



**LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL  
TERRITORY**

**STANDING COMMITTEE ON JUSTICE AND COMMUNITY  
SAFETY**

**(Reference: Annual and financial reports 2008-09)**

**Members:**

**MRS V DUNNE (The Chair)  
MS M PORTER (The Deputy Chair)  
MS M HUNTER**

**TRANSCRIPT OF EVIDENCE**

**CANBERRA**

**WEDNESDAY, 28 OCTOBER 2009**

**Secretary to the committee:  
Mr D Abbott (Ph: 6205 0137)**

**By authority of the Legislative Assembly for the Australian Capital Territory**

Submissions, answers to questions on notice and other documents relevant to this inquiry that have been authorised for publication by the committee may be obtained from the Committee Office of the Legislative Assembly (Ph: 6205 0127).

## APPEARANCES

<b>Department of Justice and Community Safety .....</b>	<b>1</b>
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*Amended 21 January 2009*

**The committee met at 10.03 am.**

Appearances:

Hargreaves, Mr John, Minister for Disability and Housing, Minister for Ageing, Minister for Multicultural Affairs, Minister for Industrial Relations and Minister for Corrections

Department of Justice and Community Safety

Leigh, Ms Kathy, Chief Executive Officer

Carter, Mr Robert, Deputy Chief Executive Officer—Operations

Folpp, Mr Barry, Acting Executive Director, ACT Corrective Services

Tong, Mr Greg, Senior Manager, Business, Policy and Coordination, ACT Corrective Services

Dunn, Mr Brian, Senior Manager, Community Based Corrections, ACT Corrective Services

Crowhurst, Ms Moira, Chief Finance Officer, Strategic Finance

**THE CHAIR:** Good morning, minister and officials, and welcome to this public hearing of the Standing Committee on Justice and Community Safety examining the annual report for ACT Corrective Services for 2008-09. I welcome Mr Hargreaves as the minister, and his officials. I assume, officers and minister, that you are across the riot act that we usually read on the buff sheet, the privilege statement.

**Mr Hargreaves:** Yes, we are aware, Madam Chair.

**THE CHAIR:** Ms Leigh, this is your first annual reports hearing?

**Ms Leigh:** It is.

**THE CHAIR:** Welcome.

**Ms Leigh:** Thank you.

**THE CHAIR:** Minister, do you have an opening statement you would like to make before we go to questions from the committee?

**Mr Hargreaves:** Yes, I do, Madam Chair, and I will not be very long at it. I just want to make the point that the year covered by this annual report, 2008-09, is very much a transitional year and there will be activities and costs indicated in there which will never occur again. I particularly refer to the payments to New South Wales, for example. There is a completely different process.

We need also to realise that when we start comparing the numbers of one year against the other we are not talking about like issues. For example, the cost per prisoner per day is quite different. I think it would be probably useful for the committee to note that this is a transitional year. The year 2009-10 ought to be a very proper base from which the Assembly can consider the activities and the costs going forward.

I make those comments only in relation to the Periodic Detention Centre and the

Alexander Maconochie Centre, not in relation to the community service or the department. For example, there was a need to open the Quamby facility to take overload. This is also against the background that, for example, if you have a look at some of the stats in the annex, the number of periodic detentions has grown incredibly since, say, 2003-04 to now.

**THE CHAIR:** It is down to 22,000 from 24,000 in 2007-08.

**Mr Hargreaves:** I have forgotten the actual bits. It was 68 to 93, talking about the per day average occupation; it went from about 68-point-something in 2003-04 up to 90-something in 2007-08 so you can see that not only do we have a quite atypical year but we have actually had a very large growth in the periodic detention application.

When we opened the Alexander Maconochie Centre, or when it was due to open, we had thought that there may have been a flurry of activity from the judiciary because the facility was there. The judiciary had, and in my view quite rightly, avoided sending people to full-time incarceration because they had to send them to New South Wales and the system there was not all that appropriate in our view and also it was quite divorced from families et cetera. So there was an avoidance of that and we had wondered whether the rise in the periodic detention numbers might start to reduce and the incarceration rate at the AMC then correspondingly increase. We have not seen that, and I need to put on the record my appreciation to the judiciary for resisting the temptation to fill up a prison just because it is there.

I am delighted to report that in the last 12 months ACT Corrective Services have made some significant achievements, I believe. Most significant of these achievements was the commissioning of the Alexander Maconochie Centre. After a number of delays, which I might add is characteristic of new prisons nationwide, AMC began operation on 30 March 2009. We were delighted to repatriate our prisoners from New South Wales to the ACT, all of whom were brought home by the middle of June. I am also pleased to report that the commissioning of the AMC allowed the closure of the archaic Belconnen Remand Centre, an appalling facility, as well as the Symonston Temporary Remand Centre and the Symonston Correctional Centre, formerly Quamby Youth Detention Centre.

The programs currently running at the AMC include the alcohol and other drug first steps program; adult sex offender program; anger management program; cognitive self-change program; and the therapeutic community. We are constantly seeking to expand the range of programs being offered in order to rehabilitate our prisoners and our offenders and to support them in the community, with the ultimate result of developing and maintaining an offence-free lifestyle.

The therapeutic community, a crime prevention initiative, was established at the AMC in July 2009 to address drug dependency issues of prisoners. The therapeutic community is a structured environment where prisoners live together and are encouraged to support and learn from each other. The therapeutic community provides a range of additional programs for participants, including a personal effectiveness program, which is readiness intervention; criminal conduct and substance abuse treatment; parenting for dads; financial management; horticulture; relapse prevention, which is positive lifestyles; 12-step programs; SMART recovery;

and one on one counselling interventions. Another important crime prevention initiative established in 2009 is the managed accommodation program. This residential program provides intensive support for up to five offenders. It is designed specially for high-risk recidivist offenders and became operational in April 2009.

I am also pleased to report that a multifaith centre and Indigenous cultural place will be constructed at the AMC. This will allow prisoners access to spiritual expression and religious programs. The cultural place will provide Indigenous prisoners with a venue to meet together to experience a sense of community and to express themselves through music, art and dance which could be a contributing factor to their spiritual healing. The design phase is nearly complete and it is hoped that the project will be complete by mid-2010.

The improvement of observation in the Court Transport Unit vehicles has been an important and necessary achievement. Cameras and monitoring equipment have been installed in two of the CTU vehicles. This makes the observation of prisoners in transit more visible, ensuring their safety and security and affording custodial officers the opportunity to respond immediately should the need arise. The third vehicle is to be upgraded this week.

It also pleases me that ACT Corrective Services have commenced work on the reconfiguration of the Symonston Temporary Remand Centre, which is no longer required to accommodate remandees. The current periodic detention centre, which is located on the same site, has become inadequate for the number of offenders on weekend detention. This redeveloped facility will be used as additional housing for periodic detention offenders, improving conditions for both prisoners and custodial officers.

As you can see, it has been a productive and eventful year for corrections. I would like to commend all corrections staff for their hard work during this busy period, and I would like to single out three people from Corrective Services for special mention. Bob Carter has been very instrumental in guiding this through. James Ryan has been single minded, as we all know and as those people in the Assembly who have come across James over a decade would know, in this. And Barry Folpp has had so much hands-on commitment to making sure the AMC came on deck.

Finally, I would like to say that the AMC is the fulfilment of a dream for me. It was a bit like Rachel Hunter's hair: it will not happen overnight, but it will happen. Well, this did, and so we need to look at this annual report in the context of it being a transitional one. I look forward to sitting next year when next we look at this particular annual report.

**THE CHAIR:** Thank you, minister. To kick off the questioning, I turn to volume 2 of the JACS annual report at page 26, the operating statement for Corrective Services output class. This figure also appears on page 39 of volume 1. The actual outcome for the 2008-09 financial year is \$45,048,000, which is at variance with the budgeted outcome, which was \$43,719,000. Minister, can you give an exposition on what were the factors that resulted in that change from the budgeted to the actual outcome?

**Mr Hargreaves:** Yes, I can tell you. There are two things. Firstly, it is predominantly

accounting treatments, and I would like to ask Moira Crowhurst, the CFO, to join us at the table. She will show you the detail of that.

**Ms Crowhurst:** During 2008-09, JACS received a second appropriation that related to the Corrective Services output class. That appropriation was for \$2.174 million, due to the extension of payments for prisoners in New South Wales. The total amended budget for the Corrective Services output class was \$45,893,000, so the actual is below budget. There were a couple of significant movements during the year, one of which the minister mentioned. In employee expenses, you will see that there is an increase in costs there. The majority of that related to a change in accounting measurement for the leave liabilities. That was a change across the whole of the ACT government. That resulted in an increase in the long service leave and annual leave liability for the Corrective Services output class of about an additional \$1.3 million. So that explains the majority of that movement there.

**THE CHAIR:** That was an outcome of a change of accounting treatment across the ACT public service?

**Ms Crowhurst:** Yes, that is right. For JACS, as a total, it was an increase of about \$10 million. It was a whole-of-government ACT accounting measurement change.

**THE CHAIR:** That might be something that the PAC will take up. Going back to the figure, Ms Crowhurst, you said that the second appropriation included \$2.174 million for the extension of payments for prisoners in New South Wales. Minister, in your letter that the committee received today, following our letter to you in September, it says that the figure is \$2.33 million. How do those two figures reconcile themselves?

**Mr Hargreaves:** We will have to take that one on notice, Madam Chair, and I will get you a reconciliation between the two. I cannot tell you off the top of my head.

**THE CHAIR:** That would be appreciated.

**Mr Hargreaves:** I will give you a specific dollar reconciliation.

**Ms Crowhurst:** The figure I was using was the actual budget, the second approved budgeted additional allocation.

**THE CHAIR:** I suppose what I am looking for is how much has actually been paid to New South Wales over and above what was anticipated. I presume that figure is the figure, minister, that is in your letter, which is \$2.33 million?

**Mr Hargreaves:** That is my understanding.

**Ms Crowhurst:** We can check that.

**Mr Hargreaves:** Yes, we will get that back for you.

**THE CHAIR:** That would be handy. On the outcome financial statements, are there other questions, members?

**MS HUNTER:** I noted in the statements that you had put in a figure with respect to the chapel, the place of reflection and so forth, but I could not see that there had been any allocation made around a gymnasium. I am wondering what is happening with that.

**Mr Hargreaves:** There was \$513,000 put forward for the quiet place, as it was then known.

**THE CHAIR:** Sorry, the what place?

**Mr Hargreaves:** It was called the quiet place. If you went looking for it in the budget papers, that is what you would find. There are no provisions in the budget for 2008-09 for the gymnasium. When I became the minister responsible for corrective services, I had a reasonable amount of experience in visiting prisons and seeing what services and facilities were available. Coincidentally, with my other colleagues interstate—or most of them, anyway—there has been a departure from the standard body-building gymnasium that you would see in the movies, if you like. Indeed, I saw a good example of what happens when you have a gymnasium in the Fulham prison in Sale, where there is a particular ethnic group who apply the machinery within the gymnasium to bulk up. They use that bulk-up as a threatening perspective, and they are stand-over merchants. When they get out of the prison, they go back to their ways as stand-over merchants.

What I have said that we need in the way of a gymnasium is not something which is about body image; it is about health. I was very keen to see us have a gymnasium modelled, for example, on the cardiac gymnasium in the rehabilitation section of the hospital, which has limited weights machines. It has arm pumps, it has leg weights, it has treadmills, it has stepping gear, but it is actually operated as a health facility and not as a recreation facility.

I have asked Corrective Services to talk to the ACT Health people who are running the health centre there and, of course, people like the cardiac rehab people at the hospital, to come up with a proposal which actually can go to cabinet to have an amount of money allocated for such a facility. I confess to you that it is not about denying a recreational activity; it is about providing a health-related facility. The provision of internal recreation is there. As we go down the track, as more and more demand appears for things such as an indoor basketball stadium and that kind of thing, that is fine. But most corrections facilities around the country are not particularly enamoured of a gymnasium per se. In fact, some people are taking them out. So there is that issue.

I was concerned—and basically my concern came from personal experience—that if we are trying to normalise the prison system and treat people like members of the community, and the only difficulty is that they cannot leave their backyard, we need to be able to say to them, “You have to have access to the same sort of services as we do.” We have an ageing population in prisons across Australia—particularly for people that we have now brought home, because, for people who will be serving, say, 20 years, if they go in there when they are 40, they are in their 60s when they leave. They are in heart attack risk territory, particularly if they have got very poor health profiles because of substance abuse, alcohol abuse and this sort of stuff. They have

usually got very poor dental health as well.

We have got those provisions within the health centre in the AMC. What we do not have are those sorts of rehabilitative procedures. What happens, for example, if a prisoner has a mild heart attack? We do not have those cardiac facilities in there for prisoners to use. That prisoner would have to go, under escort, to the hospital and have it done, and that is an artificial process. That work is yet to be completed and go forward to cabinet.

**THE CHAIR:** On the subject of the chapel and the quiet place that Ms Hunter raised, minister, this was budgeted for \$513,000—

**Mr Hargreaves:** Yes.

**THE CHAIR:** for completion this December. It is now listed for completion by the end of this current financial year, June 2010. What works have commenced on that?

**Mr Hargreaves:** My understanding is that architectural designs have been completed and now are out for consultation. One of the major delays, I confess to you, is that the consultation with the people who will use it was overlooked at the beginning of the process and should have been done, and we realised that and have corrected that. For example, with particular reference to the Indigenous people, we need those people to be involved not only in the provision of it but also in its design. They need to change it a bit, so we are still in that design phase.

If you are ever in a position, Madam Chair, to travel, and you are interested in this particular aspect, I would invite you to go to the Boronia facility in Perth. It is right in the middle of Perth. It is a transitional release facility for female prisoners. But they have one there which is ideal and it does not cost very much. There may be change out of that \$513,000 if such a model was picked up. It is a round building and it does not have altars. If you want an altar, you bring in a table with an appropriate cloth. It has quiet facilities and a marking on the wall so that people can be aware of where Mecca is located in relation to the prison. It has some artworks and some running water, which give a peaceful serenity around the place. There was significant input by the people who were actually using it. So that is where we are at with it—still in the consultation phase with those people.

**THE CHAIR:** What is the anticipated construction time?

**Mr Hargreaves:** I could not tell you that but I can say that the simplicity of the building would mean it is easily achievable by 30 June.

**THE CHAIR:** If you do not know what the construction time is, how can you tell us whether it is going to be easy to—

**Mr Hargreaves:** I can tell you that the model we looked at was so simple—it is a very simple building. It does not, for example, have a need for plumbing in it; it does not have those technical pieces of buildings that actually can make it a complicated building exercise. They are very simple. Looking at the one at Boronia, I would say it would only take about four months, five tops, to build it. It is very simple. That is why

I would encourage you to go and see it.

**THE CHAIR:** What is the capacity of the building? How many people would you anticipate that it would hold at any one time?

**Mr Hargreaves:** Using the Boronia model, which is what was in my head, and what I have asked the officers to have a look at, you could have seated in it 50 or 60 people in a round configuration. If you just filled it with people using prayer mat type things, you could fit probably 70 or 80. The idea of it is that it is multifaith in the sense that it is more interfaith than multifaith; you can actually have whatever you want. It is also available during the day for people to just use as a contemplative spot. The experience is that something like 10 or 12 people are the maximum that actually do use it. It can take more than that but that is as many as it takes in one hit.

**THE CHAIR:** When you spoke about consultation, you said that the users had not been consulted.

**Mr Hargreaves:** Yes.

**THE CHAIR:** What do you mean by the users? Do you mean the inmates or do you mean the—

**Mr Hargreaves:** Yes. The people who are sentenced prisoners, particularly, but we are also taking the opportunity to find out what the remandees might feel as well, on the basis that we still have not got to the stage of the AMC's history yet where we can say that the recidivism rate is coming down. So we are still assuming a 50 per cent recidivism rate, while ever we have got people who come to us from New South Wales. The assumption, therefore, is that at least half of the remandees are going to be return visitors, so we are involving those people in it as well. Additionally, we have an Indigenous liaison officer at the AMC and she has input into it as well. Also, we have got the chaplain. We want his input into the facility as well. For that matter, we are using the chaplain as a conduit into the other religions, if they want to have a say in it.

**THE CHAIR:** Is there a chief chaplain?

**Mr Hargreaves:** There is a chaplain per se and other religions have visitor status to come in. They can speak to individuals if they want, they can conduct a service if they want. But they are more akin to the sorts of services that Bishop Power provided to the New South Wales people where his visits were not diarised, if you like. They were more person-specific or time-specific at a certain time of the year, rather than spending a certain amount of time every week at that facility, which is what the chaplain does. The chaplain's role is also about coordinating the services for the other religions and faiths in order to provide the service to the guys and girls out there.

**MS PORTER:** The concept is to have a multifaith centre and a cultural place; it is the one place. So Indigenous people will use it. You talked about art and those kinds of things. I am just trying to get an idea of how they are going to use it.

**Mr Hargreaves:** The vision that we have, that we are still playing with—it is almost

there—is that you will have a facility which can be used for an indoor expression of spirituality, serenity or whatever people need for their contemplation. It can be anybody: it can be for Jewish people, Muslim people, Indigenous people, Catholics, Anglicans, or in some cases both. It does not really matter much.

But we do know that our Indigenous people need a sense of space. That is one of the big parts about the AMC: because it has no big wall around the outside, that sense of freedom and space, if you like, within a containment perspective, is there. So when we talk about the Indigenous contemplation and the spirituality, more often than not they just need somewhere outside which is special to them. It is made sacred by such things as, for example, smoking ceremonies and that kind of thing. They would have totem out there that they have designed themselves. The facilities at Lotus Glen in Queensland—and I think Rockhampton is the same—have totem that were designed by the Indigenous prisoners themselves.

We know that, whilst our Indigenous people are over-represented in the prison, the actual numbers are not really high. For example, out of the eight women that we would have at any one time, four of them might be Indigenous. You say, “Fifty per cent is really high,” and it is, but it is only four people. But we still have to be sensitive to that. It is the same with the men. There are usually somewhere between 23, 26 and 28 out of 150. Nonetheless, of those people, not all of them are Ngunnawal people; they are from somewhere else, so they have different totem. So we need to engage with those people. For example, if we have got some Wiradjuri men in there, we need to make sure that their particular spirituality is catered for at the same time.

I also see this as being an evolutionary exercise, as, indeed, it was at Lotus Glen. They set the space aside and then, over a couple of years, these things emerged out of the ground. They were allowed to have a particular rock brought in from a certain place because it had a certain sacred aspect to it. We really do not need to give somebody a church when they are not going to use it. They are just not going to use it. So it is really important, as I have said to the officers, to provide the bricks and mortar for something which can be applied to anything. We then need to say to these people, “You make it the spiritual place that you need.”

**THE CHAIR:** While we are on the subject of capital works, on page 108 in volume 1, minister, under the quiet place, which is \$513,000, there is \$900,000 for the Alexander Maconochie Centre transitional costs. It was supposed to be completed by the end of the financial year that has just passed, 2008-09, but it is going to be completed in December this year. Can you give an exposition on that?

**Mr Hargreaves:** Sorry, I am trying to find it.

**THE CHAIR:** Page 108. It is the second item on that page.

**Mr Hargreaves:** Okay, I have got it.

**THE CHAIR:** What are the transitional costs and what have been the delays?

**Ms Crowhurst:** That project was in two parts. It involved the Belconnen Remand Centre decommissioning and also the capital works for reconfiguration of the

Symonston detention centre.

**THE CHAIR:** The minister raised that in his introductory remarks and he talked about a reconfiguration. What is the difference between a reconfiguration and the redevelopment of the Symonston centre?

**Mr Hargreaves:** The Symonston facility came online to take care of an overload. Essentially, it is not as extensive as a full-on redevelopment. With respect to some of the facilities at the Symonston overload facility—I will call it that for the moment—we used it mainly for female remandees when we were getting the AMC together. It just requires a change in the way it is. It is not a structural, big, full-on redevelopment project. But it is a bit semantic.

**THE CHAIR:** Could you, minister, provide for the committee a breakdown of that \$900,000? How much is devoted to the decommissioning of the BRC?

**Mr Hargreaves:** Yes, I will take it on notice.

**THE CHAIR:** How much is devoted to the recommissioning, and what is involved in the reconfiguration of the Symonston centre?

**Mr Hargreaves:** Absolutely. Have you got the detail here?

**Ms Crowhurst:** The total transitional cost of the project is \$1.453 million for expenses and \$900,000 for capital. The reconfiguration of Symonston was the \$900,000. It involved—and I will just confirm that this is all still correct. This was the budget brief.

**Mr Hargreaves:** The other part of the question, Madam Chair, if I heard it correctly, is what did the reconfiguration comprise.

**THE CHAIR:** Comprise, yes.

**Mr Hargreaves:** With your indulgence, we will take the matter on notice so that we can get you that level of detail which we do not have here now.

**THE CHAIR:** I am just picking up on something Ms Crowhurst said, that there is recurrent money in those transitional costs as well. Could we have a breakdown of that recurrent money as well?

**Mr Hargreaves:** Sure, yes.

**MS HUNTER:** I want to go to some costs here as well. It is still volume 1, page 109. Firstly, if we go to “work in progress”, the fourth one down is the AMC. It is about the balance of the money and how it is all going to come out at the end of the day. I understand from correspondence that the final figure has not been arrived at yet. There are ongoing negotiations. Do you have a time line for when that will be finalised?

**Mr Hargreaves:** With respect to the position we are in at the moment in terms of

damages et cetera, I am not in a position to answer any of those questions. It is really a matter for Procurement Solutions, so I would direct the committee, if you would be kind enough, to get the Treasurer to pick up those bits, because they are acting on behalf of the territory on that issue. To be quite honest with you, I have not been involved in it since we have received the keys. With respect to where we are at with respect to the final cost of it, you have got to wait until the defects liability period is completed.

**MS HUNTER:** In March next year?

**Mr Hargreaves:** That is in March, yes. It is like any building at all; it is like any residential or commercial building: there are always defects. You then get them fixed. Whether it is the contractor's responsibility or the customer's responsibility is usually up for argument.

**MS HUNTER:** But you are feeling confident that things are on track?

**Mr Hargreaves:** Yes.

**MS HUNTER:** On page 111 of volume 1, there is Codd Stenders, May & Russell and SKM. There are two figures there. I am wondering whether either of these parties were paid more than originally expected because of the AMC delay and, if that is the case, how much more?

**Mr Hargreaves:** With respect to these sorts of things, Ms Hunter, I would like to take it on notice and get you the specifics on that. I am not an accountant. I am pretty good with contracts but I am not an accountant. Because I have not actually looked at every page of the contract, I am a little bit light on knowing what the relationship is between Bovis Lend Lease and various contractors. I know with some people there is a relationship with the territory and with Bovis Lend Lease, and with some people it is just with Bovis Lend Lease.

**THE CHAIR:** No, Codd Stenders and May & Russell are the design consultants for the prison.

**MS HUNTER:** Yes, that is more of a direct relationship.

**Mr Hargreaves:** What I am saying to you is that I want to be absolutely certain that that stuff is there, and I will be delighted to get that information for you.

**MS HUNTER:** Thank you.

**MR HANSON:** Minister, if I can refer to your opening statement, you talked about—they are probably not quite your words—an explosion in periodic detention and a reduction in sentencing.

**Mr Hargreaves:** They were not my words but I welcome your interpretation, Mr Hanson.

**MR HANSON:** It is the sort of language you would use, isn't it?

**Mr Hargreaves:** No. It is the sort of thing I hear occasionally coming babbling across the chamber.

**THE CHAIR:** Mr Hanson, do you want to ask your question?

**MR HANSON:** I am getting to it, Madam Chair. The minister is interjecting. The point I would look at on page 40, when I look at periodic detention orders and the daily number of periodic detention orders, is that does not seem to be the case, other than the dip in—

**Mr Hargreaves:** Which page is this?

**MR HANSON:** Page 40 of volume 1.

**Mr Hargreaves:** In fact, the figures I was referring to, while you are at it, Mr Hanson, are on page 39.

**MR HANSON:** Yes, but I am talking about periodic detention orders. You are looking at detention.

**Mr Hargreaves:** I am just indicating a more detailed thing on the opening statement. So what is your question?

**MR HANSON:** My point is that, firstly, the figures that are presented on page 40 for periodic detention do not really back up what you said and, secondly, if you turn to page 39, you said that the courts were not using the AMC in any greater measure. But when I look at the number of detainees, it has gone up by nearly 20 per cent. That would certainly indicate to me that, now that we do not have people at the BRC, the courts are far more willing to put people into the AMC. It is detainees, but obviously detainees do lead to sentenced prisoners, often, as they go through the courts. Can you explain the anomaly between the evidence presented in the annual report and your opening statement?

**Mr Hargreaves:** Yes, I can. Firstly, I referred in my opening statement to the daily average detainee population, and that is what I was talking about when I said there has been an increase. You might recall me saying 63-something and then 90-something, and you will see that growth from 2003-04 to 2008-09, from 63 to 98. That is a significant increase in anybody's language. What I was talking about was the application of the judiciary to sentencing people to the AMC as opposed to the detainees—remembering too that these are transitional figures.

I had thought that there was a reluctance on the part of the judiciary to put people in the Belconnen Remand Centre, quite reasonably, because it was a draconian piece of work. We may see a lesser reluctance on the part of the judiciary to put people in for remand. But what we were expecting to see was an increase in the sentenced prisoner population because of the availability of rehabilitation programs locally, but I have not seen that. That is the point I was making to you. I was not referring to an increase in detainee numbers by the judiciary; I was referring to sentenced figures.

**MR HANSON:** Where are the numbers of sentenced prisoners presented in the annual reports so that you can see that trend over the years? I have been unable to find that. We present it for periodic detention and detainees.

**Mr Hargreaves:** No, you cannot see it, Mr Hanson, because we did not have our own prison here. You can see the numbers—

**MR HANSON:** But the ACT courts sentenced prisoners, and where they got sent, be it the AMC or New South Wales, would be information that would be very easy to capture.

**Mr Hargreaves:** Indeed, and we can get the information for you. Let us make the offer to you for the last five years. We will see if we can get the numbers right.

**THE CHAIR:** That would be good, thank you, minister.

**Mr Hargreaves:** Just for your further information, given your interest in this sort of stuff, we have in the past been obliged to rely on the report on government services of the Productivity Commission, which tabulates all of the prison populations around the country and makes judgements on average bed days and this sort of information. We have had to rely on that. Part of our difficulty in making policy decisions on this has been the fact that not all of our prisoners have gone to the one facility in New South Wales. People have gone to Goulburn, they have gone to Junee, Singleton, Bowral, and all over the place—Berrima, Cooma.

**MR HANSON:** You are telling me that the number has not gone up.

**Mr Hargreaves:** No, I am not. I am saying to you—

**MR HANSON:** Surely, you have captured that information. You cannot say to me that you have got evidence that it has not gone up and then say to me that you cannot collect the information.

**Mr Hargreaves:** No, that is not what I was trying to say at all. I think basically you have misunderstood what I was trying to say. I will see if I can put it another way for you. What I was expecting to see was that our prison population, when it came back from New South Wales, was about 150 or thereabouts—between 150 and 160. The prison capacity was about 300—

**MS HUNTER:** Could I jump in and clarify something? With these detainee numbers, I am assuming it is remandees and sentenced prisoners, or is it just remandees?

**THE CHAIR:** Remandees.

**MR HANSON:** Detainees on remand.

**MS HUNTER:** Just remandees.

**Mr Hargreaves:** The numbers that we are talking about were people in New South Wales who were sentenced prisoners—predominantly, but not all.

**THE CHAIR:** These figures in table 17, daily average detainee population, they are prisoners on remand?

**MR HANSON:** They are people who are at the BRC.

**Mr Carter:** I believe this table relates to people that we had in our detention in the ACT. The significant increase in the last year relates to the fact that New South Wales were not able to take some of those people who would ordinarily have gone to New South Wales because their facilities were full, so we ended up retaining a number of people beyond what we would have expected.

**THE CHAIR:** Although this table is under “Remand facilities”, it relates to people who were held in the remand facility irrespective of whether they were sentenced or not.

**Mr Carter:** It happened that some people were because there was simply no place to take them in New South Wales.

**THE CHAIR:** Okay.

**Mr Hargreaves:** It is probably reasonable to describe—

**MS HUNTER:** Which, of course, led to Symonston reopening and so forth.

**Mr Carter:** That was a pressure, as you recall, last summer. There was an issue of the heat and we needed a bigger place.

**Mr Hargreaves:** We need to describe it, because I am not sure the committee is fully aware of the types of remandees that we have. Some people are remanded to appear before the courts and there is a presumption of innocence until that has been sorted. The other types of remandee are people who have been remanded for sentence. They have been found guilty at court and are now being held temporarily while a sentence is determined. So you have those two types. One group can be asked to start a program and the other group cannot, so it is a little bit difficult sometimes.

**MR HANSON:** But as a final point to your opening statement then.

**Mr Hargreaves:** What I was getting at was the capacity, going back to the beginning when we had all these people coming back from New South Wales. We had about 150 or so people coming back. All up, that is how many we had. I have not got the actual number that came back from New South Wales, but the total population we had on our books was about 150 by the time we opened the AMC to receive prisoners. The capacity is 300 and at the moment we have resources to cater for 200. I fully expected to see a rise in the sentenced population up towards our capacity of 200, but it did not happen. We are still sitting on 160, or somewhere of that order. We are not seeing a movement on the part of the judiciary to sentence people. That is what I was trying to get through to you.

**MR HANSON:** Given that there is significant rationale for the AMC, the

rehabilitation programs and the fact that they would include therapeutic communities and so on, why are the judiciary not taking up the opportunity to use the AMC? If it is going to do what you are selling it as, why are not they doing it?

**Mr Hargreaves:** I cannot answer the question, Mr Hanson, other than to speculate, and that would not be very helpful at all. It is my hope and a vision of mine that the AMC would be regarded as a centre of opportunity by the judiciary rather than a centre of punishment, but I think that is a paradigm shift that we have yet to achieve. It is something that I had intended and I still intend to prosecute at some point. It is at the other end of the continuum.

The continuum of restorative justice goes from the back of the police car into the courts and all of that. How people are received in those particular parts of the paradigm will determine how they will come out the other end. If we have rehabilitative programs and restorative programs at the other end back into the community but they are not assisted at the very beginning, we have got a paradigm problem. I regard that as the next phase of the campaign to save people's lives. I will be grateful for any help you can give me on this problem. We can talk about that.

**MS PORTER:** When we talk about periodic detention, people start those programs that you were talking about before when in periodic detention, but they also have community-based correction programs which are at the other end. Is that right? As you said, they begin as soon as the person is apprehended. Once they are sentenced, are they sentenced to periodic detention or are they sentenced to go to AMC and that is when the programs will continue on?

**Mr Hargreaves:** This is the challenge for us now. Having received our own prison, we now have to look at where these facilities and services fit in the paradigm. The worst-case scenario is that you have got full-time incarceration. In the middle you have got periodic detention. Then you have got community service orders sitting up as the easy bit. It is up to the judiciary to determine which is going to be the best outcome in terms of stopping people's offending behaviour and addressing people's other issues, such as drug dependency.

Because we have got them all in the one place now, we can look at transitioning an offender from the court, if the court is agreeable, and this is where you need to possibly have a conversation with the Sentence Administration Board. The possibility is that we can transition them from full-time detention into the transitional centre, which means that they are still sleeping overnight but they are going to work. We can, depending on the order, allow them to do periodic detention, or they can go out on parole—so it is either/or. We can then put a community service order into their parole conditions, or not, as the case may be.

In the past, what tended to happen was that it was an either/or perspective when we said that a person was going to get a community service order, a good behaviour bond with provision, or periodic detention. We can now do any number of combinations according to the likelihood of success for an individual.

**MS PORTER:** You talked about a range of programs when you made your introductory remarks. You said there are more programs being explored or yet to be

introduced. What programs would they be, minister?

**Mr Folpp:** We have a number of programs that we are delivering at the AMC and are still to develop further. We have about half a dozen programs running at the AMC since we first opened. I think that we have covered most of the programs that we need to introduce. However, it is always about critiquing what we are currently doing and what we foresee needs to be done in future for offenders in looking at changing their behaviours. It is an ongoing process in regard to programs.

**Mr Hargreaves:** Can I also add, through you, Madam Chair, to Ms Porter, that we are dealing with the reconstruction of human life. What happens is that the programs we deliver have to be tested. We have to make sure that they are efficacious and will go down the track and be responsive. They have to be responsive to the types of issues that we are dealing with today. The types of issues facing offenders that we are dealing with today are quite different than they were, say, 10 or 20 years ago. We need to be able to move with that.

The accent, for example, on training people on the activities of daily living who have had absolutely no experience in it is something which is fairly new. We picked this up when I visited the South Australian transitional centre for women. There was a woman in there who had been sentenced to 16 years. She had done 10. She had chopped up her husband and chucked him in the Darling River. I thought the sentence was a bit stiff myself. She—

**MS HUNTER:** Her husband probably did not, though.

**Mr Hargreaves:** It was not her husband. That was probably why she got away with it. The remark that she made to me was that she did not know the general little things of life. For example, she did not know where toothpaste came from. She never had to worry about that. When they took her to the dentist, because she is in transitional release, she just walked straight out into the traffic. She had lost the notion of look left, look right and look left again. She had completely lost all of that. There were all these new technologies, like smartcards for buses and ATMs, which they had seen on the TV but did not know about. The move from big multi-storeyed cell blocks into cottages and getting people to go buy their stuff has been a change. We are going to be changing with that sort of thing along the way.

**MS HUNTER:** I just wanted to pick up on some of the programs. You have mentioned that the adult sex offender intervention program is going to be introduced this year, Mr Folpp. I wonder if you can tell us how that is going and where that is up to.

**Mr Folpp:** It is an extension of the existing one. We have always had a sex offenders program within the community with Community Offender Services. To get down to the detail in regard to the sex offenders program, I would probably invite the senior manager of community corrections to detail that for us.

**MS HUNTER:** It was more about getting a sense of that program, but I also wanted to focus on through care and after care and the sorts of programs that are going on there. I am not sure who would be the best person to answer.

**Mr Hargreaves:** I think we should get Mr Dunn to come and join us. While he is hotfooting it up here to swap places with Moira in relation to the through care and after care, there is—

**MS HUNTER:** I have a couple of specific questions, if I may?

**Mr Hargreaves:** While he is collecting his thoughts, the after-care bit is something which, in my view, is yet to be fully developed. I need to get that background on the record, Ms Hunter. When we talk about restoring a person to the community, we need to understand that we have to restore the community and restore the family of the offenders as well. So that process is one which we have yet to fully describe and fully introduce. I will seek your indulgence and ask you to come back in a couple of years and see how that is getting on. That requires the involvement of the non-government sector for any kind of success story. It needs to not be part of the Corrective Services thing. We need to not only design what they do but to get people to do it.

The out-care people in Perth are best placed to deliver those sorts of services. I have been doing a little bit of work on this, and talking to them about how we could introduce something like that in the ACT. It requires the construction of a building as well, so that has to go through the budget process. For example, Prisoners Aid approached me about a year ago to seek my support for a budget bid of \$300,000 to go in to provide that kind of service. I said I absolutely supported the notion that they were talking about but wanted to take it a little bit further and to provide the sort of service that is provided in the Western Australian model. I do not think it would have cost us any more from a recurrent perspective but we did need to have a capital allocation for that, which I had to go to cabinet to get, and I have not got a proposal firmed up yet.

Also, I was not particularly keen to have just one part of the ACT prisoner support community do it. I wanted to explore how a group of non-government organisations could come together and partner in that sort of thing. I suppose if you wanted a time tunnel on that, I was probably about nine months through a three-year program, to pull that off.

**MS HUNTER:** So the plan is that government will work with NGOs to look at that sort of through care and after care?

**Mr Hargreaves:** Yes, particularly the after care.

**MS HUNTER:** One of the things you mention in your annual report is six-weekly forums on through care to be held with the community sector. I note in here that there was a forum. I think it was on 14 May.

**Mr Hargreaves:** That is right, yes.

**MS HUNTER:** Has there been more than just the one forum? How are those forums going? Are they achieving some good results?

**Mr Hargreaves:** Can I also indicate to you—I may be anticipating a question that

you have and it is related to this—the involvement of the community reference group that we had.

**MS HUNTER:** I will get to that in a moment but I first wanted to—

**Mr Hargreaves:** But that relates back to this, so if I can answer that question and then relate it to this, you will see how it goes forward. The community reference group had 26 people or thereabouts on it and it was too large to go forward. It was just the right size to assist in the process of developing and delivering the centre. Going forward, however, it was a bit unwieldy. We had people on it who were representative of a given organisation. I think we had a peak body on there as well. Really, what needed to happen was a completely new structure of community involvement.

I have put a proposal to the Chief Minister which will be further worked on and further developed and which will go to cabinet. It has got to be developed and then it has to be discussed with those very same people who formed the original community reference group. We need to remember that there are two parts of community involvement in any corrections system. The first one is the overarching philosophical approach and the paradigms within which we work and the connections with the community at a high level. That is the advice, for example, to a minister, and we form a policy approach. We cannot develop a corrections system without having the involvement of the community in policy development at the contemplative stage. So I was working on a model to effect that of, say—and this is only a guess at the moment—about 10 people who were representative across the sector.

We then need to have the community involved in the delivery of the programs themselves. Is the anger management program working? Is it directed to this or that? Is it pulling in supports which are already sitting in the community that we can use? What happens when a prisoner leaves the prison, having received all of that, and goes back into a community setting? What is the follow-up? What are the supports that exist out there? Is there any connection between the two? In other words, it is the detail. They are the people who would be running the through-care system that we are talking about, against the background that it has only been operating for six months.

**MS HUNTER:** Just to get down to my questions that come out of that, minister, what amount of time is it going to take to set up this new structure? Who is going to fill in that space until the new structure is in place? With respect to the six-weekly forums, again, I would come back to that question: have they been happening and what has been going on there? With respect to the sex offenders program, how is that coming along?

**Mr Hargreaves:** I will answer the first two questions first. With respect to the length of time for it to be changed, the consultation process has got to be robust and then an actual proposal has to go to cabinet. If there is, for example, the creation of a ministerial council, it requires cabinet approval, resourcing et cetera.

**MS HUNTER:** Do you have some idea of time?

**Mr Hargreaves:** I was just getting to the stage of the community consultation, working out how that was going to happen, how you would do it and making sure that

there are an extensive range of people. I had not got to that stage yet. I would say that process would be a minimum of 12 months.

**MS HUNTER:** And what do you intend to have in place—

**Mr Hargreaves:** In the middle—the community reference group before was too unwieldy for that sort of thing. What needs to happen in the middle are the sorts of through-care stuff you are going to talk to Mr Dunn about now, and I am relying on the Corrective Services people to engage with those parts of the community that we need to make sure that we continue the engagement with the community sector to achieve the outcomes for the existing prisoners along the way. But they have to do it.

**MS HUNTER:** I am looking forward to talking to Mr Dunn in a moment. Part of what had been mentioned with the AMC was that a one-year review was talked about. I have not seen that talked about in this annual report. I am just wondering whether you are committed to conducting the review, some idea of a time frame and who would be part of that. That connects, for me, back to this community reference group because I would have assumed they would have some role in that review. If it is not going to be around for 12 months, in that time we would have had the first year of the AMC in operation. So I am just trying to pull these things together to get an understanding of how it is going to work.

**Mr Hargreaves:** That is a good question, and I thank you very much for that. It had been my intention to have this thing bedded down by now. It took a while to put in writing what the concept was about and compare it with such things as the community involvement at, say, Boronia transitional centre in Western Australia. It took a while for this to happen. Also, I have only been the minister since November 2008, so it has been a bit of a hectic time.

The review of the operations would be on a number of levels, Ms Hunter. One of them is how the centre is functioning physically. That does not require any community involvement. That is about whether the systems work. The technical parts of that can be done.

**MS HUNTER:** Certainly, but there is a whole program.

**Mr Hargreaves:** Yes, I agree.

**MS HUNTER:** It is based on human rights principles. It is based on rehabilitation. So all of those programs are quite essential.

**Mr Hargreaves:** Yes, and we have got to work out in the first year a report card system so that every 12 months or so a committee such as this can say, “How are you getting on as against last year?”

**THE CHAIR:** So there will be a review?

**Mr Hargreaves:** There has to be.

**THE CHAIR:** And presumably centred around March next year?

**Mr Hargreaves:** I cannot answer in what form it will take because I do not know.

**THE CHAIR:** But it will be commencing in March next year or—

**Mr Hargreaves:** The place finishes up its operations on 30 March next year, so it would be reasonable to assume that, fairly quickly after that, some sort of review will happen. But I cannot tell you what form that will take. But I will be very interested, when I get there, to find out what that is.

**MS HUNTER:** I am still unclear about what will fill in the gap and how that is going to happen, but I do want to hear from Mr Dunn about the six-weekly forums and how that has been going, and also about the sex offenders program.

**Mr Dunn:** The through-care process at the AMC is probably almost as long as the physical construction of the AMC. We did have a very strong idea based on other jurisdictions about how we can involve community resources with the specific resources of corrections. We had consultations, as you alluded to, with people who provide services to offenders and their families. We call this group the through-care community, and they can comprise Prisoners Aid, Winnunga, the ACT Women and Prisons Group and ACT Health—people who have a role with rehabilitation of offenders. We met with them on a number of occasions prior to the taking of prisoners. The minister referred to three layers of organisations, the council plus an intermediate group, if I am not putting words in your mouth—

**Mr Hargreaves:** Yes.

**Mr Dunn:** relating to just day-to-day or month-to-month activities. The through-care providers are a group of people who are actually involved with working for prisoners at the moment. We are doing our best to have six-weekly meetings. We had our first meeting in August at the AMC. They are meetings to brief through-care providers on what is happening in the AMC and to get their impression and their experiences of their operations. The first meeting in August, for example, was attended by around 30 people. There was a presentation from Centrelink; new Centrelink rules had come in from 1 July and those rules tend to accept our clients, so we were covering issues such as that. We also covered an issue of one group that was having difficulty in engaging prisoners to participate in a program. They are the sorts of things, depending on what the group wishes to do, that would make sense for us to discuss.

Our next meeting is planned for November, which is a little bit beyond the six weeks, reflecting the implementation of our programs. One of the functions of the next meeting will be to plan for an expo, based on a successful program in New South Wales, where the through-care providers will come into the AMC and will basically make their wares available to prisoners. This is in the background too of a very important part of the AMC, which is that every prisoner has a rehabilitation plan.

The rehabilitation plan will take into account assessed needs that they may have in relation to offending behaviour. It incorporates their plans for their future. We have a capacity to get information from caseworkers, from ACT Health, from ACT Mental Health and our employment services in order to produce a centralised rehab plan for

an offender. If they have got a rehab plan, once the offender gets to a stage, for example, when the plan starts looking at release from the AMC, things like the expo will then be a useful place—or at any stage in the sentence really—a useful resource for someone to go to to start thinking about life after the AMC.

To summarise, the group will meet regularly and the reason why people come in to the AMC to work with offenders will link to a prisoner's rehabilitation plan, which is a two-way plan involving the prisoner and community groups and case workers within Corrective Services.

**MS HUNTER:** The expo has been very successful in Quamby and now Bimberi through Youth Week with youth workers going in every year as well.

**THE CHAIR:** Ms Porter had a follow-up question and got cut off a while ago. If we could go back to that quickly and then—

**MS PORTER:** I just want to finish that questioning about the programs. Under periodic detention on page 40 there are three programs and then page 43 lists another lot of programs under offender intervention. You have mentioned these somewhat in your discussions so far and then you have said that there are also other programs. One presumes these are the ones that we have just been talking about, the ones that are going to be working with families et cetera and with the through-care programs.

**Mr Hargreaves:** Yes, the—

**MS PORTER:** Just before you say anything, what I would like, minister, for the committee is a list of all the programs currently being conducted and all the ones being planned, anticipated, so that we can see the progression of those programs as they are being planned and presented and then we can come back next year and have a look at how they are going. It is fine if you want to take that on notice.

**Mr Hargreaves:** Yes.

**MS PORTER:** To add to that, could we have some idea of how many people are participating. I think that would be useful because that is the other challenge, I guess.

**Mr Hargreaves:** All right. We can give you that information in relation to the existing programs. But with regard to the anticipated programs I would prefer to give you the directions that we are heading in rather than an actual program that we are introducing. For example—

**THE CHAIR:** That seems fair enough because we know that it is an iterative process. It is something we want to come back to.

**Mr Hargreaves:** That is right—exactly. If you are happy with that, we will give you details on the existing ones and the directions that we are heading.

**MR HANSON:** Minister, in 2001 when the Labor Party was in opposition, the position was, according to the then Treasury spokesman, Mr Quinlan, in the *Canberra Times*:

“Labor will not be simply giving the Government the green light without ensuring that the prison will not become an inordinate impost on ACT taxpayers,” Mr Quinlan said.

This was in the context of the then Liberal government proposing to build the AMC—

“If we spend \$110 million we have to be sure that it will make economic sense and is a better option financially than continuing to send our prisoners interstate.”

In that context, I wonder if you could tell me what the average cost is per sentenced prisoner per day at the AMC compared to what we were paying in New South Wales and whether that represents a better option financially or whether the government has stepped away from that position?

**Mr Hargreaves:** Firstly, yes, we will get you the cost per prisoner per day—I am happy to do that—and you can compare it with New South Wales. You will have to make your own judgements about the other stuff. What I can tell you—and I am not being—

**THE CHAIR:** Sorry, minister, can I just go back a step there. I think it would be useful for the committee if you could provide a cost per day that we were spending, say, last financial year on prisoners interstate as well, rather than sending committee members off to perhaps the Productivity Commission.

**Mr Hargreaves:** No. I am sorry but you have misunderstood me, Madam Chair. The information that we will get for you is the information that we have. We have gleaned it from whatever, so you will get the comparison. I am not saying to the committee that you have to go off and find your own stuff. Mr Hanson’s question to me was whether this was good value for money. That is something that the committee will need to decide for itself. I do not wish to do that.

**MR HANSON:** No. The question I asked was—

**Mr Hargreaves:** I wish to answer the question.

**MR HANSON:** The question I asked was: is this a better option financially? And I used Ted Quinlan’s words. Value for money is a different thing because that puts a qualitative judgement on the recidivism rates and so on, and I am not going to get into that argument; it is a separate one. We are talking about the dollars. I am not talking about the merits of the AMC on other measures.

**Mr Hargreaves:** No, I do not accept that—

**MR HANSON:** Why I am asking you is: is this going to cost us less with the AMC than it did when we sent our prisoners to New South Wales? It is a valid question because—

**Mr Hargreaves:** I have got the mathematics of what you want. We have got that sorted out. The record needs to show that you are quoting something that Mr Quinlan said nearly a decade ago. Secondly, you are not quoting things that I have said in the

chamber, nor in committee reports when I was looking into the possibility of the prison in the first place. So I will put on the record again that, when we talk about the amount of money being spent in New South Wales or spent here, it is a rather simplistic exercise. It does not compare like with like; that is the first point. We have now closed the Belconnen Remand Centre. So we have got all of our people in one spot; we did not before. The cost to the community has to be taken into account as well.

We also need to take into account, when you are talking about whether to have a prison in the place or not, the likelihood of recidivism. I would argue that the likelihood of recidivism would reduce if the people are here and as part of their family unit. We have yet to go down the track of checking that and proving that point but I believe vehemently that that will be the case.

The money that we were sending to New South Wales will be spent here in the ACT. So, if it was \$16 million going to New South Wales, that \$16 million which was going into the economy of New South Wales will be going into the economy of the ACT.

**THE CHAIR:** Minister, can I just—

**Mr Hargreaves:** I am responding to the question, Madam Chair.

**THE CHAIR:** No. I am going to interpose here because Mr Hanson—

**Mr Hargreaves:** Then let the record show that I cannot answer the question.

**THE CHAIR:** Mr Hanson asked a question about the dollars and—

**Mr Hargreaves:** Yes, and that is what I am talking about.

**THE CHAIR:** No, you are not. You are giving an exposition on value for money.

**MR HANSON:** If the answer is that you do not know, minister, I will accept that.

**Mr Hargreaves:** No.

**MR HANSON:** You either tell me that this is going to be a better option financially or it is not, or if you do not know that is fine.

**Mr Hargreaves:** No, that is not right. We are better off economically for having the prison here.

**MR HANSON:** Okay, financially, if that is the case—

**Mr Hargreaves:** Financially, yes.

**MR HANSON:** And that is the question I asked.

**Mr Hargreaves:** I will await your own evaluation of that when you tell me that the economic impact on this city of having this here—

**THE CHAIR:** Minister, I am going to stop you.

**Mr Hargreaves:** having people paying their tax here in the ACT—

**THE CHAIR:** Minister, stop now. This is a questioning process and I think we have decided you have answered the question. Could I go back to the question of cost—

**Mr Hargreaves:** Madam Chair, you have no right to decide that.

**THE CHAIR:** Minister, can I go back to a question of cost. Page 40 of volume 1 of the annual report refers to the average cost per detainee per day for remand in the 2007-08 financial year. Can I just query whether that should be 2008-09 financial year? It refers to a figure in the 2007-08 financial year. Can I just ask someone to clarify whether that should be 2008-09, seeing as this is the 2008-09 annual report? It is \$536, which is a 25 per cent increase. I presume that for the previous financial year, therefore, the cost per remandee was in the vicinity of \$400 per day. Since remandees have gone to AMC in those two or three months that remained in this financial year, on notice can you provide the committee with a cost per day for remandees since they moved to the AMC?

**Mr Hargreaves:** Firstly, it is the wrong financial year indicated in the report, Madam Chair. Thank you for picking that up; that should read 2008-09.

**THE CHAIR:** Okay. But also could you tell us, on notice, what the 2007-08 cost per day was and what the cost per day has been since the remandees moved, so from March-April onwards?

**Mr Hargreaves:** Yes. Part of the difficulty—and I want the committee to understand this, please—is that in previous years we have had remandees at Belconnen and we have had remandees, particularly in this financial year that we are talking about here, at Symonston. We also had remandees in New South Wales. So a calculation of the cost per remandee is not a straightforward case of pick it up out of this report and say, “Yea”. Okay?

**THE CHAIR:** I am sure that on notice you can—

**Mr Hargreaves:** We will do the best we can to get you a relative one so that the information is comparing apples with apples. That is what I wanted to—

**THE CHAIR:** Yes. I appreciate it will be slightly difficult to make sure all the apples are the same.

**Mr Hargreaves:** It is very difficult to do that.

**MS PORTER:** Coming back to Mr Hanson’s question, I am interested in what you were trying to say before, minister. I understood you to be saying—and I am just putting this in my own simplistic terms—that, if I go to the market and buy an orange, I could buy an orange that is from California, for instance, or I could buy one that is from down at the—

**THE CHAIR:** Gosford.

**MS PORTER:** Gosford or the Riverina. I take home the one that I bought that is from California and it goes bad. It is cheaper than the other one but it actually goes bad very quickly and I have not had time to eat it, so I have to throw it away. It is an orange that is no good to me, although it has cost less.

**Mr Hargreaves:** I am still with you. They are not, but I am.

**MS PORTER:** However, if I buy one from the Riverina, it has cost me more but in fact I get the value from it because it does not go off and I am able to eat it. What I am hearing you say is that the product we were purchasing before, where we were sending the money out of the ACT into New South Wales, was a product that, in the end, was not giving us the outcome that we wanted. Therefore, with the money that we are spending now, I do not know whether it is more expensive or not because we need to have a look at that.

**Mr Hargreaves:** That is right.

**MS PORTER:** If it is perhaps slightly more expensive, in the end it is giving us more value for money because the prisoner will be returned to the community in a more restored state.

**Mr Hargreaves:** That is right.

**MS PORTER:** Therefore it will cost us less in the long run because that person is not necessarily going to reoffend and go back and complete the circle again. Is that what you were trying to say?

**Mr Hargreaves:** Pretty much. The issue relating to this specifically is this: it is a very simplistic exercise.

**MR HANSON:** There is a gag in there about rotten apples!

**Mr Hargreaves:** You would know about rotten apples, mate, but I would not. The thing about the cost is that it is very simplistic to say—and I do not know the numbers—that this number is greater than that number; therefore you should be spending the lower number. That is very simplistic.

There is a simple fact, and we know this simple fact: people were coming back out of the New South Wales system brutalised and determined to engage in criminal behaviour until they dropped. We know that for a fact. The ACT had no influence on the programs that these people were being put through, if any. Whereas we now need to know that the money we are spending in the ACT is going to something that we can influence. We can restore these people, and not just encourage them to be bigger crooks. That is where your value is.

**MR HANSON:** That is not actually the question that I asked, though, was it? Mine was about the financial, not about the recidivism.

**THE CHAIR:** This is a discussion on policy rather than a question and answer session, so I would like to move on.

**MS PORTER:** I just wanted the answer—

**MR HANSON:** And if you do have the evidence for that, could you present the Treasury costings. That would be much appreciated.

**THE CHAIR:** I want to move on by going back to something that you said about an hour ago, minister, in relation to Ms Hunter's question about the departmental contracts for Codd Stenders and May & Russell and for Sinclair Knight Merz. You said that you were not responsible for the liquidated damages.

**Mr Hargreaves:** That is right.

**THE CHAIR:** This goes to the heart of many of the Assembly's concerns about the prison: who is responsible for the contract?

**Mr Hargreaves:** Procurement Solutions, and you need to take it up with the Treasurer.

**THE CHAIR:** In the hearings with this committee in another guise, we were told that the person ultimately responsible for the contract for the AMC was the head of the Department of Justice and Community Safety. If that was the case then, has that changed? Why are Procurement Solutions responsible for the liquidated damages, and are they responsible for the negotiation or are they ultimately responsible for the liquidated damages?

**Mr Hargreaves:** The Chief Executive of Justice and Community Safety is the client and the client's role concludes when the contract is, for all intents and purposes, concluded. And it is concluded. It was concluded on 30 March this year. That is when Corrective Services, if you like, bowed out. The administration of the contract per se, along the way, on behalf of the client, was done by Procurement Solutions. Therefore, the progression of any activity beyond the contract date around the recovery of damages is a matter for Procurement Solutions and their legal advice. They are the people who are engaged in the process. Corrective Services and JACS are not engaged in that process.

**THE CHAIR:** Can I seek some clarification. In your letter that was received by the committee today, dated 26 October, in relation to the question about whether final contract payments have now been priced and agreed, you say that Sinclair Knight Merz and Procurement Solutions are working through the contractual matters with Bovis Lend Lease. So what is actually the case? You said before that this was being dealt with by Procurement Solutions. You say here that it is being dealt with by SKM and Procurement Solutions. What is the story?

**Mr Hargreaves:** The thing is, Madam Chair, I was indicating to you there that there was no role for Corrective Services in this. Now, whoever—

**MS HUNTER:** But Corrective Services have contracted SKM, haven't they?

**Mr Hargreaves:** Their contracts concluded on 30 March.

**THE CHAIR:** With SKM?

**Mr Hargreaves:** That is my understanding. As I said to you before, I will go back and get some information to make sure that I am correct in what I am telling you. My understanding is that the client's role, in terms of recovery of damages et cetera, concludes. The territory is represented in this issue by Procurement Solutions. They are the people who are prosecuting the issue with Bovis Lend Lease. I do not have any information to give you. Procurement Solutions do have information to give you. That is the bottom line. What I was all about was getting delivery of the keys to get that prison open, and we did.

**THE CHAIR:** At any cost?

**Mr Hargreaves:** No. But I have to tell you I was not prepared to accept it while ever the staff or the guests' safety was compromised.

**MR HANSON:** Is the SOTAR machine in that context as well?

**Mr Hargreaves:** The delay in the SOTAR—it is actually SOTER, not SOTAR. That is as bad as having Condor rather than Conder.

**MR HANSON:** That is how you pronounced it, actually, in the Assembly, mate, so I am just following your lead.

**Mr Hargreaves:** I suggest that you have an ear wax then because I did not say it like that at all.

**THE CHAIR:** Mr Hanson, Mr Hargreaves, can you just ask and answer the questions and put your personal animosities aside.

**Mr Hargreaves:** Well, I have to tell you that there was not a question; it was an observation about the SOTER question.

**THE CHAIR:** Well, I heard a question.

**Mr Hargreaves:** Well, you are better than me then.

**THE CHAIR:** Minister!

**Mr Hargreaves:** But I am prepared to tell you about the SOTER, if you will only give us half a chance.

**MR HANSON:** I will ask a specific question. You just said that you were not prepared to open the jail until you were guaranteed that everybody was going to be safe, both staff and prisoners.

**Mr Hargreaves:** That is correct, yes.

**MR HANSON:** We know that you opened the jail without a key piece of equipment being opened which, in your own words, would have most likely prevented the introduction into the jail of things like razor blades, needles and so on. How can you on one hand say—

**Mr Hargreaves:** No, quote me correctly.

**MR HANSON:** that you opened the jail—

**Mr Hargreaves:** Quote me correctly if you are going to quote me at all.

**MR HANSON:** Well, go and read the *Hansard*.

**Mr Hargreaves:** I have to; I wrote it.

**MR HANSON:** I am paraphrasing it.

**Mr Hargreaves:** I said it on there; you go and—don't paraphrase anything.

**MR HANSON:** You go and read it.

**Mr Hargreaves:** If you are not going to quote me directly, don't quote me.

**THE CHAIR:** Minister—

**MR HANSON:** I will go and get the quote if you want it, but—

**Mr Hargreaves:** Don't quote me.

**MR HANSON:** Anyway, back to the nub of the issue: you opened the jail before important pieces of equipment were opened which would have likely prevented some of that contraband getting in to the jail which has caused harm to prisoners. So how can you reconcile those two comments?

**Mr Hargreaves:** Because the provision of the equipment in the contract, the security equipment, the provision of the processes to prevent the entry of contraband into the prison, was robust. It is robust. And it was working. What we are talking about—

**MR HANSON:** Clearly, it was not.

**Mr Hargreaves:** Do you want me to answer this question or not?

**MR HANSON:** No, because you are not answering it correctly, are you?

**Mr Hargreaves:** I won't answer it then. I will just sit here until you have finished babbling on.

**THE CHAIR:** Minister, in what sense was the process robust if these contrabands

were found so soon in the prison?

**Mr Hargreaves:** We need to understand that there are a couple of things about this. There is no prison on the face of this earth which can 100 per cent guarantee that contraband cannot be introduced into it. You have got to understand that. The processes and procedures that we have around the use of dogs and the use of other techniques are robust. I was satisfied that they were robust.

One of the things that we do not do and which they do in some of the jails in New South Wales, Queensland and Victoria which can prevent the entry of contraband is to do strip searches and mirror work on females, which I refuse to countenance. You could say that that is a process which guarantees it but I did not introduce it.

**MR HANSON:** But what we are talking about is the fact that you—

**Mr Hargreaves:** No—

**MR HANSON:** opened the jail before all the equipment was ready. We are not talking about what happens in New South Wales. What we are saying—

**Mr Hargreaves:** You are. You are constantly talking and you will not let an answer come out.

**MR HANSON:** No, but what we are talking about is the—

**Mr Hargreaves:** Would you just be quiet and I will answer your question.

**THE CHAIR:** Minister, was the X-ray machine in operation when you started to accept prisoners from interstate? Yes or no?

**Mr Hargreaves:** The X-ray machinery, the SOTER machine, could not be installed until it had clearance from the radiation safety council.

**THE CHAIR:** So that is a no. It was not operational?

**Mr Hargreaves:** And it was not operational when the first prisoner was received.

**MR HANSON:** Would it, in your view, or the experts' view, as you said in the Assembly, most likely have prevented the drugs, the needles and the razor blades from having got in there, or are you stepping away from that now?

**Mr Hargreaves:** No. I am not going to—

**THE CHAIR:** So it was not operational—

**Mr Hargreaves:** It is like asking whether I have stopped beating my wife. I am not going to answer that question.

**THE CHAIR:** My recollection, minister, is that you said in the Assembly words to the effect that had the X-ray been in operation you may have intercepted these—

**Mr Hargreaves:** It may have.

**THE CHAIR:** It may have intercepted these things.

**Mr Hargreaves:** That is right.

**THE CHAIR:** So have you stepped back from the position that you—

**Mr Hargreaves:** No.

**THE CHAIR:** took in the Assembly?

**Mr Hargreaves:** No.

**MR HANSON:** You took a big risk then.

**Mr Hargreaves:** No.

**THE CHAIR:** In relation to some of the other outstanding matters at the AMC, minister, what is the status of the installation of the RFID?

**Mr Hargreaves:** The RFID installation is imminent.

**THE CHAIR:** Where are we up to with it?

**Mr Hargreaves:** We are almost there.

**THE CHAIR:** You are almost there. So what is missing?

**Mr Hargreaves:** I do not want to go into the details of dates and times. It will be introduced when we can actually get there. My understanding is that—and I will not give you an exact date—it is somewhere in mid-November.

**THE CHAIR:** Somewhere in mid-November, you hope.

**Mr Hargreaves:** My latest advice is that.

**THE CHAIR:** You have resolved the issues in relation to the accuracy of the bracelets and identifying people's location. There was some concern at one stage—

**Mr Hargreaves:** I have no knowledge of that at all.

**THE CHAIR:** You have no knowledge of that?

**Mr Hargreaves:** No knowledge of that particular thing. I do not go down to that level of detail. I leave it to the officers to do that.

**THE CHAIR:** Have all the technical issues in relation to the RFID, which contributed to it being taken out of the contract and being taken over by Corrective Services, been resolved to the satisfaction of the staff who are responsible for the

installation?

**Mr Hargreaves:** I cannot answer as to the satisfaction of the staff. You will have to ask them.

**THE CHAIR:** Can you answer that, Mr Folpp?

**Mr Hargreaves:** Mr Folpp is not responsible for the attitude of the staff.

**THE CHAIR:** So who is responsible for the installation?

**Mr Hargreaves:** That is an inappropriate question to ask Mr Folpp.

**THE CHAIR:** Who is responsible for the installation of the RFID system?

**Mr Hargreaves:** My last advice, Madam Chair, is that the issues around the installation of the RFID have been resolved and that the installation is imminent—hopefully mid-November.

**THE CHAIR:** When the committee visited the AMC back in early February there was installation work going on, wiring and stuff like that. Has that work been completed?

**Mr Hargreaves:** My understanding is that that stuff has been completed.

**THE CHAIR:** After the installation of the wiring, for the non-technical people, what needs to be done before the RFID becomes operational?

**Mr Folpp:** Madam Chair, if I may answer that. There were all sorts of installations of conduits et cetera. The company was NEC. They had purchased the equipment from the United States from another company called TSI. Upon installation of that equipment some of it was found to be faulty. Therefore, they had to reorder all the installation parts from America. They have now had that on site and that has just about been completed. We are just about ready to go into the commissioning phase for the RFID. As the minister said, we do not like to put dates on things, but it is looking like around mid-November.

**THE CHAIR:** You found faults in the system. Those faults would be under warranty?

**Mr Folpp:** Yes, fully covered by the other company.

**THE CHAIR:** So far, what has been the cost of the installation?

**Mr Folpp:** Zero. No, sorry, I take that back. We paid one up-front fee initially to be able to get all those resources to the AMC et cetera. I am led to believe it was around \$800,000. I can certainly take that on notice and give you the exact figure.

**THE CHAIR:** So that was the one up-front fee that was paid to NEC for the installation and the commissioning of the RFID system. That was a one-off fee that

covered all the costs?

**Mr Folpp:** All up, over the five-year period the contract is for with NEC, from memory, it totals around \$3 million, but I will have to get you the exact figure.

**THE CHAIR:** Can you give us a breakdown of the installation costs and the ongoing contract costs for the RFID system?

**Mr Folpp:** Most certainly.

**THE CHAIR:** There was one other question in relation to the commissioning of the AMC that I had and it relates to defect 2.6. Where are we in relation to resolving defect 2.6?

**Mr Folpp:** That is still a contractual matter. It is going before expert determination. The client and the service providers believe that that should be installed. The builder believes differently and it is now before expert determination under the contract.

**THE CHAIR:** So that is to determine whether, in fact, defect 2.6 exists or not, effectively?

**Mr Folpp:** Whether it should be installed or not.

**THE CHAIR:** Sorry, installing a defect, or—

**Mr Folpp:** We are classing it as a defect purely and simply because we believe that the builder has not achieved, as per the specifications, what it was supposed to. We are now taking that to expert determination for a decision on whether it is in the specifications and the builder must rectify it, or if it is not in the specifications.

**THE CHAIR:** Okay. You are determining whether or not you specified it appropriately. Irrespective of whether or not you specified it appropriately, the functionality that is covered by what is loosely called defect 2.6—does it exist at the moment in the prison? The functionality that you anticipated—does it exist?

**Mr Folpp:** Madam Chair, that is very difficult to answer in regard to the functionality. I believe we are getting into technical details which may impede contractually in the arrangements through the expert determination. I would be loath to talk about the technicality of it too much.

**THE CHAIR:** I do not want to talk about the technicality of it too much simply because of that.

**Mr Hargreaves:** Can you rephrase the question, perhaps, because we cannot answer the question without compromising the stuff. That is the advice. But if you can rephrase it, perhaps we can. Are you trying to find out, Madam Chair, whether or not the issue is adversely affecting the security arrangements in the prison?

**THE CHAIR:** No. To some extent I am, I suppose. Defect 2.6 relates to the functionality of some of the security, the hierarchy of the communication system, and

I do not want to say anything more about that.

**Mr Hargreaves:** Yes.

**THE CHAIR:** Do you at the moment have the functionality that you anticipated or you foresaw when it was described? The answer to that is, “Yes,” “No,” or “I do not think I can answer you, Mrs Dunne.”

**Mr Hargreaves:** You got that last one just a minute ago.

**THE CHAIR:** Quite frankly, if it is “I do not think I can answer you in this forum”, that is fine. If the answer is “I do not think I can answer you”, when do you think you will be able to answer me? When will the negotiation be completed?

**Mr Hargreaves:** It is when the determination is made.

**Mr Folpp:** Once the determination is done, and I would envisage probably within an eight-week process.

**MS HUNTER:** Mr Folpp, this expert determination—what do you mean by that? Are you saying an independent person has been brought in?

**Mr Folpp:** That is right, an independent person.

**MS HUNTER:** Who has expertise to look at whether the specs said what you thought they said?

**Mr Folpp:** Most definitely, yes.

**Mr Hargreaves:** It is like an arbitrator in a wage case.

**THE CHAIR:** And do you live or die by that decision?

**MS HUNTER:** Is that something that both parties then have to abide by?

**Mr Folpp:** Yes, most definitely. What occurs there is both parties will pay 50 per cent of the fees for the expert determination. Depending upon the limit of that variation, for example, as per the contract—from memory, anything under half a million dollars—the expert determination is completely ratified. If it is estimated at over half a million dollars then they will be able to take other legal avenues.

**THE CHAIR:** So the answer to my question is that it is subject to negotiation.

**Mr Hargreaves:** We cannot answer your question at the moment, Mrs Dunne.

**THE CHAIR:** You cannot display your hand, okay.

**Mr Folpp:** Yes.

**THE CHAIR:** But we will get the answer some time in the near future. Can I just go

back to the RFID question, because Mr Abbott has just pointed this out to me. On page 112 of volume 1, in relation to Corrective Services, the second line talks about a quarter of a million dollars for the RFID system, which was a sealed, single select tender to NEC.

**Mr Hargreaves:** Yes, 250,000.

**THE CHAIR:** When you are answering the question that you took on notice can you give an exposition on how that relates to the 800,000-odd that we talked about before?

**Mr Hargreaves:** Yes, we will take it on notice.

**Mr Folpp:** I definitely have to take it on notice, Madam Chair. I will give you that breakdown.

**THE CHAIR:** Thank you.

**MR HANSON:** I have a question going back to 2001, minister—

**Mr Hargreaves:** It is ancient history, Mr Hanson.

**MR HANSON:** I will just read what you said.

**Mr Hargreaves:** That was the year you lost the election, was it?

**MR HANSON:** I was in the Army then. If I can read from the—

**THE CHAIR:** Mr Hargreaves—

**Mr Hargreaves:** I think it was.

**THE CHAIR:** Listen to the question and answer it, please.

**MR HANSON:** Thank you, Madam Chair. The opposition spokesman for corrective services, John Hargreaves, said that prisoners from regional New South Wales should be housed in the proposed jail to help subsidise the cost. He said:

The ACT government had squandered an opportunity to negotiate with New South Wales on the issue.

**Mr Hargreaves:** Yes.

**MR HANSON:** Can you tell me where you are at with those negotiations, minister?

**Mr Hargreaves:** I refer you back to the *Hansard* the last time you asked me that question in which I—

**MR HANSON:** We have not done an—

**Mr Hargreaves:** Would you just be quiet and stop being rude? You are just being

rude.

**THE CHAIR:** Mr Hargreaves, I think—

**Mr Hargreaves:** I am trying to answer the question and I am being—

**THE CHAIR:** pots and kettles—

**Mr Hargreaves:** overspoken by not only him but also you, Madam Chair.

**THE CHAIR:** Could you just answer the question?

**Mr Hargreaves:** I am trying to answer the question. The answer to your question when I answered you the last time and the time before that, and the time before that, and the time before that, was that I do not want to have any conversations with New South Wales Corrections until the AMC has been opened for 12 months.

**MR HANSON:** But you said in 2001:

The ACT government had squandered an opportunity to negotiate with New South Wales on the issue.

So back in 2001, before the jail was even built, before the legislation had come in, it was a squandered opportunity.

**Mr Hargreaves:** Yes, it was, because you blokes did it.

**MR HANSON:** I am just wondering what has changed so that now the jail is up and running and so on it is no longer a squandered opportunity.

**Mr Hargreaves:** You guys squandered every opportunity. You lost the 2001 election, for heaven's sake. The issue for me is that I do not want to go and have a conversation with New South Wales unless I can offer New South Wales a concrete and proven better system than they have got for themselves already.

**MR HANSON:** You do not think it is—

**Mr Hargreaves:** I cannot do that inside 12 months.

**MR HANSON:** You have been telling us it is a better system. Your opening statement has been—

**Mr Hargreaves:** Can somebody tell me the opening hours of the hearing centre? How many times do I have to tell you before it gets through that we are going to wait until the end of 12 months and then we are going to have a conversation with New South Wales. I do not resile from that particular comment.

**THE CHAIR:** I think that is the answer to the question, Mr Hanson.

**Mr Hargreaves:** I do not resile from that comment in 2001.

**THE CHAIR:** Ms Burch, you had your hand up.

**MS BURCH:** I have a general question. I came in when there was some discussion about building defects and then some questions around negotiations with New South Wales. You said there seems to be a period of 12 months for you to review.

**Mr Hargreaves:** Yes.

**MS BURCH:** We seem to be about halfway through that at the moment?

**Mr Hargreaves:** March 2009 is the end of the 12-month period—30 March.

**MS BURCH:** Has enough time passed for you to be able to say what the benefit is to our community from having AMC as opposed to not having AMC, building defects and all of that aside?

**Mr Hargreaves:** Yes, the indications are—

**THE CHAIR:** I think we might have answered that question to some extent.

**Mr Hargreaves:** No, we have not, actually. There is a benefit that we can see starting to emerge, and we do not have the numbers, which we will have at the end of the 12 months, to see how efficacious the programs are. But some of the indicators are very positive. For example, the women's programs are particularly good. I have spoken to the women in there. There are people who have gone in there with absolutely no education at all and now they have got a certificate III in a trade. They have got occupational health and safety, they have got team leadership, and these are trained certificates which are recognised at cert II, III and IV level.

**THE CHAIR:** And this is in the past eight months?

**Mr Hargreaves:** And this is in the past eight months, yes.

**MS HUNTER:** Minister, what percentage of the population are engaging in these programs?

**Mr Hargreaves:** I would have to take that away with me, Ms Hunter. One of the difficulties, and I tried to explain this before, and I would like you to have it in the back of your mind, is that there are two types of people, apart from the gender difference, who will populate the AMC for the next 10 years. There are those people for whom the AMC is their first encounter of a prison system, and it is a completely different mindset that they are going into. We have a much greater opportunity to turn these people around than we have had hitherto. The other sort of people are people who come to us from New South Wales, and they have come to us as hardened criminals.

**MS HUNTER:** But obviously there has to be a focus there—

**Mr Hargreaves:** Yes.

**MS HUNTER:** because they will be released at some point.

**Mr Hargreaves:** Yes, indeed.

**MS HUNTER:** Obviously, that is an incredibly important group of people, a cohort, to be directing some programs to that are therapeutic and that are around rehabilitation.

**Mr Hargreaves:** Yes, absolutely. The only background that I give you on this one is this: we have the programs there. We can require people to take part in these things; we cannot require them to be successful in them. These people have been put through programs which are not efficacious in New South Wales because they have been delivered in an environment of abuse, brutality and depression. We are trying to reverse that. Of course, that means we have to put a lot more effort into those people that have come to us from New South Wales than we would have to put in to the people for whom the AMC is their first encounter.

The way in which we can judge the success of people's participation is to answer the question that every single prisoner asks, which is, "What's in it for me?" Every one of them asks that question: "What's in it for me? Why should I bother?" The answer to that question for people for whom the AMC is their first encounter is quite an easy one. They are more receptive and they are not hardened criminals, generally speaking, because they have not been brutalised by a system already. The people that come from New South Wales have been. So those programs that we put those people through are more intense and their likelihood of success is considerably less than for the other lot, the other cohort.

**MS HUNTER:** But as Mr Dunn pointed out earlier, each prisoner will have a rehabilitation plan.

**Mr Hargreaves:** Yes.

**MS HUNTER:** I am assuming they will be checked through and there will be some sort of evaluation of how that plan is going?

**Mr Hargreaves:** Yes. The issue, of course, is that we can track people going through these programs and we will not know how absolutely successful they have been in changing their behaviour until they are released and we see whether they come back or not—and for what reason they come back. Some people, for example, have been in there for a violent crime and then they come back in for a drink driving crime. Well, the two are not related.

**MS HUNTER:** That brings me to probation and parole, because obviously this is part of the continuum, if you like. I notice on page 43 that 100 per cent of those sampled had been referred to programs and services targeting offending behaviour. How many of those sampled actually took up that offer? Do we follow that through? One thing is referring; there is a next step, which is people actually taking up the offer and then also completing what is on offer. So is that sort of information kept?

**THE CHAIR:** I think the point you are trying to make is that the parole issues rest

with—

**Mr Hargreaves:** No, we will try and answer part of the question, Madam Chair. Mr Dunn will give some information on this. Against that background we need to appreciate that the Sentence Administration Board is not responsible to the Minister for Corrections; it is responsible to the Attorney-General. Therefore I have no influence on that. So you would need to go down that track. But you are pointing out something which is, in a community sense, particularly valid and the reason why we have to have our prison here. We have only got influence over a person's behaviour while ever they are subject to the order of the court. They come out of the courts, they go to the jail, they go to this, that and the other, and the last little bit is their parole. At the end of that time, we have no structures in place that can report to me, and therefore to you, about whether people continue with programs post parole.

Mr Dunn will tell you what the referral rate is and what the pick-up rate is within the area that we have a responsibility for. We did not have anything before. People were being released from Goulburn, coming home and that was the end of it. We did not have any way of tracking anything. The next piece of the puzzle for us is to deliver those programs post parole and look at how we link it in.

There is a report from this standing committee on the forgotten victims of crime—the families of offenders. In there, we talk about the programs that exist out there. So as a condition of parole, we might say to you, “Please continue this program.” You say, “Yes, I'll do that,” and so you do. You come to the end of the parole; then what?

**MS HUNTER:** I am talking about those people who are still in the system. Does Mr Dunn have a comment about that?

**THE CHAIR:** Could I just interpose? Minister, I would like to apologise. I have a family commitment that I have to meet so I will nip out and leave you in the capable hands of Ms Porter.

**Mr Dunn:** Could I ask you to summarise the question again, please?

**MS HUNTER:** Certainly. It was on page 43 of the first volume, under the section on probation and parole. The top paragraph on page 43 states:

Based on a sample of 240 offender files for the financial year 2008-09, 100% of those sampled had been referred to programs or services targeting offending behaviour.

My question was: how many of those took up that offer to be part of those programs? Do you keep that data on how many take it up and how many complete those sorts of programs?

**Mr Dunn:** In terms of statistics I would have to take it on notice. My reason for doing that would be that our success in referring people for assessment is a measure we use in relation to offending behaviour. Our service is a risk-based service, at risk of reoffending, and we use an instrument called the LSIR, the level of service inventory, which gives us a numerical starting score of how likely someone is to reoffend. The

reason I mention that is that in the course of the process of induction into an order and supervision, if a need for a program becomes apparent we will refer people for assessment to the programs listed in the report.

That could be the sex offenders program, the cognitive skills program, drug and alcohol programs in the community or a family violence program. Because we are a risk-based service there is a very simple premise in corrections: if someone has low risk we know from research that there is a risk of increasing their offending risk, if you like, if you automatically put everyone into a program. If they are low-level risk, manage them another way. If they are medium to high risk, our flashing lights go on. All people are referred for assessment; the people who assess for the various programs will also make that decision: this person is appropriate to attend a program; this person is not appropriate to attend a program because their level is so low.

So our answer is that people whom we determine as requiring programs are then referred to programs and then we have got internal processes so that if someone is referred for a program and does not comply, for example, we will use the breach procedure with the courts or we will negotiate the case plan. So it is slightly messy in terms of outcome but it reflects our case management of each individual offender.

**ACTING CHAIR** (Ms Porter): Okay. Ms Burch, was your question following on from what you were asking before?

**MS BURCH**: No, it is sort of related to this. You made mention of the New South Wales people who have come back as hardened criminals and first timers and a little bit about the offending rate. Am I gathering that it is almost individual, case by case, and so the programs offered within the AMC on parole and general through care are targeted to the needs or requirements of that?

**Mr Hargreaves**: Yes.

**MS BURCH**: And does it follow from in-house right through to the end of through care?

**Mr Hargreaves**: What happens is that if you commit a crime and are given some free accommodation and a flat-screen TV in Hume, one of the first things we do with you is make sure that we have done a medical check on you—not only physically but also your mental health in a sense—so that we will understand your capacity to enter into a contract, if you want, for your restoration into the community and for your program. We look at all of your skills, your drug history—we look at the whole lot—and then the guys develop your case plan. That is for you and that is designed, over the period of time, to put you back into the community, healed.

It does not always follow that you will go through from this program to that program to that program; it will depend on how it works and it is evaluated all the time you are there. It might change depending on your response to given programs and also, particularly with drug use, depending on how you respond to withdrawal, methadone and all the rest of it. So it is fairly complicated but it is person based, it is individually based. It goes all the way through and it is signed off by corrections and by the offender. Then, at the last day of their parole, it ceases to exist.

**MS BURCH:** Okay, but parole is the end of your duty and responsibility—

**Mr Hargreaves:** Our duty of care, if you want.

**MS BURCH:** but do you funnel them into a series of services—many of the NGO type things—or do they fend for themselves?

**Mr Hargreaves:** The problem with after care is that we need to understand that our jurisdiction concludes at the end of their parole period—that is it. That is one of the difficulties with this system. We need as a community to have a system which makes it attractive for people to go past our jurisdiction into these support programs; for example, people to continue their AA meetings beyond that certain point—those sorts of things. We have no, I suppose, systemic approach. We have got plenty of expertise in the non-government sector out there. We have just got to tap into it.

**MS HUNTER:** Which is what you were talking earlier about—putting this plan together, working with the NGOs. You have obviously got these regular meetings but—

**Mr Hargreaves:** It is the next step.

**MS HUNTER:** I am still not quite understanding, minister, but maybe that will come a little bit over time, around this community reference group and how that fits in—

**Mr Hargreaves:** Yes, it is the next step, Ms Hunter. When I took over the portfolio, I looked at and determined the paradigm and the paradigm at one end is that rehabilitation in any sense should be starting in the back of the police car. That is where it should happen. You have heard me say that before. But also at the other end we have to continue to make sure that that person is healed and cannot drop back into other ways. There is a community response that we need to go to, not a Corrective Services response, and it is that connection between the two that I had set myself as one of my goals, which I will not be able to see achieved in the meantime—but I shall be pestering everybody until it is achieved.

**ACTING CHAIR:** Minister, we need to finish now but I just would like you to take something on notice that I was trying to ask before but unfortunately a lot of other questions interposed. It is about the prison employment program. Could you give us on notice how many employment programs there are, the kind of employment programs they are and whether or not every person is able to access an employment program or whether—

**Mr Hargreaves:** Within the prison system?

**ACTING CHAIR:** Yes, within the prison system.

**Mr Hargreaves:** The prison employment system is again an evolving one. What we have, for example, yet to introduce is the employment program for people in transitional release. There are things to come. There is good news to come on that.

**MS HUNTER:** I think that would be very interesting information, and also your industry skills centre and how that is going.

**ACTING CHAIR:** Yes, the vocational education that goes along with that.

**Mr Hargreaves:** We have been giving a lot of thought to that and doing a lot of chatting, and this is where people like Chris Peters come in very handy. In places like New South Wales, for example, most of the people are blue-collar criminals so they actually have a blue-collar educational response to get them back into a job, whereas a lot of our people are white collar and so we need to have training regimes and employment opportunities for them.

The same with the women; for example, in the women's section we have given them barista training, so they have got a certificate. We are also going to train them up as hairdressers because that is where the employment is. It is pointless us training them in factory techniques when we have not got a factory, which is what happens in a lot of the other jurisdictions.

**ACTING CHAIR:** Could we have some idea of that on notice?

**Mr Hargreaves:** Yes, sure.

**ACTING CHAIR:** And vocational education as well. That would be fantastic.

**Mr Hargreaves:** Okay.

**ACTING CHAIR:** Thank you very much, minister.

**Mr Hargreaves:** Before we close, I would like to, finally and probably my last time, express my appreciation to the officers of Corrective Services and of the Department of Justice and Community Safety for two things: for assisting me, preparing for this hearing and being available to the committee into the future around the questions on notice but also for all of the support they have given me over my time as the minister and the way in which they have embraced the vision of healing our own people and bringing them home. Thank you very much.

**ACTING CHAIR:** Thank you, minister, very much for appearing before us today, your last appearance in this guise, and thank you very much to the officials.

**The committee adjourned at 11.59 am.**