

PORTFOLIO COMMITTEE NO. 5 - LEGAL AFFAIRS

Monday 9 September 2019

Examination of proposed expenditure for the portfolio areas

COUNTER TERRORISM AND CORRECTIONS

CORRECTED

The Committee met at 9:30

MEMBERS

The Hon. Robert Borsak (Chair)
The Hon. Lou Amato
The Hon. Niall Blair
The Hon. Rose Jackson
The Hon. Natasha Maclaren-Jones
The Hon. Shaoquett Moselmane
Mr David Shoebridge (Deputy Chair)
The Hon. Natalie Ward

PRESENT

The Hon. Anthony Roberts, Minister for Counter Terrorism and Corrections

CORRECTIONS TO TRANSCRIPT OF COMMITTEE PROCEEDINGS

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

The CHAIR: Welcome to the public hearing for the inquiry into budget estimates 2019-2020. Before I commence, I would like to acknowledge the Gadigal people, who are the traditional custodians of this land. I would also like to pay respect to the elders past and present of the Eora nation and extend that respect to other Aboriginals present. I welcome Minister Anthony Roberts and accompanying officials to this hearing. Today the Committee will examine the proposed expenditure for the portfolio of Counter Terrorism and Corrections. Today's hearing is open to the public and is being broadcast live via the Parliament's website. In accordance with the broadcasting guidelines, while members of the media may film or record Committee members and witnesses, people in the public gallery should not be the primary focus of any filming or photography. I would also remind media representatives that you must take responsibility for what you publish about the Committee's proceedings.

The guidelines for the broadcast of proceedings are available from the secretariat. All witnesses in budget estimates have a right to procedural fairness according to the procedural fairness resolution adopted by the House in 2018. There may be some questions that a witness could only answer if they had more time or with certain documents to hand. In these circumstances, witnesses are advised that they can take a question on notice and provide an answer within 21 days. Any messages from advisers or members' staff seated in the public gallery should be delivered through the Committee secretariat. Minister, I remind you and the officers accompanying you that you are free to pass notes and refer directly to your advisers seated at the table behind you.

Transcripts of this hearing will be available on the web from tomorrow morning. Finally, could everyone please turn their mobile phones to silent for the duration of the hearing. All witnesses from departments, statutory bodies or corporations will be sworn prior to giving evidence. Minister Roberts, I remind you that you do not need to be sworn, as you have already sworn an oath to your office as a member of Parliament. I also would like to remind Mr Michael Coutts-Trotter, Ms Simone Walker and Ms Libby Stratford from the Department of Communities and Justice that you do not need to be sworn, as you have been sworn at an earlier budget estimates hearing.

PETER SEVERIN, Commissioner, Corrective Services NSW, Department of Communities and Justice, sworn and examined

MICHAEL COUTTS-TROTTER, Secretary, Department of Communities and Justice, on former oath

SIMONE WALKER, Deputy Secretary, Strategy, Policy and Commissioning, Department of Communities and Justice, on former oath

LIBBY STRATFORD, Chief Financial Officer, Department of Communities and Justice, on former oath

The CHAIR: I declare the proposed expenditure for the portfolio of Counter Terrorism and Corrections open for examination. Questioning of this portfolio will begin at 9.30. All witnesses, including the Minister, will be questioned in the morning session. After a lunch break we will continue questioning Government witnesses. The Minister will not be questioned in the afternoon and evening sessions. As there is no provision for any witness to make an opening statement before the Committee commences questioning we will begin with questions from the Opposition.

The Hon. ROSE JACKSON: Minister, are you familiar with Intensive Corrections Orders [ICOs]?

Mr ANTHONY ROBERTS: Yes, I am

The Hon. ROSE JACKSON: What types of offenders would be subject to Intensive Corrections Orders?

Mr ANTHONY ROBERTS: There are a number of orders that can be made; in fact, most recently we had orders placed on people leaving our care. The Attorney General is responsible for the numbers and details, but I might seek the advice of the Commissioner. Do you want to know how many have been made in this budget year?

The Hon. ROSE JACKSON: Yes, that would be useful, although I am more interested in the processes by which Corrective Services NSW enforce the arrangements around Intensive Corrections Orders.

Commissioner SEVERIN: As of 1 September, there were 7,702 offenders on Intensive Corrections Orders across the State. Intensive Corrections Orders obviously are a sentencing order made by the court. There was a change to the sentencing legislation, which came into effect in September 2018, which effectively saw suspended sentences being eliminated and replaced by a range of orders, one of which is the Intensive Corrections Order. If an offender becomes subject to an Intensive Corrections Order the court applies a range of conditions and the court is obviously at liberty to propose any conditions or decide on any conditions the court sees fit.

The Hon. ROSE JACKSON: And it is the responsibility of Corrective Services to ensure the enforcement of those provisions that are placed on an offender by the court. Is that correct?

Commissioner SEVERIN: It is the responsibility for Corrections to supervise the compliance but also, of course, to ensure that the offender participates in those types of interventions as seen fit by the court and subsequently by Corrective Services. So there are a range of conditions which are pretty broad where an offender is subject to the direction of a Community Corrections officer, for example, and that is quite intentionally the case because you want to ensure the flexibility to respond to individual risk and needs. A person on an Intensive Corrections Order is then subject to our standardised risk assessment. That risk assessment identifies the risk of reoffending, identifies general risk to themselves, the community and, in the context of our New South Wales system, it also looks at the possible severity of a particular offending pattern.

The Hon. ROSE JACKSON: How regularly are those risk assessments done for someone who is on an ICO?

Commissioner SEVERIN: There is an assessment done at the beginning of an order and then through the case management there are subsequent reassessments done based on—

The Hon. ROSE JACKSON: How regularly? Monthly, two-monthly?

Commissioner SEVERIN: It depends on the supervision regime. If you have to report weekly you obviously are subject to weekly reassessments—not formal reassessments but simply as part of our practice guide for intervention, which is the approach we are taking to managing offenders on these orders. You are subject to engagement with your case manager, you are subject to give reference to the compliance with the order and if there is a need to change any of the conditions there is some discretion that Community Corrections has and then ultimately the matter can be remitted back to the court if need be.

The Hon. ROSE JACKSON: What percentage of offenders subject to ICOs are placed on drug and alcohol bans, for example?

Commissioner SEVERIN: The majority of offenders would have a condition that they are obviously not to engage in the taking of illicit drugs—that constitutes an offence. In the actual application of the practice for managing people on these type of orders there is a degree of professional supervision; it is very limited, very narrow, but there is a professional degree that Community Corrections officers can exercise, particularly if offenders engage in treatment programs, if they engage in desistance approaches, meaning that they actively do something about their illicit drug taking. These matters are reported to the Parole Authority. The Parole Authority is responsible for breaching orders or for revoking orders, so it does not go back to the court in that case. Our Community Corrections officers, as I said, do have some degree of discretion; it is a professional discretion, it is not a black-and-white type of discretion, but in that context obviously that is very, very carefully exercised.

The Hon. ROSE JACKSON: What percentage of offenders are subject to electronic monitoring as part of ICO regimes?

Commissioner SEVERIN: I would have to take the percentage on notice. It can be a condition of ICOs that a person is subject to electronic monitoring. Generally the high-risk offender would be, but the larger group of offenders that are on electronic monitoring are clearly people on parole, people on Extended Supervision Orders, so it is not in the very nature of an Intensive Corrections Order that the risk is of such a magnitude that electronic monitoring would automatically be required.

The Hon. ROSE JACKSON: What type of communication is there between you and your team and the courts in relation to the maximum number of people who could, for example, be subject to electronic monitoring to ensure that you have the resources to properly supervise and ensure that that occurs correctly?

Commissioner SEVERIN: There is ongoing dialogue through established forums with the courts and with other stakeholders in the criminal justice system. Obviously, courts are entirely independent in their decision-making.

The Hon. ROSE JACKSON: I appreciate that.

Commissioner SEVERIN: But, of course, they take notice if there would be any limitations to resources. At the current point in time we had a significant resource increase in relation to electronic monitoring with the decision to place serious sex offenders who are in the community on electronic monitoring. We do not have any resource limitations there, particularly not in the context of the electronic gear that people wear and so on. We are, at the moment, in the market doing a tender process to renew the contract that we currently have with another service provider.

The Hon. ROSE JACKSON: At the current point of time, are there no concerns that you have or the Minister has in relation to the operation of intensive correction orders or the supervision of people on ICOs? Are you fully confident that that the department is able to meet all of these supervision requirements that the court has set down for people on ICOs?

Commissioner SEVERIN: I think the answer is—I need to take a more—not such a black-and-white answer. There are certain complexities of certain offenders and when we look at metropolitan vis-a-vis regional arrangements, we have experienced a significant increase in the number of offenders on intensive correction orders over the recent periods since the new legislation came into being. We have been resourced to supervise those. The overall numbers—not the ICOs—have gone up quite significantly. What I am confident of is that we are aware of any issue and we are proactively dealing with making sure that people are managed and supervised in accordance with their risk, that we have not lowered the standard at all, and that offenders are managed as required by the courts under the supervision of Community Corrections.

The Hon. SHAOQUETT MOSELMANE: Minister, do you have confidence in the intensive correction orders program?

Mr ANTHONY ROBERTS: Intensive correction orders are tool of the justice system that we play a role in monitoring. If there is a breach we will then seek further orders—they will go back before the courts. Commissioner, I take it that if there is a breach, we quickly notify the courts or the police—

Commissioner SEVERIN: The State Parole Authority.

Mr ANTHONY ROBERTS: —the State Parole Authority—and then those people are dealt with.

Commissioner SEVERIN: Can I make one more comment? The research that led to the legislative change or underpinned it clearly indicated that intensive correction orders are 40 per cent more effective than a short sentence. Sending somebody to prison for a very short period of time vis-a-vis supervising that same person

in the community is 40 per cent less effective. That is Bureau of Crime Statistics and Research [BOCSAR] research; it is independent research.

Mr ANTHONY ROBERTS: I make it quite clear that the research backs us up in saying that someone who is put on an ICO will have less chance of reoffending. It is not a perfect system at all and there will be people who will breach the conditions of that ICO. But I make it quite clear that once those conditions are breached then it goes back to the State Parole Authority and those people are dealt with. But this is quite often an ability for someone to make good. As I said, people on an ICO are less likely to reoffend than those who are sent for a short-term prison sentence.

The Hon. ROSE JACKSON: Minister, was Abdulrahman, the alleged unlicensed driver who was charged with manslaughter for the death of a Sydney Technical student in Hurstville last Friday, subject to an intensive correction order?

Mr ANTHONY ROBERTS: I am led to believe, yes, he was.

The Hon. ROSE JACKSON: Did he complete his court-ordered psychiatric treatment and court-ordered drug and alcohol assessment as per the terms of the ICO?

Mr ANTHONY ROBERTS: I will have to take that on notice; I do not have that information before me.

The Hon. SHAOQUETT MOSELMANE: This has been in the media for a long time, Minister—I would have thought you would have investigated this particular aspect.

Mr ANTHONY ROBERTS: He has breached and Corrections has done its job—it has submitted that breach to the State Parole Authority, recommending urgent revocation of that ICO. There is an internal review of the management of this individual being undertaken as we speak.

The Hon. SHAOQUETT MOSELMANE: Has he followed the orders of the court? Did your responsible bodies ensure that he followed the orders of the court?

Commissioner SEVERIN: The preliminary analysis of the case management of this particular individual confirmed that he was strictly managed in accordance with the conditions set out by the court. However, we—as always in cases where we have alleged significant breaches of order conditions—undertake a very detailed analysis, which will take a little bit more time. Obviously, if there is anything that is identified in context of that analysis and our practice that requires some amendment or some change, those changes will be made.

The Hon. ROSE JACKSON: How regularly was he being reassessed—re-risk assessed—weekly, monthly, bimonthly? What was his case management program?

Commissioner SEVERIN: This particular offender was on a fortnightly mandatory meeting with his case manager and there were odd unscheduled meetings required as a result of various issues that arose from time to time. Obviously, I will not comment on details of individual cases here, particularly given that they are still before the courts.

The Hon. SHAOQUETT MOSELMANE: Throughout those meetings, was there evidence that he had complied with the court orders?

Commissioner SEVERIN: There was certainly no evidence that there were significant breaches of any orders. The management, overall, as I understand it from the preliminary analysis that was done by the relevant experts—that was done not by the people who managed him themselves but by others—indicates that the order was appropriately managed.

The Hon. SHAOQUETT MOSELMANE: You say that there was no evidence of significant breaches. Was there any evidence of insignificant breaches, any signs that showed that he would fail to comply with the court orders?

Commissioner SEVERIN: As I said, the detailed analysis is still being undertaken. At this point in time, there is no evidence that there were significant breaches of the order. Those would have had to be notified to the Parole Authority at the time. That being said, we are talking about a person who had some complexities in their management and again—

The Hon. ROSE JACKSON: What were those complexities?

Commissioner SEVERIN: A range of them. As you would have seen, the conditions of the order pretty much outline some requirements. There was obviously some history reported as well. Again, I will not go into details of an individual case here. It is not an unusual case for Community Corrections but he was not somebody

who supervises themselves; he was subject to professional supervision and he was subject to engagement with medical professionals, including psychiatrists, which occurred, and subject to a range of other orders that were part of the ICO.

The Hon. SHAOQUETT MOSELMANE: Minister, Mr Severin says it is not an unusual case. Is it the case, though, then that other convicted prisoners—those who are under the influence of drugs, carrying a knife in public, possessing a weapon without a permit, assaulting a police officer or resisting arrest—get ICOs?

Mr ANTHONY ROBERTS: Again, intensive correction orders are not placed by us; our job is to monitor them. Again, this is an issue with the State Parole Authority; this is an issue for those decision-makers. Our job is to ensure that those people who are on ICOs are dealt with and managed in accordance with instructions.

The Hon. SHAOQUETT MOSELMANE: But you clearly failed to ensure that this person on an ICO complied with their orders.

Mr ANTHONY ROBERTS: I reject the premise of the question. This is before the courts. We do not have the full information available with respect to the condition of this individual or what occurred. That will come out in the court case.

The Hon. SHAOQUETT MOSELMANE: I am interested also not only in the public concerns but also in the family concerns. This person has a family with three children and he was given an ICO knowing that he is affected by drugs, knowing his personality with his assessments and so forth. What other orders were given to ensure that his family—the children—are protected?

Mr ANTHONY ROBERTS: I would have to seek advice on that. Commissioner?

Commissioner SEVERIN: Again, I cannot refer to—I would have to take the detail on notice in terms of his interaction with family. I understand his living arrangements changed during the supervision period. That was with full knowledge and consent of Community Corrections. I think it is also very important to realise that these are offenders in the community; they are not monitored 24 hours, seven days a week. There is a very tight monitoring system. There is also a very good case management process in place. Any significant reoffending is a great concern to us and results in not only practice reviews but also the detailed analysis of this individual case. If our practice can improve as a result of such analysis, it will.

As I mentioned, at this point in time, there is no indication that the case management of this person, while he was engaging with Community Corrections and while he was supervised by Community Corrections, was in any way deficient. However, I clearly qualify this by saying that our detailed analysis is still underway.

The Hon. SHAOQUETT MOSELMANE: Minister, who is responsible for this tragedy?

Mr ANTHONY ROBERTS: Obviously, the individual involved. The death of a young boy is a tragic incident. It is not only the effect on the family, but also on his community and all of us. It is incredibly tragic. I have no hesitation in—

The Hon. SHAOQUETT MOSELMANE: Is it your responsibility? Is it the justice system?

Mr ANTHONY ROBERTS: You can play politics with this.

The Hon. SHAOQUETT MOSELMANE: I am asking the question.

Mr ANTHONY ROBERTS: It is the death of a child that we are taking very seriously.

The Hon. SHAOQUETT MOSELMANE: Very important questions are being raised out there. People are saying that the death has resulted from a broken justice system. I am asking a serious question. No-one is belittling the issue.

Mr ANTHONY ROBERTS: Intensive Corrections Orders play a significant role in reducing recidivism. They give people an opportunity to become better citizens, we hope, and not spend time in jail. Obviously, in this case an individual has allegedly caused the death of a child, which is incredibly tragic. Our officers do everything in their power to follow the guidelines set down with respect to these orders that are made by the court.

The Hon. ROSE JACKSON: Just to clarify, did Mr Rahman complete his court-ordered psychiatric treatment and court-ordered drug and alcohol assessment as per the terms of his ICO? Did that occur? It would be good to get an answer to that this afternoon if we could.

Mr ANTHONY ROBERTS: I think the Commissioner has made it quite clear that we will take that on notice and provide the information to the committee.

The Hon. ROSE JACKSON: Were the fortnightly case management assessments occurring in Mr Rahman's home or was he required to report to another location to meet with officers of Corrective Services NSW?

Commissioner SEVERIN: Generally, it is a mix. Quite intentionally, there are home visits. There is also a regime of random drug testing because the order includes a drug abstinence requirement. There are also meetings in the Community Corrections NSW office.

The Hon. ROSE JACKSON: Did Mr Rahman pass—for want of a better word—all of the random drug and alcohol testing that he was subject to?

The Hon. NIALL BLAIR: Point of order—

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

The CHAIR: Excuse me, Mr Severin. A point of order has been taken.

The Hon. NIALL BLAIR: The specifics of the case have been taken on notice.

The Hon. ROSE JACKSON: I want to be clear with the witness about the type of information I would like this afternoon. That is the type of information I would like this afternoon.

The Hon. NIALL BLAIR: Is there a timeline now? Does it have to be this afternoon?

The Hon. ROSE JACKSON: It would be good to get some answers to this as soon as possible.

Mr ANTHONY ROBERTS: I am very happy to provide information to the committee in a timely manner where it is appropriate. We will get onto that for you today.

The CHAIR: If possible, you can supply the information after lunch perhaps.

The Hon. ROSE JACKSON: That would be preferable.

The CHAIR: It is really up to you.

Mr ANTHONY ROBERTS: I know that hundreds of thousands of people watch budget estimates committee proceedings via the internet. I make it quite clear that I have not moved to the upper House.

The Hon. ROSE JACKSON: Yes, apologies. I meant to raise that.

Mr ANTHONY ROBERTS: I am still a proud member of the Legislative Assembly.

The CHAIR: Minister, can you bring the microphone down? I did not quite hear what you said. Can you say it again?

The Hon. ROSE JACKSON: It was highly offensive to you. They are calling him Anthony Roberts, MLC.

Mr ANTHONY ROBERTS: I could clarify for those watching that I am still a proud member of the Legislative Assembly.

The Hon. NIALL BLAIR: What is wrong with being an MLC? I take offence, Minister.

Mr ANTHONY ROBERTS: There is nothing wrong with being an MLC at all. I just thought, "I have not got the memo." That is all.

The Hon. ROSE JACKSON: You are the one who is leaving.

The CHAIR: For the record, I note the Minister's objection to being referred to as an MLC. Then again, you are from the lower House, are you not?

Mr ANTHONY ROBERTS: The commons.

The CHAIR: The commons, yes. We might ask for that to be fixed at some stage. I thought it was something going on in your party when you started that—something that I did not know about. Minister, given the significant media coverage of the granting of parole to Berwyn Rees, who was sentenced to life behind bars for the execution-style murders of two people in Bondi Junction in 1977 and later for the 1980 shooting death of a New South Wales police sergeant, can you explain why Berwyn Rees will be banned from eight local council areas under strict parole conditions, but could then roam around any other local council areas in Sydney?

Mr ANTHONY ROBERTS: Thank you for the question. The State Parole Authority's decision to release Berwyn Rees was very disappointing to me and to the broader community. The former Corrections Minister, Mr David Elliott, the Commissioner and I have taken every possible step to keep Berwyn Rees in prison.

Unfortunately, we were unsuccessful. However, we have taken and will continue to take every available step to ensure the safety of the community.

By way of background, on 21 February this year the State Parole Authority [SPA] confirmed its intention to grant parole to Berwyn Rees. He was to be released from custody between 7 March and 21 March 2019. In March we sought a judicial review of the parole decision. I am pleased to say that we obtained additional coverage. Unfortunately, in August 2019 the State Parole Authority granted Berwyn Rees parole after addressing issues that we raised earlier with the New South Wales Supreme Court. He was released on 30 August 2019. He will be subject to supervision by Community Corrections staff for the rest of his life. The State Parole Authority placed a number of conditions on his parole, including program participation and the geographic restrictions that you mentioned. There are other conditions, including—

The CHAIR: I will just stop you there for a second. Minister, can you shed any light on why those particular geographic restrictions and not others were imposed? Why would you control him in eight local council areas but not the rest?

Mr ANTHONY ROBERTS: We have spoken with the victims and with people who have serious issues with the release of this individual. They have formed part of the conditions of his parole. I will ask the Commissioner why geographic restrictions would be imposed from a technical or operational point of view.

Commissioner SEVERIN: Without referring to this particular case where I do not know the exact details, the general restrictions are applicable where either the parole authority gets submissions from registered victims who request such restrictions because they do not want the perpetrator to come anywhere near the place where they live. Generally, it also involves the places where the offences were committed—the local government areas—and any other area that is of any concern to the parole authority as a result of reports that would have been made by Community Services NSW or any other party to proceedings. Certainly, we can ascertain the exact reason from the details of the order that the parole authority made and provide that on notice.

The CHAIR: It would be good if you could take that on notice. Minister, under the strict bail conditions, Berwyn Rees has to wear an electronic monitor. Is this the same sort of ankle monitor removed while on parole by convicted double murderer Damien Peters, who is still on the run?

Mr ANTHONY ROBERTS: Commissioner?

The CHAIR: Maybe Commissioner Severin can answer that one.

Commissioner SEVERIN: While the materials used for the anklets are very sturdy, they are not impregnable. For workplace health and safety reasons, in particular, you have to be able to remove them. They can only be removed with specialised equipment, but in case of an emergency you need to be able to remove them. Obviously, in this particular case, the offender was able to remove them. The strap is very tamper proof, so we immediately become aware of the fact that the strap has been tampered with and we can respond to the location where the signal was last coming from. In this case, that obviously happened through normal protocol, involving the NSW Police Force, but the offender absconded in that context.

The CHAIR: How did Damien Peters get his off and get away?

Commissioner SEVERIN: I would need to get the details of the particular case. I have not got it at the front of my head.

The CHAIR: Can you take that on notice, please?

Mr ANTHONY ROBERTS: Can I just add further to that. Quite frankly, it is not a bad thing if someone removes their bracelet, in my opinion, because they are immediately in breach of their parole conditions—

The Hon. ROSE JACKSON: Only if you catch them—this guy is still on the run.

Mr ANTHONY ROBERTS: —and they go back into jail.

The CHAIR: If you catch them they go back into jail, that is right. Berwyn Rees was refused bail 10 times between 2007 and 2018. Earlier this year the New South Wales Supreme Court was forced to step in and reverse the parole board's decision, which could have seen him released in May. The parole board made another application last month and now he has been released. Minister, can you explain how it is that Berwyn Rees was considered a risk in May but three months later he is deemed a low risk of reoffending on the basis of some expert evidence? Is it not the case that Berwyn Rees still poses a serious risk to the community's safety?

Mr ANTHONY ROBERTS: Mr Chairman, can I say that is a matter for the SPA. Do I agree with the Rees being released? No, I do not. Does the broader community? No, I do not think they do. But that is an issue

for SPA and it has taken consideration of this matter and it believes that he was able to be put back into the community.

Commissioner SEVERIN: In that particular case, certainly in my opinion, he does pose a continued risk to the community and, as a result of that, I have used a power that has not been used for a very long time, which applies to life-sentence prisoners and gives the Commissioner the opportunity to add additional conditions to the order. In this particular case, I have added electronic monitoring under very tight conditions—conditions that we generally only see for terrorist high-risk offenders under such regimes—to the order of Berwyn Rees.

The CHAIR: Minister, do you think then that SPA is out of step with community expectations?

Mr ANTHONY ROBERTS: In response to that question, it is an independent body. Do I always agree with its decisions? No. Does the broader community always agree with its decisions? No. Do I believe that SPA should be more active when it comes to explaining its decisions? It does have access to a lot of information that the broader public does not.

The CHAIR: You raise an interesting point there—we do not hear very much out of SPA at all when these sort of, I suppose you could loosely use the term "controversial", releases occur. Should we be hearing more from SPA on these issues?

Mr ANTHONY ROBERTS: I think it is very important for any organisation that has a level of involvement in this area to explain. Judges explain their decisions and I think that is very important that SPA is able to explain the reasons as to, in these controversial issues, why it grants parole. It is very important and I think it could be doing more in this area.

The CHAIR: After all, it is enforcing the law that is written by the government of the day. What is stopping you tightening up or changing conditions and making them closer to the expectations of what the public may want?

Mr ANTHONY ROBERTS: With respect to Rees, as the Commissioner said, we fought all the way to keep this individual behind bars. We were quite happy to keep him there until he died—very happy. Now he will be monitored, right to his coffin. Can I just say, there are a number of conditions that have been placed on him and they are onerous conditions. We were able to reinforce those conditions, again through electronic monitoring and, if Rees so much as steps a millimetre outside any of those conditions, we will be going back to SPA to revoke the parole and we will take him back into prison. We will be watching his every movement.

The CHAIR: Minister, the notorious paedophile, Michael Guider, was imprisoned on 60 charges of child sexual abuse in 1996 and received an additional sentence in 2002 for the murder of Sydney girl Samantha Knight, whose body has still not been found. How is it that this evil predator and murderer, who has shown no remorse and will not disclose the location of Samantha Knight's body, can walk free?

Mr ANTHONY ROBERTS: This individual is evil and he was sentenced to a total of 23 years, three months and 10 days. As a government, we have taken every step possible to prevent his release, to ensure community safety. I do not make any apology for that. I acknowledge and sympathise with the distress and concern for the many victims of Guider and their families. The Attorney General [AG], my colleague the Hon. Mark Speakman, described this individual as one of the most despicable individuals to come before the justice system. I personally think that is an understatement. Knowing that his sentence was due to expire, the Government and the AG took every step available to keep him behind bars. The AG sought a Continuing Detention Order to keep him in custody for another 12 months and Extended Supervision Order after five years. Despite several hearings in the Supreme Court and submissions of additional psychiatric and psychological information, the decision was made to impose an Extended Supervision Order for five years.

The matter was heard by the Supreme Court in June this year, which imposed an Interim Detention Order with further consideration by the Supreme Court in August of this year to extend Guider's Interim Detention Order until 5 September. On 3 September the Supreme Court determined that this individual be released from custody and be subject to an Extended Supervision Order for a period of five years, commencing 5 September this year. The AG sought additional senior counsel advice on the prospects of appealing the decision not to grant a 12-month Continuing Detention Order and, unfortunately, the advice on that was that such an appeal would fail. I am happy to outline to this Committee the terms of the Extended Supervision Order.

The CHAIR: That was going to be my next question—if you could give us some details, on the record, of what those controls are and what those conditions around his bail are.

Mr ANTHONY ROBERTS: There are 55 conditions, which include reporting and monitoring obligations; electronic monitoring and governing his movements, accommodation, employment; refraining from alcohol and other drugs and associating with those who use drugs; medical intervention and treatment. In addition

to that, this individual must not contact or approach any person under 18 years of age and cannot attend, without approval, cinemas, amusement parlours, amusement parks and theme parks, libraries, museums, camping grounds, caravan parks, children's playgrounds, parks and areas with play equipment provided for the use of children, pools, playing fields, sporting facilities and other leisure locations and activities. He must not change his name or his personal appearance, or access pornographic, violent or classified material.

Again, we will monitor this—and we will monitor it closely. We will take any opportunity that we have to put this bloke where he deserves to be, and that is behind bars again. My message on behalf of the community is quite clear: We are watching this individual, watching him closely and looking forward to his return.

The CHAIR: That raises the interesting question, Minister, how much does it cost to monitor and control him in the community as opposed to what it will cost the taxpayer to keep him in custody? I am not expecting you to answer that off the top of your head—maybe Commissioner Severin has a feel for it?

Mr ANTHONY ROBERTS: From memory, it is about \$41 per day to monitor someone electronically.

The CHAIR: Obviously from what you are saying, there is a lot more to it than just electronic bracelets on his ankle?

Mr ANTHONY ROBERTS: Yes, very much so.

Commissioner SEVERIN: For the supervision component, I would have to take the details of the exact costs of that on notice given the complexity of some of his conditions, but again what is also very important to us is not only to manage him with those conditions but also to ensure that the victims regain some confidence or gain some confidence in the way this person is being managed in the community. So I am meeting with the registered victims tomorrow together with my team to go through some of the detail of the management. That is, I think, an important step to ensure that registered victims who are interested to—

The CHAIR: If he was in jail, given the level of supervision he would have in there, what would be the daily cost of keeping him there?

Commissioner SEVERIN: The average costs would be around about \$190 to \$200 a day in custody. That is a grossed-up figure. That is the average across the State for secure custody. Again, he was not subject to any particular regime in the prison where he was accommodated.

The CHAIR: Minister, is it true that there are at least eight murderers living in our community right now and the Government knows exactly where they are?

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

Commissioner SEVERIN: I do not have the exact number. There are certainly some persons in the community on parole who have been convicted of murder.

The CHAIR: Yes, those are the ones I am talking about.

Commissioner SEVERIN: The exact number I would have to take on notice.

The CHAIR: If they are on parole, one would assume you do know where they are?

Commissioner SEVERIN: Yes, certainly.

The CHAIR: And is it true that the number of murderers living in our community has been increasing in the past four years?

Commissioner SEVERIN: Again, I would have to take that on notice, so the comparison between four years ago and today.

The CHAIR: Minister, would you feel comfortable living next door to a paroled murderer or paedophile, and do you accept that people have a right to know if a paroled murderer or paedophile lives next door or in their neighbourhood?

Mr ANTHONY ROBERTS: It has always been my personal opinion that people have a right to know if they have a paedophile, particularly, living in their neighbourhood. We have had instances in the past in my own electorate where people who were released on parole were living close to schools. But again, this is about the conditions and this is about applying conditions on someone's parole. We are very cognisant of ensuring that should someone—for example a paedophile—be released by the system on parole, that there are conditions that provide for the safety of our communities and neighbourhoods.

The CHAIR: Often we hear media coverage, Minister, about contraband finding its way into the prison system. Is this something that worries you and your department? If so, how many surprise contraband raids have been conducted across New South Wales prisons over the past year?

Mr ANTHONY ROBERTS: Contraband is always a concern coming into prisons, but we have implemented a number of enhanced procedures to address issues surrounding the introduction of contraband into our correctional facilities, particularly those of mobile phones. Mobile phones, I am not sure if the Committee is aware, now come in the size of a pen lid. They are easily hidden. We have been very proactive, so we have increased search activities such as daily searches of inmate's cells, monthly correctional centre-wide searches, harsher sanctions for inmates found in possession of phones, changing staffing in centres and providing more emphasis on intelligence-based operations.

Part of our corrections service is a group called Security Operations Group [SOG]. It has conducted some 41,500 intelligence-based search operations in correctional centres in this financial year alone. In addition, almost 77,500 visitors to correctional centres were searched by SOG in the same year. Inmates found in possession of contraband may be charged by New South Wales police or face correctional centre charges which can include confinement to cell and withdrawal of privileges. As part of this, 25 inmates were charged by police in the last financial year as the result of contraband found during searches. I thank my Corrections staff. They are very proactive. The importance of searches is in what they actually unveil. It is critical to the safety and security of prisons that we are very proactive. Again, going back to utilising intelligence and driving the intelligence-gathering information within our prisons is critical to ensuring the success of this, and it has been incredibly successful. Did you want to add anything, Commissioner?

Commissioner SEVERIN: The statistics the Minister referred to were statistics relating to the Security Operations Group. In addition to that there is obviously significant search safety happening on a daily basis in every correctional facility.

The CHAIR: Mr Severin, referring to the Parklea inquiry that was run with my colleague, Mr Shoebridge, there was a lot of talk about installation of technology on entry, for example—scanners and so on. I think you did mention a budget for upgrading that technology to make it easier for people to be scanned coming in—and also going out, I suppose, but more so going in. Also I think it might have been at Parklea prison that netting and so on was introduced to stop drones dropping contraband into the yards. Can you just give us an update in terms of how that has progressed?

Commissioner SEVERIN: All those matters, such as the installation of equipment, have progressed. We have now got the X-ray technology device at the John Morony prison, which is being trialled. We have got permission from the radiation authority to use it up to 200 times per annum on inmates. It can detect any contraband that might be concealed in a body cavity and it also actually eliminates the need for stripsearching. So there is even a benefit in the context of dealing with inmates in that regard. We have equipment that we are also trialling like a heartbeat monitor, for example, for any vehicle leaving a prison to ensure that prisoners are not trying to make good their escape by just hiding in a delivery vehicle.

The netting in those yards has been installed. However, the yards are not yet operational. There is still a little time to final commissioning. Parklea, the new operator, is actually also installing a range of these X-ray technologies which were part of its tender for the operation of the facility. They are yet to come online. Given that it is not mainstream technology at the moment, there is always a requirement to get permission from the technology authorities to use that equipment. We have started the mobile phone jamming technology at—the upgraded one.

The CHAIR: That was the next one I was going to come to, yes. It is a terrible pun, but that has been on and off a few times, has it not?

Commissioner SEVERIN: We have had it at the Lithgow Correctional Centre for a number of years. This is the upgraded technology which is going into Lithgow and Goulburn. It has been activated at the second area where we host high-risk offenders now, the newly recommissioned multipurpose unit, which is now the high-risk correctional centre number two. So that technology has been or is about to be switched on. We just need to go through some final community consultation.

The CHAIR: All right.

Commissioner SEVERIN: Again, if it is successful, it is certainly another tool in our kit bag to prevent contraband from coming in and being used.

The Hon. SHAOQUETT MOSELMANE: Thank you, Mr Severin. Just before we go onto Parklea, just a few more questions on the ICOs. Minister, are there any communications between your department and the courts as to the maximum number of offenders that can or will be able to be electronically monitored?

Mr ANTHONY ROBERTS: It is an operational issue.

Commissioner SEVERIN: As I mentioned, the exact number of devices that we currently have available, I need to take on notice. But the contract is such that we can very flexibly increase the number of devices that we use and deploy. We would then of course also have to ensure that the monitoring capabilities are there and that the staff are there. We are moving our electronic monitoring headquarters to another premises which is much larger and has the capacity to be expanded as we go forward. So electronic monitoring certainly is a technology that we are going to continue to use quite extensively. And with the emerging technology, there are many other features that the electronic monitoring allows us to build in. As I mentioned earlier, we are currently in the market with a new contract for both the supply of the equipment and the actual physical monitoring under our supervision.

The Hon. SHAOQUETT MOSELMANE: You might want to take this on notice. Since the introduction of ICOs, has there been an increase in ICOs compared to suspended sentences?

Commissioner SEVERIN: Yes.

The Hon. SHAOQUETT MOSELMANE: There has been.

The Hon. ROSE JACKSON: Minister, in relation to the review that the Commissioner mentioned of Mr Abdulrahman's presumed breach of his ICO, have you been briefed on that?

Mr ANTHONY ROBERTS: No, I have not.

The Hon. ROSE JACKSON: Subsequent to Friday's events, you did not ask for a briefing?

Mr ANTHONY ROBERTS: I have not been briefed on it. But I will be getting a briefing on it.

The Hon. ROSE JACKSON: Have you considered any broader consideration of the operation of ICOs after such a blatant breach of conditions?

Mr ANTHONY ROBERTS: Alleged. We are still talking about something that is before the courts.

The Hon. ROSE JACKSON: Friday's events are before the courts but the ICO related to convictions from a year ago so that is an historical matter. There has clearly been a system failure.

Mr ANTHONY ROBERTS: Has there?

The Hon. ROSE JACKSON: Someone who was a serious criminal, convicted for driving offences, has breached their ICO and a child is now dead—so yes, I would call that a serious failure.

Mr ANTHONY ROBERTS: With respect to that, I will be awaiting the report. I will then be making our position public on that report. If there needs to be changes based on this, we will look at that. But I am yet to see the report.

The Hon. ROSE JACKSON: You have not even been briefed on the events that have occurred so far.

Mr ANTHONY ROBERTS: I am aware of what I read in the newspapers.

The Hon. ROSE JACKSON: You are the Minister for Counter Terrorism and Corrections and you are just finding out information from the newspapers?

Mr ANTHONY ROBERTS: I am aware that this person was on an ICO. But as the Commissioner stated, there is an investigation underway. As soon as I get that report, I will be able to comment on it. I cannot comment on something that you are allegedly saying has or has not happened. As soon as I get that report, then I can comment on it.

The Hon. ROSE JACKSON: How soon are you expecting that report? As the Commissioner said, there are over 7,000 people on ICOs. If there is a problem in relation to the way they are being supervised, such that even if they have committed a driving offence they can still get behind the wheel of a vehicle, run a red light and kill somebody, if that is able to occur and there are ways we can tighten up the system to ensure something like that does not happen again, we need to get on that quickly. Would you not agree?

Mr ANTHONY ROBERTS: The Commissioner has already stated, and I have stated, that we have an investigation underway. As soon as that investigation is completed, I will have a report and then we can probably discuss that report.

The Hon. ROSE JACKSON: How quickly do you think that report will be made available to you?

Mr ANTHONY ROBERTS: Commissioner?

Commissioner SEVERIN: Two weeks. Can I just state very clearly that an Intensive Corrections Order is an order that is managed in the community. It is not a prison term. So serious breaches of those conditions are not necessarily something that a Community Corrections officer would be able to foresee or prevent in that context. What I expect staff to do is manage the compliance with an order and manage the case management so that a person can address all of those issues that result in them offending in the first place. That does not take away from the gravity or seriousness of what happened here. But the very nature of an order managed in the community, which is generally a very successful order and more successful than prison, is such that it is not a 24-hour supervision, direct supervision, by a person type order.

The Hon. SHAOQUETT MOSELMANE: We accept that officers cannot foresee—they are human beings. But this person was interviewed on a fortnightly basis. So he was regularly monitored or at least asked questions. The officers would have gathered there was something wrong with this person. Is that right?

Commissioner SEVERIN: The officers had various case management interventions. I am happy to provide the details, as indicated earlier. As is the nature with people who are subject to conditions of an order and have to comply, the initial indications are that there has been no significant—or any—breach of the supervision requirements by our staff. That is subject to a much more detailed analysis. That is currently underway and will be completed within a fortnight.

The Hon. ROSE JACKSON: How does an inmate become subject to a forensic community treatment order?

Mr ANTHONY ROBERTS: Commissioner?

Commissioner SEVERIN: The inmate is referred to the Mental Health Review Tribunal—

The Hon. ROSE JACKSON: By whom?

Commissioner SEVERIN: It could be by the courts. It is not by us; we have absolutely no involvement in that context. We do have a range of inmates in custody who are subject to treatment orders made by the Mental Health Review Tribunal. So it would always be the intervention of a medically qualified specialist either at the court's suggestion or during the custody period that a person is subject to. Referrals are made to the Mental Health Review Tribunal, which goes through its statutory requirements under the Mental Health Act and if an order is made it is up to the health service to determine where the person is being placed. Some stay in secure custody, sometimes as a result of capacity issues, within the forensic mental health system. There might also be other considerations—it is not something that we are involved with in any way.

The Hon. ROSE JACKSON: So the now two—there were three—convicted murderers living with vulnerable elderly people at the Garrawarra Centre are no longer subject to any supervision by Corrective Services NSW?

Commissioner SEVERIN: That is correct.

The Hon. ROSE JACKSON: Mr Townsend, when he was at the centre, engaged in violent behaviour and is now back in custody. Is that correct?

Commissioner SEVERIN: Yes.

The Hon. ROSE JACKSON: Were you briefed about the violent behaviour that he engaged in?

Commissioner SEVERIN: I was not personally briefed but my colleagues would have been of course.

The Hon. ROSE JACKSON: Do you know whether he was violent towards other residents or staff at the facility?

Commissioner SEVERIN: I do not have that information.

The Hon. ROSE JACKSON: Could you take it on notice?

Commissioner SEVERIN: I can take that on notice.

The Hon. ROSE JACKSON: The Member for Heathcote, Lee Evans, boasted in a media release that a new New South Wales Government funded bus service for Garrawarra residents would take residents on regular outings for a change of scenery to visit, for example, beaches, parks and lookouts in the local region.

Mr ANTHONY ROBERTS: It is a beautiful region.

The Hon. ROSE JACKSON: Are the two convicted murderers still at the centre, Mr Goodridge and Mr Chong, able to participate in those outings on the Government-funded bus?

Mr ANTHONY ROBERTS: I am happy to seek that information for you but this has got nothing to do with Corrections. We have made it quite clear that we have no oversight here whatsoever. You might as well ask the agriculture Minister; he has got as much responsibility in this area.

The Hon. ROSE JACKSON: So there are convicted murderers living with vulnerable elderly people and your suggestion is that I ask the agriculture Minister what the conditions of their—

Mr ANTHONY ROBERTS: No. You might as well be asking the agriculture Minister because he has as much to do with this as we do. I am happy to take it on notice. I am happy to pick the phone up to the Department of Health on your behalf and seek that information—I am here to help. I am just letting you know that we would have no oversight on that.

The CHAIR: It always worries me when a Government Minister says they are here to help the upper House.

Mr ANTHONY ROBERTS: We are.

The CHAIR: That worries me.

Mr DAVID SHOEBRIDGE: You said that too quickly, too.

Mr ANTHONY ROBERTS: I have been practising.

The Hon. ROSE JACKSON: It is evident though that these people are transferring in and out of your supervision because, for example, Mr Townsend was in the Garrawarra Centre and then came back under the jurisdiction of Corrective Services NSW. I would imagine that considering these are violent criminals serving long sentences for murder who are transferring in and out of your jurisdiction, even to the extent that they are for a period of time potentially under the supervision of the health department, you may take some interest.

The Hon. NATASHA MACLAREN-JONES: Point of order: We have already canvassed this matter and the Minister has outlined that he does not have any jurisdiction or oversight over the details of this matter. I suggest the honourable member moves on.

The CHAIR: There is no point of order. The Minister can say that again. The same question can be asked any number of times.

Mr ANTHONY ROBERTS: To the put this into context, we have within our correctional facilities people from the age of 18 through to people who are—what age would our oldest prisoner be now?

Commissioner SEVERIN: Over 80.

Mr ANTHONY ROBERTS: Some very healthy, fit individuals and others, as you would have in that general population, suffer from diseases of the aged, including dementia and so forth. We do our best to accommodate, because that is our role, duty and obligation, those people to the best of our ability. If you go to Long Bay medical facility you will find older people there with various stages of Parkinson's and dementia. Again, we do our best within our care to look after these people and there are times obviously that Justice Health determines that better care could be provided somewhere else. I am happy to organise at any stage a tour for anyone into these facilities.

The Hon. SHAOQUETT MOSELMANE: Minister, how many electronic surveillance devices are there in the public?

Mr ANTHONY ROBERTS: At the moment we have exactly, as of September, electronic monitoring anklets used on 47 offenders on parole as required by the SPA, 121 offenders on parole as serious sex offenders, 58 offenders on the domestic violence electronic monitoring program, being 10 victims and 48 parolees. We have 43 offenders on Extended Supervision Orders, 27 participants in the Compulsory Drug Treatment Correctional Centre program, 274 offenders are on home detention, and 209 inmates on work release/education for day and week and leave.

The Hon. SHAOQUETT MOSELMANE: What I am interested in, Minister, is how many are on ICOs?

The Hon. ROSE JACKSON: What percentage of people on ICOs are subject to electronic monitoring?

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

Commissioner SEVERIN: We have already done that. I think the question was asked earlier and I have taken it on notice.

The Hon. SHAOQUETT MOSELMANE: Minister, just moving on to the subject of Parklea. Are you happy with the new management arrangement at Parklea?

Mr ANTHONY ROBERTS: Thank you, I have been looking forward to this question. Quite frankly—

The CHAIR: Since when has the Labor Party given Dorothy Dixers?

The Hon. SHAOQUETT MOSELMANE: We are happy to help in the upper House.

The CHAIR: Doing the Government's work for them.

The Hon. ROSE JACKSON: After you bungled the first one so badly.

Mr ANTHONY ROBERTS: The GEO? No.

Mr DAVID SHOEBRIDGE: That was actually a Labor privatisation.

The Hon. SHAOQUETT MOSELMANE: I am asking the questions, and it is to do with 2019.

Mr ANTHONY ROBERTS: In the interest of bipartisanship, I am happy to remind everyone that it was Labor who signed the contract with GEO for Parklea.

The Hon. SHAOQUETT MOSELMANE: I am talking about 2019, when you signed that one.

Mr ANTHONY ROBERTS: We have learnt a lot of lessons from that GEO contract.

Mr DAVID SHOEBRIDGE: But not to stop privatising prisons.

Mr ANTHONY ROBERTS: We currently contract three private companies to operate correctional centres, which is the GEO Group Australia that have Junee, Management and Training Corporation [MTC] Broadpectrum which operate Parklea and the NorthernPathways consortium, which includes John Holland and Macquarie Capital, and John Laing operate as Serco to deliver and operate the new Clarence Correctional Centre near Grafton. That will be opening mid next year. With respect to Parklea, they are subject to a number of operational monitoring and performance key performance indicators [KPIs] and I am happy to go into those if you would like.

The Hon. SHAOQUETT MOSELMANE: Not at this time.

Mr ANTHONY ROBERTS: I am trying to help you. What are you after?

The Hon. SHAOQUETT MOSELMANE: I am after whether you are happy with the current arrangement at Parklea under your new contract?

Mr DAVID SHOEBRIDGE: The Government is not asking questions—

Mr ANTHONY ROBERTS: I am content. I rely upon my Commissioner to monitor this.

The Hon. ROSE JACKSON: Is the special operations group located permanently at the Parklea facility at present?

Mr ANTHONY ROBERTS: No, they are not. With respect to Parklea and the contractual arrangements there are four pillars: rehabilitation and reintegration; the second pillar is safety and security; the third is decency and respect; and the fourth is professionalism and accountability. They are outcomes. You have a number of performance indicators that we keep a very close watch on and that is, firstly, under rehabilitation and reintegration. You have got the KPIs, the current case plans, the case plan interventions that are completed, participation in temporary leave. Under safety and security, which is critical—

The Hon. ROSE JACKSON: Are these in the contract?

Mr ANTHONY ROBERTS: Yes, that is correct.

The Hon. ROSE JACKSON: Instead of reading them all out now could we have a copy of that contract?

Mr ANTHONY ROBERTS: I find them really interesting, that is all. I am happy to provide what we can.

Mr COUTTS-TROTTER: I think a contract summary has already been published.

Commissioner SEVERIN: It is all online.

The Hon. ROSE JACKSON: A contract summary?

Commissioner SEVERIN: No, the whole contract is online.

The Hon. SHAOQUETT MOSELMANE: Just to follow up in terms of my question if you are happy. What I want to know is have there been any incidents since the new contract was signed for Parklea? Has there been contraband, inmate assaults and other serious incidents?

Mr ANTHONY ROBERTS: Can I say one of the things I am happy with when you compare the GEO staff levels to MTC-Broadspectrum, under GEO there were about 300 full-time equivalents and under the staffing levels of MTC-Broadspectrum it is 372 FTEs. With respect to assaults, that is managed. Staff security is critical for our correctional facilities. It is a key performance indicator. There has been, as of 4 September, 41 inmate on staff assaults since MTC-Broadspectrum took over the Parklea correctional facility. Most of those were to deal with inmates either pushing or spitting at staff, which is completely unacceptable.

What you will see when it comes to staff assaults more broadly across Corrections is it is how we look at what is an assault on a staff member. For example, there have been zero serious assaults on staff members as per how it is categorised. I will get the Commissioner to outline that. We are now looking at spitting as an assault. There is more reporting now. We are asking our Corrections officers to report. Whereas in the past you might have been pushed or spat at by a prisoner and you might have thought that is part of the job, we are saying it is not acceptable.

The Hon. SHAOQUETT MOSELMANE: You are happy there are no serious problems under new management of the new contract at Parklea?

Mr ANTHONY ROBERTS: We have got one of our senior staff members from Corrections assisting with the bedding down of Parklea. We have the Security Operations Group available at Parklea.

The Hon. ROSE JACKSON: How many days have they been on site at Parklea since April this year?

Mr ANTHONY ROBERTS: I will come to that. The Commissioner is keeping a watching brief on the operations. I have met with the governor of Parklea and I am very happy with his plans in looking at reducing recidivism and some of the programs they want to introduce. You have to take into account with Parklea that the cohort that is moving through Parklea include many people on remand. You are getting people where this is the first time they have entered the system potentially. You have a lot of issues around drugs.

The Hon. ROSE JACKSON: They are accepting new custodies at Parklea prison right now?

Mr ANTHONY ROBERTS: Yes. In response, I will have the Commissioner outline the second part of the question from an operational point of view.

The Hon. ROSE JACKSON: It would be good to know how many days the SOG has been on site at Parklea since April this year?

Commissioner SEVERIN: The exact days I would have to provide you on notice. The Security Operations Group services any kind of prison right across the State. We have assisted the new operator with very significant contraband operations. Unfortunately, I have to say MTC-Broadspectrum started off a very low base and really went in to clean up the place. We have increased significantly the number of new receptions. I have pulled back on that a little bit because I think we really overtaxed it in the early days. We went from five a day to 30 a day, which is a significant challenge for any system, particularly if you are familiar with Parklea—you would not necessarily be familiar. It is a building site as we speak.

The new operator clearly has identified an urgent need to increase their level of security, employ additional staff and do so very quickly. During that period of time I have instructed that the Security Operations Group has a presence, not to necessarily just be there and watch but to actually assess the operator in providing the training that we normally provide offsite. During that period of time I have instructed that the Security Operations Group has a presence, not to necessarily just be there and watch, but to actually assist the operator in providing the training that we normally provide offsite, engaging with the staff.

The Hon. ROSE JACKSON: They are there?

Commissioner SEVERIN: Yes, of course.

The Hon. ROSE JACKSON: Permanently at the moment?

Commissioner SEVERIN: No, they are not there permanently, sorry.

The Hon. ROSE JACKSON: For how long is this period that you have instructed that they be there?

Commissioner SEVERIN: About another two to three weeks, I would say, right now. I will keep that, obviously, not finally determined until I am satisfied now that we have a base level operation that clearly can

move forward in the way it is intended to. We have had incidents—the Minister spoke about that. We have had incidents that have raised, through some media reporting, public reaction. We have also got a contractual framework that is a lot tighter than we had before. So they are chargeable incidents and we levy charges against the operator as we have done already as a result of a death in custody and two instances where there was a discharge in error, which is another charge event. There are four charge events under the contract: one is discharge in error, one is an escape, one is death in custody and the other one is a riot. In this particular case we have had one death in custody other than from natural causes, which obviously is still subject to coronial investigation. But it is a charge event and we had two events where a person's sentence calculation was wrong, which is certainly, in the context of the private sector, a first where we now really charge a penalty.

Mr DAVID SHOEBRIDGE: Commissioner they set two people free before their terms expired.

Commissioner SEVERIN: No, sorry, they let one out a little while late. I need to get the detail of the exact case because we do have discharging errors and I have given you—

Mr DAVID SHOEBRIDGE: Prisoners normally know their discharge date.

Commissioner SEVERIN: No, no. We are talking about bail issues, et cetera. We are talking about a remand centre here. I will get the details. I will take that on notice.

Mr DAVID SHOEBRIDGE: Did you say that there is a financial penalty where there is a death in custody under the contract?

Mr ANTHONY ROBERTS: That is correct.

Mr DAVID SHOEBRIDGE: What is the financial penalty?

Commissioner SEVERIN: It is \$500,000 per event.

Mr DAVID SHOEBRIDGE: Apart from the notification that there was a death in custody, there has been no actual public reporting about the death in custody. Commissioner, what are the initial observations or concerns about that death in custody?

Commissioner SEVERIN: I am not going to speculate on that. It is subject to coronial investigation. It is subject to our own investigation. I will not go into any details in relation to the circumstances on that, but clearly there is every indication that it was a death by suicide.

Mr DAVID SHOEBRIDGE: How long after the death were Correctional officers from the department at the cell and at the scene?

Commissioner SEVERIN: Again, the exact details on how fast we were there—it is not our obligation to be there immediately. It is clearly an obligation under the contract of the contractor. The contractor was immediately in attendance, as was the health service provider. The exact timing of our monitors or any other Corrective Services NSW employee in relation to accessing the site would be no different to any other correctional centre when it comes to the investigation.

Mr DAVID SHOEBRIDGE: What is different with this correctional centre is we have a privatised operator and a privatised health service. What is the first time that somebody, not from a private entity making a profit from the site, attended at the cell and attended at the scene of the death in custody?

Commissioner SEVERIN: I will take that on notice.

Commissioner SEVERIN: Commissioner, do you understand why there are these concerns? Because for the first time ever we do not have Justice Health in the facility and the concern is who is watching and who is on the site once there has been a death in custody. Any delay would be problematic, would it not?

Commissioner SEVERIN: First of all I need to correct you. It is not the first time that Justice Health is not on the site. Junee never had Justice Health on its site, neither does any other privately managed correctional centre in Australia.

Mr DAVID SHOEBRIDGE: It is the first time for Parklea.

Commissioner SEVERIN: Parklea was the only correctional centre under the previous contract where Justice Health retained a role. Justice Health is the regulator in this particular context under the legislation and not the operator. Very clearly there is very little evidence, if any evidence, in the private contracting of correctional facilities in Australia to indicate that the absence of a State-based service being in situ 24/7 has, in any way, mitigated against incidents occurring or has in any way contributed to incidents being managed any differently when it comes to the incident of suicide or self-harm. For me it is important to make very clear that our monitoring arrangement at Parklea, as it is in Junee and will be in Clarence, which is the Grafton facility, is the tightest

monitoring regime that certainly in my 39 years in this business I have ever experienced in the four jurisdictions in which I have worked, three of which had private sector management involvement.

We are making no apologies to the operator for this. It is clearly about accountability. It is about making sure that they meet the objectives of the contract and, yes, that they actually do so in an appropriate way. The monitoring arrangement continues to be very tight. It is tighter now than it was and the penalties under the contract are quite significant. That in itself, of course, serves to be a disincentive for anybody trying to cut corners, trying to do the wrong thing or trying to gloss over any incident that may have occurred.

Mr DAVID SHOEBRIDGE: Minister, it is now more than 2½ decades after the Royal Commission into Aboriginal Deaths in Custody occurred. We continue to see deaths by hanging from hanging points in New South Wales prison cells. When will that key recommendation from the royal commission to remove hanging points from prison cells finally be implemented in New South Wales, and how many deaths do we have to wait for to get it implemented?

Mr ANTHONY ROBERTS: Any death in custody is an absolute tragedy not just for the individual, of course, but also for their families and for Corrections staff. It affects so many people. We continue through cell design and through practice to do our best to keep those who are in our custody safe from others as well as themselves.

Mr DAVID SHOEBRIDGE: How many cells were rectified in the past 12 months to remove hanging points?

Mr ANTHONY ROBERTS: Commissioner?

Commissioner SEVERIN: We do not have a program of retrofitting existing cells. Any cell that is built in secure custody in New South Wales is a ligature-free cell. There have been many estimates undertaken as to what it would take to retrofit existing cells, so what we do instead is very clearly manage risk, manage risk to the best of our ability, manage risk in a way that we try to eliminate the occurrence of self-harm or suicide. That, I believe, is done very effectively. Nevertheless we still do have deaths in custody as a result of ligature points.

Mr DAVID SHOEBRIDGE: Indeed, the most recent death at Parklea, the initial assessment is that it is yet another death from hanging at Parklea. Minister, do you find it acceptable that there is no program in place in Parklea or any existing prison in New South Wales to remove hanging points? Do you think that is acceptable? You said that any death is unacceptable; you are not doing anything to fix this.

Mr ANTHONY ROBERTS: I reject the premise of the question. The Prison Bed Capacity Program, as part of this Government's delivery of prison beds to Corrective Services, ensures that all new beds take into account the risk profile of those prisoners and each cell is designed to best practice, and we have adopted those practices.

Mr DAVID SHOEBRIDGE: But you have signed a decade-long contract with Parklea that will continue to operate with hanging points over the course of its entire contract. You have a prison with a decade-long contract on it that is going to continue to operate with hanging points. Do you think that is acceptable?

Mr ANTHONY ROBERTS: Preventing self-harm and suicide in custody is a high priority for our Corrections staff. I have spoken with Corrections staff who, again, do an amazing job under difficult circumstances in how they deal with people who are self-harming or threatening suicide.

Mr DAVID SHOEBRIDGE: But they should not have to be. You should be making the cells proof against this by removing the hanging points and you are not. There is not even a program in place.

Mr ANTHONY ROBERTS: There is a program in place with respect to our new cell design, our new facilities. Unfortunately, what we have in New South Wales at the moment is, you would call it, a fleet of prisons that are old and ageing and we are building new facilities that take into account these issues to ensure that not only are our staff safe but prisoners are safe from each other and themselves.

Mr DAVID SHOEBRIDGE: Minister, if it eventuates that this death in Parklea was yet another death from hanging in Parklea in a cell that had hanging points on it, will you be providing the \$500,000 contractual penalty that you received from the private operators to the family?

Commissioner SEVERIN: The way that the penalties are being dealt with, no decision has been made what will happen with that money.

Mr DAVID SHOEBRIDGE: That is why I am asking you, Minister, not the Commissioner. If it turns out that this death is a result of hanging, is it going to be a situation where the State of New South Wales profits from not fixing the hanging points and nothing is given to the family?

Mr ANTHONY ROBERTS: Again, this is hypothetical. I am not going to be drawn on what is an if or a possible or a when.

The Hon. NIALL BLAIR: At the moment it is hypothetical. That is the whole reason why he said, "We will see."

Mr DAVID SHOEBRIDGE: We will come back to this. Minister, will you give a commitment right now to residents at Corindi that their local Aboriginal Cultural Centre, Yarrawara, will not be taken over by Serco and turned into a prison facility by a private prison operator in that lovely little coastal town?

Mr ANTHONY ROBERTS: Commissioner? It is an operational issue.

Commissioner SEVERIN: This is not an issue that has anything to do with Corrective Services. It is part of an issue that relates to a social investment initiative, which, I understand, is being assessed at the moment. The responsible department for that is the Department of Premier and Cabinet or Finance, Services—

Mr DAVID SHOEBRIDGE: This is meant to be a bail diversion program. Are you saying the bail diversion program that Serco—this large private prison operator—is proposing at Yarrawarra is not related to Corrective Services?

Commissioner SEVERIN: Not at all.

Mr DAVID SHOEBRIDGE: How is that? How is a bail diversion program funded by a multibillion-dollar contract paid by Corrective Services not part of your jurisdiction, Minister?

The Hon. NIALL BLAIR: It is machinery of government. The Commissioner does not determine the machinery of government.

Mr DAVID SHOEBRIDGE: Is that a point of order?

The Hon. NIALL BLAIR: Point of order: The Commissioner does not determine the machinery of government split-up.

Mr DAVID SHOEBRIDGE: I have heard your point of order. I think the Minister can answer the question.

The Hon. NIALL BLAIR: You are directing it to the Commissioner. Maybe direct it to the Minister.

Mr DAVID SHOEBRIDGE: Minister?

Mr ANTHONY ROBERTS: Commissioner? Again, as it has been pointed out, you are asking the wrong Minister.

Mr DAVID SHOEBRIDGE: Commissioner, it has been given to you.

Commissioner SEVERIN: The understanding is very clear for me that the diversion arrangements relate to a different cohort to the one that we have contracted Serco to manage at Clarence. My understanding is that there is no contractual arrangement in place in relation to this facility. I know this as just general knowledge in relation to the social impact investment initiatives that are currently being considered that, yes, the fact that Serco happens to manage the Clarence facility or will manage the Clarence facility has given rise to some concern that there are direct relationships.

My understanding is that that is not the case. If it is, it would be the first time that I have become aware of that. I have ascertained that there is not. I understand also that the matter has been subject to community reactions, and I saw a number of Facebook entries et cetera, and has been well and truly taken into account before any decision is going to be made for any of these projects to go forward. That is as much as I can contribute. It is not part of Corrective Services NSW responsibility.

Mr DAVID SHOEBRIDGE: Minister, is it true that two-thirds of new inmates into New South Wales prisons have a history of use of methamphetamines?

Commissioner SEVERIN: The information we have—and this is information we get from Justice Health and the Forensic Mental Health Service—is that around that number of two-thirds report that they have taken methamphetamine at some stage prior to their incarceration.

Mr DAVID SHOEBRIDGE: Is it true that about 8,000 people are detoxing from methamphetamine in custody in any given year? That was the data.

Commissioner SEVERIN: That is not a number that I have available to me. I need to take that on notice, if I can even answer it.

Mr DAVID SHOEBRIDGE: Minister, if two-thirds of the inmates coming into New South Wales prisons have a history of methamphetamine use, what proportion of inmates are getting drug and alcohol treatment for methamphetamine?

Mr ANTHONY ROBERTS: Just give me one moment. Thank you for your patience.

Commissioner SEVERIN: I have just been advised that we do not have a specific percentage just for methamphetamine. We do, obviously, have numbers that I can make available and I am happy to take that on notice—

Mr DAVID SHOEBRIDGE: What is the overall percentage, Mr Severin?

Commissioner SEVERIN: —for drug and alcohol treatment programs for those who present the highest risk of drug and alcohol abuse. The exact number I would have to take on notice.

Mr DAVID SHOEBRIDGE: You have got some information, Commissioner.

Commissioner SEVERIN: This relates to a completely separate part of a program. So I do not think the numbers that I am referring to in a briefing note here would be necessarily answering your question.

Mr ANTHONY ROBERTS: Particularly under our Intensive Drug and Alcohol Treatment Program the 2018-19 participants—and they are the individuals who commenced during the period plus those who carried on from the previous period—there was a total of 184: 103 male, 81 female.

Commissioner SEVERIN: That is one program; it is the intensive drug and alcohol.

Mr ANTHONY ROBERTS: That is the one program—with a completion rate, particularly around females, of some 56 per cent, and there are other high-intensity programs in play at the moment.

Mr DAVID SHOEBRIDGE: Minister, if two-thirds of the 13,000-plus prisoners have a history of methamphetamine use and the only program you can point to in answer to my question about drug and alcohol treatment is a program that has 184 beds in it that is a woeful response to the problem of addiction in our prisons, is it not, Minister?

Mr ANTHONY ROBERTS: Further to that, there is the Explore, Question, Understand, Investigate, Practise, Plan, Succeed [EQUIPS] program. We have had some 1,900 prisoners go through our EQUIPS Addiction program.

Mr DAVID SHOEBRIDGE: Over how long?

Mr ANTHONY ROBERTS: That is for 2018-19. That is up from 1,500 in 2017-18, which was up from 1,300 in 2016-17.

Mr DAVID SHOEBRIDGE: We are still talking less than a quarter of the prisoners of even those who have had a history of prior methamphetamine use—less than a quarter of the prisoners with just a history of the use of one drug.

Mr ANTHONY ROBERTS: Commissioner?

Commissioner SEVERIN: I think we need to be very clear about the fact that the reported use of methamphetamine does not automatically indicate that there is a significant drug or alcohol dependency or problem that needs to be dealt with through a program.

Mr DAVID SHOEBRIDGE: But, Commissioner, we also need to be clear that the EQUIPS program is not a drug and alcohol program at all; it is a broader program with a small part—

Commissioner SEVERIN: Which program?

Mr DAVID SHOEBRIDGE: EQUIPS is not a drug and alcohol rehabilitation program, is it?

Mr ANTHONY ROBERTS: EQUIPS, there is the EQUIPS Foundation, there is EQUIPS Aggression, there is EQUIPS Domestic Abuse, there is EQUIPS Addiction, and that is where we have had 1,900 participants. Again, this has been highly successful.

Mr DAVID SHOEBRIDGE: What proportion of the 1,900 inmates who went in with an addiction problem to the EQUIPS program came out with their addiction problem resolved? It is a simple question.

Commissioner SEVERIN: The resolve would manifest itself obviously post-discharge or during subsequent testing in custody. We do not have statistics that correlate those two but I can certainly take on notice and see if there are any correlations that we make in relation to those participating in an intervention program and the subsequent taking of drugs or alcohol.

Mr DAVID SHOEBRIDGE: But surely you do that. How could you possibly roll out a program with 1,900 people going into it for drug and alcohol addiction problems and not have a follow-through assessment process?

Commissioner SEVERIN: We certainly do but your question was specifically asked for reuse of any drugs and alcohol.

Mr DAVID SHOEBRIDGE: No, I asked if it worked? Of the 1,900 people who went in, how many had their addiction problem fixed?

Commissioner SEVERIN: I will take that on notice.

Mr ANTHONY ROBERTS: We will take that on notice.

Mr DAVID SHOEBRIDGE: That is not a complicated question; it is the most obvious question out of the program, is it not?

Mr ANTHONY ROBERTS: We will take it on notice.

Mr DAVID SHOEBRIDGE: Why is Corrective Services NSW opposing Justice Health's initiative to put needle and syringe programs in jail? Justice Health says it is needed for a health perspective; you are rejecting that. Why is that, Commissioner?

Mr ANTHONY ROBERTS: I am happy to answer this. It is a government policy. The government policy is quite clear on this—that is, this Government does not support a trial needle and syringe program in correctional centres because the perceived risk of establishing such a program outweighs its potential benefits. As we discussed, there is a very strong emphasis in New South Wales correctional centres on addressing offending behaviour through the delivery of targeted, evidence-based programs and strategies. Providing needles and syringes to inmates will do nothing to support that.

Corrective Services is committed to the reduction of the spread of blood-borne diseases within New South Wales correctional facilities. The safety of officers and inmates and the security of the facilities will always remain a key priority and primary consideration with the adoption of any program. I am not going to allow the introduction of weapons into my prisons.

Mr DAVID SHOEBRIDGE: You are not pretending that needles are not already in there. There are just dirty needles. Everybody will be safer if you have clean needles rather than dirty needles. You are not pretending it is not happening, Minister.

Mr ANTHONY ROBERTS: I am not going to introduce weapons into our prisons.

Mr DAVID SHOEBRIDGE: They are already there; they are just dirty needles creating major health problems.

Mr ANTHONY ROBERTS: I am not going to introduce weapons into our prisons.

Mr DAVID SHOEBRIDGE: They are already there, Minister, are they not?

Mr ANTHONY ROBERTS: My role as Minister, apart from ensuring the safety of prisoners, is to ensure, to me, the protection of our Corrections staff.

Mr DAVID SHOEBRIDGE: How is having dirty needles protecting anybody?

Mr ANTHONY ROBERTS: I am not going to have another situation where you had officer Geoffrey Pearce who died as a result of being injected with a syringe with a needle injected with HIV blood. He died because of that.

Mr DAVID SHOEBRIDGE: But there was no needle syringe program then.

The Hon. ROSE JACKSON: How did the needle get in there then?

Mr DAVID SHOEBRIDGE: It was illegal then.

Mr COUTTS-TROTTER: Further to that, I have some interest in this. Looking at the evidence that is available on the public record, you have a major global assessment in 2017 through, I think, the Cochrane collaboration, which is an attempt to assess the evaluations of needle—in this case needle and syringe—programs around the world controlling for the quality of the evidence. The conclusion from that is frankly equivocal about the impact of needle and syringe exchange programs. What is a much stronger base of evidence is the impact of new generation anti-viral drug treatment. The World Health Organization and the United Nations' advice on needle and syringe programs was provided before the availability of the new generation of hepatitis C drug treatment.

The Minister's policy position, of course, is clear but frankly our view would be that the evidence in support of needle and syringe programs, as I say, is at best equivocal.

Mr ANTHONY ROBERTS: There you go.

Mr DAVID SHOEBRIDGE: The clear, unambiguous advice from Justice Health, the experts in health in prisons, is that needle and syringe programs are needed to keep inmates and Correctional Services officers safe. That is the advice from Justice Health and you are ignoring it.

Mr ANTHONY ROBERTS: I have to say that this is the first time The Greens have ignored the United Nations [UN].

Mr DAVID SHOEBRIDGE: That is not the UN, Minister.

Mr ANTHONY ROBERTS: You are saying that the United Nations and the international studies are all wrong.

Mr DAVID SHOEBRIDGE: You are not even listening to your own advice, Minister.

Mr ANTHONY ROBERTS: You guys cannot pick which advice you are taking.

Mr DAVID SHOEBRIDGE: It is not the UN.

Mr ANTHONY ROBERTS: This is international; this is one of the best studies that have been done.

The Hon. ROSE JACKSON: Minister, I would like to ask you some questions in your capacity as the Counter Terrorism [CT] Minister. What actions have you taken or what discussions have you had with the health Minister in relation to the increased risk posed by individuals with serious mental health challenges, particularly paranoia and paranoia delusions, who are, as we have seen, increasingly susceptible to extremist ideology, political and religious?

Mr ANTHONY ROBERTS: Outside of the Fixated Persons Unit, which is under the jurisdiction of the police Minister, we meet regularly, as part of our role in delivering the strategic outcomes around Counter Terrorism and Countering Violent Extremism. We meet regularly with both New South Wales agencies as well as Federal agencies to ensure that the safety of New South Wales residents through to our infrastructure is maintained.

The Hon. ROSE JACKSON: Are the health agencies involved?

Mr ANTHONY ROBERTS: From an operational point of view, Ms Walker, due you mind expanding upon that for us?

Ms WALKER: Certainly. There is a range of opportunities and committees, particularly the inter-government one, chaired by the secretary, where we focus on the opportunities for cohesion with the Commonwealth as well as cohesion between ourselves, New South Wales police, NSW Health and some of the other parties that you have mentioned.

The Hon. ROSE JACKSON: I am interested in the way that the New South Wales Government is ensuring that there are intervention points for people who may be concerned about someone who has a mental health problem and has shown concerning states of mind in relation to paranoia that could be potentially leading them down a path towards terrorism and violent extremism but a police intervention is not, at this stage, warranted.

Mr ANTHONY ROBERTS: We have a very successful program around Step Together.

The Hon. ROSE JACKSON: Are mental health referral services part of Step Together?

Mr ANTHONY ROBERTS: Yes, it is.

Ms WALKER: Calls can be taken from mental health providers—caseworkers and other professionals—who may have seen behaviour in their clients that could be concerning. That organisation also takes calls from family members who have seen sometimes behavioural changes in their own family. It is a support and help line, not a reporting line, and not to be confused with 000 or other places that you would call in an emergency.

The Hon. SHAOQUETT MOSELMANE: Minister, what programs are there to counter right-wing extremism?

Mr ANTHONY ROBERTS: Is this from an internal Labor Party point of view or—

The Hon. SHAOQUETT MOSELMANE: No, it comes from the Liberal Party point of view.

Mr ANTHONY ROBERTS: I am sorry.

Mr DAVID SHOEBRIDGE: It is more noxious than the Liberal Party, actually.

The Hon. SHAOQUETT MOSELMANE: That is where the Right is.

Mr ANTHONY ROBERTS: The New South Wales Government is committed to countering all forms of violent extremism, whether motivated by politics, ideology or religion. This Government's \$47 million Countering Violent Extremism package seeks to limit the spread and influence of all forms of violent extremism, divert at-risk individuals with respect to our Step Together program and disengage violent extremists.

The Hon. SHAOQUETT MOSELMANE: How much of that \$47 million is for Countering Violent Extremism, which is a particular policy that is targeted at extreme right-wing ideologists—some call them Christian extremists or nutcases.

Mr DAVID SHOEBRIDGE: Racists.

Mr ANTHONY ROBERTS: By way of putting this into context, the term "far-right extremism" would refer to a set of overlapping movements based on ideologies of racial, cultural or ethnic superiority involving groups or individuals. With respect to that, we have Countering Violent Extremism programs that address those levels of extremism in our community.

The Hon. SHAOQUETT MOSELMANE: How much?

The Hon. ROSE JACKSON: How much of the \$47 million is directed to them?

Mr ANTHONY ROBERTS: I am coming to that; that is the really good news. The New South Wales Community, in Partnership, taking Action to safeguard Australia's peaceful and harmonious way of life [COMPACT] provides some \$9.2 million in community grants to promote social cohesion and community harmony. It provides grants to some 24 community-based youth engagement projects involving the likes of some 60 partner organisations. Through that, we have engaged over 20,000 young people and over 130 schools. Three-quarters of a million dollars over four years was allocated to Community Action for Preventing Extremism [CAPE]. That is a project that specifically targets far-right extremism.

The Hon. SHAOQUETT MOSELMANE: Did you say \$4.7 million?

The Hon. ROSE JACKSON: Three-quarters of a million dollars.

Mr ANTHONY ROBERTS: Three-quarters of a million dollars.

The Hon. SHAOQUETT MOSELMANE: Three-quarters of a million dollars out of \$47 million.

Mr ANTHONY ROBERTS: The CAPE aims to increase awareness of the dangers of—

The Hon. SHAOQUETT MOSELMANE: In your view, is \$3 million out of the \$47 million sufficient to address far-right extremism in New South Wales?

Mr ANTHONY ROBERTS: Community Action for Preventing Extremism aims to increase awareness of the dangers of that level of extremism and to develop a volunteer youth network to challenge what some would call white nationalist activity or extremism. We back that up with the Step Together program that has been incredibly successful for us. Ms Walker or Mr Coutts-Trotter, do you want to elaborate?

Ms WALKER: Looking at extremism, including right-wing extremism, I was going to mention the revamped Radicalisation and Extremism Awareness Program that trains staff in Corrective Services NSW and Youth Justice NSW to recognise and report all indications of radicalisation, including indicators of far-right extremism. Funding has also been put towards the Remove Hate from the Debate campaign that aims to address hate speech—again, looking at all forms of extremism, including right-wing extremism.

The Hon. SHAOQUETT MOSELMANE: Is right-wing extremism the major focus of your program?

Mr ANTHONY ROBERTS: With respect to that program there is three-quarters of a million dollars. More generally, our role and the coordinated role and the strategic role is to ensure that we continue to protect, grow and enhance our society that is incredibly diverse and provide a level of support to ensure that we have a diverse and resilient community in New South Wales. We have a lot to be proud of.

The Hon. SHAOQUETT MOSELMANE: You are spending \$9.2 million on community grants. Have you had roundtable meetings with the various communities across New South Wales?

Mr ANTHONY ROBERTS: As part of our role, we meet with the department—

The Hon. SHAOQUETT MOSELMANE: Have you met with the key community groups around New South Wales to explain to them that the \$9.2 million is available?

Mr ANTHONY ROBERTS: This has been underway for some time. I meet with community groups and organisations at all levels of government with respect to Countering Violent Extremism [CVE] and Counter Terrorism. Ms Walker, can you give us some examples of the people we meet with and engage with regularly?

Ms WALKER: Certainly, through Multicultural NSW, there is a number of engagements. When you think about the agencies involved in the funding program the Minister talked about—the COMPACT program—and knowing that these have been evaluated programs—that is where meetings have also occurred—we have, for example, the New South Wales Auburn Islamic cultural centre that includes local partners from the Gamarada Indigenous Healing and Life Training.

The Hon. ROSE JACKSON: As you mention that project straight up, Minister, are you aware that that program is no longer being funded under the COMPACT grants?

Mr ANTHONY ROBERTS: The program has been funded.

The Hon. ROSE JACKSON: It has been but is no longer funded.

Ms WALKER: It was completed in 2018.

Mr ANTHONY ROBERTS: Yes.

The Hon. ROSE JACKSON: There is a number of programs under the COMPACT grants that are no longer being funded. Is that because you consider that the threat of violent extremism is now resolved and that there is no need for ongoing funding through these organisations?

Mr ANTHONY ROBERTS: We will continue to fund projects, as required. We review all projects that are undertaken. We either learn from those, develop those and re-fund them or new programs come online that are supported by this Government. The \$47 million Countering Violent Extremism package has had \$21 million towards supporting schools, \$10 million in community grants, \$6.5 million to design and develop the very successful Step Together helpline, \$2 million to create the specialist team in Youth Justice NSW, \$1.8 million to upskill frontline workers and build capacity in community organisations, \$2 million to fund future initiatives and \$1.8 million towards the creation of a team to coordinate the CVE policies.

The Hon. ROSE JACKSON: Of the \$47 million, \$750,000 is specifically dedicated to combating right-wing extremism, and you spent \$1 million on policy design. Does that not seem as though there may be some misdirection of funds, considering the obvious and heightened increased risk from violent white supremacists at least since the Christchurch terrorist attack if not before?

Mr ANTHONY ROBERTS: I will ask Ms Walker to elaborate further, but I make clear that the three-quarters of a million dollars that is specifically directed to right-wing extremism cannot be, in any way, disassociated from the broader spend. That is just one program within a broader spend that encompasses any form of extremism. The fact that we are committing three-quarters of a million dollars specifically to that reflects our view, following the Christchurch attack, that money needs to be directed there for the time being.

The Hon. ROSE JACKSON: I appreciate your comment that all of the money in general is generally available if people have general concerns about terrorist activity or violent ideology, but resource follows risk. There is an obvious increased risk from white supremacist activity in Australia. It has been well documented. Despite the Christchurch terrorist attack, your own articulation is only \$750,000 of \$47 million was specifically directed towards combating right-wing extremism. That does not seem like a proper resource allocation for increased risk.

Mr ANTHONY ROBERTS: That is your opinion.

The Hon. ROSE JACKSON: Fair enough.

The Hon. SHAOQUETT MOSELMANE: It is a valid point, Minister.

Mr ANTHONY ROBERTS: We direct funds as required based on risk assessments and on advice.

The Hon. ROSE JACKSON: You think that is all that is required?

Mr ANTHONY ROBERTS: That funding is informed by expert advice. I am happy to rely on the advice of people who have spent their lives in this area, developing policy and being on the front line. I will take their advice as to where the resources need to go at any given time.

The Hon. SHAOQUETT MOSELMANE: Minister, when you met with those community representatives and you told them that \$750,000 is being spent out of this project of \$47 million, what was their response?

Mr ANTHONY ROBERTS: I meet with a lot of people.

The Hon. SHAOQUETT MOSELMANE: I know that. You said that. What is their response to that?

Mr ANTHONY ROBERTS: I do not recall meeting with people and saying that we were spending \$750,000 in countering right-wing extremism.

The Hon. SHAOQUETT MOSELMANE: When you met with them, did you not tell them how much money you are spending on ideologically driven groups like right-wing extremists?

Mr ANTHONY ROBERTS: When I meet with organisations it is about how we can better understand and work together to counter violent extremism on the whole. That is what I do. If the subject of money is raised, it is raised by them with respect to how the project is going, how they can improve projects and how we can assist them.

Mr DAVID SHOEBRIDGE: Minister, are you responsible in your role as Minister for Counter Terrorism and Corrections for oversight of the Countering Violent Extremism program?

Mr ANTHONY ROBERTS: Yes.

Mr DAVID SHOEBRIDGE: Does that include the operation of the program in juvenile detention facilities?

Mr COUTTS-TROTTER: The whole of the program is subject to evaluation that will come back to Government through the Minister. That evaluation will look at the impact of the various initiatives that were funded through the \$47 million.

Mr DAVID SHOEBRIDGE: But it is operating in juvenile detention facilities?

Mr COUTTS-TROTTER: In terms of the day-to-day operations of the program inside Youth Justice NSW, that is the responsibility of the operational leadership of Youth Justice NSW

Mr DAVID SHOEBRIDGE: Do you have any oversight of the Countering Violent Extremism program in juvenile detention facilities? Once it goes into a juvenile detention facility, is it not your responsibility?

Mr ANTHONY ROBERTS: It comes under the Minister responsible for Juvenile Justice. My role is the strategic—

Mr COUTTS-TROTTER: To the extent that the \$47 million program involved an investment in training and support inside Youth Justice, in this case, the Minister will receive, as part of that evaluation, an assessment of the impact, and therefore effectiveness, of that element.

Mr DAVID SHOEBRIDGE: Minister, have you made any inquiries about how the Countering Violent Extremism program is operating in juvenile detention facilities, given that it was meant to be a high-profile response from the Government? I think you had a part in announcing it.

Mr ANTHONY ROBERTS: Ms Walker, do you want to give us an update on when we are expecting that?

Ms WALKER: Yes.

Mr ANTHONY ROBERTS: My role is to coordinate the Government's response to CVE. I have responses coming through—

Mr DAVID SHOEBRIDGE: And to set the policy parameters. That is your role?

Mr ANTHONY ROBERTS: That is correct.

Mr DAVID SHOEBRIDGE: The concern has been raised that a number of inmates—young people in juvenile detention on heavy medication, with serious mental health problems, self-harming, intellectually disabled—if they write "ISIS" on the wall they are suddenly targeted by CVE, their rights are removed, their underlying conditions are ignored and they become marginalised and targeted as terrorists, notwithstanding all of their underlying concerns. Are you aware of that? Is that what happens—if someone writes "ISIS" on the wall, regardless of their underlying concerns, are they picked as a terrorist and treated as such?

Mr COUTTS-TROTTER: No, I would hope that our response is more sophisticated than that and I would just point out by way of context that I think there are currently five young people with a national security

interest designation inside the youth justice system, so it is confined to a very small group of young people. Where there are proper concerns that young people are on the route or staying on the route to violent extremism, there is an appropriate response. The example you gave is not identifying something that would be treated with a CVE response and nor should it be.

Mr DAVID SHOEBRIDGE: The concerns are that a young person, highly medicated, intellectually disabled, suffering self-harm, says a few words about ISIS and bang, they are targeted and labelled as a terrorist and sent down that extreme response path. Are you saying, Mr Coutts-Trotter, that has not happened?

Mr COUTTS-TROTTER: I am happy to take any specific scenario on notice—or outside an open discussion and follow that through. But in my mind, the scenario you have described is not one that should trigger CVE response.

Mr DAVID SHOEBRIDGE: Do you agree with that, Minister? That those circumstances should not trigger a CVE response?

Mr ANTHONY ROBERTS: I would have to see the particulars. Now that you have raised it, I will seek advice as well but if it is an appropriate response—again, I have not seen the incident report. If it is an appropriate response to what occurred—

Mr DAVID SHOEBRIDGE: So you are not getting incident reports from Juvenile Justice when somebody is put on the program?

Mr ANTHONY ROBERTS: No.

Mr DAVID SHOEBRIDGE: Minister, what, if anything, has the New South Wales Government allocated to support the Federal facial recognition program called The Capability? And do we all agree that "The Capability" is a deeply Orwellian term for the facial recognition program?

The Hon. NIALL BLAIR: I do not know that that is a legitimate question.

Mr ANTHONY ROBERTS: I reject the premise of the question.

Mr DAVID SHOEBRIDGE: Perhaps you can go back to the first one, then.

Mr ANTHONY ROBERTS: I always thought The Greens were into innovation.

Mr DAVID SHOEBRIDGE: We are not into Orwell or *1984*. That is your job, Minister.

Mr ANTHONY ROBERTS: I will put it on my CV then.

Mr DAVID SHOEBRIDGE: You should because you are doing it. What has happened on The Capability?

Mr ANTHONY ROBERTS: I am pleased to say that \$52.6 million, from 2018 through to 2022, has been allocated so that New South Wales can participate in and contribute to the implementation of the National Facial Biometric Matching Capability. This is, again, proof that the Government has made and will continue to make significant investments to protect the community against the risk of terrorism.

Mr DAVID SHOEBRIDGE: Sorry, did you say \$52.6 million is allocated just to the implementation of The Capability?

Mr ANTHONY ROBERTS: Yes, to the implementation of the National Facial Biometric Matching Capability.

Mr DAVID SHOEBRIDGE: How much of that has been delivered to the NSW Police Force?

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

Mr COUTTS-TROTTER: I think I have a note here, Minister. It is \$12.1 million over four years to implement the National Facial Biometric Matching Capability provided for in the 2018-19 budget.

Mr DAVID SHOEBRIDGE: How many persons of interest have been identified with this \$52.6 million program?

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

Mr DAVID SHOEBRIDGE: Minister, are you aware of the concerns that when facial recognition was rolled out in the United Kingdom they were getting error rates of 80 to 90 per cent of false identifications? Are you aware of those concerns?

Mr ANTHONY ROBERTS: That would be a matter for the people who are responsible for the rollout nationally of the facial biometric matching capability system.

Mr DAVID SHOEBRIDGE: Are you at all responsible, as the Counter Terrorism Minister, for oversight of this \$50-odd million program?

Mr ANTHONY ROBERTS: Again, the police will participate in this. Can I ask Ms Walker, what is our—

Ms WALKER: Certainly all of the funds related to this are now with the police as part of the machinery of government changes.

Mr DAVID SHOEBRIDGE: So it is all with the police?

Mr COUTTS-TROTTER: Yes.

Ms WALKER: Yes.

Mr DAVID SHOEBRIDGE: Notwithstanding that The Capability was meant to be, in part, a response to terrorism and is a part of the Counter Terrorism response, you are not going to have any oversight of it. Is that right?

Mr ANTHONY ROBERTS: Again, my job is to assist and coordinate with the strategic policy approach to CVE and CT in New South Wales. The police will oversee this but I will be kept informed of the progress of it.

Mr DAVID SHOEBRIDGE: When is it going to be switched on? You must know that. When is The Capability going to be switched on and people in New South Wales will have all of their New South Wales government data provided to the Feds for facial recognition? When is it going to be turned on?

Mr COUTTS-TROTTER: I am happy to take that on notice. From memory, because these matters are reported up through the State Counter Terrorism Committee of officials, which in turn reports through to Minister Roberts and other Ministers, the Commonwealth needed to authorise a framework that enabled the exchange of that information. I am happy to take it on notice.

Mr DAVID SHOEBRIDGE: Including whether or not that framework has been identified and whether or not the privacy protections are in place, Mr Coutts-Trotter?

Mr COUTTS-TROTTER: Happy to take that on notice.

Mr DAVID SHOEBRIDGE: Minister, what do you think an acceptable error rate would be in facial recognition operations? Do you think it would be an error rate of 10 per cent, 20 per cent, 50 per cent or 70 per cent—like we see in the UK? What do you think an acceptable error rate would be?

Mr ANTHONY ROBERTS: What do you think would be an acceptable level?

Mr DAVID SHOEBRIDGE: Zero to 1 per cent.

The Hon. ROSE JACKSON: Point of order: We ask the questions, you answer them.

Mr DAVID SHOEBRIDGE: Zero to 1 per cent. I do not think we should be waking people up in the middle of the night, getting them out of their house, threatening them with charge and arrest for terrorism-related offences on a false positive from The Capability, Minister. Do you?

Mr ANTHONY ROBERTS: No-one can disagree with that.

Mr DAVID SHOEBRIDGE: Given the UK was doing that 90 per cent of the time, what do you think an acceptable error rate would be?

Mr ANTHONY ROBERTS: I think for the public and myself, if you were to seek my opinion, it would be to ensure that the technology was such as to ensure there was no error rate—in a perfect world.

Mr DAVID SHOEBRIDGE: Could you take on notice what the proposed error rate will be—or the identification rate, perhaps that is the positive way of doing it. What will the proposed identification rate be for The Capability?

Mr ANTHONY ROBERTS: Happy to take that on notice.

Mr DAVID SHOEBRIDGE: What is the current waiting list for the Proactive Integrated Support Model [PRISM], the principal program—allegedly—for dealing with extremism in adult prisons?

Commissioner SEVERIN: The waitlist is between one and two years. It is a program that started a couple of years ago and we have 10 inmates currently on the waitlist for the program.

Mr DAVID SHOEBRIDGE: Why was funding cut for PRISM?

Commissioner SEVERIN: The PRISM funding is currently guaranteed until the end of this financial year.

Mr DAVID SHOEBRIDGE: Why was it reduced?

Commissioner SEVERIN: It has not been reduced.

Mr DAVID SHOEBRIDGE: In material provided to us under freedom of information in the Government Information (Public Access) Act [GIPAA] laws, the funding allocation for PRISM reduced over the past three years. Do you want to provide on notice what the actual funding for PRISM is?

Commissioner SEVERIN: I certainly can, yes.

Mr DAVID SHOEBRIDGE: Given that there are only 10 inmates doing PRISM and given that you have a waiting list of some 18 months for this one countering extremism program, do you think that is acceptable?

Mr ANTHONY ROBERTS: To be eligible for PRISM, an inmate needs to be sentenced to a custodial sentence, have a least 12 to 24 months remaining until the earliest possible release date and has to consent to participate in the program. Inmates can be referred for any number of reasons. Again, as we said, there are 10 people—

Mr DAVID SHOEBRIDGE: But there is an 18-month waiting list, Minister. There are people wanting to have this program and you are not providing it to them because you are only providing funding for 10 places. That is not dealing with extremism in our prisons, is it?

Mr ANTHONY ROBERTS: It is.

The Hon. ROSE JACKSON: Not very well.

Mr ANTHONY ROBERTS: Again, there are no set time frames as to when an offender will be offered placement on the program. I can say that three inmates from the waitlist are expected to be offered a placement in October this year. But again, prioritisation depends on a number of factors, including the earliest possible release date, behaviour in custody, consent and other program priorities.

Mr DAVID SHOEBRIDGE: Has it improved since the Auditor-General looked at it in May 2017 and said 75 per cent of inmates needing these kinds of programs are not getting them before they are released? You are not doing your job to keep the community safe if people are putting their hand up for this kind of training to resolve extremism and you are not giving it to them. Seventy-five per cent; is that acceptable?

Commissioner SEVERIN: I do not think the statistic you quoted relates to the PRISM program. I think it was the—

Mr DAVID SHOEBRIDGE: No, it is across the board.

Commissioner SEVERIN: Sorry, but we are talking about the PRISM program here, which is quite a different—

Mr DAVID SHOEBRIDGE: Yes, which has an 18-month waiting list.

Commissioner SEVERIN: It is quite a different program to the cognitive behavioural therapy-based programs that we would have. The PRISM program is very clearly a disengagement program.

Mr DAVID SHOEBRIDGE: Correct.

Commissioner SEVERIN: It is one that encourages offenders to develop alternative strategies to think, but also to actually engage in very proactive behaviours around work and around education, which is quite different to the cognitive behavioural therapy-based programs for sex offenders and violent offenders. PRISM has been evaluated by Adrian Cherney, who is a very pre-eminent expert in Countering Violent Extremism research. It has early signs it is very effective. However, it is one—

Mr DAVID SHOEBRIDGE: Will you table that evaluation with the Committee, Commissioner?

Commissioner SEVERIN: It is on the public record, his report. So, yes, I can certainly give the source.

The Hon. ROSE JACKSON: We are not arguing that it is ineffective. We want more people to participate in it.

Commissioner SEVERIN: Can I just complete my answer? The PRISM program is one that really has embarked on very new ground, on ground that clearly in Australia has not actually been walked on in the context of actually changing somebody's radical views into constructive views. Therefore, it was never likely that it would be like a classroom-based program where you have assessments preceding the participation programs, where you have a very clear narrative or where you have a methodology that is based on internationally validated practice and research. So PRISM in very many ways tried to and is continuing to engage with those who are at highest risk of being radicalised in custody and is proactively looking at developing alternative strategies. It is very individualised. It is very staff intensive. You cannot do it in a classroom. You can only do it on a one-to-one basis. It is spread across the State. So—

Mr DAVID SHOEBRIDGE: Commissioner, you are pushing against an open door in saying that PRISM is available.

The Hon. NATASHA MACLAREN-JONES: Point of order—

Mr DAVID SHOEBRIDGE: But can you give us the number of people on the waiting list, on notice?

The Hon. NATASHA MACLAREN-JONES: Point of order: I am just clarifying—

Commissioner SEVERIN: Yes, there are currently 10 inmates on the waiting list for PRISM.

The CHAIR: We have run out of time. So unless yours was going to be a very, very quick question, so I do not have to cop another point of order?

The Hon. NATASHA MACLAREN-JONES: We have got another 4½ hours—

Mr DAVID SHOEBRIDGE: Do you want to put some on notice?

The Hon. NIALL BLAIR: The Commissioner is here all day.

The Hon. NATASHA MACLAREN-JONES: We have got 4½ hours this afternoon. I have an 11.30 meeting.

The Hon. SHAOQUETT MOSELMANE: That is all right. We can ask the—

The Hon. NIALL BLAIR: When you guys work out that you have only got the Minister in the morning and that you should direct your questions to the Ministers, you will be much better at this.

The Hon. ROSE JACKSON: We direct our questions to him and he says, "Commissioner?"

Mr ANTHONY ROBERTS: They are operational issues, quite frankly.

The Hon. NIALL BLAIR: There you go. That is what I am saying. Use the ministerial questions for the morning.

The CHAIR: Order! Order!

The Hon. ROSE JACKSON: I am just responding to an interjection from my colleague.

Mr DAVID SHOEBRIDGE: But he also does not seem to have actually a portfolio for Counter Terrorism, is the problem.

The Hon. SHAOQUETT MOSELMANE: Operational questions?

The Hon. NATASHA MACLAREN-JONES: They are still learning.

The Hon. NIALL BLAIR: You will get it next year.

The Hon. NATASHA MACLAREN-JONES: And I am sure you are going to tune in for it.

The CHAIR: Thank you, Minister, for attending this hearing. We have finished with your questioning, unless you want to stay longer.

Mr ANTHONY ROBERTS: Thank you. For that short period of being a member of the House of Lords, I have got to say, it is—

The CHAIR: For that short period.

The Hon. SHAOQUETT MOSELMANE: We were happy to welcome you.

Mr ANTHONY ROBERTS: Thank you.

Mr DAVID SHOEBRIDGE: You can go back to your undemocratic Chamber any time you like, Minister.

Mr ANTHONY ROBERTS: That is all right. Can I get a photo of you for later on?

The CHAIR: The Committee will now break for lunch and will return at 2.00 p.m.

(The Minister for Counter Terrorism and Corrections withdrew.)

(Luncheon adjournment)

JAMES WOODS, Chairman, NSW State Parole Authority and NSW Sentencing Council, sworn and examined

The Hon. ROSE JACKSON: Commissioner, this morning we asked some questions in relation to the Intensive Corrections Order for Mr Abdulrahman. Are you now able to advise whether he completed the court-ordered psychiatric treatment and drug and alcohol testing?

Commissioner SEVERIN: I can say that he did engage in alcohol and other drug treatment. That was an ongoing subject of engagement with the parole officer or the Community Corrections officer who supervised the order. We are undertaking a very detailed case management analysis report for the Attorney General and the Minister for Counter Terrorism and Corrections. That will include a detailed analysis on the level of engagement and the type of engagement in the context of what kind of program—if that is where your question is heading—we have been looking at during the time.

The Hon. ROSE JACKSON: You mentioned drug and alcohol testing. My understanding was that there were also psychiatric assessments that were part of the ICO. Do you have any information in relation to compliance with that element of the order?

Commissioner SEVERIN: I do not have detailed information on the compliance in relation to the psychiatric engagement. I understand there was contact and there was some form of engagement, the nature of which I am not aware at this point. The report, which will be published in two weeks—which the Minister has said he is happy to share—should give us more information on that.

The Hon. ROSE JACKSON: Clearly, though, you do have some information because this morning you were making reference to changes in his living conditions, which were approved by Corrective Services NSW. What I am trying to ascertain is, those questions around compliance with the substantive elements of his ICO would seem to be fundamental questions and it would be obvious if there was non-compliance. Are you saying you do not have that information? This incident was on Friday and it has been the subject of a lot of attention.

Commissioner SEVERIN: My information at the moment, after an early look at the case, is that there were no issues in relation to the way this person was supervised in accordance with our policies and procedures or the professional discretion used in managing cases like that. But I do not have the exact details on what happened when, what level of engagement he had with psychiatric or other services and what level of engagement he had with alcohol or other drug services. We do provide third-party verification of a lot of the things that people have to do.

So we do not just trust the offender saying that is what I have done. We verify that with the relevant third party, whether that be the family he has to reside with or the police, if there is an issue involving any contact with police, and likewise with health service providers. That information will be provided. I understand that third-party checks were done as required but I do not have the detail on what that actually included.

The Hon. ROSE JACKSON: All the insignificant breaches, for want of a better phrase, that are dealt with via the professional discretion you have described, they are all recorded are they?

Commissioner SEVERIN: Yes.

The Hon. ROSE JACKSON: So that is the information you are going over, is that right?

Commissioner SEVERIN: That is correct.

The Hon. ROSE JACKSON: And you will be providing that information to the Minister in the next two weeks?

Commissioner SEVERIN: That is right.

The Hon. SHAOQUETT MOSELMANE: You say that you are not up to speed with the level of engagement at this point, but does engagement mean simply making an appointment to see the psychiatrist? What does "engagement" mean?

Commissioner SEVERIN: Engagement means a physical conversation. That could be at home or it could be with the Community Corrections officer at the office. We also have third-party verifications, so if he had an appointment to see a specialist of whatever we would confirm that he actually did see that specialist. That is part of our third-party verification process.

The Hon. SHAOQUETT MOSELMANE: I would like to go back to the \$47 million that the Minister was talking about. In 2015 Mike Baird announced a \$47 million package to fight violent extremism. Is the COMPACT funding allocated from that funding?

Mr COUTTS-TROTTER: Yes it is. It is a slightly over \$9 million component of the \$47 million.

The Hon. SHAOQUETT MOSELMANE: A \$9 million component?

Mr COUTTS-TROTTER: Yes.

The Hon. SHAOQUETT MOSELMANE: And the \$15 million that was allocated to deliver expert teams across schools, including 200 extra counsellors, has that program been delivered?

Mr COUTTS-TROTTER: Yes, to the best of my knowledge. From memory, that is \$21 million of the \$47 million which was provided to the New South Wales Department of Education for that and other initiatives.

The Hon. SHAOQUETT MOSELMANE: Is that \$9 million broken down into any particular services? What is it broken down into?

Mr COUTTS-TROTTER: Yes, it is. I inquired as to whether the individual elements of the COMPACT program, the funded initiatives, were available publicly. I am told they are. I think they have been published but we are happy to provide a full list to the Committee on notice.

The Hon. SHAOQUETT MOSELMANE: So you will take that on notice, okay?

Mr COUTTS-TROTTER: Yes.

The Hon. SHAOQUETT MOSELMANE: Thank you. There was a further \$8 million spent on a community resilience program. Is that the case? Was there \$8 million spent on a community resilience program?

Mr COUTTS-TROTTER: I am just looking for confirmation of that.

The Hon. SHAOQUETT MOSELMANE: And how was it spent?

Mr COUTTS-TROTTER: I might just ask my colleagues.

Ms WALKER: There was \$10.8 million in community grants to foster and promote youth resilience and community cohesion. That includes the COMPACT program.

The Hon. SHAOQUETT MOSELMANE: So \$10.8 million?

Ms WALKER: Yes. That includes \$9.2 million for the COMPACT program.

The Hon. SHAOQUETT MOSELMANE: I know there was an announcement that increased it by \$1.2 million but, as you say, it was obviously increased by more than \$1.2 million subsequently. In terms of the hotline, there is \$47 million. Of that, \$3.9 million was allocated to develop a Counter Terrorism hotline staffed by counsellors 24 hours a day. How many calls has that hotline received since it was established?

Ms WALKER: Just to clarify. It is a support line not a hotline; it is a support and help line. It runs from 9.00 a.m. to 7.00 p.m. I will just double-check that. It has had 1,400 calls. It also does web chat counselling contacts and it has had 110,000 hits on the Step Together website, equating to around 150 hits each day.

The Hon. SHAOQUETT MOSELMANE: Is that 1,400 calls over the last three years?

Ms WALKER: That is in the first 24 months.

Mr COUTTS-TROTTER: So, as of July 4 this year and looking at the previous 24 months, Step Together had received 1,256 calls, 160 web chats and the website had received 111,641 hits.

The Hon. SHAOQUETT MOSELMANE: I have an article here that says, despite costing millions of dollars to set up, New South Wales Counter Terrorism Minister David Elliott says the Step Together service has received five calls. This is a news piece that I can make available if you like?

The Hon. NIALL BLAIR: When?

Ms WALKER: That is certainly not the information that we have.

Mr COUTTS-TROTTER: As I say, over 24 months to 4 July the numbers I just gave you are the numbers that we have got and have been fact checked.

The Hon. SHAOQUETT MOSELMANE: This is inaccurate, is that right?

The Hon. NIALL BLAIR: It is old. He is not even the Minister any more.

The Hon. SHAOQUETT MOSELMANE: I know that. When he was a Minister, this is over 24 months.

The Hon. NIALL BLAIR: They are just giving you up-to-date stats.

The Hon. SHAOQUETT MOSELMANE: The newspaper article says that as a result of the death of NSW Police Force accountant Curtis Chang this hotline was established. This is a hotline, according to the article.

Mr COUTTS-TROTTER: Okay. I do not think that is the Step Together helpline.

Ms WALKER: Just to be really clear, the Step Together is the support and helpline. That is the helpline I described earlier that is for family members who are seeing changes in behaviour from their family members or other professionals, particularly caseworkers or social workers, who are seeing things that concern them about the behaviour of their clients.

Mr COUTTS-TROTTER: Which is distinct from at a national level. The National Security Hotline is designed to be a reporting mechanism for criminal or terrorist-related activity. I am happy to have a look at the Minister's comments on notice and provide you with a response.

The Hon. ROSE JACKSON: I have some questions for Commissioner Severin. Do the people delivering educational programs in prisons from BSI Learning have teaching qualifications or in fact any educational qualifications?

Commissioner SEVERIN: Yes, they do. They are not teachers in the context of a secondary or primary school teacher but they do have qualifications to deliver specialised training in whichever discipline they are employed to deliver that training. It is adult education, adult learning. They could have a university degree in a particular subject. They always need to have a certificate IV and, in many cases, a higher level qualification to deliver the training as adult educators. It is not a school model; it is a model of adult education.

The Hon. ROSE JACKSON: What programs are available beyond remedial literacy and numeracy?

Commissioner SEVERIN: Obviously our primary emphasis is on literacy and numeracy. However, there are a whole range of additional vocational and pre-vocational training programs available to inmates across the spectrum. There is vocational training, workplace licensing, construction, engineering, horticulture, agricultural, manufacturing, forestry and warehousing. There are all the programs you need to do to engage in those, such as workplace health and safety educational type programs. The primary emphasis obviously is on literacy and numeracy training given the high level of functionally illiterate inmates in our system.

The Hon. ROSE JACKSON: Does it concern you that the percentage of New South Wales prisoners engaging in education and training is considerably lower than other States and the Australian average? There are many, but one of the most striking is the Australian average is 8 per cent participating in pre-certificate level one and in New South Wales it is 2 per cent. Higher education in Australia is 1.8 per cent and in New South Wales it is 0.2 per cent. There is not one in which New South Wales is performing well compared to the other States in relation to the percentage of prisoners engaged in education.

Commissioner SEVERIN: That is exactly the reason why we changed our model. You will find that with the figures that will be released with the next report on government services—

The Hon. ROSE JACKSON: These figures are from the 2019 report on government services.

Commissioner SEVERIN: From the 2018-19 financial year, that is right. We have seen a significant increase in our—

Mr COUTTS-TROTTER: The most recent report on government services would have 2017-18 data. The 2018-19 data will not be published, from memory, until February next year.

Commissioner SEVERIN: On 30 May.

The Hon. ROSE JACKSON: We can anticipate a considerable increase, is that right?

Commissioner SEVERIN: I can give you a couple of the highlights. First of all, we now have about 99 per cent of our inmates assessed for the very first time as to what their educational needs are. That simply did not exist in this State beforehand. We have almost 4,000 inmates having participated in a foundational skills

program. We more than doubled the number of hours that we deliver programs. We have increased by about 100 per cent the output in relation to our training program. We have a 4 per cent increase in enrolments and we have a 95 per cent target in relation to vocational training, which is continuing to improve. We still maintain 20 educational officers ourselves in the high intensity learning centres in various facilities and we have got our correctional education coordinators who are there to channel inmates into those programs following assessment.

The Hon. ROSE JACKSON: Why do you prohibit educational material being sent from outside the prisons to inmates?

Commissioner SEVERIN: We do obviously have a very strong focus on contraband introduction and control. We do not allow just any kind of material coming into our prisons and we do not have a complete prohibition on materials coming through. For example, we have some religious materials that can come through our chaplaincy service. We do also obviously allow our training providers, BSI and TAFE NSW, to bring educational material in that is necessary for inmates to participate.

The Hon. ROSE JACKSON: I appreciate you want to make sure that you have appropriate contraband controls, but there have been numerous reports that it is very difficult for people who wish to undertake study outside the parameters of the programs offered by BSI to access that information. For example, study material being sent from outside the prison is very difficult, access to the internet within prisons for the purposes of educational activity and study is very difficult and these are some of the things that are leading to the very low rates of engagement in education by prisoners.

Commissioner SEVERIN: I think we might be talking about different stats here. We do not actively promote and support tertiary education, because clearly our focus has to be on literacy and numeracy given that is the greatest need. Inmates are permitted to engage in tertiary qualifications. They do not have access to the internet and will not have access to the internet until there is such a thing as a completely safe way of accessing the internet that does not affect security or safety. We do allow inmates to engage in correspondence courses with tertiary institutions. They do that at their own cost; we do not fund tertiary education. We cannot allow just any kind of educational material to be sent into prisons without having them as part of a normal curriculum and being part of a course that we are offering, which is part of our educational suite.

However, we do, through the educational coordinators, provide some level of support to those that are engaged in those external programs by facilitating them to lodge their assignments, for example, through the mail. They can use computers in our education centres and we have got those in every facility. They have their own ability to log on. It does not matter in which prison they are, they can still access "accounts" which are held on a central server. That is in a secure environment so there is not internet access but it gives inmates the opportunity to pursue their own studies in addition to what we provide through our educational centres.

The Hon. ROSE JACKSON: I suppose I am particularly interested in this question of what material is available and can be sent in. It does not seem to me that it would be too difficult to allow inmates to access a range of educational textbooks and other books. Of course I agree some material is inappropriate but there is a range of material that could be easily available to prisoners, either in libraries or to be sent in, that at present seems extremely difficult for prisoners to access.

Commissioner SEVERIN: There is certainly a library service where people can lodge certain types of text books and then they can be accessed through the library service. We do not permit books just simply to be sent in via the mail because the administrative requirement for us to literally go through each of those books to make sure that the book is actually exactly what it is supposed to be is prohibitive.

The Hon. ROSE JACKSON: Is that why we have reports, for example, of prisoners in prison rationing themselves to, say, one chapter a day when they are reading a book? It is so difficult for them to access a book that they limit themselves to one chapter a day in order to ensure that they do not read the book too quickly.

Commissioner SEVERIN: I do not agree with that. We have a library in every prison. We have library services in every prison. We have library services that if you cannot physically go up to the library they will come to you through trolleys et cetera. You can choose books off the library list. The library is centrally coordinated through a service in our academy, which is a qualified librarian service. We follow the normal library standards. Obviously they are managed in the prisons by inmates, under the supervision of educational coordinators. No, there are plenty of books available for inmates to read.

When it comes to tertiary study we would not hold books on every type of subject in our libraries. I do not think this would be reasonable for us, but particularly for those who are engaged in tertiary education the educational coordinator still maintains a range of support mechanisms to make sure that they can continue with their studies even though we do not fund those or we do not promote those actively as part of a person's case plan.

The Hon. ROSE JACKSON: Clearly with 0.2 per cent compared to an Australia-wide average of 1.8 they are clearly not being promoted.

The Hon. NIALL BLAIR: They are the old statistics. We said the new ones will be much better.

The Hon. ROSE JACKSON: I look forward to the new statistics.

The Hon. NIALL BLAIR: It has already been acknowledged on the transcript that the new statistics will be better.

Mr DAVID SHOEBRIDGE: Does the Government want to extend the hearings?

The Hon. NIALL BLAIR: Yes, sure.

Mr DAVID SHOEBRIDGE: Do you want some time at the end?

The Hon. NIALL BLAIR: I need to be fair.

Mr DAVID SHOEBRIDGE: I accept that, but I think that has been addressed. We are going to get answers on notice about the new statistics.

The Hon. ROSE JACKSON: Point taken.

Mr DAVID SHOEBRIDGE: Commissioner, in answers given on notice earlier this year it became clear that as at 1 January 2019 there were 558 women prisoners with dependent children, 266 of whom had dependent children aged under five years of age. What is being done to ensure those families stay together and those children do not get swept up into out-of-home care and foster families while the women are in prison?

Commissioner SEVERIN: There are a range of initiatives aimed at women, particularly Aboriginal women, to which I am happy to refer. That being said, clearly the focus on women offenders is one that is at the centre of initiatives that are currently being further developed as part of our reducing reoffending strategies. We well and truly are committed to do a lot more for women offenders than we were able to do in the past.

Mr DAVID SHOEBRIDGE: Commissioner, I refer specifically to Jacaranda Cottages, which is often put forward as one of the solutions. How many women inmates and children can actually use Jacaranda Cottages at any one time?

Commissioner SEVERIN: Answering the question on Jacaranda first. Jacaranda Cottages is obviously limited to minimum security classified inmates. That is certainly one area where I believe we need to have a look at broadening the minimum security arrangements to look also at options for medium or higher classified women. We have about seven children there at the moment who are permanently with their mothers. I am happy to take the exact number on notice. During school holidays that goes up to about 35. That is a small percentage of women with children who are in custody.

Mr DAVID SHOEBRIDGE: It is a tiny proportion even of those with children up to the age of five in the non-school bracket. As at 1 January, 266 women had dependent children up to the age of five years but only seven children are able to be housed at Jacaranda Cottages. What about the other hundreds of children?

Commissioner SEVERIN: They are obviously not housed with their mothers in custody. I cannot give you the details of how many of those would be in out-of-home care or living with other family members. I can give you the number of women who have got dependents in general. Out of the total number of women who went through our system in 2018-18 about 57 per cent had dependents, 16.2 per cent were living with the mother prior to reception into prison and 43.7 per cent were not living with the offender prior to reception. About half of the dependents were not living with their mothers prior to the mother coming into custody.

Mr DAVID SHOEBRIDGE: We now have this supercluster where Family and Community Services is now with Justice. Is there a priority to ensure that we are looking particularly at that group of dependent children whose mothers have gone into jail? Are we looking at diversion so that we can keep families together? When diversion is not possible, what programs will be put in place now the two departments are able to work together to keep families together?

Mr COUTTS-TROTTER: As the Commissioner pointed out, the first best thing is to keep women out of jail where it is appropriate to do so. The one bright spot in the 2018-19 data is a fall in the number of women who were on remand. Obviously if we can avoid women going into jail on remand, where it is appropriate to do so, that enables continuing contact with their kids and family. As part of the Premier's Priorities on reducing reoffending, and indeed the priorities around preserving children successfully with families, restoring them to parents where possible, in developing implementation plans for those priorities, part of what we are doing is having a look at the range of initiatives that are available at present to see whether any of those can and should be

scaled up or whether there are other things we could be doing that maintain strong contact, particularly between mothers and their kids but also between fathers and their children too.

Mr DAVID SHOEBRIDGE: Mr Woods, we have brought you here this afternoon. One of the options would be to change our sentencing laws and, in particular, look at issues regarding remand so that if a woman has dependent children there is almost a presumption that they will not be held on remand. How does the law currently work in that regard?

Mr WOODS: It is really a matter for sentencing judges. I must say I am not up-to-date with what sentencing judges are doing in that place but I would have hoped that they would not be held on remand unnecessarily. It is not helping them being on remand.

Mr DAVID SHOEBRIDGE: Is there going to be any study of the impact on dependent children, particularly on the likely trajectory of their life once their mother goes into jail, that might inform the kind of public policy in this regard? You are not just jailing the mother, are you, you are also taking the mother away from her kids and changing their trajectory? Are you going to undertake a course of study on that, given we have now got the better of 1,000 women sitting in our jails?

Mr COUTTS-TROTTER: We are looking to the human services dataset, the linked dataset, to see what that might tell us about the trajectory of children whose mothers are jailed as opposed to children who are the same in every other respect except for the fact that their primary care giver was not jailed. I do not have results from that but that is one of the questions we are asking the data to inform precisely what you are asking.

Mr DAVID SHOEBRIDGE: Commissioner Severin, apart from Jacaranda Cottages are there any other residential facilities in New South Wales that allow particularly the nought to five-year dependent bracket to be kept with their mother, particularly while serving short sentences?

Commissioner SEVERIN: There is no facility that has a program for mothers and babies. We do have situations where we allow mothers to have their young children with them at the Parramatta Transitional Centre.

Mr DAVID SHOEBRIDGE: But that is as they are exiting.

Commissioner SEVERIN: That is exiting custody, yes, on transition back into the community. It is a gazetted facility, obviously. But, as I mentioned, we are currently investigating the options that we have to redesignate an existing area within a modern correctional facility to expand on the mothers and babies program for those mothers who are not minimum security.

Mr DAVID SHOEBRIDGE: Is there a regulatory problem at Jacaranda Cottages, with children of women who are on medium-security classifications, or is it just a sort of funding practical problem?

Commissioner SEVERIN: First of all, it is the location that has to be conducive. Jacaranda Cottages—no doubt you would have seen those—are very conducive for a mothers and babies program, most probably the best in the country.

Mr DAVID SHOEBRIDGE: Yes, but we are talking seven kids.

Commissioner SEVERIN: But then again we have other facilities in our system now where we could look at—which is why I am saying this—expanding that program. While I cannot say this is going to happen within whatever period of time, it is certainly an area that I am very interested in to explore further. So it is not a regulatory issue at all; it is more an issue of, first of all, suitability of the mother. There is a very detailed assessment, of course, undertaken which involves our colleagues from the previous families and communities department, now part of Communities and Justice.

Mr DAVID SHOEBRIDGE: What is the current capital expenditure for new prisons in this year's budget?

Commissioner SEVERIN: I would have to refer to the—

Ms STRATFORD: Eight hundred and seventeen million dollars.

Mr DAVID SHOEBRIDGE: Ms Stratford, \$817 million, did you say?

Ms STRATFORD: That is the Prison Bed Capacity Program for Corrective Services this year.

Mr DAVID SHOEBRIDGE: Commissioner, has a single dollar of that \$817 million in capital expenditure been spent to provide an adequate facility to keep kids with mums, particularly on a short prison sentence? Has one dollar of that been spent?

Commissioner SEVERIN: There is currently no dedicated facility being built or redesignated for mothers and babies. As I said, we are looking at one particular facility at the moment, which is part of the Prison Bed Capacity Program, to accommodate mothers and children going forward.

Mr DAVID SHOEBRIDGE: Commissioner, of the women in prison in the last financial year how many had an identified mental illness?

Commissioner SEVERIN: I would have to take that question on notice.

Mr DAVID SHOEBRIDGE: Do you have any data about what the proportion is of women with mental illness?

Commissioner SEVERIN: I do have broader macro health data, which is not current so it is not data that I have brought with me as part of the dataset here, and again our definition of "mental health" in Corrections is much broader than the much narrower definition under the mental health legislation. We are talking about offenders having been in contact with any mental health professionals and there are certainly numbers around the 65 to 70 per cent of women who have in their lives had some engagement with a mental health service. That is not to say they are acutely psychotic or have mental illness that is ongoing, but it is certainly a large number.

Mr DAVID SHOEBRIDGE: Commissioner, how many counsellors and how many psychiatrists are in the employ of Corrective Services NSW specifically to deal with women prisoners and their mental health needs?

Commissioner SEVERIN: We do not employ any psychiatrists, but if your question is about psychologists I can provide that number. I have not got it here for women but I am happy to take that on notice.

Mr DAVID SHOEBRIDGE: Could you provide both the same data and the same numbers for the male prison population as well?

Commissioner SEVERIN: Yes, can do.

Mr DAVID SHOEBRIDGE: Of the women in New South Wales prisons in 2018-2019 do you know how many of them had a pre-incarceration history of being a victim of sexual assault?

Commissioner SEVERIN: No, I have not got that. Again, I can provide that information on notice.

Mr DAVID SHOEBRIDGE: Could you provide also the data on sexual abuse and on domestic violence?

Commissioner SEVERIN: If the data is available to us I certainly will.

Mr DAVID SHOEBRIDGE: Do you agree that data would be crucial for understanding the needs and in many cases the causes of women's imprisonment?

Commissioner SEVERIN: Very much so.

Mr DAVID SHOEBRIDGE: Do you feel there are adequate resources inside women's prisons to deal with counselling about sexual violence, sexual abuse for the women prisoners that you have in your care, Commissioner?

The Hon. NATASHA MACLAREN-JONES: Point of order: The member is asking for an opinion.

Mr DAVID SHOEBRIDGE: I take your point. Commissioner, are there adequate resources in place to deal with the counselling needs, the mental health needs, especially regarding sexual assault and sexual abuse of women in prisons?

Commissioner SEVERIN: I believe that we have sufficient resources to address those particular issues. The issue that is more relevant in this context is the issue discussed earlier: Are prisons the right places to deal with those particular complexities or do we need to look at providing resources across our system and have a more integrated approach to dealing with the complex needs of women offenders? I have just been provided with a note that we provide counselling also by Victims Services. We have significantly scaled that up in recent times in direct response to women in many cases being the victims of domestic and family violence, which is certainly an area of concern for us. As I said, one of the key platforms and focal points of our reducing reoffending effort will be on women offenders right across the board.

Mr DAVID SHOEBRIDGE: Commissioner, a concern that has been repeatedly raised with my office, particularly from members of the Aboriginal community, is the prospect that if one of their relatives dies in a New South Wales prison their organs may at some point be removed. Have there been any organ removals from prisoners who have died in custody under your watch?

Commissioner SEVERIN: I would not be able to answer that question. That is a matter for the persons responsible for the post-mortem examinations. Corrective Services has no influence at all on any of those type of examinations that are occurring as part of the post-mortem process.

Mr DAVID SHOEBRIDGE: I will put this series of questions to you. You will probably have to take them all on notice. Are there any consent procedures in place for organ removals for New South Wales prisoners who have died in custody and are there any circumstances in which organs are removed from prisoners who have not signed consent forms?

Commissioner SEVERIN: I would have to take that on notice.

Mr DAVID SHOEBRIDGE: Do you know how many strip searches there were of female prisoners in custody in the last financial year?

Commissioner SEVERIN: I do not have the detail on the strip searches done by correctional officers on female inmates. So, again, I can provide that information on notice.

Mr DAVID SHOEBRIDGE: Would you be able to break that down by correctional facility and, if my list is right, the six facilities with women are Silverwater, Dillwynia, Emu Plains, Broken Hill, Wellington and Mid North Coast. Are they the six facilities?

Commissioner SEVERIN: And Berrima.

Mr DAVID SHOEBRIDGE: And Berrima. You could provide that on notice?

Commissioner SEVERIN: Yes.

Mr DAVID SHOEBRIDGE: Are there routine strip searches of female prisoners in New South Wales prisons? Are there points at which it is not a risk assessment? Are there points where it is just routine that strip searches will be undertaken of female prisoners?

Commissioner SEVERIN: Yes, there are.

Mr DAVID SHOEBRIDGE: What are the circumstances in which, regardless of risk assessment, strip searches are routinely undertaken of women prisoners?

Commissioner SEVERIN: Strip searches would be routinely undertaken following contact visits, which is a contraband control measure. Again I am happy to follow it up, but it would normally be the case that a person upon entry into custody would be routinely strip-searched. It would also be the case that a person returning from escort would be routinely strip-searched. It is really every time the border has been crossed there would be a routine strip search.

Mr DAVID SHOEBRIDGE: Are there any specific protocols in place to protect women who have been the subject of sexual assault or sexual abuse in the course of strip searches? Is there specific training? Are there specific policies in place to protect those women who are likely to find a strip search a re-traumatising event?

Commissioner SEVERIN: There certainly are and we are very mindful of this issue. Strip searches are obviously undertaken by same-gender staff. Staff also do not make physical contact with the inmate during a strip search. The routines are that there is no complete body undress—it is partial at any given point in time. There are quite clear protocols and procedures, which marry up to a good practice in relation to stripsearching in prisons.

Mr DAVID SHOEBRIDGE: Commissioner, are the officers undertaking the strip search cognisant of the fact that "this is a woman who has a history of sexual assault and sexual abuse and therefore I will take additional protocols"?

Commissioner SEVERIN: The officer would have to undertake the strip search regardless of the individual case in exactly the same manner. Officers may not be aware—

Mr DAVID SHOEBRIDGE: How is that taking additional care or concern, Commissioner? You said that there is additional care and concern but can you table with the Committee on notice any policy document or any written direction that identifies the need to take particular concern of women who have this history?

Commissioner SEVERIN: We are more than happy to make the relevant procedures available if that is of interest. But you also asked about training earlier. All staff working in women facilities are trained in trauma-informed practice. The fact that they have experienced, in many cases, significant trauma in their lives is very much front of mind in the way we approach the management of female offenders in custody.

Mr DAVID SHOEBRIDGE: Commissioner, in what proportion of those strip searches was contraband found?

Commissioner SEVERIN: I need to take that on notice.

Mr DAVID SHOEBRIDGE: Is there any evidence that routine stripsearching of women following visits is an effective way of addressing contraband? Do you have any reports, evidence or studies?

Commissioner SEVERIN: I think it is really important to distinguish between targeted stripsearching and routine stripsearching.

Mr DAVID SHOEBRIDGE: That is exactly what I am seeking to do here, Commissioner.

Commissioner SEVERIN: Routine stripsearching is very much part of a deterrent strategy; it is not so much the detection strategy. It is there to say, "If you even think about introducing contraband, beware that you will be stripsearched". The relationship between what is actually found in routine strip searches is very different to the relationship between targeted strip searches, which are risk based and contraband finds.

Mr DAVID SHOEBRIDGE: But, Commissioner, will you provide us with any study or any report that identifies the effectiveness of this in addressing contraband on notice, is that right—or does it not exist?

Commissioner SEVERIN: Again, the general premise, of course, is that we undertake border control.

Mr DAVID SHOEBRIDGE: I get the think; I am wondering if there is any evidence for it. Will you provide us on notice with any evidence that underpins this thought?

Commissioner SEVERIN: I am very sure that there will be very little research done in relation to routine strip searches because routine strip searches are clearly a deterrent measure. I am sorry to be specific here but the short answer is: If there is any research that we have and we hold, we are more than willing and happy to make that available. It would not be an argument to say "because you don't find much, let's not do it anymore" because if we do not do it anymore, chances are a lot more contraband will make its way into prisons.

The Hon. SHAOQUETT MOSELMANE: To go back to the question about Step Together services, is that service operational?

Mr COUTTS-TROTTER: Yes, it is. I have just got a clarification on the question you raised, Mr Moselmane. Apparently Minister Elliot did make those comments but he made them on 28 September 2017, which was in the first two months of the Step Together helpline. Yes, there was slow uptake initially but, as I say, we have now had close to 1,200 calls, from memory.

The Hon. SHAOQUETT MOSELMANE: When you say "slow uptake", what was the first few months of uptake?

The Hon. NIALL BLAIR: You quoted it; you said five.

The Hon. SHAOQUETT MOSELMANE: No, he said "slow uptake".

Mr COUTTS-TROTTER: No, sorry, I was referring to—

The Hon. NIALL BLAIR: This one is referring to two years ago. He is referring to what you said.

Mr COUTTS-TROTTER: Yes, I was referring to Minister Elliot's comment that there were only five calls at that point in time.

The Hon. SHAOQUETT MOSELMANE: How many staff are still under that service?

Ms WALKER: We would have to take staffing on notice.

The Hon. SHAOQUETT MOSELMANE: In terms of the new All Together Now program, what other projects were given funding to counter far-right extremism?

Mr COUTTS-TROTTER: There was Community Action for Preventing Extremism, which specifically targeted far-right extremism. I suppose the overall observation is that there is no one route to violent extremism. It is a complex social problem, affected not just by changes in the local environment but also increasingly in the global environment—people pick up on ideas from all around the world now pretty readily. It is a dynamic environment and there is a real attempt made across government to identify and learn from the various sources of information we can glean that suggest changes in that dynamic.

For example, there is the police Bias Crime Unit, which looks at crimes driven by a particular bias. We pick up information from the community organisations we fund. While CAPE is the only specific far-right program, it is not to say that the general capabilities that are being built in training frontline staff, working in adult corrections and Youth Justice, do not also address extremism where the route to extremism is through an obsession with far-right ideology as well. But it is dynamic and I suppose what we are doing with the evaluation of the

\$47 million package of programs is to take that on board and see whether we need to be recommending to government any change in emphasis as a result of the changes in the social environment that we are seeing.

The Hon. SHAOQUETT MOSELMANE: What sort of funding was backed up on the CAPE program?

Mr COUTTS-TROTTER: It is \$750,000.

The Hon. SHAOQUETT MOSELMANE: Is this \$750,000 for two years or three years or is it annual?

Mr COUTTS-TROTTER: I will confirm that on the record. My note says "over four years" but I just need to confirm.

The Hon. SHAOQUETT MOSELMANE: What do you do with the \$750,000? What is it used for?

Mr COUTTS-TROTTER: It aims to increase awareness of this particular brand of extremism—far-right extremism—and develop a volunteer youth network to challenge white nationalist activity.

The Hon. SHAOQUETT MOSELMANE: How do you do it—by producing pamphlets or—

Mr COUTTS-TROTTER: I do not have the detail to hand; I am happy to get it for you. I should identify that the fund for the future program, one of the elements with the \$47 million package, funds research that is relevant to preventing violent extremism. As I understand, there is work going on through Macquarie University to try to build the local evidence base about far-right extremism: In other words, what are the channels of recruitment, what are the most powerful and persuasive ideas that are being offered to young people, what is the language that is being used because you need to know that in order to be able to disengage young people from those channels, from that language and from those ideas.

The Hon. SHAOQUETT MOSELMANE: With the growth of far-right extremism, do you not think that there should be a far greater allocation to that particular area rather than \$750,000 out of the \$47 million that has been allocated?

Mr COUTTS-TROTTER: It is a dynamic area. The \$47 million is over four years, finishing this year. The appreciation of risk 3½ years ago—things will have changed. If we get views from police, other agencies, the community sector and academic partners that we need to recommend to government a change in emphasis, that is precisely what we will do.

The Hon. SHAOQUETT MOSELMANE: What happened following the killing of 50 people in Christchurch? Was there a review of this particular funding?

Mr COUTTS-TROTTER: Christchurch is a globally shocking incident that everybody is paying very close attention to. Colleagues in the NSW Police Force would say, I think quite fairly, that they have been alert to the dangers of far-right extremism for a long time and that they have been gathering and using intelligence and acting accordingly. The first and most important thing that happened in response to that was the first implementation of the Government's Community Resilience and Response Plan, which is the plan that goes into place once there has been an incident that threatens community cohesion.

There was a very coordinated and concerted effort by Ministers, by government agencies, to communicate with and reach out to people in the Muslim communities in New South Wales to assure them that we will not allow hatred to create division and that we stand united in the face of that. There is explicit planning for that scenario: What happens if something happens domestically or internationally that has the possibility of creating fear and division? How do we mitigate the impacts of those kinds of horrible acts of terror? How do we assure people that we stand together and we will not get into our corners and allow people to win the argument that we should be afraid of one another? We will learn and we are trying to continue to learn from Christchurch and other developments domestically and internationally. That will form part of the evaluation that we feed back to Government before the end of the year.

The Hon. SHAOQUETT MOSELMANE: Thank you. I appreciate that. Following Christchurch, was there a review of the funding allocation, particularly for right-wing extremist ideologies in Australia? Was there a review?

Mr COUTTS-TROTTER: Christchurch happened in March, before I was in the job. I will take that one on notice and see if I can provide you with some information.

The Hon. SHAOQUETT MOSELMANE: Thank you. I appreciate that.

The Hon. ROSE JACKSON: Commissioner Severin, earlier this morning you took some questions on notice from my colleague Mr Borsak in relation to the cost of the very intensive parole management of both

Mr Guider and Mr Rees. Are you able to provide us with any more information as to the cost of ensuring total compliance with their parole conditions?

Commissioner SEVERIN: I will ultimately provide the exact details through a subsequent report, as I mentioned this morning. We already mentioned the electronic monitoring costs. It is about \$41 per day. The supervision costs include all the supervision done by staff at the accommodation and is about \$150. You need to add that up, so it would be about \$190 a day.

The Hon. ROSE JACKSON: In some ways, the cost is about the same. It costs almost as much—in fact, almost an identical amount—for you to supervise these people in the community as it does to keep them in prison. As you say, keeping them in the community is not 24/7 so there is the additional risk that they may reoffend.

Commissioner SEVERIN: We are talking about these two particular individuals who are subject to the highest level of supervision that we can possibly apply. That is the figure that I provided. The person we talked about this morning on the ICO—

The Hon. ROSE JACKSON: That is right. I understand the difference, but the financial cost to the people of New South Wales for having, for example, Mr Guider and Mr Rees, on intensive supervision for parole purposes and keeping them in prison is relatively similar and, yet, when they are in the community we also have the cost, albeit not financial, of the risk that they pose.

Commissioner SEVERIN: Custody is still more expensive, but the costs are higher than for—

The Hon. ROSE JACKSON: It seems pretty comparable. You said \$150 plus \$40. This morning you said it was \$190 to \$200 a day on average to keep people in custody.

Commissioner SEVERIN: Without splitting hairs, obviously we have capital costs on the custodial side as well that come on top of this, which they do not in the community, but the figures I provided are figures that—

The CHAIR: I am interested in that because, obviously, the ICO can be a simple one that would almost be your own cognisance-type arrangement—maybe Mr Woods can talk to that a little bit—or it could be at the other end. I think you are saying that this is the most intense one you can have. Of course, that would be the most expensive. How is that gauged? Is that a process decided by the parole board? No?

Mr WOODS: No. An Intensive Corrections Order is imposed by the court. The only time we come across an Intensive Corrections Order is where we have an application to breach the order. We will then consider whether to breach it. It may come back to us on a reinstatement after they are back in custody.

Commissioner SEVERIN: I will make one clarification. We are talking about three different types of orders here.

The CHAIR: That is what I was coming to because—

Commissioner SEVERIN: In the case of the offender who allegedly was involved in that tragic car accident, that is an Intensive Corrections Order imposed by the courts. The offender Rees is on a parole order and the offender Guider is on an Extended Supervision Order as made by the New South Wales Supreme Court. Rees and Guider are subject to the highest level of supervision that includes electronic monitoring in their case. They are also accommodated—

The CHAIR: Guider has finished his sentence—

Commissioner SEVERIN: That is right. He is on five years of an extended—

The CHAIR: —whereas Rees has not.

Commissioner SEVERIN: That is correct.

The Hon. ROSE JACKSON: Following on from my colleague Mr Shoebridge I have a few more questions in relation to illicit drug use. I am not sure if you have read the submission that the Royal Australian and New Zealand College of Psychiatrists made to the Government's Special Commission of Inquiry into the Drug 'Ice'. It described the justice system as ill equipped to address the issues of addiction and the associated mental health disorders of ice addiction, particularly. Do you agree with that assessment?

Commissioner SEVERIN: I have not read the report and I have not read their submission, so I am not in a position to agree or otherwise with what they might have asserted.

The Hon. ROSE JACKSON: Relying on NSW Recorded Crime Statistics, they point out that the number of incidents of possession or use of methamphetamine in prison was 48 in 2017-18 and 176 in 2016-17—a substantial period of time. That is quite a significant increase in incidents of possession or use of amphetamines in our prisons. Is anything being done about what is evidently a substantial and growing problem in prisons and, reflecting the comments of the Royal Australian and New Zealand College of Psychiatrists, a problem that the justice system is ill equipped to deal with?

Commissioner SEVERIN: Certainly, the issue of having illicit drugs in prison is a concern. Our strategies are very much focused on detection, deterrent and treatment. We are trying to detect any drugs in our prisons through our searches. We deter people from trying to get drugs into prison through our proactive programs that we are running with visitors and prisoners, as mentioned earlier. Obviously, we have treatment programs that we talked about earlier today. The existence of methamphetamine has put another dimension on drugs because I understand that it is much easier to procure in the community than other drugs might have been. We have certainly focused our efforts more strongly on methamphetamine than we might have done five, six or seven years ago.

The Hon. ROSE JACKSON: Will you commit to implementing any recommendations of the Government's Special Commission of Inquiry into the Drug 'Ice' relating to the management of methamphetamine and the treatment of methamphetamine addicts in New South Wales prisons?

Commissioner SEVERIN: Generally we would very carefully consider any recommendations made by the Government's inquiry and obviously if recommendations are made that continue to support the way in which we focus on eliminating illicit drug use in prisons, we will very much welcome that.

The Hon. ROSE JACKSON: I think it was then Premier Baird in 2016 who announced a package of funding to try to reduce recidivism amongst criminals. I think the goal was a 5 per cent reduction by 2019. We have not met that goal, have we, Mr Coutts-Trotter?

Mr COUTTS-TROTTER: We do not yet know.

The Hon. ROSE JACKSON: It is 2019.

Mr COUTTS-TROTTER: It looks unlikely. We do not yet know because of the mechanism of measurement, which looks to see whether someone reoffends—from memory—in a 12-month period after the first offence. The major investment was \$330 million over four years, begun in 2016, which means that as always you have to employ psychologists, hire staff, get programs up and running, have something of a ramp-up phase. I think my colleagues in Corrections would say that it is too early to tell the impact of that program. The data that emerges in the next 12 to 24 months will be a stronger indication of the effect of those interventions. It is also true that the previous measure involved whole groups of people who either did not go to jail or were not subject to the involvement of the Community Corrections team and so were beyond the influence of Corrections. The new measure is wholly focused on adults leaving prison, who then do or do not reoffend in a number of serious crime categories.

The Hon. ROSE JACKSON: So in trying to meet your reoffending goal, you are now not including people who are subject to an ICO and other Community Corrections orders?

Mr COUTTS-TROTTER: No, people who are subject to ICOs and Community Corrections orders—

The Hon. ROSE JACKSON: They are included?

Mr COUTTS-TROTTER: No, it is only people who are incarcerated and then released.

The Hon. ROSE JACKSON: ICOs are a form of custodial sentence. Yes, they are served in the community but why are you excluding 7,700 people who are serving custodial sentences, albeit in the community, from your measurement of reoffending rates?

Mr COUTTS-TROTTER: Because I think the data shows—and the previous program was built on the data that says you can increasingly accurately predict people who are likely to be at high risk of reoffending. The programs were pretty intensely focused on those groups of people and will remain pretty intensely focused on those groups.

Commissioner SEVERIN: If I could just make one additional comment—obviously I do not speak on behalf of the Premier—clearly the desire here was to have a very crisp, very clear and very clearly a light on a measure that people are accountable to achieve.

The Hon. ROSE JACKSON: And we have not achieved that. Because that was a 5 per cent reduction by 2019 and we have not met that.

Commissioner SEVERIN: Seventy per cent of people under the previous measure have absolutely no touch point with Corrective Services NSW, so it was very difficult from an accountability perspective to have the crisp and targeted approach. We will continue, and it is a secondary measure to look at the Community Corrections recidivism.

The Hon. ROSE JACKSON: Just to be clear, in 2016 the Premier announced a clear target of a 5 per cent reduction in reoffending rates by 2019, which has not been met and the solution that has been proposed to that is to change the way that the goal is measured in order to ensure that it is met? Is that what has happened here?

Mr COUTTS-TROTTER: I do not think that is quite fair and I think the Commissioner's observation is about trying to make sure that there is really clear accountability for us in Communities and Justice. As the Commissioner said, we will continue to measure and be held to account for the levels of recidivism for people who are undertaking or complete ICOs or Community Corrections orders. The evidence is very strongly in favour of trying to concentrate effort on people who present the highest risk of reoffending and, particularly where you have got the means to do so, people are locked up or they are then under close supervision following their release from jail. They are two big opportunities to intervene in ways that reduce people's criminal reoffending behaviour.

The CHAIR: Mr Woods, is community safety and impact on victims important in making a decision to release an offender on parole?

Mr WOODS: It certainly has to be taken into account by us and we do take it into account. You will see that there was a problem with the Berwyn Rees where it simply was not referred to in the original decision, but it was referred to the second time around. There are two issues, I guess. We always have regard to the impact on the victims, insofar as we can impose a non-contact condition or an area restriction, and we do receive victim's submissions that tell us of the area restrictions that they want. We always act in relation to those and make sure that, for example, the post-release accommodation of the offender will not impeach on those areas. It is a difficult question because there is a conflicting interest. Our primary test, of course, is the interests and safety of the community—and that is the community at large, not just the victims. The victims are obviously part of it, but we have to recognise the fact that if a person has been imprisoned for a lengthy period of time, there is an advantage of parole release.

If someone has been in custody for many years, when they are released it is a totally new world, which they cannot cope with. If you open the prison door at the end of their sentence, they will almost certainly reoffend. So there is a wider interest for the community in making sure that people who do go on to parole have a connection to services, appropriate accommodation, are referred to psychologists and medical people for mental health care plans and so on. That is obviously an overriding test for us. We certainly do take into account the impact on the victim. We acknowledge that this will be an occasion of distress and concern for them. There will be cases, and perhaps the Christchurch case is an example, where the effect of release has an impact on the community as a whole, where the community as a whole is very concerned that an offender is going to be released. In a case such as Christchurch, I would regard the victims, not just the immediate victims and the families, but the broader community.

The CHAIR: That is an interesting answer. As you mentioned Rees, let us talk about him. It may be hard to express it as a percentage, but in his particular case, is there a percentage that you could express the community sentiment as part of? Is it 10 per cent, 20 per cent?

Mr WOODS: I think it is probably much higher than that. Before I answer those questions, would it help if I gave an outline of how the parole authority actually works and how it is composed?

The CHAIR: Yes.

Mr WOODS: Which would indicate, when we come back to Rees, how it was looked at. I will just explain that the parole authority is an independent authority. We do not manage offenders of the community—that is the responsibility of Community Corrections through its corrections officers. We respond to reports from Community Corrections and from the Serious Offenders Review Council when we make our decisions as to granting parole or revoking parole and so on. We have two categories of offenders to potentially deal with. First of all, there are those who are on court-based parole orders—that is people with a sentence of up to three years and that is about 85 per cent of releasees at any given time. For those people we only have a limited jurisdiction.

We have nothing to do with making the original parole order; we only see them on a revocation of parole—because that comes to us and we have the power to revoke parole—and we will see them again if they seek a review for potential reinstatement of their parole order. Otherwise, we only see them in the limited number of cases where they are put up for reintegration home detention orders. I think there are about 65 people at the moment on those orders. We see not only our people, but also the court-based people, for reintegration home

detention. That seems to be a very workable and useful order—at least so far as I am aware of the current outcome. The other people who we do do it with are the people who have sentences of three years and one day or more. They are only about 15 per cent of the released people.

At any given time, about 85 per cent of the releasees are court-based or statutory parole and the rest are our people. For those ones who have sentences of three year-plus, we make the original parole order and we will consider revocation if need be and reinstatement if need be. And if their revocation has been confirmed, which means they stay in prison for another 12 months, we will look at them again at the end of that period to see whether they can be re-paroled. Now that is our jurisdiction.

We work in panels of five. Each panel comprises a judicial officer, a serving police officer, a serving corrections officer and two community members. And those people sit at our private meetings and in our public review hearings. Each week we have four private meetings. Two of those are to consider parole release for our SPA people, two are for revocation considerations of people who are either on court-based parole or on our parole, and the other meeting is to consider the revocation of the Intensive Corrections Orders. We have four public hearings and two of those are to deal with the review, particularly, of any decisions that we make for revocation of parole. So we have three of those meetings. The third one is to consider the reinstatement of people on Intensive Corrections Orders.

Can I indicate that in any given week we now see 350 cases through those four meetings and those four hearings. We sit, therefore, in the review hearings each day of the week and we sit in the private meetings again each day of the week. This is a volume of cases that is increasing exponentially. It has been for an extended period of time. So if I can go back now to the people who are the most serious offenders, and we will take Rees as one such person. When we consider his application for parole, because he is a Serious Offenders Review Council [SORC] offender we have, before we consider his release, a report from the Serious Offenders Review Council. We cannot parole a person in that category unless the Serious Offenders Review Council says it is appropriate to do so, and it comes to that decision by regard also to the public interest test.

We also have a report from Community Corrections. We have a detailed history of the person's time in custody, full details of their failure analysis and of the institutional misconduct charges. We have their full history of their regression or progression and classification. The pre-release reports we get explain what pre-release programs they have done or have not done, what their post release plans are, what accommodation they have and otherwise. And we also have psychiatric reports and psychological reports as required. We can order those, and we do order them when we think it is necessary. We have the treatment reports when they have completed therapeutic programs such as the Violent Offender Treatment Program; the Intensive Drug and Alcohol Treatment Program; the EQUIPS programs or the various sex offender programs—now Medium Intensity Sexual Offender Program and High Intensity Sexual Offender Program—and those also carry with them risk assessments.

Our primary test before releasing someone to parole is whether it is in the interests and the safety of the community. And in considering that test we have to look to whether, having regard to the material before us including all the risk assessments, the person does actually pose a risk to the safety of the community or does not, or whether their time in custody has taken them to the point where they are rehabilitated. We look at whether supervision on parole is likely to address any residual risk of reoffending. We also look at whether holding them back from parole is likely to be counterproductive on the basis that without a period of supervision on parole, they are going to find it very hard to reintegrate. Those are the tests we look at.

In relation to Rees, I do not think it would be appropriate that I be asked, as it were, to justify the decision because it is a decision by a panel that considered the matter. My only contact with Rees' case was very limited. Between the first parole hearing and when the matter came back from the Supreme Court to consider the question of the impact on the victims, it came before me because I wanted to give them an interim mention to determine for example whether the parties—that is, both the estate and the offender—wanted that case to be heard by the same panel or wanted it to go to a new panel with the opportunity on that case of the whole matter being reconsidered from scratch. Both parties said, "No, it goes back to the original panel," and that was the course which was taken. So that is my only contact with the case.

Having read through the judgement, it is plain to me that the matters that were taken into account—and I am not going to comment one way or another, really, I should not—but the fact is that he had spent 38 years in custody, his parole had been consistently refused between 2007 and 2019, he had advice of SORC that release was appropriate, he had a report from Community Corrections that release was appropriate, it was his first prison, he had shown excellent prison performance, he had engaged in day leave, he had supported post-release accommodation, he was aged 70, he had significant ill health issues, and of course he was subject to lifetime parole. If he was released, he would be subject to supervision intensively during the first period, but if he ever

stepped one foot wrong at any time for the remainder of his life then he was going back into custody. So those were the factors that this panel had to consider, and they came to a decision based on those factors.

The CHAIR: I take exactly what you say, Mr Woodss. What troubles me is that the Government was not supportive of the release at all and I think that went backwards and forwards a few times, just to summarise it. I just wonder whether there is a role either for the Chair or someone from the SPA who could somehow or other maybe cut to the chase in relation to these things and clarify the reasons so that the public is better informed about what is going on.

Mr WOODS: Well, certainly I think that is what we are trying to do. Can I just go back, though, for a case like Rees', the process for a parole grant is not just a whim of a meeting. It takes a fairly important step. The first step is that the parole authority considers the matter such as I have mentioned a moment ago and it forms an intention to grant parole. Then it sends the matter over for a review hearing, at which the State can appear to either make a submission against parole or a victim can do the same thing—make a submission against parole—and that is quite an important process. And that is obviously heard in a public hearing. We would hope that any publication of the reasons that are given is fairly reflected in the media so that the general public at large can understand what we have taken into account.

Just stepping back, I appreciate that that is difficult because it is a complex process; it is not always understood by those present in court or by anybody by the larger community, I guess. It is very difficult publishing our reasons for a number of factors. First of all, there is an issue as to whether we can actually publish on our website these reasons. But there are risks, sometimes, to the victims of the offence if there is information that is available at large. There is also a risk sometimes to the offender through potential vigilante action. There is also a difficulty if a person who is out on parole re-offends and is re-charged, having regard to the fact that potential jurors these days do seem to have a habit of making their own searches for prior—

The Hon. ROSE JACKSON: Is that why you do not publish it on the website? Sorry, you mentioned—

Mr WOODS: Well, all those reasons I just mentioned. Not just the one. Those are the reasons we do not do it, but there is also the question of whether we have the entitlement to publish these reasons, particularly where—

The Hon. ROSE JACKSON: The legislation is unclear, you think?

Mr WOODS: It is unclear. It has just been raised recently that we may not be able to publish those reasons, particularly where there has been a non-publication order at the initial trial. And this matter is going to be sent to the solicitor to give us an advice on it. Just going back a step. If we do publish our reasons, as I said, we publish up to 350 judgements a week. We do not have the staff.

The CHAIR: I hear what you are saying, Mr Woods, and I note your evidence before where you said it is increasing exponentially. That then takes us to resources and I am not going to ask you here right now about that. I am wondering whether there is a way you could gauge it, especially in light of the way the Government was appealing and re-appealing and coming down in the end with a rather detailed control order which the courts brought down in the end.

Mr WOODS: Yes.

The CHAIR: Sometimes you might be able to cut to the chase in the media and say that this is what we did, this is why we did it?

Mr WOODS: We do that. In the case of Rees we published for the media a summary of the judgement. We do that regularly for the high-profile offenders.

The CHAIR: Someone like you should talk to it, perhaps.

Mr WOODS: The media are entitled to be present when the judgement is handed down because it is read in the public court. Anybody who wants to come and hear the judgement can be present and listen to it but in addition we provide a summary in all of those cases which are high-profile cases. The other thing I was going to say, and this is something which you are not aware of, is that this very Thursday we have arranged to have a Chatham House media session. There are 16 representatives of the press and television media who are coming to this session and the Commissioner and I are going to run through the entire process and explain how we work, why we work and what the consequences are of parole grant revocation.

Mr DAVID SHOEBRIDGE: There is something to be said, going forward, for the idea of having somebody speak to those events on the day rather than just a written statement.

Mr WOODS: I am coming to that. Can I answer that?

Mr DAVID SHOEBRIDGE: You can see how, in the absence of there being someone to speak, there is a void that gets filled by other answers.

Mr WOODS: We have been trying for some time to get a media officer and we are in the very process at this moment of having a media officer appointed. We have been through a selection process, a media officer has been identified and that process is going to happen very shortly.

Mr DAVID SHOEBRIDGE: Sounds useful.

The CHAIR: That actually sounds very useful. That is what I was getting to. It is one thing to say that we have published a judgement, the judgement is there, it is to be read and the judge or the magistrate reads it, but, like most people, very few in the media would take any interest in it until the thing blew up, figuratively, in the face of the parole board. This fellow was released on conditions initially where he had four or five areas he was not allowed to go into but he had no way of being controlled because he had no leg band on, for example. Those sorts of details had to come out with the backwards and forwards between the Government and it all blowing up in the media. Perhaps that whole process could have been avoided originally.

Mr WOODS: Hopefully that will happen. We will be assisted certainly by having a media officer. We are substantially assisted by having these summaries, if people are prepared to read them.

The CHAIR: I can take it then from your evidence that we are going back to the percentage basis. I suppose it is not relevant to ask that again. Obviously public safety is of the utmost importance in relation to what you are talking about, especially with a repeat offender like this fellow.

Mr WOODS: It is our guiding principle. Every decision we make depends on assessment of the risk to the safety of the community and we are guided by the expert reports from psychiatrists, psychologists, SORC and Community Corrections officers, the supervising officers.

The CHAIR: Is the State Parole Authority subject to an efficiency dividend?

Mr WOODS: Not that I am aware of.

The Hon. ROSE JACKSON: Mr Coutts-Trotter, is the State Parole Authority subject to an efficiency dividend?

Mr DAVID SHOEBRIDGE: You will be able to tell, the lights go out every Friday.

The CHAIR: Or you get no photocopy paper.

Mr COUTTS-TROTTER: I am not aware of a decision to impose efficiency savings on the State Parole Authority, but I will double-check.

Mr WOODS: It would be very hard, we have a staff of 45, not all filled, and as I say the number of members is in the order of 30. Some of those are employees of Police and Corrections and the others are part-timers. There are certain part-time judges, there are three police, three Community Corrections and the rest are community people who come from all walks of life. Of those community members I can indicate that four are previously serving police officers, two with Assistant Commissioner rank, and then the rest have come from the wider community from all walks of life, including victims and representatives from the Aboriginal community.

The CHAIR: I am aware that the founder of our party was on one of those panels for a number of years after he left Parliament.

Mr WOODS: I would find it very hard to see what savings can be taken in relation to our work. I work effectively at least six days a week and that is a part-time position. For every hearing there is at least a full day of reading by those who are involved and that is the five people involved in the meetings. So if you are sitting twice a week you have got at least four days and sometimes it is an extra day because of the volume of work. The staff are absolutely fully pressed.

The CHAIR: Do you chair one of those panels?

Mr WOODS: Yes, twice a week I will chair a panel. At least most weeks, some weeks I might not.

The CHAIR: Here is your opportunity to ask for more money. Do you need more money?

Ms WALKER: Yes.

Ms STRATFORD: Yes.

Mr DAVID SHOEBRIDGE: You can take that on notice and come back with a detailed answer.

Mr WOODS: We have been well looked after. Our budget has been well looked after. I might say it should be cut back but—

The CHAIR: That is a very diplomatic answer.

The Hon. NIALL BLAIR: The Treasurer was on the other day, so too late.

The Hon. ROSE JACKSON: I want to ask a few questions about the \$330 million fund to try to reduce reoffending. I understand some of that funding was intended to be allocated to prisoners serving sentences of six months or less that were not previously able to access any programs.

Mr COUTTS-TROTTER: Yes.

The Hon. ROSE JACKSON: There are 42,000 prisoners intended to reap the benefits of that, I presume, over the course of the funding cycle. Has that scheme commenced and how many prisoners have accessed it?

Commissioner SEVERIN: We are talking about the High Intensity Program Units which we have established in seven locations, 10 units all up. Some locations have two because they have one for women and one for men. The focus is very much on addressing some of the underlying causes of their offending behaviour but more to connect them to services outside in order to facilitate better reintegration. The current benchmark is being reached.

The Hon. ROSE JACKSON: What is that benchmark?

Commissioner SEVERIN: The benchmark is about 400 that need to be engaged. So 200 at any point in time going through. That is not necessarily an engagement that is full-time for every single one of them.

The Hon. ROSE JACKSON: So 400 people—

Commissioner SEVERIN: Inmates.

The Hon. ROSE JACKSON: —at any one time engaged in that program. How many people would be serving sentences of six months or less at any one point?

Commissioner SEVERIN: The criteria is actually for a broader group of offenders than that, not just six months or less.

The Hon. ROSE JACKSON: I am taking that—

Commissioner SEVERIN: From previous.

The Hon. ROSE JACKSON: That is right. So that has now been broadened?

Commissioner SEVERIN: Yes.

The Hon. ROSE JACKSON: Is it 12 months?

Commissioner SEVERIN: I quite intentionally have asked for that to be kept rather flexible because I do not want someone to miss out who is otherwise suitable just because they serve a month too long. It generally is around the 12 months mark. I am very happy to provide the statistics in due course.

The Hon. ROSE JACKSON: But there would be thousands of people. I appreciate you are keeping it flexible.

Commissioner SEVERIN: Overall there will certainly be thousands that will get the benefits over the course of this program.

The Hon. ROSE JACKSON: Right now in New South Wales prisons there would be thousands of people who would be eligible for that program and yet only 400 people are in it. That is the figure I am after. There are 400 participating right now, but how many are eligible right now?

Commissioner SEVERIN: I would not be able to answer the eligibility question because it does not mean that people who are not eligible do not do anything else. The total number was 42,000 that we set out to do the program, which is about 1,200 per year. So 42,000 was the total number of all the initiatives with 400 at any given point in time. My understanding is that we are meeting that benchmark.

The Hon. ROSE JACKSON: So you do anticipate that 42,000 prisoners will participate?

Commissioner SEVERIN: In the overall reducing reoffending. Out of that, it is the 1,200 per year for the short-termers. There are 400 at any given point in time. It adds up to three years, adds up to 1,200 per year.

The Hon. ROSE JACKSON: There was also an early intervention scheme targeting high-risk offenders in a one-on-one capacity from a private provider. Is that accurate? Who was the private provider?

Commissioner SEVERIN: No, that is not accurate. There was a service which proved not to be viable which was called the Extra Offender Management Service but that was discontinued after a trial period. It involved external service providers. It involved offenders who were not subject to any form of supervision otherwise. One of the key issues that we identified that stopped the program from being as successful as it was intended to be was the fact that there was no coercion. There was no compulsion on the offender.

The Hon. ROSE JACKSON: How much money was spent on that program before it was discontinued?

Commissioner SEVERIN: Again, I would have to take that on notice. Obviously, as soon as the initial evaluation came in we discontinued the program because it was not the best value for money.

The Hon. ROSE JACKSON: It would be useful to get that figure. I am taking this from an article written in April 2019. It states, "An early intervention scheme from a private provider targeting high-risk offenders in a one-on-one capacity was also funded." That is potentially the program you are referring to? There is no other program—

Commissioner SEVERIN: No, that would not be that one. The initiative that we are talking about is very much a new custodial case management model. It is a model of managing offenders differently in the community called Practice Guide for Intervention, which is just a different form of engagement and every contact focuses on criminogenic issues rather than just compliance-based issues. It is the high-intensity program units and, most importantly, also the dosing up of our intensive intervention programs, starting with EQUIPS and going right through to other types of intensive intervention programs.

The Hon. ROSE JACKSON: What kind of programs can people on remand access? Are they able to access any of those rehabilitation programs?

Commissioner SEVERIN: Given that we obviously need to have a presumption of innocence, we do not offer intensive intervention programs for people who are yet to be convicted of a serious violent or sexual offence, for example. We do offer one-on-one engagement. We offer particularly for those that have had issues with domestic violence perpetrating an intervention there. That is actually one that we are able offer without any additional resources. It is more focused on educational principles, on starting to actually identify domestic violence as a real issue in their lives, and then channelling them, hopefully, into other interventions that can follow. That is very well frequented by offenders. We do offer education programs but we do not offer the full suite of therapeutic intervention programs to those on remand.

The Hon. ROSE JACKSON: I appreciate your comments in relation to the fact that these people have not necessarily been convicted of a crime, but there is a growing number of people on remand—and in fact a growing of number of people who are then being sentenced to time served once their sentencing actually occurs because they are spending longer on remand because of issues in relation to the management of the court system, which I know you do not oversee. But do you see the point that I am making: Those people are not able to access, as you say, the full suite a rehabilitation programs whilst they are on remand? They are then sentenced to time served and released, and their potential for reoffending is higher because they have been unable to access those programs. Has any consideration been given as to how we might manage that, in some ways, vicious cycle?

Commissioner SEVERIN: I agree with your assessment. There is currently no focus on developing an alternative suite of programs for those on remand. However, as part of an approach to say that our responsibility does not finish at the front gate, we are intensifying the connection of those on remand, potentially those who then get time served released with non-government organisations. That will assist those who get out on bail or those get out on time served when they are eventually convicted.

Wherever possible, we are looking at opportunities to increase the participation of long-term remand inmates, in particular, and I guess those are the ones you are focusing on. For example, the John Morony Correctional Centre at Windsor is very strongly focused on providing a much stronger focus on programs than other remand facilities can at this point in time. It has been specially resourced for that. We are hopefully going to see a positive effect that will give rise to look at that as a future initiative.

The Hon. ROSE JACKSON: If assessments indicate that that is a successful program would you be seeking additional resources to make that more widely available to people held on remand?

Commissioner SEVERIN: That is what I have just said, certainly.

The Hon. ROSE JACKSON: When do you anticipate that assessment might be made or that funding might be requested and made available?

Commissioner SEVERIN: The evaluation of the effectiveness is a longitudinal study that we have to do but if there is any touchpoint in between—and obviously we are looking at an independent evaluation. We do our own process evaluation and participation evaluation et cetera. But the longitudinal evaluation would be a matter of years. This started about 12 months ago and early signs are that certainly participation rates are very heartening. If we do get a demonstrable effect that we can contribute positively to reducing reoffending that would certainly be a focus of either redirecting resources appropriately or, indeed, making submissions for additional resources.

The Hon. ROSE JACKSON: Of the \$330 million that was announced in 2016, how much has already been expended? The entire amount?

Mr COUTTS-TROTTER: I am happy to take that on notice and provide an accurate response.

The Hon. ROSE JACKSON: That would be great.

The Hon. SHAOQUETT MOSELMANE: If funds finish this year, what will happen to the Stronger Together phone service?

Mr COUTTS-TROTTER: The whole suite of programs—everything within that \$47 million—is being externally evaluated. The evaluation will be available to government certainly before the end of the calendar year. It is up to the Government to decide what it wants to do in response to that and which of the existing initiatives it may choose to continue funding or new initiatives it might want to pick up.

The Hon. ROSE JACKSON: Who is doing that external evaluation?

Mr COUTTS-TROTTER: I will provide details on notice.

The Hon. SHAOQUETT MOSELMANE: Correctives Services is now a member of the Joint Counter Terrorism Teams [JCCT]. Is that right?

Commissioner SEVERIN: No, we are not.

The Hon. ROSE JACKSON: Have you requested to be? I say that because this morning the Minister listed the work that he is doing and that you are doing in New South Wales prisons in relation to Counter Terrorism as a significant part of the Government's effort to Countering Violent Extremism—and yet you are not represented.

Commissioner SEVERIN: We have certainly worked very closely with law enforcement and intelligence agencies. We have regular communication with the Joint Counter Terrorism Teams. We have very strong working relationships operationally where that is necessary. I think we can say that New South Wales, in particular, together with Victoria, has led the initiatives in Corrective Services, both Community Corrections and Custodial Corrections around Australia, given that we have the highest number of those either convicted or remanded for terrorism-related offences in custody between those two States. Our information sharing is very active.

The intelligence group in Correctives Services has been enhanced by a number of specialised CT intelligence officers who work hand in glove with the JCCT. For obvious reasons, I am not going to go into many details as to how we communicate and cooperate otherwise. I can certainly say with confidence that we have a very constructive working relationship, which is mutually sharing information that is relevant to us from other agencies, and us sharing information that might be relevant for other agencies as it relates to the community or other types of relevant aspects of Counter Terrorism and Countering Violent Extremism [CT/CVE].

The Hon. SHAOQUETT MOSELMANE: So Corrective Services do not have a dedicated Counter Terrorism unit?

Commissioner SEVERIN: We do have an intelligence group, the Corrective Services Intelligence Group, which has a dedicated Counter Terrorism group of staff.

The Hon. ROSE JACKSON: How many people are on that staff?

Commissioner SEVERIN: There would be about seven dedicated staff members for CT/CVE. That is not to say that the remaining intel officers do not also provide work in that space. Then we have got the high-risk correctional centre in Goulburn, which has got its own intel capabilities and which, obviously, is based in situ. We also focus very strongly on the training of our staff there in relation to relevant CT/CVE issues. That is in addition to the Radicalisation and Extremism Awareness Program that was referenced earlier by my colleague, which the majority of correctional officers have now participated in. It is a Commonwealth-sponsored program, which is the awareness of Counter Terrorism. And we continue towards our work internationally through a range of channels in this space because there is certainly, as is well understood, a lot to be learned and shared from our international colleagues.

The Hon. SHAOQUETT MOSELMANE: Of those seven dedicated staff, are there culturally and linguistically diverse members in that unit?

Commissioner SEVERIN: I would have to take the actual make-up of the unit on notice. But certainly we do work also very closely with clerics, particularly in the Muslim community. It is quite different to white supremacist arrangements. So that is an area we are starting to focus—

The Hon. SHAOQUETT MOSELMANE: Who do you work with with the white supremacists? Who is the link? Is there a link?

Commissioner SEVERIN: There is no obvious link. It is very different. It is not actually motivated by sort of ill-directed religious, radicalised behaviour; it is very much more individualised exercising of extreme violence as a result of right-wing beliefs.

The Hon. SHAOQUETT MOSELMANE: The privately run prisons, how do they communicate to Corrective Services on matters of terrorism or Counter Terrorism or extremism?

Commissioner SEVERIN: First of all, they do not hold any convicted or remanded terrorists. If they have a person of interest they have their own intel group and they are part of the broader network so they would feed in directly with us. If necessary and their operations mounted—and again without going into any details—they would also deal directly with other law enforcement agencies, but not without us being firmly in the loop. But we are not there as a hurdle—sometimes you need to act very quickly. But they are very much part of the network.

The Hon. SHAOQUETT MOSELMANE: Have there been any additional requests for additional resources in Corrective Services following the recent Christchurch massacre?

Commissioner SEVERIN: No, not so much in relation to resources. Our program was also funded with \$47 million, which is a different funding to the one that relates to the overall strategy, and all the initiatives I was referring to are funded out of that. What we are doing at the moment is very much looking at the learnings that we can derive from the Christchurch experience and we have advised Corrections New Zealand in relation to managing very different cohorts.

We also look at Norway. We had a quite serious attack some years ago in Norway by a single person against a group of young Labour Party kids. The Department of Justice in Oslo, I personally do a lot of international work and my connections there we utilise to inform ourselves in that regard. And not the least of the sources of information come from continental Europe, in particular, and the United States. This is in relation to all matters CT but most recently, obviously, in relation to white supremacist-type—

The Hon. SHAOQUETT MOSELMANE: Is there a special unit within Corrective Services?

Commissioner SEVERIN: Not in Corrections at the moment; it is part of our CT/CVE group at this point in time.

The Hon. SHAOQUETT MOSELMANE: Is that something you may be looking at into the future?

Commissioner SEVERIN: If there is any evidence to suggest that we need to have specialised staff rather than multitasking staff—and at the moment there is no such evidence—certainly we would look at dedicating resources particularly to that within our existing pool of resources. At this point in time we are very much still in the inquiry stage because it just demonstrates itself very differently, it shows itself very differently to the IS-type influenced extremism.

The Hon. SHAOQUETT MOSELMANE: Is there a level of data that is available within Corrective Services that expresses figures as to how many reports or claims of right-wing extremists within the Corrective Services, within the prisons?

Commissioner SEVERIN: There is intelligence. I would not go as far as calling that data; it is certainly not something we would publish. We are obviously looking at any kind of intelligence wherever it comes from and yes, of course, the intelligence staff would maintain a log of those types of issues. But it is not information that we would publish and neither should we because it is intelligence, it is not hard data. At the moment we only have a very low number of convicted—one person is in custody for right-wing extremism at the moment who has been charged with offences relating to that behaviour, and the others are all either Al-Qaeda- or IS-related offenders. What I am more focused on is really the communication amongst prisoners, the types of behaviours that staff observe; if that gives rise to concerns that is something we would like to be very proactive about in nipping it in the bud as much as we can immediately.

The Hon. ROSE JACKSON: Why was New South Wales prison design capacity utilisation data not provided to the Federal Government report on government services for Corrective Services in the most recent publication?

Commissioner SEVERIN: Because the design capacity of a prison is really only as relevant as the first decision by a Commissioner or otherwise to change it. If a prison was designed for 150 inmates and we redesignate a number of rooms so we now have 155 inmates, then the design capacity is no longer relevant. So design capacity under the counting rules of the Commonwealth is a very narrow definition and the definition is the capacity the prison was designed at when it was built and it is really not a useful indicator. So, along with other States, we decided not to report on that from last year. What is far more relevant to us is the operational capacity and the actual capacity that we are currently managing.

The Hon. ROSE JACKSON: I appreciate Victoria and South Australia did not report, but the other States did and New South Wales was reporting that information up until 2016-17. The figure was growing and reached a high of 122.9 per cent. Are you saying that, for example, a room that was designed for one prisoner and you then put two beds in there because you changed the specifications that is increasing the percentage? Is that what you are referring to?

Commissioner SEVERIN: That is part of it. But the main issue is that the actual reference to design capacity is a very narrow definition, and we are talking about national indicators here; we are not talking about a kind of rule that we have any discretion over. So, yes, with the influx of prisoners that we had, of course if you go to the definition that design capacity relates to, the number would have been 122. I cannot recall the detail but I trust your figures. For me as an administrator, that is not a very meaningful figure because it looks at a prison that was built in 1909 and its original design capacity, not taking into consideration any kind of operational changes that might have been made. But we are well on record in saying—

The Hon. ROSE JACKSON: What kind of operational change? When a prison is designed it has got cells, obviously, and if you are adding new cells presumably that is not an operational matter, that is a redesign. So what are the kinds of operational issues, as you describe them, that would lead to your assessment that it is no longer a valid measure other than, for example, putting two prisoners in a room that was designed for one? If that is what is happening, then presumably that would be information that would be useful for people to know.

Commissioner SEVERIN: For example, if we have a prison where we take out a range of cells and repurpose them for other functions, the design capacity would still be the design capacity even though we made a decision to put psychologists in there or to create workshops or whatever we might have done. Again, I am making this up—this is not a real-life example—but that is the reality with which the system had to operate. You take out some cells. Do not get me wrong: I am not for one second saying that we have not had to have double occupancy in cells that were designed for single occupancy. We are well on the record that with the Prison Bed Capacity Program we will be able to significantly change that, which is obviously very welcome.

The actual design capacity is really not a meaningful measure there. I will give you another example. Our new facilities that we are commissioning around the State have surge capacity built in. There might be a room designed to generally house one person, but it is also designed to be able to accommodate a second person. It has all the relevant equipment in it: It has a bed and a two-way intercom system, and services such as water and so on are built so that technically it can hold two people if operationally required. This is actually to futureproof the system in relation to any unforeseen surges in population. It makes it very difficult then to come out with a meaningful definition of "design capacity". That is why we have not reported—

The CHAIR: Mr Severin, we saw pop-up prisons during the Parklea inquiry and they are basically open plan—let's call it communal living, communal justice or whatever you want to call it. You really have a cap there in terms of the way they are built?

Commissioner SEVERIN: Yes. They are built for 25. That is the—

The CHAIR: You have four pods.

Commissioner SEVERIN: Four pods—we have eight pods at 25. That is the capacity that we consider as a safe capacity of these units to operate at.

The CHAIR: Think about those for a while. What is your current situation in relation to forward planning for building new prisons? What is the capital expenditure that is currently planned for this four-year budget term? Maybe that is one for Mr Coutts-Trotter.

Mr COUTTS-TROTTER: I will have a bit of a look, Mr Chair.

The CHAIR: I think you have repurposed a couple of old prisons too, have you not?

Commissioner SEVERIN: Yes.

The CHAIR: They are not all new.

Commissioner SEVERIN: No.

The Hon. ROSE JACKSON: They have reopened some that are closed.

The CHAIR: Yes, that is what I mean.

Commissioner SEVERIN: I can give some broad numbers and we can add to them. The capital program, as part of the prison bed program, was \$2.4 billion. In addition to that, there is the Clarence Correctional Centre, which is a 1,700-bed public-private partnership in Grafton. In the 2018-2019 financial year, the program expended \$1.04 billion and in the first two months, July and August, the estimated expenditure to date is \$150 million; we still need to finalise accounts for August, obviously. The program is just over halfway spent. There are a number of additional expenditures to come from the buildings that are still under way: like Parklea; Junee; the mid North Coast, which is Kempsey; and, most importantly, the Metropolitan Remand and Reception Centre; and Dillwynia, the women's prison at Windsor.

In addition to that, there is the Clarence Correctional Centre. Again, I take the exact capital expenditure number on notice, if that is okay. We will be ready for occupancy by prisoners in the middle of the next calendar year. We will hand over the facility from the builder to the operator in March and then there will be a number of months of rigorous testing of the materials and the operation. Roundabout the early part of July, first prisoners will go in there.

The CHAIR: For the record, what is the current prisoner population in New South Wales?

Commissioner SEVERIN: The current prisoner population is 13,576.

The CHAIR: It is 13,576, not 13,577?

Commissioner SEVERIN: No, this was midnight state.

The Hon. ROSE JACKSON: We will get to escapees. With the Prison Bed Capacity Program that you mentioned, when is that likely to come online, as it were? You are familiar with the fact that prisons are becoming more crowded. As you mentioned, you are on the record in relation to dual occupancy in cells that were intended for single occupancy. We have mentioned the pop-up prisons and new prisons are being built. When is that program going to come online?

Commissioner SEVERIN: The program is coming online. A range of facilities has already been commissioned: The one in Nowra on the South Coast has been commissioned; the redesignation of the multipurpose unit at Goulburn, which is now part of the High Risk Management Correctional Centre, has been commissioned; we have commissioned a large part of an additional facility in Cessnock, which is called Shortland Correctional Centre; and, of course, the two rapid-build prisons at Cessnock and Wellington.

The additional infrastructure that is about to come online are beds at Parklea and Junee, the two privately managed prisons; 440 beds at the Metropolitan Remand and Reception Centre; 240 beds at the Dillwynia Correctional Centre—all by 2021; and the facility's 1,700 beds at Grafton. We are certainly looking at—this is again on the record—taking high-risk beds out of the system when we have the new beds available. We have fortunately not grown at the same rate as we did in the past few years—the growth has been quite stable at the moment or there has not been any significant growth in the past 12 months, which is very welcome. We are also not only able to move people in a more planned way around the system, but also in a way that looks at the actual risk and needs a person has and ensures that they do the programs.

The Hon. ROSE JACKSON: Do you intend to provide in future this information to the Federal Government in relation to design capacity utilisation? Is that something that in future you will hope to provide again or is this now a permanent decision that you will not be providing that information any longer?

Commissioner SEVERIN: We have not provided the information for the upcoming *Report on Government Services*. I am certainly happy for that to be revisited.

The Hon. ROSE JACKSON: Is that a decision that you have made or the Minister made? Who made that decision?

Commissioner SEVERIN: I made that decision myself.

The Hon. ROSE JACKSON: Did you consult with the Minister about that?

Commissioner SEVERIN: I did inform the Minister of the day about that. That was obviously not the current Minister; it was the previous Minister. It was not a matter for the Minister to decide.

Mr COUTTS-TROTTER: In summary, the Prison Bed Capacity Program aimed to add a further 7,774 new beds. As at August, 3,506 of those beds had been delivered.

The CHAIR: It is about halfway through, as you said.

Mr DAVID SHOEBRIDGE: Mr Severin, if 7,000-odd new prison beds come in, which prisons are going to be closed?

Commissioner SEVERIN: This Government has made an announcement to close the Grafton Correctional Centre. That is the only announcement that the Government has made at this point in time.

Mr DAVID SHOEBRIDGE: How many beds in Grafton?

Commissioner SEVERIN: How many beds?

Mr DAVID SHOEBRIDGE: How many beds will the closure of that take offline?

Commissioner SEVERIN: The current Grafton capacity is around 300. I have the number here; I will give it to you.

Mr DAVID SHOEBRIDGE: It is in the order of 300 to 400, is it not?

Commissioner SEVERIN: I am happy to give you the exact number. I have it in my papers.

Mr DAVID SHOEBRIDGE: Whilst you are looking for that—

Mr COUTTS-TROTTER: It is 280 inmates.

Mr DAVID SHOEBRIDGE: How many thousand beds are coming online with the prison bed program?

Commissioner SEVERIN: All up, over 7,000.

Mr COUTTS-TROTTER: It is 7,700.

Mr DAVID SHOEBRIDGE: What is the current prisoner population? It is 13,576. What is the projection for the prisoner population 12 months and five years from now?

Commissioner SEVERIN: I will take on notice the exact figure.

Mr DAVID SHOEBRIDGE: Is it 7,000 more or anything like that, given we have had a flattening in prisoner number growth?

Commissioner SEVERIN: You might have missed that in my previous response. We are looking at clearly reducing the number of high-risk double-ups and triple-ups, as we have been talking about since the program started. It is not about an additional 7,000 prisoners who we are catering for.

Mr DAVID SHOEBRIDGE: No, it is getting rid of triple-ups and double-ups. I know that is part of it.

Commissioner SEVERIN: Taking a number of thousand beds out of the system because we now have 7,000 beds available that we previously did not have available.

Mr DAVID SHOEBRIDGE: How many cells are currently double-ups that were designed as singles and how many are triples that are designed as doubles? It may be that there are some triples that were originally designed as singles.

Commissioner SEVERIN: I have some data in relation to cells. Sorry, I do not have the data ready here. I will take that on notice.

Mr DAVID SHOEBRIDGE: It would be fair to say it is not 7,000. Going back to the original design for those cells will not require an additional 7,000 prison beds, will it?

Commissioner SEVERIN: As I said before, we are looking at taking out both double-ups and triple-ups—there were a number of thousand that went in—plus looking at the growth that we require, plus looking at options we have to utilise new infrastructure, particularly in privately managed centres, incrementally. All of those factors together will certainly give this system a fantastic opportunity to look at its configuration, look at a whole range of other issues that are subsequent and more important issues to consider rather than just a single focus on beds, such as the way we actually manage our role and functions et cetera.

Mr DAVID SHOEBRIDGE: What do you predict the prison population will be 12 months from now?

Commissioner SEVERIN: As I said before, I need to take the actual forecasting on notice.

Mr DAVID SHOEBRIDGE: Are there plans afoot to shut down Long Bay Correctional Centre?

Commissioner SEVERIN: There are no current plans to shut down Long Bay.

Mr DAVID SHOEBRIDGE: Is this like there were no current plans to privatise forests, Commissioner? What does "no current plans" mean? I withdraw that. I will start again. What, if any, are the current plans for Long Bay Correctional Centre?

Commissioner SEVERIN: I have been on record to say that, clearly, one would need to consider relocating a lot of the functions of the Long Bay facility to another facility at some stage. No other facility in the metropolitan area is able to take those functions. They are highly specialised functions that we run at Long Bay. Those functions rely on us being able to employ highly specialised staff. Those staff are very much focused on the metropolitan area for their employment and we cannot ignore that fact. In the absence of having a new metropolitan correctional complex—this has all been reported before—there are no plans to discontinue the use of the Long Bay Correctional Centre.

Mr DAVID SHOEBRIDGE: Is there any planning currently on foot to identify a site for another metropolitan prison in Sydney?

Commissioner SEVERIN: Yes, there is. There has been for the last few years.

Mr DAVID SHOEBRIDGE: What is the status of that planning and what areas are being considered?

Commissioner SEVERIN: I am not in a position to talk about areas. As you would imagine, there is a whole-of-government approach through various government entities to look at suitable sites, as we have done in the past. That work is progressing as we speak. I would be very surprised if there is any decision or any suggestion for a decision moved to government this financial year. This is a long-term proposition. There are many other planning considerations. Obviously, we are only one agency or area that requires land. The disadvantage that we have is that if we do talk about a prison complex, we are talking about a lot of land that we require.

Mr DAVID SHOEBRIDGE: Has a valuation been obtained for the Long Bay site or have any reports or studies been done about the potential for Long Bay Correctional Centre to be used for something other than a prison—sold for residential development or the like?

Commissioner SEVERIN: There are no current or recent studies done that would be suitable to inform government in relation to any decision-making regarding Long Bay.

Mr DAVID SHOEBRIDGE: I do not understand the qualification "that would be suitable to inform the Government", Commissioner?

Commissioner SEVERIN: If we are talking about a study that might have been done years and years ago—

Mr DAVID SHOEBRIDGE: Okay, nothing current.

Commissioner SEVERIN: There is no current study that would inform the Government on leaving Long Bay. The proposition of Long Bay is very much tied to having an alternative arrangement. You need that first before you can look at Long Bay.

Mr DAVID SHOEBRIDGE: Mr Coutts-Trotter, because I have limited social life, over the lunch break I reviewed the Cochrane report you referred to.

The Hon. NIALL BLAIR: Did you do it or did you have some staff do it?

Mr DAVID SHOEBRIDGE: My staff produced it for me and highlighted the bits that I should review. I am grateful for my staff.

The Hon. NIALL BLAIR: Excellent. Just to be clear.

Mr DAVID SHOEBRIDGE: I see Kym Chapple in here.

The Hon. NIALL BLAIR: So do I. That is why I know.

Mr DAVID SHOEBRIDGE: I do not pretend I am the brains of the outfit. Mr Coutts-Trotter, the Cochrane review states its key results as follows:

Current use of OST—

which is opiate substitution therapy—

may reduce risk of acquiring hepatitis C by 50%. We are uncertain whether high coverage [needle syringe programs] ... reduces the risk of becoming infected with hepatitis C across all studies globally, but there was some evidence from studies in Europe that high [needle syringe programs] coverage may reduce the risk of hepatitis C infection by 76%. The combined use of high coverage [needle syringe programs] with [opiate substitution therapy] may reduce risk of hepatitis C infection by 74%.

Mr Coutts-Trotter, far from suggesting that needle and syringe programs are ineffectual, this report suggests that there is evidence that they are highly effective, particularly in reducing hepatitis C.

Mr COUTTS-TROTTER: There are 60 prisons of 10,000 prisons surveyed worldwide that offer needle and syringe programs. Our assessment of the quality of the evidence, including the Cochrane collaboration, is that the evidence is equivocal. There is a new generation of highly effective antivirals—95 per cent effective at clearing hepatitis C, including the genotypes that are most prevalent in Australia. In the last financial year, I think 1,100 people, nearly 1,200, undertook antiviral therapy in jail.

Together with good health advice and antiviral treatment, we see the evidence of screening as affordable and easily able to be implemented within the prison system. We take the view that, given the evidence that has been mounted in favour of what would be a dramatic change in the operations, the culture, the legislative framework, the entire operating framework for prisons, you would want to have a clear and persuasive case to put an argument to government that that is your first best option. We take the view from the evidence that our first best option is to build on the antiviral treatment programs that we are already deploying.

Mr DAVID SHOEBRIDGE: What has been the cost of antiviral treatment programs in New South Wales prisons in the last financial year?

Mr COUTTS-TROTTER: I am happy to take that on notice. An acquaintance of mine described the arrangement that, I think, the Commonwealth Government has struck with the providers of these drugs is like a Netflix account: Australia has managed to secure an arrangement where, no matter how many of the drugs we use, the cost remains the same. Where it is appropriate, the incentive on us is to get more people aware of the therapy, the benefits of the therapy and undertaking the therapy.

Mr DAVID SHOEBRIDGE: Mr Coutts-Trotter, this is the first occasion that I can recall where a government has come forward and said its response to a public health crisis is not to avoid infection—which is what needle and syringe exchange does—

Mr COUTTS-TROTTER: In the community, yes.

Mr DAVID SHOEBRIDGE: —but, indeed, to wait for infection to occur through dirty needles and then treat it with an antiviral. This is the first occasion I can ever recall where that was the public health response from any government agency. How do you explain that?

Mr COUTTS-TROTTER: I would explain it by pointing out the differences between the prison system environment and the general community. Australia led the world in making a whole range of harm-minimisation measures available, including—

Mr DAVID SHOEBRIDGE: Needle and syringe exchange?

Mr COUTTS-TROTTER: Yes, absolutely—

Mr DAVID SHOEBRIDGE: But not in prisons?

Mr COUTTS-TROTTER: —which had the effect of dramatically reducing rates, particularly of HIV infection and transmission in the broad community and, to some extent, hepatitis C. Hepatitis C really took hold in Australia—it is a very significant health issue. Prison offers the opportunity to screen people, treat them and dramatically improve their lives. It also reduces the risk of further transmission of hepatitis C. I am advised that the rates of HIV infection in jail are very low. The issue is hepatitis C.

Mr DAVID SHOEBRIDGE: This is about ideology, not good evidence, is it not? There is an ideological opposition to needle and syringe exchange programs in New South Wales prisons, despite all of the public health evidence saying that they reduce infection and they keep both inmates and prison officers safer. It is about ideology, Mr Coutts-Trotter, not evidence?

The Hon. NIALL BLAIR: Is that a real question?

Mr COUTTS-TROTTER: I really do not think that is a fair characterisation. The New South Wales jurisdiction leads Australia—and arguably the world—in responding with antiviral treatments, so people are hugely aware of the issue. We think there is an insufficient weight of evidence in favour of needle and syringe exchange programs and a whole range of quite significant and real operational challenges.

Mr DAVID SHOEBRIDGE: Could I ask you about the rates of hepatitis C inside New South Wales prisons? The data I am requesting is how many inmates tested positive for hepatitis C on admission in 2018-19 and how many tested positive on their release in 2018-19—but you may have a better series of indicators to get your head around what is happening with hepatitis C in the prison population.

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

The Hon. NIALL BLAIR: Chair, can I just clarify, are you asking about the same prisoners coming in? Because you said the same dates?

Mr DAVID SHOEBRIDGE: No, the proportion of prisoners coming in with hepatitis C and the proportion leaving with hepatitis C. I was asking numbers but numbers or proportion.

The Hon. NIALL BLAIR: I thought you were asking about the comparison as they come in versus as they come out.

Mr DAVID SHOEBRIDGE: I was, for the most recent financial year.

Mr COUTTS-TROTTER: Happy to try to get that information and respond on those.

Mr DAVID SHOEBRIDGE: Do we know if prisoners are more likely to have hepatitis C at the end of their prison term, than at the beginning?

Commissioner SEVERIN: No, I do not.

Mr DAVID SHOEBRIDGE: Do we know if anything you are doing is working in reducing the rate of hepatitis C in the prison population?

Commissioner SEVERIN: Absolutely. That is data we get from our Health colleagues, who have been administering the controlled studies. We were part of the original study that was undertaken by the pharmaceutical company and supported through the tertiary sector and, ultimately, the Federal Government. So, yes, there is a very significant reduction in the infection rate and, if not for the fact that from time to time we transfer inmates, we would most probably—like the prison up in North Queensland—be hepatitis C free, in those prisons. We have been hepatitis C free in a couple of facilities but I would not say they are statistically relevant—they are very small.

Mr COUTTS-TROTTER: We are engaged with an evaluation, as I understand, with the Kirby Institute.

Mr DAVID SHOEBRIDGE: Can you give us updates on notice about the rate of hepatitis C in prisons and what happened to the trial with the pharmaceutical company?

Commissioner SEVERIN: If we can get that data from our colleagues in Justice—we do not hold that data.

Mr DAVID SHOEBRIDGE: I understand.

Commissioner SEVERIN: Certainly if we can get that data, we will.

Mr DAVID SHOEBRIDGE: Commissioner, what is the average amount of time that inmates spend out of cells in prison after the benchmarking process?

Commissioner SEVERIN: The average time out of cells is—

Mr DAVID SHOEBRIDGE: You can do in cells or out of cells.

Commissioner SEVERIN: It depends if you are looking at secure custody or open custody. The secure custody was around 6.5 hours per day. In open custody it is around 10 hours. We have set a benchmark through our reform program of moving that to at least seven hours a day in secure custody and maintaining the 10 hours per day in open custody—or minimum security.

Mr DAVID SHOEBRIDGE: You have now benchmarked every prison, is that right?

Commissioner SEVERIN: Yes, with the exception of the Metropolitan Remand and Reception Centre.

Mr DAVID SHOEBRIDGE: The new arrangements are now in place across every prison, except for the metropolitan remand?

Commissioner SEVERIN: They are transitioning into that operation mode, that is correct.

Mr DAVID SHOEBRIDGE: What has happened across the system for out-of-cell hours for prisoners? I am talking here in the medium- and high-security prisons. Has the amount of time gone up, gone down or stayed the same?

Commissioner SEVERIN: Certainly in those centres where we have fully implemented the benchmark outcomes, they have met the requirement for seven hours. I cannot say that is across the board. I would have to take the details on notice in terms of the individual performance and that fluctuates at times because there are events happening at times that impact on the ability to have seven hours. We have quite strict rules that we apply. In the open custody, or minimum security area, we have no issues at all in our smaller locations. We have some issues where minimum security is part of a maximum-security facility.

It is really important that there is now a focus on hours out of cell and proactive engagement of offenders in programs and activities—there was very little focus on hours out of cell for a long period of time. Of course, when we are looking at places such as the rapid builds, even though we do not have cells, the activity period is 12 hours, which is fantastic.

Mr DAVID SHOEBRIDGE: Commissioner, there are number of prisoners in the Long Bay Hospital who are held because of mental health concerns, is that it right?

Commissioner SEVERIN: Yes.

Mr DAVID SHOEBRIDGE: Is it true that they only have out-of-cell times between 8.00 a.m. and 11.00 a.m. and between 12.00 p.m. and 2.30 p.m. and, in fact, they get all their meals in their cells?

Commissioner SEVERIN: Again, I would have to take the detailed answer on notice.

Mr DAVID SHOEBRIDGE: Could you? Then could you provide an answer as to whether that is meeting the benchmarks and whether or not it is meeting appropriate standards for prisoners who have mental health concerns in terms of out-of-cell time?

Commissioner SEVERIN: I think we need to be very clear that the unit we are talking about is jointly managed between Justice Health and us.

Mr DAVID SHOEBRIDGE: Correct.

Commissioner SEVERIN: The program that is running in that unit is a joint one so—

Mr DAVID SHOEBRIDGE: I know that you do not have sole control over it.

Commissioner SEVERIN: —there may be other reasons that impact on the operation arrangements there. But I will provide that information.

Mr DAVID SHOEBRIDGE: Thank you, Commissioner.

The Hon. SHAOQUETT MOSELMANE: Mr Coutts-Trotter, I am not sure who to ask with regard to the NSW Counter Terrorism Plan. Is it you?

Mr COUTTS-TROTTER: Yes.

The Hon. SHAOQUETT MOSELMANE: Just going through some of the dot points, it says:

Terrorism continues to present a serious and sustained threat to NSW. Since 2014 Australia's National Terrorism Threat Level has been PROBABLE.

What is the current national threat level?

Mr COUTTS-TROTTER: I will confirm that but I think it is still probable.

The Hon. SHAOQUETT MOSELMANE: I take it that is also for New South Wales?

Mr COUTTS-TROTTER: Yes.

The Hon. SHAOQUETT MOSELMANE: Point 17 states:

The nature of terrorism means that its implications may cross jurisdictional boundaries.

We deal a lot with the New Zealand Government. Are there greater forums where neighbouring nations such as Indonesia, China, Malaysia and other states are included? Are we involved in any forums that can assist us to address potential risks before they happen in Australia or New South Wales? Are we part of any international body?

Mr COUTTS-TROTTER: I will take that question on notice and give you a comprehensive answer. There is a national committee on Counter Terrorism and I just need to confirm that it involves New Zealand. I

think it does, but then to the question about whether we—no doubt our Commonwealth colleagues in various agencies engage very deeply with other nation states. I just do not have the detail of the involvement of New South Wales officers in those processes.

The Hon. SHAOQUETT MOSELMANE: One final question on this document: At point 38 it says that the New South Wales Government uses a suite of tools for communicating Counter Terrorism information to the public through a range of channels, including websites, social media and traditional media. When it says "traditional media", does that mean mainstream media? And so what about ethnic media or non-English speaking background media?

Mr COUTTS-TROTTER: I would be confident that they are part of that description of traditional media, traditional media simply being—

The Hon. SHAOQUETT MOSELMANE: Not simply mainstream?

Mr COUTTS-TROTTER: —free-to-air television, radio and newspapers regardless of whether they are published in print form or online. I will confirm that for you.

The Hon. SHAOQUETT MOSELMANE: Yes. I am interested in different languages—Arabic, Greek, Italian.

Mr COUTTS-TROTTER: Of course. Yes. You bet.

The Hon. SHAOQUETT MOSELMANE: Thank you.

The Hon. ROSE JACKSON: Commissioner Severin, I just want to ask about the one-on-one counselling services at Long Bay, so for mental health, drug and alcohol issues, for example. So these are individual or one-on-one sessions as opposed to the group therapy. What changes have taken place to these services over the past 24 months?

Commissioner SEVERIN: Again, I can answer that question in general, but I am happy to provide additional information if there is any.

The Hon. ROSE JACKSON: In general?

Commissioner SEVERIN: In general, we are clearly focusing our resources on being deployed in the most productive way. Very often we find that when you have a group of inmates who have the same levels of risk and needs, it is far more effective to actually engage in group activities rather than—

The Hon. ROSE JACKSON: So in general one-on-one services have been reduced in favour of group therapy; is that right?

Commissioner SEVERIN: Certainly that is a broader policy position. Obviously you will never eliminate and neither should we eliminate one-on-one sessions, but clearly there was evidence that the one-on-one arrangements did not have the same reach that they should have, and they dealt with exactly the same issues. So I will give you an example in relation to brief interventions. This is not just at Long Bay, but we still had around about 3,000 brief interventions relating to drug and alcohol issues last financial year across the system. That is one-on-one interventions. That is in addition to a lot of one-on-one that happens regarding residential rehabilitation contracts.

There were about 5,500 there and some other brief interventions. We are talking again about 2,000 interventions there. On top of that we have a lot of welfare requirements that are always one-on-one, so inmates who simply have welfare needs that need to be organised and met, and designated welfare staff, programs and support officers would engage in those as well. But fundamentally yes, we have very much shifted our focus onto group work when it comes to the cognitive behavioural therapy engagement of offenders. And we do that, again, consistent with good practice as is established internationally.

The Hon. ROSE JACKSON: I appreciate that this is a statewide policy shift, as it were. Putting aside questions of cost effectiveness for one minute—though I do appreciate that that is a factor in the decisions that you make—purely from the perspective of best optimum outcome for the offender or for the participant, are one-on-one sessions preferable? If cost was not a factor—and I appreciate that for you doing your job it has to be—it is preferable to have one-on-one sessions, is it not?

Commissioner SEVERIN: That is actually not backed up by evidence. The evidence that I am aware of very clearly says that the group experience in many cases is one that actually has a pronounced therapeutic effect because you actually interact within a group setting and you are subject to being scrutinised as well as learning together with a group of persons who have similar risks and needs to the ones that you have. So the research that I am aware of, particular research in relation to cognitive behavioural interactions which is the

guiding principle for us, is very much in favour of group-based therapy. That being said, there are certain personality types and there are issues of intellectual abilities or disabilities that require a one-on-one approach. And we would never stop having one-on-one for those offenders who can only benefit from one-on-one.

The Hon. ROSE JACKSON: Will you be assessing, in terms of the policy prescription in the New South Wales prisons, whether this shift to group cognitive behavioural therapy is proving more effective for this group of people, the offenders that you are working with? Is that subject to independent evaluation, that policy shift? And what is the time frame for that?

Commissioner SEVERIN: Again, we do not actually evaluate the methodology that we use; we evaluate the effect that a particular intervention has.

The Hon. ROSE JACKSON: I apologise. That is what I was referring to, yes, the outcomes.

Commissioner SEVERIN: Yes, of course, we have had regular valuations on the effectiveness of our sex offender program and violent offender program—with mixed results at times. Again, for us that is more indicative of a change to some of our practices or the approach we are taking, because there is overwhelming evidence that these programs work. We have a very positive evaluation of our violent offender program in recent times, all independent. So this is all research done by BOCSAR or we engage the tertiary sector to work on it with us. Sometimes we also do it in combination with other areas of research that particularly the tertiary sector engages in.

So the short answer is yes, we will continue to evaluate the effectiveness of all of our therapeutic interventions because they are resource intensive, they are very relevant in the context of our target to reduce re-offending by 5 per cent and they are really important if we are to ensure that we do not think something works that turns out not to be working the way it should be working.

The Hon. ROSE JACKSON: Mr Coutts-Trotter, in relation to the Countering Violent Extremism program that the department is undertaking, how many people are working on CVE in Communities and Justice at the moment?

Mr COUTTS-TROTTER: I will take that on notice. We can identify people whose whole role is to do that. That would be both in my colleague Simone Walker's team and, as the Commissioner was pointing out, there will be some discrete groups within elements of Justice. Where it is some part, but not a whole part of a person's job we will not be able to identify that, but we can identify the discrete roles.

The Hon. ROSE JACKSON: That would be a good start. Thank you, Mr Coutts-Trotter. Is that unit or team, for those people who are doing that work, subject to an efficiency dividend?

Mr COUTTS-TROTTER: So the department as a whole, as I think we have canvassed before, has to provide for about \$174 million in savings this year on \$9.8 billion of operating expenses. We are going to do that in the least worst way possible, which includes some judgements about those parts of our services that are the most critical. Of course, as I have indicated before, we will not be able to deliver that without shedding, unfortunately, some jobs. But we are looking at corporate support functions first and foremost and we are not about to cut jobs in frontline functions.

The Hon. ROSE JACKSON: Just to be clear, staff working in CVE in the department would not be classified as frontline functions? Although they would not be top of your list in terms of where staff cuts have to be made, they would be included for potential consideration? Unlike, say, police or—

Mr COUTTS-TROTTER: No, no. I think as a starting point that is true, but I do not want to signal any decisions in relation to this. One, for the wellbeing of the small number of staff involved, and, two, because it is not the case and I do not want to signal to the committee that it is the case that we have made that decision.

The Hon. ROSE JACKSON: In the document called *NSW Counter Terrorism Strategy*, December 2018, there is a reference on page 12 to work that the Government is developing a team with specialist training to work with potential victims of the trauma caused by terrorism.

Mr COUTTS-TROTTER: Yes.

The Hon. ROSE JACKSON: Has this occurred? Is this training now delivered? How many people have been trained?

Ms WALKER: I would need to get you the numbers on the number of people who have been trained. But the package has been established and it is currently being delivered.

The Hon. ROSE JACKSON: There are specialist trauma counsellors available right now?

Ms WALKER: Yes, that is correct.

The Hon. ROSE JACKSON: Similarly in that document it refers on page 8 to the work that you are doing with the Department of Education in relation to supporting schools to promote social cohesion. I was wondering what discussions you have had with the Department of Education about how this aligns with the role that teachers play in alerting authorities to potential radicalisation. We have seen a number of incidents, including some in New South Wales, but also in the ACT and Victoria, where teachers have alerted authorities to students who are displaying actually very normal behaviour. This has obviously led to tension and it has led to conflict, and potentially disengagement from the school environment where none had previously existed.

Mr COUTTS-TROTTER: Yes.

The Hon. ROSE JACKSON: How are you working with the Department of Education to ensure those two roles align?

Mr COUTTS-TROTTER: I know at a senior level my colleagues in the Department of Education are well aware of that issue and the last thing they would want to do, I am sure, is see a young person stigmatised and alienated, but perhaps we can take it on notice and give you a more detailed response.

The Hon. ROSE JACKSON: I think that it was \$2 million that was mentioned in this year's budget in relation to improving security for synagogues and Jewish schools.

Mr COUTTS-TROTTER: That is right.

The Hon. ROSE JACKSON: Which is a very commendable program, and I have absolutely no quarrel with that. However, after the incidents in Christchurch and elsewhere are there any programs with any money attached to increase security for mosques and Islamic schools, which we also know are the target of—?

Mr COUTTS-TROTTER: There are. There is a \$5 million grants program available to help a whole range of community organisations, including religious organisations or faith-based schools, apply for and implement security measures, particularly CCTV. I am more than happy to provide details of that to the committee.

The Hon. SHAOQUETT MOSELMANE: Where is that information promoted, Mr Coutts-Trotter?

Mr COUTTS-TROTTER: I do not have a background note about it available to me, but I am happy to get that information for you, Mr Moselmane, and provide it to the committee.

The Hon. SHAOQUETT MOSELMANE: I would appreciate it. Just in line with my colleague's questions, do you have data that tells you of the number of false reports about radicalisation at schools?

Mr COUTTS-TROTTER: I do not know that we do.

Ms WALKER: No. Again we could talk to our Education colleagues.

Mr COUTTS-TROTTER: We will take that on notice and see what, if anything, we can provide for the committee.

The Hon. SHAOQUETT MOSELMANE: It has been argued that teachers are not necessarily capable of identifying radicalisation or extremism and so forth. What measures or steps has the department taken to ensure that teachers—

The Hon. NATASHA MACLAREN-JONES: Point of order: We are here in relation to Corrections, not Education. I am wondering how asking our witnesses about education and what teachers are teaching is within the portfolio?

The Hon. SHAOQUETT MOSELMANE: This is to do with radicalisation within the schools.

The Hon. NATASHA MACLAREN-JONES: I understand that. Those questions are probably better directed to the education Minister.

The CHAIR: The objection is in order. The Hon. Shaoquett Moselmane will restrict his comments.

The Hon. SHAOQUETT MOSELMANE: What action does your department take when reports indicate that there are false claims of radicalisation at schools?

Mr COUTTS-TROTTER: I will have to take that on notice and see what I can provide back to the committee. But I am more than happy, in the spirit of goodwill, at least, to talk to colleagues in Education to see what information they can provide to the committee on the substantial question you asked.

The Hon. ROSE JACKSON: I have a couple of questions of Justice Woods in relation to short-term sentences. Are you aware of a report that the NSW Sentencing Council did some years ago now in relation to the abolition of short-term sentences? You are aware familiar with that report?

Mr WOODS: I am aware of it, yes.

The Hon. ROSE JACKSON: The report proposed that New South Wales consider the abolition of short-term sentences, but there were a number of caveats or conditions on that. Was the abolition of short-term sentences ever trialled for Aboriginal women as recommended by the Sentencing Council?

Mr WOODS: Not that I am aware of, but I think that we have moved on a bit because introduction of the intensive correction orders and community corrections orders and so on have been designed to replace short-term sentences.

The Hon. ROSE JACKSON: How is that progressing or perhaps, Commissioner Severin, you might answer that?

Commissioner SEVERIN: It is progressing quite extensively. The judiciary has taken up the new sentencing option quite intensively. Our numbers have grown quite significantly since the sentencing reform came into effect in Community Corrections. As I mentioned earlier today, there was research done by BOCSAR that indicated that ICOs are about 40 per cent more effective than short-term sentences. In that context it is clearly a sentencing option that obviously aimed to be more effective than a short-term sentence, which means in many cases the offender will not get many services because of the duration of time they spend in custody and sort of oscillate through. Recidivism rates are also higher for short-term sentences.

The Hon. ROSE JACKSON: Do you have a figure on what percentage of prisoners serving custodial sentences in prisons are on sentences of six months or less?

Commissioner SEVERIN: Yes, we do. I need to take that on notice, but we certainly have that data available.

The Hon. ROSE JACKSON: That would be useful if we could get that.

Mr WOODS: If I could go back to your question, my understanding is that there are about 6,000 people on intensive correction orders at the moment, which is a—

The Hon. ROSE JACKSON: It has increased even more.

Mr WOODS: I am a month behind. But also, the short sentence situation was also reviewed by the Law Reform Commission in its sentencing report and that led to the ICOs and CCOs and the CROs, and so on.

The Hon. ROSE JACKSON: Yes, that is right. In relation to the Clarence correctional facility, does the contract that the Government has signed with Serco preclude the New South Wales Government from taking action against the operator if there is the sort of systemic failure that we saw in Parklea?

Commissioner SEVERIN: The contract is in the context of the abatement regime and the charge event is exactly the same. That is also the case for the Junee Correctional Centre.

The Hon. ROSE JACKSON: Will you release the details?

Commissioner SEVERIN: They are publicly available online.

The Hon. ROSE JACKSON: My understanding is that the private operator of the prison intends to pursue individual common law contracts for the 600-odd employees at the facility. Do you have confidence that they will be able to hire 6,000 people with the appropriate level of experience in the Clarence region on common law contracts?

Commissioner SEVERIN: Six hundred, actually.

The Hon. ROSE JACKSON: Apologies, it does say 600.

Commissioner SEVERIN: Yes, I am. Obviously they have an employment strategy that we looked at. We do not interfere in any way with their industrial relations arrangement or their arrangements in the context of their award structures. They obviously have to be lawful; that goes without say. But, yes, we are confident that the employer will be able to get that level of staffing. We also know that Serco is operating a facility in Queensland at this point in time and right now the Government up there has decided to finalise that contract so there may be some additional employees that Serco can redeploy at some stage, not necessarily for the commencement of operation at Clarence, but certainly in due course. We certainly monitor what is happening but at this point in time

the contractor is making all the right initiatives and efforts to ensure that they are going to be ready come 1 April next year.

The Hon. ROSE JACKSON: Do all of the existing prison officers at the Grafton Correctional Centre have the option to transfer to the Clarence facility?

Commissioner SEVERIN: No, it is not an automatic entitlement. They can apply for employment with Serco if they choose.

The Hon. ROSE JACKSON: Are there any incentives?

Commissioner SEVERIN: There are no incentives at this point in time, no.

The Hon. ROSE JACKSON: Will staff at the Grafton Correctional Centre will be out of a job unless they are able to secure employment in an individual contract with Serco?

Commissioner SEVERIN: No. We are building additional infrastructure elsewhere in the system. We also have a need to maintain and increase a range of our own functions in that area to service a 1,700-bed prison, which we previously did not have.

The Hon. ROSE JACKSON: Can you guarantee staff who are not employed at the Clarence facility will be redeployed elsewhere within Corrections NSW at other facilities in other roles?

Commissioner SEVERIN: I can certainly say that we will have a range of options available, ranging from transferring to another like job in one of our other facilities, moving into another area like, for example, transport and escort of prisoners. Our transport contingent up there has to grow. We have to establish a parole unit in Community Corrections which will be much larger than what we have got there at the moment. We will also have to have sentence administration. There is an administrative function. That is in Grafton itself and then obviously there will be any number of redeployment opportunities. So we are currently holding jobs in the system.

We are not allowing people obviously to move immediately because we want that old facility to continue to operate until the new one starts. But we have given staff and obviously also the industrial union a firm undertaking that we will make every effort to facilitate the staff continued employment. There is likely to be a limited number of voluntary redundancies as well.

The Hon. ROSE JACKSON: Can you give a guarantee that there will not be any involuntary redundancies for people currently working at the Grafton Correctional Centre as a result of its closure?

Commissioner SEVERIN: Yes, we will make every effort to ensure that everybody will be redeployed. We will find another job within the Grafton region or they will get a voluntary redundancy. The whole design of our redeployment and staff management approach is to not even get anywhere near the likelihood of an involuntary redundancy.

The Hon. ROSE JACKSON: I refer to some incidents at the Silverwater Correctional Complex. In April 2019 Matthew Maguire was charged with the murder of his cellmate. Newspaper reports stated there was an investigation into the suggestion that the victim was left in the cell for up to one hour. Do you have the result of that investigation? Can you provide the Committee with any additional information about that?

Commissioner SEVERIN: No, I cannot in relation to those issues that are still subject to coronial inquiry. That would be inappropriate for me. However, we had this incident and we had another incident of an alleged murder which resulted in me commissioning an internal task force to look at any systemic issues. That may need to be looked at in the context of risk assessment for people who share a cell in relation to reassessments of the reports being received. It goes into a lot of detail about our process and procedure. It has some very short-term goals and processes and then some longer-term recommendations. They have all been adopted and we are in the process of rolling it out because, for obvious reasons, we do not just want to ensure that everybody is safe and secure but also that if somebody has a shared cell that the person that he or she shares with is compatible.

The Hon. ROSE JACKSON: Is that report available? Will you provide the Committee with a copy of it?

Commissioner SEVERIN: No, it is not a public report. It contains a lot of very detailed security arrangements. But, in essence, it was a report commissioned solely following the incidents for the purpose of identifying if any systemic issues needed to be looked at.

The Hon. ROSE JACKSON: I appreciate the reasons why you cannot provide a copy of the report but does it, for example, go to the fact that in general it is not suitable to house two high-risk offenders in the same cell?

Commissioner SEVERIN: No. It really comes down to the definition of "risk". If you are at a high risk of reoffending that does not necessarily mean you are not compatible to share a cell. If you are a high risk to another person—if you actually have homicidal traits, for example—we would obviously make sure that that is very carefully considered and in all likelihood there would be a decision to not double up such a person. We work very closely with our colleagues in Justice Health in relation to that. There are obviously a range of health considerations that they have that play into this decision-making process. But there is no hard-and-fast rule. No system could operate like that. In some cases, double-up is actually a very positive measure because it gives a person the opportunity to engage. I am not suggesting that that is the case across the board. We also take risk into consideration and have strengthened that as a result of the task force to which I referred.

The Hon. ROSE JACKSON: There are suggestions that the overcrowding issues at Silverwater are contributing to these safety risks for the inmates and also for the staff. For example, one of the alleged assailants, I think it was in the second homicide, had previously been charged with an assault occasioning grievous bodily harm at Parklea. Presumably he was not necessarily the type of person who you would ordinarily want to house with other prisoners but because of limited options and the overcrowding, decisions were made to house him in a cell with another prisoner. That would not otherwise have been appropriate. Is that something that your report is looking at?

Commissioner SEVERIN: Fortunately, overcrowding at the Metropolitan Remand and Reception Centre was not the reason for any of these very unfortunate incidents. At any given point in time during those events we had any number of vacancies at MRRC. We manage different cohorts there. You do get situations where you have a cohorts group—

The Hon. ROSE JACKSON: You had a vacancy but you still housed a prisoner who had previously been charged with assault occasioning grievous bodily harm with another prisoner at Parklea even though he could have been housed separately?

Commissioner SEVERIN: Again, the risk assessments at the time did not indicate that that was a risk that needed to be taken into consideration in relation to that placement. If there are any hindsight learnings, that will come out of our investigation or the coronial investigation. Of course, we will take very careful note of that. I would not want to speculate on that. By the way, the prisoner was not moved from Parklea to MRRC but was discharged and it was a new admission at some stage later. Again, that is just an explanation but not an excuse for anything that may have happened. We will always ensure that people are placed in accordance with their assessed risk and needs. And we will continue to refine our processes, given these events in particular. Of course going forward we will have a lot more opportunities to reduce the level of double-up accommodation in our system to the one we have at this point in time.

The Hon. ROSE JACKSON: Earlier you mentioned two breaches at Parklea in relation to discharge in error. Did you get some more information in relation to that?

Commissioner SEVERIN: I took that on notice, yes. I have not got that information.

The Hon. SHAOQUETT MOSELMANE: In 2017 the then Minister for Counter Terrorism wrote to the environment Minister regarding a counter terrorism assessment, suggesting the closure of Driver Avenue at Moore Park. Have there been similar assessments, for example, at Town Hall, Wynyard, St James and Museum stations given that over 200,000 people pass through those stations on a daily basis?

Mr COUTTS-TROTTER: I will take that on notice to particularly see if I can provide some information about the assessment on Driver Avenue. There are assessments that take place all the time, either under the crowded places strategy or under the critical infrastructure strategy. The critical infrastructure strategy, the assessments are about the potential risks that exist to critical pieces of infrastructure from terrorism, and the crowded places strategy, again, is an attempt to assess the risks and the ways of mitigating the risk of large groups of people gathering together in the, unfortunately, environment we operate in. I will see what I can find out about the Driver Avenue assessment. I am just not sure, because most of this work is led by police, what information would be available about the specific places you asked about, but I will see what we can do.

The CHAIR: Commissioner, do you believe that your correctional officers are provided with adequate resources and training?

Commissioner SEVERIN: Generally, yes.

The CHAIR: For frontline correctional officers are there any extra resources or extra training that could be put in place to help manage difficult inmates?

Commissioner SEVERIN: I would need to be informed what type of training we are talking about. Every correctional officer obviously gets the base-grade training, then we have specialised training—I mentioned

already that officers dealing with women have two months of practice training. We have other specialist training for staff performing certain functions such as training for people who manage terrorists et cetera. The bottom line is that we need to dynamically continue to assess any emerging trend that requires a training response for our staff to deal with that. For example, we have a much stronger focus on de-escalation principles, particularly in relation to offenders that present with intellectual disabilities who get very worked up very quickly. I am not talking about every staff member getting this training but certainly those that deal with those offenders in particular.

The CHAIR: I know, for example, when we went and had a look at the pop-up prison at Wellington there was a special flying squad that you had to train up to do that specialist work because that type of squad and the way they operate was not really part of any operational arrangement beforehand.

Commissioner SEVERIN: That is correct. The Immediate Action Team [IAT], which is a 24/7 proposition in our rapid-build prisons, is one example where this particular sort of specialist training has been rolled out.

The CHAIR: Has bullying within the New South Wales prison system been addressed given that it is something that has been canvassed over the past couple of years in Parliament?

Commissioner SEVERIN: Certainly we are concerned about bullying and harassment. We are also using information that we get through employee surveys that are done through the Public Service Commission and we have a very strong new program that focuses on resilience and wellbeing. We are taking a lot of licence there from the Ambulance Service, the Fire and Rescue service, but tailoring this to meet our own needs. The short answer is yes, bullying is an ongoing concern, or at least the perception of bullying—obviously, if there is real evidence of bullying, that as well—and we are continuing to proactively address that in the workplace. We are working collaboratively now with the Public Service Association, our industrial union, on these initiatives of resilience and wellbeing, and that is very strongly supported through a department-wide focus on a healthy workplace.

Mr DAVID SHOEBRIDGE: Since the tragic death of David Dungay, and there has been a series of undertakings made by yourself and Corrective Services about retraining of the IAT, have all IAT officers now undergone training on positional asphyxia?

Commissioner SEVERIN: Certainly the officers in the areas where we would have forced medication issues have, and all the other IAT members have had that training subsequent to the original group and we continue, obviously, to train all staff, not just IAT, because every staff member is trained in the use of force in positional asphyxiation.

Mr DAVID SHOEBRIDGE: Do I take from that that now all IAT officers have had training in positional asphyxia?

Commissioner SEVERIN: That is my understanding, yes.

Mr DAVID SHOEBRIDGE: What proportion of the balance of Corrective Services correctional staff have had now training in positional asphyxia?

Commissioner SEVERIN: Again, all new staff have had that for quite some time. I need to take on notice the exact number of existing staff that are still to undergo that training.

Mr COUTTS-TROTTER: This does not quite the answer the question but as at 8 August, 5,125 custodial officers had completed training in positional asphyxia.

Commissioner SEVERIN: Which is a larger number than what we actually employ. So it means that it has taken care of also the ones that have left us.

Mr DAVID SHOEBRIDGE: I said I would come back to you with the figures about PRISM that I got from a GIPAA application. I requested details about funding and about the numbers in the prison system and the answers that I got back said that the funding in 2015-16 was \$598,000, the funding in 2016-17 was \$200,000 and the funding in 2017-18 was \$221,000. That is clearly a significant reduction in funding from 2012-16. Can you tell me what the funding in 2018-19 is?

Commissioner SEVERIN: This is actually a very good news story. The funding that you refer to that was part of your GIPAA application that related to 2015-16 to 2017-18 was Commonwealth funding, which was—

Mr DAVID SHOEBRIDGE: I asked for all funding, not Commonwealth funding.

Commissioner SEVERIN: Was the funding provided by the Commonwealth for this particular program to set it up, to get it ready, to design it and to roll it out? Since the year 2018-19 we have funded it at \$2.5 million, which funds all the roles that are attached to the program and there are a large number of positions that are part of

the PRISM team—a senior psychologist, two psychologists, a senior assistant superintendent, two service and programs officers and a religious support officer. The salaries and on-costs for those staff, plus obviously the operating expenses, are part of that \$2.5 million budget allocation for PRISM.

Mr DAVID SHOEBRIDGE: How does that compare to the funding in 2017-18?

Commissioner SEVERIN: In 2017-18 there was only \$221,000 from the Commonwealth, which is the figure you just provided me here, which was literally there to design the program. We at the time had two staff attached to it, the principal psychologist that designed the program and one support staff member, and once the program was ready to roll out, the \$2.5 million is now part of the funding for the PRISM team.

Mr DAVID SHOEBRIDGE: Commissioner, if I remember correctly, the GIPAA application said that at the time that application was determined there were eight inmates doing the PRISM program. Given the funding has increased tenfold, how is it that there are now just 10 inmates doing the PRISM program and what is the target for the number of inmates with a \$2.5 million budget?

Commissioner SEVERIN: If I can again just refer to the fact that the funding you refer to was the funding to set it up.

Mr DAVID SHOEBRIDGE: I get that, Commissioner Severin.

Commissioner SEVERIN: We were running some of it initially with the existing staff. We have 13 inmates in total that have completed PRISM since it started—seven of those are currently on parole—and we have 10 on the waiting list. Those offenders are in any number of locations, so the team does not operate from a single location.

Mr DAVID SHOEBRIDGE: My question is simply this: With a \$220,000 budget you are doing eight; you have now got a \$2.5 million budget and you are doing 10. How do you square that circle?

Commissioner SEVERIN: Again, it is not an apples with apples comparison. The team that is managing PRISM has increased three times.

Mr DAVID SHOEBRIDGE: I am grateful to hear the increased expenditure. I am not cavilling with you; I am trying to find out what has happened to it.

The Hon. NIALL BLAIR: It was out of existing budget before, an existing resource.

Commissioner SEVERIN: We designed the program. We started with a very small team that looked after very few offenders.

Mr DAVID SHOEBRIDGE: I understand that—eight.

Commissioner SEVERIN: We have now increased that significantly and we are reaching more offenders. It is a very expensive engagement because it is about one-on-one engagement with his team; it is not a group setting.

Mr DAVID SHOEBRIDGE: We had that earlier, Commissioner; I understand.

Commissioner SEVERIN: It is operating from various locations across the State. We obviously will continue to carefully assess the effectiveness of it, as I mentioned this morning. It has been independently evaluated. It has already been evaluated by Adrian Cherney earlier. His findings were that it is very promising. He is breaking totally new ground for Corrections, not just in New South Wales. Again, I believe it is actually making a good contribution to addressing, focusing on or targeting those who are at the greatest risk of being radicalised.

The CHAIR: I think have come to the end. As much as I know you want to answer more questions that we want to ask you—

Mr COUTTS-TROTTER: Can I put something on the record, Mr Chair? About this morning's questions about Damien Peters—the bloke who rid himself of an electronic monitoring device and was assumed to be still at large—I wanted to confirm to the Committee that he was rearrested 24 hours later.

The CHAIR: Was he?

Mr COUTTS-TROTTER: Yes.

The CHAIR: It would be interesting to know how he was found if he did not have a monitor on him.

Mr COUTTS-TROTTER: Good old police work, I think.

The CHAIR: Good police work, yes. Thank you very much for correcting that.

Mr WOODS: I can add to that: I could have dealt with Peters last week.

The CHAIR: Sorry, did he get off last week?

Mr WOODS: No, we confirmed the revocation and then we heard it was a problem. We confirmed his revocation last Friday. He will now stay in custody; he will not be reconsidered until next year.

Mr DAVID SHOEBRIDGE: I assume once an inmate does something like that, it is a kind of never-to-be-done-again mark on the file. It would take an almost Herculean effort to have it happen.

Mr WOODS: It has to be considered that he has a long time to go—he does not have all that long to go but he obviously has issues. With a man like him, for example, I would have suspended his parole the moment I heard of it and then we would, a few days later, confirm the revocation. That comes back for recision and we confirmed the revocation last Friday and he stays in, I think, two years—until April of next year at least.

The CHAIR: That is in line with the evidence you gave today, which is what you said you would do if someone did something like that.

Mr DAVID SHOEBRIDGE: The fact that we are hearing about it now confirms your need for a media officer, Justice Woods.

Mr WOODS: That was down in open court last Friday.

Mr DAVID SHOEBRIDGE: We would support that budget allocation.

The CHAIR: We would recommend that the Government speed up its processes of finding you a media officer. I thank the witnesses.

(The witnesses withdrew.)

The Committee proceeded to deliberate.