2015, what flood mitigation assistance has the Government provided to the region to ensure that communities are prepared for future events?

**Mr DAVID ELLIOTT:** I invite the Deputy Secretary to answer questions in relation to flood mitigation.

**Mr O'CONNOR:** Is this for the 2016 event?

**The Hon. ERNEST WONG:** Sorry, April 2015.

**Mr O'CONNOR:** For the Hunter-Central Coast in 2015, we provided a number of levels of assistance jointly with the Commonwealth under the Natural Disaster Relief and Recovery arrangements. A series of natural disaster declarations were made which is a base level of assistance that provides funding for councils for clean-up operations, which are fairly significant given the number of trees that were down during that event. It also provided low interest loan facilities for small business and primary production. We also went beyond that—

**The Hon. LYNDA VOLTZ:** Do you have a figure for those loans?

**Mr O'CONNOR:** I will have to provide that on notice.

**The Hon. LYNDA VOLTZ:** If you could, that would be good.

**Mr O'CONNOR:** That is the base level of support—the natural disaster declarations. We also went beyond that, in particular, for the Dungog township, which was particularly affected.

**The Hon. LYNDA VOLTZ:** It was very hard hit.

**Mr O'CONNOR:** There was a specialised community recovery package provided for that. I might just take that on notice but we provided a special package of assistance for Dungog under what is called category C community recovery fund.

**The Hon. LYNDA VOLTZ:** That would be good. Minister, what have you or Fire and Rescue done to identify buildings in New South Wales which have been made from Alucobest and other highly flammable materials?

**Mr DAVID ELLIOTT:** Are you talking about cladding?

**The Hon. LYNDA VOLTZ:** Yes, that is right.

**Mr DAVID ELLIOTT:** I will invite the commissioner to make some preliminary remarks about this matter as well. The material to which you are referring is essentially the cladding which has created a risk in high-rise department buildings. It obviously creates a significant emerging life safety risk, which we saw both here in Australia and overseas. For the benefit of the Committee, with that cladding we see fires spreading vertically and very, very quickly.

**The Hon. LYNDA VOLTZ:** That is why I am asking the question.

**Mr DAVID SHOEBRIDGE:** We are all aware of the issue, Minister.

**Mr DAVID ELLIOTT:** Fire and Rescue is currently working with Fair Trading and the Department of Planning to understand the extent of the use of these materials. With the Secretary of Planning, the commissioner has written to all councils in New South Wales highlighting the issue and asking them to remain vigilant. As I said, the commissioner may want to provide some further remarks.

**Mr MULLINS:** This is a real hazard and a real worry to me. There was a fire in Docklands in Melbourne, as you would be aware—

**The Hon. LYNDA VOLTZ:** I do not want to hurry you, but I am using someone else's time. How are you identifying buildings?

**Mr MULLINS:** The Minister has outlined the measures. We are not sure how to identify which buildings are at risk. We are confident that from now the substandard materials are not being used. We are asking councils who are the regulatory authority to try to ascertain building stock in their area which may have this cladding. Dealing with that is very difficult because somebody's corporate may have to pay millions of dollars.

**The Hon. LYNDA VOLTZ:** That is okay. I do not want to take up any more of my colleague's time.

**Mr DAVID SHOEBRIDGE:** You are not taking up my time. Minister or Ms Hawyes, I may have asked this question earlier, but on how many occasions in the past 12 months was a child confined by themselves in their cell as a form of punishment?

**Mr DAVID ELLIOTT:** You asked the question for more than 24 hours—

**Mr DAVID SHOEBRIDGE:** Yes, and now I am after the number of occasions in total—

**Mr DAVID ELLIOTT:** For anything up to from less than two hours to 24 hours or more—

**Mr DAVID SHOEBRIDGE:** When they were confined to a cell by themselves as a form of punishment.

**Mr DAVID ELLIOTT:** Can you not use the word "cell"? Have you been to a juvenile justice centre?

**Mr DAVID SHOEBRIDGE:** I have.

**Mr DAVID ELLIOTT:** Which one have you been to?

**Mr DAVID SHOEBRIDGE:** It was Kariong at the time.

**Mr DAVID ELLIOTT:** These are not cells; these are rooms. They have got televisions, toilets, showers—

**Mr DAVID SHOEBRIDGE:** And they have locking doors and they are excluded from other company. I understand that.

**Mr DAVID ELLIOTT:** I think the terminology is very, very important considering you are referring to a very emotive issue. These are not cells, as you would expect in Long Bay jail; these are rooms.

**Mr DAVID SHOEBRIDGE:** They are locked in those rooms, they cannot get out and they are being confined as a form of punishment. On how many occasions did it happen in the past 12 months?

**Mr DAVID ELLIOTT:** Juvenile Justice staff can always see them, and they have got personal belongings. If you are going to use emotive language we want to make sure that we put it into perspective.

**Ms HAWYES:** Your question earlier threw me temporarily because we had a Mandela Unit and for some reason that is all I could think of when you asked the question. I will provide the statistics on the full range of length of confinement. As I mentioned, confinement is not the norm. The norm is for children to be out of their room 10 to 12 hours a day at school and on programs. I will take on notice your question about how many instances of confinement have been used and get you the full statistics.

**Mr DAVID SHOEBRIDGE:** Minister, I noted your observations earlier about how difficult it is to provide rehabilitation or education services to prisoners who are detained for short sentences of six months or less.

**Mr DAVID ELLIOTT:** Yes.

**Mr DAVID SHOEBRIDGE:** Will you undertake to review the recommendations, I think in 2004, of the NSW Sentencing Council to abolish short-term prison sentences of six months or less and replace them with alternatives to full-time custody because of the very difficulties that you have just raised?

**Mr DAVID ELLIOTT:** You are referring to a period which was way before my tenure in this place. But if you are asking a question about sentencing that is probably something you need to raise with the Attorney General.

**Mr DAVID SHOEBRIDGE:** Do you rate that as a concern, given the difficulties that it causes in your patch? The problem is not just a one-off, there are many, many of your inmates who do serial six months of short sentences? Therefore, they may be years in custody and never get rehabilitation and never get education. Do you think it is time to review the strategy of sentencing people for six months or less, given how disruptive and ineffective it is?

**Mr DAVID ELLIOTT:** As I said earlier, I find the fact that we have 48 per cent of the prison population reoffending within two years objectionable. I cannot comment on sentencing. I am the jailer—

**Mr DAVID SHOEBRIDGE:** The end user.

**Mr DAVID ELLIOTT:** You need to raise that with the Attorney General. But, to answer your question, I think it is important for me to reiterate that reoffending is a top priority for this Government. Only this week we announced how we are spending \$237 million across this State. We are employing an extra 345 psychiatrists and community corrections officers. We are rolling out programs. We are attacking the people who have thus far fallen through the cracks.

**Mr DAVID SHOEBRIDGE:** My question was about short sentences. Mr Chair, we might move on.

**The CHAIR:** We will move on.

**Mr DAVID ELLIOTT:** He asked about short sentences and I wanted to—

**The CHAIR:** The member has chosen to redirect his question.

**Mr DAVID SHOEBRIDGE:** Mr Mullins, first of all I note the announcement of your retirement today. Thank you for your service to the people of New South Wales. Your retirement follows on from the retirement of the former deputy commissioner, who I think announced retirement last week, and Mr Husdell, the former director of human resources, who announced his departure last month. Is there something happening at the top of Fire and Rescue NSW? Is such a collection of high-ranking officials retiring in such a short period connected in any way?

**Mr MULLINS:** You actually missed one, Jim Smith, former deputy commissioner. The answer is yes and no. We have restructured under the Government Sector Employment Act. There is a new executive structure. The position of Ms Milkins, who is an outstanding public servant who has 40 years service in health, education, Fire and Rescue and the Premier's department, ceased to exist.

**Mr DAVID SHOEBRIDGE:** It was a spill and fill?

**Mr MULLINS:** No, that was a redundancy. Her position ceased to exist. Mr Husdell was unsuccessful in his application for an upgraded and changed position. Mr Smith chose to retire and there were some ill health issues there. As to my own retirement, I have served for it will be 39 years, 13 years at the top. I can tell you that is not easy. I have a family who I love a great deal and I want to spend more time with them.

**Mr DAVID SHOEBRIDGE:** Do any of these retirements or redundancies have anything to do with investigations that arose out of the Boland review?

**Mr MULLINS:** No, they do not.

**Mr DAVID SHOEBRIDGE:** Or any investigations about misconduct?

**Mr MULLINS:** No, they do not.

**Mr DAVID SHOEBRIDGE:** Minister, was it your directive that there be a change in the structure at the top of Fire and Rescue NSW? If so, what was the reason that we have had this redundancy at the top of Fire and Rescue NSW? If you are not in a position to answer it maybe Mr Mullins might.

**Mr DAVID ELLIOTT:** I might invite the Secretary to answer that.

**Mr CAPPIE-WOOD:** As to the question of structures right across the public service in the time period, Fire and Rescue and almost all government agencies are having to go through the government sector employment transition process. Every agency is taking the opportunity to ask, "Have we got the structures that are right for the future?" Every agency that I know has taken some form of changing its executive structure as a result of that. You are potentially seeing this as literally a ripple effect through a range of agencies. There is no conspiracy here. In fact, it is a change to new and updated public service employment arrangements that are long overdue in my mind.

**Mr DAVID ELLIOTT:** For the record in complimenting Commissioner Mullins, he actually at my request has already deferred his retirement once. Any suggestion that there was any push or anything else is completely out of line. He has done the right thing by me once. I cannot expect him to put off his—

**Mr DAVID SHOEBRIDGE:** I accept his answer and reiterate my thanks for his service.

**The CHAIR:** Minister, I understand over the last year you announced about \$140,000 to restore 20 World War I memorials. Are you aware of the recent vandalism of the Nowra war memorial headstones? If so, have you offered anything to help that local RSL club to restore those headstones?

**Mr DAVID ELLIOTT:** You are touching on an issue that you know is very dear to my heart.

**The CHAIR:** I want it to be dear to your wallet, Minister.

**Mr DAVID ELLIOTT:** As you quite rightly identified, this last financial year \$250,000 was allocated to 42 recipients for 44 projects around New South Wales. I think this is a very important part of our commemoration period. What people need to understand when it comes to war memorials is that up until the Vietnam War most Australians could not go and grieve at the grave site of their fallen relatives. People were not able—like they could in the United Kingdom and France—to go to the battlefield over the course of a weekend and lay a wreath at their loved one's grave site. That is a luxury that did not occur in New South Wales. When people talk about war memorials in New South Wales they are talking about the grave sites of those fallen soldiers. Still today it is very raw for their decedents and we still have plenty of war widows who take those war memorials as sacrosanct.

The matter that you have referred to in Nowra East this week horrified me as it horrified most Australians. I made public comments that if I found it to be politically motivated I would hope the police would

take that one step further to address the actions of the culprits. I have spoken to Gareth Ward, who is the Parliamentary Secretary for the Illawarra. He is engaging with the RSL there. From what I understand there are some very committed local volunteers at that particular memorial. It is a very well maintained memorial at the best of times and, from what I understand, that graffiti is going to be addressed without any need for support from me. But, as I said, I have made it very clear to the community there that if they need some support I would be quite happy to give them some assistance.

**The CHAIR:** In recent years commemorations of the Vietnam War have been receiving greater attention. Can you please comment on what role the New South Wales Government has taken in regards to these commemorations, particularly the Battle of Long Tan?

**Mr DAVID ELLIOTT:** The fiftieth anniversary of Long Tan was only last month and it created an opportunity for us to pay our respects. I again place on record my thanks to the Premier for his support. Long Tan, like all other battles, will be commemorated and the heroism will be celebrated with our \$20 million investment from the people of New South Wales to complement Commonwealth investment and indeed support from the City of Sydney to upgrade the war memorial in Hyde Park. So far as Long Tan is concerned, this is an opportunity for us to thank those who are still with us. Only two weeks ago in the Legislative Assembly the member for Fairfield in his capacity as the spokesman for the Labor Party in the lower House and I addressed a number of Vietnam veterans who came into the Parliament to commemorate Long Tan.

Long Tan was also commemorated by a reception at Government House by the Premier, the Governor and my colleague the Hon. Lynda Voltz to ensure that those people who were treated so badly when they returned from Vietnam know full well that we will never allow their service to be forgotten. The only thing they have asked is that we do not treat the contemporary veterans the same way. But it is more than just war memorials, as you heard me say last year. The Premier has been fantastic in his support for the Veterans Employment Program, which is a program to assist those 1,300 Australian Defence Force members who separate from the military in New South Wales every year. It was only in March last year that he gave a commitment to employ an additional 200 veterans in the New South Wales Government sector by 2019.

I am delighted to report to the Committee that that was well received in New South Wales. Indeed, the commissioners that I have here at the moment have been very supportive of that policy. I do not think I go to two passing out parades in a row for Fire and Rescue or Corrections or a unit of the State Emergency Service or Rural Fire Service where I do not find people wearing military ribbons. They have served in the Australian Defence Force and have decided to continue their service with some of those civilian agencies.

If I can get back to the Veterans Employment Program, it complicates the infrastructure the Premier is putting together so far as our commemorations are concerned and it is providing real mental health options for those that are discharged in New South Wales. As I have said about prisoners, veterans need a sense of purpose as well when they return, particularly if they have returned from active duty and have to address any of those mental health issues.

**The CHAIR:** You may provide the rest of that answer on notice if you wish. I want to finish on time but members have some questions to put on notice.

**The Hon. CATHERINE CUSACK:** We can all do that, can we not?

**The CHAIR:** You have waived your right to ask questions.

**The Hon. CATHERINE CUSACK:** On notice, I mean.

**The CHAIR:** Yes. This year's budget included \$760,000 to aid the introduction of mandatory life jackets for rock fishers in high-risk locations.

**Mr DAVID ELLIOTT:** Yes.

**The CHAIR:** Can you please outline the high-risk locations and advise how the \$760,000 will be spent?

**Mr DAVID ELLIOTT:** Yes.

**Mr DAVID SHOEBRIDGE:** Minister, a concern has been raised with me as to comments you made about art appreciation classes in an interview with Wendy Harmer on 2BL ABC last Wednesday.

**Mr DAVID ELLIOTT:** Sure.

**Mr DAVID SHOEBRIDGE:** In which you said you had personally witnessed those classes happening at Cooma jail.

**Mr DAVID ELLIOTT:** Yes.

**Mr DAVID SHOEBRIDGE:** I am advised there has not been an art teacher in Cooma jail for six years nor an art room, so therefore I am asking on what basis you made those comments.

**Mr DAVID ELLIOTT:** Put it on notice; it is easily answered.

**Mr DAVID SHOEBRIDGE:** I have three more. What is the cost per day of keeping a juvenile inmate in detention in New South Wales?

**Mr DAVID ELLIOTT:** Put that on notice.

**Mr DAVID SHOEBRIDGE:** The cost per day per adult male inmate and per adult female inmate.

**Mr DAVID ELLIOTT:** Yes.

**The CHAIR:** Minister, I note that you were going to table one document.

**Mr DAVID ELLIOTT:** Yes.

**The CHAIR:** Minister, I thank you and your colleagues for your presentation this afternoon. You have 21 days in which to answer questions taken on notice and in light of your evidence we may put some further questions on notice. The Committee secretariat will be happy to help you with that.

**Mr DAVID ELLIOTT:** Can I conclude by again thanking Commissioner Mullins for his exceptional service to the people of New South Wales.

**The CHAIR:** Hear, hear!

**Mr DAVID ELLIOTT:** This will be his last budget estimates hearing in his capacity as the Commissioner of Fire and Rescue NSW but commissioners have a tendency to pop up again after retirement. I mentioned today that I am his Henry VIII. If you remember, Henry VIII had six wives: divorced, beheaded, died, divorced, beheaded, survived. The commissioner has only got one wife but he has gone through about eight Ministers and I have survived him.

**The CHAIR:** On behalf of this portfolio we say thank you. We know it has not only been your sacrifice but also your family's sacrifice. In many ways behind the man is his family and you deserve all the time you can give to your family. Indeed, I highly suggest that you give all your time to your lovely wife and your family because they have given their fair share to New South Wales. God bless you and may you enjoy the next chapter of your life.

**Mr MULLINS:** May I say one thing?

**The CHAIR:** By all means.

**Mr MULLINS:** The Committee might find this strange but I have actually enjoyed the estimates process over the past 13 years.

**The CHAIR:** Was this the best one?

**Mr MULLINS:** It is part of the democratic process. I have to say that I am a proud public servant. I believe that public servants, nurses, teachers and everybody are part of the foundation of a fair and just society because a lot of people out there need help. It has been a privilege and an honour to serve. My father was with Public Works, my mother was a school teacher, my uncle with Corrective Services, my cousin with Fire, and my wife a nurse. As I said, it has been a privilege and an honour and I am going to miss serving but guess what? I am going on orange trucks next.

**Mr FITZSIMMONS:** Back to his volunteer roots.

**Mr MULLINS:** My dear old dad has been an RFS member. He is a life member for 60 years and he turns 92 this year.

**The CHAIR:** Well done. That concludes the budget estimates hearing for this portfolio.

**(Witnesses withdrew)**

**The Committee proceeded to deliberate.**