

Question 1.

The Hon. ROSE JACKSON: Minister, have you read the report on the State Insurance Regulatory Authority [SIRA] investigation into three Corrective Services workers compensation claims, dated 12 October 2020?

Mr ANTHONY ROBERTS: No, I have not read that report.

The Hon. ROSE JACKSON: Have you received a brief on the contents and findings of that report?

Mr ANTHONY ROBERTS: Not that I am aware of.

The Hon. ROSE JACKSON: We are going to go into some of the content of that report. It is reasonably damning. It is quite surprising to me, Minister, that it has not been brought to your attention. Is there a reason that you are aware of as to why it has not been brought to your attention?

Mr ANTHONY ROBERTS: I would have to take that on notice, but certainly if it is to do with operational issues I would suggest that it is better directed through me to the Commissioner.

Response:

The Department of Communities and Justice has not yet briefed the Minister on the SIRA report. The Department identified concerns with the report and provided SIRA with a detailed response. SIRA has indicated it will reply to this correspondence.

Question 2.

The Hon. ROSE JACKSON: When you say that there was inappropriate or unprofessional language used in relation to the matter, are you referring to this quote from someone who works at Corrective Services:

... it's cruel to be kind and got to hit them in the pocket and when he's not getting any money and he is married with kids and most probably his own home, he's most probably got to think well fuck sake I've got to do this.

Excuse my language. That is a direct quote from the SIRA report, a direct quote from one of your staff members at Corrective Services NSW, about how a workers compensation claim for psychological injury should be managed. Is that what you are referring to as inappropriate?

Commissioner SEVERIN: It is totally inappropriate language. Absolutely.

The Hon. ROSE JACKSON: Has any action been taken against the individual identified as making that comment and found by SIRA to be almost certainly in breach of the code of conduct and possibly in breach of the law?

Commissioner SEVERIN: I need to take the detail on notice, but I believe that the person who said this no longer works for the department. I will take this on notice and if they do I will come back and give you an answer to your question.

Response:

The Injury Manager who made those comments is no longer employed by the Department of Communities and Justice. SIRA indicated in a letter of 14 October 2020 that it would be writing to the Secretary concerning potential breaches of the Code of Conduct. To date that letter has not been received.

SIRA has indicated that it is considering the Department of Communities and Justice's response dated 10 December 2020 to the SIRA report.

Question 3.

The Hon. DANIEL MOOKHEY: Minister, were you even aware that SIRA was undertaking this investigation?

Mr ANTHONY ROBERTS: I would have to take that on notice, but I do not believe so.

Response:

I was only aware of SIRA reviewing the handling of a claim concerning one individual.

Question 4.

Mr COUTTS-TROTTER: When I received the draft SIRA report through the Commissioner, I spoke to the head of SIRA, Carmel Donnelly. I talked at length with her about the issues raised in that report and also received her concern about the welfare and wellbeing particularly of one of the three injured workers. We have responded in details of the report that you are quoting from. I think, in fairness, we should allow SIRA to receive that response and complete their work. As I understand it, they are due to respond to the department through me pretty soon.

The Hon. ROSE JACKSON: Mr Coutts-Trotter, when you were asked about the context of this report by the PSA—

Mr ANTHONY ROBERTS: Through me.

The Hon. ROSE JACKSON: —which the Commissioner has said he is now in dialogue with, you indicated that there would be no fulsome response, or you refused to provide them with any response, detailing specific response to these accusations. In fact, you just made reference to a sort of department-wide review of the way workers compensation is managed, so I am questioning the extent to which you have specifically taken note of and responded to these findings.

The Hon. TREVOR KHAN: Is that a question?

The Hon. ROSE JACKSON: If you have, are you intending to communicate that to anyone else?

Mr COUTTS-TROTTER: I do not think that is a fair or accurate characterisation of the discussions that I had with senior PSA leadership. I have read all of the materials associated with this, including the KPMG report. I did that at some stage mid to late last year. I have pursued a number of issues with icare in relation to one and now two of the men who were the subject of the SIRA review, so I do not think it is fair to say that we have not taken on board the detail and looked at this really closely. But I think in fairness to my colleague Ms Wilson, we have responded to SIRA and they are yet to finally respond to us.

The Hon. DANIEL MOOKHEY: Mr Secretary—and through you, Minister—

Mr ANTHONY ROBERTS: Thank you.

The Hon. DANIEL MOOKHEY: —when you say you have responded to the KPMG report, which one?

Mr COUTTS-TROTTER: I would have to take that on notice. As I say, I read it mid last year.

Response:

I am advised that the Secretary received a copy of the KPMG Report of July 2018, titled “Forensic Claim File Review – icare”, which was shared on a private and confidential basis.

Question 5.

Mr DAVID SHOEBRIDGE: Commissioner, perhaps you have some further details about it? I understand it was a First Nations man in his mid-30s, who died at approximately 1.00 p.m. on Tuesday. I have some other details but it might be better coming from you.

Mr ANTHONY ROBERTS: Can I just say that we are speaking about two different individuals so I will ask the Commissioner.

Commissioner SEVERIN: This was a medical issue. It was an apparent natural causes death, the circumstances of which are still yet to be determined through post-mortem examinations and through, obviously, the investigation of the Coroner. The person had a medical condition and was in the Long Bay Hospital. It was identified by Health and by our staff supervising him when he was actually unresponsive and then obviously support was immediately provided. At this point in time my information is that it was a natural causes death, the circumstances of which obviously are subject to the post-mortem.

Mr DAVID SHOEBRIDGE: Commissioner, was it a First Nations man in his mid-30s?

Commissioner SEVERIN: Yes, that is correct.

Mr DAVID SHOEBRIDGE: Was he in the forensic hospital because of a mental health condition?

Commissioner SEVERIN: He was not in the forensic hospital, no.

Mr DAVID SHOEBRIDGE: Sorry, was he in Long Bay prison hospital because of a mental health condition?

Commissioner SEVERIN: I understand there were multiple issues. I am not across the detail of the exact medical condition that required him to be in Long Bay Hospital.

Mr DAVID SHOEBRIDGE: You do not know whether or not he was in the hospital for treatment for a mental health condition? Seriously, Commissioner?

Commissioner SEVERIN: I understand there were multiple issues.

Mr DAVID SHOEBRIDGE: But I have asked you a specific question.

The Hon. TREVOR KHAN: And he has answered it.

Commissioner SEVERIN: I am not aware that he was there for just mental health treatment.

Mr DAVID SHOEBRIDGE: But I have not asked about just mental health; I have asked if he was in the hospital being treated for mental health issues. He may have had comorbidities but you keep avoiding this question for some reason, Mr Severin.

Commissioner SEVERIN: Given that I do not have that detail in terms of just mental health stuff, I need to take that on notice, thanks.

Response:

The person was housed in Long Bay Hospital for medical care. Due to health privacy reasons, the circumstances of his hospitalisation cannot be disclosed. As this matter is currently before the Coroner, it is not appropriate to comment further.

Question 6.

Mr DAVID SHOEBRIDGE: I have asked you about a specific one, Commissioner. The unnatural death in custody that the Minister just advised the Committee about, you have not told the public about that?

Commissioner SEVERIN: That is correct.

Mr DAVID SHOEBRIDGE: Can you now advise this Committee about the circumstances and the timing of the unnatural death in custody that the Minister was speaking about?

Commissioner SEVERIN: There was a female offender at the Silverwater women's prison who was found in her cell and it appears—and again I use language that is highly qualified as a result of the investigations and post-mortems that are in place—to be from unnatural causes. So it appears the woman has taken her own life. The notification was exactly the same as for any other deaths in custody. In this case it was a one nations woman so we obviously informed others as well. But we did not, and again we will not, put public statements out. That is not in any way to suggest that we are not 100 per cent accountable in the context of—

Mr DAVID SHOEBRIDGE: How can you be accountable if nobody knows about it, Commissioner, and if you do not tell the public about it? How old was this this First Nations woman?

Commissioner SEVERIN: I need to take that on notice. I have not got that —

Response:

The woman was 44 years old.

Question 7.

The Hon. DANIEL MOOKHEY: Minister, through you—ideally to you, but you can direct how you see fit—did your department, prior to this SIRA investigation, initiate any of its own internal investigations into the matters we were talking about this morning?

Commissioner SEVERIN: Can you repeat your question?

The Hon. DANIEL MOOKHEY: Had Corrections New South Wales initiated any internal investigation into these matters prior to the SIRA investigation?

Commissioner SEVERIN: The incident that occurred at the Metropolitan Remand and Reception Centre, which then also was subject to some industrial action, was at the time investigated internally in the context of the broader issue of how our immediate action team should operate.

The Hon. DANIEL MOOKHEY: Who investigated it?

Commissioner SEVERIN: It was an internal investigation done by the security operations group. As a conclusion of that we changed the governance arrangement for the immediate action teams for the whole State, because there was a dynamic developing where there were inconsistencies in the way that they operated in various parts. There was also a concerning increase in incidents that involved the use of the immediate action teams, and we just wanted to make sure that they were all subject to the same consistent professional training, which was then operated or instituted. The immediate action teams have a dual reporting line. They have a direct reporting line to the governor of the prison and then they have got a professional reporting line to the general manager of the security operations group in the context of all the professional standards that apply to the use of force and the work of the immediate action teams.

The Hon. DANIEL MOOKHEY: Was the general manager, now assisting commissioner, ever subject to an internal investigation at any time?

Commissioner SEVERIN: No, she was not.

The Hon. DANIEL MOOKHEY: Was the director of HR ever subjected to an internal investigation at any time?

Commissioner SEVERIN: I am not aware of that but I can take that on notice.

The Hon. DANIEL MOOKHEY: Why not? Why were they not subject to any internal investigations?

Commissioner SEVERIN: Because there was no prima facie evidence that gave rise—certainly in the context of Ms Wilson at the time, and I can only speak for her because the director of HR is not a person that works for Corrective Services NSW. She is a departmental employee. But I would assume the same that gave rise for an investigation to be conducted.

The Hon. DANIEL MOOKHEY: Secretary, do you maintain the same reasons for the director of HR?

Mr COUTTS-TROTTER: It was four years before I joined the agency, so I will need to take that on notice.

Response:

SIRA indicated in a letter of 14 October 2020 that it would be writing to the Secretary concerning potential breaches of the Code of Conduct. To date that letter has not been received.

SIRA has indicated that it is considering the Department of Communities and Justice's response to the SIRA report, dated 10 December 2020.

Question 8.

The Hon. ROSE JACKSON: How then, Commissioner, do you explain the email on 10 November 2015, some months after not only the incident in May but the making of the original statement on 18 September? This is an email from the director of HR, "I have drafted some changes in tracked changes." Those changes included the insertion of an entirely new paragraph, including:

I had concerns about the performance of behaviour of [Employee 1] that I intended to deal with ... This new element had previously not been mentioned in the signed statement dated 18 September 2015.

How do you explain that email on 10 November with the tracked changes inserting an entirely new paragraph which SIRA found and it is obvious that it includes a new element that had not previously been mentioned at any time?

Mr ANTHONY ROBERTS: Commissioner?

Commissioner SEVERIN: There are two aspects to that. The first one is that I understand that Ms Wilson sought support from HR professionals in the context of providing that information and it was the advice—and this is not information that was made up. This is information that was contained and on the record. It just had not been mentioned in her previous statement.

The Hon. ROSE JACKSON: Commissioner, that is just not true. In fact, on the record at the Industrial Relations Commission the day after the incident lawyers for Corrective Services NSW gave sworn evidence that there were no performance issues and that the action taken was in no way disciplinary. So, yes, information was on the record.

Commissioner SEVERIN: That is correct.

The Hon. ROSE JACKSON: It directly contradicted that information included in the newly inserted paragraph.

Commissioner SEVERIN: I need to take the detail on that on notice.

Response:

SIRA indicated in a letter of 14 October 2020 that it would be writing to the Secretary concerning potential breaches of the Code of Conduct. To date that letter has not been received.

SIRA has indicated that it is considering the Department of Communities and Justice's response to the SIRA report, dated 10 December 2020.

Question 9.

The Hon. ROSE JACKSON: Minister, there have been three now at least. This incident occurred in 2015. There have been three thorough reports. KPMG conducted a very long \$350,000 report into this specific matter for icare. Icare conducted its own internal investigation, Project Twining. Now SIRA has conducted an incredibly thorough investigation and produced a series of very damning findings. This situation has been thoroughly investigated. It is clear what has occurred. There is a consistent chain of evidence indicating, and I quote, "Individually or together the actions of Corrective Services leadership constitute workplace bullying". Are you going to do anything about that? That is happening under your watch.

Mr ANTHONY ROBERTS: We have processes in place and I will allow those processes and practices and procedures to continue.

The Hon. ROSE JACKSON: So you are not going to do anything about a finding that the actions of Corrective Services may individually or together constitute workplace bullying? You are not going to do anything about that? That is in a report that was handed down in October last year. You have had that available to you. You have not read it.

Mr ANTHONY ROBERTS: Well, the process is still underway by SIRA and, like the Commissioner said, they are still awaiting the response from all the parties and it would be inappropriate for me to make any decisions until that process has taken place.

The Hon. DANIEL MOOKHEY: Minister, has anyone apologised to these three officers for what happened to them?

Mr ANTHONY ROBERTS: I would have to take that on notice.

The Hon. ROSE JACKSON: Would you like to take the opportunity now to apologise to them, considering what you have heard about their treatment?

Mr ANTHONY ROBERTS: Certainly, I will take that on notice.

The Hon. DANIEL MOOKHEY: You will take on notice that you are going to apologise to them?

Mr ANTHONY ROBERTS: Well, when I see the full facts of the matter.

Response:

The Department of Communities and Justice has not yet briefed the Minister on the SIRA report. The Department identified concerns with the report and provided SIRA with a detailed response. SIRA has indicated it will reply to this correspondence.

Question 10.

The Hon. ROSE JACKSON: That is great but KPMG and Project Twining internally to icare produced two comprehensive reports that found specific instances within the way that Corrective Services NSW managed this specific claim. They were pretty serious findings even from those two reports. Did you do anything about it?

Mr COUTTS-TROTTER: Yes, I did. I have spoken to people, I have read the material, I have spoken to the PSA, I have got involved in individual aspects of two of those claims and I have responded to SIRA. I wait on their response. I am trying to be fair minded about it.

The Hon. ROSE JACKSON: But what I fail to understand is how you can say you are awaiting the final report of SIRA before there is any accountability for the clear evidence that staff at Corrective Services colluded— illegally colluded—with QBE on behalf of the NSW Self Insurance Corporation, or SI Corp.

Mr COUTTS-TROTTER: Mr Severin has taken that one on notice. You have asked specifically about someone mentioned in the report and we will have to come back to you on the record about what followed.

Response:

The Department of Communities and Justice has addressed this matter in its response to SIRA of December 2020 (attachment one and attachment two).

Question 11.

Mr DAVID SHOEBRIDGE: Perhaps you might give details on notice about how the Premier's measure is differing from the accepted measurement of reoffending that has been the status quo for the past few decades.

Mr ANTHONY ROBERTS: Happy to do it.

Mr COUTTS-TROTTER: Sure.

Mr DAVID SHOEBRIDGE: Perhaps you might also give an answer that compares apples with apples, being the percentage of prisoners exiting prison who are reconvicted of another offence within the next 12 months—the most current data you have on that.

Mr ANTHONY ROBERTS: Happy to.

Mr COUTTS-TROTTER: Sure.

Response:

Comparison of Reoffending rates for the custodial population - “apples for apples”

The Productivity Commission’s Report on Government Services (RoGS) measure for reoffending – “accepted” measure of reoffending

There is no single accepted way to measure reoffending. The appropriate measure depends on the purpose for which a measure is being used. The NSW Bureau of Crime Statistics and Research (**BOCSAR**) website includes a file updated annually showing reoffending among adults and young people released from sentenced custody, and following a court appearance, youth justice conference or caution. The most recent available figure is 42.2% for prisoners exiting custody in 2018. The next update to this file is due May 2021, when 12-month reoffending data for people in contact with the justice system in 2019 is available.

All reoffending measures are proxy measures derived from NSW Police Force arrest data or court finalisation results, and are dependent on policing and prosecution outcomes. This can make them susceptible to the impacts of policy change and, accordingly, difficult to interpret.

The only nationally standardised reoffending measure that has been in use for more than two decades is the recidivism measure adopted by the Productivity Commission for its RoGS.

The RoGS publishes annual reoffending rates for adults released from custody. The RoGS report has repeatedly acknowledged the difficulty in interpreting the reoffending measures and regards them as proxy indicators only. The Justice preface to the 2021 RoGS states

“Low or decreasing rates of re-offending may indicate a safer and more secure community environment and the promotion of a more law abiding way of life – however higher rates may also indicate more effective policing and detection of offences.”

The RoGS reports on the proportion of adults released from sentenced imprisonment who returned to prison within two years with a new sanction that could be either a sentence for a new or historical offence or the result of a technical violation of parole conditions.

The 2021 RoGS also includes an amalgamated measure that combines those returning to prison and others who are sentenced to a new community corrections order. This return to corrective services rate has been reported since 1997.

RoGS reporting has a significant time lag. The figures for reoffending in the 2021 RoGS relate to prisoners released from custody in the 12 months prior to July 2018.

Notwithstanding the lack of currency of the ROGS figures, it is worth noting that the NSW return to prison rate has gone down for the third year in a row.

RoGS Released	2018	2019	2020	2021
Reported as	2016-17	2017-18	2018-19	2019-20
Based on prisoners exiting in the 12 months prior to:	July 2015	July 2016	July 2017	July 2018
Return to Prison in 2 years	51.3%	50.8%	50.6%	49.9%

Given the time lag in reporting, the most recent RoGS figures cannot be used to assess the effectiveness of the NSW Government's reducing reoffending efforts as implemented since 2018.

Impetus for adopting the measure currently for tracking performance of the Premier's Priority for Reoffending.

The Premier announced a new Priority in 2019 to reduce recidivism by adults exiting prison. As the purpose of this Priority is to improve community safety, the measure was designed to capture offences that are more serious and directly associated with community perceptions of safety. This includes all personal, property and serious drug offences. These offences are also less susceptible to changes in policing practices.

The period over which reoffending is captured for the Premier's Priority reoffending measure is 12 months, not 2 years like the RoGS measure. The shorter timeframe has been applied to reduce the delay in reporting. The figures are also updated quarterly unlike RoGS that is only updated annually.

For the purposes of the Premier's Priority, the reoffending rate is defined as the proportion of adults released from sentenced custody with a new proven personal/property/serious drug offence within 12 months.

There is an 18 month time lag between an offender's exit from custody and the date reoffending is reported. This includes 12 months to track reoffending and an additional 6 months for the finalisation of court processes.

In summary, the Premier's Priority measure is preferred over the RoGS measure because:

1. The RoGS measure excludes important convictions for re-offending that lead to outcomes that are not administered by corrective services (for example, fines, bonds without supervision and historically suspended sentences).
2. The RoGS captures parole revocations that are due to technical breaches of conditions. Ensuring compliance with parole conditions is not against the interests of community safety and accordingly these are not captured in the Premier's Priority measure.
3. The RoGS measure is not weighted in any way to account for the nature of the re-offence (for example, a return to prison for a driving offence or breach of a justice procedure is counted in the same manner as a return for armed robbery).
4. The Premier's Priority measure reports back in a much shorter timeframe, so the impact on intentions can be detected much sooner.

Question 12.

Mr DAVID SHOEBRIDGE: Minister, I think your evidence in the last round was that there had been 24 deaths in custody this calendar year. Is that right?

Mr COUTTS-TROTTER: This financial year, so since 1 July 2020.

Mr DAVID SHOEBRIDGE: Since 1 July 2020.

Commissioner SEVERIN: Until 5 March.

Mr DAVID SHOEBRIDGE: Have there been any deaths since 5 March?

Mr COUTTS-TROTTER: No.

Mr ANTHONY ROBERTS: No, not that I am aware.

Mr DAVID SHOEBRIDGE: And it is 24 deaths, is that correct?

Mr ANTHONY ROBERTS: Yes, that is correct.

Mr DAVID SHOEBRIDGE: Four of which are First Nations people.

Mr ANTHONY ROBERTS: Correct.

Mr DAVID SHOEBRIDGE: How many of those deaths have been categorised as unnatural deaths?

Mr ANTHONY ROBERTS: Three.

Mr DAVID SHOEBRIDGE: And of those, we know that one was that First Nations woman who died in Silverwater last week. Is that correct?

Mr COUTTS-TROTTER: Yes.

Mr ANTHONY ROBERTS: Yes.

Mr DAVID SHOEBRIDGE: What were the other two?

Mr ANTHONY ROBERTS: I will take that on notice.

Response:

Four Aboriginal people have died in custody since 1 July 2020.

The apparent cause of death for these four people are:

- 1 death by apparent natural causes
- 1 death by apparent unnatural causes
- 2 deaths where the exact cause of death remains unknown.

The cause of death for a person who has died in custody in NSW is determined by the NSW Coroner as the result of a coronial inquest.

Question 13.

Mr DAVID SHOEBRIDGE: In relation to the death at Silverwater, was the First Nations woman a sentenced prisoner or was she on remand?

Mr ANTHONY ROBERTS: We will take that on notice.

Response:

The woman was sentenced.

Question 14.

Mr DAVID SHOEBRIDGE: Commissioner, one of the repeated recommendations for dealing with First Nations inmates is to ensure they are not in a cell alone, particularly in a cell alone, where there are hanging points. How is that basic rule, that basic protection measure not being applied by Corrective Services?

Commissioner SEVERIN: It is certainly being applied. It is actually not correct that there is a requirement for First Nations people to be in double-up accommodation, as it would be quite inappropriate.

Mr DAVID SHOEBRIDGE: I will be clear. What I put to you, Commissioner, was to not be in a cell with hanging points, by themselves. That is, on my understanding, a pretty fundamental recommendation as part of a strategy to prevent First Nations deaths in custody, apart from not putting First Nations people in prison in the first place. Why is that not being complied with?

Commissioner SEVERIN: Very clearly, if there is any indication that a person is at risk, we are using the buddy system—as it is referred to colloquially—to mitigate that risk to some extent. If the risk is of a heightened nature—that they require observation—then it goes all the way to constant observation. It is a measure we regularly take. If a person does not show any signs of being at risk, it is actually in many, many cases the preferred option of the prisoner to be on their own rather than to share a cell with another person. I am not suggesting in this case, because I have not got that information, that the buddy system was something that was ruled out. But again—

Mr DAVID SHOEBRIDGE: Will you provide that information on notice, Commissioner?

Commissioner SEVERIN: If there is information that I can provide in the context of the investigations that are currently under way, I am certainly happy to do so. If that information at this point in time is not able to be shared, I will have to wait until those investigations are complete and the Coroner has made their findings.

Mr DAVID SHOEBRIDGE: Commissioner, how many cells had their hanging points removed in the last financial year?

Commissioner SEVERIN: I need to take that on notice.

Mr DAVID SHOEBRIDGE: Have any?

Commissioner SEVERIN: I have to take that on notice.

Mr DAVID SHOEBRIDGE: Is there a funded program in place to remove hanging points from cells?

Commissioner SEVERIN: There is a minor works program in place. That includes removing hanging points. We have done that at the Tamworth facility, for example. But I have to take the detail of that question on notice.

Response:

In 2020/21 (year to date), a total of 406 cells are being/have been refurbished to reduce hanging points in three correctional centres:

- Junee Correctional Centre: 139 cells (completion by June 30, 2021).
- Long Bay Correctional Centre: 249 cells (completion by May 30, 2021).
- Parklea Correctional Centre: 18 cells (completion by June 30, 2021).

The Prison Bed Capacity Program has also delivered 3,768 new fit for purpose beds. All new cells have been designed to anti-ligature standards. Since 2018, as part of the Prison Bed Capacity Program at the South Coast Correctional Centre, Geoffrey Pearce Correctional Centre and Goulburn Correctional Complex, 657 existing prison beds were refurbished / replaced, reducing potential ligature points.

Remediation work to remove hanging points at Tamworth Correctional Centre commenced in 2018 which included the modification of 22 cells. An audit of the centre in October 2020 did not identify any cell hanging points.

Question 15.

Mr DAVID SHOEBRIDGE: Could you give some details on notice about how many cells have had hanging points removed in Tamworth as a result of that program?

Commissioner SEVERIN: I can provide that information.

Response:

Remediation work to remove hanging points at Tamworth Correctional Centre commenced in 2018 which included the modification of 22 cells. An audit of the centre in October 2020 did not identify any cell hanging points.

Question 16.

Mr DAVID SHOEBRIDGE: Minister, it is almost inevitable, where there is a death in custody, that the family will approach Corrective Services and ask for assistance not just in transporting the body of their loved one but with funeral costs. There is at best a discretionary position in relation to First Nations families. Will you consider adopting a policy that will simply provide for the reasonable funeral costs so the families do not have that anxiety after there has been a death in custody?

Mr ANTHONY ROBERTS: I am happy to take that on notice. Certainly can I commend the Commissioner, who is very active when it comes to ensuring that, whenever there is any death in custody, those families are looked after, as well as the Corrections staff. Do not forget the effect of any death in custody on the Corrections staff and our medical support people. I am quite happy to take it on notice.

Mr DAVID SHOEBRIDGE: Commissioner, do you have any details on how the policy is administered now? Was my characterisation correct?

Commissioner SEVERIN: We have an approach where we allow families, obviously, or loved ones to request reimbursement of costs or carriage of costs. We assess that on a case-by-case basis, with the default position being that we are supporting meeting those reasonable costs that families incur.

Mr DAVID SHOEBRIDGE: What I have asked is: Could that policy could be revisited to remove that anxiety from families and just have a simple policy that says that it is the position of Corrective Services that the reasonable funeral costs, up to a certain figure, will be reimbursed. "Here is how you put the application on. Here is how you evidence the expenditure." It would remove a lot of anxiety from families who are otherwise facing tragedy and financial hardship, particularly First Nations families.

Commissioner SEVERIN: We are doing that at the moment, and we continue to do that. Where there is a situation where a family cannot meet those costs, we always support families.

Mr DAVID SHOEBRIDGE: I think the Minister has taken that on notice.

Response:

The Custodial Operations Policy and Procedures provide that the Corrective Services NSW Chaplaincy Co-ordinator will contact the next of kin and advise them that they may apply for a subsidy of up to \$2000 for funeral costs. All next of kin who are interested in receiving the subsidy are provided with an application form and advice on what is required to support the application. Corrective Services is currently reviewing the policy to determine if there is the potential to further streamline the process to reduce the stress and burden on families.

Question 17.

The Hon. ROSE JACKSON: Thank you. I just wanted to check if there had been any update on that discussion. Minister, I just wanted to clarify in relation to the SIRA report that we have been discussing—I appreciate you have not read it, but were you advised of its existence? Were you aware that it existed?

Mr ANTHONY ROBERTS: I would have to take that on notice.

Response:

The Department of Communities and Justice has not yet briefed the Minister on the SIRA report. The Department identified concerns with the report and provided SIRA with a detailed response. SIRA has indicated it will reply to this correspondence.

Question 18.

The Hon. ROSE JACKSON: Who made the decision in the first place to refuse to cooperate with SIRA and claim public interest immunity over the entire documents? Where did that decision originate?

Mr COUTTS-TROTTER: I do not know, but I am happy to take that on notice and provide it to you.

The Hon. ROSE JACKSON: Prior to you indicating that you did not wish to pursue that claim of public interest immunity, was advice being sought from the Crown Solicitor? Had any engagement to follow the proper process about public interest immunity commenced?

Mr COUTTS-TROTTER: I cannot confirm so, again, I will take that on notice.

Response:

No decision was made to refuse to cooperate with SIRA.

On the advice of the Crown Solicitor's Office, Corrective Services NSW claimed public interest (PI) immunity in respect of three documents only, not, as suggested, in respect of the approximately 800 documents that were produced.

The Crown Solicitor's Office, on behalf of Corrective Services NSW, provided all the requested information to SIRA on 16 October 2020. This was after SIRA provided its report to Parliament on 14 October 2020 in response to a resolution of the Legislative Council under Standing Order 52.

Question 19.

The Hon. ROSE JACKSON: Some of the individuals who work at Corrective Services are more senior individuals, but some of them working in the injury management unit are lower down the reporting line. Would any potential misconduct investigations into those people be overseen by the assistant commissioner? Within the normal chain of command in Corrective Services, is that the person who would oversee misconduct matters of that nature?

Commissioner SEVERIN: The assistant commissioner has absolutely no line responsibility for any person who might have been involved in injury prevention management in this particular case.

The Hon. ROSE JACKSON: I appreciate your comments and your clear concern that those individuals have not had the opportunity to respond to some of the things. Does it concern you then that one of the things that SIRA found in relation to Corrective Services' management of the workers compensation claim was that a particular lawyer was the preferred lawyer and that that person, the lawyer, was instructed not to take evidence from, for example, some of the workers involved in the incident? Would that concern you?

Commissioner SEVERIN: Again, the responsibility for managing that aspect was not one of the issues I had anything to do with. So, again, I am happy to take that on notice, and I will get back to you on the record.

Response:

The Department of Communities and Justice has addressed this matter in its response to SIRA of December 2020 (attachment one and attachment two).

Question 20.

The CHAIR: Minister, turning to another question—and maybe Mr Severin is the one who can probably better answer this one—what measures has Corrections had to introduce to the Corrections firing range after it was found that many people, including MPs, were using the range?

The Hon. TREVOR KHAN: Not me!

The CHAIR: I am not pointing any fingers.

The Hon. ROSE JACKSON: It was David Elliott.

Commissioner SEVERIN: We provided comprehensive information to the NSW Police Force as part of their investigation. In that context we also updated procedures to be very clear about third-party use of the range. We, by the way, had not had any third-party use of the range since that time and so, in essence, for us it is a new set of procedures—updated procedures. We also obviously fully cooperated with the police investigation that—

The CHAIR: Is the range actually properly licensed by registry now, as every other range in the State is?

Commissioner SEVERIN: It is.

The CHAIR: What conditions are on the range?

Commissioner SEVERIN: I need to take that on notice—the detail of that.

The CHAIR: Yes, I would like—

Mr DAVID SHOEBRIDGE: Do you still give some machine guns to Ministers?

Commissioner SEVERIN: I will take that on notice.

Mr DAVID SHOEBRIDGE: I would have thought a "no" would have been a fairly easy answer on that.

Mr ANTHONY ROBERTS: No, we will take it on notice.

Response:

The Shooting Range Approval outlines the conditions of the shooting range located at Francis Greenway Correctional Complex (attachment three).

There have been no further instances of Ministers using firearms on the range.

Question 21.

The CHAIR: That was the next question. When you are having prisoners moving from one part of a prison to another part of a prison, is it the intention to also screen them through these devices?

Commissioner SEVERIN: No, not on regular movement but certainly on reception and following visits and as required if there is any suspicion. To give you an indication from the machines that we are currently using—and I am not going to bore you with the technical detail but—

Mr ANTHONY ROBERTS: Bore us.

The CHAIR: No, please bore us.

Commissioner SEVERIN: It is about really the safe limits. We have a licence to operate the machines per person of one millisievert per annum. That is 1,000 microsieverts. So each time you undergo a scan, that equates to 2 microsieverts. As you would understand, there would be many scans you could do until the 1,000 microsieverts, or one millisievert, are reached. The new machines that we are looking at—the ultra-low setting has 0.25 of a microsievert. So it is a much lower risk and there is no risk to anybody at that point in time. The real advantage of the machines is that we can use them as a non-intrusive way of detecting contraband, and even going further that we do not have to in all likelihood use strip searches, for which every correctional jurisdiction has been criticised, on female offenders going forward.

The CHAIR: Thank you. Just statistics-wise, what is the inmate count at the moment—the headcount? You usually have that to hand.

Mr ANTHONY ROBERTS: We have 4,114—this is as at Sunday 21 February—remand. You could probably give us the up-to-date, as of today—

Commissioner SEVERIN: The total number is 13,105 in custody at midnight last night.

Mr ANTHONY ROBERTS: Which is down from 13,197 as of 21 February.

The CHAIR: And last year? Do you know what the comparative is?

Commissioner SEVERIN: The detail on the day I would have to take on notice but it would have been in the low 14,000s. The COVID pandemic has had an impact on prisoner population. We went down as low as 12,800 or thereabouts and we have since then climbed again between 400 and 500, and the trend is going up.

Response:

The total number of inmates in full-time custody on 21 February 2021 was: 13,197.

The total number of inmates in full-time custody on 21 February 2020 was: 14,131.

Question 22.

Mr DAVID SHOEBRIDGE: Minister, were there any provisions under the COVID rules specifically to keep women with dependent children in connection with their families?

Mr ANTHONY ROBERTS: Commissioner?

Commissioner SEVERIN: There were no specific arrangements other than the use obviously of the video visits as a result of cancelling the family visits. We quite proactively ensured that there was a lot of flexibility there in terms of timing of those visits to compensate for the inability of the mothers to actually be physically together with their children during that period of time.

Mr DAVID SHOEBRIDGE: Well, Commissioner, the last data that I saw showed that over half of the women in prison actually have dependent children. Do you know what the current data is or proportion of women in prison?

Commissioner SEVERIN: I will take that on notice.

Mr DAVID SHOEBRIDGE: But it would be right, would it not, that the majority of women in prison have dependent children? Mr Coutts-Trotter, you might provide us—

Mr COUTTS-TROTTER: From memory, around 65 per cent of women are mothers, but only around 25 per cent had care of their children at the time they came into custody. That is my best recollection, Mr Shoebridge, but we will take it on notice and respond.

Response:

Female offenders received into NSW Correctional Centres during 2019/20		
	Number of Women	Percentage
Any Children	1520	59%
Number of children: Living with offender prior to reception	414	16%
Number of children: Not living with offender prior to reception	1183	46%
No children	941	36%
Unknown	136	5%
Total Receptions	2597	100%

Question 23.

The Hon. ROSE JACKSON: I wanted to ask about the mooted new prison in Camellia. What is the status of that facility? Are you going to build it, first question? Yes or no?

Mr ANTHONY ROBERTS: There are a number of options for a new metropolitan facility. A strategic business case for an expanded capacity in the greater Sydney metropolitan area was endorsed by the Expenditure Review Committee in September 2017. The requirement for that additional correctional capacity in Sydney was also acknowledged in the report on the prison population by the Auditor-General in 2019. Corrective Services is currently working with stakeholders to develop options to meet this long-term service need. The options being explored include identification of a suitable site or sites for acquisition within the Sydney metropolitan area to meet the forecast additional capacity needs into the future and/or options for further development of existing metropolitan prison sites.

I can inform you that the final business case is being prepared to assess all options for consideration by the Government in 2021. Prudent planning for strategic options will ensure that the Government is prepared for fluctuations in the prison population. The Government has assessed some 600 sites to date and has identified a number of suitable locations. In answer to your question, the site at Camellia is but one of a number of options that are being considered. The Government will consider the relative merits of all options, including the social and economic impacts, before deciding upon an appropriate strategy. The Government has not decided on a preferred option as of yet. We have a number of options—as I said, there were 600 sites. That will go before a committee of Cabinet, the ERC, to make a determination. I do not have anything before me to add to that.

The Hon. ROSE JACKSON: You have assessed 600 sites. How many of those 600 are still on the list of possible sites? How many has that been whittled down to? Five? Ten? Three hundred? One?

Commissioner SEVERIN: There are about three to four sites that are still under consideration, and there is a lot of due diligence, obviously, that has to happen. As the Minister said, Camellia is only one of those.

The Hon. ROSE JACKSON: One of those three or four. Is Wollondilly still part of that three or four or have you abandoned Wollondilly as an option?

Mr ANTHONY ROBERTS: I would have to take that on notice. I am not aware.

The Hon. ROSE JACKSON: If it has been removed, was it removed because local people in that area strenuously objected to it being on the list for a potential new prison?

Mr ANTHONY ROBERTS: Again, I will have to take that on notice, but I am not aware of the exact sites. Obviously Camellia, the Commissioner has said, is one of them to be reviewed. But we will look at the social and economic impacts of any decision.

Response:

A number of sites remain under consideration, including sites in Western Sydney. The project is not yet sufficiently progressed for community consultation, nor has any recommendation been finalised for ministerial or cabinet consideration.

Question 24.

Mr COUTTS-TROTTER: Firstly, I am a little uncomfortable about venturing a recollection of a private conversation. But given the consequence of the issues, I will. I got the report and I read it and I thought, "This raises a range of serious concerns." I rang Carmel Donnelly, who I have known as a colleague for a long period of time and for whom I have a great deal of respect, to discuss the report and to get her sense of what she thought were significant issues in it. As I think I said, she was particularly concerned about the welfare and wellbeing of one of the three men who were the subject of the report. I then undertook to take advice and I told Ms Donnelly, as I am happy to repeat here, that I took SIRA's report and advice seriously and I would pursue it within the organisation.

That is what I did and a letter on my behalf was returned to SIRA in December. It does raise issues or concern with a very considerable number of points in the report. Reiterating a point that Peter has made, as you have put on the record, the report raises questions about the integrity and behaviour of one of my colleagues without affording her any procedural fairness at all. That is really one of the issues that we have responded to with SIRA. Was there a draft stamp on the report? No. Could SIRA have considered it a final report? Possibly. But I did undertake to the CEO of SIRA to take advice and respond, which is what I have done.

The Hon. DANIEL MOOKHEY: Can I just follow that up, Secretary? You said you wrote to Ms Donnelly in December?

Mr COUTTS-TROTTER: No. My recollection was that I wrote but in actual fact I approved of a letter going from a colleague of mine, the head of human resources, to SIRA in December.

The Hon. DANIEL MOOKHEY: The head of human resources for the department?

Mr COUTTS-TROTTER: Yes.

The Hon. ROSE JACKSON: Is that Ms Cathy Hellams?

Mr COUTTS-TROTTER: No, it is Brigitte Fairbank. Cathy Hellams is a less senior colleague.

The Hon. DANIEL MOOKHEY: Was Ms Fairbank her boss? Two individuals were involved in the HR department. Ms Fairbank wrote the letter. Who was the other person you said?

Mr COUTTS-TROTTER: No, you raised another person's name.

The Hon. DANIEL MOOKHEY: Sorry. Yes.

The Hon. ROSE JACKSON: Who was identified as the head of —

Mr COUTTS-TROTTER: I do not know if this is really a fair thing to do, having a discussion about a range of people who have not had a discussion with SIRA. But you are raising their names in relationship to a report produced by SIRA, which we have provided detailed response to, which we know SIRA is in turn going to respond again to. I am just not sure that is a fair fight, to be honest.

The Hon. DANIEL MOOKHEY: To be fair, that is not the fight we are having. Secretary, you just said that you approved a letter being sent by the director of HR. HR is subject to this investigation.

Mr COUTTS-TROTTER: No, because Brigitte Fairbank did not work for the organisation when—

The Hon. DANIEL MOOKHEY: The function is—

The Hon. TREVOR KHAN: Just let him answer.

The Hon. DANIEL MOOKHEY: Sorry.

Mr COUTTS-TROTTER: Brigitte Fairbank was one of my inspired recruitments. She joined the Department of Family and Community Services about two years ago. So she had no direct history or involvement with any of this.

The Hon. DANIEL MOOKHEY: But the part of the department she led did, did it not?

Mr COUTTS-TROTTER: There would be potentially some staff from former Justice who are now in her team, yes.

The Hon. DANIEL MOOKHEY: Basically, the position you have adopted in the correspondence you approved with SIRA was created and sourced by the unit of the department that was under investigation by SIRA. Is that an unfair characterisation?

Mr COUTTS-TROTTER: I think it is. I had no history with the matter. Brigitte Fairbank had no history with the matter. We both tried to make good decisions based on the information we had about what was appropriate to send back to SIRA in response to their report and review.

The Hon. DANIEL MOOKHEY: On notice, is it possible that we could get copies of that correspondence?

Mr COUTTS-TROTTER: I am more than happy to do that on advice. I just want to make sure that SIRA would be comfortable with that and that there is no other impediment. But I have no opposition to it.

Response:

The Department of Communities and Justice has addressed this matter in its response to SIRA of December 2020 (attachment one and attachment two).

Question 25.

The Hon. ROSE JACKSON: Mr Coutts-Trotter, is any of the factual evidence from the SIRA report contested in the response from the department? Do you contest any of the facts?

Mr COUTTS-TROTTER: From memory, yes. There is a finding that the Industrial Relations Commission was misled, when on my recollection—advice was provided to the IRC that there was no disciplinary matter on foot, which is discipline under the Government Sector Employment Act. The issue from the perspective of the department and Ms Wilson was that there was a performance issue there; it was not a disciplinary matter, it was a performance issue. But elsewhere in all of the materials associated with this, an injury manager provided advice in May and June of 2015, I think, many years ago, that used the word "disciplinary". That was a mistake. It was not ever a disciplinary matter. It was a performance issue. We take very seriously our responsibility as a model litigant to be truthful and accurate to the Industrial Relations Commission. So we do reject the assertion or the finding that we misled the Industrial Relations Commission. We did not.

The Hon. ROSE JACKSON: We might come back to that. Just in relation to your response, is it a letter? Or did you prepare a report? I think you mentioned 49—

The Hon. TREVOR KHAN: He has given evidence. It was a letter.

Mr COUTTS-TROTTER: It is a covering—

The Hon. ROSE JACKSON: I want to know if the department prepared a report in response to SIRA's report or just sent a letter—

Mr COUTTS-TROTTER: No. It is a covering letter that then attaches responses that reference paragraph numbers in SIRA's review.

The Hon. ROSE JACKSON: Ms Fairbank produced that letter?

Mr COUTTS-TROTTER: She actually signed it under my authorisation. Yes.

The Hon. ROSE JACKSON: Presumably, Commissioner Severin and others were consulted in the preparation of that.

Mr COUTTS-TROTTER: I do not know exactly who was consulted. I am relying on the professionalism of my colleague.

The Hon. DANIEL MOOKHEY: Of the nine findings of the SIRA report, was that the only finding you rejected?

Mr COUTTS-TROTTER: I will go back to the correspondence and respond on notice, unless there is—at the very least we can respond on notice in relation to each of the findings. But I would imagine there is no impediment for us actually releasing the document we sent to SIRA. If that is the case, we will.

Response:

The Department of Communities and Justice's response to SIRA of December 2020 is attached (attachment one and attachment two).

Question 26.

Mr DAVID SHOEBRIDGE: Commissioner, it would be fair to say that you backed management in from the outset, did you not? You backed the general manager in from the outset without ever really hearing the case brought by the employees?

Commissioner SEVERIN: No. The whole matter started as a performance-related issue to the immediate action team [IAT] at MRRC, which these three staff members were part of, where they refused to report to a newly arranged reporting arrangement and the matter then also resulted in a range of concerns that were subsequently referred to the security operations group in the context of possible changes to training procedures and procedures of general conduct and professional conduct of members of the IAT, which I talked about this morning. In parallel, there were some WorkCover claims received, which obviously were dealt with through the injury prevention and management branch, and then charges were preferred by the NSW Police Force, which then made their way through the courts and it took about, from memory, 18 months to two years until that was finalised.

Mr DAVID SHOEBRIDGE: The GM in question was married to an assistant commissioner in Corrective Services. Is that right?

Commissioner SEVERIN: Yes.

Mr DAVID SHOEBRIDGE: Did any of these issues come across the assistant commissioner's desk—her husband's desk?

Commissioner SEVERIN: Indirectly, yes. She reported to a director and the director indeed reported to the assistant commissioner, who was Acting Assistant Commissioner of Custodial Corrections at the time.

Mr DAVID SHOEBRIDGE: Then that assistant commissioner reported through to you. That was the chain of command, was it not?

Commissioner SEVERIN: Correct.

Mr DAVID SHOEBRIDGE: It went from GM to director and then her husband, who was an assistant commissioner, and then to you?

Commissioner SEVERIN: That is correct.

Mr DAVID SHOEBRIDGE: Did you ever think to question whether or not that was inappropriate in the circumstances, to have a chain of command which involved the husband of the general manager, given what we now know of the very serious concerns about the conduct?

Commissioner SEVERIN: No, it is very clear that we had some very clearly established behavioural arrangements, because obviously those types of reporting relationships can occur in an organisation like ours, and it was very clear and strictly observed by both the assistant commissioner at the time and the general manager of the metropolitan remand centre that that professional relationship remained exactly that. I had no reason—and I am on record saying this earlier during investigations in this matter—to have any concern about this relationship in any way negatively influencing things that occurred.

Mr DAVID SHOEBRIDGE: There is an unquestionable conflict of interest if the assistant commissioner dealing with this matter is the husband of the GM, who at least in part has been responsible now for millions and millions of dollars of civil claims being paid by Corrective Services to these three officers. You must acknowledge there is a conflict of interest if the person in the chain of command is the husband of the general manager whose conduct is in question. You must accept there is a conflict of interest there.

Commissioner SEVERIN: I think we need to very clearly distinguish what the responsibilities were. The responsibilities at the time were not to deal with injury prevention and management or workers compensation claims. The responsibilities were for the operation of Custodial Corrections in that context, the Metropolitan Remand and Reception Centre, and my comments relate entirely to the operational responsibilities that were in place at the time. I have no reason to be concerned about the relationship having any negative influence or any subjective influence on the way operations were conducted at the time.

Mr DAVID SHOEBRIDGE: SIRA's review includes the notation:

Several key documents have been considered in this report. These include, but are not limited to, a contemporaneous note provided by the General Manager, MRRC, to the Acting Assistant Commissioner.

That contemporaneous memorandum is a major evidentiary issue throughout the whole of the report.

Commissioner SEVERIN: Yes, I do not have any recollection of that detail.

Mr DAVID SHOEBRIDGE: Was it disclosed to SIRA that the acting assistant commissioner was the husband of the general manager? Has that been disclosed to SIRA?

Commissioner SEVERIN: That was well known, and this document was well known during proceedings.

Mr DAVID SHOEBRIDGE: The question, though, Commissioner—

Commissioner SEVERIN: Absolutely.

Mr DAVID SHOEBRIDGE: It was disclosed?

Commissioner SEVERIN: I even had to give evidence myself in one of those reviews in that regard. This was a question put to me at the time, which I diligently answered.

Mr DAVID SHOEBRIDGE: You think there is no conflict of interest when contemporaneous records and notes clearly for the purpose of management are being passed between a wife and a husband where one of those parties is in a chain of command above the other. You do not see a conflict of interest; you think that is fine?

Commissioner SEVERIN: That was not what I said before. I said that I had no reason to be concerned that the personal relationship that those two had was in any way adversely influencing or affecting operational decision-making and outcomes. So the issue—

Mr DAVID SHOEBRIDGE: Commissioner, the whole—

The Hon. TREVOR KHAN: Let him answer.

Mr DAVID SHOEBRIDGE: Sorry, I thought you had.

Commissioner SEVERIN: —in relation to contemporaneous notes being exchanged is not something that I have any recollection of. I need to take on notice the detail of that in order to properly answer that question.

Response:

The Department of Communities and Justice has addressed this matter in its response to SIRA of December 2020 (attachment one and attachment two).

Question 27.

Mr DAVID SHOEBRIDGE: Sorry, I thought you had finished. Commissioner?

Commissioner SEVERIN: I have finished.

Mr DAVID SHOEBRIDGE: Can you explain why it is that—where you have a reporting structure that goes general manager, director, assistant commissioner—the general manager wrote her report to the assistant commissioner and not to the director? Can you explain that?

Commissioner SEVERIN: I cannot explain without having the actual fact in front of me. It is quite often that we, obviously in the context of operations, provide reports. The general manager would provide reports to me if that is necessary under the circumstances and particularly if there is time pressure. That does not mean that the director or indeed the assistant commissioner when it comes to myself is not also in that loop.

Mr DAVID SHOEBRIDGE: Rather than a generalised response of what it may or may not have been, could you take on notice why in this instance that chain of command was stepped over and the report went directly from the general manager to the assistant commissioner?

Commissioner SEVERIN: Yes, happy to do so.

Response:

The memorandum from Ms Sue Wilson, General Manager of the Metropolitan Remand and Reception Centre to Assistant Commissioner Wilson dated 26 May 2015 has been provided to the Committee.

The memorandum was prepared at the request of the then Director to ensure that the Assistant Commissioner was kept informed of the operational issues at the centre.

Question 28.

Mr DAVID SHOEBRIDGE: To either Mr Coutts-Trotter or the Commissioner, on the Clarence Correctional Centre, which is being run by Serco, can either of you provide details of how much has been paid to date to Serco for the running of that facility?

Commissioner SEVERIN: No, we cannot because it is not a daily rate that is part of the contract. I am happy to take it on notice. There are very complicated payment mechanisms because it includes the capital and it includes the service operation. I would have to take that on notice.

Mr DAVID SHOEBRIDGE: Break it down by all means, Commissioner, if that assists, but the one thing I would really like is: How many dollars have gone from the State of New South Wales to Serco in total in relation to the Clarence Correctional Centre?

Commissioner SEVERIN: So the question is limited to Serco, not to NorthernPathways, the—

Mr COUTTS-TROTTER: Consortium.

Commissioner SEVERIN: —consortium?

Mr DAVID SHOEBRIDGE: I am more than happy if you can also provide the money that has gone to the consortium, yes. It may well be that the consortium then hands money over to its partners. So I appreciate your assistance, Commissioner, in getting to the nub of the question.

Commissioner SEVERIN: Yes. I will take that on notice.

Response:

The total amount paid to NorthernPathways for Clarence Correctional Centre for the first seven months of operations (July 2020-Jan 2021) is: **\$96,335,278.51**.

This figure includes the debt and service fee.

The service fee for the operations at Clarence Correctional Centre is: **\$50,751,897.09**.

The debt payment for the constructed correctional centre is: **\$45,583,381.42**.

Health costs cannot be individually disaggregated out, as they form part of the base service fee.

Question 29.

Mr DAVID SHOEBRIDGE: How many positions were vacant or how many positions are currently not filled in the health team at Clarence Correctional Centre? We have one GP and 12 nursing positions. How many other substantive positions are not filled?

Commissioner SEVERIN: When we talk "filled"—I also mentioned that any shortfall is made up by locum GPs at the moment until they fill a full-time GP for the centre, which is very different to any other facility that we are running in the State. So, they have GPs that are actually employed for the centre; they are not simply coming in, which is very, very good. I need to take on notice the question in relation to any other vacancies, but shifts are not left short. That means that there would then be nurses that come in, either on overtime or through agency nursing, to make up any shortfall and ensure that the service is provided.

Response:

All health positions at Clarence Correctional Centre are filled each day. This is through a mixture of permanent and locum or agency staff. Any further questions in relation to the provision on healthcare in the NSW correctional system should be directed to the Minister for Health and Medical Research.

Question 30.

Mr DAVID SHOEBRIDGE: Can you provide on notice what, if any, payments are made under the contract with NorthernPathways or Serco for the provision of medical treatment at the Clarence Correctional Centre? What payments have been made to date?

Commissioner SEVERIN: Yes. If that figure is separately available, of course we can.

Mr DAVID SHOEBRIDGE: Alright, and what, if any, light you can shed on what the budget is for the provision of medical services at Clarence Correctional Centre?

Commissioner SEVERIN: Any of the financial arrangements that are in place—if they are able to be disaggregated, we certainly can make that available.

Response:

Health costs cannot be individually disaggregated out, as they form part of the base service fee. Any further questions in relation to the provision on healthcare in the NSW correctional system should be directed to the Minister for Health and Medical Research.

Question 31.

The Hon. ROSE JACKSON: Commissioner, do you accept that the three employees who, as you characterised, were subject to the performance issues never received any prior warning or had any previous concerns expressed to them about their performance or conduct?

Commissioner SEVERIN: I would have to take that on notice because I do not have any recollection of their service histories.

Response:

The Department of Communities and Justice has addressed this matter in its response to SIRA of December 2020 (attachment one and attachment two).

Question 32.

The Hon. DANIEL MOOKHEY: Sure. After the settlement was struck, did you take any actions at that point in time ahead of the SIRA report? To be fair to you, SIRA was at that point still not substantially in the way part of its investigation. So it is not fair to you to have expected to be able to sort of do it in respect of SIRA's pressure.

Mr COUTTS-TROTTER: Beyond saying there are some obvious flaws in how we handled this and talking to colleagues with corporate responsibility for work health and safety issues—actions beyond that, no.

The Hon. DANIEL MOOKHEY: Can I ask, on notice, perhaps, can we get the costs incurred by Corrective Services in the Industrial Relations Commission matter?

Commissioner SEVERIN: For this matter?

The Hon. DANIEL MOOKHEY: Yes, in respect of all the proceedings involving the Industrial Relations Commission. Can we find out how much that cost Corrective Services?

Commissioner SEVERIN: If that can be reconciled, we can.

The Hon. DANIEL MOOKHEY: Can we also get the cost of any engagement with icare that led to the settlement of the two matters? To be fair, the settlement was paid by the Treasury Managed Fund [TMF], which is the relevant insurer, so it is not like the cost of the settlement came from your budget.

Mr COUTTS-TROTTER: I am happy to take that on notice. We did not commission further legal advice or anything else. It was really just a message that, based on what I have seen, it seemed quite appropriate to settle the matter and that that should happen.

The Hon. DANIEL MOOKHEY: My final question on this, which you probably do need to take on notice, is: Has this led to an adjustment to the premium that Corrective Services has to pay to TMF—as the relevant insurer—to insure you, particularly as the re-rating process is probably taking place now? On notice, can we get any advice as to the implications or—

Mr COUTTS-TROTTER: I am not sure. We can do our best to try to disaggregate this.

The Hon. DANIEL MOOKHEY: Maybe, on notice, Mr Secretary—

The Hon. TREVOR KHAN: Just let him answer.

The Hon. DANIEL MOOKHEY: I just want to cut to the chase. Can we get the premiums for Corrective Services paid to the TMF in the past three years?

Mr COUTTS-TROTTER: Yes, I think so. Yes, because they do rate on a workplace basis so, yes.

The Hon. DANIEL MOOKHEY: If it is possible, can we get the premium history for the past four years—

Mr COUTTS-TROTTER: But I should stress the premium increases are a function not of these three matters, significant as they are; they are overwhelmed by the broader injury performance of the organisation.

The Hon. DANIEL MOOKHEY: Rest assured, Mr Khan, Mr Shoebridge and I have some expertise in

Response:

No costs were incurred in the IRC

The premium contribution for CSNSW in the past 3 years has been funded by Treasury and is as follows:

FY2018-19 - \$27.7m

FY2019-20 - \$31.6m

FY2020-21 - \$58m.

Question 33.

Mr DAVID SHOEBRIDGE: What will be the position if any Corrective Services staff, without a sound medical bases, refuse the vaccination?

Commissioner SEVERIN: It is a voluntary program nationally so there would be no consequences if either a prisoner or a staff member refused to be vaccinated. It is entirely voluntary and we cannot discriminate on the basis of a person refusing to get vaccinated. So it really comes down to our communication strategy and being compelling in the context of the virtues of being vaccinated.

Mr DAVID SHOEBRIDGE: Have you got advice about what kind of target rates are needed in staff and then separately what target rates are needed—and they may be the same figure—in inmates in terms of vaccination rates to provide the kind of herd immunity and a level of safety in prisons in circumstances where we may have a COVID-19 outbreak?

Commissioner SEVERIN: I do not have any of that information available. It might well have been part of a briefing where there were percentages talked about but—

Mr DAVID SHOEBRIDGE: Could you provide it on notice?

Commissioner SEVERIN: If it is available, I can. I am not entirely sure if it is available.

Mr COUTTS-TROTTER: It is definitely available on a population-wide basis. So there is a range of scenarios and assumptions about the share of the population that, for sound medical reasons, cannot safely be vaccinated and then some assumptions about people who might be vaccine refusers. From memory, you need 65 per cent or 70 per cent of the population to get there. But we will take it on notice.

Mr DAVID SHOEBRIDGE: To the extent you have information that you are providing to inmates about the vaccination process, can you provide examples of that to the Committee so that we can see the kind of information?

Commissioner SEVERIN: As soon as it is available, we are happy to do so.

Response:

Corrective Services NSW has no specific advice that relates to herd immunity and vaccinations within correctional centres. The vaccination will be made available to all inmates.

In collaboration with Justice Health and Forensic Mental Health Network (the Network), Corrective Services NSW has produced a fact sheet and video on COVID-19 vaccinations for inmates. Copies of both have been included for the Committee to view. A briefing was held with the Inmate Development Committees on the Long Bay Complex with executives from Corrective Services NSW and the Network in attendance (virtually) to answer questions, and distribute factsheets. Factsheets were made available in accommodation areas and the clinics. As with all COVID-19 materials these will be regularly reviewed and refined as processes and advice changes.

Attachment four and five are material provided to inmates prior to receiving the COVID-19 vaccination.

Question 34

The Hon. SHAOQUETT MOSELMANE: Firstly, in terms of prisoners' self-harm and mental health issues, how long are inmates being held at Surry Hills and Amber Laurel without access to professional risk assessments?

Commissioner SEVERIN: Surry Hills is one of two custody centres that we operate here in Sydney. There is a third one in Kariong. We under law cannot hold anybody for more than seven days in a facility like that and they are actually being treated by Justice Health straightaway, so there is an immediate medical assessment that includes a risk assessment when somebody comes into custody through police.

The Hon. SHAOQUETT MOSELMANE: You mentioned Surry Hills. What about Amber Laurel?

Commissioner SEVERIN: That is the same.

The Hon. SHAOQUETT MOSELMANE: It is the same. The next question is: How many inmates are taken out to hospital who have self-harmed from these two locations?

Commissioner SEVERIN: I need to take that on notice.

The Hon. SHAOQUETT MOSELMANE: What is the longest length of time an inmate has been housed at Surry Hills or Amber Laurel? **Commissioner SEVERIN:** Again, I need to take that on notice—

Response:

In the last 12 months three medical escorts to hospitals were undertaken as a response to incidents involving actual self-harm from Amber Laurel Correctional Centre and one from Surry Hills Police Cells.

Individual offender records that would capture the length of time spent in these two locations are recorded and stored locally. A manual review of all inmate movement records at each location would be required to provide a more detailed response.

Question 35.

The Hon. SHAOQUETT MOSELMANE: How long do inmates go without a change of clothes?

Commissioner SEVERIN: At Surry Hills and Amber Laurel?

The Hon. SHAOQUETT MOSELMANE: Yes.

Commissioner SEVERIN: Again, I need to take that on notice.

Response:

Remand inmates are offered showers and refreshed clothing upon reception and then on a daily basis.

Question 36.

The Hon. SHAOQUETT MOSELMANE: How many workers are on workers compensation at present?

Commissioner SEVERIN: Again, we need to take that on notice.

Mr COUTTS-TROTTER: We are happy to take that on notice.

Commissioner SEVERIN: I assume that is Corrective Services workers.

Mr COUTTS-TROTTER: Just to be clear, you are talking about Corrections' staff?

The Hon. SHAOQUETT MOSELMANE: Yes.

Mr COUTTS-TROTTER: We will take that on notice.

Response:

As at 31 December 2020, there were 851 CSNSW staff receiving some form of workers compensation. Of these, 413 were not attending for duties and 438 staff either at work in full or some capacity.

Question 37.

The Hon. SHAOQUETT MOSELMANE: Thank you, Mr Severin. A couple of questions arising from that. You have indicated that psychological claims have increased; what percentage of increase has there been?

Commissioner SEVERIN: Again, I need to take that on notice.

Response:

In FY2017-18 the proportion of all claims that were for a psychological injury was 12%.

In FY2018-19 the proportion of all claims that were for a psychological injury was 18%.

In FY2019-20 the proportion of all claims that were for a psychological injury was 19%.

Question 38.

The Hon. SHAOQUETT MOSELMANE: How often are officers recertified on using their batons?

Commissioner SEVERIN: Again, it is not a compulsory recertification. Everybody gets trained. Training programs, certainly for the immediate action teams and our security operations team, are quite intensive and very regular. The officers do not carry batons at work as part of their normal equipment; that is not necessary. Those who use batons as part of their job are regularly trained. Those who do not, obviously do not get trained. That is not to say they were not originally trained or can seek training in the use of batons that we provide for staff.

The Hon. SHAOQUETT MOSELMANE: Finally, recertification on first aid?

Commissioner SEVERIN: First aid?

The Hon. SHAOQUETT MOSELMANE: Yes.

Commissioner SEVERIN: First aid is mandated for all of us when we have to use our skills for first aid, we need to recertify. I think it is five years, but again, I take the detail of that on notice.

Response:

First aid re-certification is to occur every three years.

Question 39.

The Hon. ROSE JACKSON: My colleague asked a question about injury management within Corrective Services. I think you answered, Mr Coutts-Trotter, that there was an increase in the number of people—

Mr COUTTS-TROTTER: There was an increase in 2018-19 and an increase in 2019-20.

The Hon. ROSE JACKSON: How many people are now—

Mr COUTTS-TROTTER: Sorry, I was talking about the number of injuries.

The Hon. ROSE JACKSON: Apologies. I am talking about the number of case managers doing injury management.

Mr COUTTS-TROTTER: I will take that on notice, Ms Jackson.

Response:

An additional eight staff have been added to the Department of Communities and Justice (DCJ) injury management team that provides injury management support to the Corrective Services NSW business stream. This increases the team from six staff to 14 staff. The additional resources are temporary pending the implementation of the outcomes of a current review of the operating model and structure for workers compensation in DCJ.

Question 40.

Mr DAVID SHOEBRIDGE: Commissioner, in answers to questions last year about overwork and long shifts by Corrective Services officers, you advised that there were 65 cases where officers worked effectively three shifts—that is, more than 16 consecutive hours. Is this still happening? What is the policy?

Commissioner SEVERIN: First of all, I hope not, but I have to take the detail on notice. It is obviously not in anybody's interest to work 24 hours, and unless there is an operational emergency where that may have to happen, it should never be the pattern of work.

Response:

To reduce the occurrence of working greater than 16 consecutive hours, Corrective Services NSW has a number of business rules in place. However, if all other options have been exhausted, and in emergency situations, staff may work beyond 16 hours continuously until they can be relieved.

Question 41.

Mr DAVID SHOEBRIDGE: It is my understanding that there is a prohibition on working longer than 16 hours and yet that was breached 65 times in the 12 months to 12 March 2020. You cannot at the moment shed any further light on that?

Commissioner SEVERIN: I need to take the detail on notice, thanks.

Mr DAVID SHOEBRIDGE: All right. Can you then advise how many occasions in the 12 months leading up to today—and I more than happy if you want to roll it through to 12 March 2021 so that we are comparing apples to apples—officers worked greater than 16 consecutive hours, and how it happened that the policy was repeatedly breached?

The Hon. TREVOR KHAN: Can we find out what the element over the 16 hours is? It might be 30 minutes.

Commissioner SEVERIN: Just to put it in perspective, on any given day we would work tens of thousands of shifts. It is not an excuse, but certainly in relative terms 65 occasions is also not a systemic problem that I can see.

Mr DAVID SHOEBRIDGE: And you might give any information you can that is of assistance about how much more than 16 hours. One key data point that I think would be useful is what the longest shift was.

Commissioner SEVERIN: We will get that information.

Response:

Between 12 March 2020 and 12 March 2021, there were 50 instances of staff working 16 or more consecutive hours.

Two instances were less than 17 consecutive hours, 28 instances were 17 consecutive hours, two instances were between 17 and 18 consecutive hours, 16 instances were 18 consecutive hours and one instance was 19 consecutive hours.

There was one instance of an officer who worked over 24 consecutive hours.

If all other options have been exhausted, and in emergency situations, staff may work beyond 16 hours continuously until they can be relieved.

Question 42.

Mr DAVID SHOEBRIDGE: Commissioner, last year I asked for the cost per inmate of publicly owned versus private prisons and the Minister in his wisdom referred me to the *Report on Government Services 2020*.

Mr COUTTS-TROTTER: Excellent report.

Mr DAVID SHOEBRIDGE: It is an excellent report, but unfortunately it does not provide that information.

Mr COUTTS-TROTTER: As I said, an excellent report.

Mr DAVID SHOEBRIDGE: Given that unhelpful guidance last year, could you provide the cost per inmate of public versus private prisons over the past financial year?

Commissioner SEVERIN: We can see if we can disaggregate the information to that level. The difficulty here is that the cost per prisoner per day includes a whole range of costs that are not directly associated with running that particular facility: transport and escort costs, corporate services costs, IT costs—a whole range of additional costs that you find rolled up in the RoGS figure, but disaggregating it becomes very difficult.

Mr DAVID SHOEBRIDGE: I suppose, Commissioner, the difficulty I have with that answer is—

Commissioner SEVERIN: It is easy for us to provide a sum that we have spent on the private sector, maybe with the exception of Clarence where it is very complex because it is a public-private partnership. But to make it a meaningful comparison is very difficult because totals for the public sector and to some extent some services applied to the private sector as well—transport of prisoners, for example—include all of those costs.

Mr DAVID SHOEBRIDGE: The difficulty I have with that answer is that we get a figure in the 2020 report that says that the cost of open plus periodic costs—and I assume this is largely for public prisoners in the public system—is \$151.93 per day. In secure facilities, it is \$220.11 per day. The average or the net is \$197.45 per day.

Commissioner SEVERIN: That includes public and private.

Mr DAVID SHOEBRIDGE: That includes public and private, does it? Given the fact that we are able to get such precise figures, it seems hard for me to understand why you could not disaggregate that.

Commissioner SEVERIN: It is easier to do for the whole of system, where your additional flow-on costs can simply be loaded up and divided by the number of prisoners. If you have to then separate all of those cost elements out, it might prove to be very difficult. However, I am more than happy to ask the financial experts to provide that information in as meaningful a way as possible.

Mr DAVID SHOEBRIDGE: There is a public policy benefit in doing this—to actually have a look at the costs in the two systems.

Mr COUTTS-TROTTER: Sure, and presumably when making the decision to commission a private provider we must have a public sector comparator.

Commissioner SEVERIN: We do, absolutely.

Mr COUTTS-TROTTER: Yes.

Mr DAVID SHOEBRIDGE: It may be that you do it facility by facility rather than an aggregated group.

Mr COUTTS-TROTTER: Yes.

Mr DAVID SHOEBRIDGE: And you provide whatever commentary is necessary to understand why that cost may be up or higher or lower than the average, given that they are quite distinct.

Response:

The average daily rates, calculated on the same basis as used in the Report on Government Services, for FY2019-20 resulted in a daily rate of \$226.87 for public prisons and \$161.58 for private prisons.

The average daily cost of operating public and private prisons, however, is not strictly comparable. As expected, the average daily rate for public prisons is significantly higher due to the different roles and functions undertaken in public prisons. Public prisons are the more complex prisons in the system, which is inevitably more costly to maintain and operate. These centres are dealing with higher risk security classification inmates, inmates in intensive treatment programs, and inmates with special needs, including specialist medical care, all of which involve significant costs to the operator.

Question 43.

Mr DAVID SHOEBRIDGE: While you are doing that, Commissioner, the *Report on Government Services 2020* shows that there was a dramatic collapse in the time out of cells in New South Wales between 2011-12 and 2012-13. Since then New South Wales has been at the bottom of the pack, but there was that dramatic collapse between 2011-12 and 2012-13. Do you know what led to that dramatic collapse, what the changes were and if they are reversible?

Commissioner SEVERIN: I will take that on notice. This is a vague memory, but I understand that there was a counting error and the formula was not used in the right way before then. That would have been a footnote in the *Report on Government Services* at the time, but I had better take that on notice.

Response:

The “decrease” in time out of cells (mainly in Open security) between 2011-12 and 2012-13 was due to a change in the interpretation of the counting rule around "locked in cell".

Between 2009-10 and 2011-12, Corrective Services NSW reported inmates locked into a wing but not secured (i.e. locked) in a cell as being "not being locked in a cell". As a result of that interpretation, in 2011-12, across 27 Open custody centres/units, 21 centres were reported as having 24 hours out of cell. That interpretation was discontinued in 2012-13.

That same rule would not have applied to Secure custody, and it is suggested that the reason for the decrease in Secure custody between 2011-12 and 2012-13 (6.86 hours to 6.20 hours) would have been due to minor changes across a number of centres in terms of their normal routine and in hours lost due to lockdowns.

Question 44.

The Hon. ROSE JACKSON: I wanted to ask about strategies to work with the Housing team in relation to homelessness. We asked Deputy Secretary Vevers about the Set to Go program, which he acknowledged had been quite successful but that the take-up had not been as high as might have been expected and there was a problem with awareness about the program. Is that something you are working on? Obviously we all have an interest in reducing prisoners returning to homelessness.

Commissioner SEVERIN: Yes, we do. There is a steering committee, which Paul Vevers and Lou Grant jointly chair. I am a member of that steering committee as well. Then we have a range of our operational experts who deliver the services there, so it does receive very senior attention because it is a great opportunity.

The Hon. ROSE JACKSON: Are you able to provide any information on notice about how many people have engaged that program?

Commissioner SEVERIN: Yes.

The Hon. ROSE JACKSON: I understand it was only set up quite recently. It was then expanded to the entire prison network in November last year, I think.

Commissioner SEVERIN: That is correct. We can provide all of that.

Response:

1064 clients have been assisted through the Set to Go program between January 2020 and February 2021.

In addition to Set to Go, since November 2019, the Department of Communities and Justice Housing and Corrective Services NSW have collaborated to create streamlined and joined up processes for inmates to apply for and access housing assistance. 147 clients have been supported through these processes, initially at pilot locations, and, since November 2020, across correctional centres state-wide.

Question 45.

The Hon. ROSE JACKSON: Thank you. That would be useful. Since COVID, we have seen a reduction, as we have discussed earlier, in prison numbers. Is the assistant commissioner's memorandum in relation to double- or triple-bunking still in operation, despite the reduction in prison numbers?

Commissioner SEVERIN: I cannot answer the question whether that memorandum has been withdrawn. But our strategy is very clearly to reduce the number of double-ups and triple-ups. I do not think that we would have any triple-ups in cells that were not designed for three persons. We obviously have a priority to pull those double-ups out that prove to be of highest risk in terms of the fit-for-purpose arrangements. There is a program called the prison bed adjustment program, which will reduce the overall state to 15,600. That is well under way and will see us then move forward in a way that will significantly reduce the level of single cells being used by two prisoners.

The Hon. ROSE JACKSON: It is a good program. My understanding is that there was a specific memorandum that was issued by the assistant commissioner as a temporary measure to avoid our obligations under the United Nations Standard Minimum Rules for the Treatment of Prisoners.

Commissioner SEVERIN: I need to take that on notice.

The Hon. ROSE JACKSON: As I said, it is useful that there is a program to address this. But I would like to know whether that memorandum to avoid those obligations is still in place.

Response:

The Commissioner's Instruction Amendment to Minimum Floor Area Requirements for Premises Used for Sleeping Accommodation, Including Correctional Centres (Pursuant to Clause 44B of the Public Health Regulation 2012) remains in force.

Clause 44B of the Public Health Regulation 2012 requires the Commissioner of Corrective Services to issue directions concerning standards and sizes of rooms and cubicles at correctional centres.

Question 46.

Mr DAVID SHOEBRIDGE: Commissioner, do you keep data on the number of sexual assaults on inmates on a year-to-year basis?

Commissioner SEVERIN: Assaults on inmates?

Mr DAVID SHOEBRIDGE: Sexual assaults on inmates.

Mr COUTTS-TROTTER: Yes, we do.

Commissioner SEVERIN: Assault inmate on inmate?

Mr COUTTS-TROTTER: Sexual assaults.

Mr DAVID SHOEBRIDGE: Sexual assaults on inmates to the extent that they have been inmate on inmate or Corrective Services officer on inmate.

Commissioner SEVERIN: Sorry, sexual assault. I misunderstood you. Yes, we do.

Mr DAVID SHOEBRIDGE: Do you have those figures there, Mr Coutts-Trotter?

Mr COUTTS-TROTTER: I cannot disaggregate them because they are included in serious assault data, but we do keep that data so we can provide it to you.

Mr DAVID SHOEBRIDGE: Do you have a document or something you could table, Mr Coutts-Trotter?

Mr COUTTS-TROTTER: We have data for the six years up to 2019-20, so starting from 2014 -15 and then sequentially. There were 20 sexual assaults in 2014-15, 25, 26, 18, 40, 23.

Mr DAVID SHOEBRIDGE: I assume there is a whole dataset there of other assaults?

Mr COUTTS-TROTTER: Serious assaults, yes, we can get that to you on notice. Actually, I can give it to you now.

Mr DAVID SHOEBRIDGE: Thank you. For the same period?

Mr COUTTS-TROTTER: Same period, serious assaults. This includes sexual assaults. This incorporates the numbers you have just heard: 2014-15, 62; 2015-16, 73; 2016-17, 37, 41, 67, 34.

The CHAIR: You seem to have taken a number of items on notice.

Mr COUTTS-TROTTER: We have.

Response:

For inmate-on-inmate assaults, the comments cited for serious assaults total and sexual assaults are correct.

Over the last seven years, there have been no cases where an officer has been convicted of sexual assault on an inmate.

BUDGET ESTIMATES 2021
Questions Taken on Notice

Portfolio Committee No. 5 – Legal Affairs

Counter Terrorism

Hearing: Tuesday 9 March 2021

Answers due by: Tuesday 6 April 2021

Far right extremism

Transcript page 22

Question 1.

Mr COUTTS-TROTTER: We have increased that, so there is \$12.3 million this year, 2021, and over this year and the following three years close to \$50 million has been allocated specifically to the countering violent extremism program across government.

Mr ANTHONY ROBERTS: That package, so almost \$50 million now, funds a number of New South Wales government agencies with four broad areas of focus, that is, stronger community cohesion, support for advice for vulnerable people, diversion and disengagement of people with extreme views and, of course, continued leadership and engagement through our communities.

The Hon. SHAOQUETT MOSELMANE: How much of that \$50 million is directed towards attacking white supremacist ideologies that are on the rise in Australia?

Mr COUTTS-TROTTER: We would be happy to provide on notice examples of specific interventions that have been funded that are directed exclusively at right-wing extremism. But a lot of the work—for example, the Step Together hotline where friends, families and community members can ring if they have a concern about somebody who appears to be moving towards an extremist view of one kind or another—is agnostic to the nature of the extremism. What is of concern to us, of course, is when people's views become violent and the possibility of action becomes real, and we want to disengage people regardless of the source of that extremism from those views and that behaviour. We can give you examples of specific interventions, research and other activities that are directed at far Right extremism, but a lot of the COMPACT Program is actually about trying to protect the high levels of cohesion that we already enjoy, including among young people who might be vulnerable to far Right extremism.

ANSWER

I am advised:

The NSW Government is committed to countering all forms of violent extremism, whether motivated by politics, ideology or religion, so that every person living in NSW continues to feel safe.

The NSW Government has committed \$49.6m over the next four years to counter violent extremism, with \$12.3m allocated for FY2020-21.

Funding over the next four years for measures that address all forms of violent extremism, including far-right extremism, includes:

- \$13.8m for expansion of the Community Partnership Action (**COMPACT**) program and the online Remove Hate from the Debate campaign. The COMPACT program supports community-driven youth engagement projects that aim to inspire and empower young people as champions for community harmony.
- \$5.6m for continued delivery of a successful program addressing anti-social and extremist behaviour in schools.
- \$1.5m to boost policing of bias crime policing.

- \$2.9m to continue delivery of Step Together, a telephone and online support and advice service, which helps people who are worried a friend or family member is being influenced by violent extremism.
- \$3.1m to enhance delivery a countering violent extremism case management program for people in NSW at risk of violent extremism.
- \$7m to continue the Proactive Integrated Support Model (**PRISM**) in NSW correctional centres - an assessment and early intervention service to help disengage adult offenders in custody from violent extremism.

As part of the countering violent extremism program, in FY2020-21, the NSW Government has allocated COMPACT grants to specifically counter far right and white supremacist ideologies:

- \$116,000 to the Islamophobia Register Australia and its partners to deliver its Advocacy and Victim Support program.
- \$199,963 to All Together Now and its partners for Agent C, an initiative that empowers young people to stand up against divisive, hateful and violent conspiracy theories and fake news.
- \$195,500 to the Western Sydney Community Forum and partners to deliver Code Breakers: Critical Conversations Version C19, a project that engage young people in critical conversations about race, identity and belonging on social media.

Initiatives in the NSW Government's previous four-year countering violent extremism program that specifically address far right extremism include:

- \$750,000 between 2016 and June 31 2021 to All Together Now and its partners to deliver the Community Action for Preventing Extremism (**CAPE**) NSW. CAPE aims to increase community awareness of far-right extremism by providing training for frontline workers across NSW.
- \$200,000 in 2019 to commission research about the nature and prevalence of online far right extremism. The research was published in October 2020.
- \$85,000 in 2019 to fund a conference on Collaborative Approaches to Counter the Extremist Right-wing and Islamophobia Threats. The conference, convened by Charles Sturt University with support from the Islamic Sciences and Research Academy Australia (**ISRA**) and All Together Now, was the first government funded countering violent extremism conference in Australia dedicated specifically to examining the impact of the extremist right-wing and Islamophobia on social cohesion.

Compact

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Question 2.

The Hon. SHAOQUETT MOSELMANE: The reason I ask, Minister, is because I need to understand how much money you are actually allocating to deradicalisation amongst areas where white supremacists are dominant. I know that now they use electronic means all over Australia. But in terms of focusing and honing in on areas where white supremacists are dominant, is there a funded program? And how much money is being spent on deradicalisation amongst those potential targets of white supremacists?

Mr COUTTS-TROTTER: I am happy to take on notice—

Mr ANTHONY ROBERTS: The exact amount.

Mr COUTTS-TROTTER: —details of the exact amounts across the Community Partnership Action [COMPACT] program and other elements of the countering violent extremism strategy. Just to reiterate, it has been a strong focus from the get-go, from 2015 onwards.

ANSWER

I am advised:

The NSW Government does not deliver deradicalisation programs. Instead, it delivers programs and services that aim to disengage and divert individuals from violent extremism and funds community-led projects that aim to build community and individual resilience to violent extremism.

As part of its countering violent extremism program, in 2020-21, the NSW Government has allocated Community Partnership Action (**COMPACT**) grants to specifically counter far right and white supremacist ideologies:

- \$116,000 to the Islamophobia Register Australia and its partners to deliver its Advocacy and Victim Support program.
- \$199,963 to All Together Now and its partners for Agent C, an initiative that empowers young people to stand up against divisive, hateful and violent conspiracy theories and fake news.
- \$195,500 to the Western Sydney Community Forum and partners to deliver Code Breakers: Critical Conversations Version C19, a project that engage young people in critical conversations about race, identity and belonging on social media.

Previous COMPACT grants, in the four years to 2020, have also specifically addressed far right extremism including:

- \$750,000 to All Together Now and its partners to deliver the Community Action for Preventing Extremism (**CAPE**) NSW. CAPE aims to increase community awareness of far-right extremism by providing training for frontline workers across NSW.
- \$750,000 to High Resolves to deliver the Youth Led Social Cohesion Project, which equipped thousands of high school students with the critical thinking skills to be effective global citizens and drive positive change in their communities.

The NSW Government has also invested significantly in improving the capacity of frontline workers to identify and address violent extremism. This includes allocating \$1.5m over four years from 2020-21 to the NSW Police Force for training frontline police officers, database enhancements and additional intelligence and analysis resources in relation to bias crime, including hate motivated incidents.

The NSW Government has also delivered its revamped Radicalisation and Extremism Awareness Program (**REAP**), which trains staff in Corrective Services NSW and Youth Justice NSW to recognise and report all indicators of radicalisation, including indicators of far-right extremism. As at 3 February 2021, 8,278 front line Corrective Services NSW staff had completed REAP training, representing more than 85% of frontline staff, and approximately 1,600 Youth Justice NSW staff have also been trained.

COMPACT and REAP

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Question 3.

The Hon. SHAOQUETT MOSELMANE: Is there a policy specific to white supremacists?

Mr ANTHONY ROBERTS: We are agnostic when it comes to extremism. This is about fighting extremism at all levels.

The Hon. SHAOQUETT MOSELMANE: Fighting one group and understanding their ideology is one thing; fighting another group that is on the rise and understanding their ideology is another. People need to understand—this is new to me about boogaloo. It was new to you. There are probably others that are on the rise that we do not know about. These areas of white supremacist organisations on the rise need to be understood by your Government—by you, Minister, and the whole of Government—not just us.

Mr ANTHONY ROBERTS: Just by way of figuring, I am happy to take on notice what sort of breakdowns we do have. In the first three years the New South Wales COMPACT program reached over 40,000 young people through 24 community-based youth projects. I am happy to get a breakdown on that. Community Action for Preventing Extremism, which was the CAPE program, specifically targeted far Right extremism. Again we have expended another almost \$14 million in this area over the next four years to expand that. **But I am happy to take it on notice**, unless you want to add something else?

Mr COUTTS-TROTTER: Well, no. **We will be coming back with details about the change to the Radicalisation and Extremism Awareness Program**, which trains staff in Corrections and Youth Justice to recognise and report on all indicators of radicalisation, including indicators of far Right extremism. So we have had nearly 8,500 Corrective staff trained through that program and around 1,600 staff in Youth Justice. It does have a specific component to try and help people recognise signs of far Right radicalisation. So there are a range of things that have been taking place and will continue to take place because far Right extremism is a very real threat in our community.

ANSWER

I am advised:

The NSW Government is committed to countering all forms of violent extremism, whether motivated by politics, ideology or religion, so that every person living in NSW continues to feel safe.

The NSW Government has committed \$49.6m over the next four years to counter violent extremism, with \$12.3m allocated for FY2020-21.

Funding over the next four years for measures that address all forms of violent extremism, including far-right extremism, includes:

- Community Partnership Action (**COMPACT**) grants funding for:
 - All Together Now and its partners to deliver the Community Action for Preventing Extremism (**CAPE**) NSW. CAPE aims to increase community awareness of far-right extremism by providing training for frontline workers across NSW.

- Islamophobia Register Australia and its partners to deliver its Advocacy and Victim Support program.
- Commissioning research about the nature and prevalence of online far right extremism. The research, undertaken by Macquarie University and published in October 2020, provides an overview of existing far-right groups in NSW, including analysis of groups' strategies to attract, influence and recruit members.
- Delivering a conference on Collaborative Approaches to Counter the Extremist Right-wing and Islamophobia Threats. The conference, convened by Charles Sturt University with support from the Islamic Sciences and Research Academy Australia (**ISRA**) and All Together Now, was the first government funded countering violent extremism conference in Australia dedicated specifically to examining the impact of the extremist right-wing and Islamophobia on social cohesion.
- Strengthening laws to protect against public threats of violence with the introduction of section 93z of the *Crimes Act 1900* in June 2018. Section 93z provides for up to three years in prison and a fine of \$11,000 for those who publicly threaten and incite violence on the grounds of race, religion, gender, sexual orientation, intersex status or HIV/AIDS status.
- Strengthening of NSW Police Force capability to address hate crime, by providing additional training for front line officers, and additional resources to assist in the investigation of crimes motivated by hate and prejudice.
- Delivering the revamped Radicalisation and Extremism Awareness Program (**REAP**), which trains staff in Corrective Services NSW and Youth Justice NSW to recognise and report all indicators of radicalisation, including indicators of far-right extremism. As at 3 February 2021, 8,278 front line Corrective Services NSW staff had completed REAP training, representing more than 85% of frontline staff, and approximately 1,600 Youth Justice NSW staff have also been trained.

Online extremism

Transcript page 58

Question 4.

Mr DAVID SHOEBRIDGE: What are you doing to address that increased online extremism? Here, I suppose, I am focused on the right-wing extremism that has been identified by the Crime Commission. I will just preface it by saying this: We have had the rise in that kind of online hate and extremism during COVID. The concern is that, as COVID restrictions ease, people get back out into community and we return to normal, there is an increased pool of right-wing extremists as a result of what happened during the COVID shutdown.

Ms WALKER: Again, I do not want to necessarily repeat what I said this morning, but when we look at our COMPACT grants, a lot of those are about working with young people who are disengaged and disenfranchised. It is done through local community groups. Sometimes it could be the PCYC. It is maybe some of those people who have been in their homes back out into the community, connecting with people and being challenged on their views and their thoughts—there is the opportunity to get ahead of this.

Mr DAVID SHOEBRIDGE: But are the people who are being targeted for that intervention being identified by law enforcement and potentially your department as having this online behaviour, and then are you sending resources targeted to those individuals? Or are you targeting community organisations through COMPACT and hoping that they will have connections with those individuals? Is it (a) or (b)?

Mr COUTTS-TROTTER: I think it is (a) and (b). Police are looking at what is happening online and are looking for indications that individuals or groups represent a real risk of violence. We have seen arrests in this case in the last year of people with far-right extremism. The Step Together hotline is a place where people who have concerns about family members, community members or others can come to share those concerns, so that can identify individuals who are at risk of escalating in extremism. Then COMPACT grants and other activities seek to really bolster social cohesion at a community, organisational and school level. So it is a bit of column (a) and a bit of column (b).

Mr DAVID SHOEBRIDGE: I distinctly recall speaking with a father from the Turkish community—

Mr COUTTS-TROTTER: Yes.

Mr DAVID SHOEBRIDGE: —who had a very moderate religious-secular family background. He was deeply concerned about his son engaging in online extremism. He went to New South Wales police. They said they would not help him until a crime had been committed. He went to the Australian Federal Police. They said they would not help him until a crime had been committed. He went to Multicultural NSW. They said it was not their core business and then ultimately his son was arrested when he returned back into Australia, having travelled to Turkey and then entered a part of the Middle East that was part of the deemed terrorism zone. His experience seems to be contrary to what you are telling me about there being these resources available. That contact happened, I admit, about four years ago. Has that changed since then?

Mr COUTTS-TROTTER: There is a funded case management service that seeks to disengage a small number of people who might fit that profile. I think that has been developed since then.

Ms WALKER: Yes, that has been running for two years.

Mr COUTTS-TROTTER: Yes.

Mr DAVID SHOEBRIDGE: Can you give details of that, including contact numbers and the number of people who have been dealt with in that on notice, Ms Walker?

Ms WALKER: On notice we can, yes.

ANSWER

I am advised:

The NSW Government is taking steps to address online extremism, including increasing our understanding of how extremists operate online and equipping young people with the skills they need to navigate online environments.

The NSW Government commissioned research about the nature and prevalence of online far right extremism. The research, conducted by Macquarie University and published in October 2020, provides an overview of existing far-right groups in NSW, including analysing groups' strategies to attract, influence and recruit members.

Through the Community Partnership Action (**COMPACT**) program, the NSW Government funds a series of community-based programs including:

- All Together Now and its partners to deliver Agent C, a project that will help young people enhance their confidence and capacity to unpack and critically engage with conspiracy theories and fake news.
- The Western Sydney Community Forum and its partners to deliver Code Breakers: Critical Conversations Version C19, a project that engage young people in critical conversations about race, identity and belonging on social media.
- High Resolves to deliver the Youth Led Social Cohesion Project, which equipped thousands of high school students with the critical thinking skills to be effective global citizens and drive positive change in their communities.

The Engagement and Support Program (**ESP**) is an intervention case management program funded by both the Commonwealth and NSW Governments. The ESP is a voluntary program that aims to assist individuals to make positive behavioural changes to limit their risk of participating in violent extremism.

ESP currently has 11 participants receiving case management services. Referrals are received to ESP from government agencies such as the NSW Police Force, the Department of Education, NSW Health, Youth Justice NSW and the Australian Federal Police, as well as a range of community organisations.

Referrals are submitted via email (esp@justice.nsw.gov.au).