

GENERAL PURPOSE STANDING COMMITTEE No. 3

Thursday 21 September 2006

Examination of proposed expenditure for the portfolio area

JUSTICE, JUVENILE JUSTICE

The Committee met at 6.00 p.m.

MEMBERS

The Hon. A. R. Fazio (Chair)

The Hon. P. J. Breen
The Hon. D. Clarke
The Hon. C. E. Cusack

The Hon. E. M. Obeid
Ms L. Rhiannon
The Hon. I. W. West

PRESENT

Department of Corrective Services

Mr I. McLean, *Assistant Commissioner*

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

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

Ms V. J. Ruisis, *Regional Executive Director, South West Region*

Department of Juvenile Justice

Ms J. Mason, *Director General*

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

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

CHAIR: I declare this hearing open to the public. The Committee has resolved to deal first with the portfolio area of Juvenile Justice, and then with Justice. I welcome the witnesses to the hearing. I believe all witnesses for the Juvenile Justice portfolio were sworn in at the previous hearing.

In accordance with the Legislative Council's guidelines for the broadcast of proceedings, only Committee members and witnesses may be filmed or recorded. People in the public gallery should not be the primary focus of any filming or photographs. In reporting the proceedings of this Committee you must take responsibility for what you publish or what interpretation is placed on anything that is said before the Committee. The guidelines for the broadcast of proceedings are available on the table by the door.

Any messages from attendees in the public gallery should be delivered through the Chamber and support staff or the Committee clerks. Witnesses are reminded that they are free to pass notes and refer directly to their advisers while at the table. I remind everyone that mobile phones must be turned off. Questions will be taken on a 20-minute rotational basis. The return date for questions on notice is 21 calendar days from the date on which the questions are sent.

I remind all witnesses that they are giving evidence on their former oath or affirmation. I declare the proposed expenditure for the portfolio area of Juvenile Justice open for examination.

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

STEPHANIE CROSS, Assistant Director General, Management Services, Department of Juvenile Justice, on former affirmation:

PETER MUIR, Assistant Director General, Operations, Department of Juvenile Justice, on former oath:

CHAIR: Does anyone wish to make a brief opening statement?

Ms MASON: No.

The Hon. CATHERINE CUSACK: Ms Mason, are you able to update the Committee on the status of the pornographic email investigation?

Ms MASON: Yes. Since we last spoke, five of the individuals who are under investigation have proceeded to what we called the "show cause" stage, which means that they have been provided with the full brief of evidence against them and they have various statutory and regulatory rights and entitlements to seek an interview with me as director general, generally in the company of their union representative. I then have to make a determination as to penalty.

An equivalent cluster of matters are on their way to me, where we have the full investigation. In relation to the remainder of the matters, as yet we do not have the investigation. I need to say that, even more so than ordinarily, the "show cause" stage is quite a delicate point, where the person has all sorts of rights. Once we get to the penalty phase, especially if the penalties are at the more serious end of the scale, they have various entitlements to challenge both the procedures and the outcome of the decision in the Industrial Relations Commission and/or the Government and Related Employees Appeal Tribunal, so it is obviously a matter of some delicacy.

The Hon. CATHERINE CUSACK: It is an extremely cumbersome process, by the sound of it?

Ms MASON: It is the process that we are obliged to follow under the Public Sector Employment and Management Act and its regulations. It is very intricate, that is true.

The Hon. CATHERINE CUSACK: It is in three parts. You have five matters before you at the moment. With regard to the other cluster of issues, how many staff are involved in that?

Ms MASON: A further five or six. We are speaking now of the staff to whom I alluded last time, that were in the category of what we call multiple forwarders, or people who have forwarded multiple inappropriate messages within the system.

The Hon. CATHERINE CUSACK: At the moment there are 10 of them?

Ms MASON: I think between 10 and 12, yes.

The Hon. CATHERINE CUSACK: How many are involved in the further outstanding group?

Ms MASON: We will not know that fully until the full investigation report comes in. As I think we discussed last time, most of the people who have been interviewed, as I understand it, are people who have received inappropriate material. But at the moment we do not have any cause to believe they send it, or indeed solicited it. So it may well be that those people are not found to be culpable to any great degree, if at all.

The Hon. CATHERINE CUSACK: Did they report it?

Ms MASON: That exact question is under investigation. That is, indeed, the nub of the investigation, as far as those people are concerned.

The Hon. DAVID CLARKE: As to whether they reported it? There is an investigation going on as to whether they reported receiving pornographic material?

Ms MASON: With regard to people who were sent material, there is an investigation going on into what steps they took, whether they objected, whether they ever did receive it, whether they opened it, and that sort of thing.

The Hon. DAVID CLARKE: You have not yet worked out whether any of these people complained?

Ms MASON: The investigators are interviewing them on that exact question. Once I get the brief of evidence, then we will know.

The Hon. DAVID CLARKE: How did you come across their names in the first place? Were they people who came forward, or were they people about whom you had been given a tip-off?

Ms MASON: With all due respect, if you will forgive me I would prefer not to disclose the methods by which we found out anything in particular, while we still have the investigation undetermined.

The Hon. DAVID CLARKE: But you cannot say for certain whether one of the methods was that these people came forward themselves and volunteered this information?

Ms MASON: I would rather not disclose that, no.

The Hon. DAVID CLARKE: Why not?

Ms MASON: Because it is a large investigation which could have quite serious consequences for the people involved and I am not going to jeopardise it by talking in advance about matters that go to the very heart of the investigation.

The Hon. CATHERINE CUSACK: Who is conducting the investigation?

Ms MASON: We have three external investigators, one of whom I believe I mentioned earlier. Her name, which I think we have now provided on notice, is Claire Alder, who is a barrister and who has also been, I think the term is, Deputy District Judge in England. And we have two other investigators who are going around interviewing these people. Then the process is that the briefs of evidence on individuals, along with any IT material, any intelligence material, are collated, scrutinised by our professional conduct unit in regard to any deficiencies and then forwarded to me, and then there is the show-cause process, which I have just described.

The Hon. CATHERINE CUSACK: I have received this complaint and I would like to hear your response. What is wrong with the operation of an organisation, whose small size should make it easy to operate, which allows its employees to receive, add comment to and pass on emails of a disgusting sexual nature to other departmental employees entrusted with supervising disturbed children, and to external agencies? Not one or two but over 100 staff are under investigation. This is from an employee of your department.

Ms MASON: As I think we discussed last time, the department has taken this investigation very seriously. That is why we are putting so many resources into it. I think I went into this before, but I would be happy to give you more detail again: we have email policies, we have ethics training, we go round to the centres and give people talks about appropriate conduct. It is extremely upsetting and disappointing to us that people are circulating this kind of material and that is why we are subjecting it to full disciplinary investigation, whereas I think in some other workplaces it would be viewed as possibly just the grounds for some kind of informal reprimand and then moving on. But we are taking people through the full process.

The Hon. CATHERINE CUSACK: Will you confirm that more than 100 staff have been subjected to this investigation?

Ms MASON: That is certainly not a number that I am at all happy to confirm, no.

The Hon. CATHERINE CUSACK: What number of people are involved in this investigation?

Ms MASON: As I say, I will not know that until I get the full brief of evidence. But I am very confident in saying that that figure is not right.

The Hon. DAVID CLARKE: Do you have any preliminary numbers?

Ms MASON: No, I am not going to speculate.

The Hon. CATHERINE CUSACK: Which offices of the Department of Juvenile Justice have pay television?

Ms MASON: Which offices?

The Hon. CATHERINE CUSACK: Does head office have it?

Ms MASON: No.

The Hon. CATHERINE CUSACK: Do any of the regional offices have it?

Ms MASON: Not to my knowledge, but I would have to take that on notice.

The Hon. CATHERINE CUSACK: Which detention centres have pay television?

Ms MASON: I can tell you as of today I hope that none of them do. Probably about two weeks ago I went to Acmena and spoke there to the fairly recently appointed centre manager, who had come from Keelong, where they do not have pay television, and he spoke to me about it. I took the view that I thought that even though various front-line staff raised fairly good arguments, that it is relatively inexpensive or that it reduces the risk of staff assaults and so on, I still do not think it is appropriate for a detention centre. I spoke to the Minister probably early last week and he shared my view. As far as I know, the contracts either have been or are being terminated forthwith.

The Hon. CATHERINE CUSACK: Have you established which detention centres have pay-TV?

Ms MASON: I have not got that detail with me. I think it is roughly half of them, but it could be more than that.

The Hon. CATHERINE CUSACK: Have you contacted all of the detention centres about the policy?

Ms MASON: Have I contacted them?

The Hon. CATHERINE CUSACK: Have they been advised to terminate the contracts?

Ms MASON: Yes.

The Hon. CATHERINE CUSACK: How did you do that? By way of memorandum?

Ms MASON: I think Mr Muir can elaborate.

Mr MUIR: In the first instance, a verbal direction to the regional directors, followed up by a written memo.

The Hon. CATHERINE CUSACK: Have you established which detention centres had pay-TV?

Mr MUIR: The figure the director general has given is correct. I do not have the figures here with me, but around half, and possibly a little more. Some, even before the review, were in the process or had removed it.

The Hon. CATHERINE CUSACK: There are only eight detention centres, so little more than half sounds like five, would that be the case? I would expect you to know, Mr Muir—as Director of Operations implementing a new policy—which centres are affected by the policy and I would ask you to tell us which centres have got pay-TV and are in the process of removing it?

Mr MUIR: I could take that on notice and we can give you that answer.

The Hon. CATHERINE CUSACK: Can you also tell us which detention centres actually plug the pay-TV stations into the detainees' rooms?

Ms MASON: I believe at Acmena that was the case.

The Hon. CATHERINE CUSACK: Are there any other centres that do that?

Ms MASON: I am almost certain no, but I will put that caveat that I will confirm that on notice. But I believe no.

The Hon. CATHERINE CUSACK: Can you also tell us what the cost of these pay-TV contracts have been to taxpayers?

Ms MASON: I would be happy to provide that on notice. I do not have that with me.

The Hon. CATHERINE CUSACK: You first learned of this situation by a conversation with a person at Acmena, is that correct?

Ms MASON: I suppose more typically I would say that I discussed with the centre manager at Acmena the fact that there was pay television and that it aroused my concerns.

The Hon. CATHERINE CUSACK: Just to be absolutely clear, is it pay-TV to detainees' rooms or is it all pay-TV that has been cancelled, including pay-TV to common areas?

Ms MASON: It is all pay-TV in centres. And, as I say, I am not aware that we have it anywhere else, but I cannot tell you for sure that the staff do not pay for it themselves in some regional office or something. But I will check that for you.

The Hon. CATHERINE CUSACK: Which detainee centres have PlayStations, Xboxes or both, or GameCubes?

Ms MASON: Mr Muir can give you more detail. My understanding is that most of the centres I have been to have them in one way or another. I am in no way an expert. They have, for example, a Playstation set up in the common area that detainees whom they regard as having behaved particularly well may play on. Mr Muir will confirm this, but I am 99 per cent certain that no detainee has such equipment that he or she can take into his or her room. To my knowledge such facilities are only available as a reward and for use in the common area.

The Hon. CATHERINE CUSACK: You never like to say anything with 100 per cent certainty in Juvenile Justice.

Mr MUIR: I can confirm it, but to the best of my knowledge today game consoles in general are a reward and are only earned. I think they would be available at most, if not at all centres, as a reward. They are most certainly not available in detainees' rooms, as far as I am aware, but again I am happy to confirm that. That is my understanding: They are not available in the individual detainee's rooms, but they are available as a reward in usually designated areas.

The Hon. CATHERINE CUSACK: What games are available to be played on these machines?

Mr MUIR: The Detention Centres Act that governs the department's operations generally limits the classification of materials that are available to detainees and what would be available is within those classification guidelines.

The Hon. CATHERINE CUSACK: What would that classification be?

Mr MUIR: Off the top of my head I think it is M. I could confirm that, but I am fairly certain that the legislation talks about an M-rating as the maximum.

The Hon. CATHERINE CUSACK: If you could confirm that I would be appreciative?

Ms MASON: We would be happy to provide any details on notice about the actual names of the games. I must admit that I am not an aficionado of such things.

The Hon. CATHERINE CUSACK: I do not understand them either but I have been in situations where gifts from grandparents have been played and the material has been quite a shock. Some are completely inappropriate for people in custody.

Mr MUIR: May I add that one of the decisions we have taken is to not allow any burnt CDs or DVDs into the centres at all. We have totally banned any reproduced materials, not only for the obvious reasons of copyright but because we cannot be assured of what would be contained within those, so we have taken the step, not only for the legal reasons of copyright but also because we cannot control what may be on the reproduced material.

The Hon. DAVID CLARKE: You said that generally you control the classifications available. Do you say that there are some situations where you do not control the games that are available?

Mr MUIR: My only hesitation is trying to recall the legislation, so my hesitation was in relation to what the legislation says on ratings. To the best of my recollection M-rating is permitted in a centre.

The Hon. DAVID CLARKE: Do you ensure that the rules are applied in all of the detention Centres?

Mr MUIR: Yes, managers are responsible for a range of material. We look at all sorts of medium. We look at electronic medium, print medium and we have had a fairly concerted push on making sure that only appropriate materials in whatever form have come into centres. In a recent review of our regulation—and we will be approaching Parliament for a review of our regulation—we actually want to make sure that centres are broadly empowered, not only to deal with what exists now but other forms that we may not think of in the future. For example, the existing regulation was written in a time where a lot of these things did not exist, so we want to broaden the regulation to make sure that we cover things like CDs—for example, there are some very inappropriate musical CDs—as well as games and print medium, so we are looking at the full range of what we think is inappropriate across that range of mediums.

The Hon. CATHERINE CUSACK: Are detainees permitted to have iPods or music sound systems in their cells?

Mr MUIR: I know of no iPod in the system. Again, periodically detainees, as a reward, have been allowed to have a Discman. Again, it is an incentive. It is only provided to those detainees who have earned it. In most incentive schemes of which I am aware it is for a limited period.

The Hon. CATHERINE CUSACK: Obviously it is purchased by the detention centre and given to the detainee?

Mr MUIR: As a reward, yes.

The Hon. CATHERINE CUSACK: Do they keep the Discman?

Mr MUIR: Absolutely not.

The Hon. CATHERINE CUSACK: Are there guidelines for their use? When you say it is for a reward, is there a formal system?

Mr MUIR: Yes. Every centre has a formal incentive system. The department has broad guidelines around incentive systems and we have then asked each centre to develop those systems around their own needs. For example, what is relevant at Frank Baxter for older detainees is different to what we would use for the very young ones at Reiby. Those systems must be documented and looked at on a regular basis in our section 7 reviews. They are looked at by the Ombudsman as well and the official visitors, so there is a reasonable amount of scrutiny around those. Most of those incentive schemes are published for detainees to see and it is well documented as to how they earn those rewards and what they mean. For example, with something like a Discman, which run off batteries, there are also procedures to make sure that everything that goes into the room is retrieved when the privilege is finished.

The Hon. CATHERINE CUSACK: Would you be able to table for the Committee the guidelines for each of the centres?

Mr MUIR: Each centre's incentive scheme?

The Hon. CATHERINE CUSACK: Yes?

Mr MUIR: If you ask for them, yes.

The Hon. CATHERINE CUSACK: Thank you.

CHAIR: We will now go to 10 minutes of questioning by Ms Lee Rhiannon.

Ms LEE RHIANNON: Do you have lockdowns in juvenile justice centres when you do not have enough staff?

Mr MUIR: With the general term "lockdown" under the regulation, the department is required to have published an approved routine.

Ms LEE RHIANNON: My next question was going to be about guidelines. So you have guidelines?

Mr MUIR: Yes.

Ms LEE RHIANNON: Could you explain what they are?

Mr MUIR: The centre is required to have a routine and a routine is essentially a timing out of what the day holds. For example, it would dictate what time detainees should wake up, what time they leave rooms, what time they eat breakfast, what time they go to school, what time they come back and when recreation periods are. Each of those routines is required to be approved by a regional director. They are required to be published and put up in every unit. They should not be varied without the approval of a regional director. In relation to lockdowns for staff shortages, I am only aware of that occurring at one centre, and that is at Cobham.

Ms LEE RHIANNON: One centre in the last year or one centre in the last month?

Mr MUIR: One centre in the last year, and that was for a staff shortage situation. They had what is called a rolling lockdown and that is where detainees were put into their rooms in different units so that one unit was not just disadvantaged across the whole day, so that the lockdown shifted

across different units to enable the centre manager to manage the staffing he had. Within each day there are periods in which detainees are locked in their rooms.

Ms LEE RHIANNON: Before you go further, which centre was that?

Mr MUIR: Cobham at Werrington.

Ms LEE RHIANNON: How many days was the lockdown for?

Mr MUIR: I could not answer that but they are never for more than one shift at a time.

Ms LEE RHIANNON: I am interested in the quantity there was in that year.

Mr MUIR: I will take that on notice and give you an answer on how many days that has occurred.

The Hon. CATHERINE CUSACK: Did you say one shift at a time or one shift a day?

Mr MUIR: I am not aware of it occurring for more than one shift at a time. We do not have scenarios where people will be locked down for days on end. I am only aware of it occurring on individual shifts.

The Hon. CATHERINE CUSACK: So each shift would have a lock-down?

Mr MUIR: No. I am only aware of situations where, for example, they might be short staffed on an afternoon shift so the rolling lock-downs occur on that shift, rather than in the morning or afternoon. I can answer on notice how many times that has occurred at Cobham. I am not aware of it occurring at any other centre.

Ms LEE RHIANNON: So one reason is staff shortages. At the any other reasons that you have lock-downs?

Mr MUIR: The recent legislative amendments allow the centre manager to lock down in matters of security. Since that power was conferred it has not been used at all.

Ms MASON: We have not had to exercise that power as yet, no.

The Hon. PETER BREEN: What is the normal daily routine in juvenile justice centres? Do the prisoners come out of their cells at about eight in the morning? Is that how the day starts?

Mr MUIR: Yes. Wake up is usually around seven o'clock, 7.30 a.m.. Detainees then usually are required to shower and clean their rooms, and prepare for the day. They will then come out and have breakfast. School and other programs generally commence about 9.00 a.m. This is a very broad generalisation. They will then come back to the units for morning tea, where generally they will be given fruit and something to drink. They then return to programs until lunch time, come back for their lunch, afternoon programs and then come back. Generally there is some sort of lock-down around that period, around shift change.

The Hon. PETER BREEN: Is that around 3.00 p.m.?

Mr MUIR: Shift changes are either 2.00 p.m. or 3.00 p.m. Most centres are around 2.00 p.m. Then there are afternoon activities, an evening meal, after dinner activities and then detainees start moving into their rooms generally from 6.30 p.m. or 7.00 p.m. onwards, depending on the standard bed time. Each centre determines its standard bed time. Again, the bed time in most centres is linked to the behaviour of detainees.

The Hon. PETER BREEN: Is the lock-down period in the afternoon for about an hour?

Mr MUIR: It differs. At most centres it is generally—I do not think that one would be an hour. To my recollection, most are about half an hour.

The Hon. PETER BREEN: Is that the only one during any normal day?

Mr MUIR: Again, each centre differs. There would be other lock-downs. For example, the reasons for some lock-downs are to allow detainees to toilet. For example, after lunch and before detainees go back to an afternoon program they will generally go to their room for about 15 minutes. That allows them to go to the toilet, rather than having a rush on one toilet, which creates security issues. We do not want 15 detainees congregating around one toilet where they may or may not attempt to pass things. Detainees are kept in their rooms to keep the place orderly and allow an orderly toileting procedure. They then move back to the afternoon programs.

The Hon. PETER BREEN: Are there any complaints from inmates about lock-downs?

Mr MUIR: Again, I am going from memory. We receive six-monthly official visitor reports to the Minister. I can recall no complaints in those official visitor reports. I have received no complaints from the Ombudsman about the routine lock-downs. Again, from the complaints database, I have no recollection, but I have not looked specifically at this issue. In our quality assurance mechanisms either the Director General or I visit every centre for a formal inspection on a yearly basis. That means that every six months either the Director General or I speak to representative groups of staff and detainees. Again, in those direct discussions I have had no complaints from detainees about lock-downs.

Ms LEE RHIANNON: As you would be aware, there is growing concern about the number of forensic patients in our main gaols. Are there forensic patients in juvenile justice centres?

Ms MASON: To my knowledge there is one, and her case has been reasonably well publicised. It is her choice to disclose details about that but I am loath to do so. She is at Juniperina. As far as I know she is our only forensic patient.

Ms LEE RHIANNON: When you say "as far as I know" does that—

Ms MASON: I am sorry, she is our only forensic patient.

Ms LEE RHIANNON: As she needs treatment are you able to give her the treatment she requires?

Ms MASON: She is under the care of Justice Health. I think it is fair to say that, to my knowledge, there have not been any complaints about her treatment. Obviously, various people have issues with the fact that she is in detention at all but I think there is general consensus that she is being well treated within Juniperina. She participates in university courses. My understanding is that Justice Health is providing her with very satisfactory care. As I said, I am not aware of complaints about the quality of care itself.

Ms LEE RHIANNON: So at the moment there is one forensic patient in a juvenile justice centre. Have you had a larger number in the past?

Ms MASON: I am not aware of any. Of course, that is not to say that we do not have a large number of young people with mental health issues, because we do. But I am aware that we have only one not guilty by reason of mental illness in that category.

Mr MUIR: We have only had one not guilty by reason of mental illness. I can recall one other and that is probably about two to three years ago. I cannot recall the specific section of the Mental Health (Criminal Procedure) Act, but it was someone who came to us under that Act. It may have been one of those matters of special hearings, and that is the only other matter we have had.

Ms LEE RHIANNON: So it is a very small number?

Ms MASON: Yes.

Ms LEE RHIANNON: What is the percentage of young detainees with mental health problems?

Ms MASON: It is very high. We have had the benefit of two health surveys. One was a detailed study—we are very happy to provide it to the Committee—of health along a broad range of indicators of young people in custody and the other is a corresponding study in community. The most frightening statistic of which I am aware is that the custody survey indicated that roughly 21 per cent of detainees had mild to moderate symptoms of schizophrenia.

Ms LEE RHIANNON: Twenty-one per cent?

Ms MASON: Twenty-one per cent. I think the community average is 1.5 per cent so that is amazing. My maths are not good, but that is more than 10 times what the rate in the community. The corresponding validation is that Justice Health tells us that roughly 18 per cent of detainees in custody are taking antipsychotic medication.

Ms LEE RHIANNON: Apart from schizophrenia are there other—

Ms MASON: There is a wide range of conduct disorder—I think Mr Muir has that information handy.

Mr MUIR: We are about to publish the full results of the custody health survey.

Ms LEE RHIANNON: When will that be?

Mr MUIR: We are just finalising it. We have to get it to the printers so we are just finalising the text. The text will be finalised next week. The Director General is correct—the vast bulk are in the disorder range. I am sure you are well aware that psychiatrists are loath to diagnose juveniles so a lot of it is in terms of emerging psychoses, conduct disorder, hyperactivity disorder. Substance abuse disorder is also a fairly prevalent disorder in that group.

Ms LEE RHIANNON: It is very disturbing. When will the report be released?

Mr MUIR: We are just agreeing on the final text with Justice Health. That will be finalised early next week. It is just as long as it takes us to get it printed and published.

Ms LEE RHIANNON: Within the month?

Mr MUIR: I would hope for it to be published within the month but I am in the hands of printers. I am certainly happy to supply you with a copy once it is published.

Ms MASON: And we can certainly provide you with a copy of the key findings document, which is already available.

Ms LEE RHIANNON: That would be excellent. Staying with young people with mental health problems, and maybe it is covered in your study, is it the case that you are able to determine if there are young people who have developed their mental health problems since they have been in Juvenile Justice?

Ms MASON: I do not know if we really have evidence of that. We certainly have evidence, as I say, from the community study of very high levels of incipient mental illness in the detainees who have not yet got to the stage of custody. It is a population in the community of very high substance abuse; massive levels of sexual abuse and childhood neglect; very poor nutrition in many cases; 11 per cent of them have a parent in gaol tonight and 43 per cent of them have a parent who has been in gaol at some point, so it is a population that has all the risk factors well and truly there.

I would say, and Mr Muir can elaborate, that Justice Health is doing some excellent work at the moment in screening at the court. We are trying to get more of the people with fairly florid mental health problems diverted appropriately at the courthouse steps rather than afterwards. I believe Justice

Health is improving all the time the quality of psychiatric care and other mental health assistance that is available within the centres. Do you have any more?

Mr MUIR: The only thing I can add to that is that the only measure in the health survey we did on any sort of mental health system was self-harm ideation.

Ms LEE RHIANNON: Can you explain that?

Mr MUIR: People who plan or think about harming themselves. So, of those who had thought about or felt like they wanted to harm themselves prior to coming into custody, 49 per cent reported that their symptoms decreased when they entered custody. I think around 17 per cent or 18 per cent reported that they felt about the same and a smaller percentage felt that their ideation increased. So, the vast majority who entered custody wanting to hurt themselves stayed the same, but about half said the desire to hurt themselves decreased when they entered custody. That is the only measure we have.

I agree with the director general that Justice Health has brought considerable extra resources to the mental health area. We have psychiatrists who visit every centre. They have recently employed a staff specialist and recruited her from the United Kingdom. I understand she is on the threshold of Australian registration. Once she gets through that process she will be working full time with the mental health problems within the juvenile justice system.

CHAIR: Do you have any further questions, Mr Breen?

The Hon. PETER BREEN: No.

CHAIR: Government members?

The Hon. IAN WEST: Not at this stage.

CHAIR: We will go back to the Opposition for some questions then.

The Hon. CATHERINE CUSACK: Just to clarify one thing regarding the pay TV memorandum issue, was that issued at your direction, director general?

Ms MASON: Yes. I think Mr Muir actually issued it, but yes.

The Hon. CATHERINE CUSACK: Was it a directive by the Minister or a directive by you?

Ms MASON: As I said, the Minister and I spoke last week and we agreed—he and I and Mr Muir shared concerns and we decided that the contract should not be persisted with.

The Hon. CATHERINE CUSACK: In relation to the Acmena riot on 29 January this year, what was the damages bill?

Ms MASON: I believe I have something on that. I suppose the thing to say is that, as you would be aware, four detainees set fire—initially one set fire to his own tracksuit and that produced a scorch mark on the lino and on a table. They then kicked in a roller door in the kitchen. As I recall vividly on the night, there were fairly colourful descriptions of the degree of damage. In fact, we had a journalist ring up and assert confidently that the school had burnt to the ground. The school is at the other end of the complex and was at no point even lit up. There was some damage in the vicinity, and the figure we have is \$47,000.

The Hon. CATHERINE CUSACK: And that included, obviously, water damage?

Ms MASON: Yes, that is everything.

The Hon. CATHERINE CUSACK: What was the main damage? Was it damage to the floor? What was the \$47,000 of damages?

Ms MASON: All three of us have been there at different points, but I think Ms Cross has the most concrete grasp of property issues.

The Hon. CATHERINE CUSACK: It is the most visited detention centre?

Ms MASON: They are all assiduously visited.

Ms CROSS: The damage that was done was in minor locations. We had some damage to the ceilings, we had some damage to the floor, we had some water damage and we had some damage to storeroom areas. So, it was minor damage in different areas, some damage in the kitchen area.

The Hon. CATHERINE CUSACK: The amount of \$47,000 sounds like quite a lot.

Ms CROSS: I think generally any repairs in a detention centre environment tend to be of the expensive nature because of the nature of the facilities we are trying to maintain. I think that was a fairly reasonable bill. There was only minor damage and it is only a minor bill.

The Hon. CATHERINE CUSACK: Was that claimed on insurance?

Ms CROSS: Yes, it was.

The Hon. CATHERINE CUSACK: What does it cost to insure Acmena?

Ms CROSS: I do not know that information.

The Hon. CATHERINE CUSACK: It was \$200,000 two years ago, was it not?

Ms CROSS: Off the top of my head, I cannot tell you, I am sorry.

The Hon. CATHERINE CUSACK: It must be fairly steep?

Ms CROSS: I do not have that information with me.

The Hon. CATHERINE CUSACK: Is it possible to obtain that and provide us with it?

Ms CROSS: Yes, certainly, I can take it on notice.

The Hon. CATHERINE CUSACK: The other thing I wanted to follow up was the investigation at Albury where the files of an offender were found in the duck pond. Children had been playing with the files of a case where a three-year-old girl had been sexually assaulted and the offender's files were transferred to the department. A member of the public found some children playing with the files and confidential information in the duck pond. I wondered what the upshot of that investigation turned out to be?

Ms MASON: That was in Wagga Wagga, not Albury, that one. On 9 January a quantity of mail that had been addressed to Juvenile Justice, Community Services and Youth Justice Conferencing in Wagga Wagga was stolen from the pigeonhole in the State Government office block in Johnston Street Wagga Wagga. The mail you describe was then found and that included confidential client documents. The incident was reported to the police and to the mail investigation unit at Australia Post. Prior to the incident the department had been in frequent contact with the mail contractor, Toll Priority, seeking to improve the security arrangements for mail at Wagga Wagga. The latest communiqué had been on the morning of that incident.

In light of the incident, later that day Toll Priority implemented alternative mail procedures for the department's mail delivery to Wagga Wagga. In the short term, a traceable locked bag was put in place at Wagga Wagga. This involved the despatch of mail in a zippered, padlocked bag delivered directly to Department of Juvenile Justice [DJJ] reception and signed for each day. This service allowed the department to track the movement and receipt of all DJJ mail being handled by Toll Priority and destined for the Wagga Wagga government office block, avoiding the previous situation

where mail had been sorted by another agency and then left in the pigeonholes with the consequences that we know of.

The mother of the young person whose file was found was contacted by the manager of the local Juvenile Justice Community Service Office, and a apology was extended on behalf of the department. To ensure there is no repeat of this incident the department has now implemented a document exchange or DX mail network. The new system has prompted a number of innovations by Toll Priority, DX Solutions and the department, which I am told is the first New South Wales government agency to implement a full DX mail service. The implementation was cost neutral, with Toll Priority and DX Solutions bearing the setup costs. Since 3 July 2006, all client and related information is despatched and delivered in bar-coded, padlocked security bags after being sorted under closed-circuit television at the Silverwater distribution centre by staff with appropriate security clearance.

The department's expenditure on postage in 2005-06 was \$122,551.75 and is expected to be an equivalent amount in 2006-07, despite the enhanced security features now implemented. It is clear that the department was the victim of a crime as the documents appear to have been stolen from the mail system before they reach the department's Wagga Wagga office. The department is very dismayed that such sensitive documents fell into public hands and believes it has taken all appropriate steps to prevent a recurrence.

The Hon. CATHERINE CUSACK: It certainly sounds like an improvement in the system. Following on from the Acmena riot on 29 January, the Minister made an announcement that there was going to be legislation on protocol between the Department of Corrective Services and the Department Juvenile Justice for corrective services officers to attend in the case of serious incident. Why is there no memorandum of understanding [MOU] between the two departments?

Ms MASON: I will check, but is my understanding that there is. Certainly, if it has not been signed off on then it is within minutes of that happening. There is certainly an interim agreement and the terms of an MOU have been extensively negotiated. I will confirm that for you.

The Hon. CATHERINE CUSACK: as I understand it, the interim agreement was signed as a sort of stopgap between the incident and the legislation coming through. Is my understanding correct?

Ms MASON: The interim agreement was entered into immediately, and there has been negotiation about the precise terms of an MOU, which have, as I say, I think reached fruition. If not, it is about to happen any minute.

The Hon. CATHERINE CUSACK: In what circumstances is Corrective Services going to come running into juvenile justice centres?

Ms MASON: It is my fervent belief, and I believe that of Mr Muir—well, I certainly hope that we will never have to. Our staff are highly trained and equipped. We have been conducting numerous emergency training sessions. In fact, I had the figure here at some point. I think we conducted 152, two-day sessions for staff. Someone might check that for me. Yes, the figure of 152 is correct. We now have riot equipment strategically placed in each centre, and that has been very well received by staff. This is over and above the training conducted by Corrective Services in emergency response. Acmena, for example, had 12 in-house emergency training sessions in the course of this past year, and Cobham I think has had an equivalent number. I have somewhere a list of the number of emergency training sessions.

It is our belief that the staff have both the equipment and the training to deal with pretty much anything that will be flung at them. Before this we had an understanding with police if the worst happened and we had a massive conflagration—which, as you know, also can happen in Corrections and they have to call in the specialist squads. We had that as a backup. We have a very cordial relationship with Corrections and the emergency people have been around to visit each centre, mapped it and looked at where the access points are and so on. That has been very constructive. But, as I say, I am fervently of the belief that we will not necessarily need to use them.

The Hon. CATHERINE CUSACK: All of that training and equipment is great, but if you cannot find the manager to give the okay to go in and resolve the incident you will end up with what you had on 29 January, which is all the staff standing there ready to go but no one prepared to make the move.

Ms MASON: With respect, Mr Muir possibly has more detail on that because he was on the scene the next day. There was a bit of a misunderstanding about that. There was some ambiguity—whether staff thought that they had to wait around for a manager. The department's position is that the person who is most senior of the site has the ability to activate. If staff—and staff clearly were—in some doubt about it that is highly undesirable. Part of the response to that incident was that a much clearer procedure was issued, making it very clear that the senior person on the site has the capacity to activate that equipment. It is not necessary to hang around and wait for somebody in far-off climes.

The Hon. CATHERINE CUSACK: Is that what happened at Acmena, that the senior person on the site was attempting to direct staff to deal with the problem in the staff would not go in?

Ms MASON: No, I do not mean to imply that. Mr Muir can probably elucidate.

Mr MUIR: The latter. The most junior person who will ever be in charge of a shift is a unit co-ordinator. The procedures are clear that a unit co-ordinator has the power, authority and access to the riot equipment. Yes, there was some confusion. We have clarified that. The regulation is clear and the regulation states that, in the absence of a centre manager—and it is enshrined in the regulation—the most senior person on shift has all the powers of a centre manager. The legislation has said that for some many years. In terms of people having the power, the most senior person on shift has all the powers of a centre manager.

The Hon. CATHERINE CUSACK: They are authorised to do that and then what, to notify you? Is that the procedure?

Mr MUIR: If they are at the stage where they are breaking out riot control equipment, yes. They should be notifying up through chain of command, which would eventually reach me and the director general.

The Hon. CATHERINE CUSACK: Thank you for clarifying that. Again on Acmena, who is the current centre manager there?

Ms MASON: His name is Glenn Sullivan but he was previously the centre manager at Keelong. As I recall, he participated in a competitive selection process and secured the position permanently fairly recently. But I could get you that date if you like.

The Hon. CATHERINE CUSACK: My understanding is that Mr Sullivan has been working at Acmena for years. I have met him there many times over the past few years.

Ms MASON: He has been there in an acting capacity on and off. Mr Muir will again correct me if I have this wrong, because it predates my time in this position, but unfortunately the full-time, permanent centre manager was absent on various forms of sick leave for an extended period. Mr Sullivan was good enough to come from Keelong to act in the position on and off. He has now secured the position at Acmena substantively.

The Hon. CATHERINE CUSACK: Has he been physically working at Keelong? I understood that he had been working at Acmena continuously for some time.

Mr MUIR: From the best of my recollection, he went to Acmena for six months and returned to Keelong for a period. When it became clear that the former manager was going to extend her leave, I approached him about returning while we resolved the situation with the manager. You are correct in saying that he was there for a substantial period, but there was a break in the middle. The last period was lengthy.

The Hon. CATHERINE CUSACK: How long was the break?

Mr MUIR: I will find out and provide the detail on notice.

The Hon. CATHERINE CUSACK: I gather it is a large relocation issue once his appointment is substantive. We thought he was already living in Grafton.

Mr MUIR: He was living there temporarily.

Ms MASON: His family is still in Wollongong.

Mr MUIR: They are in the process of moving.

The Hon. CATHERINE CUSACK: Can you tell me the names of the other seven detention centre managers?

Mr MUIR: We have covered Acmena. The manager of the Frank Baxter Juvenile Justice Centre is Steve Wilson; the manager of the Juniperina Juvenile Justice Centre is Judy Mullins; the manager of the Cobham Juvenile Justice Centre is David Kirwan; and the manager of Reiby Juvenile Justice Centre is Michael Vita. Following Mr Sullivan's departure, the Keelong position is substantively vacant and we are in the process of recruiting. The manager of Orana Juvenile Justice Centre is Janet Curran and the manager of the Riverina Juvenile Justice Centre is Narelle Fitzgerald.

The Hon. CATHERINE CUSACK: Do they hold those positions substantively?

Mr MUIR: Yes.

Ms MASON: Those positions are all substantive. There is an acting manager at Keelong, Mr Prothero.

The Hon. CATHERINE CUSACK: Who is the former manager of the Frank Baxter Juvenile Justice Centre?

Mr MUIR: Steve Wilson has been the manager for many years. The last manager prior to him was Terry Gould, who retired.

The Hon. CATHERINE CUSACK: Is Mr Wilson acting in that position at the moment?

Mr MUIR: No, he has taken long service leave.

The Hon. CATHERINE CUSACK: Does he intend to return; he is not heading off to other places?

Ms MASON: No, he is on long service leave.

The Hon. CATHERINE CUSACK: Who is acting in that position?

Mr MUIR: Peter Reberger is acting at the moment.

The Hon. CATHERINE CUSACK: Is it departmental policy that detainees should wear overalls during visits?

Mr MUIR: Not universally. If it is a non-contact visit there is no need, because they are in a non-contact box.

Ms MASON: They are in a cubicle.

Mr MUIR: In other centres, yes. Others do it based on risk. There is no universal answer as to whether all detainees are in overalls all the time. Centre managers make those calls and some have made the call to put all of them in overalls. Frank Baxter Juvenile Justice Centre has clear clothing that young people wear. That is done on a risk-assessment and intelligence basis. At Acmena Juvenile Justice Centre, again to the best of my recollection, they all go into overalls.

The Hon. CATHERINE CUSACK: I understand it is that it is done only at Reiby Juvenile Justice Centre. Given that it is the one of the simplest ways to stop the flow of drugs and contraband into detention centres, it is perplexing that this policy, which was recommended in the Dalton report after the Kariong fiasco, has not been adopted across all the centres.

Ms MASON: We can get information on which centres have adopted the recommendation. However, it is certainly not departmental policy to oppose it. Having said that, as has been proven in adult correctional facilities, inmates are very ingenious and find ways to get things in even when they are wearing overalls.

The Hon. CATHERINE CUSACK: It is one of the most simple and effective ways to stop contraband.

Ms MASON: It reduces contraband; I do not think it prevents it altogether.

The Hon. CATHERINE CUSACK: But it is a good idea to reduce it.

Mr MUIR: All of our figures on drugs and contraband indicate that we have been extremely effective in reducing its entry into the centres through a range of intelligence measures. A lot of that intelligence will drive those sorts of decisions.

Ms MASON: We are working co-operatively with the Department of Corrective Services and a steady number of drug dog searches are conducted, particularly during visits. Although Department of Corrective Services officers are being very thorough and assiduous in that work, we are not getting many positive indications.

Mr MUIR: We screened more than 2,000 visitors last year and only 37 were found to have positive indications that resulted in their being turned away.

The Hon. CATHERINE CUSACK: Are they simply turned away?

Mr MUIR: If there is an indication they are not allowed to enter.

The Hon. CATHERINE CUSACK: Is that with the dogs?

Mr MUIR: Yes. Last financial we screened more than 2,000 visitors and only 37 were turned away on the basis of those indications.

Ms MASON: The Department of Corrective Service also searches the centre with the dogs. However, searching during visits is one of the most effective strategies.

Mr MUIR: We monitor phone calls extensively through the Arunta system. We gather information using random and targeted urinalysis and the Arunta system—which allows us to monitor phone calls of suspect detainees. We then use that intelligence to determine whether we allow visits, whether they are box visits and under what regime the visit occurs.

CHAIR: The cross-bench members have indicated that they do not have any further questions in the Juvenile Justice portfolio area at the moment. Therefore, I propose that we have another 20 minutes of Opposition questioning and then move to the Justice portfolio at 7.30 p.m.

The Hon. CATHERINE CUSACK: Were you concerned at the Ombudsman's recent report about the ineffectiveness of police dogs in identifying drugs?

Ms MASON: It is not for me to comment, but I understand that the gist of the Ombudsman's report was that fairly small quantities were found. The Ombudsman took the view that it was a disruption of civil rights for not much gain. I do not comment either way on that. My understanding is not that the Ombudsman took the view that the dogs were not good at detecting contraband, but that the people searched did not have any contraband.

The Hon. CATHERINE CUSACK: We will never know how many people did have drugs that were not identified by the dogs unless they volunteer that information.

Ms MASON: It would be a big call to say that the dogs are not good at detecting drugs. You would have to take on a large number of burly fellows I would not like to tangle with if you wanted to disparage their dogs.

The Hon. CATHERINE CUSACK: In the Department of Corrective Services?

Ms MASON: In the department and in NSW Police; they are both very fond of their dogs and very proud of their skills.

The Hon. CATHERINE CUSACK: Is it an offence to try to smuggle drugs into a detention centre?

Mr MUIR: Yes.

Ms MASON: Yes.

The Hon. CATHERINE CUSACK: What is the penalty for that offence?

Mr MUIR: I would have to look at the legislation.

Ms MASON: We could find out; I do not have the Act with me.

The Hon. CATHERINE CUSACK: Why are people simply turned away rather than arrested and charged with committing an offence?

Mr MUIR: First, any drug finds are turned over to the police. Secondly, my staff do not have powers of arrest and my major interest is in preventing the entry of contraband into our centres. We find that if we have staff getting into confrontational situations with visitors, we may dramatically increase the risk. We have been running some joint operations, quite successfully, between the Department of Corrective Services, NSW Police and our own staff. Those operations have had varying returns. One returned nothing at all, and one was very successful in a person trying to bring a large amount of money into the centre. They were detected, they were prosecuted, and they were convicted.

The Hon. CATHERINE CUSACK: Is that the only conviction?

Mr MUIR: There have been other periodic drug convictions for people. But what police prosecute is a matter for them. Our policy is that every drug find is turned over to NSW Police.

Ms MASON: I could stand corrected, and you will have the opportunity to find out later. But I think Corrections, because of the scale, more commonly does joint operations where there are police there ready and waiting to arrest a person. If we had substantial intelligence that there was going to be some sort of drug drop-off, we could do such a joint operation, but it is not the role of our staff to arrest people's visitors.

The Hon. CATHERINE CUSACK: I not suggesting you should. But the visits by the drug dogs are random; they are not at the front of every centre every week. But when the dogs are there, they are at the front of the centre screening people who are coming in. My understanding is that people arrive with their drugs, and when they see Corrective Services officers with dogs many of them then leave, so they do not enter in the first place. But if they arrive and Corrective Services officers are not there, they will attempt to enter the centre and smuggle in contraband. Therefore their veracity in terms of assessing what drugs come into a detention centre is quite questionable, because only an idiot would attempt to smuggle in drugs under those circumstances. I know that there are idiots out there, but the majority of people simply drive around the car park and then they are off again.

Ms MASON: Again, I will not answer for Corrections staff. But I have actually been out at operations. I have been out at Long Bay where, despite the fact that there were drug dogs, police and,

in that case, four or five television cameras, people still went through carrying drugs. We can never underestimate human nature.

Mr MUIR: We have put in place a few other things. Visitors cannot bring things in. People cannot bring in food. When they come into a centre, even if Corrective Services staff are not there, they are required to put all the goods into a locker, and to lock that locker. The recent legislation clarified our powers to search. The powers to search are largely supermarket-type powers, whereby we ask people to empty their pockets, bags, and anything they might be carrying.

The Hon. CATHERINE CUSACK: But not open a baby's nappy?

Mr MUIR: That is a very invasive thing to be asking. We look at that—

The Hon. CATHERINE CUSACK: That is how they are coming in, though.

Mr MUIR: It is where you draw the limits of these things. Every visitor must now book. People cannot just turn up to a centre and have a visit; it must be pre-planned and booked. We have an intelligence section that can provide information on these people, and we have also limited the number of people who can come in on any one visit so our staff can more effectively supervise.

Ms LEE RHIANNON: Do you mean that visitors cannot bring in fresh fruit? Can they bring in anything at all?

Mr MUIR: They cannot bring in any food. For example, apples can be turned into bongs. We provide lots of fresh fruit.

Ms LEE RHIANNON: They cannot bring in anything at all?

Mr MUIR: No.

The Hon. CATHERINE CUSACK: You have indicated in the answers to questions on notice that 20 per cent of eligible detainees are random drug tested. Can you tell me the criteria of eligibility for being targeted, and in particular how long a person needs to be in a centre before?

Mr MUIR: The window period is 42 days. We find that if we test before that, particularly with cannabis, there can be a residue, which would simply provide us with false readings and would waste our resources.

The Hon. CATHERINE CUSACK: Would that not give you information about who is using cannabis? Is that not useful information?

Mr MUIR: If I can address two issues, the first being the detection of contraband in the centres. Yes, we know how many are using cannabis. In fact, we have very extensive statistics on the use of cannabis. Our assumption is that pretty well all the young people we are dealing with—and I am talking about 80 to 90 per cent—have tried or used cannabis. When we supply the Committee with the data on the health surveys, you will see that cannabis use is almost universal. So we do not really have to screen. Every person who comes through the front door goes through a health assessment.

If we are talking about how we deal with the use issues, they are dealt with via an assessment up front by Justice Health, our staff, and our drug and alcohol councillors, and we then enter into a therapeutic process. From the detection point of view, our detection processes are aimed at reducing contraband in our centres.

For people who have been there after that 42-day period, it is a random generation of that. In September last year we commenced targeted urinalysis. Staff can, at any point, identify young people who they think are utilising drugs—and we are particularly interested in young people returning from activities on leave—and they can nominate them for a targeted test. Those powers reside completely within the centre.

The Hon. CATHERINE CUSACK: How many of these detainees have been charged in relation to drug offences committed during their time in custody?

Mr MUIR: I will have to take that question on notice.

The Hon. CATHERINE CUSACK: You may also wish to take this question on notice. How many detainees have been charged in relation to staff assaults inside detention centres?

Mr MUIR: I can tell you how many have been referred to police. How many of those result in a charge would be a fairly extensive exercise and would require us to go back to NSW Police and ask NSW Police about the outcome of every referral we made to them.

Ms MASON: But it is our policy that if they assault staff, we inform the police in every case.

The Hon. CATHERINE CUSACK: But you are not aware how many people have been charged with the offence?

Ms MASON: No. It is a matter for police, in terms of the evidence, whether they consider there is a robust enough case.

The Hon. CATHERINE CUSACK: Can you tell me how many matters were referred to the police?

Ms MASON: Our records are of 62 assaults on staff last year. I will take on notice whether that exactly matches up with our figures.

The Hon. CATHERINE CUSACK: If you could also take on notice how many have been referred to police in relation to matters other than assaults inside detention centres.

Ms MASON: For offences within the centre, or for new charges for offences committed outside?

The Hon. CATHERINE CUSACK: Offences committed inside the centre.

Ms MASON: I cannot swear that we can find that comprehensively, but we will get for you whatever information we can.

The Hon. CATHERINE CUSACK: Is there a census of detainees in custody? I am thinking of the 30 June 2006 census, which shows, by centre population, the range of ages, gender, ethnic background, and the type of offence for which they are in custody. Do have a snapshot of the population?

Ms MASON: We can take a live reading from our database on any given date you want to nominate. I think Corrections has a 30 June regular census. If you care to nominate a particular date, we can do a snapshot of the composition of the population as at that date.

The Hon. CATHERINE CUSACK: And the type of offence. Perhaps a simple way to request that would be through classifications.

Ms MASON: I think classifications would be easier for us than types of offences.

Mr MUIR: We record every offence.

The Hon. CATHERINE CUSACK: Yes. Do you have any way of working out how many sex offenders or people on remand for sex offences are in the system?

Mr MUIR: Yes.

The Hon. CATHERINE CUSACK: Could I have that information for that date as well?

Ms MASON: Yes.

The Hon. CATHERINE CUSACK: Thank you. Could I have it by centre? I am particularly interested in how many are in Reiby Detention Centre, because it has the younger offenders.

Ms MASON: I believe that can be done. If it can be done, I will get you that information.

The Hon. CATHERINE CUSACK: Obviously do what is possible. I understand.

Ms MASON: On a point of clarification, as you would be aware, there is a broad spectrum of sex offences.

The Hon. CATHERINE CUSACK: I want the broad spectrum.

Ms MASON: So you want the whole caboodle—everybody from the person who exposes themselves in a park—

The Hon. CATHERINE CUSACK: Correct. Is it possible to get the ages of the sex offenders? Could you group them according to age?

Ms MASON: Do you want us to match them up?

The Hon. CATHERINE CUSACK: Yes, rather than worrying about centres. Is that possible?

Mr MUIR: Do you want offence by age?

The Hon. CATHERINE CUSACK: Yes.

Mr MUIR: Rather than offence by centre?

The Hon. CATHERINE CUSACK: No, this request is different from my earlier request.

Mr MUIR: Okay. So you want centres by classification and by ethnicity but you want one report on sex offenders by age.

The Hon. CATHERINE CUSACK: Correct.

Ms MASON: We will certainly do our best. If it makes the steam-driven computer blow up, I will not take responsibility.

The Hon. CATHERINE CUSACK: Thank you. I would be very interested in that information. In answers to questions on notice you say that 60 people were transferred to Kariang Detention Centre in the last financial year. Can you advise how many were transferred back from Kariang?

Ms MASON: Twenty-five.

The Hon. CATHERINE CUSACK: Do you conduct evaluations of drug services—community-based drug and alcohol treatment programs?

Ms MASON: Yes. Do you mean the residential ones—PALM drug and alcohol?

The Hon. CATHERINE CUSACK: Yes. Do you have any evidence that they are making a difference in terms of reducing drug use?

Ms MASON: I have a note on that.

The Hon. CATHERINE CUSACK: I ask that question because sometimes evaluations say the service saw 20 clients but they do not tell us what benefits were derived from those visits. "Evaluation" is a pretty broad term.

Ms MASON: To answer in broad terms—we can possibly give you more details later—the evaluation was far from cursory. The evaluation that I have read—and it was sometime ago—was extremely thorough. It went into all kinds of regression analyses and that sort of thing. My understanding is that certainly in terms of drug use there was evidence that it had reduced or the desired outcome had been produced. But I can perhaps get you those results with a bit more clarity on notice.

The Hon. CATHERINE CUSACK: Thank you. Do you have statistics about supervised orders—the number of supervised orders, for example?

Ms MASON: The number that are in train at the moment?

The Hon. CATHERINE CUSACK: Yes. I would be quite interested to know how many staff are working in the community undertaking duties in relation to supervising people who have been released from detention or who are on a community-based order, and how many orders they are administering. Is it possible to get that information by region?

Mr MUIR: Yes. The people working in the community have a range of duties—more than just supervising orders. They also write background reports for courts and assist courts in bail matters. Yes, we can do that. You want the number of people working in the community and the number of orders they are supervising.

The Hon. CATHERINE CUSACK: Yes—by region. Is it possible also to get staffing by region for community-based services?

Ms MASON: When you say "community-based services" do you mean our staff or the services that we fund?

The Hon. CATHERINE CUSACK: I mean Juvenile Justice staff who are not working in a detention centre or a regional office but who are providing other services.

Ms MASON: Staff working in community offices.

The Hon. CATHERINE CUSACK: Correct.

Ms MASON: Sure.

The Hon. CATHERINE CUSACK: Thank you. Those services have been restructured. Is that correct?

Ms MASON: It is in the process of happening, yes.

The Hon. CATHERINE CUSACK: Have you finalised the structure? What will it look like?

Ms MASON: Yes. That was the subject of extensive negotiations with the PSA. It finally got signed off some months ago.

The Hon. CATHERINE CUSACK: Is it possible to make that information available to the Committee, or is it confidential?

Ms MASON: I think it is on the intranet or the Internet—our web site—but we can make that available.

CHAIR: Thank you for your attendance this evening. The committee secretariat will contact you with a list of questions that you have taken on notice or any additional questions that the

Committee has. You will have 21 days from the date on which you receive those questions from the secretariat to provide a response.

(The witnesses withdrew)

IAN McLEAN, Acting Commissioner, Department of Corrective Services,

GERRY SCHIPP, Deputy Commissioner, Corporate Services, Department of Corrective Services,
and

LUKE GRANT, Acting Deputy Commissioner, Offender Management and Operations, Department
of Corrective Services, on former oath:

VALDA JUDITH RUSIS, Regional Executive Director, South West Region, Department of
Corrective Services, affirmed and examined:

CHAIR: I declare this part of this evening's hearing open to the public. We will be looking at the portfolio area of Justice. I remind the other witnesses they are giving evidence on their former oath or affirmation. The Committee has decided to have 20 minutes of questioning starting with the Opposition, then the crossbench and then the Government, and we will keep going around until we run out of time. I will now ask the Opposition to commence with their questions.

The Hon. DAVID CLARKE: Mr McLean, could you tell us how many staff have been HealthQuested in the past year? In other words, how many have left the department because of their health?

Mr McLEAN: We do not have those figures available at the moment. I am quite happy to provide them to you. I will take it on notice.

The Hon. DAVID CLARKE: None of your advisers here have those figures?

Mr McLEAN: Not on hand.

The Hon. DAVID CLARKE: So you will get those figures and you will come back to us?

Mr McLEAN: Yes.

The Hon. DAVID CLARKE: What sort of physical ailments would have them deemed unfit to handle their jobs?

Mr McLEAN: That is supposition partly on my part. But I am quite happy to say that it would be such things as physical ailments through to various medical conditions of any person. It is also such things as stress at times, there is no doubt about that; that would be the process of why people are unfit—numerous complaints. But, again, supposition as to the total gambit of what that would be.

The Hon. DAVID CLARKE: But there would be guidelines, would there not?

Mr McLEAN: Each person is judged on their merit by HealthQuest. When the person is looked at there is a series of reasons why a supervisor or the department, if not the supervisor, would be concerned about sick leave. In most cases they would be looked at and they would be referred to HealthQuest and, as a result of that, we take advice from medical practitioners.

The Hon. DAVID CLARKE: When you say they are dealt with on their merits, are you saying that people who have similar ailments can be dealt with in a different way?

Mr McLEAN: Again, I am not a medical practitioner but I am quite comfortable in saying that at the end of the day everybody is different in their makeup and obviously when a person attends a medical practitioner of whatever description it is for that advice to come back to us.

The Hon. DAVID CLARKE: Where is Commissioner Woodham now?

Mr McLEAN: We provided that in the answers to the questions on notice and other questions in there. I believe that is there for you.

The Hon. DAVID CLARKE: As of today I mean?

Mr McLEAN: As of today, as per the answers that we have provided to you, he is still, at this stage, off on leave.

The Hon. DAVID CLARKE: What sort of leave is that? Is that sick leave?

Mr McLEAN: It is a very personal nature of any person when they are off on leave and I believe that under the guidelines that is as far as I am prepared to go in answering your question.

The Hon. DAVID CLARKE: You cannot say whether it is sick leave?

Mr McLEAN: No, I do not intend to.

The Hon. DAVID CLARKE: You say that is a private matter?

Mr McLEAN: Yes, it is. And I think each person is entitled to that.

The Hon. CATHERINE CUSACK: With respect, the answers were not provided on time at five o'clock, they have only just been made available to the Committee.

Mr McLEAN: It is my understanding we did provide them.

The Hon. CATHERINE CUSACK: We only received them after the hearing had actually commenced at six o'clock, so you should not presume that we have had time to read all the answers.

Mr McLEAN: Also, at an earlier stage in the first hearing, the Minister provided quite in-depth answers on that matter.

The Hon. CATHERINE CUSACK: Yes, but not about where he is today. The Minister did not tell us where he was going to be today. That is what Mr Clarke is asking now.

The Hon. IAN WEST: Is there some relevance to the question?

The Hon. CATHERINE CUSACK: I think there is a contrariety in the answers to the question and that is why so many questions need to be asked.

CHAIR: There is a provision in the guides for budget estimates that where there is concern about the nature of a question intruding on the privacy of a person, then the person being asked the question can object to it. That is in paragraph 4.11. I presume that is what you are referring to, Mr McLean?

Mr McLEAN: I am, yes.

CHAIR: In that case, where a person has raised an objection then that is a legitimate ground to object to a question.

The Hon. CATHERINE CUSACK: Mr Woodham is the director general of the department—a very important position in your organisation. Do you anticipate he will be returning to your department?

Mr McLEAN: Most certainly. There is no question about that.

The Hon. CATHERINE CUSACK: Do you know when he will be returning to the department?

Mr McLEAN: Again, it is in the answers. We have provided the answers on pages 38 and 39. At this stage I will be sitting in his position—I am quite comfortable saying that to you—until 2 October.

The Hon. DAVID CLARKE: How long have you been the acting commissioner?

Mr McLEAN: About the middle of July. I would not be able to specifically tell you the date, but about the middle of July.

The Hon. DAVID CLARKE: When you are appointed acting commissioner is it for a specific period?

Mr McLEAN: Like I said earlier—I am prepared to answer this part—the commissioner originally went on leave and during that period of leave he contracted some infections and some illness and, of course, his return depended on that. But, as I said earlier, it is of a personal nature.

The Hon. DAVID CLARKE: You have been acting commissioner, did you say, since the middle of July?

Mr McLEAN: That is correct, yes.

The Hon. DAVID CLARKE: Prior to the middle of July was there a time when you were acting commissioner?

Mr McLEAN: Over the last six years at various times that has been the case in my role as assistant superintendent before the restructure and in my role as deputy commissioner, which is my normal current role. That does occur from time to time, yes.

The Hon. DAVID CLARKE: Can you provide us with details of the periods that you have been acting commissioner in that period of six years that you have just indicated to us?

Mr McLEAN: I think at this stage, again, coming back to what we asked for before of the Chair, I would be reluctant to do that. So I would say no.

The Hon. DAVID CLARKE: Are you saying that you cannot tell us the periods that you have been the acting commissioner of the department? You are objecting to answering that?

Mr McLEAN: At times I can provide where I have acted for a day.

The Hon. DAVID CLARKE: I am sorry?

Mr McLEAN: Sometimes we act for a day, sometimes we act for two or three weeks. Other times, like this time in particular, I think I will take it on notice.

The Hon. DAVID CLARKE: So you will provide us with that information, the periods that you have been acting commissioner over the past six years?

Mr McLEAN: Yes. I will take it on notice.

The Hon. CATHERINE CUSACK: If I give you these answers that we have been given can you please indicate to us where the answers in relation to the question are, because there does not appear to be a page 28 in these?

Mr McLEAN: If you go to question 5, and that is also on pages 38 and 39 of the transcript from the last hearing.

The Hon. CATHERINE CUSACK: So page 38 is in the transcript. Where is the answer in these documents?

Mr McLEAN: Page 1 of 26. If you would like we can go through that for you, as you suggested.

The Hon. CATHERINE CUSACK: So the answer that you are given us is, "Commissioner Woodham's leave details are considered to be a personal matter. In 2005-06 Mr Woodham has submitted leave applications and has been absent on the correct leave in accordance with public sector leave conditions". There is no information in that at all.

The Hon. DAVID CLARKE: Do you know whether Commissioner Woodham has entered a new five-year contract?

Mr McLEAN: I will take it on notice.

The Hon. DAVID CLARKE: If he has, when was that contract entered into?

Mr McLEAN: I will take that on notice.

The Hon. DAVID CLARKE: If Commissioner Woodham was to retire at any time in the near future, would it be the case that there would be a payout of more than \$1 million?

Mr McLEAN: For one, he is certainly not going to retire, to my knowledge, in the near future, and not to the knowledge of anyone else, that I am aware of, here today. In terms of payout, that is very personal details. Everyone is entitled to that as an individual, and again I refer to that through Madam Chair.

The Hon. CATHERINE CUSACK: Has Commissioner Woodham signed a five-year contract?

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

The Hon. CATHERINE CUSACK: There must be somebody in your organisation who knows if the Department of Corrective Services has an agreement for a head of its agency for the next five years?

Mr McLEAN: That is a personal agreement between the Minister—

The Hon. CATHERINE CUSACK: No, it is not a personal matter, with respect—

CHAIR: Order! It is budget estimates to ask questions, not to badger witness. Would you please let me Mr McLean answer the question and you then may follow up with another question.

The Hon. DAVID CLARKE: When you say you will take a question on notice, are you saying that you do not know whether he has entered a five-year contract?

Mr McLEAN: That is certainly not to my knowledge, no.

The Hon. DAVID CLARKE: To your knowledge he has not entered a five-year contract?

Mr McLEAN: No, it is not to my knowledge. I do not know, and that is why I have taken it on notice.

The Hon. CATHERINE CUSACK: Is there another person at the table who would be aware whether a five-year contract has been signed?

Mr McLEAN: With respect, I believe I have taken it on notice to provide you with that.

The Hon. CATHERINE CUSACK: Yes, I am asking whether another person who is a witness to this committee can provide the information?

The Hon. EDDIE OBEID: Madam Chair, for the member's personal knowledge, a head of a department negotiates a contract with the Premier's Office and the head of the Premier's Office, Dr Col Gellatly. It is done by a tribunal with a number of people; it is not personal knowledge that members of the department would be au fait with.

CHAIR: Thank you for that contribution the Hon. Eddie Obeid. It may help to clarify the matter, but Mr McLean has indicated that he is taking that question on notice and the committee will get a written response.

The Hon. EDDIE OBEID: He would not know.

CHAIR: If he does not know I am sure he will refer it to the commissioner when he is available.

The Hon. DAVID CLARKE: Do you say that you will take on notice as to whether any other person here has knowledge of whether there is a contract, or will you ascertain from other members of the department whether any of them are aware?

Mr SCHIPP: I was just scanning through the department's annual report because, as you would know, public sector annual reporting requirements are fairly—

The Hon. CATHERINE CUSACK: transparent—

Mr SCHIPP: transparent and there are requirements to publish performance statements, for example, as well as curriculum vitae in relation to senior executive service members. I was scanning the annual report and there is no mention of the period of contract, or the date that that contract might have been signed in any of that information. I think it would be fair to say that it is a little bit questionable as to whether that information can be provided or whether it would come under the privacy conditions or the rights of the individual to keep that information private. I would suggest the best bet would be for us to take it on notice. If we are able to provide the information we will. If we are not able to provide the information we will provide that response.

The Hon. DAVID CLARKE: Do you say that the question of whether the commissioner of a department is on a contract is a privacy matter?

Mr SCHIPP: No, the period of contract and the commencement date.

The Hon. DAVID CLARKE: Do you say that the period of a contract of the commissioner of a department is a privacy matter that this committee is not entitled to know about?

Mr SCHIPP: No, I am saying the fact that I cannot find that information in the annual report, which actually requires a lot of information to be provided in respect of that SES and CEO position, does not include that information and so I question as to why it is not included and it may very well be because there are privacy issues. So by taking the question on notice we can examine whether there are any privacy issues associated with that question. If there is not we will provide the information. If there is we will provide that information in the response to matters.

The Hon. CATHERINE CUSACK: Do you have that information?

Mr SCHIPP: I do not have it on me.

The Hon. CATHERINE CUSACK: No, I ask do you know the answer but you are not sure you should tell the committee, is that right?

Mr SCHIPP: No, I do not know the answer. I was looking for the answer in the latest copy of our annual report, knowing that there is a lot of information that is published in relation to contracts. I could not see it in a quick scan of the annual report, and the fact that it is not there leads me to indicate that there could be a reason why it is not there.

The Hon. CATHERINE CUSACK: Is he the substantive occupant of the position of Director General of Corrective Services?

Mr SCHIPP: The position is commissioner.

Mr McLEAN: Again, he is not the director general, that is correct. But he most certainly is the Commissioner yes.

Mr SCHIPP: I think the annual report for 2004-05 points that out. It has him listed as the commissioner, describes Commissioner Woodman was appointed on 9 January 2002. He has extensive senior executive experience in Corrections, most recently as senior assistant commissioner, inmate and custodial service with the department. The commissioner is responsible to the Minister for all the department's activities. There are annexures to the annual report that have a performance statement that is signed by the Minister which goes into, once again, an enormous amount of detail as to what the commissioner has achieved during that period.

The Hon. CATHERINE CUSACK: We are aware that the term of his appointment was in 2002 and as of 2003-04 he was the commissioner. I am asking about now and into the future: that the is where our questions relate.

Mr SCHIPP: That is fine but, as I said, the acting commissioner has taken that aspect on notice and your further questions about whether it can or cannot be provided, because the information is not actually published—

The Hon. CATHERINE CUSACK: With respect, I have no question at all in my mind in relation to estimates that the term of the contract can be provided and is commonly provided. It is an amazement to me that you would seriously suggest that the term of an SES or a CES contract might be private information not available to this committee. These appointments are published in the *Government Gazette*.

CHAIR: You should have looked it up in the *Government Gazette*.

The Hon. CATHERINE CUSACK: It has not recently been published and sometimes the Government takes six months or a year before it gets around to giving us that information, and that is why I am asking about it in this estimates committee.

CHAIR: And it has been taken on notice so perhaps you might move on.

The Hon. EDDIE OBEID: That contract was probably done in 2002.

The Hon. IAN WEST: And one day he will resign and there will be another commissioner.

[*Interruption*]

The Hon. EDDIE OBEID: It is only published once when the contract is renegotiated.

[*Interruption*]

The Hon. EDDIE OBEID: Let me to the best of my knowledge explain to you how it works.

[*Interruption*]

CHAIR: Order!

The Hon. DAVID CLARKE: What can you tell this committee about a vicious stabbing incident in John Moroney prison yesterday?

Mr McLEAN: Sorry, it was just a bit noisy could you repeat that.

The Hon. DAVID CLARKE: What can you tell this committee about a vicious stabbing incident in John Moroney prison yesterday?

Mr McLEAN: I can say that on the running sheets there was a stabbing incident. That is reported through to the deputy commissioner position and I am advised of that. That person went to hospital and investigations always pursue from any incident in terms of assaults or serious assaults. And that is what is occurring at the moment.

The Hon. DAVID CLARKE: What was the weapon used?

Mr McLEAN: Again, that is in the investigation. It was obviously an instrument that was sharp. I have not been informed of what the actual instrument was.

The Hon. DAVID CLARKE: How did the weapon come to be in the possession of the inmate?

Mr McLEAN: Again, that is a difficult one until I am advised through the investigation. That is always something that is difficult to be able to answer to you today. It is not that I do not want to answer that, it is just subject to the investigation and we will be talking to many inmates and staff on that matter.

The Hon. DAVID CLARKE: How long after this inmate was released from solitary confinement did the attack happen?

Mr McLEAN: I would have to take that on notice.

The Hon. DAVID CLARKE: How many prisoner assaults have there been in the system in each of the past two years?

Mr McLEAN: One thing that I will commence with in the answer is the fact that assaults within the system are at the lowest level that we have had for many years. That history shows a reduction right across this year as well. The Department of Corrective Services has a number of strategies and programs to reduce assaults which target anger management, behaviour management and violence prevention. But the fact is the department supervises some of the highest risk inmates in the country. I think you understand the nature of our business. More than 98 per cent of recorded assaults are minor assaults. That does not mean we make light of serious assault in any way.

The Hon. DAVID CLARKE: I do not mean to be rude, but I am not talking about trends, but about the numbers. Will you provide the number of assaults of prisoners in each of the past two years?

Mr SCHIPP: If I had a copy of the budget papers—it is published in the budget papers.

Mr GRANT: In relation to assaults, there are a series of categories of assaults in the budget papers. The rate is expressed as a rate per 100 inmates. For the category of inmate on staff assault, for serious assault there have been no assaults in that category in the period 2003-04.

The Hon. DAVID CLARKE: Can I be a bit specific to save you some time. I am talking about assaults by prisoners on other prisoners?

Mr GRANT: Okay. That is also divided up into categories of serious and general assaults. The largest figure is inmate on inmate assaults and I have the rates for the years 2003-04 down to 2005-06, three financial years in a row—13.57, 11.88 and 11, so that demonstrates a reduction in the number of assaults on inmates in the last three consecutive years.

The Hon. DAVID CLARKE: And is the classification system used the same in each of the three years or has there been a variation in the classification system used?

Mr SCHIPP: It is the same and in fact it is consistent with the information provided under strict accounting rules to the Productivity Commission for the report on government services.

CHAIR: We will now go to 20 minutes of crossbench questioning and we will start with 10 minutes from Mr Breen.

The Hon. PETER BREEN: Mr McLean, at the last budget estimates hearing on 28 August there was a question raised about all-day visits to the Emu Plains Women's Prison. Questions were asked about the extent to which the women wanted to have all-day visits and whether or not the department agreed with that. Some evidence was given which indicated that the prisoners were behind the changes whereas it seems to me from discussions I have had, certainly with Justice Action, that prisoners prefer the old arrangement where they can spend all day with their visitors, particularly children. Can you indicate whether there has been any development since the last budget estimates hearings?

Mr McLEAN: On the questions that we provided on notice, on page 1 of 26, you will find that an answer has been provided there and I can read that to you, if you like?

The Hon. PETER BREEN: Is it a brief answer?

Mr McLEAN: Yes.

The Hon. PETER BREEN: If you would not mind.

Mr McLEAN: Visiting arrangements for each correctional centre are determined according to a variety of factors, including the physical structure of the visiting area, the number of the visitors expected, classification of offenders in custody and the type of visitors attending, for example, children. Visiting arrangements may also vary within a correctional centre according to the different classification of inmates held at the centre. There is no statewide movement towards any particular visiting arrangements however there are two correctional centres that are currently considering booked visits, as you are aware—Emu Plains and Brewarrina. That is not counting maximum security facilities, which you may be aware do have booked visits.

To answer your question even further, we split the full-day visits into two three-hour visits. Children visiting inmates will be able to spend more time having a proper lunch and visitors can attend both sessions. This was discussed with the Inmate Development Committee, which comprises inmates, on at least two occasions before the implementation of the split visits on 21 May 2006. The general inmate population had three weeks notice of the change in the visiting arrangements and no objections were raised by the Inmate Development Committee or any inmates prior to the implementation of the split visits.

Also, I will run through the phone time limits at Emu Plains. Phone calls were limited to 10 minutes because there was a real problem with the 30-minute bar between the calls. That was of concern. Now, more inmates will be able to access the phones. There is no problem with that. I think that has been received very well at the centre. That change was made at the request of the Inmate Development Committee. They submitted that some inmates were monopolising the phones and that made it impossible for everyone to have a fair length of time in accessing the phone system. We are still currently considering further changes to the visiting scheme at Emu Plains to further improved the visits.

The Hon. PETER BREEN: Is there a possible review of the split day visits and returning to the all-day visits?

Mr McLEAN: I am aware that pamphlets were handed out to visitors on behalf of Justice Action and normally we would request that those activities go through the department and if we are aware of that we may be able to assist in that, but at this stage there are no more changes envisaged. Reviews will obviously take place through such committees as the Inmate Development Committee plus the management of the centre.

The Hon. PETER BREEN: Is there not a new committee in place to review the visiting arrangements?

Mr McLEAN: Across New South Wales?

The Hon. PETER BREEN: No, just at Emu Plains?

Mr McLEAN: Val Ruis also works in that area so she may be able to assist.

Ms RUSIS: Yes, there is. The assistant commissioner for that region, which is my region also, Ken Middlebrook, was out recently speaking to the general manager, to hear all sides about it, and he is happy to review it. If there were consensus that it is unsatisfactory, he would act on that. There are ongoing negotiations about it. There are pros and cons. We are getting conflicting views about it. Some visitors are saying it is a really good thing because it means that we are not there all day under a lot of pressure because we need to go and do other things too with the children, school sport, whatever.

The Hon. PETER BREEN: Is there any prospect of a Justice Action representative being on that committee?

Ms RUSIS: There is a departmental view on that.

Mr McLEAN: I say no to that.

The Hon. PETER BREEN: Would you say no to that because of the problem of the Justice Action person who handed out the pamphlets that you referred to?

Mr McLEAN: No, it is not just that. The commissioner has a view and I will refer to him in relation to his access of Justice Action to the department in any matter, not just Emu Plains. That is my answer.

The Hon. PETER BREEN: Can you say who that person was who was handing out the pamphlets?

Mr McLEAN: No, I would not be aware of that.

Mr GRANT: If I could add, however, just in terms of representation of ex-offenders, there have been a number of developments recently where ex-offenders have been involved in discussions with the department. Whereas we would not accept Justice Action necessarily as a legitimate advocacy group for offenders, we have a position on the Women's Advisory Committee and have had for a period of time where an ex-offender has been on the committee. That membership is changing. We are about to re-examine how that committee operates. We are interested in making sure that the Women's Advisory Committee operates and it would be our intention to retain a position on there for an ex-offender so that there is an opportunity for that type of input.

The Hon. PETER BREEN: But that person will not be a representative of Justice Action?

Mr GRANT: No.

The Hon. PETER BREEN: Can I ask about the person who has been banned for handing out pamphlets?

Mr GRANT: In relation to the ban, there is a process for bans. Where people are banned, they are given an opportunity to provide some reasons why they should not be banned. That process has yet to be completed in relation to this matter.

The Hon. PETER BREEN: So this person has not been banned for two years?

Mr GRANT: I am not able to say at this stage what the terms of the ban were, however what I would say is that the matter has not been finalised yet and that process for deciding whether the bans will continue has yet to be determined.

The Hon. PETER BREEN: I am also banned, am I not?

Mr GRANT: I am not aware of that.

Mr McLEAN: Can you clarify what you mean by "banned"? In what area?

The Hon. PETER BREEN: Yes, certainly. For the last two weeks I have been trying to visit Phuong Ngo at Goulburn HRMU and each week I have been told that my visiting Mr Ngo is under review it. I take it that is a ban of some kind.

Mr McLEAN: Most certainly not. What it is at this stage, and I think you are aware of it—

The Hon. PETER BREEN: No.

Mr McLEAN: —is that Mr Woodham allowed one visit of yourself in the past, am I correct?

The Hon. PETER BREEN: Allowed one visit?

Mr McLEAN: Not in terms of a legal visit, but in terms of a visit.

The Hon. PETER BREEN: To Phuong Ngo?

Mr McLEAN: That is what I am referring to.

The Hon. PETER BREEN: I visit the prisons all the time. I visit three or four prisons on a fairly regular basis and I have had numerous visits with Mr Ngo, both at Silverwater and at the Goulburn HRMU, but only in the last two weeks have I been told that my visiting rights are under review, so in the context of the Justice Action ban, I wondered if I was in the same category?

Mr McLEAN: No, most certainly not. I am quite happy to say that that is not the case. You asked for a visit—correct me if I am wrong on the date—on Monday last?

The Hon. PETER BREEN: The last two Mondays I have tried to visit.

Mr McLEAN: I have reviewed those papers. I also take advice from staff within the HRMU, and at this stage I have not approved a visit for you. Also, I have not declined a visit. At this stage, I have not provided dates for you to visit the HRMU.

The Hon. PETER BREEN: Can I ask about Mr Ngo's incarceration? I think he has been in the HRMU since June 2003. The question in my mind is whether or not the decision to put him in the HRMU had any kind of end time on it. It seems to me that that is a long time, given the conditions in the HRMU. It is virtually a period of solitary confinement. There is no court review available; I know that.

Mr McLEAN: Security issues in relation to inmates placed in the HRMU are not something I am prepared to discuss at length with you, or even why those placements have taken place. There is certainly a program within the HRMU, and that is reviewed on a regular basis. The risk to the system, the risk of people within the HRMU that could go out into the system are all categories that are looked at by the oversight committee. Those final decisions go to the commissioner — in this case me. I have not seen Phuong Ngo come up in review of placement in the time that I have been acting commissioner.

The Hon. PETER BREEN: Is it likely that his incarceration would come up in the near future?

Mr McLEAN: I would have to check the date for you. I am quite happy to do that.

The Hon. PETER BREEN: Can you explain why there is a problem with my visiting — whether it is because of my status or because of some other aspects of the system that I am not aware of?

Mr GRANT: I am wondering whether it might be more appropriate to discuss those issues outside this forum. I would be very happy to talk with you about them, but I am not sure that this is the right place to talk about them.

The Hon. PETER BREEN: Well, there is a question about visiting generally. I mean, there seems to be some kind of hierarchy associated with the imposition of bans and reviews, and it is difficult for people, whether they are advisers or whether they are family members. If they cross some line in the sand, it becomes a problem for them. I am just curious to know what the rules are.

Mr McLEAN: As far as I am aware, the HRMU is the highest security facility probably within Australia in terms of its categories. We are very much aware of whom we accommodate within the system, and the requirements of DCS and me as commissioner to protect people within there and also to be cautious in the selection of who visits that area. There is a regime within there for the people and how they are managed. But, in terms of visits, I have not said to you during this process that you are banned. I reiterate that. I am certainly reviewing your applications in relation to visits there.

Mr GRANT: If I could comment generally about your question. I think it would be a mistake to assume that the approach to banning is ad hoc.

The Hon. PETER BREEN: It seems pretty ad hoc to me, with respect.

Mr GRANT: The number of people who visit inmates in correctional centres is extraordinary. An exceptionally large number of individuals visit in a year. The proportion of that number of people who are banned as visitors is very, very small. There is a mechanism for review and appeal in circumstances where someone is formally banned. A person can ask to have the decision reviewed, and reviews often are done on multiple occasions. If the matter is brought to my attention, it usually means it has gone through several other processes before in determining whether or not the ban impositions should be maintained.

Mr McLEAN: I can provide you with figures on how many have been banned, if you like.

The Hon. PETER BREEN: I feel as though I have taken up too much time. But thank you anyway.

Ms LEE RHIANNON: What measures do you have in place to ensure that prisoners who transfer from interstate retain the classification they had in those other States?

Mr GRANT: I am not sure that that would be an appropriate thing to do. The question assumes it is appropriate for someone from one State to maintain the same classification rating they had. Different systems are in place. There is no national unified classification system. There are different sorts of categories State by State. We complete an objective assessment of each person. That assessment is completed within a short time of their arrival in the State and on the basis of the rules that we apply to classification. Having regard to that person's circumstances, the length of sentence and other factors, we make a decision about that person.

Ms LEE RHIANNON: You say you make an objective assessment. Do you look at their interstate classification, even if you are not going to accept it, and do you look at the programs that those persons went through, as well as any other matters arising from their incarceration in any other State that some people would think would be relevant to their status in New South Wales?

Mr GRANT: We receive some information when people transfer from State to State, and that information is available to people making classification decisions. They then apply a set of rules for classification that are based on a scoring system. They look at the nature of the offence, stability factors, program participation, and historical matters, and all of those things contribute to giving a score that will allow someone to be in a particular environment. The committee can overrule that scoring system if it believes other factors need to be taken into consideration. Ideally, if that information is available to the committee, it could take it into consideration. I see nothing to exclude that information being taken into account.

Ms LEE RHIANNON: To what extent do the New South Wales authorities, the people who work under you, actively pursue that information? Otherwise, you would have a prisoners saying, "I did this program and I did that program," and most likely your people will not believe him. Do you actively pursue information on the programs that the person did?

Mr McLEAN: The final decision on the transfer comes to my position. I assess the documentation in relation to any interstate transfer. In doing so, I very carefully study the programs in the case plans, especially, as Mr Grant said, where there are discrepancies and variances within the States. We acknowledge that. But, at the same time, I have to be cautious whether the person is coming into New South Wales or leaving New South Wales on programs.

To answer your question, I most certainly do study completion of relevant programs. They may be anger management, or a program for a sex offender, and there may be need for people to look at a series of matters in relation to violence, domestic or whatever. I have to satisfy myself, whether they are leaving or coming, that those programs reached a level that I am comfortable with. That is the advice provided to me on each transfer.

Mr GRANT: I would like to add something to that. In the past there has not been a great prospect of actually communicating State by State about the value of an individual program. Starting about two years ago, we sat down with all of the States and developed a common set of standards for programs. We are now talking about accreditation of programs, with the prospect of having a national accreditation system. That is because when someone says, "I have done an anger management program," that could have been a two-hour program in one State or, for us, a violence intervention program running for 11 months.

Without standards on language and accreditation, it has been quite difficult to make those assessments State by State. We have a particular task force at the moment looking specifically at sex offender treatment programs, and the accreditation of those programs. We have already agreed to a national set of standards in terms of programs that will help us to understand what those programs are State by State.

Ms LEE RHIANNON: Mr McLean, you said all these transfer cases come across your desk. Are you aware of the case of Wayne Clark, who came from Queensland? He has raised concerns that the self-improvement programs and other programs related to drug and alcohol that he had undertaken were not taken into consideration when he was being classified. Do you remember that case?

Mr McLEAN: I believe Mr Clark is at the Kirkconnell Correctional Centre. I think that is where he is, if I have the right person. On every occasion I have dealt with each case on its merits taking into account programs that they have completed. I believe Mr Clark had one particular course that I wished him to complete, and I nominated that and stated that on the return papers that went back to him.

Ms LEE RHIANNON: Is this a program that he completed in Queensland, or when he came to New South Wales?

Mr McLEAN: I have put that down for him to complete before he returns to Queensland, which he is requesting. That is the understanding I have, but I can take that on notice.

Ms LEE RHIANNON: Are you saying that he wants to return to Queensland? I understood he wanted to be in New South Wales to be with his family, but he is very concerned at the way he is being treated because of this classification issue.

Mr McLEAN: I will take that on notice to ensure that I give you the right information and to go through it with you. I am quite comfortable to give you the full background.

Mr GRANT: There is a remedy as well. If someone feels that the appropriate facts have not been taken into consideration when a classification decision has been made, they can have that matter reviewed as well. I am happy to take up that matter in relation to this individual inmate or I would encourage you, if you have had some submissions from that person, to make those available to me and I can cause that matter to be reviewed.

Ms LEE RHIANNON: We have written to you about that but I have not received anything back from you.

Mr GRANT: I am unaware of the letter but there is a process and we can review it.

Ms LEE RHIANNON: When you say it can be reviewed, how long does that take? If a prisoner wants their case or the classification reviewed how long does it take?

Mr GRANT: The person in the first instance must establish that there is information that has not been taken into consideration or changed circumstances. We do not encourage regular reviews of everyone so it is an exceptional case when it happens. There is no fixed time frame but I do not imagine it would take very long. In the first instance it goes to the director of classification who can make that determination. If there is an issue or concerns he has the delegation to make a classification change.

Ms LEE RHIANNON: What are the guidelines for lock-downs in New South Wales prisons? Are they the same for private and State prisons?

Mr McLEAN: Again, we have provided an answer to the question as requested on notice, but I am prepared to go through that with you because it is very important.

Ms LEE RHIANNON: If the guidelines are there—

Mr McLEAN: They definitely are.

Ms LEE RHIANNON: Who decides whether there will be a guideline? Does it come to you, is a decision made prison by prison, or does it have to go outside the prison for permission to have a lock-down?

Mr McLEAN: Every centre, depending on its classification, has a process of restricted access protocols. That varies from a maximum facility through to a minimum facility. The protocols are gauged and judged by the general manager or an advice from his security manager within that centre on a daily basis if a lock-down is necessary. If we take a maximum security facility, there is an opportunity in the new package we have called the Way Forward to do what is called rolling let goes. A rolling let go is on a day for several reasons. It may be staff shortage; it may even be on a search day when we still wish inmates to be able to exercise. In that process the inmates are moved from unit or wing through the centre, enabling a larger group of staff—it provides safety for staff as well obviously—to provide them with some time and then move on to the next one.

On a normal day rolling let goes move through the whole centre of a maximum facility or a medium facility and in doing that lets the entire inmate population out. What you are asking in terms of a lock-down day, that can be partial where it may only be for a couple of hours of a day or half of the day or the whole day. As I said, in the maximum and medium facilities that is for reasons of staff shortage or perhaps security searches, et cetera. There is a need within minimum security facilities to look carefully at lock-downs. In general, in minimum security facilities lock-downs are referred to in a different manner. This is a difficult one to explain on a short basis, but work programs take the place of what occurs in a maximum facility. It is a better response for us to move inmates out to their programs because that is a much more open environment. I think that probably explains the situation.

Ms LEE RHIANNON: Can you run through the reasons for lock-downs? Apart from staff shortages, what other reasons are there for lock-downs?

Mr McLEAN: There are many reasons for it. Staff shortage is one reason. Another reason is security during monthly searches or daily searches that are required within facilities. There are also training days provided for staff. During those training days sometimes it is necessary to free up staff. Be mindful that we also have cost restraints, like other departments. We also have an obligation to train staff. So that is another cause for it. Again, during the restricted access protocols at any time I think you will find that where possible inmates are exercised and the opportunity on all occasions is there for medical treatment and for feeding of all staff.

Mr GRANT: We also monitor lock-downs on a regular basis. There is a requirement for lock-downs to be reported. They are reported to a central point.

Ms LEE RHIANNON: Are they reported publicly?

Mr GRANT: No, they are reported to the operational executive in the organisation.

Ms LEE RHIANNON: But not publicly available?

Mr GRANT: Individual centres? What are you asking? We publish the figures in the report on government service in terms of time out of cells as an aggregate figure but we do not break it down. It would be a complex and reasonably meaningless thing to say that pod number three was closed on Tuesday for four hours. That is the type of information that we collect routinely and we do not put it together to provide a report but on a daily basis. We have a daily report that tells the people who have access to it, the managers including Mr McLean and myself, if a lock-down has occurred in a correctional centre. If we are concerned that there have been more lock-downs than we would like to see then we would investigate that matter and ask for the reasons they took place.

Ms LEE RHIANNON: So you could not give the number of lock-downs for Long Bay over the past year—how many lock-downs there have been for a whole day, for a half day, or for a couple of hours?

Mr McLEAN: That is very difficult to provide. We have provided an answer, which has been referred to by the Hon. Peter Breen. At the end of the day we find that some lock-downs are for a minimal time. It could be for half an hour to enable staff to come on if there is a staff shortage or whatever. The object is to maintain as much time out of cells as possible.

The Hon. EDDIE OBEID: Your departmental staff are often in the spotlight. Can you tell us more of the positive things that you are doing and achieving?

Mr McLEAN: The department's work is very hard work, and departmental staff deal with some of the most difficult and damaged people in our community. As a manager I am well aware of that. Competent and efficient individuals, however, make for a competent and efficient organisation. It is to be expected therefore that the department will from time to time receive awards for its contribution as an organisation to the welfare of the people of New South Wales. I am pleased to report that in recent years the department has been recognised by various bodies for some of the outstanding work performed by staff.

For instance, in 2004 the department, together with the New South Wales Attorney General's Department, received a silver award in the Premier's public sector award scheme for that year. The award was achieved for introducing the video conferencing scheme. In 2005 the department went one better than it did in 2004, winning a gold award in the Premier's public sector award scheme. The gold award was in the category of social justice and was won for the department's Yetta Dhinnakkal program at its correctional centre at Brewarrina in north-west New South Wales.

The Hon. IAN WEST: What sort of program is that?

Mr McLEAN: For the Yetta Dhinnakkal program, under the commissioner's guidance we purchased a property near Brewarrina in northern New South Wales. It is a 26,000-hectare property, mainly for young Aboriginal offenders. It has proved unbelievable in the success that we have had with people who have in the past been difficult to manage in other areas, especially in a family situation. They go to work on a regular basis. The work ethic that has been developed by those young Aboriginal people in those areas is unbelievable. I know that Ron Woodham is very proud of the program. As you can see, it has been recognised by the Premier's gold award. The staff who work there are committed to the point that they work long hours. They work in a very hot climate. They are on a first-name basis with the trainees and they work as a community.

In 2005 the department's Metropolitan Remand and Reception Centre [MRRC] and Justice Health jointly received the efficiency of service provision award and the Minister's award at the

Baxter 2005 New South Wales Health awards. The Baxter awards were established in 1999 to showcase New South Wales Health's commitment to quality, innovation and excellence in health care. In 2005 there were 229 entries for the various Baxter awards. The department and Justice Health received the award for a project aimed at improving access for inmates at the MRRC to mental health services. That is not a light achievement.

In 2006 the department's Metropolitan Remand and Reception Centre [MRRC], and Justice Health received a joint award. On this occasion the MRRC and Justice Health received a Suicide Prevention Award from Suicide Prevention Australia. The award was received for action taken at that centre to reduce the number of suicides at the centre. The Metropolitan Remand and Reception Centre processes most of the State's new receptions every year. Persons remanded in custody are often still under the influence of drugs. They are often confused and scared, or feel bitter about their fate. As such, they are often at extreme risk of committing suicide.

There were no suicides at the MRRC in 2004. Regrettably, there was one in 2005, but only one. To date there have been no suicides in 2006. That award is not taken lightly by either me or the commissioner. Suicide Prevention Australia is a non-government organisation, working as a public health advocate in suicide prevention. This year Suicide Prevention Australia was chosen from across the whole Government sector in Australia—local, Territory, State and Federal—as a public sector organisation to receive its award for suicide prevention.

Suicide Prevention Australia gives an award to celebrate the many positive things being done to prevent suicide. The awards are called Life Awards. One of the functions of the department's probity staff development division is to set up structures and procedures to prevent corruption. In September this year the department was presented with an award by the Corruption Prevention Network, an organisation established in 1994 by the New South Wales Independent Commission against Corruption and the New South Wales Audit Office to provide opportunities for organisations involved in corruption prevention to learn from each other. Temptations to Correctional staff to become corrupt or to be manipulated by offenders are many. People must always be on alert not to be ensnared in corrupt conduct. The winning of this award demonstrates that corruption prevention is, and will continue to be, a constant priority of the department.

The Hon. DAVID CLARKE: Do you have figures of the number of clerics from each religious faith with access to prisoners in the New South Wales prison system?

Mr McLEAN: I think you will find the answer to that has been provided to you today.

The Hon. CATHERINE CUSACK: If they had been provided in a timely manner we would have been able to read them.

CHAIR: That is a matter for the Committee to deliberate on later. If you would stop interrupting answers and let—

The Hon. CATHERINE CUSACK: I am simply explaining that that is not informative because we have not read those answers. It was physically impossible.

The Hon. DAVID CLARKE: It is a very long list?

Mr McLEAN: If you bear with us for a second we will have a look at it.

Mr GRANT: I think we will have to take that question on notice. We were a bit confused. The question you asked us was how many Islamic clerics we have. But he just asked the broader question. The question we took on notice and provided advice on relates only to Islamic clerics. We can certainly give you a list of all of the denominations.

The Hon. DAVID CLARKE: If you can give us a list of all the nominations that would be good, but can you give me an answer as to how many Islamic clerics there are?

Mr GRANT: Four.

The Hon. DAVID CLARKE: What security checks are conducted on these clerics to ensure that they do not have criminal records?

Mr McLEAN: Each chaplaincy applicant is required to be nominated to the position of Chaplain by the New South Wales Islamic Council to the Civil Chaplaincy Advisory Committee New South Wales. They are required to provide a driver's licence and passport. They submit a criminal record inquiry to the department and, if clear, they are required to undergo a security awareness course run by the Department of Corrective Services and an orientation course run by the Chaplaincy Coordinator before they can commence visitation of inmates. The commission is asked to accredit each Chaplain only after all of these requirements have been successfully completed.

The Hon. DAVID CLARKE: Is it true that female prisoners of a minimum classification at the new Dillwynia gaol at Windsor Park walk in the open for up to several hundred metres from their pods to their places of industry?

Mr McLEAN: Yes, that would be correct.

The Hon. DAVID CLARKE: Is it also true that C3 classification inmates from the neighbouring John Moroney 1 present also in the open between 7:30 a.m. and 2 p.m., and that there are no fences to prevent possible contact with female inmates walking to their places of industry on the complex?

Mr McLEAN: No, that is not correct.

The Hon. DAVID CLARKE: That is definitely not correct?

Mr McLEAN: You referred to C3 in the two areas. Even if there were no barriers, the trust with C3 inmates, whether it is female or male, is part of the program classification to reintegrate people back into the community. Both those centres are male/female, as you are aware. It is most certainly necessary for us to be able to gauge how people behave. If it is the case that anything is untoward behaviour of those people, whether it be the male or the female, the intention is that through the normal process of reporting or through inquiry of other people, whoever that may be, whether it is other inmates or whether it is staff, there would be a review classification. They would not be out in an exposed area, and the classification would be reduced to a supervised area behind a perimeter.

The Hon. DAVID CLARKE: In regard to my specific question, is your answer "no"?

Mr McLEAN: I said "no". I thought I said "no" at the commencement of the answer. I just gave an explanation to it.

The Hon. DAVID CLARKE: I thought you may have gone on to clarify that. The answer is "no". Is there a centre separating them, and are they supervised at all times?

Mr McLEAN: Are you referring to C3 inmates?

The Hon. DAVID CLARKE: Yes.

Mr McLEAN: If they are within the complex, as I said before, the answer is that there is a fence. If they are outside, there is not a fence. But in relation to the behaviour, I think I have answered that in depth.

Mr GRANT: In relation to C3 inmates, the legislation requires that they can be in the community without supervision. By definition, someone who is classified as C3—there is a very small number of them—is someone who can be trusted, and that person is likely to be a person in the community on work release or in the community on some type of an education program. But to achieve a classification status means that they can mix broadly with the community. They have to achieve this classification by going through a whole series of steps.

The Hon. DAVID CLARKE: What can you tell the Committee about allegations that male prisoners housed at Silverwater in the vicinity of Mulawa prison have been in physical contact with female prisoners at the complex?

Mr McLEAN: I am not aware of where that may be the case. I will take that on notice, if you want me to get that for you.

The Hon. DAVID CLARKE: Thank you. Has a female prisoner become pregnant to a male inmate at Silverwater while both were in custody?

Mr McLEAN: I most certainly am not aware of that, and I will take it on notice.

The Hon. DAVID CLARKE: How many male prisoners continue to be housed on Mulawa complex or grounds?

Mr McLEAN: On the Silverwater complex, I believe that is what you are referring to?

The Hon. DAVID CLARKE: Mulawa complex.

Mr GRANT: I think you are referring to the Dawn De Loas unit.

Mr McLEAN: When you say the Mulawa complex, that centre is part of a complex called the Silverwater complex. On that facility there are several male gaols. One is the MRRC, which houses 900; one is the Silverwater minimum facility, which handles approximately 450 to 500; another section is Dawn De Loas, which is part of Mulawa within itself, and that houses approximately 50 male inmates. It is divided by very secure fences. I think that might answer your question.

The Hon. DAVID CLARKE: Do you know who Mr Paul Nash is?

Mr McLEAN: I do.

The Hon. DAVID CLARKE: Who is Mr Paul Nash?

Mr McLEAN: Mr Nash is our corporate legal services director.

The Hon. DAVID CLARKE: Did he say today that the Department of Corrective Services had failed to properly put in place programs that might have helped Maddison Hall to be re-integrated into the community sooner?

Mr McLEAN: I think that was part of the submission this morning in relation to Maddison Hall's revocation of parole. As such, I will take that on notice in terms of what has been provided there. I have not had a chance to read or see that. There is one section within the submission I believe you may be referring to but I would like the opportunity to reread that before I provide an answer to you.

The Hon. DAVID CLARKE: If it is true, would you be concerned about that? If it is true that he made that statement?

Mr GRANT: In relation to the specific issues of programs for Maddison Hall, one of the considerations in providing that treatment program for a person of that character and with the management requirements that are necessary for someone like that, it is very difficult to find an appropriate treatment program under normal circumstances. We have sex and violence programs for mainstream inmates in male correctional centres.

In the case of Maddison Hall, however, it has only been in the recent time that we have taken a package of international literature about the capacity to treat people who have been resistant to treatment and who may be in denial in relation to the nature of their offending—people who have personality disorders who are not amenable to treatment.

On the basis of that evidence we have determined that we can provide a program that would be suitable for Maddison Hall that could reduce her risk of reoffending. I believe the reference Mr Nash was making there was to an historical development in a program. In the past such a program may not have been available and such a program is available now and is a program we intend to place Maddison Hall in, based on this best evidence of what works for treating people like this with these risk of reoffending attributes.

The Hon. DAVID CLARKE: This program you are talking about, do you have any costing of it?

Mr GRANT: I would have to take that question on notice.

The Hon. DAVID CLARKE: Mr McLean, did the Inkster report into the embarrassing escape from Long Bay in January this year show systematic failings in electronic surveillance systems in New South Wales prisons?

Mr McLEAN: I think you will find we have answered that in the table provided.

The Hon. DAVID CLARKE: You say you think. Have you answered it?

Mr McLEAN: Yes, we have in the table provided to you.

The Hon. DAVID CLARKE: Have you ever released the report publicly?

Mr McLEAN: No, we have not.

The Hon. DAVID CLARKE: Is there any reason why you have not?

Mr McLEAN: You are referring to the Inkster report?

The Hon. DAVID CLARKE: Yes.

Mr McLEAN: That has been answered previously by the Minister, I believe.

The Hon. DAVID CLARKE: I do not recall that being answered by him, and I am asking you.

Mr McLEAN: It is a security issue in relation to the content of any report provide in relation to an escape. The Minister did provide an answer to that previously, I think you will find.

The Hon. DAVID CLARKE: Without going into the details of the report, is it fair to say it was very embarrassing to the department, what was contained in that report?

Mr McLEAN: There are some parts of any escape from a maximum facility that must be embarrassing. In relation to the report, I think I have already answered in relation to the Minister and I also think from the commissioner's point of view, if I can answer the question, that he is reviewing that, along with me, and those things are subject to security and, as such, I am not at this stage prepared to release that report.

The Hon. CATHERINE CUSACK: I think you are having a go at us, are you not?

Mr McLEAN: No, I am not at all. One thing I would not do is have a go at you in relation to this Committee. My credibility and the department's credibility are always up for judgment in any area.

The Hon. DAVID CLARKE: How many tenderers were there for the security contract, which was eventually awarded to Advance Securities?

Mr SCHIPP: I cannot tell you the number of people who tendered.

The Hon. DAVID CLARKE: So, you will take that on notice?

Mr SCHIPP: Yes.

The Hon. DAVID CLARKE: Why was Advance Securities chosen? Was it because it was the lowest tender?

Mr SCHIPP: As I understand it, that is a question that was asked on notice and the response date for that is 2 October. So, rather than pre-empt what those answers are going to be, I suggest we wait until 2 October.

The Hon. DAVID CLARKE: In other words, you do not have an answer as of today?

Mr SCHIPP: The Committee requires an answer by 2 October.

The Hon. DAVID CLARKE: How many times has Advance Security been called out to fix faults in the system at the John Moroney or Dilwynnia complexes?

Mr SCHIPP: If that was not included in the questions taken on notice due on 2 October, I would have to take that on notice.

The Hon. DAVID CLARKE: What was the nature of the security problems?

Mr SCHIPP: I would also have to take that on notice.

The Hon. DAVID CLARKE: How much is the contract worth to Advance Security?

Mr McLEAN: From memory, the contract is worth about \$3 million per year.

The Hon. DAVID CLARKE: When you save from memory, can you take that on notice and get us the exact figure?

Mr SCHIPP: I can get the exact figure, yes.

The Hon. DAVID CLARKE: What action has followed the adverse findings in the 2003 Abrahams audit report?

Mr SCHIPP: I assume you are talking about Arthur Abrahams, who is our director of audit. I think he probably issues about 30 reports a year, so I am not too sure which report you are referring to.

The Hon. DAVID CLARKE: You are saying there is more than one Abrahams audit report in 2003?

Mr SCHIPP: I am saying that Arthur Abrahams is our director of audit and, as the director of audit, he issues probably between 25 and 30 internal reports to the audit committee each year. So, unless you can indicate what the subject of the audit was—

The Hon. DAVID CLARKE: Thank you for drawing to my attention that there are 20 or so. In any of them were there any adverse findings?

Mr SCHIPP: In respect of whom?

The Hon. DAVID CLARKE: In respect of the audit department?

Mr SCHIPP: It is an internal audit report so it reviews all aspects of different parts of the department, depending on the subject of the audit. Invariably there are findings to varying degrees of satisfactory conduct of business or problems that require improvement or areas that require improvement.

The Hon. DAVID CLARKE: I am talking about adverse findings?

Mr SCHIPP: The classification of a finding of adverse does not exist. Generally very satisfactory, requires improvement or requiring further investigation.

The Hon. DAVID CLARKE: Well, requires improvement?

Mr SCHIPP: So, in each of the reports there would be a number of items identified requiring improvement.

The Hon. DAVID CLARKE: So you will take that on notice and advise us of that?

Mr SCHIPP: Sure.

The Hon. DAVID CLARKE: Did that or any reports coming from the various Abrahams audit reports make adverse findings about inappropriate dealings with private companies who supplied Corrective Services?

Mr SCHIPP: I would have to take that on notice.

The Hon. DAVID CLARKE: If it did find such adverse findings, what has been done about it?

Mr SCHIPP: I would have to take that on notice.

The Hon. DAVID CLARKE: What is the current relationship between Mr Ron Roozen and the department?

Mr SCHIPP: Once again, I think that was one of the ones asking for a response by 2 October.

The Hon. DAVID CLARKE: So that answer has not been prepared as yet?

Mr SCHIPP: I do not know whether Ron Roozen was one of the people mentioned. There was a question in relation to Mr Danny Smith. Ron Roozen has not been mentioned.

The Hon. DAVID CLARKE: Will you take that on notice?

Mr SCHIPP: It has been mentioned, question 56.

The Hon. DAVID CLARKE: So we have an answer for that, thank you. These are the answers we received at six o'clock tonight?

Mr SCHIPP: Sorry?

The Hon. DAVID CLARKE: This is one of the answers provided in the list of answers we received at six o'clock tonight?

Mr SCHIPP: I am not too sure what time they were received. I am sorry, as I understand it, that question in relation to Mr Roozen is in the series of questions that are due on 2 October.

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

Mr McLEAN: Again, that is in the questions. The number is 13.

The Hon. DAVID CLARKE: Since 2004, what damage has there been in correctional centres? Is that information available?

Mr McLEAN: Damage provided in any form?

The Hon. EDDIE OBEID: That is a very broad question.

The Hon. DAVID CLARKE: Damage caused by inmates.

Mr SCHIPP: Just hang on one second while we try to find it. It is in the information that has been provided, of the 1,600 questions we have responded to.

Mr GRANT: Question 57 in the table of our responses, page 11.

Mr SCHIPP: The answer that has been provided states that the Department of Corrective Services does not collate its data according to the concept of damage to correctional centres. Perhaps you could expand on what you mean by damage to correctional centres. With the question in relation to damage, there was difficulty in interpreting what you meant in the questions that were answered on notice, but I can give you information in relation to what the department has spent on maintenance, which would include corrective maintenance, and that is correcting problems, faults, material damage to the facility, not just prisons but all the facilities that the department controls. Each year we spend about \$20.8 million on maintenance in total. About \$3.1 million of that is on corrective maintenance, about \$1.7 million is on extended periodic maintenance, about \$8.4 million is on preventive maintenance, and about \$587,000 is on insurance for property damage.

Ms LEE RHIANNON: I would like to go back to the issue of lockdowns. I am trying to get an understanding of how often they occur, how the data is assembled, and what is going on. Over the years it has been an issue that is taken up with my office quite often by prisoners. Mr Breen also drew my attention to a letter that he received from a prisoner at the Lithgow correctional complex informing him that the prisoner had been in lockdown for more than 100 days in the past three years. I have received similar complaints from prisoners at Long Bay about the great frequency of lockdowns and comments that they often felt the lockdowns were not because of staff shortages and that it was just when it was somebody's birthday and the staff wanted to have a celebration. There were various reasons for lockdowns that they felt were far from justified. I would really like to get some data on how often lockdowns are occurring.

Mr McLEAN: Firstly I make it very clear, if you do not mind, in relation to birthdays, et cetera, there is not a way that I would understand a lockdown, if there was such a thing. I would certainly be asking for explanations for why that would occur. If it was a staff birthday or whatever, that is not a reason for a lockdown. I would be extremely embarrassed, as a departmental head, if that were the case.

Ms LEE RHIANNON: You do not have more lockdowns in summer because the staff like having barbecues when it is a nice day?

Mr McLEAN: That does not occur. What happens in relation to search days when staff go through the facility and search the whole of the correctional centre, that is very difficult, regardless of whether it is summer or winter. It is on occasion, at the expense of staff, that a barbecue is provided, which is only of short duration for their lunchtime break. That is on a rotational basis as other staff continue searches. That is my understanding of how these work.

Ms LEE RHIANNON: So there are barbecues on the days when lockdowns occur?

The Hon. EDDIE OBEID: He did not say that.

Mr McLEAN: No. What I said is "staff on a rotational basis while the search is continues". My understanding of it is that they do have opportunities to have that barbecue. The staff themselves meet the expense of that through either their social club or through their own pocket. In doing that, that does not inhibit for any reason the search or the length of time of the lockdown on that day, meaning the inmates' lockdown on that day.

Ms LEE RHIANNON: You are saying that staff have barbecues on lockdown days, but not on non-lockdown days.

Mr McLEAN: That is not what you asked.

Ms LEE RHIANNON: That is what I am asking you.

Mr McLEAN: On non-lockdown days, both inmates and staff, on occasions. The intent in a correctional centre is to keep the interaction between staff and inmates at the highest level, whether security is maximum or minimum. The intent is to try to keep the rapport between both groups, whether it is custodial or the Offender Service Program or people administration—whoever the staff are. It is a good strategy, I believe, by general managers on non-lockdown days to incorporate barbecues, if it is necessary, by inmates and by staff.

Ms LEE RHIANNON: Can you give me some data on how many half day and full day lockdowns there have been at Long Bay in the past financial year?

Mr McLEAN: They are not always just even half days. They can be, as I said earlier in my previous answer, for a 30-minute duration to make sure that staff are on deck, to satisfy safety and security for staff and for the inmates too.

Ms LEE RHIANNON: I appreciate that, and I would be really interested in the figures, if you could provide all of them. But I was actually narrowing it down to half day and whole day because I thought that might be something that you would have some quantitative data on.

Mr McLEAN: That is a very difficult thing. The records in relation to what is obtained at each centre partially would be very difficult for me to obtain for you.

Mr GRANT: Could we take that on notice and see if we could provide such information. I encourage you again, just in terms of a general indicator, to look at the Productivity Commission's number of hours because if there was a situation where someone was having 100 days locked in cells, the hours out of cells would be reduced by an enormous number of hours, and our numbers certainly would not reflect that.

Mr McLEAN: The centre you referred to at Long Bay, could you name that one for me so we can specifically get the hours for you?

Ms LEE RHIANNON: I will. I will go back and look at my notes. I will put it in on the notes because it was a long while ago. About Junee, what is the situation about lockdowns at Junee?

Mr McLEAN: Junee works on the same basis as the rest of the system, appreciating that their structure is private.

Ms LEE RHIANNON: Do they provide you with details of the number of lockdowns that occur at Junee?

Mr McLEAN: Theirs would be of a similar nature. I will take that on notice and I will certainly look at the Junee reports to see if that is able to be provided.

Ms LEE RHIANNON: My question on notice is: Do they provide you with information? If so, could you release it?

Mr McLEAN: Okay.

The Hon. PETER BREEN: Mr McLean, can I ask about Maddison Hall, an issue the Opposition raised? It seems to me that Maddison Hall, as a man, enjoyed extraordinary privileges in F Wing at Mulawa. I am referring to the period 1999-2000. I understand that Maddison Hall as a man, as he then was, was in F Wing for about a period of eight months.

Mr GRANT: Mr Breen, I have got to refer you to the legislation that was in place at the time, the anti-discrimination legislation.

The Hon. PETER BREEN: Yes.

Mr GRANT: It made it very, very explicit that self-identification of a transgender person is the sole criterion for a person to be treated as being of the sex with which that person identifies. Chris Puplick, who was the commissioner at the time or the president of the Anti-discrimination Board, was involved with the development of the transgender policy in the New South Wales correctional centres. It was consistent with that legislation. What that meant was that Maddison Hall was in fact the first person at that time—the legislation I think only came in around 1999—to be considered under those provisions whereby she identified as a female, and therefore needed, under the legislation, to be treated as a female.

The Hon. PETER BREEN: Yes, but she also received extraordinary privileges. For example, I understand that she was allowed to cut down her prison uniform to wear it as a short skirt, and that no other women inmates were allowed to do that. But Maddison Hall was.

Mr GRANT: I am not aware of that. I doubt it very much. There was a lot of suspicion and correctional staff are not necessarily the most liberated and lively people when it comes to accepting transgender issues. Maddison Hall had quite a difficult transition at that time into the women's system and did not last very long before she was moved out. The staff there would not have given her great licence or liberties I can assure you.

The Hon. PETER BREEN: Did you know that she had sexual relations with women prisoners?

Mr GRANT: I believe it has been alleged that she had sexual relations with other women prisoners but I could not confirm that.

The Hon. PETER BREEN: Did you know that the department was aware that Maddison Hall was a man in with women?

Mr GRANT: Absolutely. At that time, if I can say in relation to that, wanting to be in compliance with this legislation we took a lot of advice. We went to the expert at the time, who was the best psychiatrist working with people with gender dysphoria and took advice about these issues, and that was part of the advice that we used for making the decision.

The Hon. PETER BREEN: I think there was a good deal of distress in the prison, not just on the part of the inmates but also from the Corrective Services officers, about her activities—his activities, rather—in F wing.

Mr GRANT: That is correct, and on that basis and because of concerns about the safety risk she may have posed she was returned to the men's system.

The Hon. PETER BREEN: She was returned, I think, after eight months. Is that right?

Mr GRANT: I would have to take that length of time on notice. I cannot recall.

The Hon. PETER BREEN: Are you aware that Maddison Hall used to brag to the inmates about having the green light from the commissioner and from Lee Downes about her activities?

Mr GRANT: I doubt that very much.

The Hon. PETER BREEN: Are you aware that the Governor of the prison, Judy Leyshon, was so concerned about it that she said to inmates that she had no control over Maddison Hall's activities because of the directions from above?

Mr GRANT: I am certainly not aware of it and I would doubt it very much. There were absolutely no directions from above and under no circumstances was Maddison Hall given special privileges by Lee Downes.

The Hon. PETER BREEN: Given the fact that the new legislation had just come into force—and you were aware that she was, or he was, the first case of a man being in a women's prison—it seems to me to be quite likely that there would be special directions from above as to what he could do.

Mr GRANT: I think that the legislative provisions were only that a person be treated equally; not that they be given any particular special management.

The Hon. PETER BREEN: You would not agree, for example, that her prison uniform had been cut down so she could wear it is a short skirt?

Mr GRANT: I cannot confirm that that is the case but I doubt very much that that would have been something that would have been endorsed by people on high.

The Hon. PETER BREEN: And you do not think that Maddison Hall was allowed to engage in other activities in the prison as a man, and do things that other women prisoners could not have done?

Mr GRANT: Well, certainly with no knowledge of anybody in an administrative position.

The Hon. PETER BREEN: And she did not have any special green light from Commissioner Woodham or from Lee Downes?

Mr GRANT: What exactly are you inferring? I do not understand. The green light to do what?

The Hon. PETER BREEN: I am suggesting that her activities were out of order in many ways, and when the inmates complained, and the Corrective Services officers complained to Judy Leyshon, she said, "Look, I can't do anything about this. I'm under directions from above." And she named Lee Downes and Commissioner Woodham as the persons who determined what Maddison Hall was able to do.

Mr GRANT: I think, putting that into context, I actually have no knowledge of that whatsoever. I would suggest that when Maddison Hall, as I mentioned, was first transferred into that correctional centre people were not receptive to her transfer, which I think is completely understandable. At that time certain questions were raised, and speculation, about her behaviour. Her behaviour was very closely scrutinised. The much information came to light that she may be posing a risk to other people she was removed from that gaol very, very swiftly. I ended up going down to the Supreme Court to defend the decision to remove her from the correctional centre on that day, on the basis of concerns. It was a very elaborate process of seeking advice about exactly what risks Maddison Hall might pose to the people in that centre. We took it very, very seriously.

The Hon. PETER BREEN: But it did take eight months, did it not, before she was removed?

Mr GRANT: I am not sure what the timeframes were.

The Hon. PETER BREEN: My understanding is that she was there for at least eight months and her activities were the same in the beginning as they were at the end, and that it took eight months to get her out.

Mr GRANT: I think at that stage, as I mentioned, the activities you are alluding to were something that there was not hard evidence about.

The Hon. DAVID CLARKE: Mr McLean, are you will aware of the matter of correctional officer, Ronald Singh, who claims he was bashed by fellow officers at Parklea Prison?

Mr McLEAN: Again, I will get that for you, if you can bear with us for a second.

The Hon. DAVID CLARKE: We have a problem because we only received answers at six o'clock this evening.

CHAIR: We will discuss that after the hearing, I anticipate.

Mr McLEAN: I am advised that it was responded to in a letter from the Minister dated 1 June to the member for Davidson.

The Hon. DAVID CLARKE: You have the answer there, do you?

Mr McLEAN: That is what I am advised in relation to what has been provided here tonight or earlier this evening, that the question was responded to in a letter from the Minister dated 1 June 2006 to the member for Davidson.

The Hon. DAVID CLARKE: Right. But it does not actually give the answer; it just says it was answered. Is that so?

Mr McLEAN: Yes. That is correct.

The Hon. DAVID CLARKE: I am asking you whether you know anything about the matter?

Mr McLEAN: In relation to Mr Singh, I think the provision of a letter from a Minister to a member of Parliament is probably where the question should be asked, not myself.

The Hon. DAVID CLARKE: Yes, but I have not seen the letter that was given to that member of Parliament, so I am asking you the question. The letter has not been shown to me.

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

The Hon. DAVID CLARKE: You will take that question on notice? Thank you. Will you also take on notice this question: After the charges against two officers were dismissed, was any action taken by the department against those two officers?

Mr McLEAN: All four officers were transferred out of the immediate action team that they were in at that time.

The Hon. DAVID CLARKE: I think that a court dismissed the matter, but that subsequently the department took action against two of those officers. Is that correct?

Mr McLEAN: I will take that question on notice.

The Hon. DAVID CLARKE: Thank you. Will you provide us with details of the action that was taken against those two officers?

Mr McLEAN: Yes.

The Hon. DAVID CLARKE: I do not know whether this information has been supplied. We are at a disadvantage here. How many mobile phones were found in the possession of inmates or in their cells in the year 2005-06?

Mr McLEAN: That is one that has been provided. By 2 October, there is a requirement for that.

The Hon. DAVID CLARKE: Thank you. How many defenders currently on home detention had committed sexual assaults or rape?

Mr GRANT: That category of offender is specifically excluded from this particular sanction, so the answer is zero.

The Hon. CATHERINE CUSACK: Who are the current members of the Parole Authority?

Mr McLEAN: That is listed very clearly and photographs included in the annual report from the Parole Authority.

The Hon. CATHERINE CUSACK: The annual report is published annually, but my question is who are the current members of the Parole Authority? Are they identical to the membership that is listed in the annual report, or have they changed?

Mr McLEAN: I think that question goes through to the Minister again, in relation to that. There may be some changes. He makes the appointments in relation to that. The annual report is fairly current. I would be surprised if there are many changes. If there are some, I will take the question on notice, in terms of the changes, and will provide them to you.

The Hon. CATHERINE CUSACK: You will take the question on notice to give the Committee the names of the current membership of the Parole Authority?

Mr McLEAN: Yes, I am comfortable with that.

The Hon. DAVID CLARKE: Are you taking any action against a female correctional officer in uniform who committed inappropriate action at a passing band of bikers with criminal convictions? Are you aware of the incident I am talking about?

Mr McLEAN: I am aware of that incident. As such, at this stage it is under an investigation. Nothing has been established in any form that that is the case.

The Hon. DAVID CLARKE: We are talking about the incident where the correctional officer has been accused—

CHAIR: Order!

The Hon. DAVID CLARKE: Are you aware that the same officer has recently appeared in pictorial form in a nationally published biker magazine?

Mr McLEAN: No uniform correctional officer has.

The Hon. DAVID CLARKE: Thank you.

The Hon. CATHERINE CUSACK: My earlier question related to what damage has occurred in the centres. You said the department does not record it according to the content of damage to correctional centres. What terminology should be used to elicit an answer to that question?

Mr SCHIPP: It depends on what sort of damage you would like us to cost. If it is damage caused by inmates, it is down and it is red. Or are you after the value of damage caused by inmates, or the value of damage caused by storm, or the replacement cost of any of those items? As I mentioned, we spent \$20 million on maintenance, which includes repairing all sorts of damage. It depends on what you mean by damage.

The Hon. CATHERINE CUSACK: Okay. That information would be clarified?

Mr SCHIPP: Yes.

CHAIR: Thank you for your attendance. The Committee will adjourn for a deliberative meeting.

(The witnesses withdrew)

The Committee proceeded to deliberate.