

GENERAL PURPOSE STANDING COMMITTEE No. 3

Monday 28 August 2006

Examination of proposed expenditure for the portfolio areas

JUSTICE, JUVENILE JUSTICE

The Committee met at 9.00 a.m.

MEMBERS

The Hon. A. R. Fazio (Chair)

The Hon. A. Chesterfield-Evans
The Hon. D. Clarke
The Hon. C. E. Cusack

The Hon. G. J. Donnelly
The Hon. E. M. Obeid
Ms L. Rhiannon

PRESENT

The Hon. A. B. Kelly, *Minister for Justice, Minister for Juvenile Justice, Minister for Emergency Services, Minister for Lands, and Minister for Rural Affairs*

Department of Corrective Services

Mr I. McLean, *Assistant Commissioner*

Mr G. Schipp, *Deputy Commissioner, Corporate Services*

Mr L. Grant, *Assistant Deputy Commissioner, Offender Management and Operations*

Department of Juvenile Justice

Ms J. Mason, *Director General*

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

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

CHAIR: I declare this hearing open to the public. The Committee is dealing with the portfolio of Juvenile Justice first and will deal with Justice at 11 o'clock. I welcome the Minister, the Hon. Tony Kelly, and accompanying officials to this hearing. At this hearing the Committee will examine the proposed expenditure for the portfolio areas of Juvenile Justice and Justice. Before questions commence I will make some comments about procedural matters. In accordance with the Legislative Council's guidelines for the broadcast of proceedings only Committee members and witnesses may be filmed or recorded. People in the public gallery should not be the primary focus of any filming or photographs. In reporting the proceedings of this Committee you must take responsibility for what you publish or what interpretation is placed on anything that is said before the Committee. The guidelines for the broadcast of proceedings are available on the table by the door.

Any messages from attendees in the public gallery should be delivered through the chamber and support staff or the Committee clerks. Minister, you and the officers accompanying you are reminded that you are free to pass notes and refer directly to your advisers while you are at the table. I remind everyone that mobile phones must be turned off. Minister, the Committee has agreed to the following format for the hearing: Juvenile Justice will take two hours, with questions being taken on a 20-minute rotational basis, and the same will apply to Justice. There will be a break of 10 minutes at 11 o'clock for the changeover. Minister, do you anticipate that will pose any difficulties?

The Hon. TONY KELLY: No.

CHAIR: The Committee has resolved to request that answers to questions on notice be provided within 21 calendar days from the date on which they are sent to your office. Do you anticipate that this will pose any difficulties?

The Hon. TONY KELLY: No, but I thought that normally it was 35 days.

CHAIR: This time the Committee has resolved differently. With respect to the swearing of witnesses, all witnesses from departments, statutory bodies or corporations will be sworn prior to giving evidence. Minister, you do not need to be sworn as you have already sworn an oath to your office as a member of Parliament.

JENNIFER MASON, Director General, Department of Juvenile Justice, affirmed and examined, and

STEPHANIE CROSS, Assistant Director General, Management Services, Department of Juvenile Justice, affirmed and examined:

PETER MUIR, Assistant Director General, Operations, Department of Juvenile Justice, sworn and examined:

CHAIR: I declare the proposed expenditure for the portfolio area of Juvenile Justice open for examination. Minister, do you wish to make a brief opening statement?

The Hon. TONY KELLY: Yes, if I may. The Government has undertaken considerable reform in Juvenile Justice over the past 12 months. As members would be aware, Parliament recently passed legislation to strengthen discipline and provide greater control to staff working with detainees in juvenile justice centres. This legislation followed an extensive review of the Children (Detention Centres) Act and ensures that staff working with detainees have the necessary legislative backing to do the job. While the Act only came into force on 1 July, I believe we are already seeing the benefits of these changes, with detainees getting the message that misbehaviour will not be tolerated. During the past year the department has completed a number of very significant projects. This includes the final stage of the program to move responsibility for the transport of juvenile detainees from NSW Police to the Department of Juvenile Justice.

The final part of this program saw the transfer of these responsibilities in the southern region of New South Wales. I know this initiative was welcomed, particularly in rural and regional areas, because it frees up police to concentrate on their core law enforcement responsibilities rather than guarding and escorting juvenile detainees between juvenile justice centres for court appearances. The net effect is to save hundreds of police hours and allow them to better protect the community while creating anew Department of Juvenile Justice jobs in the regions.

During the year I had the opportunity to officially open major capital works at Cobham and Reiby juvenile justice centres. The Cobham capital works program involved the investment of more than \$15 million to improve the standard of facilities at that centre. The Reiby upgrade saw an investment of more than \$24 million. Some of the upgrades completed at both centres include new admission facilities, a new secure kitchen delivery, receipt and dispatch compound, refurbishment of the administration area, including a new conference facility and training facilities and staff amenities, a new school administration area and security systems upgrades. The Reiby upgrade included four new accommodation units for detainees, and the Cobham upgrade included a new awning in the Cobham court to provide an all-weather shelter for visitors, and the installation of toilet facilities in existing court holding rooms.

The opening of these new facilities completes stage two of the Government's capital works program in juvenile justice. This program has seen the rebuilding of nearly the entire juvenile justice detention centre system. New South Wales now has the most modern, secure and the safest juvenile detention centre system in Australia. This does not happen by accident. The Government has been committed over many years to rebuilding the system following years of neglect by the previous Liberal Government. The results of this program are obvious, with the best evidence being a reduction in escapes from the juvenile justice detention centres. In 1990 there were 231 escapes from juvenile justice centres. Last year there were 15. Clearly, the Government's policies are working.

During the year the Government also placed a strong emphasis on the training of juvenile justice staff. Approximately \$3.3 million has been invested in staff training in juvenile justice, with up to \$4 million this year. Over 200 staff have completed the 29-day reduction program. This contrasts with the four-day induction program that the Government inherited when it came to office. In 1995 approximately 40 per cent of the staff had no induction training. The rest received training of less than a week. They were then put in charge of detainees. Now, no new staff member is put in charge of detainees without induction training. The Government's staff training has also been reinforced with the decision to develop the former Yasmar Detention Centre into a state-of-the-art training facility. I had the pleasure of inspecting the newly opened centre in July and saw first-hand the emergency response training drills for juvenile justice detention centre staff. There is no doubt that this centre will

provide a valuable service for many years to come for the staff of the department and for other agencies such as Corrective Services and NSW Police.

This year the Government also introduced an innovative new extension to the successful Youth Justice Conferencing Program. This initiative involves another of my portfolios, the New South Wales Fire Brigades. The two agencies have entered into an agreement to facilitate the involvement of New South Wales firefighters in youth justice conferences for arson-related offences. It is hoped that through their involvement, young arson offenders are made to understand the consequences of lighting fires. I hope that this will lead to less reoffending by those young people and ultimately safer communities. The Government in 2006-07 is providing a record budget for Juvenile Justice of \$141.9 million. This underlines our strong commitment to breaking the juvenile crime cycle.

CHAIR: We will now commence with 20 minutes of questions from the Opposition.

The Hon. CATHERINE CUSACK: Ms Mason, welcome to the estimates. It emerged during our Select Committee on Juvenile Offenders last year that there is a lack of experience of custodial services at the senior ranks in the Department of Juvenile Justice. Virtually all the senior staff have been recruited from the community services area. I just wonder if you could outline to us your experience in custodial services?

Ms MASON: I do not have a custodial background. My background is in social policy and criminology.

The Hon. CATHERINE CUSACK: Minister, the *Daily Telegraph* of Wednesday 23 August reported the case of a 17-year-old Lebanese youth who stole and burnt flags at the Brighton RSL on 11 December 2005. According to the report, the magistrate at the Bidura Children's Court ordered the youth to attend the club and apologise in person to the membership. Is it the responsibility of your department to ensure that the sentence is properly carried out?

The Hon. TONY KELLY: My understanding is that he ordered a youth justice conference, of which that was part. That is normally done by the Attorney General's in conjunction with JJs.

The Hon. CATHERINE CUSACK: My understanding is that it was ordered by the magistrate rather than out of a youth justice conference at the Bidura Children's Court.

Ms MASON: Yes. The process was that the magistrate referred it to a youth justice conference. It has possibly been reported rather confusingly but the process is, yes, the magistrate determined some charges with the young person and referred the question of an apology generally to be organised via a youth justice conference, so that was the process.

The Hon. TONY KELLY: That is what I was saying. I thought the court ordered a youth justice conference, of which the apology would be part.

The Hon. CATHERINE CUSACK: Okay. It was not so much in a sentence as such by the magistrate as an alternative to sentencing him for that offence. Is that correct? Youth justice conferencing is not a sentence in itself; it is an alternative to a sentence. The conference itself can have an outcome all of its own. It is separate to the court process.

Ms MASON: The process is that it will go to a youth justice convenor to try to organise a conference. Presumably a conference will go ahead and then an outcome is planned that gets reported back to the magistrate. If that is suitable to the court, that is viewed as a conclusion of the matter.

The Hon. CATHERINE CUSACK: Right. I think the community has an idea that there is going to be a roomful of hundreds of club members involved and this young person standing up and offering an apology. Is that incorrect, that understanding?

The Hon. TONY KELLY: I would not expect that would be the case. I thought the suggestion was to the head of the RSL, was it not?

Ms MASON: The process will be that it will be a matter for the convenor. There are various restrictions on, as you would be aware under the Young Offenders Act, who can be there, and there are various confidentiality provisions and the like. It is not particularly restricted to just an individual, so it would be what the convenor, in discussion with all parties, decides is the way that can be best organised.

The Hon. CATHERINE CUSACK: Okay, so there is a convenor who is going to make all those arrangements?

Ms MASON: Yes.

The Hon. CATHERINE CUSACK: Okay. On that issue of youth conferencing, the principle is obviously that young people face up to the consequences of what they have done. I suppose my next question is really asking the department if it is willing to face up to the same standard and be transparent in relation to pornographic emails that have been circulating throughout the organisation.

The Hon. TONY KELLY: In relation to the emails, I can confirm that an independent investigation is currently under way into the inappropriate handling of emails by some Department of Juvenile Justice staff. The department is taking the matter, as I am, very seriously and was quick to act. As soon as the department uncovered the breach, an independent investigation was launched in accordance with the procedural guidelines issued under the provisions of the Public Sector Employment and Management Act 2002. Investigators carried out the investigation and included a former senior judicial officer from the United Kingdom.

The procedural guidelines allow for extensive powers to fully investigate this matter and the interviews with affected staff are almost complete. The issue has also been referred to the Independent Commission Against Corruption, who will make their own decision as to what action they take. A risk assessment was conducted on whether suspension, with or without pay, was appropriate for the staff involved. That matter is not reportable conduct after the definitions of the New South Wales Ombudsman (Child Protection) Guidelines. Under those circumstances, suspension was not considered appropriate as there is no risk to the young people under the department's jurisdiction.

The department has a zero tolerance approach to this type of behaviour and is reinforcing already-tough measures and procedures that are in place. An executive memo was issued to all staff in July 2006 reminding them of their obligations under the Communication Devices Policy and the Code of Conduct. A strong and clear message to all staff indicates that this type of behaviour is unacceptable. The department has stringent measures in place to prevent access via the Internet to inappropriate sites and its Code of Conduct makes it very clear what is expected of staff when using email or accessing the Internet.

Staff members are also reminded of this every time they log on and acknowledge this by clicking an electronic acceptance. Induction training for youth officers includes a module called Values, Attitudes and Ethics, which reinforces the department's expectations of staff behaviour. To further remind existing front-line staff, skills maintenance sessions are being enhanced to cover ethical behaviour. All other staff are required to complete self-paced learning kits on induction covering these policies. The investigation is still continuing, but at this stage it can be confirmed that no child pornography has been involved. It would be inappropriate to comment further while that investigation continues. The investigation I talk about here is the department's independent investigation, not the ICAC's investigation.

The Hon. CATHERINE CUSACK: You say that a senior judicial officer from the United Kingdom is conducting the investigation. Is that someone who has been brought in from the United Kingdom or is it someone who has retired here?

Ms MASON: She has acted as a judicial officer in the United Kingdom but she is now working here and undertaking that disciplinary investigation on our behalf.

The Hon. CATHERINE CUSACK: Can I ask the name of that person?

Ms MASON: I think that is all right but if you do not mind I will take it on notice. I just need to check that there is no obstacle to releasing the name.

The Hon. CATHERINE CUSACK: Is that person part of the team of people you have to conduct these investigations or an additional person who has been called in for this task?

Ms MASON: In what sense, I am sorry?

The Hon. CATHERINE CUSACK: For the department to investigate disciplinary matters, there is a panel of people to undertake these inquiries. Is she part of that panel?

Ms MASON: We have our own internal professional conduct unit and some investigations are conducted by, in effect, investigators who are on the departmental payroll. We also have a list—I suppose you might call it; it is no more formal than that—of people who we contract to undertake investigations. Generally, for the larger ones and the ones that are more formal, we tend to use those people in order to expedite our investigations.

The Hon. CATHERINE CUSACK: Is the person conducting this regularly contracted to do inquiries?

Ms MASON: She has done a couple of investigations for us in the past, yes.

The Hon. CATHERINE CUSACK: So she is not, if you like, completely external; she would still have an expectation of doing more work for the department in the future.

Ms MASON: It is an investigation under the Public Sector Employment and Management Act with a report to the director general, yes.

The Hon. CATHERINE CUSACK: How many staff are being investigated?

Ms MASON: I suppose I need to backtrack and say it is an investigation that was commenced when a core group of staff—from memory, 12 people—were brought to light who had sent a number of emails that we viewed as inappropriate. That is the prima facie case which launched the investigation. We are now sending out two or three investigators to interview not only those people but anyone to whom any of these inappropriate emails were sent. So in that sense the full scope of the investigation will not be determined until I get back the full brief of evidence because, while some of the people who have received these inappropriate emails will turn out possibly to be culpable, others will be, I suppose, victims more than perpetrators. I do not know about you but I get a lot of emails I would rather not get as well. So it may turn out that these people deleted the emails without reading them or deleted them and then protested to the person who sent them or so on. So in due course we will have a view of the final scope of the investigation but the core of the investigation are what we call these 12 multiple forwarders.

The Hon. CATHERINE CUSACK: Can you indicate how many people are in that second group of potential victims and how many interviews are being conducted?

Ms MASON: I cannot. Certainly, the investigators are talking to anyone, and they are keeping in touch with me regularly to the extent that I have asked them to inform me of anything that is concerning, for example, as they unravel material that is more explicit or something that is beyond the level that triggered the original investigation. We particularly asked them to expedite it and we want that brief of evidence very shortly. I am certainly hoping to have it within the next couple of weeks, unless they uncover something else that extends it.

The Hon. CATHERINE CUSACK: How long have these three investigators been conducting interviews?

Ms MASON: From memory, it is about a month.

The Hon. CATHERINE CUSACK: So they have been interviewing for a month and they have probably another two weeks to go?

Ms MASON: Yes, including writing up the investigation.

The Hon. CATHERINE CUSACK: My information is that potentially hundreds of people in the department are involved. That is an awful lot of interviews that three investigators would be conducting over a month.

Ms MASON: That is certainly not a figure that has been brought to my attention, no.

The Hon. CATHERINE CUSACK: Are you willing to give us any indication at all?

Ms MASON: I would rather not, no. I do not want to mislead the Committee and I will not know until I see the full brief of evidence.

The Hon. CATHERINE CUSACK: So there is no work program for the investigators of the number of people they need to interview?

Ms MASON: I did not direct them to that extent.

The Hon. CATHERINE CUSACK: When was the problem first detected?

Ms MASON: The emails were brought to light roughly this time last month or a little earlier, middle of July.

The Hon. CATHERINE CUSACK: Mid-July. How did they come to light?

Ms MASON: Possibly it might have been a bit earlier in July.

The Hon. CATHERINE CUSACK: How did they come to light?

Ms MASON: I think you will understand we are in the middle of a live investigation and I will not necessarily discuss all the details while we still have people being interviewed on those very subjects.

The Hon. CATHERINE CUSACK: Were the emails detected internally by the department or by a person from outside the organisation?

Ms MASON: To my knowledge, it was part of our internal process, internal intelligence and information technology.

The Hon. CATHERINE CUSACK: In the Premier's Department protocol for acceptable use of the Internet and electronic mail it states that processes should be put in place to ensure that Internet usage and email activity is adequately monitored. Does the department have such a system in place? If so, why did it fail in this situation?

Ms MASON: The answer is yes, we do. I am not a tech head but it is akin to viruses. People are always finding ways to get around systems, and this is another way that people used to get around the system. We have detected it and we are stopping it, but that will not stop people from thinking of new creative ways to try to get around the system.

The Hon. CATHERINE CUSACK: So a fairly sophisticated means was used obviously to distribute them; it was not simple email usage?

Ms MASON: It depends on what you call "sophisticated". Again, to be honest, I would rather not go into it while we have an investigation going on.

The Hon. CATHERINE CUSACK: When do you believe the emails started?

Ms MASON: I am not—

The Hon. CATHERINE CUSACK: While they were detected in July, how far back do you believe this sort of behaviour stretches?

Ms MASON: Off the top of my head I do not know, and I must say I would rather not discuss it.

The Hon. CATHERINE CUSACK: Are there staff in detention centres being investigated?

Ms MASON: Again, I would rather not disclose the details of that.

The Hon. CATHERINE CUSACK: Given that you are unable to disclose any of that information, the transparency issues become even more important. The Premier's protocol requires that procedures should be developed in consultation with the appropriate trade unions to determine if any inappropriate use is in breach of the agency's normal disciplinary guidelines and whether formal disciplinary action should be taken. Do you have such procedures in place in the department?

Ms MASON: Sorry, what kind of procedures?

The Hon. CATHERINE CUSACK: That outline basically what steps will be taken when this sort of thing is detected.

Ms CROSS: There are the normal disciplinary guidelines. The policy quite clearly states that disciplinary action may be taken, and that was the action that arose at this particular point so that the investigation was triggered.

The Hon. CATHERINE CUSACK: So you do not have separate procedures in relation to when a breach of the Internet policy occurs?

Ms CROSS: No.

The Hon. CATHERINE CUSACK: The memorandum states on page 2 that all information to overall files created by you while employed by the agency is subject to scrutiny and that it is important to remember that electronic messages are official documents and are subject to the same rules as any other form of correspondence. Who has determined that the emails are not sufficiently serious, that disciplinary action or intervention protects the interests of children in the care of the department, and that no disciplinary action or suspension of staff is necessary at this stage?

Ms MASON: It is completely incorrect to say that a determination has been made that no disciplinary action be taken. The whole investigation is aimed at that exact process.

The Hon. CATHERINE CUSACK: Right.

Ms MASON: We had a prime facie case of some inappropriate material. We sat down with senior operational and legal staff, looked at the material, and decided an investigation needed to be undertaken. We notified the ICAC, and that was more because the misuse of government resources is a potential ground of corruption, as you would be aware. The head of professional conduct also spoke to his counterpart in the child protection area in the Ombudsman's office and advised of the kind of material we were dealing with. I also had one of my regular meetings with the Assistant Ombudsman in charge of child protection a couple of weeks after that and advised her of the content of the material that we were dealing with.

I can assure you that if either the ICAC or the Ombudsman decide that we have misjudged this matter they will call me in to section 19 hearings and ask me to report to Parliament, and so on. I think we will be held very accountable if we are held not to have taken this matter seriously. I fervently believe we will not be, because we are taking it extremely seriously.

The Hon. CATHERINE CUSACK: When you say "we", have senior officers in your department viewed the material?

Ms MASON: Senior officers have seen the material that triggered the investigation, yes. I cannot tell you that investigators who are out there in the field have not uncovered more material. The material that triggered the investigation, certainly they have seen.

The Hon. CATHERINE CUSACK: Has the Minister seen the material?

The Hon. TONY KELLY: No. I do not intend interfering with the investigation until it is complete. I want to see the results first. I will not try to second-guess the result.

The Hon. CATHERINE CUSACK: I understand that the Department of Juvenile Justice is currently undergoing a restructure of all positions. Many people targeted by the investigators are also in the process of applying for new positions in the restructured department. Given the seriousness of the matter, I would have thought you would have put a halt to the restructure until you had finalised how many people were involved and whether disciplinary procedures were required.

Ms MASON: Two things out of that: First, it is incorrect to say the whole department is being restructured. Restructuring is occurring in our community area and, if you will forgive me, I will not comment on who is or is not being investigated. That is at the very heart of what is going on at the moment.

The Hon. CATHERINE CUSACK: Would it not be prudent to call a halt to that restructure until such time as these matters have been finalised?

Ms MASON: I do not believe that is necessary, no.

The Hon. CATHERINE CUSACK: It does not sound like you are taking this seriously, if you are looking at staff who are potentially going to face very serious disciplinary procedures. Frankly it does not seem fair to the staff themselves.

Ms MASON: That is an assumption on your part. I can tell you that we are taking it very seriously and we are looking closely, individual by individual, at any implications of the restructure.

Ms LEE RHIANNON: Minister, in previous budget estimates sessions the rates of "deaths in custody" and "self-harm incidents" have been recorded. I notice that we have figures for 100 "self-harm incidents" in 2005-06. In this year's estimates the notification "N/A" is recorded. Why are you no longer supplying that information in the budget estimates? I refer to Budget Paper No. 3, Volume 2, page 12-42.

The Hon. TONY KELLY: I will talk first about the incidents and then the director general might comment on the preparation. In 2005-06 there were 103 incidents of actual self-harm. In 2004-05 there were 90 incidents of self-harm. That figure is based on the department's database and totals the number of incidents irrespective of the number of young people responsible for them and does not include whether the incidents were threats or attempts that were actually made. The "young people in custody health survey" found that detainees frequently have experiences related to suicide and self-harm, and 50 per cent of the young people surveyed had considered suicide and 8 per cent had attempted suicide at least once in the previous 12 months, with 12 per cent considering self-harm and 9 per cent actually self-harming at least once in the previous 12 months.

The department implemented policies and procedures recommended by the Royal Commission into Aboriginal Deaths in Custody. All young people are assessed on admission into custody. Detainees who are considered at risk or who exhibit self-harm behaviour are placed under more intensive supervision to monitor and assist them to manage their distress. This more intensive supervision ranges from more frequent observation to continuous observation, to one-on-one supervision of detainees by staff members who remain in close proximity at all times. The level of monitoring is determined by the young person's assessed degree of risk. Centre-based psychologists provide mental health assessments for all detainees identified at risk and liaise with the centre management team in developing effective responses.

The Justice Health service provides a 24-hour mental health line and has employed a clinical nurse consultant in mental health. Also available at each centre are the services of a Justice Health

consultant psychiatrist. These psychiatrists are of particular assistance in identifying and managing young people at risk of self-harm. Staff at Juvenile Justice centres maintain links with local New South Wales Department of Health area mental health services to facilitate access to local health services. The department has implemented work practice on suicide awareness training to centre and community-based staff. This competency-based training is part of the Certificate 4 in Juvenile Justice accreditation training available to the Department of Juvenile Justice detention staff.

There has never been a death in juvenile detention centres since the department was established in 1993, despite the fact that Australia has one of the highest rates of male suicide in the world. As you would be aware, the rate is much higher among young Aboriginal and rural populations, both of which are well and truly overrepresented in the Department of Juvenile Justice. In 1995 suicide accounted for 25 per cent of all deaths in the 15-24 year age bracket. Studies have shown that up to 25 per cent of people have suicidal behaviour at any one time. A similar percentage has had a depressive episode in the past year.

For every male suicide in the community there are 30 to 50 attempts. For every female suicide in the community there are 150 to 300 attempts. Staff at the Department of Juvenile Justice, along with Justice Health, therefore manage a very volatile, risk-prone population. These circumstances of incarceration, including shame and uncertainty and the separation from family might reasonably be expected to increase and intensify the risk of self-harm. It is an indication of the intensive management of these juveniles in terms of welfare, health and custodial, that no such deaths have occurred and early intervention occurs to prevent more serious health-harm attempts.

Ms LEE RHIANNON: Can you tell us why? I just want my question answered.

The Hon. TONY KELLY: The director general might give you what I have not included.

Ms MASON: In terms of the specific column mentioned by Ms Lee Rhiannon, I believe it is something that has been moved towards in these papers generally. You will notice also that there was a view that it was inappropriate to make an estimate of deaths in custody that we might have, it is just a different system. A view is taken that there is no reasonable way to estimate the number of deaths in custody that one might expect in the coming year; similarly with self-harm. I am told that that is consistent with what is contained in other budget papers as well. It is a departure. In past years I think they put in an estimate of the number of self-harm incidents one might expect.

Ms LEE RHIANNON: Yes, they have.

Ms MASON: The view was taken that there was no rational basis to estimate number of self-harms. But, as the Minister says, it does not indicate that we do not take self-harm very seriously.

Ms LEE RHIANNON: Will the Minister detail on how many occasions juvenile detainees have been held in segregation longer than six hours in a 24-hour period?

The Hon. TONY KELLY: We will have to take that on notice.

Ms LEE RHIANNON: There was a joint project between Sydney University and the State Government that surveyed young offenders. I was interested in asking some questions about it. One found 40 per cent assistance consistent with a mental health disability, including substance abuse and conduct disorder. What is the department doing to respond to the high level of young people coming through Juvenile Justice who themselves have been victims of harm, victims of abuse?

The Hon. TONY KELLY: I will get the director general to answer that.

Ms MASON: I will mention a couple of things and I might get our head of operations to comment. He has been following this project through for quite some years. It is the case that just last week we released a survey that has been done in co-operation with Juvenile Justice and Justice Health and the University of Sydney, which was a very extensive review. We had already done a study on detainees and this was the corresponding study on offenders in the community. I think from memory she surveyed about 800 offenders, which is quite a comprehensive study.

It provided a comprehensive database about the kinds of issues we are dealing with. As you mentioned, mental health, intellectual disability being a major factor—I think she said about 17 per cent—and major drug and alcohol and other problems. So, it very much indicates to us the scope of the problem, which is obviously part of why we would put so many resources into participating in the survey, because we are trying to move towards a very evidence-based approach.

We work very co-operatively with Justice Health and we are trying to find better ways to form strong links between custody and the community. Of course, one of our big challenges is that in detention we get the detainees stabilised, for example, on antipsychotic medication—which is a regrettable thing to do with fairly young people, but up to 18 per cent of them are on antipsychotic medication, I am advised—and on release there is always the risk that in the community they are often homeless and go off their medication and start to reoffend. We are working very closely with Justice Health to get better links so that Justice Health can provide them with community health resources. I will get Mr Muir to add to that.

Mr MUIR: The department has been working on these issues on a number of fronts. Firstly, prior to young people entering custody we have been working with Justice Health, which this year has established a community forensic mental health service. That is currently based at the Cobham Children's Court and our Blacktown office in Sydney. That will be expanding this year throughout the Sydney metropolitan area. That service is staffed by six mental health professionals, including social workers, psychologists and nurses. Justice Health has also hired an adolescent and child psychiatrist to support that service and the department. Since the service began in February this year, 60 per cent of young people who have been referred to that service have been successfully diverted to other mental health services.

We have also been working with Justice Health in custody to ensure there are better mental health outcomes and services for young people in custody. We have been working with the Department of Ageing, Disability and Home Care to look at linkages into DADHC's forensic programs for people with disabilities. Of course, all of our centres are staffed with psychologists and councillors as well as a network of community-based councillors around the State. There are more than 60 community-based councillors the department employs around the State, to which these young people can also be referred.

In addition to that, we are piloting a program at Dubbo in conjunction with Justice Health called the Juvenile Justice Centre Release Treatment Scheme. As the director general has already said, we are worried about what happens to young people after they leave custody. The aim of the scheme is to look at better post-custody support for young people, particularly around medication and health issues.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: The post-release support program has identified the shortcoming as the lack of time available. I gather that is what you are referring to. The caseload of community staff has risen from 13.5 to 17 since 2004-05, and in non-metropolitan from 17.8 to 21 cases per worker. Surely that means you cannot possibly achieve the reoffending rate dropping, which is one of your key objectives?

Mr MUIR: We have been looking closely at our community-based caseloads. It is one of the issues we are looking at in our current restructure of our community-based services, to make sure we have the right people in the right places.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: In the budget you have stated you are going to increase the number of cases per worker. You can look at it and you can restructure it, but are you going to fix it? You say in the budget that you will have fewer caseworkers per person with a problem.

Mr MUIR: We look very closely at community-based caseloads. We believe that community-based caseloads are reasonable and we have the right number of people we need to achieve our objects.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Is that not just putting a brave face on the fact that you have your post-release support program, saying that you have to spend more time

with them? You have to decrease the amount of time you are spending with them and you are saying it is all fine? Is that not really what your position is?

Mr MUIR: No, the position is that the budget papers show that the number of young people who have been issued with a supervised court order has been declining, and continues to decline. Also, our staff are doing fewer court reports than they were a number of years ago. So, two of the lead pieces of work that our community-based staff have been doing, namely, supervised orders and background reports for the courts, have been declining over a number of years. Yet the department has maintained—not only maintained in the face of declining workloads, but has increased—the number of community-based staff around New South Wales.

We have continued to increase them over this year, and the caseloads are heading in that direction because we are spending longer with young people under our supervision. So, it is not the fact that we are asking them to take on more cases. We are seeking to stay involved with young people over a longer time. We are taking the benefits that have come from the Young Offenders Act, and under the Young Offenders Act fewer people have—

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: So, you say there is a change in the definition of a caseload? It is here in black and white that the number of caseloads per community staff has risen, and when you say the number of staff has risen, it has really dropped since 2004-05 but it is up from 2005-06?

Mr MUIR: The staffing in the budget papers is the department's total staffing, in both our community and custodial operations. The number of community-based staff, the number of people who are community-based officers servicing young people in the community, has increased.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: But the caseload has increased? You can see my point?

Mr MUIR: I understand your point.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: They have dropped some functions, like writing reports for courts, so they can take a bigger caseload with the same number, is that what you are saying?

Mr MUIR: No, not a bigger caseload. The caseload numbers go up because the young people stay longer. There is less throughput of young people.

The Hon. TONY KELLY: They are still supervising.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: So you are spending more time with them? That is the reason the caseload has gone up?

Mr MUIR: Yes.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: You are not writing court reports. Does Juvenile Justice always carry out magistrate orders? Magistrates and judges have said to me that they give an order to the criminal justice system for something to happen and it never does and they get no feedback. Does the Juvenile Justice Department always carry out magistrate's instructions? If so, what feedback is there?

Ms CROSS: If you want to raise an individual case with me I could pursue it.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: No, I want to make a procedural point.

Ms MASON: Generally speaking, I meet frequently with the chief magistrate, the chief children's magistrate and the magistrate at Bidura and Cobham. I am certainly not aware of any systemic issues where Juvenile Justice is being accused of not carrying out orders, so I am not really sure.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: If a magistrate said, for example, "There will be something at Cronulla RSL", or wherever, would there be a case conference? Is there any feedback on the Act? Who monitors it? Does that happen and is there any feedback? There might be generic consultation with the chief magistrate now and again but that does not mean there is consultation with case managers.

Ms MASON: No. If the process comes under the Young Offenders Act, which is the matter the honourable member raised earlier, as I understand it there is a systematic process. The outcome plans that are agreed as a result of the conference are reported back to the magistrate. If magistrates were dissatisfied they would have the power to say that they did not want to accept the outcome plan and they would impose another sentence. I imagine that a magistrate would be very vociferous about any failings of the department in that regard.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: So the magistrate does get automatic feedback?

Ms CROSS: That is my understanding. If you are talking specifically about youth justice conferencing, then yes.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: No, I am talking about any order a magistrate might give.

Ms CROSS: The only other orders would be sentences, for example, whether a person was put into detention, which happens, or whether a community service order was carried out. I do not think there is a formal process of reporting back to the magistrate that it was carried out. Having said that, if the offender did not carry out a community service order there is a process to breach them.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Sure, that is a different thing. Given the rise in the self-harm rate—from 91 to 100—you said it could be defined as being not such bad self-harm. That appeared to be the answer you gave to Ms Rhiannon.

The Hon. GREG DONNELLY: I do not think that is the answer that was given by the director-general.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: I am not sure whether the director-general gave the answer.

CHAIR: Order! You would be better placed asking the question you want to ask without casting reflections on answers given previously.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Is there no classification of self-harm incidents? They have risen from 91 to 100, have they not?

Ms CROSS: Yes, that is my understanding. I do not think we publish typographies of self-harm. All I can say is that we take any self-harm very seriously, including detainees scratching themselves with a staple they got out of a magazine, or whatever it might be.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: The figures you gave reflected that 12 per cent were considered self-harm and 9 per cent were not. That seemed a very high figure.

Ms CROSS: It is my understanding that that is the figure reflected in our custody held survey.

The Hon. TONY KELLY: That was a survey.

Ms CROSS: The population coming into centres has that history.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: There is a high level of psychiatric symptoms. I understand from the *Community Mental Health Journal* in February that 96 per cent of

referred youth and 69 per cent of non-referred youth had one or more psychiatric diagnoses. Does that suggest to the Government that too many people in our institutions have psychiatric problems and there is not enough psychiatric help for children outside the juvenile justice system? The Minister might answer that question.

The Hon. TONY KELLY: As I said earlier, people with mental problems inside the system are well catered for. Just going back to your earlier point, those 104 incidents of self-harm ranged from attempted self-harm to the threat of self-harm. I answered that question earlier, which is the issue to which you are alluding. The incidents ranged from attempted self-harm to the threat of self-harm. However, as the director-general said, we do not classify them in that area.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: In other words, are you saying that the 104 incidents this year could have been less serious and the 91 incidents last year could have been more serious?

The Hon. TONY KELLY: No. We do not classify them so we do not know the mix. We are not suggesting either way that they were less serious or more serious.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: If you have data it is assumed to mean something. You are comparing eggs with eggs.

The Hon. TONY KELLY: You referred earlier to another point outside the department. From the day the Premier was elected he referred to three things on which he wanted to focus. One of those issues was mental health. The Premier redirected the budget to ensure that mental health received additional funding. Members might not yet have caught up with the new draft State plan which includes a significant number of comments about mental health. Future funding will depend on the priorities in that State plan. That issue has come up in three meetings that I have attended.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Does the Government accept it is bad to have large number of people with mental health issues incarcerated either in juvenile justice or in justice systems? If there were a better system they would not be in there.

The Hon. TONY KELLY: The Premier made his decision and he redirected his budget in that way. The last budget included a massive increase for mental health, both inside and outside the system.

The Hon. GREG DONNELLY: Will the Minister or the director-general inform the Committee how youth justice conferencing has contributed to reducing reoffending among young people in New South Wales?

The Hon. TONY KELLY: Youth justice conferencing has been an enormous step forward in our community. It is internationally recognised as a successful process that gives victims a direct voice in responding to youth crime. It keeps young people out of detention centres and, at the same time, it helps them to understand how their offending hurts other people. It has been shown to reduce juvenile crime. The New South Wales Government is committed to youth justice conferencing and acknowledges its contribution to reducing offending behaviour in young people.

Those solid outcomes have been achieved through sound cross-agency partnerships between juvenile justice and various other government departments and organisations in the community. Last financial year there were 1,554 referrals to a youth justice conference. Of those 32.4 per cent, or one-third, were Aborigines or Torres Strait Islanders. That encouraging figure indicates that work undertaken by the police, or with the police, under the Young Offenders Act is contributing to keeping young Aboriginal offenders in their communities and reducing the number in detention centres. That is particularly important because of the high incarceration rate for Aborigines.

A particular concern of mine is the fact that 40 per cent of young offenders in juvenile justice centres end up in the adult prison system, but the figure is closer to 90 per cent when we talk about Aborigines. Of particular importance is the fact that under the Young Offenders Act police are working with youth justice conferencing to try to redirect these young offenders. In addition, nearly 50,000 people have participated in the conferences since 1998, including victims, community

members, police, staff and government agencies. That is a key indicator of a strong collaborative approach that characterises youth justice conferences. Currently, the department has 331 active youth justice conference convenors, with 72 having been recruited last financial year alone.

Convenors are the community face of the conferencing scheme. They come from a wide range of cultural backgrounds. Importantly, about 7 per cent are from Aborigine and Torres Strait Islander backgrounds. Convenors come from 32 different cultural backgrounds. The success of the conferencing process is evident, with 99 per cent of all conferences in the last financial year reaching an agreed outcome plan, and 93 per cent of these outcome plans were successfully concluded within a six-month period. Youth justice conferencing is now well accepted as a viable alternative to court and the formal criminal justice process.

Since the introduction of the Act there has been an increase in the use of warnings and cautions for young offenders and a steady reduction in young people before the courts, and therefore in detention. Research from the Bureau of Crime Statistics and Research indicates that participation in a youth justice conference reduces reoffending in both property and violent crimes. That applies equally to both Aboriginal and non-Aboriginal young people. A 2002 Bureau of Crime Statistics and Research study shows the proportion of juveniles that reoffended is about 28 per cent lower than those that participated in a conference and those that were originally dealt with in the Children's Court.

I have been provided with two case studies that highlight the exceptional outcomes from youth justice conferences. The first is about a young adult in northern New South Wales who recently supported his young brother in a conference. He revealed that he himself had gone through a conference three years earlier. He explained that the process of meeting the victim had a huge impact on him and helped him to rethink his life. Through his own efforts he now has a permanent job, rents his own unit and owns a car and a boat. This young man has become a productive and self-sufficient member of society, thanks to the youth justice conferencing system. His younger brother is now completing an outcome plan that was agreed to at the conference.

Another example is a conference that was held in southern New South Wales for a young person who caused damage to several properties in a neighbourhood. While the young person did not have a significant history of offending behaviour, he had suffered from depression and was unemployed. One victim had his business window damaged. Although the damage was minor, it was the last straw for that person, who had been a victim of similar incidents on several occasions. At first the victim was reluctant to participate in the conference. However, in the end he did attend. At the conference the victim listened to the young person's story and accepted his sincere apology.

The victim then agreed to provide the young person with six weeks' work experience and, if the young person performed well, provide a reference and assist him to find employment. The young person has since successfully completed his outcome plan. Overall, this was a positive experience for the victim and the young offender. They are just two examples that I am aware of. There are many such examples in the community of positive outcomes from our youth justice conferencing system. I am very pleased that we are making progress every day in New South Wales through this system.

The Hon. EDDIE OBEID: Minister, what is happening with the former Yasmar detention centre?

The Hon. TONY KELLY: This is a good story. I am really pleased we have been able to sort this out. On 18 May the New South Wales Government announced that the historically significant Yasmar House and gardens at Haberfield would be managed by Ashfield Municipal Council and the former detention centre buildings would be managed by the Department of Juvenile Justice. It is important that this unique venue remains in public hands and continues to provide a valuable resource for the community. The name "Yasmar" is "Ramsay" spelt backwards. Ramsay is a famous family in New South Wales which was tied up with our early department stores. Yasmar is an historic home with surrounding gardens. The site also contains two buildings that are used by the Department of Juvenile Justice.

The former Yasmar detention centre has been refurbished and become a Department of Juvenile Justice training facility. This means the department can train Juvenile Justice workers in a detention centre environment on how to deal with potential emergencies at detention centres. Most

important, it avoids the need to conduct training in a fully operational centre, which can disrupt a facility's daily routine. Now staff attend a separate facility to undertake training, rather than train in current facilities around the State. This situation is similar to the adult prison system, which has its own training facility near Ryde.

Together with the member for Drummoyne, Angela D'Amore, I recently witnessed a critical incident training session based on a simulated emergency scenario. Staff participated in a room removal training exercise, which involved the relocation of a violent detainee from an area using legitimate force, as would be necessary in a real-life situation. This type of training equips staff with the ability to work effectively and appropriately with troubled young people in a confident and professional manner and ensures the safety of staff and detainees in the rare event of a critical incident. The department's operational development unit, which delivers operational training to staff in centres across the State, moved into the facility in July 2006. I think there are about eight staff, or there were on the day I was present.

Ms CROSS: Yes, seven or eight.

The Hon. TONY KELLY: Computer training has already taken place at the facility. There are plans for management development training in the future. The Department of Corrective Services and New South Wales Police plan to continue to use the site for training exercises, such as hostage negotiation, emergency response arrest techniques, cell extractions and riot control. A specialised training facility is one of the reasons the Government decided to reserve the site for government and community purposes under the Crown Lands Act. Recent amendments to the New South Wales legislation support this training, which has been provided by the Department of Juvenile Justice since 2001.

The State Government has invested \$350,000 now to upgrade Yasmar to enable this training by the Department of Juvenile Justice and the Department of Corrective Services. The Government is committed to providing front-line staff with the skills they need to carry out their duties. Local businesses and accommodation services also will benefit from patronage by local and regional staff who undertake training in the facility. The day I attended I was aware that staff training in the facility went to the local Haberfield shops to buy their lunch. The initiative is a great outcome for the local community. I am very pleased that the historic Yasmar House and gardens will now remain in public hands.

The Hon. GREG DONNELLY: Minister, in answer to my first question you gave details about the overrepresentation of young Aboriginals in the juvenile justice system. Would you explain to the Committee how the department is tackling the issue?

The Hon. TONY KELLY: The Department of Juvenile Justice is very aware of the issue—and, as I said, it is of concern to me—of overrepresentation and is committed to seeking ways to reduce this imbalance. In 2001 the department implemented the Aboriginal Overrepresentation Strategic Plan. It was an ambitious strategy that looked to reduce the number of Aboriginal people in the juvenile justice system. The specific aim of the plan was to decrease the number of Aboriginal young people who were under the supervision of the Department of Juvenile Justice, particularly the number of Aboriginal young people who were held in custody as opposed to those under community supervision. It must be recognised that the Department of Juvenile Justice is a downstream agency and has limited ability to influence the decisions of police and the courts. However, the department operates within the legislative environments imposed by bail laws and sentencing legislation.

Both the plan and evaluation significantly overestimated the ability of the Department of Juvenile Justice to influence the process of arrest, charge and sentence, particularly in rural communities. Nevertheless, it is the case that the rate of court appearances for indigenous young people, as well as young people overall, has dropped since the introduction of the plan. An evaluation of the plan which commenced in 2003 and spanned three years was undertaken by Professor Chris Cunneen, Director of the Institute of Criminology at the University of New South Wales. Both the report and the department's response have now been made public. I am advised that the department is well down the track in developing an Aboriginal strategic policy framework that incorporates the management of Aboriginal young people, mainstream policy and the core business of service provision. This is in line with the principles of Two Ways Together. This policy framework will cover

a five-year period in line with the Aboriginal Justice Plan and the Two Ways Together Justice Cluster Action Plan.

A full-day Aboriginal strategic planning workshop was held in early August to specifically discuss and address Aboriginal service delivery issues by the department. The Department of Juvenile Justice is one of the leading employers of Aboriginal and Torres Strait Islander staff in New South Wales. At 30 June the department had over 95 permanent identified positions on its establishment, as well as a number of Aboriginal and Torres Strait Islander staff members in non-identified positions, including senior management positions. The director general, senior executive members and Aboriginal staff representatives of the department attended the workshop. Also included in the workshop were representatives from Police, the Department of Commerce, the Aboriginal Justice Advisory Council and the Attorney General's Department. They were present for part of the workshop to share their knowledge and experience of agencies that deal with similar issues in the criminal justice sector.

The workshop concentrated on reaching an agreed approach to improving departmental service delivery to Aboriginal young people, building on successes and learning from previous experience. The four major outcomes relate to the support of Aboriginal young people to enable better decision-making; improvements in Aboriginal staff recruitment, as well as staff training and development of cultural competencies specifically around Aboriginal interventions; the development of both Aboriginal-specific programs and the engagement of Aboriginal young people in programs; an increase in the use of diversionary options where appropriate. The final plan will complement other criminal justice agency strategies in addressing overrepresentation and will be in line with a whole-of-government approach.

The Hon. EDDIE OBEID: What staffing changes has the department made to improve its service delivery?

The Hon. TONY KELLY: Like all government departments, the Department of Juvenile Justice is constantly reviewing its operations and procedures, trying to seek improvements. One of the most important outcomes is service delivery for its clients. Following the release of the proposed restructure for comment in February this year and subsequent negotiations with the New South Wales Public Service Association, the director general announced a community restructure in July. The restructure will greatly improve career opportunities for community-based staff and create a strengthened management structure. This will provide improved support and supervision of staff to ensure that young offenders receive supervision in line with community expectations.

The restructure also enables the department to further strengthen its evidence-based practice model, the quality assurance framework and training for community services staff. The new structure is currently being implemented, with the first stage of recruitment to be completed by the end of the month. The second stage of the recruitment process will begin shortly. Training of community-based staff to strengthen their skills in working with young offenders on their reoffending is currently being developed and will be ready for implementation by 2007. The total expenditure on community operations for 2005-06 was approximately \$20.5 million.

The department has long recognised the overrepresentation of Aboriginal clients in custody. The most recent statistics by the Bureau of Crime Statistics and Research show that virtually all indigenous males and a large majority of indigenous females will reoffend. The department has attempted to address this through the Aboriginal overrepresentation strategy. An evaluation of the strategy was completed by the Institute of Criminology, University of Sydney Law School, which was released on 1 June 2006. Many of the recommendations outlined in the evaluation reports are in accord with the restructure and new directions are being taken by the department. The department will be focusing more clearly on these outcomes that are within our control and we will be investigating new resources and programs that are proven to work.

There have also been some concerns regarding the department's community restructure and the possible deletion of Aboriginal program support officers. It is important to note that from the outset the department made a commitment to ensure that there would be no loss of identified Aboriginal positions. The original proposal, contrary to some media reports, created additional identified positions, most at a more senior level. It is also the case that there were valid concerns that

the Aboriginal program support officer positions had lost focus. Following further consultation with Aboriginal staff, four Aboriginal program support officer positions have been retained. However, there will be a refocus of their duties to complement the new structure. It is also important to note that the department has a staffing percentage of 10 per cent Aboriginal staff. This is a considerable achievement. The additional Aboriginal identified front-line and management positions will be placed in strategic locations across the State.

The department is committed to improving its service delivery to Aboriginal young offenders through a number of effective strategies, such as bail support, and the creation of additional Aboriginal identified positions will actively assist in this goal. As part of the community integration program significant funds—nearly \$2 million—are being allocated to expand the weekend Bail Court, bail support services, a brokerage service and to provide additional staff training. The bail program will divert young people from custody and reduce their numbers on remand. The idea of the program is to try to ensure that fewer young kids end up in remand on weekend and eventually end up in a detention centre. Under the old system they would sometimes get a penalty greater than their offence deserved by being put on remand and not ultimately going to a detention centre. The program will also increase the number of juvenile justice officers in court and on weekends in key locations around the State and provide programs that aim to address offending behaviour and to reduce the risk of reoffending. The restructure of the department's community services will enhance the department's ability to deal with offending behaviour in young people.

The Hon. GREG DONNELLY: Minister, can you explain to the Committee what the Government is doing to improve security and safety inside juvenile detention centres in New South Wales?

The Hon. TONY KELLY: The Government is committed to continually improving safety for the community and staff. Over the past 10 years the Government has invested \$116 million in developing a juvenile justice system that protects the community and staff and aims to break the juvenile crime cycle for young offenders. Since 1995 there has been an almost total rebuilding of juvenile detention centres. Prior to 1995 many detainees were still held in dormitory-style accommodation, and boys and girls were often housed together. Apart from the rebuilding of centres, the Department of Juvenile Justice has also implemented a range of measures to improve physical security at its juvenile justice centres. In the last financial year more than four kilometres of razor wire has been installed in juvenile justice centres at a cost of more than \$440,000. Riverina, for example, received 1,100 metres of razor wire on the roofs of buildings and inside the perimeter fence at a cost of more than \$100,000. This additional razor wire improves security and greatly reduces the possibility of escape.

I should point out that the escape rate dropped dramatically between 1990 and 2005. Committee members can see from this chart how significantly the escape rate has dropped. We are also talking at the moment about the issue of assaults. That number has also dropped in a similar manner. They are significant achievements by the Department of Juvenile Justice. Security at each centre is a high priority, with frequent and regular security checks being conducted by centre staff. During the last financial year as part of the four-year custodial accommodation management program, which includes cameras and fences, nearly \$2.5 million was spent on upgrading camera surveillance systems and the installation of fences and improved security measures at Acmena, Frank Baxter, Juniperina, Reiby, Keelong, Orana and Riverina juvenile justice centres as well as the Yasmar training facility. Reiby, for example, received a new visitors and admissions area, which included upgrades to existing security and information technology systems.

As part of the same program, additional fencing was installed to segregate custodial areas into manageable portions and to improve security of visits and outdoor areas. The capital works program has been pivotal in improving security at the centre. The Cobham minor works program included the rollout of additional two-way radios and earpieces as part of the department's aggregated procurement exercise, first introduced in 2004-05. It also included the conversion of two existing offices to a new dental clinic and a urinalysis room as well as additional lighting protection devices, electronic security and communication systems and electrical switchboards and the upgrade of bedroom toilet cisterns. Currently, cyclical maintenance work is being undertaken to replace doors, undertake shower repairs in three units and construct a fence to better separate the Taralga unit compound from the visits compound.

For the past three years Reiby Juvenile Justice Centre has undergone major capital works totalling \$24.3 million. The centre's total redevelopment to a 60-bed capacity centre was completed earlier this year and was officially opened on 18 May. The work in 2005-06 included construction of a third accommodation unit for detainees aged between 12 and 14 years and the refurbishment of a fourth existing accommodation unit as well as the completion of all external works and landscaping. Additional cameras have also been installed as part of the ongoing program to expand the existing CCTV system. This phase was completed in June 2006. The minor works program included the rollout of Reiby's two-way radios and spare earpieces as well as the purchase of essential equipment. As I said, the Government is committed to ensuring the safety of staff, detainees and the community by upgrading the facilities that house our young offenders.

CHAIR: We will now turn to 10 minutes of questioning from Ms Lee Rhiannon.

Ms LEE RHIANNON: Returning to the issue of self-harm, it was good to hear the comments from the director general about the increase in resources and moving to an evidence-based approach. Professor Diana Kenny, who conducted that study, has said that if these young people were put into an environment that is safe and secure and they get a certain amount of empathetic support and respect, a lot of the symptoms will resolve themselves. How does the Minister reconcile that advice with the harsh regime instituted under the Children (Detention Centres) Amendment Act, which, amongst other things, increases the length of time that juvenile detainees can be held in segregation from six hours in a 24-hour period to an indefinite period and increases the time that juvenile detainees can be held in isolation as punishment? How does the Minister reconcile what the department is doing in practice with the advice that he has been given?

The Hon. TONY KELLY: Those legislative amendments, which were made earlier this year, were introduced for a variety of reasons, not the least of which included security and staff safety. Staff in juvenile detention centres did not have the same level of protection as that provided to their counterparts in the adult detention system. Those amendments were designed to ensure the security of the staff, to reduce the incidence of assaults on staff and to give staff the opportunity to exercise better control. New guidelines were also developed with the Commission for Children and Young People.

Ms MASON: It is a dilemma in Juvenile Justice. With regard to segregation, we received clear advice from the Crown Advocate that the department's obligations to its staff under occupational health and safety legislation could not be reconciled with the legislative limits on segregation and confinement as they stood. In effect, the department had two irreconcilable obligations, which was a serious concern. As honourable members are aware, one fatal incident and another serious incident have occurred. That has created a great deal of concern. Conversely, as mentioned earlier, the department is proud of the fact that it has never had a death in a juvenile detention centre, and it wants to maintain that record.

The department is very concerned about the fragile state of some detainees. Although there are legislative limits, which were appropriate and brought this State into line with other States and Territories—which in some cases have no limits—the department has implemented a series of safeguards that have been agreed to by the various accountability bodies. Those safeguards include systematically involving justice, health, and departmental psychologists in the centre and a reporting process whereby any extended period of segregation must be signed off by the regional manager. If segregation or detention goes on for an extended period, the department has an agreement to notify the Ombudsman. The department has tried to build in as many safeguards as is reasonable, having in mind the restrictions imposed.

Ms LEE RHIANNON: I am sure that the department has put those safeguards in place for the staff, and I agree that it is necessary. However, I refer again to the young people and to Professor Kenny's specific suggestion about their being put into an environment that is safe and secure and in which they receive a certain amount of empathetic support. I would like a brief response or the question can be taken on notice. How does that happen and is it happening?

Mr MUIR: In its 2002 restructure of juvenile justice centres the department moved responsibility for case management to frontline staff. Every young person in a juvenile justice centre will have at least one key worker who will deal with his or her case management needs. Reviews of

centres have indicated that young people relate very positively to this measure. This has been one of the moves that has increased stability in the centres because it has engaged staff more effectively in interaction with young people's problems so that they have not escalated to the point of requiring intervention. The powers referred to are used only sparingly and only in extreme cases. The department has utilised them only in incidents involving extreme violence.

The Hon. TONY KELLY: The agreement I mentioned reached with the Commission for Children and Young People clarifies the legitimate use of force. Legislation was proposed at one stage, but we reached an agreement with the Commissioner for Children and Young People acknowledging that the staff members face difficult situations. The agreement will help them understand their rights when they exercise legitimate force. It specifically recognises that legitimate use of force is not reportable conduct for purposes of the Commission for Children and Young People Act.

Ms LEE RHIANNON: I asked for figures obviously related to this issue, and the question was taken on notice. Given that that legislation has just been passed, I am surprised that those figures are not available now, particularly because clear charts were ready for a response to a question from a Government member. How many juvenile detainees have been punished by being held in isolation for more than three hours in a 24-hour period?

The Hon. TONY KELLY: I do not think we have those figures on hand.

Ms LEE RHIANNON: I will place the question on notice. I am surprised; I thought you would have been ready for that question.

The Hon. TONY KELLY: I had the charts ready regardless of the source of the question. I was determined not to let the opportunity pass without demonstrating what a great job they are doing on assaults and escapes.

Ms LEE RHIANNON: Minister, a representative from your office commented in a media report on 16 May that your office is reviewing the United Nations Human Rights Committee decision of 17 March this year regarding the treatment of Corey Brough, a 16-year-old Aboriginal man with mild disability who was held in a New South Wales correctional facility. I imagine you are well aware of the case. Now that the report has presumably been reviewed, what comments do you have and can the review be released publicly?

The Hon. TONY KELLY: I am advised that on 17 March 2006 the United Nations Human Rights Committee handed down its findings in relation to an application under the International Covenant on Civil and Political Rights made by Corey Brough, a young Aboriginal inmate incarcerated in New South Wales. The comprehensive response to the complainant was prepared by the Commonwealth Attorney's department in consultation with the New South Wales Department of Corrective Services. The Commonwealth has advised that Australia does not recognise the covenant as binding and that the committee cannot make any legally enforceable orders against the Commonwealth or New South Wales. Notwithstanding this, the Commonwealth Attorney General's Department is preparing Australia's response to the committee's findings in consultation with the Cabinet Office, which is preparing a whole-of-government response.

Ms LEE RHIANNON: Will the young man be compensated?

The Hon. TONY KELLY: I think that is probably enough for that.

The Hon. CATHERINE CUSACK: He died in the prison system.

Ms LEE RHIANNON: I do not think he died.

The Hon. TONY KELLY: It involves the Department of Corrective Services, not the Department of Juvenile Justice.

Ms LEE RHIANNON: Point taken. However, because he is a young person I am obviously interested. Will he be compensated?

The Hon. TONY KELLY: We are providing a whole-of-government response.

Ms LEE RHIANNON: When will that happen?

The Hon. TONY KELLY: When it is ready.

Ms LEE RHIANNON: Can you provide a timeline? It has already been almost six months. Is there no timeline for when this will happen?

The Hon. TONY KELLY: No.

Ms LEE RHIANNON: What is the department's policy in regard to keeping juvenile offenders in adult correctional facilities, especially when they suffer intellectual disabilities? That is how this case arose: there was a 16-year-old in an adult prison.

Ms MASON: Our policy is that we apply the law. Obviously, other things being equal, those sentenced as a juvenile stay with the Department of Juvenile Justice until they are 21. However, they can be transferred earlier under the new legislation if they request such a transfer, which does happen. The other major way that people get transferred currently is that they get transferred from Juvenile Justice to Kariong, which, as you know, is now administered by the Department of Corrective Services. Our policy there is that our objective classification system is applied. It is a very detailed and so far quite successful classification policy, where the offence is taken into account as well as the behaviour of the detainee in custody.

For example, if a person who is over 16 and is convicted of murder comes into our system, that person comes out automatically as an A10, and then there is a process whereby the head of the Department of Corrective Services and I have to agree that that person gets transferred. In terms of any transfer onward from Kariong to the adult correctional system, that is purely a matter for the Department of Corrective Services; we are not involved in that.

CHAIR: We will now have 20 minutes of Opposition questioning.

The Hon. CATHERINE CUSACK: In the annual report of the Civil Chaplains Advisory Committee it is stated:

The CCAC noted that a juvenile justice centre at Juniperina, in Sydney's west, did not include any provision for a chapel or a place of worship. The CCAC will continue to press the department for inclusion of a chapel in all juvenile justice centres.

Given that there has been plenty of space available for things like tennis courts, gymnasiums and swimming pools, what does your Government have against putting chapels in detention centres?

The Hon. TONY KELLY: We do not have anything against putting chapels in detention centres. In fact, the opposite is probably the truth. I am aware of the situation out there. I will ask the director general to give the Committee an update as to where that is up to.

Ms MASON: Early in the piece I met with the chaplain from Juniperina, who is a very forceful advocate, and various representatives of the churches. The Minister also took a keen interest. So we did find some dedicated space. I had the privilege—I think it was three or four months ago—of going to a multid denominational dedication ceremony at Juniperina. As far as I am aware, I think that possibly the report you quoted from is a little out of date. There is now dedicated space for use in Juniperina.

Last week I went to the dedication of the chapel at Reiby, which was particularly well attended. We had the Archbishop of Wollongong, a leading local Buddhist dignitary, various other chaplains and religious figures, and some participation by traditional Aboriginal local elders and dancing performances by young Aboriginal children. It was a very positive and healing experience, and very well received at Reiby.

The Hon. CATHERINE CUSACK: Is Baxter Detention Centre Chapel still available for the use of detainees?

Ms MASON: At Baxter there was an area that the chaplain was using in a disused unit. We then needed to restore the unit, which I think is called Katandra. So we are now in discussions. I have had a couple of meetings with the chaplain at Baxter, who again is a very forceful advocate and who has a number of ideas for where he would like the chapel to be situated. I think he wants something rather more ambitious than we may be able to achieve, but we are certainly in discussions with him about something for the detainees at Baxter.

The Hon. TONY KELLY: I understand he is coming to see me about the issue as well.

The Hon. CATHERINE CUSACK: I do not blame him, Minister. It seems extraordinary that these fabulous sporting facilities can be established at great cost and yet a simple thing like a chapel—which I presume detainees can attend at Christmas time and obviously throughout the year—is not part of the design of our detention centres.

The Hon. TONY KELLY: Hopefully they can attend them a lot more often than that—and I think they do. But, as I said, we are addressing the issue. The chaplain is coming to see me and we will ensure that it is addressed.

The Hon. CATHERINE CUSACK: So it is your policy—?

The Hon. TONY KELLY: It certainly is my policy—

The Hon. CATHERINE CUSACK:—that there will be chapels in all detention centres?

The Hon. TONY KELLY: Yes.

The Hon. CATHERINE CUSACK: Appropriate space? Not just a shade cloth in the back garden?

The Hon. TONY KELLY: No. And ones that will cater for multidisciplinary religions, or the different religions that we might have.

The Hon. CATHERINE CUSACK: In relation to Juniperina, I would like to raise a serious matter that occurred earlier this year when a female detainee who had been an inmate of Juniperina was unexpectedly granted bail by Campbelltown Court. As a result, the detention centre staff packed the girl's bag for her on her behalf, for her to leave the detention centre. In the process of doing that, another detainee's prescription medication was put in the bag.

The girl, who was a known self-harmer, found the medication and almost immediately began to consume it in a suicide attempt. Ultimately the young girl's life was saved, but she ended up being charged by police with further assault offences, and obviously she is now facing more time in custody. Has your department conducted an investigation into this extraordinary lapse in the transfer of medication?

The Hon. TONY KELLY: I will ask the Assistant Director General (Operations), Peter Muir, to answer that question.

Mr MUIR: The question of the medication error was, in the first instance, the responsibility of Justice Health, which issues all medication. The Department of Juvenile Justice and Justice Health have a joint clinical governance committee, and that incident was reviewed as part of that process of the joint clinical governance committee.

The young person was charged because she assaulted a member of our staff and, in line with our policy, the matter was automatically referred to police. The assault was against one of our community-based officers, and the department is working very closely with Justice Health to make sure that those medication errors do not occur again.

The Hon. CATHERINE CUSACK: Can you explain how another detainee's medication could have been placed in the girl's bag, which was being packed by Juvenile Justice staff?

Mr MUIR: On my understanding, it was mislabelled.

The Hon. CATHERINE CUSACK: Mislabelled by Justice Health?

Mr MUIR: That is my understanding.

The Hon. CATHERINE CUSACK: So you are blaming Justice Health for what is quite a fiasco?

Mr MUIR: I am simply answering the question.

The Hon. CATHERINE CUSACK: What has been the outcome of this incident, apart from the girl being returned to custody?

Mr MUIR: They are matters for Justice Health, in terms of how they dispense medication. As I said, the department works closely with them to ensure that these things are checked by Justice Health. Ultimately, the dispensation of medication is not a matter for this department; it is a matter for Justice Health.

The Hon. CATHERINE CUSACK: We have just spent considerable time discussing the problem of youth suicide and self-harm and the amount of resources that has been put in to stop this. A girl who is a known self-harmer has been handed another detainee's medication and yet it seems there has been no outcome, no responsibility, no individual accountability, and Justice Health, which your department retains under contract, appears to have suffered no adverse consequence either. The only adverse consequence has been borne by this girl, who nearly lost her life and is now back in custody with further charges pressed against her by the department. It is amazing.

Mr MUIR: I cannot answer what Justice Health has done. How they treat their clinical matters and disciplinary matters is a matter for them. They are confidential. We simply do not know whether there has been an outcome against the individual concerned, nor would it be appropriate for us to know. They are matters rightly for Justice Health to handle.

What we do know is that we have requested that there be strengthening procedures around the identification of these things, and we are confident, through my meetings with the Director of Adolescent Health, that these matters are addressed.

The Hon. CATHERINE CUSACK: What is the value of the contract between Juvenile Justice and Justice Health?

Mr MUIR: There is no contract. There is a memorandum of understanding entered into by the departments when the matters were transferred. It is now administered solely by the Department of Health, through Justice Health.

The Hon. TONY KELLY: They are not contracted to us. They are not part of our budget; they are part of the Health budget. They are separate to us.

The Hon. CATHERINE CUSACK: As far as you are concerned, there was no action by any member of Juvenile Justice that needed to be dealt with; Juvenile Justice handled the matter perfectly and appropriately?

Mr MUIR: The clinical governance committee identified no issues for Juvenile Justice in this matter.

The Hon. CATHERINE CUSACK: Who participates on that clinical governance committee?

Mr MUIR: The composition has recently changed. Until recently it was the Director of Adolescent Health, one of my regional directors, and my Director of Psychological and Specialist Programs.

The Hon. CATHERINE CUSACK: So Justice Health accepts full responsibility for this incident?

Mr MUIR: It would be inappropriate for me to comment on their position.

The Hon. CATHERINE CUSACK: It is just that this detainee is your responsibility. The point of discharge, it is your responsibility.

Mr MUIR: The medication is the responsibility of Justice Health.

The Hon. CATHERINE CUSACK: Medication being in her bag is your responsibility, particularly if, as I understand it, it was placed in her bag by a member of juvenile justice staff.

Mr MUIR: I have already answered how I believe that occurred.

The Hon. CATHERINE CUSACK: And that is the full extent of this matter? It is a closed matter as far as you are concerned?

Mr MUIR: The Clinical Governance Committee has not raised any further issues for the department.

The Hon. CATHERINE CUSACK: Minister, I would like to raise with you the case of Darryl Gardener. We have just talked about the efforts by the Department of Juvenile Justice to recruit Aboriginal staff to the organisation. Darryl Gardener is an absolutely outstanding young Aboriginal person from Wagga Wagga and you have recently written to the member for Wagga Wagga, Daryl Maguire, who complained about Mr Gardener's recruitment treatment and the fact that he has now been discharged from the department's employment in contrast with all of your own employment guidelines. I am just wondering if the case is familiar to you, the director-general or the department?

The Hon. TONY KELLY: I think it is familiar to Peter Muir.

Ms MASON: I believe I am familiar with that case, but I do not have any details of the matter before me. To be honest, I would be reluctant to discuss any individual's employment details in a public forum, although I would be very happy to take a question on notice to make sure I did not breach his privacy in any way.

The Hon. CATHERINE CUSACK: I would appreciate that. Can I tell you the case has raised a lot of passions and this man certainly appears to Daryl Maguire and myself to have been treated in complete contrast with every statement you have made about Aboriginal employment. So I would appreciate you taking that on notice.

Minister, the Journey to Respect Program. For the 2005-06 year how much was expended on that program, how many staff were trained and how many detainees were assisted?

The Hon. TONY KELLY: The department continues to develop and implement the programs related to the relationship between offending and alcohol and other drugs use. As you say, the Journey to Respect Program is an Aboriginal intergenerational violence prevention program for young Aboriginal and Torres Strait Islander male offenders. During 2005-06 this program assisted 51 Aboriginal young men through group work, and trained a total of 17 people to deliver the group work program in both the department and the community at an estimated cost of \$39,000, which included \$29,000 for the program and estimated trainer costs of \$10,000. So there were 51 clients, five Department of Juvenile Justice staff trained and 12 community-trained.

The Hon. CATHERINE CUSACK: Minister, I understand there has been a proposal for a specialist mental health unit to be established for juvenile justice detainees in the Long Bay

correctional complex and that that facility would have 17 beds available for juveniles identified as having mental health needs in the juvenile system. Can you explain that proposal?

Ms MASON: My understanding is that in the newly rebuilt hospital—and this is chiefly a matter for Justice Health, as you would understand—they intend to set aside 15 beds, was my understanding, for adolescent forensic, but I would stand corrected on that and we would have to get the details from Justice Health for you on that.

The Hon. CATHERINE CUSACK: I understand that it was for detainees who are aged over the age of 16; is that correct?

Ms MASON: I am not wanting at all to be evasive but this is all being worked out by Justice Health and it is part of the administration of the hospital. My understanding, just in discussions with them, is that the longer term plan is obviously, as usual, they would be wanting to deal with juveniles generally outside Long Bay, but this was for specialist care for juveniles in crisis that they felt they could only administer in the hospital where there were the specialist forensic facilities available. But I would not swear on the Bible to that because, as I say, this is just the description that was given to me in an informal context.

The Hon. TONY KELLY: Even though it is Justice Health we can take it on notice.

Ms MASON: We can certainly get you some detailed information, that is no problem.

The Hon. CATHERINE CUSACK: Are there any forensic prisoners in the juvenile system, and by that I mean young people found not guilty by reason of—

Ms MASON: I am aware of one.

The Hon. CATHERINE CUSACK: Can I ask, is that a female?

Ms MASON: Yes.

The Hon. CATHERINE CUSACK: But that is the only one. It is a pretty unusual situation?

Ms MASON: It is very unusual, yes.

The Hon. CATHERINE CUSACK: And she is now aged over 20?

Ms MASON: As far as I know, yes.

The Hon. CATHERINE CUSACK: I understand the need for privacy but this has been in the media. My information has come from the media. Mr Muir, earlier you referred to the youth mental health team that has been established at Cobham and that they have been successful in placing 60 per cent of young people in need of services. What has happened to the other 40 per cent?

Mr MUIR: I am sorry, I do not wish to appear evasive but these are matters for Justice Health. Our figures are only from what was shared with me in meetings with Justice Health.

The Hon. CATHERINE CUSACK: So these young people, even though they have been admitted to the detention centre, become—

Mr MUIR: These are services that are actually placed at the court. I do not know if you are familiar with the court liaison service: it is essentially the juvenile equivalent in which there are mental health people located at the courts. As young people who attend court are identified with potential mental health problems they are referred to this team for assessment. If the team assesses a mental health problem they will then look to divert young people into the mental health system rather than have them admitted to custody at all in the first place.

The Hon. CATHERINE CUSACK: Is that advice given to the courts?

Mr MUIR: Yes.

The Hon. CATHERINE CUSACK: I have an instance of a young person, I think in the Riverina area, who was charged with offences and the magistrate indicated he was forced to remand him to custody because no mental health facilities could be found for this young person down in the Riverina. I am sorry, I cannot give you the details.

The Hon. TONY KELLY: If you want to give us the details later?

The Hon. CATHERINE CUSACK: I guess I wanted to ask a broader question. Is that a common occurrence? Are you aware of cases where young people are being remanded into custody because no mental health bed could be found for them?

Mr MUIR: Our own figures tell us that there are significant mental health problems amongst our population and the demand is greater than the beds available. So on any given day probably yes, but I have got to say in my experience the access to services through Justice Health now has been greater than at any time in the past.

The Hon. CATHERINE CUSACK: In the Auditor General's report last year, Managing and Measuring Success, which we actually talked about for quite some time at the last Estimates, measuring performance and the impact that the department is making on repeat offending, it refers to pilot programs that have been conducted between the Department of Juvenile Justice and the Department of Housing to find accommodation for young offenders, people who are under the supervision of your department. I just wondered what the outcome of those pilots has been? The department is now working with the Department of Housing for improved accommodation and was carrying out joint pilot projects to help young offenders find a place to live long term.

The Hon. TONY KELLY: I think, rather than give you wrong or incomplete information, I will take that on notice.

The Hon. CATHERINE CUSACK: In relation to the major findings of that report, which were essentially, "We were unable to determine whether the Department of Juvenile Justice helps to reduce reoffending and rehabilitates young offenders. This is partially due to limitations with the department's client information system, which prevents it from extracting quality performance data." Has that problem now been able to be addressed?

The Hon. TONY KELLY: A key initiative to develop sound performance measurement is the department's new corporate information system project, which will enable it to monitor and report on performance outcomes for effective planning and decision making via a data warehouse. The project is funded until June 2010 at a cost of \$4.977 million. In addition, collaborative work between the department and other agencies will continue to obtain access to data for performance information. The human services CEO's group, better service delivery of projects named the Integrated Service Delivery Across Human Services and the justice cluster court link project provide all relevant agencies access to court data.

CHAIR: We will now have 10 minutes of questions from the Hon. Dr Arthur Chesterfield-Evans.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Minister, does the department have a pro-religion policy?

The Hon. TONY KELLY: I am not sure of the department's policy but my policy is that certainly religion should be made available and facilities should be made available for people who want to avail themselves of it, whether it be Juvenile Justice centres or Corrective Services centres. In that regard I do not mean just Christian facilities; it might be Muslim or any other faith.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: You do not have a pro-religion policy but you are putting facilities in there for people who have religions, is that the bottom line?

The Hon. TONY KELLY: I do not know what you think, but I actually think that people who have religion have a slightly better chance of not offending in a community. I was taught by the nuns and priests that you should not go out and attack people's houses and property. They are some religious beliefs that I think are fundamental to everybody.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Given that there are two major religions, the fundamental views of which seem to be causing a great deal of difficulty in the world and given that certainly in Britain people who have converted to certain faiths have been involved in some of the civil disturbances or threatened ones, is there a downside to this and how much control does the department have over religious input into the system?

The Hon. TONY KELLY: I think that is just perpetrating and reiterating some of the negative media that is around. People of different religions and different races are blamed for things. There are extremists in any group, whether they were the Christian conquests of hundreds of years ago or—

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Do you think there is no danger in having religious instruction—

The Hon. TONY KELLY: I do not think you should blame religions.

The Hon. GREG DONNELLY: Madam Chair, I ask that the Minister be allowed to answer the question in silence.

CHAIR: Yes. It is questions on budget estimates; it is not chitchat across the table. Also, for the sake of Hansard, if there is continual interruption to answers, it is impossible to get an accurate transcript of what has happened.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: With respect, if answers take a long time we get very few questions and one does have to try to shorten them.

The Hon. GREG DONNELLY: If a question is asked of the Minister, surely the Minister is entitled to answer a question in the way he sees fit.

CHAIR: Yes, that is correct, but given that the Hon. Dr Arthur Chesterfield-Evans has seven minutes of questions left, probably we should get back to asking brief questions and having brief answers.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Given that there may be radical ideas put to people in prisons who may be receptive to those, is there any quality control of the type of ideas and who pushes those religious ideas in prisons?

The Hon. TONY KELLY: You are talking about prisons in Juvenile Justice?

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: The same principle would apply to both.

Ms MASON: With the Minister's permission I would be very happy to invite the honourable member next time we have a dedication of a sacred space or whatever. I think the religious observance within juvenile detention centres is in a very ecumenical and moderate manner. There is certainly no element of compulsion about it and the religious figures who come to the centre tend to promote very positive programs like the Kairos Program, which the detainees seem to respond very positively to without being inducted into any particular doctrine or belief. In any given centre it is always very pleasing to see the very great value that gets placed on traditional Aboriginal culture within those observances so there certainly is no sign of extremism being promoted in our centre.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Is there any disadvantage to people who are not religious in terms of facilities, time and programs provided to atheists or agnostic people?

Ms MASON: No. Indeed, the sacred spaces, so-called, are set aside in general for contemplation and meditation and that sort of thing. I know particularly at Juniperina that is the case. It is regarded as a generally calming and beneficial place for people to go.

The Hon. TONY KELLY: Perhaps you should come to Mass with me one morning to find out how calming an influence it actually is.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: I have that experience in Parliament each time I hear the Lord's Prayer. What part of the budget and what programs look at recidivism rates? I gather you talked about the data. Do you have good figures on recidivism rates, and how long are people followed for? Is there a prospective study and how are the privacy aspects of that dealt with?

The Hon. TONY KELLY: Yes, there is some data available. The department uses data from the New South Wales Bureau of Crime Statistics and Research reoffending database to report on recidivism. This measure indicates what proportion of young people who come under our supervision recommit.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Could I take the rest of that on notice so that I can continue with other questions? I see you have an answer to the question and I am delighted, but I would like to go on to some other questions as well.

The Hon. TONY KELLY: It is what you asked. Can I give the rest of the answer?

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: I would like the rest of the answer in writing. How much money is spent per child on continuing education in school or other systems of education?

Ms MASON: The schools in our centres are administered by the Department of Education and Training, so although we work closely with them, we do not actually have their budget to hand, that I am aware of, although I could probably get some information for you.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Are there eye or hearing screenings amongst kids with learning difficulties in the system because I understand that dyslexia or classroom misbehaviour may relate to deafness or poor vision?

Ms MASON: That is certainly undertaken by Justice Health and, in fact, the study by Professor Kenny that was mentioned earlier produced some quite relevant information about that. You are absolutely right. We do have a very high rate of ear infections in the population that are coming in. We have 32 per cent of males in custody and 26 per cent in the community have some form of major ear infection or hearing loss and 30 per cent of females in custody and 40 per cent of females in the community, so it is a major difficulty and both Justice Health and Education are keenly aware of it.

I am told that the eyesight issue is to a lesser extent but as you, of course, would be well aware, it is a major difficulty or a major concern in the Aboriginal rural population generally and it is even more intensified in that substantive Aboriginal community that comes into our detention centres. It is something that all three agencies are very keenly aware of.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: But there is a systematic screening program, is there, because I understand with behavioural difficulties in classrooms in New South Wales there is a high incidence of people with poor vision?

Ms MASON: My advice is that Justice Health pays very keen attention to that and to a number of those threshold physical impediments to education.

Mr MUIR: Everyone is screened thoroughly within 48 hours of admission to a centre and usually within 24.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: By Justice Health?

Mr MUIR: By Justice Health.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: What is the prevalence of anti-psychotic medication in children?

Ms MASON: What I am told is 18 per cent in centres, but again they administer the medication.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Mr Muir said that there was more demand for mental health beds than supply, I gather. Was he referring to inside the juvenile justice system or outside?

Mr MUIR: Outside.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: So in fact where demand is exceeding supply those people might come to juvenile justice. Is that the upshot of a shortage of beds there?

Mr MUIR: Our own figures tell us that around a third of our young people in custody have some form of diagnosed mental health problem consistent with DSM IV so certainly there is. One of the projects we are working on at the moment, Justice Health and ourselves have jointly funded a project officer to look at the need for a mental health screening stabilisation unit within our system. That project is in very early days.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Are they coming to you because there are no beds out there, either directly or indirectly?

Mr MUIR: No, there is a partnership in which we may identify problems with young people. The referrals are made. The treating psychiatrist or visiting medical officer will then make the appropriate referrals into mental health beds.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Are there active drug, alcohol and smoking programs to lessen those in juvenile justice?

Mr MUIR: Absolutely. The department has an extensive network of alcohol and drug counsellors around the State. All of those people are qualified. They are either social workers or psychologists. Every centre has at least one; some have more alcohol and other drug counsellors. The department invests, with the Commonwealth, around \$2 million into residential alcohol and drug rehabilitation treatment. The total value of the department's drug programs exceeds \$6 million.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Is tobacco included in that?

Mr MUIR: Yes. Justice Health has employed a staff specialist for drug and alcohol. He visits each of the centres, and tobacco is included and when necessary, for example, nicotine replacement therapy may be offered.

The Hon. TONY KELLY: Just in relation to cigarette smoking in juvenile justice centres, you will be very pleased to know that from 1 September everyone, including staff, will not even be able to smoke in the car park.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Will there be adequate nicotine patches, because that can be very traumatic for people who are addicted, as you may be aware?

Ms MASON: My understanding is that a lot of our detainees come in with quite a heavy habit, and Justice Health gives patches where it is appropriate. It makes that assessment; we do not.

CHAIR: The time for questions for this portfolio area has expired.

(Short adjournment)

IAN McLEAN, Acting Commissioner, Department of Corrective Services, and

GERARD SCHIPP, Deputy Commissioner, Corporate Services, Department of Corrective Services, sworn and examined, and

LUKE GRANT, Acting Deputy Commissioner, Offender Management and Operations, Department of Corrective Services, affirmed and examined:

CHAIR: Minister, would like to make a brief opening statement?

The Hon. TONY KELLY: Thank you, chair. The New South Wales Department of Corrective Services is the largest correctional system in Australia. It is a complex and diverse organisation, encompassing the full spectrum of corrections within the criminal justice system, namely detention, containment, community supervision and other correctional services. The department is responsible for providing advice for courts about appropriate sentences for offenders, providing advice to the State Parole Authority about releasing offenders from custody, designing and implementing programs to reduce reoffending, and supervising offenders who live in the community rather than in a cell.

The department faces a challenge in managing continually increasing offender numbers. The inmate population has increased from approximately 6,300 in April 1998 to a high of 9,354 during 2005-06. That is a 48 per cent increase in eight years. The department currently manages more than 9,300 inmates in 30 correctional centres across New South Wales. The department's mission is to manage offenders in a safe, secure and humane manner and reduce risks of reoffending. The department aims to ensure that court-imposed sentences are implemented fairly, safely and justly, while ensuring its duty of care to offenders is met and that the community is safe by reducing the risk of reoffending. To this end, the department is currently promoting and directing the integrated management of offenders in custody and in the community, and is directing the provision of throughcare in offender management—from presentence assessment and reporting through to community-based or correctional custody, followed by post-release supervision.

Within the context of managing offenders, the department develops and delivers programs addressing offender behaviour, enabling offenders to prepare to re-enter the community and to encourage their personal development. The programs developed include those addressing violence, drug and alcohol addiction, and sexual offending. Special programs are developed to prepare an inmate to lead worthwhile, lawful and productive lives after release in the community. The programs are delivered in the areas of health, parenting, education and work readiness. The department is concentrating on four objects over the next five to 10 years. Firstly, increasing efforts to reduce the risk of reoffending. The second is providing sentencing options for courts to divert Aboriginal offenders from full-time custody. Thirdly, expanding inmate accommodation to meet the expected inmate population increase, and, fourthly, expanding supervision of and services for community-based offenders.

By examining the Department's budget estimates for the 2006-07 financial year we are given a glimpse of some of the excellent work being done throughout New South Wales. The department will spend an estimated \$796.7 million on operating expenses, including a variety of services and programs. For example, \$2 million is going towards a compulsory drug treatment program for offenders being conducted in conjunction with the Attorney General's Department and NSW Health. An additional \$128.1 million will be spent on capital works. For example, this year \$15 million is going towards the 1,000 new beds project to accommodate the growing inmate population.

As mentioned previously, the inmate population has increased from approximately 6,300 in April 1998 to a high of 9,354 during 2005-06. That is a 48 per cent increase in eight years. Despite this, the number of escapes per year has decreased from 79 to 27 over the same period. I would like to show that on this graph. You see in that period the population has increased dramatically and at the same time escapes have decreased dramatically.

The Hon. GREG DONNELLY: The starting point on the left-hand side—would you explain the significance of that date?

The Hon. TONY KELLY: That is when this Government took over in the 1995-96 year. That is the prison population of about 6,300 and the escape rate was close to three per 100 I think it was. When one considers that together with the growth in the prison population, an escape is now 10 times less likely that it was 10 years ago. That is a phenomenal achievement. When the complex nature of the department's work is fully comprehended, the significance of this achievement is appreciated even more.

The department is responsible for 30 correctional centres, of which one is privately operated—the correctional centre at Junee in the State's south-west—and one is a juvenile correctional centre at Kariong. In addition, the department is currently responsible for two transitional centres for women at Parramatta and Bolwara, one residential facility for female offenders with a mental health disorder and 15 around-the-clock police/court cell complexes.

To give you an idea of the characteristics of the inmate population, I can advise that in 2005-06 approximately 4,300 staff were responsible for managing just over 9,300 inmates in full-time custody. The vast majority of these inmates were males between 26 and 44 years of age, most of them serving a sentence of less than 2 years or a sentence of between 5 and 20 years. Further, 61 per cent of the inmates were held in secure custody and 39 per cent were held in what is called open security, which is minimum security. The department manages eight periodic detention centres. According to the department's Corporate Research Evaluation and Statistics Unit, for the week ending 6 August 2006 the department managed 723 offenders on periodic detention orders. Again, the vast majority were male. Periodic detention operates on weekends, as well as mid-week. Most periodic detainees spend the entire weekend at a periodic detention centre and the majority perform community service work during the day.

As well as managing offenders in full-time custody and those serving periodic detention, the department is responsible for supervising offenders who are serving their sentences in the community. In 2005-06 approximately 580 officers in 63 offices around New South Wales were responsible for supervising approximately 18,000 community-based offenders, such as those on home detention, community service orders or supervised good behaviour bonds. The department is conducting a trial from its Blacktown Community Offender Services district office of a new and innovative approach to managing offenders in the community. The trial allows the department to pay more home visits to offenders based in the community during the evening and on weekends. It also will allow more random drug and alcohol testing of community-based offenders.

The department's role does not end there. As experts in managing offenders the department also provides advice to courts and releasing authorities about the best way to deal with an offender during sentencing or to the State Parole Authority when it is considering the release of an offender back into the community. In 2005-06 the department prepared 31,426 reports in total. I hope that I have given you some idea of the diversity of work undertaken by the department—it is not just about keeping people in jail—and the magnitude of the responsibility it carries from day to day. I will now outline how the budget will help the department to continue to operate successfully.

The expansion and upgrading of New South Wales gaols and the rehabilitation of inmates are the key planks of the \$924.8 million budget for the Department Corrective Services in 2006-07. The budget provides an increase of recurrent spending of 4.3 per cent on the previous year, or almost \$33 million, as well as a continuation of a massive capital works spending program. A total of \$128.1 million will be spent on capital works, including the \$57 million completion of the new Western Region Correctional Centre at Wellington, which is due to open in 2007. I show the Committee a photograph that was taken one month ago of the facility. Approximately 300 people are on site building that prison. The \$130 million program is halfway completed. I understand the department received a phone call a couple of weeks ago from the shadow Minister asking whether we intended to proceed with building the prison at Wellington. There it is. More than half the money has already been spent and the prison is half completed. If you are a local, like I am, from your tractor you can listen with sheer amazement to the truckies on their two-way radios driving past. I can hear their two-way radios from my farm. I will not say exactly what they say, but they graphically describe how the construction is booming ahead.

Further work of \$15 million will continue on what is called our 1,000-bed program, which we announced in May 2005. It involves a 250-bed extension at Lithgow, a 250-bed extension at

Cessnock and the construction of a new 500-bed correctional centre in the Illawarra. The budget also focuses on additional rehabilitation programs that are designed to assist inmates address their offending behaviour. This is all part of the Iemma Government's respect and responsibility focus. Offenders must accept responsibility for the consequences of their actions, so they can demonstrate to the community that they are willing to be respectful of our laws and authority. An additional \$11.2 million will be spent this year on increased inmate programs and treatment and care of prisoners with prior drug habits and those with intellectual and other disabilities. A total of \$3.7 million out of the \$11.2 million package will be spent on the innovative Second Chance Program at Tabulam, which targets young male Aboriginal offenders.

CHAIR: We will now start 20 minutes of Government questions.

The Hon. GREG DONNELLY: Minister, would you describe to the Committee the action that is taken to quell riots, if they occur in New South Wales prisons or correctional centres?

The Hon. TONY KELLY: The Government and the Department of Corrective Services are committed to a safe and secure full-time custodial environment. This is achieved in part by ongoing case management of inmates, by being prepared and willing to respond to any unrest or commotion and by providing physically secure facilities. Razor wire has been used during the past 16 years in maximum- and medium- and some minimum-security correctional centres. It is installed as a visual deterrent and acts as a considerable barrier to slow down an escapee. In the unlikely event of a riot or other serious disturbance in a correctional centre the department's Immediate Action Team [IAT] is well-equipped and ready to respond. The IAT officers have the full complement of riot control equipment. They carry riot shields and helmets and are equipped with gas guns to disperse various chemical agents. On the authority of the Commissioner for Corrective Services, chemical agents may be used to resolve any riot. They may also use specially trained dogs. The Immediate Action Team officers are also provided with handcuffs, extendable batons and flexi cuffs. The department's Hostage Response Group is equipped with an array of gear, including ballistic vests, distraction devices and certain semiautomatic and other firearms. Training for these officers includes practical communications, defensive tactics and negotiation skills. The department is well-equipped and the officers are appropriately trained to deal with riots, hostage situations and other serious disturbances.

The Hon. EDDIE OBEID: Minister, what developments are being undertaken by the Department of Corrective Services to enhance the Violent Offender Treatment Program?

The Hon. TONY KELLY: The Violent Offender Treatment Program [VOTP] is a treatment program for violent inmates. Inmates in the program participate in intensive case management to address their offending behaviour. In 2006-07 enhancement funding will ensure that outreach maintenance and follow-up will extend to other correctional centres. It is planned to roll out the maintenance program first to maximum security, then to medium security, and finally to low security correctional centres, followed by its implementation in the community. The program will be piloted at Kirkconnell Correctional Centre. For those not familiar with the area, it is between Bathurst and Lithgow. The program also will be piloted at Bathurst and Lithgow correctional centres. At Kirkconnell an outreach VOTP for offenders with an assessed medium-risk level will be piloted this year.

The program, which is a short version of the VOTP program at Long Bay Correctional Centre, will run for about six months and will include motivation enhancements and focused case management. An outreach for offenders assessed to be medium risk will be piloted at Lithgow Correctional Centre this year. It is planned that the program will also be available to be delivered to offenders in protective custody. An outreach for offenders assessed to be medium risk will also be piloted at the Bathurst Correctional Centre this year. The participants will share a wing with other program offenders. This allows the program to be delivered in a modified therapeutic community environment, thus maximising treatment benefits. Once piloted, the programs will be modified and continue to be provided in all three correctional centres. It is planned that the program will take 12 to 18 months to complete, including pre and post assessments. The program data will be centrally collated in the VOTP assessment unit at Long Bay Correctional Centre and used for further outcome evaluation, intake planning and research.

The department's new assessment unit at Long Bay Correctional Centre will assess serious offenders and other offenders referred to the Violent Offender Treatment Program. The unit will also be responsible for the implementation of other assessment procedures, such as the Level of Service Inventory-Revised [LSI-R] assessment tool. It is envisaged that the centre will conduct psychiatric assessments of offenders, including murderers, prior to their appearing before the Serious Offenders Review Council. The centre will also assess inmates for eligibility for the violent offender therapeutic program.

Independent research has shown that number of violent incidents among inmates who are graduates of the Violent Offender Therapeutic Program has dropped dramatically. The Government remains tough on crime, but it also seeks to reform criminals who will eventually get out of gaol. The vast majority of the 9,300 people in New South Wales prisons will ultimately be back on the street—only a handful do not return to the community. Therefore, one of the department's important principles is to attempt to reform them before they are released. These therapeutic programs do not come cheap, but while the Government continues to see positive outcomes it will continue to support them. I think that \$1 billion has been spent on various prison programs over the past 10 years.

The Hon. GREG DONNELLY: Minister, what steps are being taken by the Department of Corrective Services to accommodate persons charged with or convicted of terrorist offences?

The Hon. TONY KELLY: The Government has been working closely with other state agencies on this issue for some time. The National Corrections Forum on Terrorism was held in September 2003, and further meetings were held in 2004 involving the Australian Federal Police, ASIO and the Department of Prime Minister and Cabinet to discuss protocols between the Commonwealth and the States. The issues discussed revolved around secure accommodation, management and transfer between State and Territory prisons of persons charged or convicted under terrorist provisions of the Commonwealth Criminal Code Act 1995. Following amendment of the Crimes (Administration of Sentences) Regulation 2001 in October 2004, two new inmate classifications were created: category AA for male inmates and a category 5 for female inmates who represent a special risk to our national security.

The National Custodial Management Guidelines have been finalised and were endorsed by the State and Territory Corrective Services Ministers in May 2005. The guidelines focus on standardising custodial management issues, including transfer guidelines for persons charged with terrorist offences housed in Australian correctional centres. The legal representatives of such inmates will be notified if they are moved interstate. That allows the various jurisdictions to move alleged terrorists from a prison in one State to a prison in another State for operational or other reasons.

The national correctional administrators have finalised the proposed amendments to interstate transfer legislation to ensure the secure custody of prisoners by providing for the interstate transfer of prisoners on national security grounds. These amendments were accepted by the State and Territory Corrective Services Ministers' conference on 28 June this year in Adelaide. Corrections Victoria has carriage of preparing the uniform amendments to legislation. Following the risk assessment process, only those inmates deemed to present a special risk to national security will be managed under those guidelines. The category AA classification for men and the category 5 classification for women are not merely directed at persons convicted or on remand for a terrorist offence. They are also designed to capture those inmates in custody for non-terrorist offences who subsequently exhibit behaviour that potentially poses a risk to national security or the security of a correctional centre. It is imperative that these high-risk inmates are contained securely and prevented from the possibility of conspiring to commit further terrorist acts while in custody.

Under the management regime, these inmates are housed in the highest security facilities, they do not have contact visits unless it is deemed safe and they have their mail screened, except mail sent to or received from defined exempt bodies—for example, the Department of Corrective Services, NSW Police or the courts. This management regime is in accordance with the world standards for dealing with high-risk inmates. Officers from the department have closely examined security strategies used by overseas prison authorities. The New South Wales Government remains committed to ensuring that New South Wales continues to house high-risk inmates in a manner that maintains the good order and security of the State's correctional centres, the safety of the public and national security.

The Hon. EDDIE OBEID: What efforts has the department made in combating the flow of contraband into gaols?

The Hon. TONY KELLY: The department is always cognisant of the need to be on guard for attempts to bring contraband into New South Wales prisons. I am advised that since Taskforce CONTARG began its operations in April 2004, more than 25,000 visitors to New South Wales correctional centres have been subjected to searches by passive alert dogs and 5,361 searches of visitors' property. Since April 2004, 1,844 visitors have been denied entry to the State's correctional centres, 682 of these visitors have been charged by police to 30 June.

Some of the items confiscated include mobile phones, weapons fashioned from lengths of wood, hacksaws, sewing needles, drugs, prescription pills, alcohol and drug paraphernalia. Inmates caught with mobile phones face up to an additional two years in gaol. CONTARG operations have resulted in 17,867 inmates being searched in addition to monthly lock-downs and searches in all correctional centres. Searches have revealed mobile phones, weapons made from lengths of wood, knives, scissors—mostly gaol made—gaol-made brews, drug paraphernalia, including syringes, needles, cones made from metal or tinfoil and bongs made from toilet rolls. In 2005 the department found a total of 96 mobile phone handsets on inmates or visitors. So far this year, it has found 64 mobile phone handsets. As at 31 January 2006, 18 inmates have been sentenced to gaol time for possessing a mobile phone. A further six matters are before the court and four are under police investigation.

The Hon. GREG DONNELLY: Minister, can you update the Committee on the number of remandees in the system? Does this have anything to do with the Government's tougher bail laws?

The Hon. TONY KELLY: New South Wales now has a greater range of sentencing options available to judicial officers than ever before. Despite that, the number of inmates has increased in recent times. An increase in the inmate population understandably generates concern in some sections in the community. However, the Department of Corrective Services does not determine the number of people sent to prison; the department is downstream from the police and the courts.

Some of the factors which affect the underlying causes of a rise in prison population are such things as the crime rate, police activity, court activity and breaches of existing orders. In recent years the department has faced the constant challenge of managing an increasing inmate population. The diverse and difficult-to-manage mix of offenders is complicated by an increase in the number of inmates who are on remand. The daily inmate population in 1989-90 was about 5,000. The daily inmate population in 1994-95 was about 6,280. By the beginning of 2002 there were 7,500 inmates in custody, of which 1,650 were on remand. By the end of August 2006 there were about 9,300 inmates in full-time custody. Of these, 2,131 were on remand. At any one time there are nearly 500 more inmates on remand now than there were just four years ago; that is the equivalent of one entire prison.

Remand inmates are some of the most resource-intensive inmates in the correctional system. Despite many being in custody for only a few days, these inmates require screening, intensive monitoring, escorts, security around family and legal visits. The screening includes medical and mental screening. The need to make accommodation constantly available for remand inmates has a direct impact on the availability of accommodation for sentenced inmates. The department must therefore endeavour to keep pace with the increase in the inmate population by acquiring additional accommodation.

As part of the Government's continuing efforts to protect our community from criminal elements the Government, among other things, tightened the bail system. You will recall that the Bail Amendment (Repeat Offenders) Act 2002 came into effect on 1 July 2002. The Act amended the Bail Act 1978 and removed the presumption in favour of bail for accused persons in certain circumstances for more serious crimes. There is no doubt that the inmate population has risen as a result of those changes to the bail system. The Government does not back away from the implications of any tightening of the bail system. The safety of the community is the most important issue.

The Hon. EDDIE OBEID: What steps are being taken by the Department of Corrective Services in trialling new work practices for the Probation and Parole Service?

The Hon. TONY KELLY: As I mentioned in my opening statement, the Department of Corrective Services has been trialling new work times and practices at the Blacktown Probation and Parole Office. The trial involves a rotation roster, which allows the office to be open seven days a week and late on three week nights. The trial allows probation and parole officers to pay more home visits to offenders during the evening and on weekends. It also allows more random drug and alcohol testing of offenders. This means better supervision of offenders. The revised work practices also promise better provision of services to offenders, and better links with other agencies. The new system has been popular with staff, with 90 per cent of those involved supporting the continuation of the trial. The department intends to gradually roll out the program in appropriate locations elsewhere in the State. An evaluation of the trial is under way.

The Hon. GREG DONNELLY: What contribution does Corrective Services Industries [CSI] make to inmate employment, and how does it help offenders give back to the community?

The Hon. TONY KELLY: By world standards, CSI engages an extraordinarily high proportion of inmates in work programs. CSI provides employment to 76 per cent of the total available inmate population. When you allow for the fact that some of those people are there for only a short period of time, to have employment provided to 76 per cent of the people in our prisons is quite a significant factor. By way of contrast, in the United Kingdom about 30 per cent of inmates are employed in prison industries. In the United States of America the number of inmates employed in prison industries varies between 3 per cent and 10 per cent. In other words, our figures are something like 20 times better than those for the USA and more than double those for the United Kingdom.

Corrective Services Industries ensures that inmates are equipped with a broad range of work skills. This helps them to enter the external employment market. As I said before, the vast majority of these people will eventually get back out into the community, so one of our main criteria is to try to ensure that it is easier for them to get jobs and therefore they are less likely to reoffend. Inmates are also given a sense of purpose and achievement, which assists in their rehabilitation. Each year a proportion of the sales from Corrective Services Industries goes to victims groups. In addition, in 2006-07 CSI will contribute \$200,000 to establish a ministerial discretionary fund to enable the granting of funds to community agencies to deliver specific services based on needs identified. Again, that is to try to keep people out of prison.

Inmates have also refurbished school furniture and repaired fire trails for New South Wales Fire Brigades and the Rural Fire Service. I do not know whether any of you have seen those community fire units. About \$15,000 worth of work has been done on the urban interface in Sydney and in rural areas. In the area where the urban area encroaches on the bush there are now about 300 of those community fire units and they have all been built by Corrective Services Industries. In January 2005 textiles produced by inmates valued at \$430,000 were donated to a charity, which sent the shipment to tsunami-ravaged areas in Asia.

CSI has been independently reviewed several times. These reviews indicate that even though inmate rates of pay are low compared with labour costs in the community, the reality is that producing goods and services in a prison environment is a disadvantage that neutralises the competitive edge given by low labour costs. The Correctional Industries Consultative Council of New South Wales monitors CSI to ensure that it does not have an adverse impact on private business. General Purpose Standing Committee No. 3 inquired into the operations of the Department of Corrective Services. In its report, which was tabled in July, the committee comments very favourably on the work of the Department of Corrective Services in the three areas investigated, Corrective Services Industries in particular.

I note, as I said earlier, that by world standards we rate exceedingly highly. In its report the committee expressed its support for the role of CSI within New South Wales correctional facilities. The committee found that through the engagement in CSI activities, prisoners are kept busy and acquire employment skills. Correctional facilities are subsequently safer for prisoners and correctional staff, and victims of crime and the State receive restitution. The committee also found no evidence that CSI was undercutting existing businesses.

I show the Committee a blanket that was made by Corrective Services Industries. The blanket is used in gaols and cannot be torn. Another item that is provided by Corrective Services Industries to people when they first come to the prison system is a pack containing safety razors and so forth, items that cannot be of any harm to the corrective services institution. The bag is the sort of bag that all corrective services officers must use. If they bring any personal items to the prison, such as their lunch, they must be put into this bag, which makes the items visible so they can be checked. I will repeat the statistics. CSI provides employment to 76 per cent of our prison population. That compares with only 30 per cent in the United Kingdom and somewhere between 3 per cent and 10 per cent in the United States of America. That must make our prison system safer and more effective than those in the rest of the world.

CHAIR: We will now have 10 minutes of questions from Ms Lee Rhiannon.

Ms LEE RHIANNON: Minister, I would like to ask questions about the children of prisoners. Perhaps you will need to take some of the questions on notice. In 2005-06 how many children had one or both parents in New South Wales prisons?

The Hon. TONY KELLY: I think that is a question we will have to take on notice.

Ms LEE RHIANNON: I understand that the system of visitation rights has recently changed across minimum-security prisons in New South Wales, that immediate family members now have to make a prior booking to visit female prisoners on the weekends where previously no booking was required. Can you tell us what the rationale is for requiring booked visits and did you initiate this policy change?

The Hon. TONY KELLY: I will ask the assistant commissioner to answer that question.

Mr McLEAN: Changes were made to the visiting and phone privileges at Emu Plains, in particular, in reference to minimum security; that is the main one that we have made changes in.

Ms LEE RHIANNON: Any other prisons?

Mr McLEAN: Not at this stage, as far as I am aware. The process in minimum security has remained the same at all the centres in minimum security except for this one. There were some reasons for this and I will go through them for you if you like. Firstly, we split the visits at Emu Plains. By splitting the full day visits into two three-hour visits, children visiting inmates will be able to spend more time having a proper lunch. That was of concern previous to this change. Visitors can attend both sessions if they so desire. This was discussed with the Inmate Development Committee—and that does comprise of inmates—on at least two occasions before the implementation of the split visits on 21 May 2006.

The general inmate population had three weeks notice of the change of the visiting arrangements. No objections were raised by the Inmate Development Committee or any inmates prior to the implementation of the split visits. There were phone time limits placed also at the same time, and the limiting of phone calls to 10 minutes, with a 30 minute bar between the calls, meant that a lot more inmates could have access to the phones. That was a concern in the first instance. This change was made at the request of the Inmate Development Committee who submitted that some of the inmates were monopolising the phones, which was difficult for them to be able to raise concern about independently, but as a committee they were able to do that. The department is currently considering further changes to the visiting schemes at Emu Plains to further improve the visits.

The Hon. TONY KELLY: You asked a question earlier when the Juvenile Justice people were here but it was more appropriate, I think, in this section. I understand Ian McLean would like to make some comments on it in relation to Brough.

Ms LEE RHIANNON: Can I just finish this issue and then we will go to Brough? I still do not understand why it is at Emu Plains and it is not at others, particularly as you are presenting that one of the reasons for it is for the young children, so they can have a proper lunch. One of the things that has been raised with me is that they used to be able to have lunch during their visiting time and that was seen as working quite well when they could have lunch with their mother.

Mr McLEAN: That was clearly conflicting at Emu Plains; that is why we took it to the committee. Overall, the consensus of that committee was that this was a better system to operate with, to give them the split, to be able to give them that break in time. A lot of the concern was that it was far too long for the children to be there for the whole of the session right through the day. So the split in the day enables that gap. They can come back again, as I said earlier.

Ms LEE RHIANNON: But they do not have to be there for the whole day. They can come and then they can go when they wish.

Mr McLEAN: They can, but quite often the pressure of the visit of the people they are visiting was the maintenance of a full day in a lot of cases. I think this way, through the Inmate Development Committee, it has been proven by the follow-up and the monitoring of it to date that it is certainly a lot better.

Mr GRANT: If I might add something as well. SHINE for Kids is the agency that the department funds and it has as its primary interest the welfare and wellbeing of children of prisoners. The advice we received from SHINE for Kids is that they preferred an arrangement where the visits were split and they were short of visiting time. It does not mean that someone cannot have two sets of visits, but their argument, as Mr McLean was suggesting, was that it put less pressure on families and gave them an option to have a short visit. So you had one on a Saturday instead of being caught up all day as a child sitting in the visits area—which are fairly unstimulating, even though we have tried to improve them to some degree over the last years—it was better for the families to have the shorter option.

Ms LEE RHIANNON: So why only at Emu Plains?

Mr GRANT: I think the option can be explored at other centres. I would have to take on notice what the situation was at all correctional centres. However, the move towards booked visits and having split visits is something that individual correctional centres could opt for if they so choose. I do not think it is probably unique to Emu Plains, and I would have to get back to you about the nature of the arrangement.

Ms LEE RHIANNON: If you could take that on notice, if they have changed it or if they are planning to? If we can now go to the other matter of Brough?

Mr McLEAN: I am advised that on 17 March 2006 the United Nations Human Rights Committee handed down its findings in relation to an application under the International Covenant on Civil and Political Rights, made by Corey Brough. He is a young Aboriginal inmate incarcerated in New South Wales. A comprehensive response to the complaint was prepared by the Commonwealth Attorney General's Department in consultation with the New South Wales Department of Corrective Services. The Commonwealth has advised that Australia does not recognise the covenant as binding and the committee cannot make any legal enforceable orders against the Commonwealth or New South Wales. Notwithstanding this, the Commonwealth Attorney General's Department is preparing Australia's response to the Commonwealth finding in consultation with the Cabinet Office, which is preparing a whole-of-government response.

I shall give a bit of history on Corey Brough. I am advised that on 21 March 1999, two weeks after he entered into custody at Kariong Juvenile Detention Centre, Corey Brough was involved in a riot in which he assaulted two officers. In one of the assaults Corey Brough put a makeshift knife to the officer's throat. As a result of this incident, and in accordance with legislation, an application was made by the then Minister for Juvenile Justice to transfer Brough to an adult correctional facility where he could be more securely managed. Brough was remanded at Parklea Correctional Centre pending trial from robbery, for which he was subsequently convicted.

The Commonwealth response detailed Corey Brough's conduct while incarcerated, including several assaults on officers, damage to his cell, attempts at self-harm and suicide attempts as well. I am advised that at Parklea Corey Brough was placed in both a safe cell and a dry cell at different times for his own protection. I am advised the placement of an offender in an observation cell,

including the removal of items of clothing, represents an appropriate response to an assessment made that the offender is at significant risk from self-harm.

Ms LEE RHIANNON: I might be wrong but I thought it was prohibited now to remove their clothes? I thought that was prohibited these days.

Mr McLEAN: No. In the initial stages if a person is considered at self-risk or self-harm there is most certainly a need and there is a garment that is placed on the inmate after they are searched and have gone through. I will seek advice on that from Luke Grant but, again, the main concern here is the wellbeing of the inmate in relation to it, and we believe—we know—that the measures that we took with Corey Brough to date, and are still doing, are regarded as measures that prevented him from significant self-harm and more harm to others. That is a sad history with Corey Brough but at the end of the day we believe these strategies that we have put in place have certainly assisted those two areas, particularly himself.

Ms LEE RHIANNON: So you reject the findings from the United Nations committee report that his human rights were violated?

Mr McLEAN: We do, yes.

Ms LEE RHIANNON: I move to another matter: Kariong. There are figures in Budget Paper No. 3, Volume 2, for the people in juvenile justice who have been transferred over to adult correctional centres. Does that figure include people from Kariong?

Mr McLEAN: Yes.

Ms LEE RHIANNON: So when you read here juvenile justice figures, that includes the people in Kariong or have they already gone to correctional centres?

The Hon. TONY KELLY: The question you are asking is do the figures there include those who have gone from Kariong to the adult system or do they include from the juvenile justice system to Kariong?

Ms LEE RHIANNON: Yes.

The Hon. TONY KELLY: They are still in Juvenile Justice budget papers so the answer to your question would be the figures there—

Ms LEE RHIANNON: So people at Kariong are regarded as part of Juvenile Justice?

The Hon. TONY KELLY: So those figures you have got there would be going into the adult system not to Kariong.

Ms LEE RHIANNON: What plans does the Department of Corrective Services have in place to implement the New South Wales Deputy State Coroner's recommendations from the inquest into the death in custody of the forensic patient Scott Simpson?

Mr GRANT: At this stage we have not made a formal response to those recommendations. However, it is our intention to consider them. We have sat down and had a look at them. We have considered them in conjunction with the other agencies involved, including Justice Health and the Mental Health Review Tribunal.

Ms LEE RHIANNON: When do you expect that will happen?

Mr GRANT: I would imagine in the next month or so.

Ms LEE RHIANNON: And will that be released publicly?

Mr GRANT: It would not be our usual response to do that. However, there would be no reason not to be public about our response. The death of Scott Simpson was a tragedy, as all deaths in

custody are. We take these deaths very seriously and we have regard to the Coroner's recommendations in these matters and we respond to them. We have responded well in advance to them on this occasion. We will look at them very seriously again and take whatever action is required.

The Hon. CATHERINE CUSACK: Minister, you said in your opening statement that Andrew Humpherson's office had contacted your's in relation to the prison at Wellington.

The Hon. TONY KELLY: I did not say my office. I said the department.

The Hon. CATHERINE CUSACK: Can you ask who received that phone call and when they say the advice was received?

The Hon. TONY KELLY: The acting commissioner said he was advised by the commissioner of that.

The Hon. CATHERINE CUSACK: My advice is that it is completely untrue, a poor opening to an estimates hearing.

The Hon. TONY KELLY: He keeps saying from time to time that it should not open and that we have too many beds. The next thing he will say is that we have not got enough beds and that it should proceed.

The Hon. CATHERINE CUSACK: The point is the statement you made at the beginning of the hearing and that it is untrue?

The Hon. TONY KELLY: As I said, we were advised of it.

The Hon. DAVID CLARKE: Good afternoon, Mr McLean. You are here as the Acting Commissioner?

Mr McLEAN: That is correct.

The Hon. DAVID CLARKE: Where is Commissioner Woodham? Why is he not here today?

Mr McLEAN: He took some leave, which is well overdue for Mr Woodham, and during the leave he has certainly had some illness—he has contracted some illness actually and he will be back starting work, full of vim and vigour as he normally is, in about another three weeks.

The Hon. DAVID CLARKE: How long has he been on leave for?

Mr McLEAN: Initially he took a period of four weeks leave. As I said, that is quite a long period of time for Mr Woodham. As you know, in the past he has not normally taken those long breaks. But he deserved it and he is taken it.

The Hon. TONY KELLY: Also, while he was on leave he was in communication practically every day. I questioned him about it. I said, "You actually should have a bit of a break away." Not only was he on the phone quite often to me and his office but he came into the office on a number of occasions.

Mr McLEAN: That is correct.

The Hon. DAVID CLARKE: How much leave has Commissioner Woodham taken over the past 12 months?

Mr McLEAN: At various stages very minimal leave. He is very dedicated to his task and his job.

The Hon. TONY KELLY: This is certainly the only time that I recall him being on leave.

The Hon. DAVID CLARKE: He has not taken sick leave?

Mr McLEAN: Not that I am aware of. We can check that. We will take that on notice

The Hon. DAVID CLARKE: You will take that on notice and come back to us?

Mr McLEAN: Yes.

The Hon. TONY KELLY: Not before now that I am aware of.

The Hon. DAVID CLARKE: Is there a particular sort of leave in the department called special commissioner's leave? Does that name ring a bell?

Mr McLEAN: It most certainly does not ring a bell with me.

The Hon. DAVID CLARKE: There is no such category of leave, you can assure us, in the department?

Mr McLEAN: Well, to my knowledge, I most certainly have never heard of it.

The Hon. DAVID CLARKE: Mr McLean, have you been told that you will be the next commissioner?

Mr McLEAN: Never, ever referred to at any time.

The Hon. DAVID CLARKE: Nobody has ever indicated that to you?

Mr McLEAN: Not at any time, no.

The Hon. DAVID CLARKE: Nobody has ever discussed it with you?

Mr McLEAN: Most certainly not.

The Hon. DAVID CLARKE: Never been indicated in anyway, verbally or in writing?

Mr McLEAN: No, never.

The Hon. TONY KELLY: If and when the commissioner does retire, which is a long way off, a long, long way off—some of these people may not even be working in the department then—the position will be open and public and everybody will be able to apply for it.

The Hon. DAVID CLARKE: Mr McLean, did you see the article in the *Sydney Morning Herald* last week that referred to two prison officers at Long Bay gaol being suspended while they are investigated over viewing and sending pornographic material via the email of the Department of Corrective Services?

Mr McLEAN: Yes, I did.

The Hon. DAVID CLARKE: What action has the Government taken in regard to those two officers?

Mr McLEAN: Are you asking the Government or me?

The Hon. DAVID CLARKE: I am asking you?

Mr McLEAN: I took the action in relation to those two officers and commenced an investigation into that. My concern was the number of staff that were concerned also about the rumours that were moving with that, but also the fact that I suspended them because I do not accept their actions. I do not accept any such action at all. I will say—and I did have access to the documents

before suspending them—they were of a particularly graphic nature and in considering that, the actions I took, I believe, were necessary.

The Hon. DAVID CLARKE: So they are under suspension at the moment, are they?

Mr McLEAN: That is correct. They are under suspension and a letter has been sent to them. Detailed in the letter, which is a normal letter depending on the gravity of the situation, it goes from whether it can be a reprimand through to dismissal.

The Hon. DAVID CLARKE: Is this an indication of a bigger problem in the department?

Mr McLEAN: No, I am not aware of a bigger problem within the department at all, but I am aware that this particular event brought concern to a lot of staff, myself as well, and that is why I have taken the action to suspend.

The Hon. DAVID CLARKE: But if it were widespread it would be a very serious problem, would it not?

Mr McLEAN: As I said, I am not aware of it being widespread.

The Hon. DAVID CLARKE: But if it were, it would be serious?

Mr McLEAN: Of course.

The Hon. DAVID CLARKE: What is wing 13 at Long Bay gaol?

Mr McLEAN: Wing 13 is currently closed. It is in what was referred to over the last few years as part of Long Bay hospital 2 in the Long Bay hospital configuration. It is a facility or a wing, which holds approximately 135 inmates.

The Hon. DAVID CLARKE: When was it closed?

Mr McLEAN: It was closed roughly four months ago. The intent of that was to refurbish it, to go right through and give it a paint job, move out bed facilities, and anything else that was required. I can ask Mr Schipp, who is in charge of that, to give you a more detailed answer, if you like?

The Hon. DAVID CLARKE: When will that refurbishment be completed, approximately?

Mr SCHIPP: It is scheduled for completion over the next month or so. There are two wings in that Long Bay hospital 2 complex—wing 12 and wing 13. Some of that area is still being used in terms of the clinic, and there are some inmates who are still being moved from other parts of the complex into that clinic area. There is also a video conferencing facility that is being used in that area as well whilst the accommodation wings are being refurbished.

In addition to the accommodation wings, which, as Mr McLean mentioned, are having a repaint and some work being done to the windows, some program space has been cleared. The old deputy superintendent's office has been refurbished for an additional program space and there has been some clearing of a central compound area to allow a bit more and freer movement inside the facility.

The Hon. DAVID CLARKE: Mr McLean, is Mr John Gilmore presently employed by the department?

Mr McLEAN: Yes, he is.

The Hon. DAVID CLARKE: Directly by the department or through the Premier's Department?

Mr McLEAN: To my knowledge he is employed through the department by the department.

The Hon. TONY KELLY: That is a matter that is already subject to an FOI request, so I will take it on notice.

The Hon. DAVID CLARKE: Does he presently have access to a taxpayer-funded vehicle in addition to his salary?

Mr McLEAN: I will take that on notice.

The Hon. TONY KELLY: That is already subject to an FOI and we will take that on notice.

The Hon. CATHERINE CUSACK: My colleague is asking questions as a member of this Estimates Committee.

The Hon. DAVID CLARKE: Do you have any knowledge of that?

Mr McLEAN: We said we will take it on notice.

The Hon. DAVID CLARKE: You will take that on notice, thank you. Is his title that of project officer?

The Hon. TONY KELLY: Can I make this clear: The shadow Minister has put in an FOI and it is currently being answered, so he will get his answer.

The Hon. CATHERINE CUSACK: We are used to not very much information coming back from FOIs, Minister, and at this Committee my colleague is entitled to ask these questions.

The Hon. TONY KELLY: I will take it on notice and ensure that both answers are the same.

The Hon. DAVID CLARKE: Will that information, when it comes out, advise us as to whether his position was advertised? Can you assure us that it will reveal that information as well?

The Hon. TONY KELLY: We will take on notice all your questions on this matter and you will get an appropriate answer that complies also with the FOI.

The Hon. CATHERINE CUSACK: What does that mean: "complies with the FOI"? If no information comes back from the FOI, no information will come back to this Committee either, am I correct in that understanding?

The Hon. TONY KELLY: I am waiting for you to come to your next question.

The Hon. DAVID CLARKE: How many gaols have cable television?

Mr McLEAN: Some of the centres in the past. This goes back to a question that was asked several years ago. Cable television in some remote areas has been a necessity in relation to the hierarchy of privileges within minimum security facilities. The only ones I can think of offhand are Oberon correctional facility, which the inmates pay for, and Glen Innes correctional facility, where, through that hierarchy of privileges—remember, there is no reception for normal television within those areas to the same extent as other areas. We believe that it is used as a very good tool in the management of inmates in minimum security, especially young offenders at Oberon.

The Hon. TONY KELLY: While it is called the Oberon prison, it is actually 40 kilometres deeper into the forest. There is no real television reception there.

The Hon. DAVID CLARKE: Is there any cable television in the metropolitan area?

Mr McLEAN: Not that I am aware of.

The Hon. DAVID CLARKE: How many prison officers have been dismissed or disciplined for conduct breaches in each of the last two years?

Mr McLEAN: We will take that on notice.

The Hon. DAVID CLARKE: How many have been reported for being drunk on the job?

Mr McLEAN: Again, we will take that on notice.

The Hon. DAVID CLARKE: On what date was the most recent harassment claim made against staff or cadets at the Eastwood Academy?

The Hon. TONY KELLY: We will take that on notice.

The Hon. TONY KELLY: In the random employee alcohol and drug testing program for 2005-06 the number of positive tests for the year was six out of 2,745.

The Hon. DAVID CLARKE: How many consultants have been engaged by the department in the last two financial years?

The Hon. TONY KELLY: We only engage consultants when they are required for professional expertise if it is not available internally and we cannot provide it in a more cost-effective manner. Details of consultancy expenditure over \$50,000 are reported in the agency annual reports. I would say, however, that over the past decade the Coalition Government in Canberra has spent \$2.7 billion on outside consultants.

The Hon. DAVID CLARKE: Dealing with the department, you are saying that only those consultancies of \$50,000 or over are reported in the annual reports.

The Hon. TONY KELLY: Yes.

The Hon. DAVID CLARKE: What about those under \$50,000?

The Hon. TONY KELLY: They are not reported.

The Hon. DAVID CLARKE: Can we get the information on consultancies that are under \$50,000?

Mr SCHIPP: I can perhaps add some information. The annual report will disclose approximately \$486,000 worth of consulting fees over \$30,000 and approximately \$187,000 worth of consulting fees under \$30,000. That is a total of consultancy fees of \$667,000 out of a total budget of \$796 million.

The Hon. DAVID CLARKE: Over a period of one year?

Mr SCHIPP: Twelve months.

The Hon. TONY KELLY: That includes both above and below the figures. That is all.

The Hon. CATHERINE CUSACK: I understand that the FOI in relation to John Gilmore has already been responded to.

The Hon. TONY KELLY: Yes, it has been.

The Hon. CATHERINE CUSACK: You suggested to this Committee that it had not been responded to and that it would be responded to at some stage in the future.

The Hon. TONY KELLY: It has already got the answers.

The Hon. CATHERINE CUSACK: I find it pretty abhorrent that, surrounded by all these advisers and people who know that it had been responded to, you indicated to the Committee that it had not yet been responded to, and that was your answer to our question.

The Hon. TONY KELLY: Why do you want it both as an FOI and—

The Hon. CATHERINE CUSACK: No information was forthcoming through the FOI and we now wish to pursue this matter through the Committee's questions. Does Mr Gilmore hold a position with a salary of \$150,000 per annum?

The Hon. TONY KELLY: As I said before, we will take that on notice.

The Hon. CATHERINE CUSACK: What position does Mr Gilmore hold?

The Hon. TONY KELLY: As I said before, we will take that on notice.

The Hon. CATHERINE CUSACK: How was he appointed?

The Hon. TONY KELLY: As I said, we will take it on notice.

The Hon. CATHERINE CUSACK: Was the position he holds ever advertised?

The Hon. TONY KELLY: As you got it under FOI I would not expect you to ask about it as well.

The Hon. CATHERINE CUSACK: Was the position he holds at present ever advertised?

The Hon. TONY KELLY: As I said, that question was asked before, and we said we will take it on notice.

The Hon. CATHERINE CUSACK: I have a question in relation to psychological reports undertaken by the department or your own staff. Does the department make a practice of concocting psychological reports in order to force personnel to resign?

The Hon. TONY KELLY: I think that is an abhorrent accusation. However, if you are genuinely asking about psychological reports, I will ask Mr Grant to answer that.

The Hon. CATHERINE CUSACK: It sounds like that is a no.

Mr GRANT: The department has regard to the mental health of all the people who work in our agency. As the agency is confronted constantly with the challenges of offenders with all sorts of problems, the staff working in this organisation are prone to damage from time to time. We take that very seriously, and we engage for that purpose the independent EAP counselling service. Under those circumstances where counselling is sought for staff, it is not used as the basis for considering someone's fitness to continue in the workplace.

However, from time to time the mental health of our staff comes under scrutiny and at those times we rely upon Healthquest, which is entirely independent of the Department of Corrective Services, to provide advice on the fitness, whether it be the psychiatric fitness or medical fitness, of an officer to continue in their role. We believe it is appropriate to use that service—that is what it was set up for—and we rely upon that when we are making a decision about whether someone is fit to proceed.

The Hon. CATHERINE CUSACK: Why was a fictitious report prepared by the psychological appraisal company D and D occupational health consultants to senior correctional officer Bronwyn Buxton which claimed that she showed no remorse over the death of her former husband, a tradesman, when in fact her former husband is a naval officer who is alive and well in Sydney?

Mr McLEAN: I take objection to the fact that it is considered to be a fictitious report in the first instance, and I will take on notice the rest of what you said.

The Hon. CATHERINE CUSACK: How many psychological reports have been prepared for the department by this firm, D and D?

The Hon. TONY KELLY: We will have to take that on notice as well.

The Hon. CATHERINE CUSACK: How much has D and D been paid for its services to Corrective Services?

The Hon. TONY KELLY: Obviously that will have to be taken on notice as well.

The Hon. CATHERINE CUSACK: Is Bronwyn Buxton still substantially employed by the department?

Mr McLEAN: We will take that on notice as well.

The Hon. CATHERINE CUSACK: Why is she not being allowed to return to work?

The Hon. TONY KELLY: Again, we will have to take that question on notice.

The Hon. CATHERINE CUSACK: Is it on the basis of this flawed D and D report?

Mr McLEAN: We will take that on notice.

The Hon. DAVID CLARKE: Getting back to the area of consulting fees, is Mr Max Suleman a consultant to the department?

The Hon. TONY KELLY: No-one seems to know. We will take that on notice.

The Hon. DAVID CLARKE: Is Catriona McComish a consultant to the department?

The Hon. TONY KELLY: I will have to take that on notice. She is a former Senior Assistant Commissioner.

The Hon. DAVID CLARKE: Is Mr John Klok currently a consultant or has he been a consultant to the department in the past?

The Hon. TONY KELLY: Again, we will have to take that on notice.

The Hon. DAVID CLARKE: Has Mr Bob Inkster been engaged as a consultant or an investigator?

The Hon. TONY KELLY: He certainly was because we got him to conduct an investigation into the escape from Long Bay last year. He was on television. Presumably he was paid as a consultant. Earlier when you were asking about consultants who might be employed, I neglected to mention that we engage consultants not only when the expertise is not there but sometimes when we want some independence when we are investigating something. That was a perfect example. Bob Inkster is a former inspector of police, and we employed him because he would be independent and could give us some security of the reports in that particular instance.

The Hon. DAVID CLARKE: Are you able to provide us with full details of his consultancies for the department? Will you take that on notice?

Mr McLEAN: Yes.

The Hon. DAVID CLARKE: In the past two years have any offenders been released on a date earlier or later than their prescribed release date?

The Hon. TONY KELLY: Obviously we will have to check everybody who has been released in the past two years to provide that. We will take that on notice.

The Hon. DAVID CLARKE: If so, who? You can take that on notice. What was their crime, sentence and correct release date? You can take that on notice, too. How early or late was each release? You can take that on notice as well.

The Hon. TONY KELLY: Yes.

The Hon. DAVID CLARKE: I would like to come now to the offender Maddison Hall. Does that name mean anything to you?

Mr McLEAN: Yes, it does.

The Hon. TONY KELLY: Sure does.

The Hon. DAVID CLARKE: Was the offender Maddison Hall escorted from the prisons system at any time in order to receive medical or other services in relation to his sex change operation?

Mr McLEAN: Could you ask that again, please?

The Hon. DAVID CLARKE: Yes. Was the offender Maddison Hall escorted from the prisons system at any time in order to receive medical or other services in relation to his sex change operation?

The Hon. TONY KELLY: Part of it I can probably tell you, as you are aware—I am sorry, could you just repeat that? Did you say "his"?

The Hon. DAVID CLARKE: A sex change operation.

The Hon. CATHERINE CUSACK: The sex change operation.

The Hon. DAVID CLARKE: The sex change operation.

The Hon. TONY KELLY: Maddison Hall had gender reassignment surgery at the Prince of Wales Hospital on 12 May 2003. Hall remained at the Metropolitan Medical Transit Centre, which is part of Long Bay hospital, while convalescing. Hall was transferred to Mulawa Correctional Centre on 22 May 2003. The Minister for Health at the time made statements to the effect that the State would not fund gender reassignment surgery for Hall. In accordance with departmental policy, the chief executive officer of the then Corrections Health Service, now Justice Health, received expert advice from psychiatrists and urologists in relation to the merits of reassignment surgery for inmate Hall and the advice consistently advocated that surgery should proceed on both medical and mental health grounds.

From there the issue of forms for the reassignment surgery was referred to the Commissioner for Corrective Services. He indicated that the surgery was a medical decision and should be based on medical advice. Consequently at no stage did the commissioner, either formally or informally, approve or refuse Hall's surgery. However, the department has consistently advocated that Hall should meet any costs arising from the custodial escort and supervision arrangements associated with the surgery. Similarly Justice Health has insisted that the cost of the surgery should be paid for by Hall. The South Eastern Sydney-Illawarra Health Service has confirmed that Hall was admitted as a private patient to the Prince of Wales Public Hospital and that an invoice was issued to Hall for payment prior to admission as a self-funded patient. Payment has been confirmed.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Minister, in the evidence of Mr Moss, who runs the Serious Offenders Review Council, to this Committee on Thursday 6 April, Mr Moss commented in response to my question about how the mentally ill or intellectually impaired people come to him—did they come to him or to the Mental Health Review Tribunal, and how did he interact with that—he replied, "We share jurisdiction. When someone is declared a forensic patient, we share jurisdiction—and not very happily, I might say." The suggestion that he made was that the Mental Health Review Tribunal does not fit very well with the other review mechanisms, such as the Serious Offenders Review Council. What would you say about that?

The Hon. TONY KELLY: Mentally ill people are a serious issue in our facilities. The Government is working hard to ensure that the needs of the mentally ill are catered for in the corrections system. Construction of a new 40-bed mental health screening unit for male inmates at the Metropolitan Remand and Reception Centre at Silverwater has been completed and opened. In fact on 29 March I attended the official opening of this important facility by Her Excellency Professor Marie Bashir, the Governor of New South Wales.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Minister, this is very good, but can I actually come to the jurisdictional point here? I know that the facilities are wonderful and that you opened them all. The point here is: Are people getting the same sentences if they are mentally ill and commit crimes by virtue of their mental illness as if they were not mentally ill? In other words, they are effectively getting no change in their procedure, despite the mental illness that they have.

The Hon. TONY KELLY: Well, I think that is not true. I think that Luke might add to that.

Mr GRANT: There are a number of categories of people detained under the various forensic provisions. Some of those people are people who have been found to be unfit to plead. Some of them have been found to be not guilty on the grounds of mental illness, and a third category of people are those who are transferees from the general prisons system into the forensics system. You are alluding to the fact that there are some jurisdictional issues involving the Serious Offenders Review Council and the Mental Health Review Tribunal overlapping jurisdictional issues.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Yes.

Mr GRANT: Both those bodies have a separate series of objectives. The Serious Offenders Review Council provides advice to the commissioner about various aspects of the management of serious offenders—how they are managed, where they are located, whether they have access to external leave programs, and so on. The Mental Health Review Tribunal is ultimately responsible for those people and recommendations that go through the appropriate Minister in relation to their release prospects. So from time to time there is a bit of overlap.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Let us assume that somebody committed a crime while they heard voices during a schizophrenic episode. Let us assume that they committed a murder, for example, and were taken into custody and were given optimal treatment and in a sense got over that episode.

Mr GRANT: Yes.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Would they not then be sitting there looking at 20 years gaol as if they had not been mentally ill when they committed the crime? I mean, if the Mental Health Review Tribunal is in a sense not cutting much ice within the system, is that not the bottom line of where they are going to be?

Mr GRANT: I think that is not a question for the Department of Corrective Services because the Mental Health Review Tribunal does not come under the Minister for Justice. In fact, in relation to issues about those sentences, it would be of interest to you probably to explore the details of the reviews of the Mental Health (Criminal Procedure) Act and the Mental Health Act, which are currently ongoing. A number of changes are being made to that. Those issues about the length of sentence and so on are issues of conflict between the Department of Corrective Services and the Mental Health Review Tribunal.

A new chair has been appointed to the Mental Health Review Tribunal, the Hon. Greg James, who is an ex-Supreme Court justice. The department has endeavoured to form a relationship with the new judge. We have met with him now on several occasions to talk about how we might exchange information fairly and so on. I do not see that there is any conflict or issue between the Department of Corrective Services's Serious Offenders Review Council and that body.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: I note that you took the question. Perhaps it would have been better directed to the Minister. Does the Minister say that it is not in his portfolio?

The Hon. TONY KELLY: Yes. Probably it is better directed to the Attorney General, I think, because it is more in his field.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Certainly in the evidence from Mr Moss on that date there was a suggestion that the Serious Offenders Review Council worked very well with the Department of Corrective Services, such that I was impolite enough to suggest that there was almost the regulatory capture in terms of the information being put to that tribunal. Mr Moss of course said that that was not the case. But there certainly seemed to be a difficulty within the system of incorporating recommendations by the Mental Health Review Tribunal. You do not believe that is the case?

The Hon. TONY KELLY: The tenor of your questions, I think, is more appropriate, particularly those relating to length of service and so forth, for the Attorney General.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: In Junee, which is a privately owned and privately run detention centre, I understand there is a payment for each inmate who is on methadone. Is that correct? I will refer that question, unless you will take it on notice.

Mr SCHIPP: The department pays GEO for the management of the Junee Correctional Centre.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Does this mean that there is a huge incentive, or there is a financial incentive, for the gaol operators to put more people on the methadone program?

Mr SCHIPP: No.

Mr McLEAN: No, not at all.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: They are paid the same, whether they are on the methadone program or not?

Mr SCHIPP: Within the management fee there is a payment associated with people on methadone, but not within the core level of the inmate number that is accommodated there.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: But is there a per capita fee so that the more people who are on methadone, the more money the gaol operator gets?

Mr SCHIPP: Not within the core number of offenders within the centre.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: If the inmates are addicted to opiates, does the prison get extra money to detoxify them or to get them off those opiates?

Mr SCHIPP: No.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: It does not?

Mr SCHIPP: No.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Is there not an incentive to put people on methadone because they are more compliant and they are having nice little dreams and they are less likely to give trouble?

Mr SCHIPP: No.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: You do not think so?

Mr SCHIPP: No. The fee structure is such that the management company is paid based on the number of offenders within the centre. That may vary on a marginal basis from week to week or month to month, and there is an adjustment to the charge based on the number of offenders that are classified to that centre. The Department of Corrective Services actually does the classification of offenders to Junee. GEO does not have any say in which offenders do and do not go to the centre. That is done by the department.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: So there is no financial incentive for a treatment centre to have more people on methadone or fewer people on methadone, or more people or fewer people having detoxification programs?

Mr SCHIPP: No incentive. And even if there was, they do not really have the capacity to influence which inmates get classified to the centre or not.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: No, once they are in the centre, I am talking about.

Mr SCHIPP: Yes. No, there is no incentive.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: I understand that in Parklea there is a compulsory drug treatment centre. Is that correct?

Mr McLEAN: That is correct.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Is it true that they are denied visitors?

The Hon. TONY KELLY: We might have had six visitors. It has only just opened.

Mr GRANT: The Compulsory Drug Treatment Correctional Centre legislation, which was discussed in Parliament in great detail, has a number of components. The first stage of the program, which is a drug-abstinence based program, emphasises abstinence and the transition of people from drug use to not using drugs. As such, a number of measures have been put in place in that centre to limit the capacity for introducing drugs into that centre, including some modifications to the physical structure, the highly increased intensity of urine testing and a prohibition on contact visits for all offenders during stage one of the program. That means effectively for offenders who come into the program, during the first six months they are not entitled to contact visits. However, they are entitled to visits using the box visit mechanism.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Does the Government believe that making drugs harder to obtain and more expensive will help with rehabilitation?

The Hon. TONY KELLY: That Compulsory Drug Treatment Correctional Centre is the first one in Australia. It is important that people understand what is involved there. Bob Carr announced that initiative back in March 2003. I think it came out of the Drug Summit. Stage one has been mentioned. It is a three-stage program. There will be up to 100 recidivist male offenders with a long-term drug dependency or associated life of crime and imprisonment. The first stage will be about 30, which allows for a number to be regressed back to that stage from stage two if they break stage two. In the first stage, as has been mentioned, they are restricted in their visits. In stage two they will live in the centre of semi-open detention, and the third stage is out, supervised, in the community. That intensive community supervision could include electronic monitoring and drug testing. If at any stage they regress, they are back to stage one.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Can I ask about the family component to this. If there is a separation from their family, that may make their drug habit hard to break.

Mr GRANT: In the first stage they will be restricted not to visits altogether but to contact visits. However, the program makes provision, encourages and totally supports involvement of families in this process. While the visiting process will be done in such a way that contact visits are

not permitted, a special room has been set up there to allow family visits, to involve families in the case management of offenders in the program. The program offers a lot of incentives to people in stage one. If they can move from this first stage, which is quite a difficult stage, to proceed to the next couple of stages, family contact is an important thing but not at the cost of increasing the likelihood of bringing drugs into the program.

The Hon. TONY KELLY: The program the Government has embarked upon, a whole-of-government approach and a whole-of-community approach to illicit drug use, has been quite spectacular. The 2004 household survey showed that recent use of any illicit drug is down from 19.8 per cent to 14.6 per cent. Recent cannabis use is down from 16.7 per cent to 10.7 per cent. Heroin use is down from 0.6 per cent to 0.1 per cent. Cocaine use is down from 2.1 per cent to 1.2 per cent and recent amphetamine use is down from 3.8 per cent to 3.1 per cent. So there has been a flow-on effect, with falls in registered opiate overdose deaths from 481 in 1999 to 117 in 2005. It is a 76 per cent reduction. The overall program of the Government has been commendable.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Are you seriously suggesting that this program in Parklea is responsible for those falls?

The Hon. TONY KELLY: No, I only opened it last week, so it could not possibly affect those. I only opened the facility last week, but I am saying it is part of a program that has proven to be effective.

The Hon. EDDIE OBEID: On the topic of drugs, will you outline to the Committee the opening of Australia's first Compulsory Drug Treatment Correctional Centre?

The Hon. TONY KELLY: I basically mentioned a small part of it just then. Last week I had the pleasure of opening Australia's first Compulsory Drug Treatment Correctional Centre. That new program, as announced by Bob Carr, will target up to 100 recidivist male offenders with a long-term drug dependency and associated life of crime and imprisonment. These offenders will be ordered into a three-stage compulsory drug treatment detention program over 18 months to three years. So the period will be from 18 months to three years, depending on the individual sentences. The program will involve intensive drug treatment and rehabilitation in stage one, which inmates will complete without any contact visits. They will still have visits, but not contact visits. In stage two inmates will live at the centre of semi-open detention and spend time outside in employment, training and approved programs. The first stage involves intensively supervised community custody with electronic monitoring and drug testing, similar to home detention.

This new initiative is part of the Government's longstanding and ongoing commitment to tackle drugs and crime in our community. It is about dealing more effectively with some of our worst recidivist addicts. Firstly, we get the inmates into treatment, get them clean and into rehabilitation to avoid future relapses by breaking their addictions and providing them with skills to successfully reintegrate into the community and help them take personal responsibility for their crimes and for their lives. These inmates are long-term drug dependent offenders who have failed past treatment in voluntary drug and alcohol programs in either prison or the community. Correctional experts tell me that the available research and experience from similar programs internationally prove that this type of treatment works, especially when the treatment involves the case management linked to post-release housing and entry into the labour market. The program will provide assistance for all those things. All of these have been built into our program.

In New South Wales the new program is supported by strong legislation, the Compulsory Drug Treatment Correctional Centre Act 2004, which was passed in New South Wales with bipartisan support after an extensive process of public consultation. In addition to establishing clear roles and responsibilities, other legislation sets down the range of safeguards to ensure offenders are only ordered to the program in appropriate cases and that the community is not placed at risk. Offenders will not be allowed in the program if they have been convicted at any time of a particular range of serious offences, such as murder, attempted murder, manslaughter, sexual assault or sexual offences involving a child, drug offences involving commercial quantities or firearms or related offences. Offenders ordered into the program will remain subject to close jurisdictional supervision by the Drug Court.

The Drug Court is at Parramatta. They will progress through the program stages under a personal treatment plan managed by a multidisciplinary team of clinicians and other experts. They will also be subject to a range of sanctions for non-compliance with program requirements. It is a tough program in a high-security facility. It has secure fencing and external floodlighting and the site has been given a comprehensive security audit. Participating offenders will be isolated from the main prison population and there will be no contact visits during the first crucial stage. Offenders will be subject to periodic random targeted drug testing throughout the process. Drug dog detector teams will be used at the centre and there will be routine searches of staff and visitors. This new facility and program will keep the funds for our longstanding and ongoing strategy to tackle the problem of illicit drugs in the community.

Since 1999 New South Wales has set a new direction in drug policy. The approach recognises the complexity in drug abuse and tackles the problem at all levels as a whole-of-community issue, with the evidence focused on four areas: prevention, education, treatment and law enforcement. We have spent \$434 million in additional funding on those programs. There is clear evidence that our efforts have been working to drive down crime. As stated earlier, the National Drug and Alcohol Research Centre reported that the number of current regular heroin users in New South Wales has dropped by about 58 per cent since 1999, in other words, from 48,200 to 19,900 in 2002. That household survey has shown significantly reduced recent illegal use of drugs from 19.8 per cent to 14.6 per cent, and the other figures that I quoted earlier. There has also been a flow-on effect, as I said, with falls registered in those opiate overdose deaths. It is significant: from 481 to 117 since 1999.

The other significant figure is ambulance call-outs for suspected opiate overdoses, which has dropped from 3,694 in 2000 to 1,413 in 2005, a 62 per cent fall. Emergency department opiate presentations have decreased from 1,854 in 2000 to 291 in 2005, an 84 per cent decrease. The distribution of needle and syringe packs has fallen from about 12.6 million in 2000 to approximately 8.6 million in 2005, a 32 per cent fall. Heroin arrests have dropped from 4,659 in 1998-99 to 849 in 2005, which represents a massive 82 per cent decrease. That is making our community a lot safer and obviously reducing costs dramatically.

It is no surprise that crime is also down, particularly property crime, which is usually linked to illicit drug use. The New South Wales Bureau of Crime Statistics and Research reported that in the two-year period between April 2004 and March 2005 break and enter offences in dwellings has fallen by 8 per cent, motor vehicle theft has fallen by 9 per cent, steal from a motor vehicle is down by 7 per cent and stealing from a retail store is down by 2 per cent. Clearly, gains are being made in the fight against crime, particularly the fight against crimes related to drug use. The Government consciously set up a reasonable lead time to allow for evidence-based policy development, drawing on overseas experience, for the development of legislation with full public consultation and establishment of a specially designed facility at Parklea with stringent security.

Programs have been developed in consultation with clinical and other experts. Clinical and custodial program staff have been recruited and trained. Court registry and legal officers have also received judicial education and training; it is important that legal officers and court registries understand the issues. I understand from the judge involved, Justice Dive, that the police and the courts have been very co-operative. The program's evaluation has been designed to ensure that future decisions and planning are evidence based. I understand that they will start with eight referrals to date. The new centre continues the Government's efforts to make our community safe on the streets by working to stop illicit drug use and related crime, which comes at a significant and painful cost to everyone.

CHAIR: That brings to a conclusion the time for Government questions. We will now go to 10 minutes of Opposition questions.

The Hon. DAVID CLARKE: Mr McLean, can you give the cost of all consultants and consultancies for 2004-05 and 2005-06? Will you take that on notice?

Mr McLEAN: Yes.

The Hon. DAVID CLARKE: How many inmates have undergone sex-change operations in the past 10 years?

The Hon. TONY KELLY: I have some general information. In the last seven years, is that what you asked?

The Hon. DAVID CLARKE: Ten years.

The Hon. TONY KELLY: When the Coalition was in government Michael Yabsley was the Minister for Corrective Services. He paid for inmate-gender reassignment. In those days the Coalition Government made policy on the run and Minister Yabsley formulated his opinions in the space of a day. In the morning he is reported as saying "transvestites are a major problem in the New South Wales prison system". By the afternoon he agreed to procedures to handle cases of prisoners who wanted to undergo gender reassignment therapies. And what happened? In 1989, under Michael Yabsley, the Coalition Government paid for the gender reassignment of 12 inmates—

The Hon. DAVID CLARKE: Excuse me, Minister—

The Hon. TONY KELLY: Let me get to the answer, I am entitled to answer the question in the way I would like.

The Hon. DAVID CLARKE: As long as it is relevant.

The Hon. TONY KELLY: Yes. I will repeat: in 1989, under Michael Yabsley, the Coalition Government paid for gender reassignment of 12 inmates, including a convicted child killer. That is in stark contrast to what happens under this Government. The surgery has to be paid for by the inmate; no cost is borne by the Department of Corrective Services. The decision to allow the procedure must be made on medical advice. In some situations the Chief Executive Officer of Justice Health seeks and receives expert advice from psychiatrists and neurologists prior to proceeding. In a nutshell, none has been paid for by the Government in the past 10 years, but under Michael Yabsley in 1989 the Coalition Government paid for the gender reassignment of 12 inmates, including a convicted child killer.

The Hon. DAVID CLARKE: Are you getting back to Maddison Hall? What action has been taken against Maddison Hall for offences within gaols, including the rape or sexual assault of at least two female inmates at Mulawa?

The Hon. TONY KELLY: Alleged.

The Hon. DAVID CLARKE: Alleged assaults.

The Hon. TONY KELLY: The alleged sexual assault of a female inmate in 1999. On 15 November 1999 an inmate at Mulawa Correctional Centre—that is the correctional centre for women—informed an officer that eight days earlier she had been allegedly sexually assaulted by Maddison Hall. The informant stated that Hall had an erection and had vaginally penetrated her. In 17 November 1999 the then governor at Mulawa forwarded a report to a senior departmental officer providing further advice regarding the alleged sexual activity of Hall and other matters involving Hall.

As a result, Hall was transferred from Mulawa to the Metropolitan Remand and Reception Centre following the allegations of sexual assault. On 19 November 1999 Hall was unsuccessful in her application before Justice Newman of the Supreme Court to return to Mulawa. On 23 November 1999 the Serious Offenders Review Council reviewed its management of Hall and ratified the decision to transfer from Mulawa to the Metropolitan Remand and Reception Centre. On 11 January 2000 the Serious Offenders Review Council reviewed its management of Hall and resolved that she was to remain at the Metropolitan Remand and Reception Centre. It was noted that Hall was to appear at Burwood Local Court on 13 January 2000 on charges of aggravated sexual assault, sexual intercourse without consent and assault occasioning actual bodily harm. The charges were subsequently no billed as the complainant had been released from custody and left Australia, and returned, I think, to New Zealand.

The Hon. DAVID CLARKE: Mr McLean, how many murderers are currently on parole?

Mr McLEAN: I will take that on notice.

The Hon. DAVID CLARKE: Thank you. How many have been released on parole since January 2005?

Mr McLEAN: Again, I will take that on notice.

The Hon. DAVID CLARKE: Thank you. How many since 10 October 2005?

Mr McLEAN: On notice again.

The Hon. DAVID CLARKE: How many murderers become eligible for parole between now and 2007?

Mr McLEAN: Again, I will take that on notice.

The Hon. DAVID CLARKE: Thank you. What are their names and in each case when do they complete their non-parole period?

Mr McLEAN: On notice again.

The Hon. DAVID CLARKE: Thank you. How many murderers have completed their non-parole period and are currently in prison but may be considered for release before March 2007?

Mr McLEAN: I will take that on notice.

The Hon. DAVID CLARKE: Thank you. What are their names and in each case when was their non-parole period completed?

Mr McLEAN: I will take that on notice.

The Hon. DAVID CLARKE: Thank you. How many prisoners had been released on decisions of the New South Wales State Parole Authority based on the parole legislation prior to its latest amendment?

Mr McLEAN: I will take that on notice.

The Hon. DAVID CLARKE: Thank you. Minister, how is it that the parole amendments were not in place some 10 months after they were passed through Parliament?

The Hon. TONY KELLY: I will go into some of those issues, but first, Madam Chair, the member just asked a series of questions going back over quite some time. There is a lot of detail in the questions, and surely he cannot expect the department to flick their fingers over those in 21 days. Some flagging of the answers may take longer than 21 days if they have to go back through a decade of information.

The State Parole Authority's annual report includes some of the highlights that the member seems to be targeting. Last year it considered nearly 12,000 matters, which represented an increase of 2.7 per cent. The number of parole orders granted by the authority increased by 10.2 per cent, but the number of reviews increased by 18 per cent. The number of parole orders revoked increased by 1.2 per cent, and the number of revocations rescinded decreased by 24 per cent.

The members' operational guidelines and code of conduct were revised and reissued. They define the specific duties of authority members and how these duties should be met and most effectively carried out, which has greatly assisted members in making their determinations. As Minister for Justice I gave approval to the authority to host the National Conference of Parole Board and Parole Authorities, which took place early last month. My recollection is that over the previous year the Parole Authority refused 487 applications, a figure in that order. In addition, the number it approved to release people on parole went from in the order of 1,200 down to 800, which meant an additional 400-odd people were kept in prison longer than in previous years. That virtually is an

additional prison, if you like. So the Parole Authority certainly has been a lot stronger than it has in the past.

In relation to the question you asked about time, the Government's most recent amendments to the parole system were significant. The Government is naturally eager to commence them. However, the parole provisions could not be implemented until the Department of Corrective Services was fully prepared. The department proceeded with commendable caution. During the 10 months, I think you said, between the bill being passed and the legislation commencing the department was putting in place a number of administrative arrangements to make sure the new system of parole was introduced seamlessly. For example, under the new provisions the report prepared by the department's Probation and Parole Service for the State Parole Authority to consider must contain specific information. The department revised the relevant forms and the forms were in use for several months before the provisions commenced. In other words, they trialled it for some time. In this way the department has had the opportunity to monitor the use of the new report and iron out any problems.

On Friday 25 August the Opposition spokesman was heard on radio raving about how the Minister for Justice should have a right of veto over some of the decisions of the Parole Authority, which he naively called a Government-appointed committee. He went on to complain about what he termed the "early release of prisoners". How stupid is this man! The State Parole Authority is not a committee. It is an independent, statutory authority constituted by provisions of part 8 of the Crimes Act. Section 183 (2) of the Act quite clearly states the following:

- (2) The Parole Authority is to consist of the following members:
 - (a) at least 4 (referred to as **judicial members**) are to be judicially qualified persons appointed by the Governor

The Hon. CATHERINE CUSACK: Appointed by the Government, a Government-appointed committee?

The Hon. TONY KELLY: You are suggesting that the judicial officers are not independent or impartial?

The Hon. CATHERINE CUSACK: I am suggesting it is a Government-appointed committee.

The Hon. EDDIE OBEID: The Government appoints the judiciary too.

The Hon. CATHERINE CUSACK: We know.

The Hon. TONY KELLY: Who do you expect to appoint them, George Bush?

The Hon. CATHERINE CUSACK: You criticised the member for saying it was a Government-appointed committee.

CHAIR: The time for Opposition questions has expired. We will now have five minutes of questions from Ms Lee Rhiannon.

Ms LEE RHIANNON: Deputy State Coroner Pinch recommended that the department should adopt a policy that inmates diagnosed with a mental illness should be placed in segregation only in exceptional circumstances and for a limited period of time. Have you developed such a policy?

The Hon. TONY KELLY: I will ask Mr Grant to answer that.

Mr GRANT: That has always been the position in relation to segregation. Segregation is not a sanction or a practice that is used as a punishment, as people often think. It is basically a strategy that is used for the protection of the person involved or for staff and inmates in the centre. Such a sanction is required so they cannot associate with anyone else. There are many mechanisms in place to protect against that, including very stringent controls over the regulation of how long a segregation order can be made. Further, provisions are made for the Serious Offenders Review Council to independently review anyone who has been placed on segregation after they have been there for two

weeks. So there are all sorts of strategies in place to ensure that the use of segregation as a management tool is not overdone.

In relation to that, there are a number of considerations, including whether Aboriginal people are placed in segregation at any stage and also people with mental illness. However, from time to time people come into custody for which the Department of Corrective Services has no resources or other means to protect them. In the case we were speaking about earlier, the offender involved, whilst he was regarded as having a mental illness, had killed his cellmate. So in terms of considering someone's personal safety and placing them with someone else, there is a risk that they pose to the person they are placed in the cell with. It is a fine balancing act in making decisions about how they are managed.

Ms LEE RHIANNON: I appreciate that. I am trying to work out the policy.

The Hon. TONY KELLY: After a period of time I have to ratify those decisions too.

Ms LEE RHIANNON: So you do have a policy?

Mr GRANT: The question you are asking relates very specifically to the recommendations we have just been describing, which, as I mentioned, we were meeting with other agencies to discuss and develop in more detail. However, the point I was making is that segregation is a last resort for everyone, whether you have a mental illness or not. Individual considerations are always made and each case is judged on its merits.

Ms LEE RHIANNON: I appreciate that. You are developing a policy at the moment?

Mr GRANT: We will be developing a policy in relation to that.

Ms LEE RHIANNON: When can we expect that?

Mr GRANT: The same time frame that I mentioned before. We have had preliminary meetings. We have had discussions and correspondence with the Department of Health and others about it and we will have it within the next two months.

Ms LEE RHIANNON: How many inmates in the New South Wales correctional system have been kept in segregation for longer than two weeks at a time?

The Hon. TONY KELLY: Over what period, the last decade or the last two years?

Ms LEE RHIANNON: The last two years.

The Hon. TONY KELLY: That will obviously have to be taken on notice.

Ms LEE RHIANNON: I understand that Tim Kosowicz, a forensic patient at Long Bay prison hospital, has been segregated for over 32 months. Can you confirm that is the case? What plan is in place to limit this inmate's time in segregation?

The Hon. TONY KELLY: I think that is a question that is probably more appropriately directed to the Minister for Health because it is Justice Health.

Mr McLEAN: That is the management of forensic patients.

Ms LEE RHIANNON: Can you provide an update on the resources that are currently allocated to the working party for the reduction of hanging points? Will that committee have sufficient resources allocated to appoint a full-time manager to complete its work in the near future?

Mr GRANT: That was also one of the recommendations from this matter, which, as I said, we will respond to in the next two months. If I could respond, however, by saying that we have had a program to address this. In the first instance all new facilities are made and constructed to a standard that minimises the use of hanging points. Whilst we do not reject the idea that hanging points should be removed from all cells, some consideration has to be given to the types of assessments you can

make of risk. People who harm themselves generally do so at the beginning of their sentence in reception centres and so on. As an organisation, our priority is to identify a smaller number of cells than you might expect because safe cells and the type of environment they provide are not the best environment to be in. If you have been inside a safe cell, the beds and the nature of the physical structures in those cells are not the types of things you like to expose people to indefinitely. So our preference is to operate on the front end of the system. We are considering the recommendation, as I mentioned, about whether or not we should have a permanent person attached to that function.

Mr McLEAN: Also, as we are constructing new facilities, the cell furniture that is within those facilities is conducive with fewer hanging points. Overall it is certainly an advancement on what we have had. We are going through the maximum facility as well, reassessing in the group that you spoke of the actual furniture within those facilities.

CHAIR: We will now have five minutes of questions from Hon. Dr Arthur Chesterfield-Evans.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: How many juvenile detainees were transferred from juvenile detention centres to prisons last year?

The Hon. TONY KELLY: Was that not the figure that Ms Lee Rhiannon quoted earlier?

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: I may have missed that. Could you take that question on notice if the information has not been given?

The Hon. TONY KELLY: I will take it on notice but I am sure it is the same figure that Ms Lee Rhiannon asked a question about earlier.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Is there a phase-in period for transferees from juvenile justice centres to make sure they do not have any problems?

The Hon. TONY KELLY: These questions probably should have been asked during questions on the Juvenile Justice portfolio.

CHAIR: Do you mean when juveniles are transferred from the juvenile system to the adult system?

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Yes.

The Hon. TONY KELLY: You mean when they are in the adult system?

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Yes.

The Hon. TONY KELLY: That is appropriate.

Mr GRANT: There are two quite separate circumstances under which people are transferred. The first circumstance is when people are transferred because of a management issue in the juvenile system. Since Kariong was handed over to the Department of Corrective Services the frequency of that type of transfer is very, very limited. There would be very few. I would have to take that on notice to tell you the numbers. There are also people who by virtue of their age extend into an adult sentence and are transferred. On that occasion the same type of principles and processes apply as would apply in all receptions. However, added to this is an agreement we have with Juvenile Justice for the exchange of a significant amount of information. We have a memorandum of understanding with Juvenile Justice that ensures that basic alert information plus general information regarding the person's health, education and so on is appropriately transferred. Notwithstanding having that information, when the person arrives we go through an assessment process and individual consideration is given to where they are best placed.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: But do you ensure for a period that there is no bullying or victimisation when they arrive?

Mr GRANT: Generally, people who are younger end up in our young offender correctional centres. We have a number of locations where people are specifically contained. That may be appropriate for those people. Everyone is assessed. They come through one of our major reception centres and a very detailed assessment is done, according to their needs.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: I am talking about monitoring them, not assessing them.

Mr GRANT: That is based on an individual assessment of each person, should that be required.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: Is there monitoring?

Mr GRANT: If that is warranted.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: So only some people are monitored?

Mr McLEAN: They are placed once they come into the system. They are on a case management plan. From what Mr Grant has told you they are assigned an officer as they come through the system.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: When you were defending changes to the visiting system at Emu Plains you said that people had problems accessing phones and relatives had problems obtaining lunches. Could you not have addressed the phone and lunch problems and kept the longer visiting hours?

Mr McLEAN: We take on board what the inmate development committee and us as a group put up as concerns and problems.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: So the inmate development committee wanted that solution? Is that the bottom line?

Mr McLEAN: It had an input, yes.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: In the juvenile justice part of this question I asked about religion in prisons. The head of the department said there had been a lot of lobbying for religious facilities and that you seemed to be viewing it with favour.

The Hon. GREG DONNELLY: I do not recall any suggestion that there had been a lot of lobbying.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: The wording that was used was that there were good lobbying advocates for religious facilities.

The Hon. TONY KELLY: They do not need to lobby me.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: That might be. Is there recruitment into religions of vulnerable people in gaols?

The Hon. TONY KELLY: It might be appropriate for you to ask the question you asked earlier of Corrective Services not in the way in which you asked it originally but from the point of view that certain religions might be a problem. Fanatics and zealots in some religions cause segregation issues that the department has to address in the adult system. I will ask the assistant commissioner to address that issue.

Mr McLEAN: We do not deny the fact that there have been concerns in relation to the recruitment to other religions of various groups in our facilities. In general, that is addressed in three ways. The concerns are vetted by religious clerics within the centres. We monitor the high-risk program. One area in particular, Aboriginal offenders, has proven to be an area in which recruitment

has been looked at by Islamic groups. We believe we have curtailed that in large part by liaising with and assisting clerical and religious groups at the centres.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: I understood from a prisons inquiry that religious programs were being run that offered after care. If there are facilities within prisons for religious activities does it mean atheists, agnostics or non-practising people will have active discrimination against them, in that they will not get access to those things that encourage them to go to religious groups?

The Hon. TONY KELLY: No, it does not. I am aware of a number of programs not only in the adult system but also in the juvenile justice system. For example, the Anglican Church does an excellent job at the juvenile justice centre in Wollongong. It does not necessarily ram religion down people's throats; it brings in high-profile basketball teams to play basketball. These church groups volunteer their time to work with kids to give them self-esteem, not necessarily to ram religion down their throats.

Madam Chair, as a lot of questions have been taken on notice I have a request to make. We are now going into two weeks of parliamentary sittings and the department will have to allocate resources to address those questions. I ask you to consider giving us 35 days, the original time we used to be given, to address them. I know you will have to consider that issue separately.

CHAIR: The Committee resolved earlier that answers to questions were to be provided within 21 days. We will have a short deliberative meeting after this public hearing and if there is any change to that we will let you know. At this stage I thank the Minister, his staff, people from the Department of Corrective Services and the media for their attendance.

(The witnesses withdrew)

The Committee proceeded to deliberate.
