

UNCORRECTED PROOF ISSUE

Wednesday 30 June 2010 - Estimates Committee B (McKim) - Part 1

LEGISLATIVE COUNCIL

ESTIMATES COMMITTEE B

Wednesday 30 June 2010

MEMBERS

Mr Dean
Mr Finch
Mr Wing
Mrs Taylor
Ms Rattray (Chair)

SUBSTITUTE MEMBERS

Dr Goodwin

IN ATTENDANCE

Hon. Nick McKim MP, Minister for Human Services, Minister for Corrections and Consumer Protection, Minister for Community Development, Minister for Climate Change, Minister for Sustainable Transport and Alternative Energy

Cassy O'Connor MP, Secretary to Cabinet

Department of Health and Human Services

Mr David Roberts, Secretary, Department of Health and Human Services

Alison Jacob, Deputy Secretary, Human Services

Ms Penny Egan, Chief Financial Officer

Aileen Ashford, Director, Disability and Community Services

Mercia Bresnehan, Director, Housing Tasmania

Bernadette Jago, Social Housing Coordinator

Peter White, Director, Housing Innovations Unit

Department of Justice

Lisa Hutton, Secretary

Michael Stevens, Deputy Secretary

Robert Williams, Deputy Secretary

Greg Partridge, Assistant Director of Prisons
Chris Batt, Director, Office of Consumer Affairs and Fair Trading
Jo Maxfield, Manager, Reception Prisons
Ginna Webster, Director, Community Corrections

Department of Premier and Cabinet

Greg Johannes, Deputy Secretary, Policy
Nick Evans, Director, Policy and Programs, Program Development Unit
Wendy Spencer, Executive Director, Office of Climate Change

Department of Infrastructure, Energy and Resources

Norm McIlfatrick, Chief Executive/Secretary, Office of the Secretary
David Peters, Deputy Secretary, Infrastructure
Bob Rutherford, Deputy Secretary, Energy and Resources

Ministerial Staff

Ronan Lee, Adviser
Andrew Perry, Adviser
Christian Attfield, Adviser
Rosemary Sandford, Adviser
Claire Jansen, Assistant Policy Adviser/Executive Officer

The committee met at 9.32 a.m.

DIVISION 6
(Department of Justice)

Output group 6
Corrective Services

CHAIR (Ms Rattray) - Welcome, Minister, and can I firstly congratulate you on your first time at Estimates.

Mr McKIM - Thank you. It is my first time.

CHAIR - We also have Vanessa Goodwin, the member for Pembroke, who is here for the first time at Estimates. It is Adriana Taylor's first time, the member for Elwick. We have a lot of first-timers here today.

Mr McKIM - Mr Dean down the back has been to quite a few.

Mr DEAN - I have been to one or two.

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CHAIR - I will outline the order of output groups. We will have Corrections and Consumer Protection, which I expect will take the morning, Minister; Community Development; then we will go on to Climate Change, Sustainable Transport and Alternative Energy; and Human Services will be the final output group for the day.

Also, Minister, can I just say that any information that is requested by the committee during the day we seek to have by the end of the day, if that is possible. It helps with our turnaround time.

Mr McKIM - That would certainly be my intention. There may be information that the committee requests that is just not possible to provide by the end of the day and we have to take questions on notice, but we will make every effort to provide information if we do not have it tabled currently by the end of the day..

CHAIR - That would be very much appreciated.

Mr McKIM - Madam Chair, I wonder if I might be able to make a couple of very brief comments before we start today. It would just take a very short time. There is something that has occurred this morning that I think the committee should know about that is relevant to the Corrections portfolio.

CHAIR - That would be fine. Also, to get in our required time, if we run out of time we need to negotiate that during the day, so we will have a look and see how our time frames are going during the day.

Mr McKIM - That is fine. We are in the committee's hands ultimately as to how that goes and we will certainly fit in with the wishes of the committee.

CHAIR - Thank you very much and on that note I will invite you, Minister, to make some opening comments.

Mr McKIM - I just wanted to make a brief overview. I acknowledge the hard work that all people in the agency have done preparing for budget Estimates and indeed over the previous financial year and particularly the people who work in our correctional institutions and Community Corrections. They do a fantastic job and I certainly appreciate their efforts.

I have a sad duty to inform the committee that this morning during the unlock process a death in custody was discovered in our correctional institution. A male prisoner was discovered deceased this morning, during the unlock process at the Risdon Prison complex, in the medium-security area. Standard practice for all deaths in custody in Tasmania is to call the police and the coroner on discovery of a deceased person and that has been done in this case. The area is cordoned off and police are on site awaiting the arrival of the coroner. It is not my intention to release further detail at this stage, pending the police investigation and the coronial inquiry and, of course, the notification of the family of the deceased person. Given that I am in a budget Estimates scrutiny committee here today I thought that it was my responsibility to inform the committee of that sad event.

CHAIR - Thank you, we appreciate your sharing that and we certainly extend our sympathy to the family and to the people at the prison, who obviously would be distressed by this incident.

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Mr McKIM - Yes, absolutely, and obviously I convey my sympathies.

Mr DEAN - Madam Chair, can I ask people to speak up because we are involved in this as well.

Mr McKIM - My apologies, Mr Dean, did you hear all that?

Mr DEAN - Only part of that.

Mr McKIM - Would you like me to repeat it?

Mr DEAN - No.

CHAIR - Minister, I have this here not just for decoration, I have not had to use it this week, but in an attempt to get through our day I do not mind turning it on for both my members for questions and also for people for answers.

Mr McKIM - What is the period of time?

CHAIR - When the sand runs out.

Laughter.

Mr FINCH - And if you are really boring we hit you over the head with it.

CHAIR - Minister, we invite you to give an overview of the Corrections and Consumer Protection area.

Mr McKIM - I have sat on the other side of many Estimates tables in my political career and my view of Estimates committees is that they are about providing non-government or non-ministerial MPs the opportunity to scrutinise the ministers. I am happy to forgo that opportunity in the interests of giving the committee as much time as possible to scrutinise those.

CHAIR - We appreciate that, but the committee was extremely interested in what you are looking to achieve in your portfolio, so if you would at least share some of those highlights.

Mr McKIM - I'm very happy to talk to that. Thank you for the opportunity, Madam Chair. I should first acknowledge the work done by my predecessor in this portfolio, Lisa Singh. Lisa instituted a process that will ultimately deliver on a strategic plan for Corrections in Tasmania. That was done through a round of consultation and then the release of a discussion paper entitled *Breaking the Cycle*. I think most members, certainly Dr Goodwin, would be familiar with that and I believe other members also would be familiar with it.

In broad terms the *Breaking the Cycle* discussion paper identified six priority areas that arose from the initial consultations. They are: alternative sentencing options, community engagement in the justice system, rehabilitation, reintegration and community safety, an integrated and accessible service delivery in corrections across Tasmania, work force development and support, and really importantly, integrity and good governance in the Corrections system.

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I have read very closely the Breaking the Cycle discussion paper and I am very supportive of the broad direction for Corrections contained in that discussion paper, particularly the area of rehabilitation and reintegration. Tasmania, contrary to some comments made particularly by Dr Goodwin's predecessor, Mr Michael Hodgman, QC, MP, does relatively well in the national context in relation to recidivism rates. Mr Hodgman was a bit of a fan of saying we had the worst recidivism rates in the country. That is just not true. However, we can always do better in the way that we run education programs in our prisons and how we work with prison inmates to reintegrate into our community, particularly after long prison terms, and those are some of the areas that I am particularly interested in moving forward. I am also very interested in moving forward around good governance in the Corrections system and transparency in the way that we run our Corrections system.

In broad terms I am very interested in more focus and effort into community-based corrections which provides not only a far better budget outcome for the Government but also less community dislocation and a resultant easing of pressure on other government agencies or NGOs that are often required to come in and pick up the pieces when someone is sentenced to a term in custody. I'm very interested in moving forward around Community Corrections and there is extra money in this year's budget for Community Corrections in Tasmania.

As I said, I am very interested in making sure that one of the primary focuses of our Corrections system is education, rehabilitation and reintegration.

Dr GOODWIN - Thank you, Minister, for your overview and also for informing us about the death in custody. I also extend my sympathies particularly to the family of the prisoner, but also to the custodial staff and other staff at Risdon Prison, and to you and to anyone who has to deal with this because I know it is a disturbing and difficult situation.

Minister, I was interested in your comments about good governance and transparency of the prison and I wanted to know whether you have any plans to establish an independent prisons inspectorate because this is something that I am quite passionate about. I know that it was Greens policy that you took to the election so I am interested in your views. I believe that there is a strong case for some form of permanent, independent oversight of the prison system.

Mr McKIM - Yes, the first thing I would like to say before I respond to you in detail, Dr Goodwin, is that there are already significant methods of ensuring transparency and accountability in the Corrections system. For example, there are phones available at all of our facilities for free calls to be made by inmates to the Ombudsman's office. I am happy to inform the committee that commencing in July this year there will be monthly visits to our prisons by the Ombudsman and by the Health Complaints Commissioner which will provide inmates with the opportunity to interact with the Ombudsman and Health Complaints Commissioner on any issues that may be of concern to them.

[9.45 a.m.]

As I am sure you would be aware, Dr Goodwin, and perhaps all other members of the committee, there are a number of official visitors who have the right to access all prison facilities and do so at least once a month. There is also an independently run correctional primary health service that is operated by the Department of Health and Human Services in each of our correctional facilities. Having said all that, there is certainly an argument for a further level of oversight and a further mechanism to deliver accountability and transparency to our prison system. An independent inspectorate would certainly be one way to improve transparency in our

system. A research report has been completed, and the concept of a prison inspectorate was included in the Breaking the Cycle discussion paper, which was released for public comment earlier this year. A synopsis of the responses to the Breaking the Cycle discussion paper has been prepared by the department. I have not seen that yet, but I will in the near future, and I will be making a decision around whether or not we should go with an independent inspectorate, and if so, what form that will take in the context of our strategic plan for Tasmania's prison system. I am certainly not ruling it out at this stage, but it is something that we will consider as part of developing a strategic plan for Tasmania's prison service.

Dr GOODWIN - Minister, it was part of the Greens' Justice policy. Have you changed your view on the need for it?

Mr McKIM - No, not at all. During the Budget formulation process this year, we took a number of our policies to the Treasurer - in fact, we took them all -

Laughter.

CHAIR - As you said you would.

Mr McKIM - and asked for them to be funded, and not all of them were funded in this Budget. However, there will be an opportunity, I believe, for us to request extra funding once we have developed a strategic plan for corrections in Tasmania as a result of the Breaking the Cycle process. There is a range of ways. An independent inspectorate could be set up. There is an inspectorate in Western Australia, as you probably know. There is the Queensland model where an inspectorate is contained within the department. What is important is that we look at the model that best fits Tasmania, so it may be, for example, that the Ombudsman's Office may have a role to play in terms of housing some kind of prison inspectorate. All of these things will be subject to the inevitable budgetary constraints of government, but I certainly have not changed my view on that issue.

Dr GOODWIN - It concerns me, particularly in relation to the Tamar Unit report; when questioned yesterday, the Ombudsman indicated that one of the issues with getting this report completed was his level of resourcing. He has a lot of competing priorities and his workload has grown dramatically lately. The concern I have is that he will not have sufficient capacity to provide this ongoing independent oversight. I reiterate my concern and my support for the establishment of this inspectorate and ask you to give serious consideration to it. I am happy to lobby the Treasurer as well.

Mr McKIM - I appreciate that and I may well request that you give me some assistance in that area, Dr Goodwin. The Ombudsman did receive extra resources in the State Budget this year, as the committee would know. I am not pre-empting what the decision will be, but were we to go down the avenue of involving the Ombudsman's Office, I would certainly be of the view that that would require extra funding, over and above even the extra funding that the Ombudsman received in this year's State Budget. I do not think it would be appropriate to request the Ombudsman to do that unless we were able to secure extra funding.

CHAIR - You talked about 'in the near future' for the review and your decision about that. Can you put some sort of time frame on 'in the near future'? I have heard 'in the near future' a lot of times in this place and it is not what I call the future; short term.

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Mr McKIM - Yes. It is our intention to have our strategic plan finished this year.

Mrs TAYLOR - This calendar year?

Mr McKIM - This calendar year, not this budget year.

Dr GOODWIN - That will be some delay from when it was originally intended to be finished, is that right?

Mr McKIM - I am not sure what the original time frame was. That is some delay from the original time from the previous minister, which I understand was July, but there has obviously been an election, a period of caretaker mode, and now a new minister.

Dr GOODWIN - The Tamar Unit report is very topical. The report reveals that there were breaches of national and international standards. Prisoners were not afforded procedural fairness and they were not treated humanely. Who is going to be held accountable for the way the prisoners in the Tamar Unit were treated?

Mr McKIM - Thank you. I welcome the Ombudsman's report that was tabled in this Parliament in the recent past. We are very happy that the Ombudsman chose to conduct this report and we regard the report as very helpful in assisting us in the way that we run our Corrections institutions in Tasmania.

There is a legal case pending in relation to some of the aspects of the Tamar Unit and I am going to be careful about what I say so that I do not intentionally prejudice any future legal action as there is one case currently before the courts. We have decided to implement the majority of the recommendations in the Ombudsman's report. We will fully implement 10, we will partially implement two, we will consider implementing one, and I am happy to talk to these in more detail if that is the committee's request. We will not implement, at this stage, two of the recommendations and again I am happy to speak to those in more detail if that is the desire of the committee.

CHAIR - Can you identify the two that you are not going to implement?

Mr McKIM - Yes, I can.

CHAIR - I think that would make it easier.

Mr McKIM - I have already made this response fully public. If I go through all the recommendations briefly, would that be of assistance to the committee?

Mr WING - Yes, I think that would be good.

CHAIR - Yes, briefly.

Mr McKIM - The two that we are not going to implement at this stage are recommendation 2 and recommendation 13 in the Ombudsman's report. Would you like me to speak to those in detail or to all of the recommendations?

Mr WING - Yes, if you could tell us about them.

Dr GOODWIN - I would quite like you to speak to those two; why you are not implementing them.

CHAIR - Why you are not implementing those two.

Mr FINCH - What they are.

Mr McKIM - Recommendation 2 says:

'That the Corrections Act 1997 be amended to place controls around segregated detention, whatever the reason for it, whether it be discipline, maintenance of good order, protection, or problems arising from prison design. I recommend that consideration be given to including an independent review mechanism such as the one to be found in the Crimes (Administration of Justice) Act 1999 in New South Wales'.

That is effectively recommending a legislative change. Our response to this recommendation is that we have official visitors at the office of the Ombudsman providing oversight mechanisms. Instead of a legislative change we have decided to reframe the director's standing orders that pertain to these issues, to ensure that there is greater transparency in the way that people in the Tamar Unit are managed. .

My view is that that is an appropriate response in the first instance, but I want to see a culture of continual improvement in the way we operate in our prisons. Prisons are a difficult operating environment for the people who work there and for many inmates they are a difficult place to be.

I am not here to say that everything is perfect in the way we run our prisons, but I believe in a culture of continual improvement. We are going to reframe the director's standing orders and that is underway at the moment. If that reframing does not satisfactorily address the matters that the Ombudsman has raised in relation to this particular recommendation, we will have another look at whether we need legislative change in the future.

Dr GOODWIN - Minister, will you invite the Ombudsman back after you have made those changes to review?

Mr McKIM - I would be happy to consider doing that, yes.

The second recommendation is number 13. That is, that the Tamar Unit not be used for the indefinite containment of prisoners on the ground that they are perceived to be dangerous. This recommendation is supported by the department and by me but at the moment the problem is that - and I should indicate that Tamar Unit's physical infrastructure, the building, was not purpose-designed for what it is currently being used for - we do not have a purpose-designed facility for housing prisoners in the Behaviour Management Program.

Mr WING - Do you mean the maximum security type of prisoners?

Mr McKIM - No, these prisoners are prisoners that are segregated from maximum security on the grounds that they may be dangerous to themselves, to other inmates and to correctional officers so they are, in effect, the most dangerous prisoners that we have in the system. As I have

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said, the Tamar Unit was not purpose-designed to house inmates of this type and we do not have a facility that was purpose-designed to do that. We have \$20 million in this Budget over the forward Estimates for the Prison Infrastructure Redevelopment Plan stage D and we will be factoring the Ombudsman's recommendation into the decision we make around how we will spend that \$20 million. We have \$100 000 in the Budget in this financial year to do the planning work around PIRP stage D.

Mr DEAN - We have just had a new prison built at a cost of many millions of dollars.

Dr GOODWIN - Ninety million.

Mr McKIM - Yes.

Mr DEAN - Why wasn't there a maximum security facility part of this development?

Mr McKIM - That is a pretty good question. Well, there is maximum security but no purpose-built facility for housing inmates on the Behavioural Management Program.

Dr GOODWIN - High risk.

Mr McKIM - The very high-risk prisoners.

Mr DEAN - Yes, that is what I am talking about. Why wouldn't there be?

Mr McKIM - Well, it was a decision that was made, obviously not by me. The new facility is several of years old now. What I can say is that I will go through a process with the agency to work through how we will spend this \$20 million and what facilities we will construct with this \$20 million. My preliminary view is that we do need a facility that is purpose-built to house inmates of this type and I will be feeding that view in, very strongly, as we go through the process to plan stage D of the prison redevelopment.

Mr WING - So that was clearly a defect in design.

Mr McKIM - My view is -

Dr GOODWIN - Was it a funding issue perhaps?

Mr WING - It is not your fault.

Mr McKIM - No, and I am not suggesting that it is. As I have said, I think we do need a facility of that type. I indicate, though, that this stage D of the Prison Infrastructure Redevelopment Plan is stage D of a complete prison plan. My advice is that in the original design there was a facility of this type planned but it just has not been funded yet.

Dr GOODWIN - Minister, in the Ombudsman's report, he suggests that the funding approved by Treasury to the new prison fell substantially short of the amount estimated to be required. Is that the real reason that you do not have this purpose-built high-risk management unit?

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Mr McKIM - Well, it has not been funded yet but, as I said, we have \$20 million still in the outer years of this Budget.

Dr GOODWIN - In the original planning, though, there was insufficient funding allocated from Treasury to build this purpose-built unit.

Mr McKIM - Government has a number of demands on its purse. I am not here to make excuses for the previous Government. I was not a member of that Government but what I am here to do is take responsibility of how I behave as minister and I have indicated to the committee today that my view, very strongly, is that we do require a facility of this kind and I will prosecute that strongly as we go through the planning stages in relation to how we spend the \$20 million.

Dr GOODWIN - Certainly the high-risk prisoners are not something new.

Mr McKIM - No, they are not.

Dr GOODWIN - They have been around; we had them before in Division 7 of the old prison so it was not as if we did not know that this would be an issue in a new prison.

[10.00 a.m.]

Mr McKIM - I am not in disagreement with anything you have just said, Dr Goodwin, but just to be clear for the committee: there was a plan for new prison infrastructure not only at Risdon but right around the State, including a northern prison, which I know Mr Wing has been an advocate for a number of years -

Ms RATTRAY - And continues to be.

Mr McKIM - and continues to be and he may have a question or two for me on that. The simple fact is that a decision was made by government to fund what it has funded and we still have, as I have indicated, \$20 million to spend in the out years of the current Budget on stage D. There was a complete plan but government made the decision not to fund the complete plan as yet.

Dr GOODWIN - This is just a follow-up question: do you have any idea at this stage - and I know you have not done the planning around it - of a ballpark figure for a high-risk facility of this nature?

Mr McKIM - No, we do not have that information at this stage but I presume that it could be afforded within the \$20 million.

Mr WING - On the question of the defect in design, were there detailed designs for a unit such as is now regarded as necessary?

Mr McKIM - Mr Williams might be able to answer that.

Mr WILLIAMS - Yes, there was a complete design for a prison system across the whole board, including a full facility in Launceston and this was everything you could ever want in a correctional system. One of the things that we have in Tasmania is a small population; at the moment we have around 470 inmates in the prison system. We do not have all the facilities that larger jurisdictions would have, so in one sense, it is not correct to say that there was a design

fault in the prison but the other stages have not been built and, as the minister has said, the \$20 million came out of our request for stage D which was for maximum-security and medium-security facilities at the Risdon Prison complex.

There are detailed plans about what a prison might look like in Launceston. The additional facilities in the Risdon Prison complex will include expanded access to education, a recreation gymnasium, a kitchen inside that facility, and there will be a unit for housing people long term. The other aspect is - and I think the Ombudsman's report makes it clear -that while things have changed since he started his investigation, one of the key things here is that the Tamar Unit might be appropriate for short periods but not for extended periods so it is not totally inappropriate but it is how it is used, the model that is used in running it and the period in which people stay in that facility.

Mr McKIM - And if I could just be clear, Dr Goodwin, the Ombudsman did make it clear that improvements have been made since he began the process of writing his report and that I think is to the credit of the people involved in managing our prisons.

Finally, on this question in relation to the funding, ultimately all ministers would like to have an unlimited amount of money to spend in their portfolios. I think I can safely say that on behalf of all ministers but ultimately that is not the way government works. There is a finite amount of money in the Budget. We have \$20 million to spend in the out years. There are a number of competing demands on those funds. As I indicated in the overview, I am very focused on reintegration into our community and there is an argument that a purpose-built reintegration facility, for example, would be a good thing. There is certainly an argument, as I have indicated, for a purpose-built facility within the maximum security area in Risdon for inmates on the Behavioural Management Program. There is also a very strong argument for other things at various correctional institutions around Tasmania but we aim to do the planning work this year. There is money in the Budget for that planning work to be done and we will go through a process before we make final decisions in those areas.

Mr WING - So it was decided not to build the special-purpose section for dangerous inmates but the Tamar Unit was built. What was the difference, is it possible to say, between the cost of building that purpose-built unit and the cost of building the Tamar Unit?

Mr McKIM - I will pass you on to Mr Williams in a moment because these are all decisions that were made by previous ministers.

Mr WING - That is right.

Mr McKIM - In fact from memory Judy Jackson was minister at the time that the major decisions were made. We have certainly David Llewellyn and Lisa Singh.

Dr GOODWIN - There has been a succession of them. Steve Kons was in there as well, I think.

Mr McKIM - So that is four, and I have shadowed all of those ministers in my capacity as Greens Justice spokesperson during the various iterations of a Corrections minister in Tasmania. But in terms of any cost difference, I do not have advice in front of me on that.

Mr WING - Could that be provided?

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Mr McKIM - I will take some advice on that. I am advised, Mr Wing, that there were original castings developed. We are a number of years down the track so they may not be relevant in real dollar terms.

Mr WING - But they were at the time and what I would like to know is what money was saved by building the Tamar Unit instead of the purpose-built one.

Mr McKIM - Have you been to the Risdon complex?

Mr WING - Yes.

Mr DEAN - Not as an inmate.

Laughter.

Mr WING - I would like to visit again. Your predecessor gave authority for Mr Parkinson and me to visit there.

Mr McKIM - I would be very happy to organise a visit to any of our correctional facilities for any of the committee members and I will make sure that that occurs. Feel free to contact my office and I will make sure that happens. Can I also indicate that I have visited personally all of the correctional institutions since I became minister because I wanted to have a look on the ground at how things are going and what things are like in our prisons. I thought that was my responsibility.

In terms of the costings you have asked for, we will be able to provide you with some information on that. We will endeavour to do so by the end of the day but I cannot commit to that occurring. If the question could be put on notice we will try to get you some information by the end of the day of the committee. If not, we will provide that in writing.

Mr WING - I appreciate that.

Dr GOODWIN - The Tamar Unit was built for another purpose, wasn't it?

Mr McKIM - For those who have been to Risdon, there are a number of blocks or units within the maximum security area and Tamar Unit was one of those blocks. It sits physically within the maximum security area at Risdon.

Dr GOODWIN - I think that it was built for prisoners with special needs or something along those lines.

Mr McKIM - Yes.

Mr WING - And during the course of construction of the prison the decision was made by the then Government to increase the number of cells by 120. I am not sure what the cost of that was. Is that known?

Mr McKIM - I will ask Mr Williams to respond.

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Mr WILLIAMS - Some of the costings for the facility that might have been built for special or handicapped may be quite tricky because once the decision was made about the scope of what was going to be built the costs were not necessarily broken down any further. We can get you some overall costs for parts of it but it may not be as specific as you have asked.

Dr GOODWIN - Are you able to provide any information on how much it costs to run the Tamar Unit per year or on a per prisoner basis?

Mr McKIM - I will take some advice on that. We do not have specific figures on that but it would be more expensive than an average or normal block within that.

Dr GOODWIN - So significantly more, probably?

Mr McKIM - I would say so. In broad terms, maximum is the most expensive area to run in the Risdon complex because more onerous conditions are required to be implemented by our correctional officers and my advice is that in general terms the Tamar Unit would be the most expensive of all the maximum facilities.

Mr DEAN - My first question follows on from Mr Wing's question. What is the total cost of the building of the new complex and the extras now that have been added to it? The fence was added to it and now the high-risk facility is going there. What is going to be the total amount and blowout, obviously, of those costs that were first predicted for this prison?

Mr McKIM - A lot of those questions go to things that happened obviously before I was the minister. I am happy to talk in detail about the fence if you would like me to do that.

Mr DEAN - That is completed now, as I understand it.

Mr McKIM - The fence, no.

Mr DEAN - Is it providing the security that is necessary?

Mr McKIM - No, it is not completed yet. There were some hold-ups with the fence in relation to Aboriginal cultural heritage that was discovered in the area and that did result in delays to the project but the project is underway and I am happy to provide you with details on that.

The issue with the fence was that contraband was entering Risdon by being thrown over the fence, if you can believe that, and the State Government made \$800 000 available in the 2008-09 Budget to enhance the perimeter security of the Risdon Prison complex.

Construction began in mid-September last year. On 25 September Aboriginal Heritage Tasmania inspected the excavation site and during the inspection they found what appeared to be Aboriginal artefacts on the western side of the Risdon Prison complex where the topsoil had been removed in preparation for the new fence.

A preliminary survey was conducted and found a number of Aboriginal artefacts scattered over an area of approximately 150 metres in length and the majority of these artefacts only became visible once the grass was stripped away. On 29 September Aboriginal Heritage Tasmania staff returned to the site to fully record the artefacts and it became apparent that the

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fence construction sites on the northern and western sides of the prison contained a considerable number of artefacts.

At the request of AHT, work on the fence ceased and an archaeological survey was commissioned. Archaeologists were engaged to conduct a survey and the team included an officer from AHT to deal with social and cultural issues associated with the find. There was a survey report completed and AHT prepared a permit in consultation with the Tasmanian Aboriginal community.

The permit was recommended and has now been signed by Minister O'Byrne, the Minister for Environment, Parks and Heritage. So work on the project was delayed for almost seven months while that process was undertaken and I can indicate I fully support the fact that that process was undertaken. Work recommenced on 10 May 2010 and completion of the fence is expected to take a further eight weeks.

Mr DEAN - What is the extra cost incurred as a result of this whole project on top of the \$800 000-odd?

Mr McKIM - The final cost of the fence is estimated at \$1.9 million.

Mr DEAN - A blowout of a million dollars because of the -

Dr GOODWIN - Nearly \$2 million in fact.

Mr McKIM - The final cost of the fence is estimated to be around \$1.9 million which includes around \$370 000 in costs incurred by the delay.

Mr DEAN - Just so I am clear on it, Minister, the fence will be constructed in a similar area? Has it been moved?

Mr McKIM - No. The extra costs were incurred by the delay.

Mr DEAN - Right, the delay, but has the fence construction been moved? I just did not pick that up clearly.

Mr McKIM - No, it is in the same place.

CHAIR - A permit has been provided.

Mr DEAN - Yes, but I just want to know where it is going to be built.

[10.15 a.m.]

Mr McKIM - No, it has not been moved, as I previously indicated. The additional costs incurred while the work has been suspended include \$27 750 for the archaeological survey and contractual delay costs of \$371 000.

Mr DEAN - The fence will still be constructed in exactly the same place it was planned to be built in the first instance, is that it?

Mr McKIM - Yes.

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Mr DEAN - There will be no changes at all other than the permits and the tests and so on?

Mr McKIM - Yes.

Mr WING - It would have been well known at the time, would it not, that there was the risk of contraband being thrown over the wall - drugs, tennis balls and things like that - and yet the prison was constructed without that fence being placed around the perimeter?

Mr McKIM - The prison was certainly constructed without that fence because that fence is now in the process of being constructed. It is very important that we do what we can to keep contraband out of our correctional institutions. This fence will certainly help us to do that.

Mr DEAN - Without a net over the whole thing how can you stop it?

Mr McKIM - We believe that this fence will help us to minimise the occurrence of contraband. These are issues that are dealt with by people running prisons right around the world.

Mr WING - Who would find it very difficult to understand why that fence was not built in the first place.

Mr McKIM - I, personally, Mr Wing, find it quite difficult to understand; however that is what occurred and we are now working to rectify that situation.

Mr WING - Was it not well known that there was the risk of contraband being thrown over?

Mr McKIM - That was before my time. I will take some advice on that. In terms of what was known by whom and when I do not have that advice, but I am very happy to say to the committee that it was a design flaw in the original design of the prison and we are now working to rectify that.

Mr WING - It would be much more costly doing it now than it would have been before.

Mr McKIM - I would presume so but I do not have advice on that. My advice on that particular matter is that it may be fractionally more expensive now due to the fact that time has passed and things become more expensive over time. It is completely external to the complex itself, so the construction of the fence would have cost the same amount in real terms, but a few years have passed, the CPI has taken effect and things have become more expensive over time.

Mr WING - If it is suggested that it is only fractionally more expensive, I would like to have details later of the estimated cost at the time of construction of the prison.

Mr McKIM - There was not an estimated cost because it was not included in the design, I believe, but I will take some advice.

Mr WING - I thought it was included in the design but there was not enough money to construct it.

Mr McKIM - I will take some advice. It was not in the original design for the prison so there were no costings done for that at the time. The process of designing and constructing the

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fence that is currently under construction was begun because concerns were raised by correctional officers that contraband was entering the prison in the way that I indicated earlier. We cannot provide you with original costings because there were no costings done because the fence was not included in the original design. As I indicated, it is slightly more expensive to be constructing that fence now. I do not have formal advice on this but perhaps about \$10 000 extra because we are building it five or six years after we should have.

Mr WING - Yes. I am astounded to find it was not in the original design because anybody who had the slightest knowledge of prisons anywhere in Australia would have known that there was a very distinct risk of contraband coming into the prison.

Mr McKIM - I share that view and, as I have indicated to the committee, I regard it as a design flaw in the original prison design.

Mr DEAN - Minister, just so I am perfectly clear, as I understand it, \$800 000 or \$900 000 was set aside for the construction of the fence? Then you indicated that the total cost has now blown out to \$1.9 million, if I am understanding you correctly.

Mr McKIM - Perhaps if I could run through it to clarify.

Mr DEAN - I am just interested in the difference between \$800 000 and \$1.9 million.

Mr McKIM - The original tender for construction of the new fence was by Techno Corp, who successfully tendered for the construction with a bid of \$1 266 087.42.

Mr FINCH - Approximately.

Mr McKIM - Exactly.

Laughter.

Mr McKIM - Other costs associated with the construction include lighting upgrades, car park clearing and management fees, which all added up to \$212 000. The additional costs incurred from the delays, which I mentioned earlier, were the archaeological survey at \$27 750 and delay costs for the contractor of \$371 000. Total cost of construction is estimated, once we have finished, at approximately \$1.87 million.

Mr DEAN - Minister, where was the \$800 000? What did that involve?

Mr McKIM - The \$800 000 was the original budget allocation that was made by the State Government in the 2008-09 Budget. I can inform the committee that just yesterday - it is good to be operating in real time - the Government signed off on a request for additional funds of \$1 million.

CHAIR - That was lucky.

Mr McKIM - I am very pleased that the Treasurer decided to do that so we are now able to complete that fence, which I am sure we would all agree is a good thing.

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Mr FINCH - Minister, could you advise me of the work of the Launceston remand centre? I am pleased to hear that you have had a chance to tour the facilities in Tasmania. I do not know much about the remand centre but, while it is fresh in your mind, could you apprise me of the occupancy, the way it is used, and any future refurbishment, expansion or diminution of the remand centre?

Mr McKIM - I have visited the Launceston remand centre - sorry, the name changed to the Launceston Reception Prison some years ago and I thank Ms Hutton for reminding me of that name change. Do not worry, I still get it wrong. In fact, the Hobart remand centre has also become the Hobart Reception Prison.

Mr DEAN - Reception sounds nice.

Mr WING - Welcoming.

Mr DEAN - Have we got a welcome sign hanging out the front?

Mr McKIM - No. I do not recall a welcome sign; there may be one.

In all seriousness, the issue with the previous name was that it gave rise to a reasonable perception that the purpose of those facilities was purely for remand and that is not the purpose, as you would know, Mr Dean.

Mr DEAN - They receive them there, right.

Mr McKIM - It is not the only purpose of those facilities anymore so the name was changed to provide a more accurate reflection of the purpose to which those facilities were put. There are prisoners who are not on remand in both the Hobart Reception Prison and the Launceston Reception Prison. Some prisoners, I might add, have made a proactive choice to be housed in those areas. I spoke to prisoners in both of those facilities who had made a proactive choice to request to be housed -

Mr FINCH - Is that available to all prisoners, Minister?

Mr McKIM - Within the constraints of the number of cells and facilities available at those two prisons, but prisoners do not determine themselves. They can make a request and then various processes are followed internally to determine whether it would be appropriate or not. Some inmates are housed, certainly in the Hobart Reception Prison, on the basis of the need to segregate them, for their own protection, from the mainstream maximum-security population, for example, at Risdon. I spoke to one particular prisoner there who had proactively requested to be housed at Hobart Reception Prison for that purpose. There are still people on remand at those facilities. The figures at 7 June for those two facilities are: Hobart Reception Prison, 28 inmates, and the maximum capacity there is 36 so that is not full; and at the Launceston Reception Prison there are 19 inmates with a maximum capacity there of 28, so that is not full either.

Mr FINCH - Any plans for the future in respect of refurbishment of the facilities there?

Mr McKIM - All of those decisions will be taken as we consider a strategic plan for Corrective Services in Tasmania. I am not going to make ad hoc decisions about how we move

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forward. We are going to make those decisions strategically and by prioritising what we think the needs of corrections in Tasmania are, going forward.

Dr GOODWIN - Minister, you have mentioned that there are prisoners who require protection being held at the Hobart Reception Prison. The Ombudsman commented on that, he believes that the facilities there are totally inadequate for long-term accommodation. Why are prisoners who require protection being held at the Hobart remand centre?

Mr McKIM - They are there for their own protection. As I indicated, some have requested to be housed there and I will not go into naming prisoners in a forum like this, but I spoke to at least one prisoner who had requested to be housed there and was very happy to be housed there for the duration of his sentence, which is a sentence of some considerable time. With the need to house prisoners who need protection from other inmates, segregation really is the best way to do that, that is to physically remove those prisoners from -

Dr GOODWIN - I understand that. Is this another design fault of the prison that we spent \$90 million on?

Mr McKIM - I would not regard it as a design fault. I would regard it as a reflection of the fact that Tasmania is a small jurisdiction. We do not have the flexibility within our institutions that other jurisdictions in the country have. We are doing the best we can with the facilities that we have at our disposal to maximise the safety of all inmates.

Dr GOODWIN - With respect, Minister, it is a bit like the high-risk prisoners; we have had prisoners who require protection within the system for years so it was not an issue that suddenly just emerged. I think that this issue should have been planned better when the prison was being rebuilt.

Mr McKIM - I would not necessarily disagree.

Dr GOODWIN - I wonder if it again stems back to the issue of Treasury providing inadequate funds for this new facility?

Mr McKIM - As I indicated, all ministers would like to have significantly more funds at their disposal. I am not here to speak for Judy Jackson, Steve Kons or Lisa Singh, I am here to speak for me as a minister. We have \$20 million for prison infrastructure redevelopment, planned stage D, which we will be working on planning for this year and we also are working on a strategic plan for Corrections in Tasmania that may include, if we can get funding, some future infrastructure upgrades or redevelopments. Ultimately it will be a matter for me to mount a strong argument to the Treasurer and Treasury in relation to doing what I can to get extra funding to deliver on our strategic plan..

Dr GOODWIN - But surely we have to meet our human rights obligations and make sure that we are compliant with national and international standards and all of those things?

Mr McKIM - We do.

Dr GOODWIN - Can I go back to the Tamar Unit?

Mr McKIM - Yes.

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Dr GOODWIN - It is an eight-bed unit. Can you tell me how it is staffed?

Mr McKIM - We have Mr Partridge here who is Assistant Director of Prisons. The Director, Mr Barber, is representing me at a ministerial council today so that is why he is not here. I would have very much liked to have gone to that ministerial council but I thought my duty was to come here and respond to questions.

CHAIR - Minister, we are pleased you chose us.

[10.30 a.m.]

Mr McKIM - Thank you, Madam Chair. In terms of details of the staffing I am very happy for Mr Partridge to speak to the committee about that.

Mr PARTRIDGE - Thank you, Minister. There are three correctional officers and one supervisor for the Tamar Unit.

Dr GOODWIN - That is 24 hours, so how does it work?

Mr PARTRIDGE - The three staff and the supervisor are there during unlock hours and then once lockup occurs, this unit is staffed permanently throughout the night by two correctional officers.

Dr GOODWIN - On that basis, you must be able to come up with a rough calculation of how much it costs to run the prison. Can you take that question on notice?

Mr WILLIAMS - We can certainly have a go at that.

Dr GOODWIN - Okay, I would appreciate it. How many prisoners would there be currently in the Tamar Unit?

Mr PARTRIDGE - There are five at this stage.

Dr GOODWIN - Do they now have the opportunity to participate in programs and activities? That was something, again, that the Ombudsman was concerned about.

Mr McKIM - It might be of interest to the committee and I am happy to hand out copies of this letter that was sent by Mr Williams to all TPS staff yesterday in relation to the Ombudsman's report. I am happy for that to be circulated. I am also happy for Mr Partridge to respond to further questions in detail from Dr Goodwin.

While Mr Partridge is preparing to answer, just to reiterate, the Ombudsman's report is very helpful to us. We are not in denial about anything that happened there. We already have improved some matters in relation to the Tamar Unit and we are working now to implement some of the recommendations.

Dr GOODWIN - My question was around whether prisoners currently in the Tamar Unit are able to participate in programs and activities.

Mr WILLIAMS - That is one of the recommendations of the Ombudsman's report and we have accepted that we need to do more in that respect. The prisoners in the Tamar Unit can access the education facilities and we are in the process of putting in some new computer infrastructure through maximum security to enable inmates to have better access to electronic resources for education. We are also working with organisations like Reclink, which is a non-government organisation to introduce sporting or recreational activities into places like Tamar. Because of the nature of the environment, we can leave only limited recreational equipment in there. You might know what happened to Carl Williams with the pedal of a bike. There are issues there in terms of what we can put in there because these are the most difficult and dangerous of the inmates that we have.

We accept what the Ombudsman says, that we should provide more education and more recreational activities for those inmates. While I cannot say that we have changed anything since the Ombudsman's report came out, I am going to put a working together to implement all of the recommendations that we can. As the minister said, two of those are really dependent on what we do with stage D because we do have to house those people somewhere and we are going to review the model for Tamar Unit so that it will include those things.

I should note that education activities are not removed from prisoners in the Tamar Unit as a matter of the Behaviour Management Program.

Mr McKIM - Also, just to be clear, Dr Goodwin, the working group that Mr Williams has referred to will report to Ms Hutton within six months and a report on progress will be provided to the Ombudsman at that time. The Ombudsman still has a role to play in oversight in terms of the implementation of these recommendations.

Dr GOODWIN - I am very pleased to hear that. Could I ask about prisoners in the Hobart Reception Prison? There is a distinction between those who are in there because they require protection and people who are on remand. I am wondering what access those people in the Hobart Reception Prison have to programs or education. What do they do in there?

Mr McKIM - We have Jo Maxfield here who runs the reception prisons in Tasmania.

Ms MAXFIELD - Since I started there on 15 March, we have introduced Reclink, and we have a sport and recreation gentleman, Simon, who comes over every week and works with the inmates during their sport and recreation time. We also have the education people who come over to us. I am using peer tutors to teach inmates who have a low literacy and numeracy rate. I am using an inmate to teach those people how to read and write on a regular basis. There is no denying that we could use a lot of outside help, but that is not always available and we do have long-term protection inmates there.

We have recently purchased new equipment for them; a microwave so they now have access to more canteen items. We have just had some sporting equipment donated by an outside source from the community, so that is available to them. We are just about to purchase a new weight bench for them so they have access to that. There have been some changes and we are always looking for continual improvement on what we can offer the inmates. We are looking at our reintegration section 42s for inmates; we have one going out on a regular basis. We also have some interest from outside areas in having some of our inmates do community service work, which is something that we need to discuss with higher up the line. I will probably get into trouble in a minute.

Mr McKIM - You are not in any trouble, Jo.

Dr GOODWIN - I know Mr Bartlett has been concerned about people on remand and their capacity to participate in and benefit from programs, so it is good to hear that there has been some work done there and that they are having that opportunity.

Mr McKIM - Dr Goodwin, when I visited the Hobart Reception Prison and subsequent to that visit or at the time I asked for some money to be provided for some further recreational facilities for inmates once I had seen what was currently there, and I understand it is on the way.

CHAIR - Minister, would there be an opportunity to form a partnership with a community organisation?

Mr McKIM - We do partner with a lot of non-government organisations in Corrective Services, and I am happy to go through the programs that we operate in partnership with NGOs if that would be of interest to the committee. There are always opportunities for further partnerships and it is something that we are currently working on.

CHAIR - We are attempting to assist Jo here.

Mr McKIM - I am very pleased that you are attempting to assist Jo and attempting to assist me. We work closely with a number of community and other organisations including the Salvation Army, Anglicare, Red Cross and Relationships Australia to deliver programs in our prisons. All of the programs we institute are evidenced based and they are delivered in accordance with the Australian Offender Program standards in 2005.

As an overview; we have criminogenic programs and non-criminogenic programs. In terms of criminogenic programs, we have Making Choices, which is a program targeting both general and violent offenders which runs for 100 hours over three to four months and this is designed to reduce our recidivism rate. It includes offence mapping, relapse prevention planning, problem-solving, victim impact, safety planning, mood management techniques and the use of cognitive behavioural methods. We also have Pathways, which is an intensive treatment program for adults with a history of criminal conduct and alcohol and other drug use problems. We have New Directions. I will precis these, Mr Wing. If you would like a brief on these I would be happy to provide that to you.

Mr WING - Thank you, and some indication of how many prisoners are involved in programs like that?

Mr McKIM - Yes, I certainly can. I will precis the programs in the first instance. New Directions is a program which assists sex offenders to take responsibility for their offences and help to plan an offence-free lifestyle. I am happy to talk in further detail about our sex offender treatment programs if you wish me to.

Non-criminogenic programs - we have Preparing for Change, which is based on cognitive behavioural therapy. It covers areas like stress management and anger management. We have Talking up Change which is based on the Preparing for Change program but has been adapted to provide for the needs of maximum-security inmates.

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We have Getting Smart, which is a program designed to promote self-management of drug and alcohol issues and we have Turning Point, which is aimed at people who are assessed as being in the pre-contemplative stage of change, and designed to be an introduction to some of the other group programs that we manage.

You asked for numbers on those programs. We have 2007-08 and 2008-09 figures, so I will give the committee both of those. Preparing for Change; in 2007-08 there were five programs, 45 enrolments with 42 completions and in 2008-09 four programs with 38 enrolments and 28 completions. Talking up Change; in 2007-08 there were four programs with 24 enrolments and 21 completions, and that program was not offered in 2008-09. Getting Smart; five programs with 51 enrolments and 43 completions, and in 2008-09 one program with 12 enrolments and 6 completions. Offending Is Not The Only Choice; in 2007-08 one program with 2 enrolments and 2 completions and not offered in 2008-09. Making Choices; in 2007-08 one program with 10 enrolments and 3 completions and in 2008-09 three programs with 34 enrolments and 18 completions. Pathways; in 2007-08 one program with 10 enrolments and 6 completions and in 2008-09 one program with 12 enrolments and 7 completions.

Since the start of the current financial year, which finishes today: Preparing for Change 50 enrolments, 39 completions; Getting Smart 34 enrolments with 19 completions; Turning Point 29 enrolments with 27 completions and Pathways 36 enrolments with 7 completing the program and 22 currently participating in the Pathways program.

Dr GOODWIN - There were a couple that were not offered in 2008-09. Can you explain why that was? OINTOC was one of them, I think.

Mr McKIM - Say it again, sorry Dr Goodwin.

Dr GOODWIN - Offending is Not the Only Choice I think it is called.

Mr McKIM - OINTOC was not offered. I will take some advice on that but what I can indicate is that as part of the extra funding for Community Corrections we have already announced as part of the budget announcement that we will be implementing programs in Community Corrections that, at least in one case in terms of sex offenders, will be designed to build on the programs that are completed by sex offenders when they are in our correctional institutions.

I do not have advice on why those programs were not offered, but I am happy to seek that for you and I will attempt to provide that for the committee by the end of the day.

Mr DEAN - I want to move to another area and concentrate on prisoners. I want to have a look at the support - and I do not know whether they are called warders now or what they are called.

CHAIR - Correctional officers.

[10.45 a.m.]

Mr DEAN - Correctional officers. Minister, last year it was raised in this forum about what was seen then as an inordinate amount of overtime that was being worked in a complex because of understaffing, sick leave and all of those other issues. Has the staffing level increased since that was raised? Is the staffing level at Risdon Prison now up to where it ought to be or, because

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their safety is critical to the maintaining of a facility that is necessary to house prisoners, will there be more correctional officers employed? I am really concerned about that, so could I have a run-down on absenteeism of correctional officers, sickness, workers compensation and so on? Also, what is happening with overtime currently- Is it decreasing or increasing or remaining the same?

Mr McKIM - If I give you the figures for some earlier years and currently, you can see any trends that might be developing. I will give you round figures.

Overtime costs per annum: in 2005-06, the overtime budget was \$1.2 million and overtime spent was \$2.2 million; in 2006-07, the overtime budget was \$2.1 million and overtime spent was \$3.3 million; in 2007-08, the overtime budget was \$2.2 million and overtime spent was \$3.8 million; in 2008-09, the overtime budget was \$2.1 million and overtime spent was \$3.4 million; in 2009-10, the overtime budget was \$1.8 million and overtime spent as at 16 June was \$3.4 million, with 10 days unaccounted for.

So there is significant expenditure on overtime, it is fair to say.

Mr FINCH - In preparing the Budget, too, I think there was a miscalculation every year.

Mr DEAN - Why is there this huge amount spent in overtime when it was identified last year that an increase in staff would fix some of these problems? What is going on?

Mr McKIM - Obviously, we have to run our prisons 24 hours a day.

Mr DEAN - Sure.

Mr McKIM - Overtime is paid to correctional officers at double time, so when someone does overtime it in effect costs us double what it would normally cost if that person wasn't working -

CHAIR - Is that because of the awards agreement?

Mr McKIM - I will take some advice. Yes, they are on awards.

Dr GOODWIN - That is a big blowout, you would have to admit, \$1.8 million to \$3.4 million.

Mr McKIM - Yes, that is a significantly over the budgeted amount; no doubt about it.

I will ask Mr Williams to explain the relativities between internal budgeting and Government budget estimates.

Mr WILLIAMS - The figures that the minister quoted about the overtime budget are internally set benchmarks by us; they are not provided in the formal Budget as something that we have to spend on overtime. We have been trying to work with the unions to bring down the overtime budget because a significant percentage of that is related to what we call recalls. Recalls refer significantly to sick leave being taken -

CHAIR - Stress leave or sick leave?

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Mr WILLIAMS - Well, certainly there is stress leave but that would be covered by workers compensation, which is another component albeit a smaller one. Sick leave is something that is not covered by workers compensation. Sick leave is people just ringing up and saying they cannot come to work today, as opposed to stress leave, which would be covered by the workers compensation.

Dr GOODWIN - So it is just one day or a couple of days here and there; it is not as though they are off for a long time. Is that what you are saying?

Mr WILLIAMS - Yes. Well, it is not related to it - it can be a long time if it is not related to the work environment. Say if someone breaks their leg playing soccer on the weekend and they are off for three months, that is sick leave, it is not workers compensation.

We did a lot of work with the unions last year to introduce new sick leave management policy. The amount of overtime spent in the 2008-09 year was \$3.4 million and it was about the same at 16 June, so it will be a little higher at the end of the year. This is a problem when you have a set number of positions. For example, to open up the Tamar Unit we have to have three staff and a supervisor but if one of those people rings up sick then we have to call someone back on double time who was having a recreation day or who was not rostered on.

Mr McKIM - Otherwise it does not get opened and there are obvious issues around that.

Also - through you, Madam Chair - I indicate that new recruitment has occurred recently, which I hope will flow through into a reduction in overtime paid. We have had two 13-week increased production programs during 2008-09 and a total of 15 new officers graduated during that period. Graduates from that program will commence operation of duties very soon, within a month. Also, seven men and four women are undertaking that program. So we are working on that. Sorry, there is a correction: It is a total of 15 from the two programs. 11 of the new recruits are participating in the program which commenced 10 May and will conclude on 23 July and graduates from that second program will commence on 26 July.

Dr GOODWIN - Minister, can you provide information on how many days have been lost to sick leave each year?

Mr McKIM - I do not have that but I will take it on notice and provide that.

Mr DEAN - Could you provide a breakdown of the reasons for incurring overtime? A breakdown might not necessarily include sick leave, it might be for other reasons.

Mr McKIM - Okay, I am advised that it is possible to do but unlikely to be available by the end of the day.

Mr DEAN - No, it could be tabled later.

Mr McKIM - Could that question be put on notice, Madam Chair?

CHAIR - Our secretary will write and provide all the information that you require.

Mr McKIM - No problems, thank you.

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Mr DEAN - A follow-up question to that is: since it was last raised last year not a lot has occurred, are we assured that there are sufficient correctional officers employed within the establishment to perform the duties that are necessary and required of them?

Mr McKIM - Ultimately, there are processes in place to make sure that we can deliver the appropriate number of officers to do the duties that are required of them and to implement the processes that are required in terms of running prisons. As the Deputy Secretary, Mr Williams, has indicated, if someone calls in sick, for example, then in order to fulfil our obligations to provide a safe environment to prisoners and a safe work place for correctional officers, we may need from time to time to call someone in who was not rostered and that would then incur penalty rates.

Mr DEAN - The next question is in relation to the vulnerability of correctional officers. There have been throughout the year a number of very vicious assaults committed on those people carrying out a very important function. What changes have been made to ensure the protection of our correctional officers in a facility where they are extremely vulnerable?

Mr McKIM - I regard any assault on a TPS staff member as completely unacceptable. I am sure that you share that view. People who work in our facilities put themselves on the line, as police officers and other emergency service personnel do - firefighters, for example. These are jobs that occasionally can involve an element of risk and we are doing everything that we can to minimise that risk. Providing a safe working environment for TPS staff is a priority of the Tasmanian Prison Service. All assaults on correctional staff are taken seriously. If necessary off the back of any incidents investigations are undertaken to reduce the risk of such incidents occurring in the future. There was an assault on a correctional officer in June this year and that officer suffered minor injuries and was taken to hospital and discharged later.

Mr DEAN - Can we be given a breakdown of the number of injuries or assaults on correctional officers over the past three-year period to see if they appear to be on the increase or decrease or have stayed about the same?

Mr McKIM - I can give you a figure for this financial year to date: there have been 16 assaults.

Mr DEAN - Sixteen.

Mr McKIM - Yes, and as I said, I regard even one assault as unacceptable and we are doing everything we can to provide a safe working environment. So 16 assaults; two that have been classified as serious assaults, five that have been classified as assaults and nine which are classified as other assaults which involve no physical injury. It is important to note that, of that 16, over half did not result in a physical injury to the staff member.

Mr DEAN - Do we have the figures for the previous financial year and one before that?

Mr McKIM - I do not have those in front of me now but I will take some advice on that. How many years would you like those figures for?

Mr DEAN - I am trying to identify whether or not there were any increases in attacks on our correctional officers.

CHAIR - Three years?

Mr DEAN - Yes, three years.

Mr McKIM - Yes, we will provide those figures to the committee. My advice is that there have been two serious assaults this year and my preliminary advice is that there is likely to be an increase in assaults on correctional officers in the current year.

If it would be of help to you, Mr Dean and to the committee, I am happy to ask Mr Williams or Mr Partridge to detail actions that have been taken to improve occupational health and safety as a result of those assaults.

Mr DEAN - It was a part of my original question and it was, what has happened and what is being done?

Mr McKIM - I will ask Mr Williams to provide that.

Mr WILLIAMS - There was an incident in December where officers were attacked by a number of inmates. I have to be careful about some of these discussions because some of these are ongoing investigations. As a result of that December incident, we worked with staff and unions to make some significant security upgrades to the medium-security area, to make sure that officers had better egress from emergency situations. We spent money putting additional security into their control room. The education area was damaged in that particular incident, quite significantly. As part of that, we put reinforced doors on the education unit and we put new protective covering on the windows to make sure that if another incident occurs, that particular unit is safe.

We worked through a process with the unions and staff, and the prison remained locked down for some months while we were doing that. We were not prepared to open it and neither were the staff until we were satisfied that what had been identified as potential security issues were rectified. We have recently gone through a process in the maximum-security unit of doing some upgrades, not as extensive, but upgrades to some of the doors and hatches that people use.

We are pretty keen to work with staff and unions to continue that process. We have engaged Workplace Standards Tasmania to come in and do an extensive review of some of the OH&S and work safety issues in the Risdon Prison complex. That will take some time. Having identified this through the couple of serious incidents, we have an independent view coming around what we need to do if there is any further stuff because, you are absolutely right, the safety of our staff is one of the most important things we have to look after, and also the inmates.

Mr FINCH - I would like to go back to the subject of sick leave because I remember there was quite an issue last year that we focused on and we were shocked then, as we are now, about the amount of overtime that is being paid related to sick leave. What is the entitlement of a TPS staffer in respect of their sick leave allocation through their contract? How many days of sick leave have been taken by the staff at Risdon Prison? But also, are there any comparisons made with other sectors of the public service to see whether there is something specific to the work of the prison service that means that they perhaps take more sick leave than other areas of our work community?

[11.00 a.m.]

Mr McKIM - We are currently doing an audit, not to compare across other agencies in Tasmania but to compare with other corrections agencies around the country, so we are comparing like with like. That audit is currently under way and has not been completed yet. We are hoping that it will allow us to understand how we are travelling in the national context, comparing apples with apples rather than with oranges. Sick leave represents about 43 per cent of the overtime payments.

Mr DEAN - What was it?

Mr McKIM - 43 per cent.

I do not have specific details on days of sick leave but I am happy to provide those.

Mr FINCH - Yes, and I think it might also be interesting to have a look and compare apples with oranges - it is alright in correction services to have a look at that situation - to see if there is something that is specific to a prison service that causes more sick leave or gives a suggestion of whether it is over-used or whether, in other areas of occupation, people do not access their sick leave requirements as much as perhaps a prison officer does.

Mr DEAN - Could you do some comparisons?

Mr McKIM - I will respond to Mr Finch if that is okay. Prison work is shift work, so it is not directly comparable to non-shift work in the context that we are discussing. For that comparison to be valid, you would need to compare those rates for other agencies that require the delivery of a 24 hour a day service, rather than just a standard 9 a.m. to 5 p.m. service.

Mr DEAN - A comparison with the police service would be reasonable, wouldn't it, because they are a 24 hour service and a similar situation?

Mr McKIM - Perhaps it would. I do not know what the police data collections are. It is not my agency. You might know better than me.

Mr DEAN - I am sure they can tell you to switch.

Mr McKIM - If we can source that data I am happy to talk to Ms Thorp about accessing data from Tasmania Police and I am happy to consider making that comparison if that is technically possible.

Mr FINCH - Minister, when do you suggest that audit might be completed?

Mr McKIM - It is an audit that is being done internally within our agency. It is not possible to give a specific time for the completion because it requires data being sourced from other states so some of the sources for the data are beyond our control. We are progressing that as quickly as we can. I would prefer not to put a timeframe on it because the timeframe is outside my control because we are waiting for corrections agencies from around the country to respond. We have a good relationship with both ministers and corrections divisions around the country and, as I indicated, Mr Barber is representing me at the ministerial council today. Hopefully we can have that completed sooner rather than later.

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Mr FINCH - Maybe before next budget Estimates.

Mr McKIM - Well, I am hopeful that will be the case and I would expect to receive some tough questioning from you if it was not the case.

The committee suspended from 11.04 to 11.18 a.m.

CHAIR - We will resume again at output group 6, Corrective Services, and I will invite Mr Wing to speak.

Mr WING - Minister, is it possible to make any comparison of the levels of remuneration and working conditions of staff in our prison system with staff in prisons in other States where the prisons are run by, firstly, the Government and, secondly, where they are privately managed?

Mr McKIM - As I indicated before the break for morning tea, there is an internal audit in place in relation to rates of sick leave. Even though I have described it as an internal audit it has been done by KPMG so it is not just an agency doing it, it is an audit by KPMG.

In terms of whether the framework of that audit would extend to a comparison of pay rates, I will just take some advice. No, it does not. In terms of whether or not that information is available, obviously we know what our pay rates are and I presume other government agencies around the country would know what their pay rates are in public and private sector institutions. We do not have private sector custodial institutions in Tasmania. I am happy to explore that for you, Mr Wing, but ultimately that will rely on other ministers and other agencies around the country.

Mr WING - As I recall when the select committee of the Legislative Council inquired into Corrective Services and sentencing some 10 years ago, the conditions and remuneration were a little more generous here than in privately operated prisons on the mainland. I am just wondering whether that still applies generally. I am not asking for specific details.

Mr WILLIAMS - There was a period where we had pay parity nationally. Historically wages had not been as good here as they had in some other jurisdictions. My guess, although I would have to source some data, is that we probably sit about the middle of the range now in that we are not the highest and we are probably not the lowest.

Mr WING - Is it possible to give some indication of where we sit in relation to comparisons with privately managed prisons?

Mr WILLIAMS - Because we have not entertained the idea of private prisons in Tasmania we do not have any data on that and I doubt whether we would be able to source it all that easily because those are closely guarded commercial secrets of private operators.

Mr McKIM - It might also assist also in answering this question, Mr Wing, to inform the committee that we will be renegotiating the correctional officers' industrial agreement later this year. Typically some of those matters would be considered during that renegotiation process. It may be that some of those comparisons might come to light.

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Mr WING - Yes, thank you. You have said that there 470 inmates at Risdon Prison?

Mr McKIM - That would be the total across all of our systems.

Mr WING - Could I ask for a breakup of the capacity numbers in each of the corrective services facilities, what is the capacity and what are the current numbers in each?

Mr McKIM - The overall number of prisoners at 7 June this year is 466 and our maximum capacity is 645. That is across all facilities. We are not anywhere near full in global terms when you add all of our facilities together. At 7 June, Risdon Prison complex had 223 inmates and that complex has a capacity of 297; the Ron Barwick Minimum Security Prison had 120 inmates with a capacity of 170; the Mary Hutchinson Women's Prison had 34 inmates with a capacity of 46; the Hayes Prison Farm had 42 inmates with a capacity of 68; the Hobart Reception Prison had 28 inmates with a capacity of 36 and the Launceston Reception Prison had 19 inmates with a capacity of 28.

Mr WING - Thank you.

Mr McKIM - There are 435 males and the balance are females.

Mr WING - Thank you.

Mr McKIM - Of that total number 104 inmates were on remand.

Mr WING - Thank you. What is the cost per day of keeping a prisoner, firstly in Risdon and, if there are any significant variations, in the other facilities?

Mr DEAN - Ship them off to Victoria.

Mr McKIM - No, I can confirm that that is not under consideration anywhere.

Prisoner costs per day, these are based on the Report on Government Services 2010, which is a Federal Government report. Tasmania reported a cost per prisoner per day of \$262.53 and that is for the 2008-09 financial year. When adjusted for inflation this is a small increase on the previous year's figure of \$260.99 and I am advised that in real terms the cost of prisoner per day has been approximately stable for the last three financial years in Tasmania.

We do have a breakdown into open and secure facilities. As the committee would know, Hayes, for example, is an open facility where it is effectively walk on-walk off. Under that breakdown, in open facilities the cost of a prisoner per day is \$208.42 and for secure facilities, \$268.97. Our costs of a prisoner per day are higher than the national average cost of \$210.45. I do want to point out though that we have a small population and a small prison population relative to other States and because of that small population and small prison population and the high fixed costs of running any prison system, it is not unreasonable to expect that Tasmania's cost of a prisoner per day would be higher than in other jurisdictions. I should also make the point that the number of prisoners is currently lower than it has been in the recent past, so you would expect that cost of a prisoner to increase this year because there are fewer prisoners but, as I indicated, some fixed costs to running our prison structure.

Mr WING - Would you agree that there are probably quite a number of inmates in our prison system that do not require to be incarcerated behind security fences, who would pose a very low risk of attempting to escape and who could be accommodated in less costly, less security-conscious facilities?

Mr McKIM - There are a couple of points to make there. Firstly, we incarcerate prisoners that we are required to by law and the number of prisoners in our custodial system is influenced by many factors, including the sentencing options exercised by judges and magistrates. I would also make the point that Hayes Prison Farm is not full and that is an open facility, as you would know, Mr Wing, rather than a secure facility and it is cheaper to house a prisoner at an open facility, for obvious reasons.

Mr WING - Would you consider any more low-security accommodation, perhaps in country areas where the prisoners can be gainfully employed?

Mr McKIM - There are prison industries in place and Hayes is actively involved in some prison industry. In terms of any new facilities, as I said, we are working on a strategic plan and certainly any new facilities will be considered as part of that strategic plan but again, what would need to happen before any new facilities would be built - and I am exempting stage D of the prison structure redevelopment program which has already budgeted for and that money will be delivered as detailed in the budget - but any new facilities, apart from those which might be constructed out of PIRP stage D, would need to receive funding from government, which is a matter that is not entirely in my control.

[11.30 a.m.]

Mr WING - Are there any other known design defects in the design of Risdon Prison?

Mr McKIM - Apart from the fence?

Mr WING - Apart from the lack of security.

Mr McKIM - The lack of the fence and the lack of a purpose-built -

Dr GOODWIN - And no effort at protecting prisoners.

Mr McKIM - Let us just isolate a couple of things here. In terms of design, the additional fence was not included in the original design and as I have indicated, I regard that as a design defect. There were a range of other facilities included in the original design which have not yet been constructed including, as Mr Williams indicated earlier to you, a northern facility.

In terms of design, there are no other design defects that I know of.

Stage D is going forward with \$20 million and we will be making decisions about which of the original design elements that have not yet been constructed that we will construct out of that \$20 million and we will be doing that in the upcoming financial year.

Mr WING - Will you give consideration to a new facility in northern Tasmania?

Mr McKIM - The \$20 million is in relation to maximum security facilities, so any opportunity to construct anything that is not a maximum security facility would require a further

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budget commitment by government and those are decisions that we will make in the context of developing a strategic plan for Corrective Services in Tasmania which is in process as a result of the Breaking the Cycle discussion paper.

Mr WING - Acknowledging that prisoners having access to their families is an important part of the rehabilitation process, will you give consideration to constructing a prison facility in the northern part of the State?

Mr McKIM - Certainly that is something we would consider. You are right when you say that access to families is an important part of the process and I can indicate that some of the prisoners at the Launceston Reception Prison have chosen to be there in order to make it more easy for them to have communications with their families. But going forward, all things are on the table. We will be developing our strategic plan and then I will be doing the best I can to get government support for that and funding allocations going forward.

Mr WING - Thank you and good luck.

Mr McKIM - Thank you very much, Mr Wing.

CHAIR - Before I invite Mrs Taylor to ask some questions, in table 7.14 the target for the cost per prisoner per day is \$240. Are you on target to meet that?

Mr McKIM - We are not confident that we will meet that because the absolute number of prisoners has reduced, which will result in an increase in the cost per prisoner per day in Tasmania. That was a target; when you set targets like this, you are at the mercy of the number of crimes committed and the sentencing options exercised by judges and magistrates. I am sure we would all agree the number of people in our custodial institutions decreasing is a good thing, however, it means on this particular measure that the cost per prisoner per day goes up.

Mrs TAYLOR - Following on from Mr Wing's questions, I am glad to hear you say you do not think there are any other design problems, but your adviser did say that in response to the incidents that happened in December, for instance, you have had to strengthen doors and hatches and whatever. One would think this is a relatively new prison and should those measures not have been incorporated, one would think, in the structure when it was first built?

Mr McKIM - Yes. Firstly, Mr Williams is the Deputy Secretary of the department, so he is not a political adviser of mine.

Mrs TAYLOR - Sorry.

Mr McKIM - Building a new prison is a big job. Lots of detail has to go into it. Any project of this nature is going to have teething problems. I have indicated that I do regard omission of a fence as a very significant design flaw and it has cost extra money to build that fence now.

I categorise some of the other improvements as part of a continual improvement process in our prisons. Things come to light from time to time. It is very difficult to anticipate every element of human behaviour in advance. As I indicated earlier, everything is not perfect but we are working as hard as we can to make it the best that we possibly can.

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Mrs TAYLOR - I understand that this is not your personal responsibility, being a new minister. However, it is the responsibility of the Government and it is the Government I am challenging, not you.

Mr McKIM - Yes, that is fine, Mrs Taylor.

Mrs TAYLOR - With respect, although I agree unforeseen circumstances come up, nevertheless, building a new prison, we were not doing it in an environment where other prisons had not been built in other places in the past. One would think that design elements would be taken into account.

Mr Wing just asked about alternative methods of dealing with prisoners. It was mentioned in the Governor's speech. Taking into account how much it costs to keep a prisoner, there would appear to be a strong case for the greater use of home detention. Can you advise how much use is being made of home detention and whether there is an opportunity for much greater use of that, given the proven use of technology?

CHAIR - You have probably moved into 6.2 in relation to -

Mr McKIM - I am in the hands of the committee here but I would welcome the opportunity to have 6.2 examined because community corrections is an important part of what we do and, in my view, will become more important.

Mrs TAYLOR - Okay.

CHAIR - I would prefer to complete prison services so that then we can get on to the next one. Otherwise we are going to be all over the show and we will be here until tonight.

Mrs TAYLOR - I am sorry, Chair. I have one question on prison services. How many instances were there of drugs being found in prisons in the last year and what actions are being taken to reduce the level of drug use in Tasmanian prisons?

Mr McKIM - Contraband seizures - I do not have the information here on 2009-10 but I am happy to take that on notice - in 2008-09 totalled 56 seizures at the Risdon Prison complex of either alcohol, drugs or drug-taking implements.

Mrs TAYLOR - What actions are you taking to reduce the level?

Mr McKIM - That is a significant reduction on 2007-08, when the total in that category was 79. So that is Risdon. I also have the numbers for Hayes here, which is five in 2008-09, up from three in 2007-08. The most significant action we have taken is building the new fence.

Mrs TAYLOR - Well done.

Mr McKIM - I have just been reminded, and it is quite right, that we have introduced drug detector dogs as well in order to try to minimise the occurrence.

Mrs TAYLOR - Okay, good.

CHAIR - Are the dogs outside the fence or inside?

Laughter.

Mr McKIM - The fence is not built yet but they will be -

Ms HUTTON - We have other fences, Minister; we are not a fence-free environment.

Mr McKIM - We are not a fence-free environment. I think that the Chair was referring to the fence that has been the subject of discussion today, which is not completed.

CHAIR - Either fence.

Mr McKIM - The dogs, as I understand, operate in the entry point into the prison. They do perimeter searches and cell searches so they operate throughout the prison environment.

Dr GOODWIN - Minister, in the last 12 months how often has the prison been in lockdown and for how long has it been in lockdown on each occasion?

Mr McKIM - We have these figures and interestingly enough there was a slightly amusing exchange when I was informed on first becoming minister that these figures were now provided as part of the Estimates brief due to persistent questioning by an opposition MP, which was me.

Laughter.

Mr McKIM - So I am happy to provide that information.

Dr GOODWIN - I thank you for your persistent questioning.

Mr WING - Are you sure that you are comfortable on that side?

Mr McKIM - I am and I am very proud to be Minister for Corrections in Tasmania. In the current financial year 2009-10, prison facilities have been either fully or partially locked down - and it is important to understand that there are some cases of partial lockdown for various operational reasons which do not extend right across any particular facility - on 172 separate occasions. Of those, 163 have occurred within the Risdon Prison complex. I regard that as a high number.

Dr GOODWIN - Yes, I do too, very high.

Mr McKIM - I do not like to see the number that high, although in most of the lockdowns only one or two units were affected at any given time.

Dr GOODWIN - Minister, do you have that breakdown? You mentioned that partial lockdown is sometimes operational - presumably for training and those sort of things - but what about the full lockdown incidence?

Mr McKIM - I will run through what I have got and I am happy to take any further questions, Dr Goodwin. Ninety-one of those lockdowns occurred as part of the lockdown regime, which is instituted at the medium units of Risdon and medium-security facility for approximately

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three months. Each day that there was a lockdown is counted as an individual lockdown for the purposes of this data.

Dr GOODWIN - So 91 lockdowns is 91 days?

Mr McKIM - That is right. That was a response to prisoner unrest and staff concern for their safety, and these matters have been discussed publicly and in the media since then and happened before my time as minister. What happened there is that staff raised concerns about the safety of their work environment within the medium-security compound. As a result, in order to deliver a safe working environment or the safest possible working environment for correctional officers, a lockdown regime was instituted to prevent further violent incidents occurring. This regime continued until staff, prison management and unions were satisfied that the workplace was safe and secure and that good order could be maintained. During this period alternative routines were put in place to give prisoners the opportunity to have daily access and time out of their cells. We do very well in hours out of cells; in fact we are the best in the country in terms of hours out of cells.

Dr GOODWIN - Perhaps with the exception of the Tamar Unit.

Mr McKIM - In broad terms we are the best in the country and we do meet our legislated requirements in the Tamar Unit. Prisoners were still able to access essential services and a personal visits program during that lockdown. We also had some lockdowns in maximum security after an incident in March this year. Five of those lockdowns occurred as part of that lockdown regime. That was in response to the serious assault on a correctional officer in the Derwent Unit in March this year. Derwent A and Derwent B were locked down for a half day each for a period of five days.

[11.45 a.m.]

I am just advised that the December lockdown was known to the Industrial Commission to work through the unions as well.

Dr GOODWIN - Could I ask you now about programs delivered in the prison by external service providers and whether there are any programs at risk of being discontinued due to lack of ongoing funding or any that have actually ceased?

Mr McKIM - You may be referring to Holyoake here.

Dr GOODWIN - There may be others but I am not sure.

Mr McKIM - The subject of Holyoake has been debated publicly. It is not funded by this agency, it is funded from the Tasmanian Community Fund.

Dr GOODWIN - I thought there was some discussions about the program being delivered in the prison and possibly funded by Corrections but I could be wrong. I think that was mooted at one stage.

Mr McKIM - I think what you will find is that I was inaccurately attacked for defunding the program when it was actually not a matter that was in my control. That sort of thing happens in government from time to time, I am starting to learn, that the minister is attacked for something that is not within his or her control.

In 2006 Holyoake did receive initial funding of \$95 000 a year for two years from the TCF to establish the Gottawanna program, and can I say by all accounts it is very good and is delivering very good outcomes, and I am very supportive of programs that provide support for inmates who require assistance with alcohol and drug issues. Charitable funding then enabled the program to continue. In February this year a fixed-term grant of \$50 000 was provided by the Alcohol and Drug Service to enable the program to continue for a further six months and I understand that the program area within DHHS for which Minister Michelle O'Byrne is responsible will be offering a public tender for alcohol and drug rehabilitation services in the near future which will give Holyoake the opportunity to secure more permanent funding.

Dr GOODWIN - That is to operate within the prison for drug and alcohol rehabilitation?

Mr McKIM - The program operates in part within the prison but it is a more broad program than just in the prison. DHHS have acknowledged the need to maintain the service while the tender process is completed and have met with Holyoake and agreed to a level of funding that will at a minimum secure the Gottawanna program until the end of this calendar year.

In the Corrections context, a number of inmates have participated in that program and the feedback from those undertaking the program was very positive. In December last year the Director of TPS did provide a letter of support to Holyoake concerning its delivery of the transitional program for prisoners with a history of substance misuse who are preparing for release. We also provide two other drug and alcohol programs for inmates called Getting Smart and Pathways. These programs are both offered by Queensland and New South Wales Corrective Services. Getting Smart is a low-to-medium intensity drug and alcohol program designed to promote self-management and Pathways is a high-intensity program for prisoners at a medium-to-high risk of re-offending because of drug or alcohol use. I am strongly committed to ensuring ongoing drug and alcohol programs within our corrections system and, as I indicated at the start of our discussion this morning, the Breaking the Cycle project does discuss these matters in detail and in broad terms as we work through that process. I will remain very committed to not only maintaining but enhancing the level of programs.

Dr GOODWIN - Are you aware of any other programs that are at risk? I understand that the Sexual Assault Support Service used to provide sexual assault counselling to prisoners. Is that no longer happening?

Mr McKIM - We are not aware of -

Dr GOODWIN - Could you take that on notice for me?

Mr McKIM - Yes, absolutely.

Mr FINCH - Minister, on Monday the minister for youth justice talked about the cost effectiveness of an efficient youth justice system in keeping people out of Risdon. Do you have a figure on those who have spent time at Ashley who make their way through to Risdon?

Mr McKIM - I certainly do not have it here. What sort of figures would you be talking about - the number of people who have spent time in Ashley and then find themselves in our prisons?

Mr FINCH - Yes.

Mr McKIM - Are you just asking about Risdon or our custodial institutions or Corrective Services generally because there are different categories?

Mr FINCH - Let us talk about Risdon specifically because that is the high end, or the low end, of where they are going. That is probably the maximum stage that they are going to get to in respect of their downward spiral from a place like Ashley. I just want to get some sort of figure to get an understanding of whether that can be corrected and focused on.

Mr McKIM - So what you are asking, Mr Finch, as I understand it, is for the number of people who have spent time in Ashley that then have found themselves in Risdon.

Mr FINCH - Yes.

Mr McKIM - So that is maximum and medium?

Mr FINCH - Yes, of your 466 that you are suggesting you have now.

Mr McKIM - Well, the number I gave earlier is across all of our custodial institutions so it would include Risdon, Ron Barwick, Hayes, Hobart Reception and Launceston Reception.

Mr FINCH - Okay. If the figures are available across the board I would be happy to be provided with them.

Mr McKIM - This would require a level of interagency discussion. Ashley is not run by the Department of Justice; it is run by DHHS. As that is not something that is under my control, what I am happy to do is to ask whether DHHS would be prepared to make those figures available and to provide some advice to the committee about whether or not we can provide those figures. I am unable to give a guarantee to you now that we can find those figures because the DHHS numbers are simply not within my authority.

CHAIR - Minister, we will wait for you to get back to us on that. Mr Finch, do you have a question in relation to prison services as we need to get on to Corrections.

Mr FINCH - Page 7.18.

Mr McKIM - Are you on a table there, Mr Finch?

Mr FINCH - Table 7.13. Note 1 talks about Frontline Services. The increase in the Prison Services and Community Corrective Services outputs primarily affects additional funding for Frontline Services. What I would probably like is an explanation of these services and an idea of their effectiveness as well, or the hope of their effectiveness.

Mr McKIM - Frontline services in this context, effectively across the board, are funds for running our prisons and running Community Corrections where, again, that is regarded as frontline services.

Mr FINCH - Okay, so that is not a new reference or a new terminology that has been included just in this Budget.

Mr McKIM - That is correct.

Mr FINCH - So that is what it is referred to as. In the operation of the prison, you call them frontline services.

Mr McKIM - It is only to meet our operational costs, in effect, the operational costs of running our custodial institutions and also running Community Corrections.

Mr FINCH - Thank you. I wanted to check to make sure because that is terminology that I have not heard before.

Ms HUTTON - Small 'f', small 's'.

Laughter.

Mr McKIM - It has capitals there but -

Laughter.

Ms HUTTON - Yes, we can blame Treasury for that.

Mr FINCH - Page 7.19, table 714; we talked about the recidivism rate being fairly steady at about 23 per cent. I am wondering whether we could get the actual number in prison now compared to in the year 2000 who are recidivists. You made a reference earlier to Mr Hodgman and his references to recidivism and I am wondering whether this opens the opportunity for you to go down that path.

Mr McKIM - It does. I make the point that the issue around recidivism rates is very complex statistically because you need to make a certain series of assumptions before you can deliver statistics of any value. One of the major value judgments that you need to make is what period of time you want to allow to elapse in the calculation of a recidivism rate. In other words, is it whether someone reoffends and returns to prison within six months, two years, five years, 10 years; what is that period of time?

Mr FINCH - The performance measure taken here is two years.

Mr McKIM - Yes, that is right. The performance measure there is two years. That is very true but also there are complexities around is it return of prisoners to prison or is it return of prisoners to Corrective Services more generally which might include Community Corrections, so there are a number of different categories of recidivism.

Based on the Federal Government's report on government services, of the prisoners released in 2006-07, 36.4 per cent have returned to prison within two years. This is below the national average of 39.3 per cent. People who have been released from prison in 2006-07 and returned to Corrective Services - either prison or Community Corrections - within two years is 44.4 per cent and that is just below the national average of 44.6 per cent. Of offenders discharged from Community Corrections in 2006-07 within two years, 14.1 per cent returned to Community Corrections which is lower again than the national average of 17.8 per cent, and of offenders discharged from Community Corrections and returning to Corrective Services - either Community

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Corrections or custodial institutions - within two years, 20.1 per cent which is significantly lower than the national average of 27.8 per cent. On the four main recidivism measures we are lower than the national average on every measure.

Mr FINCH - Does that mean in Tasmania we focus more on that work of trying to support those prisoners who go back into mainstream life to not reoffend?

Mr McKIM - Certainly driving the recidivism rate down has been a focus of Corrective Services for a long time and it will remain a strong focus and it is one of the things I would like to focus on. The way that we do that is part of the Breaking the Cycle discussion paper but in broad terms, reducing the recidivism rate is about education, it is about programs, some of which I have mentioned already this morning. It is about making sure that reintegration into our community is properly managed and delivered to people and it is also about making sure we have good programs in Community Corrections. As I have indicated, we have extra money in this year's budget that will actually deliver some increased programs in Community Corrections, which I am happy to talk about when we get to that part.

Mr FINCH - We have seen the number of females in prison in Victoria has increased markedly recently - that was the story in the *Age* this month. Is this trend reflected in Tasmania and if it is, would you be concerned?

Mr McKIM - Ultimately the number of prisoners is not really a matter that falls within my portfolio. One of my jobs is to run the Corrections system in Tasmania and there are a range of factors varying from cultural to sentencing practices that go to influence the number of prisoners we have and also the relative gender balance of those prisoners. And as pointed out by Ms Hutton, we are not aiming for gender balance in Tasmania's prison system.

Laughter.

Mr McKIM - I can tell you that in 2007-08 the female population in the prison system was 37; in 2008-09 it was 36 so there is no trend I can identify of any significant increase. In fact the number of female prisoners is effectively static.

Mr DEAN - Does the day release program still operate within the prison for those working outside the prison? How is that operating? Are there any breaches?

Ms HUTTON - It is pretty good.

Mr McKIM - Yes is the short answer to that.

Mr DEAN - So it is operating and obviously with the right classifications?

Mr McKIM - These are section 42 applications that are made and are determined on a case-by-case basis by the director. It is not something I have a direct involvement in.

[12.00 p.m.]

Mr DEAN - Hayes has been mentioned a number of times already today. About this time last year there was a lot of discussion about Hayes at to where it was going, what was happening to it, maintenance programs et cetera. So what is the position with Hayes? It is being maintained and will it be retained?

Mr McKIM - I am going to consider the future of Hayes Prison Farm in the context of the strategic plan that we are developing in the second half of this year. Hayes is currently undergoing a fire safety upgrade to ensure compliance with the intent of the Australian Standard 1671.1 and in 2009-10, the Government provided \$500 000 for essential works, particularly a local smoke detection system which was not previously in place at Hayes. It was determined, prior to my time as minister but I fully support the decision, that we needed to spend that money in order to provide a safe environment, particularly for prisoners, at Hayes. That work is being done, following a fire that occurred in a cell earlier.

Mr DEAN - So Hayes is not likely to close or change in that respect?

Mr McKIM - As I said, I will consider Hayes's future as part of the development of the strategic plan.

Mr DEAN - So it is being considered?

Mr McKIM - Hayes's future is being considered, yes.

Dr GOODWIN - I understand from the Tamar Unit report that prison authorities in Australia are currently looking at how it might be possible to move prisoners between jurisdictions for prison management purposes. I wonder under what circumstances prison transfers can currently occur and why this change is needed.

Mr WILLIAMS - Tonight and tomorrow there is the Ministerial Council on the Administration of Justice and one of the agenda items is going forward with some drafting instructions to produce a draft bill that will cover the issues of the interstate transfer of prisoners on national security or operational grounds. At the moment there are only very limited reasons why people can be transferred. They are usually Federal offences to do with terrorism and the administrators are looking at the possibility of generating a system where transfers can take place on two grounds, that there are national security issues that need to be considered. So it could be splitting terrorists up into jurisdictions or operational security grounds, and that would be one where prison administrators would apply to other jurisdictions to say, we have prisoners in our system that we cannot handle and want to ask if can move them around to different facilities.

As you have pointed out, Dr Goodwin, one our problems in Tasmania is that it is a small system and we have difficulty doing things like segregating prisoners for protection so we use the Hobart Reception Prison. This, on the national scale, would be a similar thing. How do you move people around whom you want to separate for protection or particular security issues? At the moment it is a voluntary decision whether we move people interstate, usually for family reasons. If someone has been here, been convicted of an offence while they were on holiday, we will try to establish them back into a prison system in their home State so that they have family support and contact. That is a decision at the discretion of the two ministers involved in the jurisdictions.

Dr GOODWIN - So you do not currently have any ability to transfer a prisoner on operational grounds?

Mr WILLIAMS - No.

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Dr GOODWIN - No legislative power to do that?

Mr WILLIAMS - Not interjurisdictional, no. We obviously do that within the State. We move people around within the various facilities.

Dr GOODWIN - I have one final question and this is around prisoners, prior to release, whether all prisoners participate in some form of prerelease program where they transition so that they go from maximum security through to minimum security, or are people released straight from maximum security into the community?

Mr McKIM - Are you asking in terms of transferring people from maximum security to minimum security or from -

Dr GOODWIN - No, from when they are due for release, do they go through -

Mr McKIM - Yes, people can be released from maximum security directly.

Dr GOODWIN - But does everyone go through a prerelease program of some description?

Mr WILLIAMS - I would not call it that, not everyone goes through a formal program although a lot of people do. We have employment providers coming in, we have Centrelink coming in, we have RecLink establishing relationships between the inside and the outside. We have the Excel program, we have all sorts of programs.

Everyone goes through a case management process where our integrated offender management unit tries to work out what their needs are and engage the right services. That is critical because if people go out of gaol without money or accommodation, Centrelink for example, come into the gaol before people are released to make sure they have money on the day they leave. That is a really critical step just so that they can get somewhere to live and some food. We do a lot of that prerelease planning and a lot of non-government organisations help us.

Dr GOODWIN - Someone who has been in for a long time presumably goes through some reintegration process and does not just get released straight from maximum security - hopefully they go through the system to adjust to the quite different situation on the outside.

Mr WILLIAMS- Yes. Once again, not everyone gets released from minimum security. If someone has behaved badly in the prison, they will be released from maximum security but we will do everything we can to provide a transition approach for them.

If people are in minimum security and it is deemed appropriate that there is no risk to the public, we will send people out - and we are constantly doing this on reintegration section 42 leave - to catch buses, to go and talk to their families, mostly with supervision, sometimes not, depending on the risk and the issue involved.

Mr WING - Is there a prerelease section in the prison? I have seen them in several prisons.

Mr WILLIAMS - You mean a physical section?

Mr WING - A physical section specifically designed. In one prison I can recall in Victoria there is a separate section where the prisoners for several weeks before release look after

themselves doing cooking, budgeting, buying food. It would reduce the cost of caring for them and they gradually become accustomed to having more freedom.

Mr McKIM - The short answer is no, there is not, but that concept was flagged in the Breaking the Cycle discussion paper, so that kind of thinking and that concept will be considered as we develop a strategic plan for prisons in Tasmania which, as I have said, we hope to have completed by the end of this year.

Mr FINCH - How many of the prisoners at Risdon are engaged in either education or industry, particularly training?

Mr McKIM - The 2010 report on Government Services that I have referred to previously today shows that 33.9 per cent of eligible prisoners in Tasmania were involved in education and that ranks us about mid-table nationally.

The Tasmanian Prison Service has introduced several initiatives over the last 18 months. For example, Risdon LINC allows online teaching of secondary school and college courses; and Risdon LINC has recently been expanded from previously being restricted to just minimum security but has been expanded to include medium security at Risdon and also the women's prison.

The Prisoner Educational Training unit recently increased the number of computers at Hayes from two to six and set up, as Mr Williams indicated earlier, a small stand-alone computer network to further encourage and increase educational opportunities.

As I saw when I was out there recently, the Ron Barwick minimum security prison library has become part of Risdon LINC and is therefore a branch of the State Library of Tasmania, so books can be ordered in.

We have also established an inmate peer literacy tutor scheme and programs like books on CD to improve literacy and numeracy education in prisons. I could go on at some length but I am conscious that the Chair has indicated that we are battling time here. Is there specific information that I can provide?

Mr WING - Bearing in mind the importance of prisoners being kept occupied as much as possible, we used to have a fairly low percentage of prisoners who were able to undertake work in the industries and I am just wondering what the percentage is now.

Mr McKIM - The number of prisoners who work in prison industries?

Mr WING - Yes.

Mr McKIM - I do not think that I have that percentage but I can certainly get that for you.

Mr WING - The final point if may: there was a suggestion that the Ombudsman may play the role of inspectorate. I would have thought that the Ombudsman's role was mainly to investigate complaints.

Mr McKIM - Yes. The Ombudsman currently has a role of investigating complaints, or he can effectively make reference to himself, but if we were to go down the line of involving the

Ombudsman in some way as an inspector of prisons, then I would not see that as appropriate without an extra funding allocation to the Ombudsman's office. Certainly an inspector of prisons or an inspectorate of prisons would need to be able to proactively go out and visit our prisons as they deemed appropriate. It would not be, in my view, appropriate for it to be purely complaints based.

CHAIR - Thank you, Minister.

Mr McKIM - I can tick off one of the questions on notice, the prison industries provides work for approximately 100 inmates.

6.2 Community Corrective Services -

CHAIR - Would you give us the response to Mrs Taylor's question on home detention? We will start there.

Mr McKIM - Effectively, there is no home detention in Tasmania at the moment. Home detention is something that was flagged in the Breaking the Cycle discussion paper. Both home and periodic detention is something that I am very interested in progressing with, for a whole range of budget bottom-line and outcome reasons and outcomes for our people and our communities. Again, as we work through the strategic plan, that is something that I will be very focused on.

Dr GOODWIN - When might we see some action on home detention?

Mr McKIM - We will work through the strategic plan but it is likely that it would require legislative amendment around sentencing options. As you would be aware, the Law Reform Institute has done some work in this area. I am, in broad terms, very supportive of the work that the Law Reform Institute did. I think that it is exciting work and it recommends good outcomes for sentencing in the future. But sentencing is the Attorney-General's portfolio not mine.

Dr GOODWIN - I asked her about this yesterday and she said it was your area.

Mr McKIM - Did she? Well, the sentencing options is hers.

Dr GOODWIN - I hope that the two of you can sit down and have a serious conversation about it.

Mr McKIM - Dr Goodwin, the Sentencing Act falls within the Attorney-General's portfolio so I hope that you did not let her fob you off. My job is to deliver the services that are required as a result of any amendment to sentencing practices in Tasmania. In broad terms, I intend to drive forward the Breaking the Cycle process and the issue of providing a wider range of options to our judges and magistrates is something that I am very supportive of. I think that both home detention and periodic detention have a lot of potential in Tasmania.

Mr WING - It is very good to hear that.

Mr DEAN - My first question was about non-custodial sentencing but we will move on from there. Minister, I notice that there is about \$1.2 million extra in the Budget this year in this area.

Mr McKIM - Community Corrections?

Mr DEAN - It specifically refers to demand on cost pressures as referred to. I guess it relates to staffing as well. Will we see an increase in the number of - and I am not quite sure what they are referred to now, it changes all the time - probation officers?

Mr McKIM - They are referred to as probation officers.

Mr DEAN - How many will be employed as part of the increase?

Mr McKIM - First, I am very pleased to be able to confirm that there was an extra \$1.1 million and I would like to thank the Treasurer -

CHAIR - Do not give him too much praise.

[12.15 p.m.]

Mr McKIM - Well, you have to give credit where credit is due and I am very pleased that the Treasurer acceded to my request for additional funding in this area after some preliminary discussions with my department on this matter. Certainly there is an increased demand for services in the community corrections area and some of this money will go to meeting the increased demand for services but also we have made sure that some of this money will go to introducing new programs and services that address some of the underlying issues that contribute to offending behaviour.

The new funding will support a community-based maintenance program for sex offenders who have previously completed the prison's sex offender treatment program so that is a maintenance program, if you like, and also a treatment program to assist offenders to prepare for and work towards making positive change in their lives. It will also provide funding to work more closely with other agencies including non-government agencies to provide increased opportunities for offenders with drug and alcohol addictions to address substance abuse issues. I have also asked the department to use a small amount of this money to investigate options for programs to address two areas of concern that people have raised with me during my time as a spokesperson for Justice on behalf of the Greens and that is dangerous driving and young violent offenders. They are two of the significant concerns that are raised with me time after time in this area so I want to investigate options to provide programs for people who have been convicted of dangerous driving including drink driving and people, and particularly young people, who are convicted of violent offences. Anecdotally and presumably supported by the statistics, that is on an upward trend at the moment.

Dr GOODWIN - We do already have a safer driving program.

Mr McKIM - Yes, there is a safer driving program but this would be more broadly in relation to dangerous driving and not just drink driving.

Mr DEAN - Minister, it is often said that the workload of probation officers is beyond their capacity and there has been a slowing down in the court processes. What are the numbers and the current workload of those probation officers?

Mr McKIM - There are currently 57 probation officers in Community Corrections.

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Mr WING - Has there been an increase in recent times? They were undermanned at one stage.

Mr McKIM - We have increased the number of probation officers in recent times and we will be putting more probation officers on with some of the new money that we have received this year.

Mr WING - That is good to hear.

Mr DEAN - And their current workload, Minister, and the number of cases that each officer would be dealing with at the present time?

Mr McKIM - Tasmania has 29 offenders per operational probation officer. Requests from the judiciary for pre-sentence reports continue to be very high. For example, there were 192 in the first quarter of 2009 and it has gone up to 292 in the third quarter of 2009 so there is no doubt that there is increased pressure in this area, which is one of the reasons I made the request to the Treasurer for increased funds.

Mr DEAN - It is good to see because it is often put up as a reason for getting to the courts.

Mr McKIM - That is right, and justice delayed is justice denied is the saying.

Mr DEAN - That is Mr Hodgman's saying.

Mr McKIM - Is that right? I do not disagree with it in broad terms. There are a number of factors that relate to delays in justice and certainly the obtaining of reports like pre-sentence reports can be one of those things but it is something we are aware of and we are moving to address.

Mr DEAN - Could we have the numbers of those on community service orders? How is that process operating? Is it considered effective? It was claimed at one stage that it was not being properly supervised and controlled. Are we on top of that? Is it working well?

CHAIR - They had to get volunteers, I believe.

Mr McKIM - In terms of the numbers, Madam Chair, again it is the same story really, as with pre-sentence reports. Just as an indicative figure I can tell you that the requests from the judiciary for community service order suitability assessments increased from 55 in the last quarter of 2008 to 109 in the last quarter of 2009. So in a year it has effectively doubled. There is no doubt that the pressure is coming on in this area. Requests for information and for assessment as to suitability for community service orders are a good thing; they show that judges are prepared to inform themselves about particular cases prior to sentencing but there is no doubt that it puts pressure on some of the work that we do in the department. We accept that and are moving to respond to it.

Mr Williams has just pointed out, and he is quite right, that in trend terms we are seeing a decrease in the number of prisoners and an increase in perhaps some of the other options like community service orders. I would not want to pretend I can read the minds of Tasmania's judges but I think one interpretation of that would be that judges are searching for more alternative

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sentencing options which, as I said, is flagged strongly in Breaking the Cycle and that I am strongly personally committed to.

Dr GOODWIN - I think some of them are crying out for some options.

Mr McKIM - I would not argue with that, Dr Goodwin. As I said, that is something I am personally committed to and I know that you are too.

Mr DEAN - Have there been any reviews or assessments completed of the community service orders program and its value in return to the community?

Mr McKIM - Community Corrections was obviously aware of the trends in this area and so they introduced specialist report writers and assessors to deal with some of the increased workload and to allow probation officers to spend more of their time working directly with offenders. Those positions came from within the current staffing complement and, as a result, other non-operational positions have remained unfilled, which has placed a further strain on other staff. So, as is always the case in an agency, there are competing priorities in terms of demand and allocation of resources and the department has been doing what it can in relation to those matters. As I said, we have achieved some extra funding in this Budget.

Mr DEAN - This is an alternative to jail so one would think that the funding would be there.

Mr McKIM - That is right; it is an alternative, at times, to a sentence of imprisonment and it is being utilised more and more by judges and magistrates, and I think appropriately so. As to how we are going in this area in terms of completion of community corrections orders in Tasmania as per the national average, with regard to supervision we rate the highest in the country for completion of community corrections orders. Tasmania's rate of completion is 92.4 and the national average is 73.6. So we are actually doing very well, which is a credit to the staff who work hard in this area. Can we improve? We can always improve everything we do.

There was the KPMG report done in this area in 2008 that has now been implemented by the department and we believe that is responsible for a lot of our good work in this area.

Mr DEAN - Do we have the figures on the number of people that have been involved in the Community Services Order Program that have not completed those programs and have come back before the court?

Mr McKIM - I could ask Ginna Webster, who runs Community Corrections, to come to the table for the department. Ginna may be able to answer that question and I am sure she will get the facts for you.

Mr DEAN - She has been here all morning, Minister, and it would be a shame to have her here and not hear from her.

Mr McKIM - She does a very good job.

Ms WEBSTER - We can provide that information on notice by the end of the day.

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Mr DEAN - There has been public concern that it is not a system that has worked as well as it could have done, and that some of the persons involved in it are not fulfilling their requirements and not being followed up. That is the reason for asking the question.

Dr GOODWIN - I will do this on notice. Are you able to provide statistics on the number of people participating in the Community Corrections programs and also the completion rates?

Mr McKIM - I gave the completion rates for Community Corrections orders just a minute ago.

Dr GOODWIN - This is the programs run specifically -

Mr McKIM - And I did go through some of the programs that we run.

Dr GOODWIN - The prison ones.

Mr McKIM - In prisons?

Dr GOODWIN - Yes.

Mr McKIM - I will ask Ginna if she has that information available.

Ms WEBSTER - How far do you want to go back, Dr Goodwin?

Dr GOODWIN - About three years.

Ms WEBSTER - We can provide that. We have some figures here, but safer driver, family violence and OINTOC are the three programs we currently provide.

Dr GOODWIN - You mentioned the KPMG report, Minister, and I am just wondering if there are any matters in there that are still to be addressed?

Mr McKIM - Is this 2008 report?

Dr GOODWIN - Yes.

Mr McKIM - The agency has given a commitment to implement that fully. There are a couple of the recommendations in that report that have not been fully implemented yet but that is a work in progress and the intent is to implement it fully.

Dr GOODWIN - You have mentioned a couple of extra programs that you will be looking at around dangerous drivers and violent young people.

Mr McKIM - We are going to explore programs that may exist in that area. Usually, as you would understand, Dr Goodwin, rather than reinvent the wheel in Tasmania, we go out and look at what other jurisdictions - who have far greater resources to invest in developing programs than we do - are doing and if we think it is appropriate, we will either buy that in or, in some cases, receive it for free because we have good relationships with other agencies around the country.

Dr GOODWIN - I was going to ask about the sex offender one, too.

Mr McKIM - Firstly, in relation to those two - and I will talk about the sex offender program in a minute - we have already spoken to the University of Tasmania about that and they have agreed to have a look around other jurisdictions for us, at whether there are programs available to address the issues of dangerous and disqualified drivers and young violent offenders.

Dr GOODWIN - Is that the Law Reform Institute or - Rob White, okay.

Mr McKIM - In relation to the sex offenders - and there has been no reoffence in the last five years by a sex offender who has been released from Tasmania's -

Dr GOODWIN - Official recorded. That is all you can go by.

Mr McKIM - You are quite right, that we know of. The program is designed to assist people who have been convicted of sex offences who have previously completed a sexual offending program in prison to maintain the gains that they made during that program. It is tailored to the individual offender's needs, and it will address a high level of community concern in this area that has been articulated for a long time.

Dr GOODWIN - It will only be available to sex offenders who have completed the prison-based program?

Mr McKIM - That is correct.

Dr GOODWIN - And not to other sex offenders?

[12.30 p.m.]

Mr McKIM - That is correct.

Dr GOODWIN - Are you looking at a broader, community-based sex offender program at some stage?

Mr McKIM - There is one that operates in the prison and that will continue. This one will be based within Community Corrections and will be a maintenance program for those who have completed the program.

Dr GOODWIN - There is a potential gap, still, for those who are on community-based orders for sex offenders who have not participated in the prison program.

Mr WILLIAMS - We have not specifically examined a particular program. They can be very difficult to run outside the prison environment because they are very intense and the completion rates are very low. All our probation officers are trained to support people who have been convicted of sex offences. There is not a program but there is support provided through Community Corrections to sex offenders.

Output group 8 Consumer Services

8.1 Fair, safe and equitable marketplace -

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CHAIR - In this area I can see that there is about a \$500 000 increase in the Budget. It talks about the fact that the Rental Deposit Authority Program has been a contributor to this increase. Can you confirm that?

Mr McKIM - I am advised it is to fund the new responsibilities that we have flowing from Australian consumer law.

CHAIR - It is nothing to do with the rent deposit program?

Mr McKIM - No.

Mr McKIM - That is self-funding.

CHAIR - And it has returned revenue?

Mr McKIM - I am happy for the secretary -

Ms HUTTON - I am sure that there are several other people who know more about this than I do, but the money is not government money, it is bonds that are held on behalf of tenants. We funded the set-up; we provided a float for the set-up of the system. But is becoming self-funding - sorry, we were prepared - here we go, someone who knows about it.

Mr BATT - It is not yet self-sufficient but it has returned an amount of interest on the money that is held so far.

CHAIR - But not enough to cover the cost of setting up this authority?

Mr BATT - Mr Stevens has pointed out that the initial set-up costs were provided by the Property Agents Board, but the system will get to a break-even point in about two years time and it will be self-funding from that point on.

CHAIR - Minister, are you aware of any issues that have arisen in the RDA?

Mr McKIM - This is a new system that has been developed and there has been a bit of criticism about some delays in processing. The final stage of the system was implemented on 25 May this year and my understanding is that stakeholders have generally been supportive of the way that this system works. Can I indicate that as a Greens member I supported this legislation through the House and it has been supported by the Council.

CHAIR - I was going to say that it has obviously been supported by the Legislative Council.

Mr McKIM - Absolutely. Since commencement, about 18 000 bonds have been lodged with the RDA and over 2 000 bonds have been paid to tenants and property owners. We think this is a better balance between the rights of tenants and property owners. Just in case there is any assertion of a conflict of interest, I am both a tenant and a landlord at this time in my life.

Mr DEAN - Did you say 18 000, Minister?

Mr McKIM - Yes, 18 000 since commencement, lodged, and 2 000 paid out.

CHAIR - Has there been an increase of business registrations? I am hoping you are going to tell me yes.

Mr McKIM - I do not have the number of business registrations.

CHAIR - Can you take that on notice?

Mr McKIM - I will take that on notice.

CHAIR - Then I would like to move to table 7.18 on page 7.21, Justice, the cost of compliance actions. Can you tell me what they relate to specifically?

Mr BATT - These are very broad measures but they basically relate to the cost of investigations that may include the cost of taking and preparing court briefs, the costs associated with prosecution.

CHAIR - Just across-the-board consumer issues?

Mr BATT - Yes, just across-the-board costs. So it is an averaging figure across the board.

Mr FINCH - When I think of consumer protection, I think of food labelling. What scope does Tasmania have to tighten up here on our food labelling or are we stuck with the national system? If this is the case, is Tasmania doing enough to influence the national labelling system? I am thinking particularly of GM foods here. Are we able to have an influence there?

Mr McKIM - This is effectively dealt with by a mechanism of national agreements and in the Tasmanian context it is being dealt with by the Department of Health.

On a personal level I have been very supportive of as much information as possible being made available. We have unit pricing in some supermarkets in Tasmania at the moment and I am a big supporter of unit pricing. I am very happy to see the concept of food moles being introduced into restaurants and other places where food products are purchased. An informed consumer is an empowered consumer, as far as I am concerned. But in the context of the information that you have suggested, that is being dealt with as part of a national process.

Mr FINCH - You mentioned supermarkets. There are many Tasmanian consumers who are worried about the virtual supermarket duopoly. I realise that IGA does play a role there in Tasmania. Does a duopoly concern you too?

Mr McKIM - It is not something that has been brought to my attention as a minister and there would be various national processes that would need to be considered. The ACCC may have a view on that. I am not personally aware of any work they have done on that issue. I am not sure whether it is something that comes into Consumer Affairs as a regular complaint or anything like that. Mr Batt might know but it is certainly not something that has been brought to my attention as minister.

Mr BATT - We do not have direct responsibility but clearly the use of unfair bargaining power is an issue that has been the centre of attention with the ACCC for some time. I think the general conclusion in the dialogue over a period of time is that what is lacking in Tasmania is sufficient competition. Certainly there would be benefits to Tasmanian consumers if we could get

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other players in the market. That is not something we can legislate. There is greater competition in mainland capital centres. If Aldi were encouraged to come here, that would certainly improve it but there is no legislative solution.

Mr McKIM - No. More competition is good but I can indicate that there has been no contact into my office since I have been minister on this issue.

Mr DEAN - I take this opportunity to thank Mr Batt for his assistance the other day.

Mr McKIM - I am pleased to hear that. I've found he has been very helpful.

Mr DEAN - Are consumer protection incidents increasing or is the number static?

Mr BATT - Overall it is reasonably static. I do not think we can say it is a big trend and I looked before I came down. I think what we are seeing is a consolidation and I think this is consistent with our focus on bond authority, for example - a consolidation of residential tenancies being a core component of the things that we do. I think it now comprises roughly 30 per cent. We will expect however with the adoption of the Australian consumer law and the expansion of our general power, which is a matter to be considered by Parliament, that this will result in an increase in responsibility and workload.

Mr McKIM - We do have quite a large number of statistics available in relation to complaints and inquiries. A month or six weeks ago I did a walk around with Mr Batt of Consumer Affairs, and they are flat chat in there, I can tell you. In 2008-09 there were nearly 12 500 inquiries. These are big numbers, and that is the last year that we have full-year figures. In 2009-10 to 1 June this year there were just under 10 000 so it might come in fractionally under this year with maybe a small decrease. Nevertheless, those are significant numbers. I will just give you a quick snapshot, some of the star categories, if you like.

Mr DEAN - That is what I wanted - any category that might stand out.

Mr McKIM - The ones that stand out are general household goods, just under \$2 000; general services - and I will ask Mr Batt about them in a minute - and general services would be things like garden maintenance and so forth, \$2 300; policy and legislation, nearly \$4 000 and that is the highest number, just under a third of the inquiries; and real estate and accommodation, just under \$1 500. Those figures are in 2008-09, the last calendar year. So you can see some of the more popular areas for inquiry.

CHAIR - Thank you, members. Minister, obviously if we look at the capital investment program in this particular output group we see that it all relates to the redevelopment at Risdon of stage D so I think we have covered that well and truly.

Minister, I will suspend and invite you to be back at the table ready for a two o'clock start.

The committee suspended from 12.43 p.m. to 2.02 p.m.