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**GENERAL PURPOSE STANDING COMMITTEE No. 3**

**Friday 18 September 2009**

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

**JUVENILE JUSTICE, VOLUNTEERING, YOUTH, VETERANS  
AFFAIRS**

**The Committee met at 4.15 p.m.**

**MEMBERS**

The Hon. A. R. Fazio (Chair)

The Hon. D. J. Clarke  
The Hon. G. J. Donnelly  
The Hon. C. J. Lynn

The Hon. C. M. Robertson  
Ms L. Rhiannon

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**PRESENT**

**The Hon. G. J. West**, *Minister for Juvenile Justice, Minister for Volunteering, and Minister for Youth, and  
Minister Assisting the Premier on Veterans Affairs*

**Department of Juvenile Justice**

**Mr P. Muir**, *Chief Executive*

**Ms V. Rusis**, *Deputy Chief Executive, Operations*

**Mr C. Leslie**, *Acting Deputy Director General, Management Services*

**Commission for Children and Young People**

**Ms G. Phillips**, *Commissioner*

**Department of Premier and Cabinet**

**Mr T. Wiseheart**, *Project Director, Volunteering Unit, Communities NSW*

**Mr D. Mitchell**, *Assistant Director, Veterans Affairs and Grants Administration*

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

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

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

**CHAIR:** I declare this hearing for the inquiry into budget estimates 2009-10 open to the public. I welcome Minister West and accompanying officers to this hearing. Today the Committee will examine the proposed expenditure for the portfolio areas of Juvenile Justice, Volunteering, Youth, and Veterans Affairs. Before we commence I will make some comments about procedural matters. The guidelines for the broadcast of proceedings are available on the table by the door. Media representatives who are not familiar with the guidelines should ask the Committee secretariat for an explanation. Any messages from attendees in the public gallery should be delivered to Committee members through the Chamber and support staff or Committee clerks. Minister, you and your department representatives are free to pass notes between your advisers. I remind everyone to turn off mobile phones.

The Committee has agreed to the following format for the hearing. We will deal with Juvenile Justice for the first hour and then the remaining portfolios of Volunteering, Youth, and Veterans Affairs. The Committee has agreed that answers to questions on notice must be provided within 21 days of the hearing. Transcripts of the hearing will be available on the parliamentary website tomorrow morning or as soon as possible. All witnesses from departments, statutory bodies or corporations will be sworn prior to giving evidence. Minister, I remind you that you do not need to be sworn, as you have already sworn an oath to your office as a member of Parliament.

**COLIN LESLIE**, Acting Deputy Director General, Management Services, Juvenile Justice, and

**PETER JAMES MUIR**, Chief Executive, Juvenile Justice, Department of Human Services, sworn and examined:

**VALDA RUSIS**, Deputy Chief Executive, Operations, Juvenile Justice, affirmed and examined:

**CHAIR:** I declare the proposed expenditure for the portfolios of Juvenile Justice, Volunteering, Youth, and Veterans Affairs open for examination. There is no provision this year for Ministers to make an opening statement. We will start with questions from the Opposition.

**The Hon. DAVID CLARKE:** I note that the Government has announced there will be a review of the juvenile justice system—the first, I understand, in 16 years—because of New South Wales's high rate of incarceration. In fact, I think it is four times the rate in Victoria. Given that the Government has been in power since 1995, with the last review undertaken in 1993 by the last Coalition Government, and that New South Wales now has one of the highest rates of incarceration, why have you begun a review into the system only now?

**Mr GRAHAM WEST:** Obviously a review is not something you do all the time. You do not want to be constantly reviewing something. It is a good opportunity to do it now because we have the Bureau of Crime Statistics and Research [BOCSAR] report into reoffending in New South Wales and the profile of offending in New South Wales. We have had the increased pressures, which were identified in that report, around remand and bail. We also know that while we have managed to reduce reoffending rates for young people in custody from, I think, about 68 per cent down to 65 per cent—and that is forecast to drop slightly lower—that still means a lot of young people in our custody come back very quickly. That means that custody is not delivering those reductions in reoffending. We probably need to look at wider programs.

Recently, I think within the last two years, there was a report out of the United States from Washington State, which is facing similar problems. They looked at a whole lot of programs that make a difference. Their programs would tend to suggest that things like family systemic therapy, which is wrapping services around the whole family back in their communities, and intensive support programs work better at reducing the crime rate and, therefore, the reoffending rate. We want to see how they can work in a New South Wales environment. Also, we are looking at the experience identified in other States, including Victoria, which while they have a different profile of young people have lower rates of custody.

The time is right, given all those factors and the international research, to look at the best practices to reduce reoffending—not simply how we manage people within custody and the work that Juvenile Justice does, but how we make sure that people do not come back and offend. I do not have the figures here, but we know, for example, that the majority of young people in custody come from backgrounds of disadvantage and poverty. Of course, this is not indicative that everyone who has this profile will end up in custody, but certainly these groups

are overrepresented. About half of young people are from Aboriginal families, the majority are living in households with a single parent, and the majority are living in Department of Housing or similar supported accommodation. Clearly, they are issues that we need to be looking at in reducing reoffending, not simply the number of young people in custody.

**The Hon. DAVID CLARKE:** To do this you would agree that we need a review? You would agree, would you not, that 16 years is a woefully long period to have gone without a review?

**Mr GRAHAM WEST:** I think what we have seen out of the report of the Bureau of Crime Statistics and Research is an increase in the last couple of years, which we are really responding to. That has seen increased pressure put on the custodial part of juvenile justice, especially in the last two years, and we are responding to that. Certainly, New South Wales in that time has had some groundbreaking legislation in place around young people in trying to reduce reoffending. The information, for example, around youth conferencing, where people go and face their victims, is that it has a reoffending rate—and I am sure someone will give you the exact figure—of 40-odd per cent. That was something that was pretty cutting edge when it was introduced in New South Wales. International trends change, crime trends change, communities change and we need to look at it again and adapt the way we are working.

**The Hon. DAVID CLARKE:** What do you say about an incarceration rate four times higher than that in Victoria? That is a pretty woeful statistic, is it not?

**Mr GRAHAM WEST:** One of the reasons we are doing the review is because of statistics like that. We want to make sure that New South Wales regains its position as a leader in this regard. We do have a different population profile to Victoria. But even taking that into account, certainly we have higher rates of incarceration. I think we have much higher rates of Aboriginal young people, for example, in New South Wales. We have a lot more decentralised towns as well, whereas the nature of Victoria is far more compact. All those things make a difference. But, clearly, Victoria is one of the jurisdictions that we want to learn from.

**The Hon. DAVID CLARKE:** But you can understand why there would be public disquiet and that there would be difficulty in the public having any confidence when we have such woeful figures coming through on our juvenile justice system here in New South Wales. You can understand the public's lack of confidence.

**Mr GRAHAM WEST:** No, I think it would be the opposite. It shows that we have recognised that we have a problem and we are serious about dealing with it. We are trying to get information that we can share with the public about what is working and what is not in international jurisdictions, in Australian jurisdictions and in New South Wales. There are a number of programs, for example, that have only commenced in the last 18 months to two years in New South Wales that internally are trying to address some of those issues. The Intensive Support Program [ISP] is a pilot program wrapping intensive services around a number of families. I think about 74 per cent of the families involved have now completed that program. Some of them relapse and need to go back into the program, but it really is about making sure that they have a multidisciplinary team—not just a Community Services person—and that they have access to health professionals and whatever for their family needs.

That is one program that we have started in the last two years. We have announced the bail changes; we have announced that the bail hotline will be in place where police will be able to ring up and say they have got a young person they do not want to return to their accommodation because of issues with family violence or they are worried about other peer groups, for example, and our staff will try to find a placement within the community—someone like Father Chris Riley or Marist Youth Services or one of those programs that could take that young person while they are on bail and start getting them into rehabilitation programs far earlier. So there are things we are doing at the same time.

**The Hon. CHARLIE LYNN:** You mentioned Father Chris Riley. I was talking to him the other night and he said that he has had a significant decrease in government funding towards his programs.

**Mr GRAHAM WEST:** I do not think he meant a decrease from juvenile justice. In fact, the director general has just informed me that we have never funded his program. But we are actually in discussions with Father Chris Riley about how we can change that situation from the juvenile justice point of view. He has come to us with a number of suggestions, and they seem incredibly sensible. Obviously they will have to go through the tender process. He has got a number of facilities where he already operates, such as a school for

disadvantaged young people, and he has the community support. It is suggested that we might want to work in partnership with him, which is something we are having discussions with him about at the moment.

**The Hon. CHARLIE LYNN:** Is this an area you should be funding? Is there an opportunity for the Government to fund it?

**Mr GRAHAM WEST:** I think there is. We have got to go to tender on these things, but I think, without prejudicing any tender of course, Chris Riley runs a very good program. I got the chance to go out there two months ago to the open day and have a good chat to him about some of the programs. I know he has got a good reputation and he is genuinely committed to rehabilitating young people.

**The Hon. DAVID CLARKE:** This is a question to the director general or any of the witnesses here: I note a report in the *Sydney Morning Herald* back in July this year indicates that the review that I referred to earlier will address reoffending. According to the department's annual report performance statement for your position it states that you have introduced programs to "reduce reoffending in line with the New South Wales State Plan". The State Plan says that you are "continuing to divert young people from the criminal justice system in line with the Young Offenders Act". It looks more or less like the department is patting itself on the back. How can you reconcile with these two documents our terrible reoffending rates?

**Mr MUIR:** The Australian Institute of Criminology has only recently issued a report. New South Wales is, to my knowledge, the only jurisdiction in Australia that is transparent enough to publish reoffending rates. I know that almost no other jurisdiction will look at this. The Australian Institute of Criminology clearly shows that reoffending amongst juvenile offenders is always going to be high. Juvenile offending peaks between the ages of 17 and 18 years of age, and one of the biggest factors is age. So we are getting young people at certainly their most volatile, with the hardest end—and the Minister raised the issue of the decrease in reoffending.

Over the last nine years the percentage of young people leaving custody—and these figures are from the Bureau of Crime Statistics and Research—has gone from about 73 per cent back to about 61 per cent. So over the last nine years there has been quite a significant drop in reoffending from young people leaving custody. The second thing is that the department is committed to continuing to support the option under the Young Offenders Act that we manage, and that is youth justice conferencing. This year has again seen an increase in the number of youth justice conferences held by the department, and we believe that that figure will increase yet again. We are continuing to invest time and energy in making sure that young people are afforded the opportunity for a youth justice conference where appropriate. The reoffending figures, as verified by the Bureau of Crime Statistics and Research, of those who undergo a conference are superior to other outcomes.

In short, juvenile reoffending as a blunt measure is problematic because we know that offending peaks at 17. We aim to reduce not only the absolute measure of reoffending but also the frequency and severity. We will be able to report on those measures in the next 12 months. I assure you that New South Wales takes a more transparent view of reoffending than any other jurisdiction in Australia.

**The Hon. DAVID CLARKE:** Are you stating as a fact that no other State publishes reoffending rates?

**Mr MUIR:** I am saying "to the best of my knowledge". I will check and answer that question on notice. However, I know of no other jurisdiction that publishes reoffending rates in the same way that New South Wales does.

**The Hon. DAVID CLARKE:** I am concerned that you are not sure whether the rates are published or in what form. I would have thought that if rates were published by other States you would have them.

**Mr MUIR:** I know of no other published measures. I know from my discussions with those jurisdictions that the rates are not routinely published. It is a problematic measure on its own. That is why we are looking to supplement it with other measures that provide some context given the high rate of reoffending by young people.

**The Hon. DAVID CLARKE:** Are you aware of any reoffending figures published by other States?

**Mr MUIR:** I am not aware, but I will answer that question on notice.

**The Hon. CHARLIE LYNN:** From last year's budget estimates we know that as of September 2008 people of Aboriginal descent constituted 56 per cent of all juvenile detainees. That is a large increase from the 27 per cent in the system in 1993. What is the September 2009 proportion of juveniles of Aboriginal descent and what is the male and female component?

**Mr GRAHAM WEST:** It is mainly male. We will have to take the question about the September figure on notice. In 2008-09, 48.5 per cent of the young people sentenced to detention were Aboriginal. They are certainly overrepresented.

**The Hon. CHARLIE LYNN:** What is the current rate of recidivism for indigenous offenders?

**Mr GRAHAM WEST:** Our statistics do not record solely on Aboriginality. When we talk about reoffending rates we are talking about all offenders. Given that Aboriginal young people are overrepresented in the system, clearly they are a major contributor to that figure. We will investigate our database to see if we can provide more information, but we might need more than 21 days because it will probably mean going through individual records.

**The Hon. CHARLIE LYNN:** Does the report by the Noetic Group include recommendations about how to address the huge recidivism rate for indigenous offenders?

**Mr GRAHAM WEST:** One of the key terms of reference is to look at indigenous offenders in the system and their overrepresentation. The terms of reference are on our website and we can easily provide them.

**The Hon. CHARLIE LYNN:** I would appreciate that. Are the following programs the only early intervention programs focusing on Aboriginal young offenders: The Dthina Yuwali Drug and Alcohol Program; the Journey to Respect Program, which is a family intergenerational violence program; the Intensive Supervision Program, which is a family-focused approach; and the Targets for Effective Change Program, which is about understanding offending behaviour, targeting relationship skills and handling conflict?

**Ms RUSIS:** These are our key programs, particularly the Dthina Yuwali program. That is groundbreaking for us because it is an alcohol and other drug program. It has been developed by our Aboriginal staff and is being piloted with our Aboriginal detainees. The pilots have been very successful. On a more local level, Acmena on the North Coast runs a rock and water program. That two-day program culminates with the boys camping out overnight, in the centre if required and sometimes outside. It is an exploration of their heritage, where they come from and their place in their family. It does not rely on high literacy rates. I was recently there doing a review of the centre and I spoke to many of the kids who had been through the program and they spoke very highly of it.

We have recently developed and are trialling a complementary drug and alcohol program that requires minimal literacy skills. It is totally cartoon based. Many of our indigenous young people are reluctant to sit in a classroom setting. They often have not had positive education experiences and are embarrassed by their lack of literacy. We have developed a cartoon-based program that is working well. We have a dedicated Aboriginal program section that not only develops Aboriginal-specific programs but also ensures that all the programs that we provide are culturally appropriate. We are deploying a large program called Charts, which is replacing the Target program, and we are ensuring that it is culturally sensitive.

**The Hon. CHARLIE LYNN:** Do you have sports programs?

**Mr MUIR:** We try to look at three foundations that young people have in place when they leave the department's intervention. They should be in some sort of education, training or employment, they should have stable accommodation and they should be linked in with community activities, and sport is one such activity. Sport is one of the absolute bedrocks for young people in custody for a range of reasons, one of which is to run them tired each night. Of course, it is then important to continue those connections to sporting groups once they are out in the community. There is a very heavy emphasis on sport. We have lots of sporting groups and high-profile sporting identities regularly interacting with our young people. This year we have also developed a specific sex offenders program for Aboriginal young people. We have regeared our whole intervention around sex offenders specifically to ensure that the work we are doing with Aboriginal young people who sexually offend is more effective.

**Mr GRAHAM WEST:** We also have an Anglican chaplain in Dubbo who is responsible for Aboriginal spiritually. We are expanding the range of options. We have the highest number of Aboriginal employees in the public service apart from the Department of Aboriginal Affairs.

**The Hon. DAVID CLARKE:** What is that rate? What percentage is that?

**Ms RUSIS:** Ten per cent.

**Mr GRAHAM WEST:** Ten per cent.

**Ms LEE RHIANNON:** What is the longest amount of time that a detainee has been held at the Emu Plains Juvenile Centre since it opened? I was also after the longest time a current detainee has been held at that centre.

**Mr MUIR:** The longest I have on record in my notes is 76 days. That is a young person who has been sentenced and is working outside on the grounds and assisting in maintenance and ground maintenance.

**Ms LEE RHIANNON:** What about for a current detainee?

**Mr MUIR:** I would have to take that on notice, for the current.

**Mr GRAHAM WEST:** I think the chief executive is trying to make it clear that the person who is there for 76 days is not in a standard program but, as part of the pre-release program, is working outside the fence doing maintenance work for many days and has many more hours outside the cells than most of the other people at Emu Plains.

**Ms LEE RHIANNON:** How are toileting needs being taken care of in the detainees' cells? As I understand, there is no running water?

**Ms RUSIS:** Emu Plains does not have ensuites and there is no running water in the rooms. Each room has an intercom system, plus we also have regular routines for showering. At any time when a young person wishes to leave their room to go to the bathroom they press the intercom and the staff come straight away. This is over and above the routine times. Also, clearly, when they are out of their rooms there is access to the toilet blocks, but there are no ensuites in the rooms.

**Ms LEE RHIANNON:** That service is provided all through the night?

**Ms RUSIS:** Yes.

**Mr MUIR:** Yes.

**Ms LEE RHIANNON:** Over the last month what was the average number of hours per day that the detainees were locked in their cells?

**Ms RUSIS:** When we first opened Emu Plains we had a three-unit system because we felt that would be the maximum number of detainees we could safely manage at any one time. We have since refined that—this has been a learning experience for us too—and we now have two units out at any one time. There are certain site restrictions there. The geography of the site is quite small compared to other centres. At a minimum, now we are at a two-unit system they have two periods of three hours recreation each day. Over and above that are meal times, showering and toilet times. When the numbers are low for a variety of reasons those hours are extended, but that is the minimum.

**Ms LEE RHIANNON:** So when you use the term recreation, that is when they are detained in their cells?

**Ms RUSIS:** No, that is out of their rooms. So it is the routine every day they have two lots of three hours out of room, and over and above that is bathroom and dining time? As I said, this is the minimum. We have now implemented the OTEN, which is the educational distance program, so this has also increased the time out of rooms.

**Ms LEE RHIANNON:** Can you give us the average number of hours per day they are locked in their cells?

**Ms RUSIS:** I would say the average number of hours out of the room each day would be—

**Ms LEE RHIANNON:** No, locked in their cells?

**Ms RUSIS:** Eight hours out would be the minimum.

**Ms LEE RHIANNON:** Eight hours out so they are 12 hours in?

**Ms RUSIS:** No.

**Mr MUIR:** Sixteen.

**Ms LEE RHIANNON:** Sorry, that was not too good.

**Ms RUSIS:** Throughout the day and night. Obviously, that includes sleeping at night.

**Ms LEE RHIANNON:** What is the longest period an inmate has been locked in their cells at Emu Plains?

**Ms RUSIS:** You mean in one day?

**Ms LEE RHIANNON:** Yes, continuously.

**Ms RUSIS:** Unless there was some lock down because of a security reason or there was—

**Ms LEE RHIANNON:** Say for either—for some judgement on that detainee or for a security reason, what is the longest, and why?

**Mr GRAHAM WEST:** If you want to know about security reasons, we might have to get back to you on that.

**Ms RUSIS:** We have normal segregation rules that would apply but then the young person would probably be transferred to Cobham. To the best of my knowledge, barring the centre having to be closed down for building work or for some routine search, that would be the only time they would be locked down above the normal hours.

**Ms LEE RHIANNON:** But you will take that on notice?

**Ms RUSIS:** Yes, we will take it on notice.

**Ms LEE RHIANNON:** Minister, what changes have occurred in 2009 in a bid to make Emu Plains Juvenile Justice Centre comply with the United Nations minimum standards for the treatment of prisoners?

**Mr GRAHAM WEST:** I am glad you have asked what changes we are making because we have made changes in the last couple of weeks. Beyond the additional changes that have been made to Emu Plains on which we have been working with the Ombudsman and the official visitors and the chaplains at the Emu Plains centre, we also made a number of changes recently. Given the changing nature of the remand mix and the custodial mix, we decided to cap Emu Plains at 40 from its original 50. This will allow us to free up extra space for running more programs, offering more educational opportunities and therefore increase the amount of hours people are outside the cells.

The department itself has already mentioned funds for the OTEN position, and we are continuing that. We will continue to use that training system for young people. As we change the accommodation unit into program and education rooms that will allow the chaplains to use that space more effectively. It also means, even though we do not own the site—we are not going to wait for a decision on that—we are going to fence the perimeter of the entire site. That will give us a new outdoor recreation area. Currently there is a television area, a



gym area and a basketball court area. This will give us your standard type of outdoor facility that the director general talked about allowing young people to run off that steam. We will commence work on that straightaway.

As part of that we have also agreed to fund extra programs. There is a program called Eternity Aid, which runs out of Reiby, and it also involves some programs at Bourke. We have agreed to fund a position, seconding one of our people to work with them, and to match some other contributions to ensure that program can be offered to all detainees. That is a very intensive program beyond the standard schooling. In Reiby it works extremely well. As part of these decisions, while clearly they are department decisions, we have also been working closely with our official visitor and we now have a permanent official visitor for Emu Plains and we also have a senior official visitor, Michael McDonald.

**Ms LEE RHIANNON:** Minister, are you aware of the United Nations minimum standards for the treatment of prisoners and is that something that you are using as a benchmark for these improvements?

**Mr GRAHAM WEST:** Our obligations under international treaties are something we take very seriously. They set out a number of things which are clearly beyond the control of the department. For example, I refer to custody as a last resort. We are not the agency that determines that; that is determined by the courts and the police. But where it comes to making sure that young people have rights, they are enforced. As you are aware, we have the Arunta telephone system and they can contact the Ombudsman any time they want. We have introduced a 24-hour line where mental health services can be contacted. I know the director general would like to add something regarding the national standards we also adhere to.

**Mr MUIR:** This year the Minister has approved the State's commitment to a set of national juvenile justice standards. These standards are common to all juvenile jurisdictions across Australia and they are based on the various United Nations charters. They are based on the Convention of the Rights of the Child, Beijing rules, Riyadh rules. Those standards are based on those. The department measures itself against those standards and we are required to report against those standards. We measure all of our centres. All of our operations and the standards that apply nationally are based on those agreements.

**Ms LEE RHIANNON:** Can you also explain how this fits in with the Beyond Justice 2004-2014 plan? What progress has been made in implementing the relevant sections of that plan?

**Mr MUIR:** I am not aware of that report.

**Ms RUSIS:** What is that report? Is it published?

**Ms LEE RHIANNON:** I will put that question on notice and give you more details of it. Is it the case that one of the key objectives that the Government committed to in 2004 when it launched the Aboriginal Justice Plan—you may need to take this on notice but I will ask it hoping that this makes it a bit clearer—was to reduce the overrepresentation of young Aboriginal people in the criminal justice system?

**Mr GRAHAM WEST:** I will get back to you on the detail of the plan, but certainly our objective is to reduce the overrepresentation of young people in the criminal justice system. We have outlined some of those strategies.

**Ms LEE RHIANNON:** I heard that, but it just sounds from your response as if the Aboriginal Justice Plan does not figure in your strategic planning any more if you are not aware of it.

**Mr MUIR:** The department has its own Aboriginal strategic plan, which has been going since 2007-2011. It is a five-year plan. It is based on whole-of-government plans. The department certainly participates in Two Ways Together very actively and our plan certainly hangs off the Two Ways Together Plan.

**Ms LEE RHIANNON:** It is actually called two things: the New South Wales Aboriginal Justice Plan and Beyond Justice 2004. Do you use this as part of your strategy?

**Mr MUIR:** When we formulated our own Aboriginal strategic plan, yes. We are in the process of reviewing—

**Ms LEE RHIANNON:** But not ongoing?

**Mr MUIR:** We have looked at all of the documents and our relevant whole-of-government commitments at the time we formulated the plan and put it into the plan. Performance against that plan is a part of all of the SES agreements within the department. We actually take it very seriously to the point where progress of that plan is a part of all SES performance agreements in the department. We have actually linked it structurally to our management regime.

**Ms LEE RHIANNON:** We would all agree that it has been an enormous failure, when you consider that the fifth strategic aim is to reduce the overrepresentation of young Aboriginal people in the criminal justice system.

**Mr MUIR:** We would always argue that Juvenile Justice is the department at the end of that system and the issues surrounding overrepresentation are complex. We are focused on increasing what we can do as an organisation. There is a lot that we cannot do and we are looking at the elements that we think we can impact and we cannot undo the great degree of disadvantage that exists in many Aboriginal communities. What we have committed ourselves to do is to make sure that the programs we run as an organisation are responsive to the needs of Aboriginal people.

We have continued to invest in not only our own Aboriginal staff but also programs. I think our own strategic direction is not only to work in concert across government departments but also to make sure that what we are doing actually works. It was one of the reasons that we actually came up with Dthina Yuwali, because we looked at what we were doing with drug and alcohol intervention; we assessed with our own evaluation that it was not working so we started a different direction. We are not a department that is scared of looking at whether or not what we are doing is effective and changing direction if it is not.

This is a complex area of policy and no one department is going to resolve this issue, but what we can do is say that we are working to make sure that everything we do is more effective for Aboriginal young people and their families. We have started. Again we talk about the intensive supervision program and we are getting very positive feedback from Aboriginal families. In fact, we had an Aboriginal mother on Koori radio only this week talking about the fact that that program had given her power again within her family as a parent. She said that her son knew she had power as a parent again. She felt empowered as a parent; she felt in control. She said before she entered the program she felt like she was going under and that the program had, in fact, given her a lot of confidence as a parent to manage her own child.

I think one of the things we are looking at with this program is for too long, particularly with Aboriginal communities, we have focused on intervention with the individual rather than knowing that Aboriginal communities work very much within a family context. Part of what we hope to achieve with this program is to actually use the strength of Aboriginal communities, that is, the family network. I talked to one of my Aboriginal staff at a conference recently who is working on this program. She said she now gets calls from right around New South Wales of families who are starting to see the value of this program. I guess that is a very long-winded way of saying that we are trying to really change what we can do rather than trying to address what we cannot.

**Ms RUSIS:** Can I also add that we are also piloting with Professor Chris Trotter from Monash University an intervention program for remote areas based in our Dubbo office but incorporating our more remote areas, again targeting the family involvement, as the chief executive said. We have brought him up from Melbourne numerous times on site to train our staff to work with families as a whole because we are very well aware that if we are returning a young person to a family that is not functioning terribly helpfully, our outcomes are compromised, so to try to deal with the more remote areas Chris Trotter has been working closely with us.

**Ms LEE RHIANNON:** Minister, in answer to a question on notice earlier this year you indicated that the total number of individual indigenous young people in custody increased from 714 in 2003-04, the year in which the Government committed to the objective of decreasing it, to 992 in 2007-08. I was interested in the current figure for 2008-09?

**Mr GRAHAM WEST:** I took on notice that figure for September.

**Ms LEE RHIANNON:** I thought that was just for recidivism. Did you also do the total figure?

**Mr MUIR:** For September.

**Mr GRAHAM WEST:** They wanted the current figure for September, which we undertook to provide on notice.

**Mr MUIR:** I can give you the actual numbers of young people by service for the whole of the last financial year, if that is what you are after.

**Ms LEE RHIANNON:** I might put that on notice so we do not take up time now. In answer to another question on notice you indicated, Minister, that there has been an increase in the number of assaults in juvenile justice centres since the increase in the number of juveniles on remand. How many assaults have there been in juvenile justice centres in each of the last five years?

**Mr GRAHAM WEST:** Young person assault on staff figures expressed per 1,000 admissions—what year did you ask?

**Ms LEE RHIANNON:** Over the last five years?

**Mr GRAHAM WEST:** In 2004-05 the figure was 38; 2005-06 was 17; 2006-07 was 9; 2007-08 was 14; 2008-09 was 11, so the assaults on staff have been going down other than an aberration there.

**Ms LEE RHIANNON:** What about inmates to inmates?

**Mr GRAHAM WEST:** These are numbers not percentages in this case, so it is a different recording somatic. I have four years not five years data in front of me: 2005-06, the total was 199; 2006-07 the total was 225; 2007-08 the total was 239 and 2008-09 the total was 226, which, when you take into account the increase in population, would tend to suggest that they are static or slightly falling.

**Ms LEE RHIANNON:** I can see how you are arguing that it is sort of static, but what action are you taking to reduce the number of assaults?

**Mr GRAHAM WEST:** A number of the intervention programs we outlined earlier occurred in centres, a lot of those around controlling causes of problems, behaviour management. We have invited a number of outside organisations in to help young people, especially around alcohol and other drug issues. For example, we started Alcoholics Anonymous [AA] this year in centres, which of course is about young people taking responsibility. It is a voluntary program; they are not forced into it. We started a similar program called Smart, a recovery program, and all these programs, while they are about alcohol and drugs, are actually also about managing your behaviour and responses around them, as well as the other programs that we also outlined.

**Ms LEE RHIANNON:** I am interested to know how many inmates sentenced to detention in a juvenile setting have been transferred to an adult prison in the past 12 months.

**Mr MUIR:** If I may answer on behalf of the Minister, there are a number of ways that detainees go into adult custody. One is that they stay there, if they are already there, and do not return at the end of an adult sentence. In the last year there were 23 young people who stayed in adult custody at the completion of an adult sentence and did not come back to us.

**Ms LEE RHIANNON:** Were they people who were sentenced to imprisonment in a juvenile justice centre?

**Mr MUIR:** I will give you an example. Someone will have an adult and a juvenile offence concurrently. The juvenile sentence may run longer than the adult sentence. In those circumstances an order can be made for them to stay where they are. It is often very difficult for those people to come back from jail into a juvenile regime. Of the 23 in that category, six requested to be transferred to an adult centre.

**The Hon. CHRISTINE ROBERTSON:** You have spoken quite a bit about Aboriginal young people in custody. Could you outline what success the New South Wales Government has had in assisting Aboriginal young people in custody?

**Mr GRAHAM WEST:** One of the programs we outlined earlier is Dthina Yuwali. What makes this group-work program different is that it was developed by Aboriginal staff in Juvenile Justice specifically for Aboriginal young people. The program represents a strong change in interventions for Aboriginal young people

with substance-related offending, which the majority of our offenders have had experience with. It is through focusing on the relationship between substance use and pathways to offending that this program assists young people in managing their behaviour. Research conducted by a number of justice agencies with Aboriginal adult offenders has identified lengthy involvement with the criminal justice system that commenced as juveniles and has reported direct links between substance use and offending. There are some Bureau of Crime Statistics and Research figures that show the earlier you encounter the juvenile justice system, the more likely you are to continue to be involved in the justice system.

The NSW Young People in Custody and on Community Orders Health Surveys 2003-2006 also reported that young Aboriginal offenders began illicit substance use, on average, two years earlier than non-Aboriginal offenders. Dthina Yuwali is responsive to the needs of Aboriginal young people and is based on cultural learning. The program utilises Aboriginal learning styles, such as stories and involvement from local elders and respected community members, to facilitate and promote change around substance use and offending behaviour. This approach highlights positive choices, and reinforces cultural knowledge, connection, identity and values.

The young people involved progress through three distinct stages. Stage one of the program—Step out from the Shadows—focuses on core alcohol and other drug concepts, offending-related issues, and relapse prevention. This stage involves six sessions of 1.5 hours each. Stage two of the program—Walking Different Tracks—focuses on alcohol and other drugs in the context of the young person's risk factors, and includes developing steps on making relevant changes and managing emotions. This stage involves four sessions of 1.5 hours each. Stage three—Tomorrow Today—focuses on relapse prevention and maintaining change. This stage involves four sessions of 1.5 hours each. So it is quite a long process.

The program was designed to allow Aboriginal and non-Aboriginal front-line staff to deliver the program together in both custodial and community-based settings. In addition to internal agency staff, Aboriginal elders and respected community members participate in discussions on the program's content. Dthina Yuwali was piloted on five occasions, with both young men and women from metropolitan, rural and regional locations participating. The pilots showed high-level participation and completion rates. Out of the five pilots held, 25 of the 29 young people who commenced it successfully completed the program. The responses from the pre-group interviews indicated that the majority of all young people referred to the groups wanted to participate. Referrals included up to 15 young people for each pilot, with participation numbers restricted to between six and eight young people.

Following on from the success of the pilots, a number of Juvenile Justice staff have been trained to implement the program. In April 20 staff from the metropolitan region were trained, in May 13 staff from the northern region were trained, and in June 11 staff from the western region were trained. Further to this, additional training is being conducted this month to continue the rollout of the program within Juvenile Justice. Implementation of the program has now commenced, with the first group at Cobham Juvenile Justice Centre in the July school holidays. Four young people successfully completed the program and further groups are being planned in each region. The Aboriginal staff that developed Dthina Yuwali have developed processes for evaluation and monitoring to ensure Dthina Yuwali continues to produce positive outcomes for Aboriginal young people. It is through the coupling of alcohol and other drugs work and offence-focused work that these young Aboriginal offenders will have a better chance at life.

**The Hon. GREG DONNELLY:** Minister, how is the Government improving and utilising the Juvenile Justice Official Visitors Program?

**Mr GRAHAM WEST:** The Official Visitors Program is a great opportunity for us to improve the way we help young offenders within Juvenile Justice. Official visitors are a legislative requirement under section 8A of the Children (Detention Centres) Act 1987. All centres have an official visitor who is appointed by the Minister. Official Visitors do not report to the Parliament; they report to the Minister. In many ways, they operate as an outside set of eyes for the Minister. An official visitor—who is expected to be an impartial observer of the juvenile justice system—visits the centre to which they are appointed a minimum of twice a month for approximately four hours each visit.

Because I believe it is such an important opportunity, we recently reviewed the operation of the Juvenile Justice official visitors system in New South Wales and have made a number of changes to the program to strengthen it. Without going into the full details, I expect the official visitors to maintain a professional distance from the Juvenile Justice administrators. Therefore, I have made a number of changes to their

recruitment, including a requirement that they not have worked for Juvenile Justice in the last 10 years, to make sure they bring that fresh set of eyes to the position.

We have created a Senior Official Visitor position. One of the things the official visitors spoke of when I went in earlier was that they wanted the ability to better coordinate some of the training, and to make sure that they have a good process to get feedback to the Minister. Part of that is the creation of the position of Senior Official Visitor, who has been developing training programs and is now involved in helping to recruit all the other official visitors, making sure that it is kept at that independent level. This ensures we get a good mix of backgrounds, both ethnic and cultural. The official visitors are also given far more control over their own program. The funding for the program last year was in the order of \$99,000, I think, which had been managed mainly by the department. While it sits within the department, we have now given much of that responsibility to the Senior Official Visitor. He will be the one who decides what training the other official visitors get and whether or not it is appropriate for that official visitor to fly to another centre and stay overnight, giving them a lot more flexibility.

As the Commonwealth has now signed the Optional Protocol on the United Nations Convention Against Torture, there needs to be a mechanism within Juvenile Justice to report on that. We believe that system could be one that the official visitors could use. They could also report directly to the United Nations system on that, as these people are already independent. As part of that we are looking at increasing the budget for official visitors as well, given that will mean increased responsibility for them. We are holding quarterly meetings of that group now, so it is a much more formalised process. I have met with them on a couple of occasions now. The Senior Official Visitor has my mobile telephone number, and is not afraid to use it.

As I was discussing in some of the changes we made to Emu Plains—which include a number of things I did not outline, such as making sure there is psychiatric care available and looking at installing extra air-conditioning units in various places—we actually sat down with the Senior Official Visitor, who is also the official visitor for Emu Plains, and the two chaplains, Father Andrew and Sister Maggie, as part of that process and had a discussion as to how we can improve Emu Plains from its current circumstances. It is our decision how we make the changes but we worked with them and asked, "What are your concerns?" That is something we want to use them far more for. We have given them access to the central information management system [CIMS] database, so they now have access to the young person's records before they go in for a visit. They can access the list of young people in the centre they are going to. They understand some of the background they are coming from so they can go and ask questions around the young person's experience of detention and rehabilitation, not simply start with, "Tell me who you are?" One of the things they have asked is that the official visitor's photograph be distributed as part of the induction kit. We are going to arrange for that so they know who they are. We have a really talented group of people there.

The Senior Official Visitor is Michael McDonald, who has a long involvement in the educational sector. We have people involved in it from the community sector and other sectors. I think all these people have a genuine commitment to youth justice and we can actually benefit from their experience. They are, I think, very empowered, especially since we have restructured the way it works and given them a lot more autonomy. We have made sure they have formal meetings with the department and with me. I think the Chief Executive would agree that they are not afraid to call a spade a spade when they see one. I think that is helping us quite enormously. We are not waiting for problems to occur when they become serious; we are actually getting early notification. I think it is a very worthwhile program that will continue to strengthen as we look at our reporting mechanisms under that convention and use them.

**The Hon. CHRISTINE ROBERTSON:** How is the New South Wales Government addressing the needs of young offenders who are homeless?

**Mr GRAHAM WEST:** We outlined a number of projects before and we mentioned that we are in discussion with groups such as Father Chris Riley's about developing longer-term plans. We also fund a number of services around this, but one of the ones we are using is the Joint Tenancy Assistance Program. That program is about linking government and non-government agencies to help young people find accommodation and to keep the community safer. The program commenced in 1997. It targets homeless young people with complex needs in contact with the juvenile justice system, and it requires the combined efforts of Juvenile Justice, Housing New South Wales, Bridge Housing and CatholicCare. It attempts to address the needs of young people who are homeless, or at risk of being homeless, and stabilise their lives and significantly reduce their risk of reoffending. There are lots of studies out there that show that having a secure home tenancy is actually a key factor in reducing a whole lot of other problems, including offending.

The program offers support for young people over 12 months or more through initial intensive joint case management by Juvenile Justice and CatholicCare, and ongoing support by all four partners for the length of the young person's engagement with the program. The young people are placed in accommodation and supported by the agencies to live independently and take responsibility for their accommodation needs. The program provides support with lease arrangements, ongoing advice on budgeting, meeting commitments and maintaining a household. Young people in the juvenile justice system often come from unstable households, as we outlined at the beginning, or indeed have been homeless. Programs such as this give them skills and support to live in safe accommodation—that is a key thing. It is not only that young people are necessarily homeless but they also must have a safe home to return to.

A review of the program in 2009 found that the program is responsive, successful and financially efficient in supporting young people's transition from the juvenile justice system to independent living. It takes on the most difficult and challenging young people, and the majority of young people in the program have moved away from offending to more positive community engagement. The review found that the nature of the young person's offences ranged from justice offences, public order, dangerous acts and traffic offences to property damage, car theft and robbery. The number of offences ranged from three to 50—so these are not easy cases. Some of these people are incredibly complex, and we are getting great results. Their offending histories were no predictor of their success when in the program, which would tend to suggest that the program does the right stuff.

Despite their homelessness, complex needs and offending histories, young people in the program were able to achieve a range of successes that included 39 per cent of those who exited the program graduated into Priority Housing, with 47 per cent of those people being indigenous, which is one of our key issues; 49 per cent of young people completed phase three, which means they had learned a range of life skills for independent living; 67 per cent of young people resumed education and completed year 10, while some went on to year 11 and TAFE—we know that one of the best indicators for engagement with the justice system is engagement with education—and 36 per cent found employment, which is a great achievement. One hundred per cent of the young people reviewed said they felt supported to manage their alcohol and other drug issues—which is an incredible figure—and 93 per cent did not reoffend while on the program.

They did a comparative cost analysis of the program. In 2008-09 the cost of supporting, for example, five young people on the program was \$42,926 per person for 12 months. At the same time, the cost of supporting a young person in custody at \$543 per day is \$193,308 per person for 12 months—a huge difference. The Joint Tenancy Assistance Program review report compared the cost of this program with a range of similar accommodation support options, including the cost of supporting the same young people in Community Services. The report found that the Joint Tenancy Assistance Program is the most cost-effective way of supporting young people with complex needs. I suppose that is just one way other than the ones we are further exploring to help young homeless people.

**The Hon. GREG DONNELLY:** How is the Government looking to improve services to young offenders through investing in research?

**Mr GRAHAM WEST:** One of the things that is clear is that if we want to reduce the reoffending rate we need a solid evidence base. One of the reasons we are doing the review is that it includes looking at the evidence base from other jurisdictions. But we are also investing in direct research through the department to get specific research. There are three large-scale research projects that the Government is collaborating on in examining key areas relating to the juvenile offender population. A key one of those is the "2009 NSW Young People in Custody Health Survey". We know that young people in Juvenile Justice have adverse health outcomes when compared with the general community and we know that you have to address those health needs before you can address many of the other needs.

I spoke to one of the child psychologists out at Reiby who said that before you can get into the head of a young person who comes in to talk about responsibility if they present with a health problem then you have to solve that health problem first. In solving that health problem you can actually make a connection with that young person—you build trust—and then you can start to focus on these other things. Health is incredibly important in rehabilitating young people. The survey was conducted through Juvenile Justice, the Centre for Research in Criminal Justice and Justice Health. It will provide a range of data both to Juvenile Justice and Health, which will assist us in improving programs and facilities for young people, as well as expanding the evidence base. The data is being collected at juvenile justice centres across the State, as well as at the Kariang

Juvenile Correctional Centre, with a number of participants projected to be between 380 to 400 young people, which is a sizeable number of young people in custody. We expect testing to be completed by the end of October 2009—that is not far away—with preliminary results available in early 2010. We also have another project, which is an interesting one. It is a longitudinal study of the biological, social and cognitive factors that lead to antisocial behaviour in adolescents.

**The Hon. CHRISTINE ROBERTSON:** Everything?

**Mr GRAHAM WEST:** Yes. I spoke to the two academics leading the program at the University of Wollongong. We have provided \$100,000 to start the program. It does seem that they are trying to look at everything. They are trying to understand why if you take two young people from similar environments one young person goes on to offend and the other young person goes on to productive participation in society. In doing that, they are not only looking at the health indicators but also going beyond and looking at genetic indicators—whether there are markers around that. It is an extensive study. They are looking at getting year 7 students from six schools, so they are talking about hundreds of young people. They want to make sure that five of the schools are State and one is private so they have control groups around environmental backgrounds. They are going to do that study over an eight-year period.

The first wave of data—not results—will be available in December 2010. I suppose that will give us a brief overview. Hopefully at the end of that study we will have a world-class position that helps us understand some of the things that we can do to intervene in young people going off the rails. What are some of the preventative factors? Is it family? Is it genetics? It is a combination of all things, I suspect. It is an ambitious project, but the researchers seem positive that they can do it. I thought it was a very exciting project. I know the University of Wollongong is very excited to be doing a project.

We also have a three-year research program that we have committed to with the New South Wales Bureau of Crime Statistics and Research. We are committed to funding them on a number of research issues, once again to get a good evidence base. The BOCSAR data is publicly available, so we can have some good discussions around it. It will look at juveniles on remand, including the circumstances that lead to young people being apprehended by police, breaching bail and being placed on remand by court and also the impact that remand has on young people both during and after custody. Further funding is for police and youth justice conferencing with an aim to understand why only approximately half of youth justice conferencing referrals come from the police. Half come from the court. We know one of the reasons is because young people do not plead guilty at the time and therefore are not eligible. We want a better understanding why it is a 50-50 split.

These are just some of the research projects we are undertaking. We are committed to getting a good evidence base around developing our programs. One of the things that became quite clear to me early in the piece as Minister for Juvenile Justice is that there is not significant research literature in juvenile justice, especially in an Australian context. We have a number of reports, but we have had to fund these studies. I thought some of them would have already been done. It is a good opportunity to get a good research base and make sure that we are making decisions that will help young people and keep the community safer.

**CHAIR:** I have had a request from both the Opposition and Ms Lee Rhiannon for an additional five minutes each of questions on Juvenile Justice. We will have five minutes of questions from the Opposition and then from Ms Lee Rhiannon.

**The Hon. DAVID CLARKE:** Minister, why did the New South Wales Government declare the BOCSAR report "Recent trends in legal proceedings for breach of bail, juvenile remand and crime" Cabinet in confidence?

**Mr GRAHAM WEST:** As you would be aware, we do not discuss Cabinet matters outside Cabinet. It is also within the Attorney General's area. I suggest you might want to ask that question of the Attorney General.

**The Hon. DAVID CLARKE:** Who made the decision to take the report to Cabinet, thus giving it a Cabinet-in-confidence classification?

**Mr GRAHAM WEST:** I refer to my previous answer.

**The Hon. DAVID CLARKE:** How many juvenile offenders were detained on remand in the 2008-09 financial year?

**Mr MUIR:** I can give you how many young people were admitted on remand and control. Is that the figure you want?

**The Hon. DAVID CLARKE:** Detained on remand.

**Mr MUIR:** I can tell you that last financial year 4,634 young people were admitted to our centres on remand and 711 were admitted on control, which is sentenced.

**The Hon. DAVID CLARKE:** Do you have the figures for 2007-08 and 2006-07?

**Mr MUIR:** Yes. I will go backwards. For 2007-08, it was 5,081 on remand, 623 on control; for 2006-07, it was 4,263 on remand, 514 on control.

**The Hon. DAVID CLARKE:** Of these, how many juveniles were detained on remand during this time because they did not complete their conditions of bail—that is for each of the specific years I have referred to?

**Mr MUIR:** That figure would not be available to the department. The only figures that have been able to be sourced are already in that BOCSAR paper. They had to be manually extracted by BOCSAR. That data is not available to the Department of Juvenile Justice. BOCSAR was required to go to police records to obtain data.

**The Hon. DAVID CLARKE:** Is that not important information that would assist the department?

**Mr MUIR:** The data on young people breaching bail is police data. Breach of bail is not an offence. A lot of the problem is the way it is coded within the data. If someone is admitted into our custody, we will record the offence for which they are admitted. A breach of bail is not an offence, so it is not recorded as such. To get that figure, the only authoritative work on that at the moment, and the data, is in that BOCSAR paper.

**The Hon. DAVID CLARKE:** On the figures you have given us, on average how many days did these offenders stay in a facility because they were unable to meet their bail conditions?

**Mr MUIR:** Yes, I can answer that. As to the average length of stay in custody for young people who are unable to meet their bail conditions, what years would you like?

**The Hon. DAVID CLARKE:** For 2007-08 and 2006-07.

**Mr MUIR:** The average length of stay for young people who were unable to meet bail conditions in 2007-08 was 10 days and in 2008-09 it was nine days.

**The Hon. DAVID CLARKE:** And for 2006-07?

**Mr MUIR:** It was nine days.

**The Hon. DAVID CLARKE:** Of the juveniles who were jailed for breaching bail conditions, what were the top three conditions that were most commonly breached?

**Mr MUIR:** Again, the paper outlines that. Number one was breaching conditions of a curfew, then not being in the company of a parent. I would have to look at the paper itself for the third one.

**Mr GRAHAM WEST:** Of the BOCSAR figures, 35 of the 50 cases it examined were "not comply with curfew" and 29 out of 50 were "not in the company of a parent". Some of those overlap, but they are significant drivers.

**Mr MUIR:** The third one was association with co-offenders.

**CHAIR:** We will now go to Ms Lee Rhiannon for questions.



**Ms LEE RHIANNON:** Minister, has the number of front-line Juvenile Justice staff per inmate increased or decreased since 2003-04? If so, I would be interested in the figures.

**Mr GRAHAM WEST:** Can we get back to you on that? We do not have figures here today going back to 2003-04.

**Ms LEE RHIANNON:** Yes. As the Minister for Juvenile Justice, do you get regular reports on the wellbeing of juveniles held in adult prisons?

**Mr GRAHAM WEST:** Not in adult prisons.

**Ms LEE RHIANNON:** So once they have gone to adult prisons they are just out of the system that comes under you, is that the case?

**Mr GRAHAM WEST:** Yes, they are no longer under the responsibility of the Minister for Juvenile Justice and the Acts and regulations of that Minister.

**Ms LEE RHIANNON:** So you do not receive any reports about them or anything?

**Mr GRAHAM WEST:** Our staff are obviously in contact when they are transitioning back to make sure there is a plan in place, but I am not given any information that I am aware of.

**Ms LEE RHIANNON:** The individuals who are under 18 years of age currently in adult prisons, have you had any reports that they have been assaulted or intimidated while in an adult prison?

**Mr MUIR:** There are no young people under 18 in an adult prison.

**Ms LEE RHIANNON:** None?

**Mr MUIR:** None.

**Ms LEE RHIANNON:** I misunderstood an answer to one of my earlier questions. I thought that there were some who were serving their sentence—

**Ms RUSIS:** But they were over the age of 18.

**Mr MUIR:** They would have committed their offence as a juvenile—

**Ms LEE RHIANNON:** There has been in the past, has there not?

**Mr MUIR:** In my over 20 years experience there have been two. One was a young woman who murdered a TAFE teacher in 1999 and there was a one young person—and this was pre the forensic hospital—whose mental health condition was such that he was moved for a very short period of time to a mental health screen unit at Silverwater. They are the only two that I can bring to memory.

**Ms LEE RHIANNON:** Just picking up on some of the questioning of Mr Clarke. With regard to the issue of bail, the department's annual report for 2007-08 recorded an increase in the number of juveniles on remand who cannot meet their bail conditions from 479 in 2003-04 to 928 in 2007-08. That is a big increase—about 90 per cent. Firstly, can you tell us what the current figure is? Is it still going up?

**Mr MUIR:** No, it went down again last financial year.

**Ms LEE RHIANNON:** By how much?

**Mr MUIR:** Not much—855.

**Ms LEE RHIANNON:** It is still high, is it not?

**Mr MUIR:** Anecdotally it is a piece of work we want to do but my staff will tell me that it is largely around young people finding suitable accommodation, entering into drug rehab placements, and having an

acceptable person willing to enter bail for them. Ms Rusis may think of others but they, in my mind, will be the top three reasons. So that, for example, some of them may be there until we can get them into one of the very scarce community-based drug rehab facilities.

**Ms LEE RHIANNON:** How many of the juveniles detained on remand because they cannot meet their bail requirements were subsequently convicted and given custodial sentences?

**Mr MUIR:** I have got a general one in relation to which I can tell you the rate at which young people receive a control order on remand. I cannot give you one specifically for those who could not meet conditions.

**Ms LEE RHIANNON:** I just thought it would be a fairly important piece of research.

**Mr MUIR:** We know—and I can give you the exact figures—that the figures hover around the 80 per cent range of young people who are remanded in custody. Last financial year 78.8 per cent of young people who came into the department with a remand episode did not get a subsequent control order.

**Ms LEE RHIANNON:** That is high.

**Mr MUIR:** And we factor in any matters where a control order was backdated.

**Ms LEE RHIANNON:** What is the thinking going on for you, for the department, for the people who are researching this area about putting young people in detention just because they cannot meet their bail conditions? Is anybody arguing that it is going to help reduce juvenile crime? That is such a big figure. What is the thinking about where this is all going?

**Mr GRAHAM WEST:** One of the things I outlined at the beginning is that part of the reason we are doing the review is because we want to be able to make sure we are able to look at reducing reoffending, and clearly having people in custody when they do not need to be is not the best thing for the young people or for the community. That is one of the things the review is picking up—looking at what they are doing in other States. I outlined also that we were in discussions with Father Chris Riley, for example, around trying to provide some of these services. We have started a bail hotline, which has been funded by the Government, where our staff will be resourced to go and try to address some of those issues so that people do not end up in remand centres in the first place. Given that 82 per cent do not get a custodial order, if there are some where we can intervene before that point and get them into programs before they reach our doors, that might make it a bit easier for us to find some of the placements.

**Ms LEE RHIANNON:** So are you looking to both try to help them meet their bail conditions and also see if those bail conditions need to be put in place in the first place? Are you looking at both strands?

**Mr GRAHAM WEST:** We are funding the Bureau of Crime Statistics and Research for a number of research pieces, which will pick up some of those issues, but we do not have any control around bail conditions or whether somebody gets bail in the first place. What we are offering is a service to police where if they have a young person they are not sure they want to release back into the community—if they want to grant bail on the condition, for example, that they not reside at home but there is nowhere for them to live—we would like them to pick up the phone to our people and for our people to try to broker a place for them, find an appropriate piece of accommodation and therefore have that young person diverted at the beginning rather than from the centre. The Government provided funding of \$50,000 to the Bail Research Working Party to do some research around this issue as well.

**Ms LEE RHIANNON:** Is that under the Attorney General?

**Mr GRAHAM WEST:** The working group is multidisciplinary. Its secretariat is in the Attorney General's Department but it includes Police, Juvenile Justice and a number of other agencies.

**CHAIR:** I thank the officials from Juvenile Justice for coming in today. We will now examine the expenditure for the portfolios areas of Volunteering, Youth and Veterans' Affairs.

**(Mr Leslie, Mr Muir and Ms Rusis withdrew)**

**GAYE PHILLIPS**, Commissioner, NSW Commission for Children and Young People, affirmed and examined:

**TONY WISEHEART**, Project Director, Volunteering Unit, Communities New South Wales, and

**DARREN MITCHELL**, Assistant Director, Veterans' Affairs and Grants Administration, Department of Premier and Cabinet, sworn and examined:

**The Hon. CHARLIE LYNN:** What do you think is the most important issue facing retired veterans in New South Wales today?

**Mr GRAHAM WEST:** That is clearly an incredibly loaded and complex question. I suppose it depends on the group of veterans concerned.

**The Hon. CHARLIE LYNN:** Retired veterans.

**Mr GRAHAM WEST:** I know that the Korean veterans have different issues from the Vietnam veterans and the veterans from other wars. Clearly, health is an issue that is common to all veterans. That comes up regularly when I talk to them. I am told the biggest single client of NSW Health is the Department of Veterans Affairs.

**The Hon. CHARLIE LYNN:** One of the major areas of concern is the indexation of their superannuation. I am not sure if you are aware of the media release issued by the Labor Party candidate for Eden-Monaro at the last election, Mike Kelly. He said in that release that veterans who retired on a defence force pension of \$20,000 today would be \$7,000 worse off in 20 years if their pensions continued to be indexed to the CPI. I understand that Mr Kelly advised that the Commonwealth uses a wage-based index for the aged pension. He said that if he were elected, he would argue strongly for our veterans to be given the same deal because it was the fair thing to do. He stated:

If I am elected as member for Eden-Monaro, I will never stop campaigning on this issue until it is adopted and implemented for every Commonwealth superannuant in Eden-Monaro, and all of Australia.

On 21 August the Federal Government released a review of the pension indexation arrangements in Australian Government civilian and military superannuation schemes that rejected the strong recommendations of the veterans community and retained the unfair and regressive link to the CPI. What is your response to this betrayal of veterans in New South Wales?

**Mr GRAHAM WEST:** We must first clearly define the responsibilities of the New South Wales veterans affairs administration. That issue is clearly within the purview of the Federal Government. We have made no suggestion that we can run the Department of Veterans Affairs. I have had dialogue with Mike Kelly and the Federal Minister for Veterans Affairs on a number of issues. However, the State's role is to assist in a number of areas in which we think we can improve our cooperation with the Federal Government. That includes memorial governance review and management. The Anzac Memorial is this Government's responsibility and we are improving war memorials around the State, including the Korean War memorial.

We are also working with the Federal Government to ensure we have an appropriate recognition schedule overseas, especially as we approach 2010 and the anniversaries in Korea. We are ensuring that young people are aware not only of our military history but also of the opportunities for service within the defence forces. In addition, we are helping New South Wales Government agencies to understand the impact that active service can have on people to ensure that they are treated appropriately. However, decisions about sending people to conflicts and their entitlements on return are clearly Federal Government responsibilities. We work closely with the RSL. It is the appropriate body to lobby the Federal Government, and it does so very strongly. We deal with State issues and they encompass those areas.

**The Hon. CHARLIE LYNN:** There are veteran retirees in New South Wales who contributed to the Defence Force Retirement and Death Benefit Fund all their working lives. They are now living below the poverty line and have to apply for an old aged pension. In a press release issued on 24 August by the Federal Minister for Families, Housing, Community Services and Indigenous Affairs, the Hon. Jenny Macklin, the Minister rejoiced that the new pensioner beneficiary cost of living index provided another layer of protection for Australia's pensioners to help their pension to keep pace with increases in the price of goods because pensioner households can face cost of living changes that are different from those measured by the mainstream CPI.

I am concerned that veterans are the only people who have their pension linked to the CPI, which Mike Kelly says will mean they will be \$7,000 worse off in 20 years. If the New South Wales Government is really concerned about veterans affairs issues rather than monuments and memorials, it should take these concerns on board and make strong representations to the Federal Government that veterans' pensions should not be linked to the CPI. As is the case for pensioners and other superannuants, their pension should be linked to a more equitable index that caters for cost of living increases.

**Mr GRAHAM WEST:** These are obviously very important issues for veterans, but they are clearly a Federal responsibility. We want to focus on improving the gaps within the State that are not addressed by the Federal Government. Superannuation and defence force entitlements are within the Federal Government's purview. When we talk with the RSL and other veterans groups and associations we talk about what the State Government can do directly. We provide veterans with transport concessions. Where we have the opportunity to assist veterans, not only by recognising their contribution but also in a financial sense, we certainly do so. However, superannuation entitlements are clearly covered by Federal Government legislation. We work with the RSL on many issues, but it has not raised that issue because it understands the separation of Federal and State responsibilities.

**The Hon. CHARLIE LYNN:** Perhaps your department should have a different name. It is a bit of a Clayton's ministry at the moment. Veterans see your department as a mirror of the Federal Government department. They do not understand the lines of demarcation. While they realise that the entitlements are not provided in the State budget, I am sure that they would be very encouraged by the fact that you took a strong stand in representing their concerns. This is their major concern. These veterans fought for their country and served 20 or 30 years in the defence forces and they are now living below the poverty line and have to apply for the old aged pension. They feel betrayed because they contributed to this scheme; it was not something they got for nothing.

**Mr GRAHAM WEST:** Ours is not the only State veterans affairs ministry. Victoria has one and it has had it for a long time. It plays a similar role to ours. That is widely supported by the veterans community. Of course, some people do not understand the separation. We explain it to them and they are still supportive of the fact that we are promoting the recognition of veterans. I cannot recall anyone saying we should not have a Veterans Affairs portfolio in New South Wales.

We have been able to achieve a number of things. We have increased funding for the Anzac Memorial, which is incredibly important not only because of its legacy but also because it is the focus of many memorial services. Like you, I participate in the Anzac Trust meetings and I take that very seriously. We now have a Korean War memorial. It was shameful that we did not have one until recently. South Australia also has a Parliamentary Secretary responsible for veterans affairs. One of my department's most important functions is its commemoration role and ensuring that veterans are given appropriate recognition. The Vietnam veterans' reunion held at Government House enabled veterans finally to be appropriately recognised by the State Government. Many of them are still grateful for that recognition because it was not forthcoming when they returned from the war. Veterans at that function made it clear that they were very pleased that the ministry exists and that it is recognising them. I know that is not a new thing, but I have not had veterans come up and say, "We should not have a Veterans Affairs portfolio in New South Wales."

**The Hon. CHARLIE LYNN:** I think it is a good thing. I do not want you to think that I am not supportive. I know you do not have a responsibility for pensions, but just since the release of the Matthews report, the Government has taken almost a lobby role or a representative role for veterans in this particular area. It was well received in the veterans' community. Apart from that, I fully support the role the Government has taken in Veterans' Affairs.

**CHAIR:** Did you have no luck lobbying the previous Federal Government to change the Veterans' Affairs index?

**The Hon. CHARLIE LYNN:** No, I did not. But the report has just been released, you see.

**Ms LEE RHIANNON:** Minister, considering New South Wales has a great number of youth unemployment hot spots—we have more than other States and that has been the case for a number of years, I understand—and as it appears that as a result of the global financial crisis the lag in improvement will lie with unemployment, can you outline what is being done for young people, particularly those in these hot spots, with

regard to addressing unemployment? I am particularly interested in areas such as the Illawarra, the Fairfield-Liverpool area, the Far North Coast and the Hunter, where the hot spots exist.

**Mr GRAHAM WEST:** Part of the Youth portfolio is working in coordination with other government agencies, especially Education. I know that one of the announcements the Government made of the learn or earn option applies to those aged up to 17, and hopefully it will reduce some of that. We know that one of the indicators around youth unemployment is the level of education, if the youth is not engaged in an apprenticeship. Apprenticeships also are incredibly important, although in a time of global financial crisis, apprentices are at risk if the company they are working for goes under, or someone decides to cut funding. But that is why part of that process also includes transitional support for those apprentices.

A lot of the issues are not solely around education, of course. There is also access to transport, which is identified in the Youth Action Plan as an issue. We provide a number of concessions to people who are trying to apply for work. The opportunities to convince young people to improve their horizons is an issue. We know that one of the issues around young people in some of those communities is that they do not realise there are other opportunities available to them. I know, for example, that the University of Western Sydney, supported by the New South Wales Government, is setting up a medical school in western Sydney. One of the key drivers of that was to get young people to realise that they could get into medicine. I grew up in that area. I do not know—I am happy to be corrected—that any of my peers went into medicine; it was not something that people thought about doing.

By providing space and support, we actually have a number of young people from the area doing medicine. We are actually providing some of those opportunities and saying to young people in those communities, "You can actually go and do things." I remember a number of years ago asking the University of Sydney and the University of New South Wales through the Parliamentary Library—I got them to ring up and ask—could we get the postcard data for their admissions for medicine, and they refused to provide that information. I do not think they refused to provide it because they did not have the information. I think it was because—

**Ms LEE RHIANNON:** Of what it shows.

**Mr GRAHAM WEST:** Yes. Steps like that are important. Some of those areas referred to have intergenerational unemployment, particularly some of the Department of Housing areas. I remember doing home visitations with St Vincent de Paul and going to some families that have had two or three generations of unemployment. You do not counter that overnight. One of the things we are talking about in Juvenile Justice is providing those 24-hour multidisciplinary services. A lot of those same families end up in Juvenile Justice. Providing those wraparound support services hopefully will improve the outcomes. In my previous answer on Juvenile Justice I referred to providing that. Some of those support services have 36 per cent of the young people in the Joint Tenancy Assistance Program (JTAP) going on to employment, and the other 67 per cent were going on to education. They are incredibly intensive programs that are required. The local schools in those areas are doing a really good job as well.

**Ms LEE RHIANNON:** Do you have any target programs in those areas, though, considering they just keep on coming up in hot spot studies? It keeps going on.

**Mr GRAHAM WEST:** Yes. Different portfolios have different programs. But I will come back to you with a response, highlighting what the different portfolios are doing.

**Ms LEE RHIANNON:** Yes. That would be useful because this is deeply troubling.

**The Hon. CHRISTINE ROBERTSON:** Minister, can you indicate what funds are allocated to preserving the State's war memorials? I would like a little sentence on Boggabilla-Toomelah, too. They are not mentioned in my questions, but that would be very exciting.

**Mr GRAHAM WEST:** I am sure if that information exists, it will be handed to me very quickly. If not, I will make sure it is incorporated in the record later on. There are approximately 3,000 war memorials throughout New South Wales. It could be said that each memorial is a silent testimony to the sacrifices that have been made during conflict. The opportunity to improve war memorials in local communities is something that has been widely embraced since funding was announced. Many of the memorials were built as a result of World War I. I do not think there is a country town in New South Wales that does not have a memorial. One of the

great opportunities in relation to administering the War Memorial Fund is to go to some of those country towns from which whole families lost their sons as a result of that conflict and to see some of the relatives who can still share a connection with that. They are incredibly important.

It is a very good feeling to help local communities in some small way. In some of the bigger country towns there is increasing road development, which means that it might be necessary to relocate some of the memorials. We have been working very closely with the Roads and Traffic Authority [RTA] in doing that. The memorials are really important. The fund provides approximately \$250,000 a year to help communities with restoration and maintenance of war memorials. We have a State War Memorials Committee, which is constituted in part by the RSL, and that assesses the applications that are made. The applications are largely for smaller grants, but a number of places have applied for multiple grants as part of the program. Something I have discovered is that not only do local communities want to repair and restore some of these war memorials but that some of the techniques involved in the original creation of the memorials simply do not exist.

We have had to work with the RSL to create comparable results. In Heathcote, for example, the War Memorial can no longer be represented in the same style, but the local RSL has found a way to keep the sentiment, without changing the original design too much. There are a lot of issues around that, but we have 35 recipients for 36 restoration projects in 2008-09. I do not have the Boggabilla one here, but the Narromine Shire Council received \$33,000 for the relocation of the Narromine Cenotaph, which was situated at the intersection of a major highway and a heavily used regional road. The RTA is also making a significant contribution in addition to the \$33,000, which means that the RSL sub-branch and the council will be able to move the Cenotaph to a safe place where it will not be vulnerable to structural damage. Some of the grants are also supported by the Department of Veterans' Affairs, so it is a most cooperative program.

The Kokoda Track Memorial Walkway Trust recently received \$3,356 for the restoration of the Coast Watchers Lookout Platform, which is a key interpretive spot along the walkway. The lookout platform is a popular spot with schoolchildren. I do not know if other members besides the Hon. Charlie Lynn have been out there, but I am sure that Rusty Priest would be happy to take them through it. There is a lot of work going on out there in addition to the work associated with the grant. The interpretive walkway is worth experiencing. The work has been extended over a number of years to incorporate a number of aspects.

Recently work was done by Corrective Services to clean it out, getting rid of a lot of weeds. A lot of government agencies are supporting that program. I said to the principal of our local school, the school my kids go to, that they should get kids going out to that more and more. It is a fantastic facility right on Sydney's doorstep. I have been to a number of ceremonies there. I have seen a number of young people go through it and be incredibly moved, as well as a number of tourists who have just discovered it. Rusty and his team have done a fantastic job there. It is nice to be able to contribute to programs like that.

A number of Vietnam veteran memorials have been recognised. Maitland Vietnam Veterans and Service League received \$2,500 for the addition of a memorial plaque to the Private P.Z. Trzecinski Bridge. The bridge bore the private's name as a tribute to his service in Vietnam but provided no explanation. The grant covered the cost of a quarry stone which has been placed some 300 metres from the bridge and inscribed with a memorial plaque to his memory. Private Trzecinski was the only soldier killed in action in Vietnam who came from Maitland. I am sure members have all seen the bridge but I for one was not aware of the full story until the interpretive plaque was put in.

The city of Newcastle received \$10,000 for preservation work on the Vietnam Veterans War Memorial in Civic Park, Newcastle. The grant was to replace all unsound tile grout materials and thoroughly clean and remove salt from the memorial structure. The memorial lists the 19 names of the Newcastle, Lake Macquarie and Hunter Valley servicemen who gave their lives in Australia's longest war. Plus, we were also able to assist Newcastle with sound equipment for its Anzac Day ceremony this year. When I was speaking of the Kokoda Track I forgot to mention that \$400,000 has been provided for an education centre there, which was opened by the Premier. It is a substantial contribution, in addition to the \$250,000 I outlined before.

The council of the RAAF Transport Flight Vietnam and 35 Squadron received \$2,571 for three honour rolls. The list says we provided the grant to the Federal Government, which is intriguing when you first look at it. That is because we presented that to the air marshal. I had the opportunity to go to the dinner at Coffs Harbour where the honour rolls were first unveiled. Wallaby Airlines is the crew they are talking about.

**The Hon. CHARLIE LYNN:** Caribous.

**Mr GRAHAM WEST:** The Caribous, yes. Sadly, the Caribous are being phased out of service but they put on for the veterans—and I thank the RAAF for its efforts there—a number of Caribou flights over the weekend. I got to sit in the cockpit of a Caribou. Luckily for everyone, it was on the ground. The honour roll for the New South Wales Government, which we will make sure is displayed prominently, with the assistance of the Department of Lands, has a memorial cross made from the tail fin of a caribou.

With all the people who served with RAAF Transport Flight Vietnam and 35 Squadron, it was not just a matter of getting the names, they had to go through every individual service record, because not everyone who is attached to that squadron or to the transport flight at various times necessarily had their records in that place. They think they have everyone, but it took a number of years to do that. It was nice to be there at the end of an era with the caribous. Mind you, it was the first RAAF unit into Vietnam and the last out. At the dinner they announced the finding of the final two missing in action, the RAAF pilots. It was great to be part of the closing of that legacy. I know the air marshal was thrilled to receive it.

**CHAIR:** We might have to leave it there. Minister, I might get you to provide the rest of the answer on notice.

**Mr GRAHAM WEST:** Okay.

**(The witnesses withdrew)**

**The Committee proceeded to deliberate.**

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