



LEGISLATIVE ASSEMBLY OF THE NORTHERN TERRITORY

13th Assembly

PUBLIC ACCOUNTS COMMITTEE

Public Briefing Transcript

12.30 pm Tuesday, 17 September 2019

Litchfield Room

Members:

Mrs Kate Worden MLA, Chair, Member for Sanderson

Mr Terry Mills MLA, Deputy Chair, Member for Blain

Mr Lawrence Costa MLA, Member for Arafura

Mrs Lia Finocchiaro MLA, Member for Spillett

Mr Tony Sievers MLA, Member for Brennan

Mr Gerry Wood MLA, Member for Nelson

Witnesses:

Territory Families

- Ken Davies, Chief Executive Officer
- Brent Warren, General Manager, Youth Justice

DARWIN YOUTH JUSTICE CENTRE

Territory Families

Madam CHAIR: On behalf of the committee, I welcome everyone to this public briefing on the Darwin youth justice centre. I welcome to the table to give evidence to this committee Mr Ken Davies, the Chief Executive Officer, known well to us all, Mr Brent Warren, the General Manager of Youth Justice.

Thank you both for coming before the committee. We appreciate the time you have taken today to speak to the committee and look forward to hearing from you today.

This is a formal proceeding of the committee and the protection of parliamentary privilege and the obligation not to mislead the committee applies. This is a public briefing which is being webcast through the Assembly's website. A transcript will be made available for use of the committee and may be put on the committee's website.

If, at any time during the briefing, you are concerned that what you will say should not be made public, you may ask that the committee go into a closed session and take your evidence in private.

Could you please each state your name and capacity in which you are appearing for the record. Then, perhaps, Mr Davies, you would like to make an opening statement.

Mr DAVIES: My name is Ken Davies, Chief Executive Officer, Territory Families.

Mr WARREN: My name is Brent Warren, General Manager for Youth Justice at Territory Families.

Mr DAVIES: Thank you, Chair and committee for allowing us to attend today. In starting, I note that the committee wrote to Minister Wakefield on 30 August and in that letter requested that an analysis of the site selection, including a comparison of the financial planning and social factors for the sites could be provided in relation to the Darwin youth justice centre.

Then the letter also sought an update on the planning for the new facility, including the proposed site, its zoning, the cost of providing services and infrastructure to that site, the accessibility of the site for staff, youth workers, clinicians, lawyers and families, and time line of the project.

In the letter, Chair, it was requested that this information be provided to the committee by 30 September 2019. I advise that we will provide a formal submission to the committee in the context of that letter within that time frame. Today, I want to go through where we were up to and give you a precise update on the planning that we have prepared, then provide the further submission within the time frame that has been requested.

The Northern Territory government has allocated \$60m to the construction of the replacement of youth detention facilities in Darwin and \$10m for the redevelopment of youth detention facilities in Alice Springs with contemporary and secure youth justice services.

The application to rezone the previously identified site in Pinelands was declined by the Planning minister in March 2019 following extensive community consultation. Government subsequently identified and investigated seven sites in the greater Darwin area. In July 2019 a rezoning application for part section 4225, Hundred of Bagot in Holtze was submitted to the Planning minister.

On 8 August 2018, the Planning minister decided to rezone the selected site in Holtze without public submission and exhibition in accordance with the *Planning Act 1999*, thus confirming the site for the youth detention centre. It was rezoned from Rural to Community Purpose on 8 August.

A contract for the planning and design of the new centres was awarded to local architect Bennett Design in December 2018, and design work undertaken to date has not been impacted by the decision not to proceed at the Pinelands site.

Site selection was proceeding. There was a lot of interaction about the prospective sites that were being looked at, but always we were to build a new youth detention centre under a program. The site was the secondary consideration. The program design was what we were going for with the design specifications of the infrastructure itself.

Consultation with specialists advisory groups in relation to the Darwin youth justice centre and Alice Springs Youth Detention Centre redevelopment is currently under way with government, non-government, Aboriginal and community sector stakeholders. Confirmation of the Darwin site has enabled site-specific infrastructure design to commence, with design scheduled for completion in December 2019 and, importantly, construction completion targeted for April 2022.

Design work for the Alice Springs Youth Detention Centre redevelopment is scheduled for completion in October 2019 and construction works scheduled for completion in early 2021.

That is the current status, Chair, thank you.

Madam CHAIR: Thank you very much. I will open to the committee because I know there have been some questions put forward at our previous meeting. Member for Nelson, would you like to kick off for us?

Mr WOOD: Thank you, Madam Chair, yes. My concern is that the questions I might ask are really related to policy. I know Mr Davies from a long time ago, so I do not want to put him in a spot. You can just say if you cannot answer it.

To start, one of the concerns I have is that Pinelands was given appropriate procedures for rezoning. The public was able to put in their views on the rezoning of that land. In the case of the Holtze site, the minister has avoided any public discussion by bringing that matter straight through under the *Planning Act*. Am I right to say that local people have no say in what happens now?

Mr DAVIES: member for Nelson, what I can say is what the minister said in her letter approving the rezoning. She said she had:

... decided not to advertise this amendment as I believe it is not so significant as to require exhibition, specifically as large areas of land surrounding the site are undeveloped and owned by the Crown. Rezoning this site to facilitate a youth justice centre will not impact on the community. In addition, the facility will use existing road networks and the volume of traffic generated by this activity will not impact on the operation of these networks.

That was the context for her making the decision.

Mr WOOD: To comment, my concerns this is a \$60m project, it is not putting a little playground here. The community—even the broader community—should have the right to have—if they want to. I am not saying the site is necessarily a bad site. That is where I think I am running into policy, so I probably should not be asking those questions.

The other thing that concerns me is that I always believe that the Berrimah site needs to be actually costed. I notice you have given us—and I had a briefing the other day, but the Berrimah site is not on that piece of paper, it is on this one. I looked at this and thought it was not on the one you gave me the other day. It talks about the southern portion of the current Don Dale Detention Centre and it says:

Use of the existing site in Berrimah has been previously considered for a youth justice centre ...

In fact, originally it was regarded as the best site.

It was found unsuitable through planning scheme considerations, particularly as a result of future residential planning, including the development of a new future primary school in the area.

Considering that the minister, when arguing the case at Pinelands, argued the exact opposite—she said these facilities can go close to residential and industrial areas—the concern I have is that this is not being considered from an economic perspective. This land here is close to facilities that the minister spoke about. It is owned by the government. It has infrastructure already there.

Has anyone done a cost-benefit or a costing of developing this site, in relation to the proposed? Also, then from a social aspect, the—what is the word?—the user-friendly aspect of this site from lawyers, psychologists, doctors, parents, teachers—all those people who need to go here—plus access to public transport, compared to the site in Holtze—has that been done or have they just said, ‘Simply because of Mr somebody-or-other said this could affect residential development’. I do not accept that at all. I think you can build this here without affecting any residential development. Has anything like that been done to show that this could be cheaper and still a proper facility could be built on this site?

Mr DAVIES: Member for Nelson, the minister wrote back to the then Chair of the Public Accounts Committee and her reason and rationale for the existing Don Dale site centred on exactly the words that you have used to describe it, where she said:

Long-term planning for the area, including proximity to future residential development, resulted in this site not being deemed as suitable.

In that context, in the preparatory work we did, we looked at new sites post the Pineland site being deemed as not suitable. We did not go back to the Berrimah site. In direct answer to your question about costings, we have been very concerned about the money that we are having to spend to maintain the existing facilities on the site and to make it safe, particularly given that it was an old adult facility.

To answer your question, Member for Nelson, re-using that site would involve the complete demolition and would need to be agreed to by government, of course. That has not been the case. In us directly costing and looking at what it would take to restore that site, that was not part of the considerations we undertook.

Mr WOOD: The site will have to be demolished anyway at some point. It will not be used again as a detention centre, obviously. So, one way or the other, that cost will be incurred. Who has made the decision, or has influenced the government's decision that this would affect residential development in that area?

Mr DAVIES: I am not in a position to answer that question, Member for Nelson. I will say, however, if you demolish the existing sites and rebuild a new one, you have a number of young people who need to be looked after while the new facility is being built. We do not have the options ...

Mr WOOD: One must remember that site is actually far larger than you need.

Mr DAVIES: We do not have the options to relocate young people into a facility that is safe enough whilst a new facility is being built.

What we are doing in Alice Springs is remodelling around an existing facility. One of the great opportunities with this new facility is that we can house young people right up until the day that they need to be transferred, as happened with the corrections facility when it was replaced with the facility at Holtze.

Mr WOOD: But regardless of all that, no costing has been done to show whether this would be—and we are in budget crisis? Even though \$60m has been put out there, it does not mean we have to spend that \$60m. All I am trying to get is a feeling that the government has done due diligence from an economic perspective to see whether the existing site could be used and save money for a youth detention facility. It appears, as you said, that has not been done, it has just been based on somebody's view that this would not be suitable because of future residential development. Is that ...

Mr DAVIES: All I can do is refer to that early advice that came to the PAC, the committee, that explained the reasons why we did not choose to look at that site as a replacement facility.

Mr WOOD: I suppose the hard thing for me is, one, I do not, even as the local member, have a say in this site. In fact, I spoke to you the other day about where you thought they would put a road. If this went to planning or even rezoning I would have seen some rough idea of how this will fit—I do not have to see the exact plan of the building—and could comment whether that road was in the wrong place because, as I said, there is a reason why the road to the prison is where it is, because of a crest above that road.

Now I have no say in it. On the other hand, I have a government that has said, 'We are not interested in the Berrimah site', because someone else had an opinion, and that is it. I do not feel we have done ...

Madam CHAIR: I am conscious of time. I am not hearing a question. Maybe it is another conversation that can be held ...

Mr WOOD: The question is really am I right in saying the community will not have any say in what happens on that site?

Madam CHAIR: I would ...

Mr DAVIES: Member for Nelson, I do not want to be refuting, very respectfully, your position, but there is extensive consultation that will go on, or is going on, in relation to the site design. We have some subject

area committees, specialist advisory committees that are meeting. We have been down already and talked to the Mayor of the Litchfield Shire and her Deputy Mayor and sought advice about the best access points for the road access to the site. They have a view about traffic and how that will play out.

There has been a commitment made to build on the site. There is a planning process that is running extensively at the moment. We have had pop-up sites. We have run pop-up centres at Coolalinga, Gateway and Casuarina where we have had displays. We have handed out questions and answers about the Darwin youth justice centre site and the site selection process.

We are in the design phase and there will be consultation about that. In terms of the decision about the rezoning of the site, that was made, as I have articulated, by the Planning minister. But there will be extensive consultation on what the new infrastructure on the site and the program will look like.

Mr WOOD: What I am comparing it with was when the debate when Pinelands was on, we looked at the Victorian model, the Melbourne model. Not only did it include local government, it included the community, including Aboriginal people. There has been none of this over this site. By the minister now saying that that site has been automatically rezoned—which is the only opportunity for the community to have a say because once it is turned into a CP Zone, that building is permitted under the *Planning Act* and we have no say at all.

What I am really upset about is—not only for me, as someone who lives in the area—regardless of whether it is in a spot that has no one living around—there are people who live in the vicinity—we have been denied the opportunity to have a say. It could have been support. That is the concern.

Madam CHAIR: Okay, I will wind that up and move to the Member for Blain who has a question.

Mr MILLS: Thank you. Mr Davies, you made reference to great concerns about the cost of maintaining the existing facility. What is the cost?

Mr DAVIES: Just in raw numbers, Member for Blain, we have spent, to maintain the site—this is basically back to 2016 when we inherited the site. I will give you a context for it.

This is just raw numbers. We had over 70 CCTV cameras that were not working—just one basic thing. None of the cell blocks that young people were being housed in were air conditioned. There was no air conditioning. There were extensive renovations, provided we had young people down the back of the facility, housed in old demountables where there was significant and substantial points where young people could cause themselves injury.

We had a fire safety audit that required us to maintain the facility and build in new fire safety tanks that cost \$2.5m to just get it to a standard where we could house the people, so that if there was a fire we could make sure that the safety of those young people was maintained.

The total figure that I have to hand is about \$7.5m to maintain the safety and security of the young people in the facility since the outset. That has included reinforcing the ceilings. Many of the areas the young people were placed into were not hardened facilities, so we had to really work hard to improve the security arrangements, let alone the arrangements for supervision and health facilities and so on.

Mr MILLS: That is \$7.5m since receiving the facility?

Mr DAVIES: That is right.

Mr MILLS: You would not anticipate that it will be the same—having done all that work—going forward?

Mr DAVIES: We definitely do not anticipate anywhere near that—that we are into a maintenance phase while we work to construct the new facility.

Mr MILLS: I understand. The construction of the new facility. It is 11 months until the next Territory election. Would you predict that the construction will commence before August next year?

Mr DAVIES: The construction will definitely be under way by January—sorry, what is happening is the design will be scheduled in December 2019 and construction completion is targeted for April 2022. Member for Blain, definitely the contract will be let and there will be work on site before that date you have mentioned—definitely. We are at about 50% design completion stage at the moment in terms of the program. Then you do the design building around it.

Mr MILLS: I will just get that clear, sorry. The contract would be signed ...

Mr DAVIES: There will be a formal tendering process that will run. I will need to provide these exact dates to you, but the design completion is scheduled for 2019 and then there will be a tendering process that will flow from that.

Mr MILLS: Okay, so you are saying that this facility could be put anywhere, so if it is designed and a tender let to construct, theoretically it could go on any site. It is not tied to that site if you sign a contract?

Mr DAVIES: Well, part of the site design in the tendering process will be the headworks and the design that will be going in to the facility itself. Once the tender is let, then that will also include headworks, the roadworks and so on.

Mr MILLS: Right.

Mr DAVIES: So, you cannot then just pick up the buildings on the top of it and shift it.

Mrs FINOCCHIARO: I would like to ask about the design as well. Correct me if I am wrong, but that original tender for the design work was mid-last year? A tender was awarded—Bennet Design?

Mr DAVIES: Bennett Design in December 2018.

Mrs FINOCCHIARO: December 2018. So, we are looking at having the design completed in December this year?

Mr DAVIES: Yes.

Mrs FINOCCHIARO: A full 12 months design process. Okay. Has any time or expense being lost as a result of the change from Pinelands to Holtze.

Mr DAVIES: No, Member for Spillett. Right from the outset, the issue is—and this is what the specialist advisory groups have been doing—meeting to work on the program. The program design then helps ...

Mrs FINOCCHIARO: Informs the building.

Mr DAVIES: ... the design of the facility. Otherwise, it is like building a school and then saying, 'Will it be a primary school or a secondary school? You have to have the program in mind. The change in site has not held up the design work that is happening.

Mrs FINOCCHIARO: Will there have to be an additional tender or a variation to the existing contract to include the headworks and other functional design components that relate to the actual site—like the road or ...

Mr DAVIES: The road definitely, Member for Spillett. I would need to take that on notice, but we can provide that as part of the broad feedback to the PAC by 30 September.

Mrs FINOCCHIARO: Yes, that would be good—the additional cost and additional work. I want to ask about cost savings. Will there be any synergies between the adult prison and the youth justice facility—for example, joint laundry contracts, kitchen contracts—to drive some efficiency?

Mr DAVIES: Member for Spillett, what we are planning to do—Brent and I are meeting with the Commissioner for Corrections to have a look at where there may be contracts like laundry that we might be able to share to make sure there are efficiencies. Absolutely, if we can utilise services from there or existing contracts that mean that we save public money, that would be our intent. But in a programmatic sense, it will be completely separate from the corrections facility.

Mrs FINOCCHIARO: Is there even an opportunity—or is the department exploring the opportunity—to share perhaps administrative or corporate service staff?

Mr DAVIES: Not at this stage, Member for Spillett. I can say that there are times—for instance in Alice Springs—where the health centre staff share our facilities. There may be some correlation that are

programmatic for health services and mental health services where we can get some synergies. But in an administrative sense, no.

Mrs FINOCCHIARO: Okay, thank you.

Madam CHAIR: Any further questions? We will look forward to that brief by 30 September and acknowledge that you have taken a question on notice. That will be captured by Hansard. We do not need to pop that in there today. Possibly, when we receive that we may correspond back to you if there are gaps we would like to fill.

It would be fair to say that the committee is really keen to make sure that we get the best bang for government buck out of this one. We have seen some previously that we thought could have had improvements. This is one large project, to be fair, that offers an opportunity to monitor and see that those improvements are coming into play that have been in commitments through the infrastructure frameworks and things like that.

Thank you for appearing today ...

Mr WOOD: Can I just ask one question in relation to the plan ...

Madam CHAIR: Is it a short one?

Mr WOOD: Yes. Did any member of the Department of Infrastructure, Planning and Logistics look at what the land was planned for under the Darwin Regional Structure Plan before they approved this site?

Mr DAVIES: Member for Nelson, we have been working very closely with DIPL—very closely on this whole project. To reassure you, Chair, we have a committee that meets fortnightly to make sure we are maximising the value for the public funds we have been given. We are working very closely. In relation to the site, that would be a question better directed to the Chief Executive of DIPL.

Madam CHAIR: We could always ask that question offline.

Mrs FINOCCHIARO: Chair, I had one. It is a very quick one.

Madam CHAIR: Undisciplined committee today.

Mrs FINOCCHIARO: Looking at the flyer for the site selection. That arrow is not correct, is it, where it says, 'Chosen site next to the adult prison'? It is actually across the road—or it is next to it?

Mr DAVIES: Where that site is identified, that is the correct site there ...

Mrs FINOCCHIARO: That is ...

Mr DAVIES: Yes, Member for Spillett, that is where it is. There is about a 500-metre—is it the road that runs down to the fence line there?

Mrs FINOCCHIARO: Yes.

Mr DAVIES: All of that is trees and bush at the moment. There is no visual impact at all, it is well down the road.

Mr WOOD: The old road to Howard ...

Madam CHAIR: Just because he does not want to miss out, the Member for Brennan also has a question.

Mr SIEVERS: I do not have a question, just a comment. I want to thank you both for all the hard work you have done. It is a difficult situation, which we all understand. You have done an enormous job, so keep up the great work.

Mr DAVIES: Thank you.

Madam CHAIR: Thank you, Member for Brennan. Thank you very much.

The committee concluded.
