LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

REVIEW OF AUDITOR-GENERAL'S REPORT NO 10, 1997

Public Interest Disclosures - Corrective Services

STANDING COMMITTEE FOR THE CHIEF MINISTER'S PORTFOLIO (INCORPORATING THE PUBLIC ACCOUNTS COMMITTEE)

Public Accounts Committee Report Number 2

June 1998

RESOLUTION OF APPOINTMENT

The Standing Committee for the Chief Minister's Portfolio was appointed by the Legislative Assembly on 28 April 1998 to examine any matter under the responsibility of the Chief Minister's portfolio. The Assembly also resolved that the committee perform the duties of a public accounts committee, specifically:

(a) to examine:

   (i) the accounts of the receipts and expenditure of the Australian Capital Territory;

   (ii) the financial affairs of authorities of the Australian Capital Territory; and

   (iii) all reports of the Auditor-General which have been laid before the Assembly;

(b) to report to the Assembly, with such comments as it thinks fit, on any items or matters in those accounts, statements and reports, or any circumstances connected with them, to which the Committee is of the opinion that the attention of the Assembly should be directed; and

(c) to inquire into any question in connection with the public accounts which is referred to it by the Assembly and to report to the Assembly on that question.

MEMBERSHIP OF THE COMMITTEE

Mr Ted Quinlan MLA Committee Chair

Mr Trevor Kaine MLA Deputy Committee Chair

Mr Greg Cornwell MLA

Secretary: Bill Symington

1. INTRODUCTION

Background

1.1. Auditor-General's Report No 10, 1997 was presented to the Assembly on 4 September 1997. It contains two reports on performance audits conducted as a result of Public Interest Disclosures. One report dealing with lease variation charges is being reviewed separately by the committee and will be the subject of a later report by the committee.

1.2. This committee report reviews the second matter dealing with corrective services.

1.3. Review of this audit report by the Public Accounts Committee in the previous Assembly had not been completed before the Assembly was dissolved prior to the February 1998 election. In accordance with the resolution of the Assembly this committee has exercised its power to consider and make use of the evidence and records of the Public Accounts Committee in the previous Assembly.

2. AUDIT FINDINGS

2.1. Allegations about corrupt recruitment practices, staff appointments, victimisation of staff, manipulation of an officer's records, inadequate supervision of parolees, misuse of government facilities and a consultancy arrangement were investigated under the whistleblower provisions of the Public Sector Management Act 1994 and completed under the Public Interest Disclosures Act 1995.

2.2. In all 16 allegations were considered, two were found to be well substantiated and for two others there was insufficient evidence for a conclusion to be drawn. The remaining allegations were not supported by the evidence.[1]

2.3. The claims upheld by the audit or subject to audit qualification were that:

(i) staff interview/selection processes had shortcomings indicative of poor management but the specific allegations were not supported by evidence

(ii) there was favouritism in the appointments of two persons

(iii) there was lack of conclusive evidence about victimisation of three staff members between 1992 and 1994

(iv) work related stress could not be attributed to a particular supervisor but other staff could have contributed to the officer's stress

[1] Audit report p3

(v) there were delays in communicating parole condition breaches by the supervising officer. Certain other complaints about parolees were not upheld but an unrelated matter concerning incorrect recording of urine analyses for drugs and non filing of test results were noted.

Committee approach

2.4. Comment on the audit finding was sought by the PAC in the previous Assembly from the Attorney-General and a Government submission was subsequently provided to the PAC.[2]

3. COMMENT BY THE GOVERNMENT ON THE ISSUES

3.1. The Department noted that the disclosure made in April 1995, related to alleged incidents which occurred in Corrective Services during the period 1993-95 and advised that the complex history of internal staff disputation which occurred during that period which saw the development of competing factions in the workplace are part of the broader context within which this matter must be placed.

3.2. With regard to the other main audit finding about inadequate supervision of a parolee, the Department advised that this matter is quite dated having occurred between January 1993 and February 1994. The parole officer permitted a parolee to enter licensed premises which did not appear to conform with the wishes of the Parole Board. The Department advised that the background to this incident needs to be understood to place the findings in context. The parolee's order gave discretion to the parole officer to determine whether the parolee could be permitted to enter licensed premises. Attached to the parolee's order were additional comments by the Parole Board indicating that the Board had sought to give the parole officer the greatest range of powers in supervising this case. As always, the way in which these powers were to be exercised was for the parole officer's discretion. However, the Board had in mind that it would be appropriate for a psychiatric assessment to be arranged immediately upon the parolee's release. The Board considered that, pending such an assessment, the prohibition on entering licensed premised should be applied. Whether the prohibition should have been continued would have been a matter for the parole officer's discretion, in the light of the psychiatric assessment.

3.3. The Department further advised that initially permission to enter licensed premised was not granted. The parolee later asked for permission to attend restaurants with his family and friends. The parolee had been on supervision for some three months during which time it was not suggested that he consumed alcohol or entered
licensed premises. This request was granted by the parole officer on the condition that he not consume alcohol. This decision was also approved by the parole officer's immediate supervisor. After further information was provided to the Parole Officer by the Parole Board, the limited approval to enter licensed premises was reconsidered

[2] Department or Justice and Community Safety, letter dated 27 March 1998

and the parolee was informed that he would have to seek further permission to enter licensed premises in future. The Department advised that it is relevant that the Parole Board acknowledged, in writing to the parole officer, that a report in the Board's possession was not made available to the parole officer before permission was given by that officer for the parolee to enter restaurants. Had this information been available to the parole officer it is unlikely that the initial approval would have been granted.

3.4. The Department advised that the Parole Board Secretariat has been collocated with ACT Corrective Services to facilitate improved communication between the Board and community based correction staff and this has reduced the likelihood of Parole Board intentions being misunderstood.

3.5. The Department advised that action on the implementation of recommendations in the audit report has been completed.

4. COMMITTEE COMMENTS

4.1. The committee is satisfied that the department has addressed those allegations which the audit upheld.

Ted Quinlan MLA
Chair