

# GENERAL PURPOSE STANDING COMMITTEE No. 3

Friday 22 June 2000

Examination of proposed expenditure for the portfolio area

## JUVENILE JUSTICE, AND YOUTH AFFAIRS

The Committee met at 9.30 a.m.

### MEMBERS

The Hon. Helen Sham-Ho (Chair)

The Hon. D. T. Harwin  
The Hon. J. Hatzistergos  
The Hon. J. R. Johnson

Ms Lee Rhiannon  
The Hon. J. F. Ryan  
The Hon. I. W. West

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### PRESENT

**The Hon. Carmel Tebbutt**, *Minister for Juvenile Justice, Minister Assisting the Premier on Youth, and Minister Assisting the Minister for the Environment*

**Department of Juvenile Justice**

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

**Mr P. Muir**, *Director of Operations*

**Mr R. Hermann**, *Director of Corporate Services*

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**CHAIR:** I would like to especially welcome Minister Tebbutt and I welcome all others at this public meeting of General Purpose Standing Committee No. 3. First I wish to thank the Minister and the departmental officers for attending today. At this meeting the Committee will examine the proposed expenditure for the portfolio area of Juvenile Justice.

Before questions commence, some procedural matters need to be dealt with. Paragraph 4 of the resolution referring the budget estimates to the Committee requires evidence to be heard in public. The Committee has previously resolved to authorise the media to broadcast sound and video excerpts of its public proceedings. Copies of the guidelines are available from the attendants. I point out that, in accordance with the Legislative Council's guidelines for the broadcast of proceedings, only members of the Committee and witnesses may be filmed or recorded. People in the public gallery should not be the primary focus of any filming or photos. In reporting the proceedings of this Committee, you must take responsibility for what you publish or what interpretation you place on anything that is said before the Committee.

There is no provision for members to refer directly to their own staff while at the table. Witnesses, members and their staff are advised that any messages should be delivered through the attendants on duty or the Committee clerks. When speaking, the departmental officers need to identify themselves for the benefit of the members and Hansard. If the departmental officers can identify themselves by name, position and department or agency before answering questions referred to them that would be helpful. I would like to ask the Minister if she has any opening statement.

**The Hon. CARMEL TEBBUTT:** Thank you, Madam Chair. There are just a few things that I want to clarify at the start and then maybe make some very brief general introductory comments about the budget for Juvenile Justice. I do want to clarify that this meeting, as I understand it, is dealing with the budget estimates for the Department of Juvenile Justice. I have no budget responsibility for Youth. We usually have to clarify this each year, so I thought it was best to get in early and clarify it, so we will be just covering Juvenile Justice, as I understand. It is also my understanding that, in order to facilitate the procedures of the Committee, Government members do not intend to use their allotted time, so that may well assist going through the issues in a timely way.

If I could make some general introductory comments about the budget issue, because I think there are a few issues that are worth noting for the Committee, first of all, this is a very positive budget for Juvenile Justice. It is the third year in a row that the Government has delivered significant increases for Juvenile Justice through the budget process and this year recurrent funding is \$117.4 million, so that is a 12.5 per cent increase on our recurrent funding last year which I think by anyone's standards would be seen as a significant increase. Stage 2 of the department's capital works program has also been funded this year \$5.8 million and it is a \$35.6 million program over five years. In terms of the increased recurrent funding, that budget will impact on all areas of the department's operations.

If I can just highlight briefly where that funding will be prioritised and then Committee members may like to pursue that through questions, certainly funding is going to be available to increase the staff to detainee ratio to provide a better level of service to young people in custody and to provide stronger support for service delivery through the department's central support office. Staff training will continue to remain a high priority. The department received a significant enhancement last year to deliver increased staff training and this year we will see increased induction training, competency based training as well as a range of training initiatives that are associated with the Drug Summit. Drug Summit expenditure in general will increase in the coming financial year. We will see the coming on line of the Dubbo and Coffs Harbour drug rehabilitation facilities. There will be increased expenditure on what I call youth justice initiatives.

Essentially that is the broad range of community based initiatives that the department undertakes both to support young people who are under community supervision of the department and also to provide assistance to young people upon their release from custody, so it covers such things as post-release support programs, interpreter services, a whole range of Aboriginal programs, legal advice to Juvenile Justice clients, accommodation programs, et cetera, so there will be increased spending in that area. It is an important area, particularly in terms of trying to intervene as early as possible to deal with reasons behind why young people get involved in offending.

I am pleased also to be able to advise the Committee that last year I spoke about the pre-employment skills training program, which was a pilot program funded under the Drug Summit. It was aimed at providing employment counselling support for young clients of the department to assist them undertake necessary training and to get into employment. That program, which as I said was a one year pilot, is now receiving ongoing funding. In terms of the capital works program, it will allow for the redevelopment of Cobham, which is the major remand centre in western Sydney; Reiby, which is the centre in Campbelltown for younger detainees; and also for the relocation and rebuilding of a young women's facility from the current site at Haberfield to the Minda/Minali site.

In closing, I think that the budget that has been provided this year to Juvenile Justice provides for funding to continue to develop and improve community based options for clients of the Department of Juvenile Justice as well as significantly improve care for young people who are in custody, whose numbers I am sure everyone here is aware are declining and have been for some years now.

**The Hon. JOHN RYAN:** Could I just clarify something the Minister said when she started her statement. The reason we are not dealing with Youth Affairs is at the Minister's request. The Committee came prepared to ask questions about Youth Affairs but the Minister requested that we not take Youth Affairs questions because it was not her portfolio.

**The Hon. CARMEL TEBBUTT:** Madam Chair, I might just clarify that. I have no budgetary responsibility. I am not the Minister for Youth Affairs; I am the Minister assisting the Premier. If you have questions you need to direct those to the Premier. We do go through this issue every year, so I am surprised that members would have come along again with questions prepared on Youth, given that every year this issue is clarified. The Premier is the Minister for Youth Affairs. I assist the Premier, and have no budgetary responsibility in that area. So if you do have questions I suggest that you direct those to the Premier.

**The Hon. JOHN RYAN:** I suppose we could ask you how you assist the Premier on Youth Affairs; if you do not have any responsibility for the budget one would wonder what else you do. But as I said, certainly the Opposition came prepared with Youth Affairs questions.

**CHAIR:** In fact I actually informed the Committee member that it is not on Youth Affairs.

**The Hon. JOHN RYAN:** That is right. I just want it understood though that we are not dealing with Youth Affairs because the Minister has requested that.

**The Hon. CARMEL TEBBUTT:** No, because I have no budgetary responsibility for it. I am not the Minister for Youth. We go through this every year, and I am surprised that people would not be aware of that. And if you have come along, if you have got questions, the sensible thing would have been to direct those to the Premier at his budget estimates Committee, which has happened in previous years. It is not my request.

**CHAIR:** The Premier's budget estimates committee hearing has not happened yet, so we can still direct those questions to the Premier when it takes place next week.

**The Hon. JOHN RYAN:** We will have a lot of time to do that during the Premier's estimates committee hearing.

**CHAIR:** We have agreed that Miss Lee Rhiannon will ask her questions first.

**Ms LEE RHIANNON:** Minister, at the top of page 6-5 of Budget Paper No. 3, Volume 1, it is stated that \$46.2 million has been allocated for what we have been talking about, which came out in the papers on the weekend, about what arrangements are available in placement and support options for students with disruptive behaviours.

**The Hon. CARMEL TEBBUTT:** It is not Juvenile Justice, is it?

**Ms LEE RHIANNON:** That is what I wanted to explore with you, because in the newspapers on Sunday I was surprised that there was an announcement and I saw that as coming from yourself rather than the Minister for Education. I am concerned that often when we are talking about children with disruptive behaviour, the behaviour often masks abuse they have suffered and can be an indication of a lot of learning and behavioural difficulties. Children needing care and protection are often core people who are quitting the system and being treated as criminals by the courts. It has often happened in the past.

Your announcement suggested that we are moving in that direction again. I would like clarification of whether State wards and children in substitute care are likely to be transferred to these schools because of their involvement with the substitute care system itself, and how closely will Juvenile Justice and the Education department be working together on special schools projects.

**The Hon. CARMEL TEBBUTT:** Maybe for the purposes of the Committee I might just clarify that the announcement on the weekend that referred, I assume, to the budget line item that Miss Rhiannon has referred to, was not an announcement by myself but an announcement by the Minister for Education. The Minister for Education is responsible for that program, and you would be better to direct that question to him. Unfortunately I think there was some confusing of two issues in the *Sunday Telegraph*. The initiative that I was speaking about is an

initiative that is called Primary Connect, which I am happy to advise the Committee about, but it does not directly fall under Juvenile Justice.

As the Chair of one of the working groups at the May 1999 Drug Summit, I was given the responsibility of developing a framework for vulnerable young people. One of the initiatives coming out of that framework is a pilot program known as Primary Connect. Primary Connect is being piloted in three areas. There is \$300,000 a year provided to pilot it in these three areas. It is targeted at primary school age children, between the ages of five and twelve, and it is looking at a range of ways of trying to assist those young children and their families where they are at risk of disconnecting from the school, how to keep them connected. So it is quite a different initiative.

**Ms LEE RHIANNON:** You are not actually involved in this one at all?

**The Hon. CARMEL TEBBUTT:** No I am not. I have no involvement in it, although having said that I am sure at a point in time there will be a need for there to be some discussions between the Department of Juvenile Justice and the Department of Education. But no, I have no formal responsibility or involvement in the special schools program. It is an Education initiative.

**Ms LEE RHIANNON:** Would State wards and children in substitute care not be moved into these schools, or would the schools be used to educate these young people?

**The Hon. CARMEL TEBBUTT:** I am not sure that that is a question that I can answer. I think that is a question that you would have to direct to either the Minister for Education or the Minister for Community Services.

**Ms LEE RHIANNON:** But isn't that an issue on which your two ministries would come together, if that is likely to happen, and need to discuss?

**The Hon. CARMEL TEBBUTT:** Where our ministries may well come together with regard to this initiative, I would think, would be far more likely in relation to young people who are finishing a custodial sentence, who are looking to resume their schooling, and there may well be discussions between Juvenile Justice and Education and these schools. I am not briefed on this initiative, but these schools may well be, in some cases, an appropriate option for young people exiting Juvenile Justice to continue their schooling. In other instances they may just as likely not be appropriate, but I cannot comment on the issue of State wards because that is an issue for the Minister for Community Services.

**Ms LEE RHIANNON:** So at the moment you will not be involved in that?

**The Hon. CARMEL TEBBUTT:** No. Primary Connect is a completely separate initiative.

**Ms LEE RHIANNON:** So that was confused in the papers?

**The Hon. CARMEL TEBBUTT:** Yes, they were reported together but they are quite separate initiatives. They both deal with young people, but even different age groups of young people.

**Ms LEE RHIANNON:** Thank you, Minister. I turn to the issue of sniffer dogs being used in Juvenile Justice centres. I am interested in the cost of the drug detection dog program for 2000-01 and the projected cost for 2001-02. While you are checking on those figures, I will elaborate some other interests. With Juvenile Justice, are you still relying on Corrective Services staff and dogs for your program, or has Juvenile Justice got its own drug dog detection capability? Also, I am wondering about the number of searches that have been undertaken, and the result of these searches. Were illicit drugs found, and what type of drugs? I am interested in searches of cells, and of individuals and staff.

**The Hon. CARMEL TEBBUTT:** Madam Chair, in terms of the amount of funding that has been spent on urinalysis and the use of drug detection dogs, \$70,000 was spent in the last financial year, and it is assumed that it would be a similar amount in the coming financial year. The use of passive alert dogs for the detection of drugs in Juvenile Justice centres was one of the initiatives which came out of the Drug Summit. We have discussed it at previous estimates Committees. In the first full year of operation, which was the past financial year, there have been 92 occasions when drug detection dogs have been used in the centres, and the advice I have is that they have operated very successfully. On average, and it is an average, each metropolitan centre will be visited by dogs every fortnight, and regional centres are visited by the drug detection dogs at least once a month.

I am sure Committee members are familiar with the fact that 85% of our detention centre clients have drug problems when they enter custody. It is a significant factor in their offending behaviour, and obviously we have an

obligation to support those young people and to keep drugs out of our centres. For that reason the passive alert dogs are also used on a random basis with visitors to our centres. As a result of the use of dogs over the last year three people attempting to visit our centres have been charged with possession of drugs. A number of other people have been turned away as a result of a positive response to narcotic odour. I think that it is sending a clear message to people that smuggling drugs into Juvenile Justice centres is not on, and is not acceptable, and will be detected.

Within the centres the dogs have detected, I am advised, ten small bags of cannabis and 91 bongs over the past year, and when detainees are found in possession of a bong they are dealt with according to the centre's discipline policy. If detainees are found in possession of drugs the matter is referred to the police, and they take whatever action they consider appropriate.

**Ms LEE RHIANNON:** I misheard. Did you say if it is a repeat offence it is referred to the police?

**The Hon. CARMEL TEBBUTT:** No, if they are found in possession of drugs the matter is referred to the police.

**Ms LEE RHIANNON:** The first time it is found, it goes to the police?

**The Hon. CARMEL TEBBUTT:** It goes to the police, and then they determine which action they take. I am advised that the quantities of cannabis have been very small that have been found, and would fall within the range of possible police caution. But obviously the action taken is a matter for the police.

**Ms LEE RHIANNON:** So there was 92 occasions when the dogs have been used, and there have been ten small bags and 91 bongs found in those 92 visits?

**The Hon. CARMEL TEBBUTT:** That is right.

**Ms LEE RHIANNON:** Were any of those who were detected repeat offenders?

**The Hon. CARMEL TEBBUTT:** Of the visitors?

**Ms LEE RHIANNON:** No, I am talking about internally, the people who were detected with drugs. Were the ten small bags and 91 bongs repeat offences?

**The Hon. CARMEL TEBBUTT:** I could not provide that information. I will refer it to the Director-General, but it might be something we would need to take on notice. You are asking were they repeat offenders in the sense that they were found one week and then a month later they were found again?

**Ms LEE RHIANNON:** Yes.

**The Hon. CARMEL TEBBUTT:** It is not something I could answer.

**Ms LEE RHIANNON:** Can I take it that you will take that on notice please?

**Mr DAVID SHERLOCK:** We will.

**Ms LEE RHIANNON:** Are these dogs being used on staff and cell searches?

**The Hon. CARMEL TEBBUTT:** We are not using drug detection dogs with regard to staff. I have repeated previously, there are a number of initiatives in place to prevent entry of illicit substances through staff, including such things as staff being required to leave their bags in the main administration part of the centre before they enter the operational part of the centre. The department, I understand, and I might get Director-General to clarify this, is going to be undertaking some discussions with the Public Service Association with regard to a whole range of procedures about staff, but at the moment we are not using drug detection dogs with staff, is that correct?

**Mr DAVID SHERLOCK:** That is correct, and we are undertaking those discussions. It might help perhaps if I went through the process that we follow for you. Current rosters average 22 scheduled visits a month to Juvenile Justice centres across the State. Centres can request extra visits from the drug dogs if they need that. They target particular detainees, visitors, or areas where they believe that it is appropriate to search. In rural centres the visits average one or two visits a month. All other centres average between three and four visits a month. The drug dogs screen detainees and their visitors. The department is currently developing a policy of procedures for the screening of staff and their property. Detainees' rooms and their property are searched by the drug dogs. Centre buildings and

grounds are also searched. If a visitor gives a positive indication to a drug dog, they are requested to submit to a voluntary search of their belongings that they have with them at that time. I think the Minister has covered the outcome of those visits and searches.

**Ms LEE RHIANNON:** I have two other questions to tidy up the matter. Were the drugs small bags of marijuana? Were any other drugs found?

**The Hon. CARMEL TEBBUTT:** No; it is my understanding that it was ten small bags of cannabis.

**Ms LEE RHIANNON:** Over the last year?

**The Hon. CARMEL TEBBUTT:** That's right.

**Ms LEE RHIANNON:** And it is still Corrective Services staff who come over?

**The Hon. CARMEL TEBBUTT:** I might ask the Director-General to respond to that.

**Mr DAVID SHERLOCK:** Yes, it is the Corrective Services staff, and they manage the dogs, yes.

**Ms LEE RHIANNON:** Thank you very much.

**The Hon. DON HARWIN:** If Miss Lee Rhiannon does not mind, I have some questions on that issue. I apologise that I was distracted and I missed the answer to the question if it has already been asked. I picked up on Miss Rhiannon's question in the middle of that, because I was talking to my colleague. On how many occasions have sniffer dogs been used in Juvenile Justice centres in the last year?

**The Hon. CARMEL TEBBUTT:** 92 occasions in the past year.

**The Hon. DON HARWIN:** And what was the result of those 92 occasions?

**The Hon. CARMEL TEBBUTT:** Three people attempting to visit centres were charged with possession of drugs, and a number of other visitors were turned away as a result of a positive response to narcotic odour. Within the centres the dogs have detected ten small bags of cannabis and 91 bongs.

**The Hon. DON HARWIN:** Were any warnings given?

**The Hon. CARMEL TEBBUTT:** That the searches were to take place? I might refer that operational question to the Director-General, but it is not my understanding that that is part of the process. The Director-General did just go through the process.

**The Hon. DON HARWIN:** Yes, I am sorry. I apologise for being distracted.

**Mr SHERLOCK:** I am not sure if you are referring to warnings to visitors or to detainees.

**The Hon. DON HARWIN:** Could you answer on both?

**Mr SHERLOCK:** Certainly the process is explained to them at the time.

**The Hon. DON HARWIN:** To visitors?

**Mr SHERLOCK:** To visitors and to detainees, yes.

**The Hon. CARMEL TEBBUTT:** I will just clarify that. The centre does not advise detainees the day before that the drug detection dogs are coming in. They are random searches, if that is the point you are trying to get an understanding of.

**The Hon. JOHN RYAN:** I would like to clarify something that was said before. You said you found 91 bongs and you have used the dogs 91 times. That is a good batting average; is it coincidence or do you use the dogs if you know you are going to get a hit, or are the figures being misinterpreted?

**The Hon. CARMEL TEBBUTT:** No. There have been occasions when the drug detection dogs have been used in centres when nothing has been found and there are occasions when there might be three or four bongs

found on one search and two bags of cannabis, so it is not necessarily the case that they are used and you only find one implement. I guess the figures are coincidental, but there are occasions when the detection dogs have been used—a number of occasions—when there has been nothing found at all.

**The Hon. JOHN RYAN:** Is it possible to find out, if it is available, of the 91 occasions that the dogs have entered centres, how many instances there have been of detection?

**The Hon. CARMEL TEBBUTT:** How many instances?

**The Hon. JOHN RYAN:** How many times they have returned with a positive result of any sort.

**The Hon. CARMEL TEBBUTT:** Yes, I think we can.

**The Hon. JOHN RYAN:** It may be that they have found five or six on a particular occasion, but it may be that they have gone ten times and found nothing.

**The Hon. CARMEL TEBBUTT:** Yes; can we take that on notice and provide that information to you?

**The Hon. JOHN RYAN:** Yes.

**Ms LEE RHIANNON:** And if bongs are found but no marijuana, do you still refer that to the police?

**The Hon. CARMEL TEBBUTT:** No, detainees are dealt with in accordance with the centre's discipline policy.

**Ms LEE RHIANNON:** And what does that involve?

**The Hon. CARMEL TEBBUTT:** It could involve the loss of privileges, such as permission for leave, earlier bed time, right through to more serious options under the disciplinary policy such as confinement. The department obviously would have the option of involving the police as well, but in the first instance it is dealt with under the department's disciplinary policy.

**Ms LEE RHIANNON:** When marijuana is found, is it ever dealt with just within the centre? I understood earlier that you said that it always went to the police, but I thought I would just check that.

**The Hon. CARMEL TEBBUTT:** It is my advice that it is the department's policy to refer those matters to the police.

**Ms LEE RHIANNON:** Finally, the \$70,000 costs of the last financial year, is that what you are paying to Corrective Services? Does that cover the staff costs of the Corrective Services people or is it just for maintenance of the dogs? I am trying to get an idea of what the \$70,000 covers.

**The Hon. CARMEL TEBBUTT:** It is my understanding we are charged a rate by the Department of Corrective Services for the use of the drug detection dogs and that covers their staff costs. Madam Chair, given that we have spent such a lot of time on this issue, I am keen for the Committee to be aware—as I know it probably is—that the use of drug detection dogs is just one part of the department's response to the issues of drug addiction amongst our clients. We have been in fact allocated \$3.6 million this coming financial year, plus we have some additional money coming through the Department of Health, to spend on a range of initiatives, such as the drug rehabilitation which will be operating in Dubbo and Coffs Harbour; drug and alcohol counsellors in rural and regional areas, of which there are ten; improved detoxification facilities at Cobham and Yasmarr as well as a range of training that is provided to our staff to ensure that they are better able to support and assist young clients of the department who have drug addiction problems, and that of course is on top of all the work that the department is currently doing, both through drug and alcohol counsellors in centres as well as the intensive program units that work very closely with young people who have drug addiction problems.

**The Hon. DON HARWIN:** I have one final question in relation to the sniffer dogs which is very brief: Are any staff areas searched with the use of sniffer dogs?

**The Hon. CARMEL TEBBUTT:** We have answered that. The drug detection dogs are not being used with regard to staff at the moment, but there are discussions taking place with the Public Service Association.

**CHAIR:** In relation to the Drug Summit, you did say in your opening statement as well as in Budget Paper No 3, Volume 2, page 11-3: "Drug Summit funding has already produced expanded counselling and detoxification services and specific pre-employment skills training throughout metropolitan and regional New South Wales". You did tell us about the Dubbo and Coffs Harbour rehab. I would just like to know if these services are expanded in the Cabramatta area and what is the funding for those services at Cabramatta?

**The Hon. CARMEL TEBBUTT:** The services that are referred to here are not specifically targeted at Cabramatta as such. I mean what we are talking about here is funding that the department was provided to particularly improve access by young people in regional and rural New South Wales to drug and alcohol facilities and that is why Dubbo and Coffs Harbour were chosen as sites for drug rehabilitation facilities. That is why, for example, the ten new drug and alcohol counsellors are located in regional and rural areas. Nonetheless, the department obviously works with a range of young people who are clients of the department who may well come from the Cabramatta area and would be providing services in that particular area. There are some specific post-release support services that we have that cover that area.

I just need to check, Madam Chair, and I can get back to you on that, but the pre-employment skills training program is a program that was piloted for one year, which I referred to in my introductory comments, which we will now be extending. It will be funded in an ongoing way. That covers a range of pre-employment skills training programs across New South Wales. There would be a program that covers the Cabramatta area and, while it might not be based at Cabramatta, it would certainly be accessible to clients of the department in Cabramatta. I might just see if the Director-General has some additional comments he might want to add to that.

**Mr SHERLOCK:** Yes, in relation to the pre-employment skills training, perhaps we could mention that there are in fact nine funded projects in metropolitan and regional areas. That relates to that particular program. The other thing perhaps I could say in relation to Cabramatta is that we recently relocated three departmental staff from Liverpool to our Fairfield office—they are specialist counsellors—to work with the young people in the Cabramatta and Fairfield area and they actually include an alcohol and other drugs counsellor and a specialist Indo-Chinese counsellor. That is an approach that we have taken in response to the particular needs in that area.

**The Hon. CARMEL TEBBUTT:** Madam Chair, if I could just clarify as well that the pre-employment skills training program is at Fairfield and it covers the Cabramatta area. Remember I said that I think there are a number that operate across the State, so that is now going to be funded in an ongoing sense.

**CHAIR:** How about detoxification beds or facilities?

**The Hon. CARMEL TEBBUTT:** In terms of detoxification facilities within the community, that would be something that would fall under the responsibility of the Department of Health. We are working with both the Attorney General and the Department of Health with regard to the youth drug court pilot and are providing a range of support services for that particular pilot. We provide medical detoxification facilities within juvenile justice centres at Yasmarr and also at Cobham, but we are not responsible for running detoxification facilities within the community. That is something I think that you would have to direct to the Department of Health.

**CHAIR:** Talking about the drug court, in evidence to the Law and Justice Committee inquiring into crime prevention, the then Director-General, Ken Buderim, said that Aboriginal juveniles were unrepresented in youth conferencing and the court. I would like to know how many Aboriginal and Torres Strait Islander young people have used your services and what measures have been put in place to ensure that that is no longer the case?

**The Hon. CARMEL TEBBUTT:** Madam Chair, we can respond with regard to youth justice conferencing and I will ask the Director-General to respond to that. With regard to the youth drug court, I am not sure if we keep that information or if that is information that would have to be ascertained from the Attorney General. We do not have responsibility for the youth drug court pilot, we are one of the agencies that provide support, including assessment of young people and also support as they go through the program, but whether we actually keep the statistics of the breakdown of the number of young people is something that we might have to clarify for you. I will just refer to the Director-General with regard to youth justice conferencing.

**Mr SHERLOCK:** In relation to conferencing, what we can say is that about 25 per cent of referrals to youth justice conferencing are for young people of non-English speaking background. About 21 per cent of those referrals are for Aboriginal and Torres Strait Islander young people.

**CHAIR:** 25 percent NESB and 21 percent Torres Strait Islanders?

**Mr SHERLOCK:** 21 per cent Aboriginal, yes.



**CHAIR:** Are there any measures in place to increase the number, because it was very low, so I believe?

**Mr SHERLOCK:** Increase the number of referrals to conferencing?

**CHAIR:** To use those services.

**Mr SHERLOCK:** In relation to the drug court, as the Minister pointed out, it is very early in that program and we do not have available to us at this stage a precise breakdown of the young people that we are working with in terms of the joint assessment process there. That is something that we may be able to get, but our role is working with three other State agencies—education, health and the Department of Community Services—in a joint assessment process there and in relation to those young people that are going through that joint assessment process we need to get the actual figures on breakdown. It has only been operating for a very short period of time.

In relation to referrals to conferencing, we work very closely with police and with the courts in relation to those referrals to ensure that Aboriginal and young people from ethnic communities are in fact able to access that particular option and divert it from the court system and that is one in which we need to work within a very close partnership because it is a situation where the department itself does not control the access of people into that particular program. It is one where referrals are made either by police or by the courts.

**The Hon. CARMEL TEBBUTT:** If I could also add, Madam Chair, that the department, through a number of initiatives, is looking to increase access by young Aboriginal and Torres Strait Islander children to conferencing, for example, through the recruitment of Aboriginal convenors from the community. It is a key focus of the department. It is my understanding that there are 17 administrators. Three of those administrators I believe are dedicated Aboriginal positions. I will just need to check that it is three, but that is my understanding. Of course, with the conference convenors there is a far greater number because they are recruited from the community to act as conference convenors in a casual way, as you well know, and the department has made a big effort to recruit Aboriginal conference convenors to work with Aboriginal communities, to adapt the training so that it is appropriate for Aboriginal communities, and therefore we are increasing the number of Aboriginal convenors that way.

I attended a launch in Port Macquarie where the local Aboriginal community had worked with the Department of Juvenile Justice and TAFE to develop a specific course to try and increase the number of Aboriginal convenors, so there are a number of initiatives that the department is undertaking within its own area of responsibility, but, of course, as the Director-General has pointed out, it does also require working with the police because the police do act as the gatekeepers to the scheme. You might be aware of the Bureau of Crime Statistics report that was done on youth justice conferencing which indicated that while the referral rate for young indigenous kids was lower than necessarily ideal, it did also indicate that it was an improvement when you compared it to other levels of intervention within the system, it was being used more appropriately, if I can put it that way, and I have just been advised that, of the 17 administrators, five are ATSI.

**CHAIR:** How about staff of non-English speaking backgrounds?

**The Hon. CARMEL TEBBUTT:** Conference administrators, or something across the department in conferencing? That is something I would have to take on notice and get back to the Chair with. I do not have that figure in front of me.

**CHAIR:** Are those designated positions?

**The Hon. CARMEL TEBBUTT:** There are no designated positions of conference administrators for a non-English speaking background.

**CHAIR:** How about Aboriginal and Torres Strait Islanders?

**The Hon. CARMEL TEBBUTT:** There are five, and I was under the impression that three are dedicated positions, which the department has confirmed is the case. But at the moment there are five.

**The Hon. JOHN RYAN:** Madam Chair, I would like to ask a couple of questions about people with disabilities who are clients of the department. Does the department have any idea how many clients they would have that have an intellectual disability?

**The Hon. CARMEL TEBBUTT:** Madam Chair, that is a question I might refer to the Director-General.

**Mr DAVID SHERLOCK:** We do not have precise figures on that. We have been working actively towards a very detailed screening process, in our detention centres in particular, to identify young people who have a significant intellectual disability. It is a situation where all young people who come into our centres do go through a preliminary screening process. That is something that we would like to develop to a more detailed level, to a more accurate level.

**The Hon. JOHN RYAN:** Does that look anything like that HAZY screening test?

**Mr DAVID SHERLOCK:** That is the test that we have been developing. It has not yet been implemented.

**The Hon. JOHN RYAN:** So are you able to say that you have actively identified people? The reason I ask these questions is that I chair another Committee in this Parliament looking at the prison population, and it has been suggested to that Committee that something in the order of 20% of the people in corrections have an intellectual disability that does give them special difficulties within the correction system. I was wondering as to whether or not there was a similar difficulty or similar issues identified within the Department of Juvenile Justice.

**Mr DAVID SHERLOCK:** As I said, we cannot put a precise figure on it. However, we are working at better screening. What we are also working at, I have to say, is a clear identification of those young people in the education system, so that young people in our centres, most of those young people, attend an educational program in an internal school, and through that process they are able to identify the particular needs of those young people in relation to their intellectual disability. If they have particular needs for support in relation to literacy and other areas, that is something that can be clearly identified through the education process.

**The Hon. JOHN RYAN:** Does the department have an equivalent of a health survey, in a published form, of the health of its clients, and does that health survey include information about clients with intellectual disabilities?

**Mr DAVID SHERLOCK:** We are in the process of having some discussions with the Corrections Health Service at the moment, to conduct a very detailed health survey of all our clients, both centre based and community based.

**The Hon. JOHN RYAN:** Good. I refer to your Disability Acting Plan. How do you measure the outcomes of the Disability Action Plan that you have published in your annual report, to make sure whether or not the department is achieving the requirements of the Disability Services Act, in its principles and the application of those principles, particularly for your clients? I did notice, reading what is available in the annual report, that it tends to focus on factors such as access to buildings and whether there are people with disabilities employed. But I am interested in particular in information about whether you survey and measure outcomes to ensure that people with intellectual disabilities, who are clients of the department for example, are protected from neglect, abuse and exploitation, and that they have the same rights, for example, as other members of Australian society to participate in decisions that affect their lives? Do you have some sort of a check list, and do you measure those outcomes for people with intellectual disabilities, as you are required to do under the Disability Services Act?

**Mr DAVID SHERLOCK:** The plan itself, as you indicate, will address the principles and application of principles of the Disability Services Act, and to the extent that we have strategies that are directed towards those, our success is measured against those, and we are required to report on that. In relation to client protection issues, that is an issue that we take very seriously, and in fact the department has recently developed, in consultation with the Public Service Association, very detailed policies in relation to client protection, which applies not only of course to people with an intellectual disability but to all clients with whom the department works.

**The Hon. JOHN RYAN:** I am wondering whether your disability plan identifies any specific issues that are unique to people with disabilities who are clients, and whether it has established some means of measuring whether or not those specific needs are met. As I said, the disability plan as it appears in the annual report does seem to be able to report on those things which are objectively measurable such as whether the buildings have access, whether the kids have got access to computers for education and so on, but I am particularly interested whether there are any programs you are offering to the general clients of Juvenile Justice. How are you making sure that the kids that have intellectual disabilities have the same level of access to those programs?

**Mr DAVID SHERLOCK:** There are a range of measures. The plan itself goes far beyond buildings, of course, and as outlined in the annual report there are a number of action areas identified in the plan, and there are goals and targets for each of those areas.

**The Hon. JOHN RYAN:** I will just defer to my colleague for a couple of questions.

**The Hon. DON HARWIN:** Minister, could you explain the circumstances surrounding the death in custody that was reported?

**The Hon. CARMEL TEBBUTT:** Madam Chair, through you I can talk about that, but obviously only very briefly because it is subject to a current investigation by the Coroner. There was one death in custody reported in 2000-01. It relates to the death of a young man who was on approved leave, and in his parent's care during that leave. So while it is reported as a death in custody, it did not occur within the Juvenile Justice setting as such. But nonetheless it was a young person who was under the supervision of the department, as I said, on approved leave. But his death at that time is subject to a current investigation by the Coroner.

**The Hon. DON HARWIN:** How many self-harm incidents took place in any of the new centres?

**The Hon. CARMEL TEBBUTT:** In any of the new centres? Madam Chair, I do not have a breakdown of self-harm incidents between centres. I assume that is information that we can get for the Hon. Don Harwin, but I do not have that breakdown here. We can provide it.

**The Hon. JOHN RYAN:** Is there any information the department has that newer centres are more prone to having a difficulty with self-harm incidents than some of the older centres?

**The Hon. CARMEL TEBBUTT:** Madam Chair, the department may well want to add to what I say. There are some general comments I would like to make with regard to the number of self-harm incidents that are reported in the budget papers. It would be my assessment that the facilities that are available at the newer centres are far improved and so therefore are able to meet Australian standards and of course comply with Aboriginal deaths in custody commission standards as well. I would therefore assume that the potential and likelihood of self-harming incidents would be less. Having said that, I think I do need to clarify that certainly we saw with the move from the old Mt Penang centre over to the Frank Baxter centre, where they moved from a dormitory style accommodation to a single and double unit style of accommodation, which meets the Australian standard and in my view is a far preferable and better standard of accommodation for detainees. Nonetheless we often do see at the initial time of the move some difficulty, both from detainees and staff, in coping with that change.

They have gone from an environment where they are in a dormitory style of accommodation, they are all together. That creates a range of problems, but nonetheless to move from that to single and double units is a change that often creates some instability, and we did see that when we first moved detainees from the old Mt Penang centre to Frank Baxter. I would have to say that probably when the Reiby Juvenile Justice centre is redeveloped, and we will then get rid of the last of the dormitory style accommodation in Juvenile Justice in New South Wales, we may well see similar phenomena. Nonetheless, over time, as detainees and staff adapt to that new style of accommodation, I think we would all agree that it is far preferable, and obviously reflects Australian standards.

With regard to self-harm incidents, the date in the budget papers does reveal an increase this year. There are a number of factors that have impacted on the reporting of incidents in Juvenile Justice centres, and I will run through those for the benefit of the Committee. Due to Y2K compliance requirements the department was required to replace its previous fairly old database for Juvenile Justice centre incident reporting. So the department took the opportunity to establish a newly developed and more comprehensive database system to better record details concerning centre incidents. At the same time the department reviewed the procedures for collecting incident information, and as a result, information on centre incidents is collected and recorded in the database at the regional level, closer to the point of the incident, with more information being available.

I might just point out as well that the self-harm category on the incident database includes not only incidents of actual self-harm, but also incidents of attempted self-harm and threats of self-harm, and the database does not differentiate between those categories. So therefore the information that is used in the budget papers is only able to provide information on all incidents in the database that covered by the general category of self-harm, and as I said, that does include actual and also attempted and threats of self-harm.

**The Hon. DON HARWIN:** Just on that point, two questions. First, are you saying that the increase is basically a statistical blip because of your new reporting style?

**The Hon. CARMEL TEBBUTT:** I think that that is contributive to the increase. I also think that there is greater staff awareness of the need to report incidents of self-harm. I think that has come about through a number of things, including reports of the Ombudsman that have focused on Juvenile Justice over the last couple of years, and the quality reviews that the department undertakes. There is a focus on that. Incidents of self-harm are things

that we would obviously like to see reduced in Juvenile Justice centres, but having said that, it is very important that staff understand the need to report incidents of self-harm. It is only through that process that the department can adequately respond. I am not saying it is just a statistical blip, but it is certainly not my understanding that there has been a major increase in incidents of actual self-harm, but rather the improved reporting and improved awareness of staff of the need to report. I will see if the Director-General wants to add anything to that.

**The Hon. DON HARWIN:** So that you can address the second aspect as well, you mentioned the inclusion of attempted self-harm incidents as well, and threats of self-harm. Is this the first year when attempted self-harm and threats of self-harm have been included in the figures?

**The Hon. CARMEL TEBBUTT:** I will ask the Director-General to respond to that.

**Mr DAVID SHERLOCK:** In terms of the way that the information is currently collected, it is true to say that. As the Minister has indicated, the staff are far more alert to this. I spoke earlier about our client protection policy, and I can speak in some detail, if you wish, about the way in which we ensure that young people do not harm themselves in custody, and there are a whole range of measures that we apply there. I guess in relation to your earlier comment about new centres and facilities, what I would want to express there is that it is perhaps the variation in clients, young people in the centres, that will reflect where the numbers fall, rather than buildings and facilities. What it comes down to is very much quality staff training for our staff, their alertness to this issue, and a whole range of measures that were put in place particularly in our centres from the moment that somebody comes into that centre, throughout their stay, to try and avoid any self-harm incidents. So the recording of that is very much around self-harm alerts, and we have a system of alerts which ensures that staff provide very close scrutiny to those young people. So again, it is about the particular individuals and the range of issues that they bring in their management in the centre, that will perhaps determine whether a self-harm alert is appropriate, or whether in fact they do indeed self-harm at some stage.

**The Hon. DON HARWIN:** If I could move on to some questions about Aboriginal and Torres Strait Islander young people in the facilities, given that the average number of Aboriginal and Torres Strait Islander detainees actually rose in 2000 and 2001 despite an overall drop in average in daily detainee population, has the department commissioned any studies into this issue and is there any explanation that can be offered?

**The Hon. CARMEL TEBBUTT:** Madam Chair, the Hon. Don Harwin has highlighted what is an important issue and one that is a significant priority for the Department of Juvenile Justice and that is the overrepresentation of indigenous young people amongst our client base and particularly amongst the number of young people in custody. I think I do have to preface any comments I make by saying that there are a range of factors behind why young indigenous kids are overrepresented in custody. The social disadvantage faced by many Aboriginal communities is, of course, one of those factors, so therefore any response is a response that requires government agencies working in concert, and of course working with non-government agencies as well.

Having said that, the Department of Juvenile Justice has some specific areas of responsibility and is conscious of both its need and its desire to do what it can through working with the other government agencies on a range of cross-government agency committees that exist, but also within its own department, and the department is currently in the process of finalising an Aboriginal overrepresentation strategy to address this and it is my understanding that the document will be finalised within the next two weeks. It is virtually finalised at this point and is actually referred to in the social justice budget statement. That will provide a number of key result areas focusing the department's actions and efforts in this area and it will include the operational work of the department but, equally importantly, the work that the department does with its external partners to bring about a real improvement in outcomes for young Aboriginal kids.

**The Hon. DON HARWIN:** Has the percentage of indigenous staff also risen?

**The Hon. CARMEL TEBBUTT:** That is something that I would have to refer to the Director-General. We may well have to take that on notice. Certainly the percentage of indigenous staff within the Department of Juvenile Justice is higher than both the designated or required percentage figure that is set for public service agencies. Whether it has increased over the last year is something that I think we would have to take on notice.

**Mr SHERLOCK:** We would, yes. I can provide the current figures. I do not have the figures for previous years, but there are currently 68 Aboriginal staff in the department. In addition to that, there are 12 identified positions for Aboriginal staff, so 12 people are employed in Aboriginal positions that are identified exclusively.

**CHAIR:** You said there are 12 identified positions. What are the positions?

**Mr SHERLOCK:** They are in a range of classifications. As the Minister mentioned earlier, five are conference administrators. There are other positions of Aboriginal program support officer in our regions across the State and there are a number of positions in our central support office which are part of an Aboriginal coordination unit there whose role it is to develop policy and planning around Aboriginal issues and develop strong links and partnerships with the Aboriginal community.

**The Hon. DON HARWIN:** Is the program at Nardoola still working effectively?

**The Hon. CARMEL TEBBUTT:** No, the program at Nardoola is no longer operational. The house at Nardoola was burnt to the ground some time ago. The department is currently working with both Aboriginal communities and other service providers in the north-west area to provide a replacement bail facility for that north-west area.

**The Hon. JOHN RYAN:** There is not a replacement facility yet. What are you doing? I mean the purpose of Nardoola was as a bail hostel, as I understand. What is happening with the potential remandees now in that north-west area?

**The Hon. CARMEL TEBBUTT:** Nardoola has not been operational for some time. The fire was in July last year and prior to that there had been significant operational issues at Nardoola. At any time it did accommodate, I believe, only six detainees. It is my advice that the numbers in custody from Moree at this point in time are particularly low, but with regard to what options are provided, that would be a matter that the Department of Juvenile Justice would have to work in concert with magistrates to look at what is available in that particular area. I mean each case is different, but Nardoola has not been operational for some time.

**The Hon. JOHN RYAN:** But if a remand place is needed for someone arrested in Moree, does that mean they are coming to Sydney now?

**The Hon. CARMEL TEBBUTT:** No, not necessarily. It could well be that other service providers that are not Juvenile Justice providers would provide accommodation that would be satisfactory to a magistrate.

**The Hon. JOHN RYAN:** Is Ja-Biah operational?

**The Hon. CARMEL TEBBUTT:** Yes, the Ja-Biah hostel in Blacktown is still operational.

**The Hon. JOHN RYAN:** Could they get a place there?

**The Hon. CARMEL TEBBUTT:** I could not comment on whether there has been any young person remanded from Moree to spend time in the Ja-Biah facility. It is certainly something we could check. I think that it would be the priority of the service providers to try and accommodate a young person as close as possible to their local community, but there may well have been instances where a young person has been accommodated at Ja-Biah.

**The Hon. DON HARWIN:** If we could come to the issue of the daily detainee population, has the Premier given a commitment that the young people who create problems inside detention centres and have reached the age of 18 will be moved to gaols? Is that a policy?

**The Hon. CARMEL TEBBUTT:** Sorry, did you say young people who create problems?

**The Hon. DON HARWIN:** Who create problems inside detention centres.

**The Hon. CARMEL TEBBUTT:** Therefore you are talking about those young people once they reach 18 or a blanket policy for everyone once they reach 18?

**The Hon. DON HARWIN:** Those young people who create problems inside detention centres and have reached the age of 18?

**The Hon. CARMEL TEBBUTT:** The facility exists at the moment that young people who are not benefiting from the services that are available in a juvenile justice centre can be transferred to the adult system. That is not a new facility; that has been available in the legislation for as long as we have been in government. There was a change to the legislation at the end of 1999 I think, it may have been a bit later than that, whereby young people who have been transferred to the adult system and are eight or over do not automatically return to the Juvenile Justice system. Previously what was happening was that if young persons were charged with some sort of offence or behaviour within a juvenile justice centre—and there are actually three ways young persons can be transferred to the

adult system, including by a Minister-to-Minister process and also through a magistrate—and they were then transferred by whichever way to the adult system for a period of time but still had an unexpired period of a juvenile sentence to serve, they would be automatically returned to the juvenile system even though over the age of 18.

The legislation was changed so that they are not automatically returned back to the Juvenile Justice system but they have a right of appeal to come back to the Juvenile Justice system, but it is a case by case matter. There is certainly no blanket provision to transfer young people in Juvenile Justice at the age of 18 to the adult system. We have a significant number of young people over the age of 18 who are still in Juvenile Justice because of the direction of the sentencing magistrate. If young people are not benefiting then, as I said, there are three ways that they can be transferred to the adult system and in fact I might add for the Committee that young people under the age of 18 can also be transferred to the adult system in certain instances. That provision has existed for, as I said, as long as we have been in government.

**The Hon. DON HARWIN:** Given that the policy is in force and matters are considered on a case by case basis, I am interested in the incident described in the July edition of the *Rolling Stone* magazine of a 19 year old in Kariong because “a couple of days ago he assaulted two guards at another of New South Wales’ nine juvenile detention centres”. Why was he not moved to an adult centre?

**The Hon. CARMEL TEBBUTT:** I do not have a copy of the *Rolling Stone* article in front of me, but I am familiar with it. Certainly my recollection is that that article was referring back to—and you might want to actually re-read the section—a range of incidents that occurred prior to the series of disturbances at the Kariong Juvenile Justice Centre, therefore I think you are going back in time and that was before this legislation existed that provided for a young person, once they were over the age of 18, to remain in adult custody. That legislation came in force, that change came in force after March 1999 and in many ways was prompted by some of the issues that occurred during the disturbances at Kariong and by issues that were raised particularly by staff.

**The Hon. DON HARWIN:** Okay, so you are saying that the policy was in response to that sort of case.

**The Hon. CARMEL TEBBUTT:** The change in legislation, that is right.

[Short adjournment]

**The Hon. CARMEL TEBBUTT:** Can we just provide the figures? I need to clarify the designated positions as well.

**CHAIR:** Please do. In fact the question was asked for me.

**Mr DAVID SHERLOCK:** Perhaps I could correct some information I provided earlier. I had my numbers the wrong way around. I was speaking about identified positions for Aboriginal staff, and also non-identified positions. I said earlier that there were 58 Aboriginal staff in non-identified positions and 12 in identified positions. It is in fact the other way around. There are 68 identified positions, and in addition to that there are 12 staff working in non-identified positions. That is an increase on last year where we had a total of 63 Aboriginal staff in the department. I just wanted to clarify that.

**CHAIR:** Thank you. It sounds extremely good when the Minister in her opening statement said that the ratio of staff to your clients had been increased. So actually it made me think about your staff ratios and your staff training. You did say in your opening statement that there has been induction training and all the other training for your staff. In Budget Paper No.3, Volume 2, page 11-2, you did say there are induction courses and other courses for difficult behaviour clients. I would like to know specifically what are these training courses and programs? How long are these programs, how many people are in them. Are these training courses mandatory or optional? At the end of the day is there any certification or recognition, and is there any promotional aspect because of their training. I give you a broad range of latitude so that you can tell the Committee about staff training, in other words.

**The Hon. CARMEL TEBBUTT:** Yes, Madam Chair, and I think that I will make some comments and they may need to be supplemented in detail by the department. The department does maintain its status as a registered training organisation. The department has now increased the induction training that is provided to new employees. New senior youth workers now receive twenty days induction training.

**CHAIR:** Is it compulsory?

**The Hon. CARMEL TEBBUTT:** The induction training is compulsory, and the twenty days induction training does comprise some on-the-job component as part of that full twenty days. That is a significant increase. When I first became Minister we were providing four days induction training, so it is quite a significant increase. As I said, the department is a registered training organisation, and it delivers the nationally accredited Certificate III in Juvenile Justice to front-line centre based staff. Certificate III is now a required qualification. New staff have to gain that qualification within a year, and the twenty days induction training that new staff receive actually goes a significant way to completing the necessary modules of Certificate III.

**CHAIR:** Do they get paid while they are going through the training?

**The Hon. CARMEL TEBBUTT:** They get paid while they are doing the induction training, that is correct, and time is provided for them to also undertake further modules in Certificate III on the job. Training in the managing of clients with difficult behaviour is actually a module of Certificate IV, but it is training that the department is rolling out right across its front-line staff. It was certainly identified as part of the Ombudsman's report into the Kariong Juvenile Justice centre as being very necessary training, really providing staff with the skills that they need to manage, in the most appropriate way possible, young people who are in custody and who are really presenting very challenging and difficult behaviours.

I think that the former Director-General has spoken on any number of instances to this Committee about the fact that while there are a lesser number of young people in custody, we are in fact seeing that that smaller group is a group that are exhibiting far more complex and difficult behaviours to manage, and this training, managing difficult behaviour, is something on which, certainly when I visit Juvenile Justice centres, I overwhelmingly get positive feedback from staff, who indicate that it is very practical training, that they find it very useful in terms of how they do their day to day work. The department provides a whole range of other courses as well, including drug and alcohol training that came out of the Drug Summit and occupational health and safety training, and also a number of scholarships for supervisors and managers.

In terms of 2000-01 training results, Madam Chair, in the current year there have been 28 courses delivered over one hundred times by departmental trainers, including Certificate IV workplace training and assessment, training small groups, child protection, client information data system, MIMS data system, escort selection techniques, and harassment prevention and grievance handling. I might also indicate that the department does access external providers for training when appropriate.

**CHAIR:** When are these external trainers used?

**The Hon. CARMEL TEBBUTT:** We might access external providers for things such as senior first aid, health and safety committee training, safe food handling, and understanding young women. Some of the managing of clients with difficult behaviour was done by external providers, including the involvement of the Department of Corrective Services. So there is a range of different courses. The department has its own training unit, and obviously the training that it is providing on a regular basis to the great bulk of staff would be something that we would look to provide internally, but there are instances when the necessary expertise—because of perhaps the specialised nature—is not available within the department, and that is when we would be using an external provider.

**CHAIR:** How would staff access this training? In what circumstances can they apply to do these courses?

**The Hon. CARMEL TEBBUTT:** I might ask the Director-General or the Director of Operations to respond in terms of the specific processes for accessing training.

**Mr DAVID SHERLOCK:** Madam Chair, the competency based training that the Minister refers to is required to be completed in the first year of employment, but beyond that there is a whole range of training options available to staff that they can access on request. That training is normally provided during their work time, and of course they are paid to attend that training. In addition to that they are required to complete some assignments out of their normal working hours, and that is a common situation with training delivered in most industries. The range of training options has increased considerably with the enhancement that the Government provided last year and again this year, and there will be some additional training provided this year.

Perhaps I could mention some of those increased offerings this year which will be around suicide awareness training; that is related to Certificate IV in Juvenile Justice. Our competency based Case Management Training, which includes risk assessment, case planning, case conferencing, advocacy for our staff, again would be in the Certificate IV in Juvenile Justice. Programming skills training is again within that Certificate IV option, and performance management training. So they are some of the additional training options that have been provided this year, and all within the normal working time of staff.

**CHAIR:** I think you understand that in similar kinds of institutions staff normally are very stressful, and have a very quick burnout rate. What is the staff turnover in the Juvenile Justice system? Is there any significant turnover, and what kind of support do they have in working under those circumstances?

**The Hon. CARMEL TEBBUTT:** Madam Chair, I might ask the Director-General to respond to actual rates. I do not know if I have got that information here. But it is true that there is a high rate of turnover of staff in Juvenile Justice. That does reflect the nature of the work. There are a couple of things that I might broadly refer to, because I think they are relevant in responding to this issue. The Council on the Cost and Quality of Government undertook a review of the department's operations during 1999 and 2000, and one of the things that that recommended was an increase in the ratio of front-line staff to detainees, and funding has been provided in this year's budget to address that issue.

Now of course that issue is only going to be addressed in consultation with the Public Service Association. The department has already commenced negotiations with the Public Service Association on how to implement the range of recommendations arising from the COCQOG, but I think those sorts of initiatives flowing from that COCQOG process will certainly provide greater support for staff in terms of the difficult work that they do. Training is obviously also incredibly important so that staff feel properly equipped and skilled to do the difficult work that they have got to do, and also training can provide a release from the intense confrontational nature of their duties, and some time out as well. It also does play that role.

The department has focused over the last year on occupational health and safety initiatives as well, and on really improving its performance in that area, which is something that I am very pleased to see. So I think that the department is well aware of the need to support its employees, particularly custodial staff. The department has an employee assistance program and has those sorts of initiatives as well, and is very conscious for example that when there are incidents that occur in centres, that proper counselling and support and debriefing are provided for both staff and detainees after any such incidents.

**CHAIR:** Who is doing that work?

**The Hon. CARMEL TEBBUTT:** I will refer that to the Director-General or the Director of Operations.

**Mr DAVID SHERLOCK:** Madam Chair, you asked about the debriefing and counselling?

**CHAIR:** Yes. What services are offered to the staff?

**Mr DAVID SHERLOCK:** Where there are critical incidents where staff are obviously stressed and concerned as a result of that, we have an employee assistance program where we actually have a contractor who provides services to the department, and as a matter of routine where an incident occurs that is going to impact on staff in a way that causes some stress or concern, we immediately arrange for debriefing from those specialist counselling staff. Staff have an option then to undertake further counselling and support if they wish, and of course management of the centre will monitor closely their performance and provide them with whatever assistance is required. So the support that is provided is immediate, and it is ongoing as required.

**CHAIR:** Are many people on stress leave?

**Mr DAVID SHERLOCK:** What I can say, Madam Chair, is that the department's performance in terms of workers compensation claims and costs has improved dramatically, in the last two years particularly. That is not reflected in our premium costs at this stage because there is a process where it takes three to five years for that to occur. These are provided in the budget papers actually, but the number of claims and the cost of the claims have reduced significantly over the last two years. I do not have with me actual numbers of staff that are absent due to stress at this time, but I can say there has been a very significant improvement.

**CHAIR:** Can you take on notice a request to provide the Committee with details of those on stress leave, say, within the last two years?

**Mr DAVID SHERLOCK:** Yes, I would be happy to do that.

**The Hon. CARMEL TEBBUTT:** Madam Chair, the Director of Corporate Services has advised that he believes 10 per cent of our workers compensation claims are stress related. We will get more detailed figures for you, or whatever is available, but I understand that 30 per cent of the cost of our workers compensation relates to stress claims. So I guess that points to lower frequency but higher cost in terms of stress related claims.



**CHAIR:** I will just change the subject matter here and go back to the detention centre. In Budget Paper 3, Volume 2, at page 11-2, it was mentioned—and you mentioned in your opening statement too—that there is a new young women's detention facility at Minda/Minali to replace Yasmar detention centre. What is the total number of beds for young women that will be provided by the department once this unit is completed, including any remaining at Yasmar?

**The Hon. CARMEL TEBBUTT:** There has been \$735,000 provided in the next financial year to commence the construction of a new young women's facility at the Minda/Minali site at Lidcombe. It is a four-year process with the facility planned to be completed in 2004. Currently at the Yasmar Juvenile Justice Centre there is a bed capacity of 35. Two issues that do need to be addressed in terms of the building of the new facility are currently that we are not able to provide any specialist facilities for young women with babies. It is a group that we cannot cater for within the Juvenile Justice system at the moment very well. I am keen to ensure that the new young women's centre will be able to cater for mothers and babies with the ability for that to be used as a privileged unit as well, because there are times when we do not have any young women in detention who have responsibilities for children but there are other times when we do, so we want a facility that can be used in both ways.

**Ms LEE RHIANNON:** Is there any concrete plan for that?

**The Hon. CARMEL TEBBUTT:** Yes, the new centre that is being built on the Minda/Minali site will include facilities for young women with babies and it will also include an ability to accommodate young women who have challenging behaviour, which again is not something we are easily able to do in the current Haberfield site, which I am sure you would be aware of. It has a whole range of operational issues. So, as I said, the current bed capacity at Yasmar is 35. The new facility will have the same core bed capacity with the additional specialist facilities, so it will have the same 35 core bed capacity but built on top of that will be the specialist facilities for young women with babies as well as something to be able to accommodate young women with particularly challenging behaviour. In terms of total numbers we are still working through that, but we expect it to be in the order of 45 beds and I intend to establish an advisory committee that will assist in the planning for the new centre and that will work with the Department of Juvenile Justice but it will include community-based representatives who do a lot of work in this area and who have, I think, a real knowledge and expertise to bring to the process.

**CHAIR:** I would have to congratulate the Minister, it is really wonderful to hear that. In August 2000 the Standing Committee on Law and Justice released its report on Crime Prevention. The Committee made a recommendation that there be appointed a body independent of the Department of Juvenile Justice and Community Service to review the Wards Project. Has the department been involved in any discussion on this issue and has the review been carried out? If the review has been carried out, what was the outcome?

**The Hon. CARMEL TEBBUTT:** Madam Chair, I might refer that issue to the Director-General.

**Mr SHERLOCK:** Yes, there has been quite a bit of progress in relation to that. What was called the Wards Project we have now renamed the DOCS-DJJ project. It focuses very much on the way that services are provided to children and young people in out-of-home care and at risk of entering the juvenile justice system. The term "ward" actually no longer applies under the new Children and Young Persons Care and Protection Act 1998 and wardship orders have now been abolished in favour of parental responsibility orders. Those orders allow the Children's Court to allocate specific aspects of parental responsibility to different parties and those parties may include the Minister for Community Services.

Since late November 2000 a senior project officer has been working in both Juvenile Justice and the Department of Community Services in implementing the project's action plan and that plan really aims to improve DOCS and Juvenile Justice service delivery to joint clients in out-of-home care, to improve advocacy for children and young people and to improve accuracy in data collection and systems monitoring, so they are the broad aims of the plan. Although it focuses on children and young people in out-of-home care, it also aims to improve service delivery to all common clients of Juvenile Justice and Community Services. That project will also replace a 1997 protocol that Juvenile Justice had with Community Services with new policy and guidelines. Those guidelines will form part of the DJJ and DOCS procedure manuals that have been developed. The guidelines are now being written.

A senior management joint forum was actually held only a couple of days ago between the two agencies and further meetings are planned. One of the things that we are working towards is a joint or a common DOCS-Juvenile Justice case plan for young people and that in fact will be trialled in the Riverina-Murray area of the State. Further work is occurring between the two agencies in western Sydney on the availability of accommodation for Juvenile Justice clients and we are seeking there to access intensive support that DOCS has for young people who have very

high support needs and we are currently looking at being able to target a number of those accommodation beds for Juvenile Justice clients.

Other aspects of it include training for DOCS practitioners, that is the Community Services staff. That is being developed by the Juvenile Justice training unit. In developing this package specific issues which are presently a barrier to effective joint service delivery are going to be identified and incorporated in that training program. Finally, new data matching between DOCS and DJJ has been proposed and that will take a number of forms, so I guess, in summary, this is a program about the two agencies working far more closely together, given that we have many clients that we share, and improving our service delivery to that client group.

**CHAIR:** In relation to your answer about a joint case plan, can you elaborate on what you see as this joint case plan?

**Mr SHERLOCK:** It has not been developed in detail at this point, but the concept is that, where we both have the same client, we work closely together and a case plan is developed jointly between the two agencies so that we are both working in the same direction and addressing the same issues and we do not have a situation where Juvenile Justice is doing something that is inconsistent with something that the Department of Community Services is doing or in fact duplicating effort that is being invested by Community Services also.

**The Hon. JOHN RYAN:** Would the number of children who are likely to be subject to those joint case plans, people that we formerly understood as State wards, be as high as 30 per cent of all detainees, as was suggested in a submission to the Community Services Commission?

**The Hon. CARMEL TEBBUTT:** Can I clarify where that submission came from to the Community Services Commission?

**The Hon. JOHN RYAN:** It was a submission to the Community Services Commission I think from a group called Justice Action or something like that.

**The Hon. JOHN RYAN:** Basically the allegation has been made that something like 30 per cent of detainees in Juvenile Justice centres are what we would formerly have understood as State wards but essentially those kids who are subject to child parental responsibility.

**Mr SHERLOCK:** I do not think the figure would be anywhere near that level. I do not have the figures with me. It is true to say that many of the young people in our centres have had an involvement with the Department of Community Services, but not a lot of those would in fact be State wards under the old designation.

**The Hon. JOHN RYAN:** Can I correct something? Apparently that submission was from Juvenile Justice to the Community Services Commission, so it was your own submission.

**Mr SHERLOCK:** At a point in time that may have been the case, but I do not know. I doubt very much whether it is currently the case but, of course, the wardship arrangement is changing by virtue of the change in legislation and there is a new children's guardian being appointed who will have an important responsibility in relation to out-of-home care, but that does not have a direct impact on the Department of Juvenile Justice.

**The Hon. JOHN RYAN:** To cut across all the nomenclature statements, there is obviously a category of children for whom the State has responsibility and traditionally an enormous number of those have been winding up in Juvenile Justice.

**Mr SHERLOCK:** Indeed.

**The Hon. JOHN RYAN:** I imagine that the project that we are talking about is trying to cause that number to decline.

**Mr SHERLOCK:** Yes.

**The Hon. JOHN RYAN:** The first thing we need to find out is how many are going to be subject to that problem. I am not sure what benchmark we would use to measure it, but I would be interested to know what benchmark is an objective measure of it and what is the measure so that in a couple of years' time we can come along and say whether or not we are making progress in that area.

**Mr SHERLOCK:** There are a range of issues that influence the entry of young people into the Juvenile Justice system and, as you rightly point out, many of those are young people who have been abused, who are at risk generally and who have been part of the Community Services system and this project is very much about trying to address those issues at an early point so that those young people do not in fact enter the Juvenile Justice system. To the extent that they are in it, we will work far more closely with Community Services in dealing with those issues.

**The Hon. JOHN RYAN:** I come back to the November submission which was made by Juvenile Justice; it was only last year, not a very long time ago. How are we going to measure progress on this if we do not have a handle on the number of people involved?

**The Hon. CARMEL TEBBUTT:** Madam Chair, if I could just clarify this. The Director of Corporate Services has indicated the figure that the Hon. John Ryan has referred to. My understanding of that figure—and we are certainly happy to clarify this—is that it was a snapshot survey at a point in time of the number of young people in Juvenile Justice who had had some involvement with the Department of Community Services rather than necessarily young people who were State wards as such. It has always been my understanding that while State wards—and I know we are not using that term any more, but so that everyone knows what we are talking about—are overrepresented in terms of Juvenile Justice's clients, their number is certainly not at the level of 30 per cent. We can come back with more detailed information, but that is certainly my understanding of where that figure that was referred to in the department's submission that you referred to came from, so it was not State wards but rather young people who had been notified to us who had had some involvement with DOCS—still an important group, but just a significant clarification.

**The Hon. JOHN RYAN:** I do not know what we were going to do about questions on notice, but we have probably taken this issue about as far as we can take it now. Can I put a couple of questions on notice with regard to trying to identify the number of people?

**The Hon. CARMEL TEBBUTT:** We are happy to take those questions on notice. In terms of any response, it may well be that they are matters that need liaison between myself and the Minister for Community Services, but we can follow that through.

**The Hon. JOHN RYAN:** Is the submission made public or is it possible for it to become public? I do not think it is a public document. What is available is a small amount that somehow made it into the report itself and then became public. Is it possible to get the rest of the submission?

**The Hon. CARMEL TEBBUTT:** Madam Chair, I am happy to take that question on notice, but certainly it is my recollection that rather large chunks of the department's submission were in fact reflected in the Community Services Commission's report.

**The Hon. JOHN RYAN:** What is the incidence of people who are State wards being remanded in custody because there is a lack of placement options for them to be released to?

**The Hon. CARMEL TEBBUTT:** Madam Chair, it is certainly an issue. In terms of actual numbers I will refer that to the department, but one of the initiatives that I have referred to in my opening comments was increased support for youth justice initiatives, and the department is going to be, over the next year, reviewing the accommodation services that it provides, and looking at how it can improve the number of services it is providing. I have to say that accommodation services are not core business of the Department of Juvenile Justice. As you would be aware, it is core business of other Government agencies.

**The Hon. JOHN RYAN:** I think that is the point being made. You are providing the service for people because there is no other alternative.

**The Hon. CARMEL TEBBUTT:** Nonetheless, as I have just indicated, there are currently a range of accommodation services that we do provide. We received some specific funding some years ago to provide both direct accommodation services and also brokerage services in a range of areas. I am very aware that it is an issue for young people both exiting custody or for young people on remand, and that is why I have asked the department to have a look at this. It is certainly an area where we will see increased spending from the department of Juvenile Justice over the next two years. Having said that, you are looking for actual numbers of young people who were remanded into custody because the Magistrate was not satisfied that an appropriate accommodation option was available. I do not know if we have any figures on that. Do we have any estimation?

**Mr PETER MUIR:** Madam Chair, the number of State wards per se in the system is actually very low, and the last figure I ever had on it was somewhere in the vicinity of twenty or less in the total population of three

hundred odd young people in custody. So the figure at the moment, the last figure I had—and they are dated figures—is somewhere less than 10%.

**The Hon. CARMEL TEBBUTT:** We might take on notice then the Hon. John Ryan's question about the number of young people who have been remanded into custody because satisfactory accommodation options cannot be found. I do have to say that I know Juvenile Justice make every effort that they can, and I know magistrates are often also willing to say, "I will sit here until an appropriate accommodation option is found." But we will follow that up for you.

**The Hon. DON HARWIN:** I am happy, Minister, if you would like to give a lengthier answer to this question on notice, but I am particularly interested in what strategies the department has in place to deal with the needs of clients of Juvenile Justice who identify themselves as gay and lesbian, and also if, as part of those strategies, there is anything to deal with homophobic attacks on self-identified gay and lesbian detainees, and about whether there have been any such incidents in the last financial year.

**The Hon. CARMEL TEBBUTT:** Madam Chair, it is a question that I will take on notice. Nonetheless, of course the department has a responsibility to provide a safe and secure environment for all its clients and for all young people in custody. As to particular efforts that are made to address the client group that you are talking about, I think I will take that on notice and undertake to come back to the member.

**The Hon. JOHN RYAN:** A new subject is to be found on page 11-7 of Budget Paper No. 3, Volume 2. Just in case you thought we had forgotten about them altogether, in your Outcomes on that page you report that the percentage of pre-sentence report recommendations that have gone before the courts was about 40 per cent in 1998/99 but fell to as low as 24 per cent in 2000-01. What is going on? Why is it the courts are either ignoring the pre-sentence reports done by Juvenile Justice officers. Something appears to be going wrong here. How many people actually provide these reports? What is the extent of the service, and is there some explanation why the courts do not seem to be paying attention to their recommendations?

**The Hon. CARMEL TEBBUTT:** The percentage is a product of two factors. It is both the courts and also the way the outcome is recorded on the department's data system. I might just for the information of the Committee advise that the department is actually reviewing the outcomes and outputs, the indicators that are currently being used in the budget papers, and it is expected that we will have new ones for the next set of budget papers. Some of these are appropriate, but some of them I think are perhaps less than useful. With regard to pre-sentence report recommendations that are adopted, the courts determine sentences, but in accord with the legislation departmental staff recommend community based options when they are available and considered safe. If the department can justify the recommendation by offering legitimate community alternatives to the court, the courts will accept a higher proportion of the department's recommendation. This is a particular challenge for the department.

With regard to the department's client and information data system, staff enter their pre-sentence report recommendations onto the database using one of 34 different pre-set categories of outcomes. If the recommended option is the same as the final court outcome then that is a match, and therefore it is reflected as the department's recommendation being accepted. But if the final outcome is different from the pre-sentence recommendation, then that is regarded as a mismatch, and that can occur even if the final outcome is less severe than the recommended option. For example, the recommended option might be control and the final outcome might be a community service order. That would then be referred to in the system as a mismatch. So there are some record keeping data matching issues there that I think need to be looked at, because the department has such large pre-set categories of outcomes which do not necessarily automatically match up with what outcomes are coming from the court process.

**The Hon. JOHN RYAN:** Given that that does not appear to be a very good reflection of the actual outcomes, how are you measuring whether or not the courts are taking any notice of your pre-sentence reports? What is the alternative way of measuring that? Even allowing for some mismatch, that still seems to be a pretty miserable return. Is there anything that gives you reason to believe that the outcome is actually better than this?

**The Hon. CARMEL TEBBUTT:** Madam Chair, I will get the Director-General to respond to that, but I do just want to indicate that the department is finalising its Corporate Plan for the next period 2001/2004, and part of that process will be looking at performance indicators, outcome and output indicators, to more accurately reflect the work of the department. It is something that has been referred to previously in reports on the department of Juvenile Justice, that there really does need to be a bit of work done in this area to get the most relevant and meaningful performance output and outcome indicators. But I will ask the Director-General to respond to the honourable Member's question.

**Mr DAVID SHERLOCK:** Really I just reinforce the Minister's comments there, that in our planning and redrafting of our corporate plan we want that to be very much an action oriented document, and not simply a description of what we do. It is about what we seek to achieve and it will be very clear in that document how we are going to measure that, and the reframing of these indicators is very much part of that process.

**The Hon. JOHN RYAN:** Is that a useful need to measure though? It sounds like my comments are critical. They are actually not; I think it is very brave of you to actually take that measure. I am interested to see whether or not there is some better way of measuring it, and to assess it.

**Mr DAVID SHERLOCK:** I think that is certainly a valid point. The issue is what are the most appropriate measures to reflect our performance in the context of the department's reason for existence, and what is it that we seek to achieve as an organisation, and is that a valid measure in that context.

**The Hon. JOHN RYAN:** Are you going to continue to do something which measures the performance of the court's reactions to pre-sentence reports?

**Mr DAVID SHERLOCK:** We will need to have something that reflects the performance of our community staff in their role advising the court. Whether that is an appropriate measure is something we have to determine.

**The Hon. DON HARWIN:** Madam Chair, going to the operating statement on page 11 for a quick question, employee related expenses actually dropped in 2000-01 by \$600,000 on the budget estimate, yet the employee figure was up by two. This might be indicative of the fact that many staff positions were unfulfilled for considerable periods of time. Is that the situation?

**The Hon. CARMEL TEBBUTT:** Madam Chair, I might refer that to the Director of Corporate Services. Could you just indicate what page you are referring to?

**The Hon. DON HARWIN:** Page 11-4, Operating Statement, line item Operating expenses-Employee related.

**The Hon. CARMEL TEBBUTT:** Yes, it is my understanding that that is a reflection of positions that were vacant throughout the year, but I will just confirm that that is the case.

**Mr ROBERT HERMANN:** Yes, that is the case.

**The Hon. DON HARWIN:** Are you confident that the extra positions that are indicated in the budget will be filled?

**The Hon. CARMEL TEBBUTT:** Madam Chair, as I have indicated, the department will be going through a significant process of change over the next year, and that is reflected in the increased recurrent funding that the department has been provided with. I certainly feel reasonably confident that we will see that process completed over the next six months. It does involve discussions with the Public Service Association, and obviously at this stage those negotiations have commenced but are not finalised. So to a certain extent it will depend upon the outcome of that process. But there will be quite significant change in the structure of detention centres, and that is a process we will be working through with the Public Service Association.

**The Hon. DON HARWIN:** A question about operating expenses. Putting aside Kariong for the moment, which other centre on a per capita basis is the most expensive to operate?

**The Hon. CARMEL TEBBUTT:** Madam Chair, it is my understanding that it is Yasmar, the young women's centre.

**The Hon. DON HARWIN:** Thank you, and which is the cheapest?

**The Hon. CARMEL TEBBUTT:** I believe it is either Keelong or Riverina. Can we clarify that and get back to the Committee? Keelong is down in the Illawarra. Riverina is at Wagga.

**The Hon. DON HARWIN:** Thank you, and could you also just outline what the cost difference is between Yasmar and the cheapest centre, if you are able to do that, please?

**The Hon. CARMEL TEBBUTT:** Madam Chair, we can provide that information. I guess I do need to make this point, because we have made it previously with the Auditor General as well in terms of actually measuring cost per detainee. The department is working to get greater consistency across the centres' operations in terms of costs per detainee, but there are always going to be some variations in costs per detainee, and that will reflect the nature of the client group at each particular centre. It is obvious that costs per detainee at Kariiong are going to be higher because it is a maximum security centre. But costs at Yasmar are probably going to be high because there are operational factors on that particular site. It operates as two campuses with the historic house in the middle, which creates a range of issues. For example, there are other cost factors which are associated with the regional centres. So all I am saying is we can provide that information, but there is always going to be a difference in cost per detainee across our centres. It is a difference that the department is seeking both to get a better understanding of and to see minimised.

**The Hon. JOHN RYAN:** Is the answer perhaps to do something similar to the approach taken by Corrections of having a cost per detainee for high security, minimum security and low security? Those terms are not exactly applicable in the Juvenile Justice centres, but it seems not unreasonable to talk about people with high support needs, low and minimum support needs and so on across a range of categories, and establish it that way.

**The Hon. CARMEL TEBBUTT:** I think that is a good point, although we do not have—and you have alluded to this—the same range of categories. We really have maximum security and then medium security centres.

**CHAIR:** When you have joint projects with DOCS, when you have allocation of funding, what is the policy for funding the joint project? How do you apportion the funding?

**The Hon. CARMEL TEBBUTT:** That is a very good question, Madam Chair, and one I think we would all like to have a clear-cut answer to. I will ask the Director-General to respond to that.

**Mr DAVID SHERLOCK:** In relation to the current project the only cost at this time is the cost of a project officer, which is being shared between the two agencies. But as we work our way through this action plan there will certainly be some resourcing issues. As I said earlier though, part of this process is about avoiding duplication and overlap and wastage of funds. So we are not seeing this as something that is going to cost additional money. Whilst the real aim of the exercise is not about reducing the cost, I would imagine that at the very least these changes will not come at any increased cost. But where there are costs around developing new data systems, those sorts of arrangements, we would look to share the cost on an equitable basis, and those arrangements would have to be negotiated.

**The Hon. JOHN RYAN:** I notice that the department gives a number of grants to community organisations to provide accommodation. How do you distinguish the accommodation in those beds? First of all, have we any idea of how many beds the department is funding outside Juvenile Justice in the community? And how do you distinguish the role of those beds from SAPS services, for example, who provide youth hostels, from community services? The final issue is how do you determine the obvious ethical difficulty or the policy problems that might exist when a bed is being funded by Juvenile Justice and therefore is to be seen as an extension of custodial services, as opposed to a bed which has nothing whatever to do with custody at all?

**The Hon. CARMEL TEBBUTT:** Madam Chair, If I could make some initial comments and then the department can supplement those. The community based accommodation options that are funded by the Department of Juvenile Justice operate quite separately and quite differently to the custodial facilities. Whilst they may well be seen by magistrates as an appropriate option to provide someone with bail because they are satisfied they have accommodation, they do not operate in any sense as bail hostels as such, other than Ja-Biah. They are much more community based than that. It is an interesting point that you have raised. I mean we are having this discussion precisely in regard to the drug and alcohol rehabilitation clinic that we are establishing in Coffs Harbour and Dubbo where, for example, while Juvenile Justice clients will be given priority, those facilities will also be open to young people who are not direct clients of the Department of Juvenile Justice but are obviously young people who are at risk of becoming clients of the Department of Juvenile Justice.

**The Hon. JOHN RYAN:** The point I am getting at is that kids would not necessarily distinguish the difference between a gaol and a hostel. They are less likely to distinguish the difference if the particular youth hostel has a high proportion of kids who have been clients of the Department of Juvenile Justice. There will be a culture, not created by the staff but created by the kids: This is a "Juvey" place, as opposed to a youth hostel that has nothing to do with the criminal justice system.

**The Hon. CARMEL TEBBUTT:** I have to say that I think young people do distinguish between accommodation options that are supported by the Department of Juvenile Justice and Juvenile Justice centres, but

the issue you have referred to is one of the reasons why the department uses a range of options in terms of the funding it spends on accommodation. It does not necessarily just run hostels. It also uses brokerage services where clusters have some funding that they can use to actually provide accommodation for young people by purchasing accommodation services that are available in that area that are not directly run by Juvenile Justice. We also use some of the funding to pay for support workers who then can provide greater assistance to young people who are clients of the Department of Juvenile Justice to live in the community, perhaps in accommodation that is provided by the Department of Housing.

I mean one of the issues often is that accommodation services, whether they be Department of Community Services or Department of Housing, are not keen to take clients of the Department of Juvenile Justice because of their high needs. They are difficult to manage. We provide support. For example, I have visited such a service in Newcastle where there is a worker who is funded by the Department of Juvenile Justice who visits young clients of the department who are living in rented accommodation within the community, but the support worker visits them and provides assistance by making sure that they are living in a way, I guess, that accords with the rest of the community. So there are all sorts of different options that the department is using.

**The Hon. JOHN RYAN:** I can understand why they will not ever be regarded as custodial beds, but when you set up a hostel, if that issue is not managed well, that hostel very quickly can be seen in a different light to another hostel, for two reasons: firstly, it is funded by the Department of Juvenile Justice, and that would be known through the staff or someone else, and, secondly, if it is funded specifically for the purpose of providing this cross-over link, it is likely that there is a higher proportion of kids there who are former clients of the department and they, between themselves, can create something that was never intended, so that being in that hostel is the equivalent of being in custody. I am wondering how you manage that issue given that you seem to have a large collection of hostels.

**The Hon. CARMEL TEBBUTT:** No, we certainly do not have a large collection of hostels. I will ask the Director-General to respond, but there is just one other issue that I will flag. One of the things that I think we need to consider is that, just as currently official visitors visit juvenile justice centres, I think we need to consider whether official visitors should be visiting fully funded services that are providing hostel type accommodation. But I think you are over-estimating the number of hostel type facilities we have.

**Mr SHERLOCK:** What I would add is that, as the Minister has said, what we provide is a range of options and it would be, I guess, desirable if all young offenders or all those young people that we have an involvement with had ready access to mainstream accommodation services. Unfortunately, that is not the case and it is not usually about availability, it is about access, and young offenders tend to be at the end of the queue in getting in there. Partly for that reason the department seeks to provide some specialised options that are for young offenders but particularly to provide options for magistrates and to maximise the potential for young offenders getting bail when they appear before court, so that there is an option that can be put to a magistrate as one that the magistrate would consider appropriate as an alternative to custody. To that extent we provide those options, but beyond that there is a wider range of options that really are about the young people that we have an involvement with getting access to that broader accommodation system. We do not see it as creating accommodation options as such. Most of those mechanisms, those brokerage options and the other services that we fund community organisations for, are really about access and support, they are not about beds, although ultimately that is the aim of the exercise.

**The Hon. JOHN RYAN:** Do we know how many beds the department funds in these alternative refuges?

**The Hon. CARMEL TEBBUTT:** Madam Chair, we can come back with a figure, but I am not sure how useful a figure it will be because it is not going to reflect, for example, the funding that we put into brokerage that is provided.

**The Hon. JOHN RYAN:** That is not really what I am after anyway. How many beds are there in the specific hostels that are easily identified as belonging to Juvenile Justice, if we add them up.

**Mr SHERLOCK:** We can get that information.

**CHAIR:** Before the hearing finishes, members may put questions on notice. I would like to know when the Minister can get back to the Committee with answers.

**The Hon. CARMEL TEBBUTT:** It was certainly my understanding that the Committees were operating under the usual questions on notice guidelines.

**CHAIR:** 35 days.

**The Hon. CARMEL TEBBUTT:** 35 days. I am not sure, and I did not check, whether this Committee is going to be one of those affected by availability of *Hansard*; we might have to wait a little longer for the *Hansard* record.

**The Hon. JOHN RYAN:** That is right.

**The Hon. CARMEL TEBBUTT:** I think if we could have those 35 days, that would be satisfactory.

**The Hon. JOHN RYAN:** You are happy to have questions in a notice paper which is yours that you will respond to in 35 days? The alternative is to put questions in a House notice paper. I think it is the best unknown secret that there is likely to be a prorogation of the House and that would mean that all the questions would not have to be answered, which may be a great option for you.

**The Hon. CARMEL TEBBUTT:** We are happy to have them.

**CHAIR:** The Committee would be happy to accept answers to questions on notice in 35 days. On behalf of the Committee, thank you, Minister, and thank you to all the departmental officers who have come today. It has been most informative.

**The Hon. JOHN JOHNSON:** Madam Chair, I want to raise one matter. Minister, last year a number of questions on notice were asked by members of various committees and from one Committee almost 400 questions were put on the notice paper, at immeasurable cost to the citizens of this State. If, this time, you get a considerable number of questions, could you make costings available to indicate how much it cost to provide the answers?

**The Hon. CARMEL TEBBUTT:** Yes, certainly, if a considerable number of questions are asked. I know there was one year when we were asked a considerable number of questions about travel arrangements which required quite an effort on the part of the department.

**The Hon. JOHN JOHNSON:** I remember it well.

**The Hon. CARMEL TEBBUTT:** I could see very little gain in that, but I do not sense from what the Committee members are saying that I should be expecting a considerable number of questions. It is my understanding that there are some that we have taken on notice here today and there are a couple of additional ones. Is that correct?

**CHAIR:** We do not want a debate. Thank you very much, Minister, and all who have attended. The Committee will now close the hearing.

**The Committee proceeded to deliberate.**