

VERIFIED VERSION

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

Inquiry into Budget Estimates 2015–16

Melbourne — 12 May 2015

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Witnesses

Mr Wade Noonan, Minister for Corrections,

Mr Greg Wilson, Secretary,

Mr Shaun Condron, Chief Finance Officer, and

Ms Julia Griffith, Deputy Secretary, Corrections, Department of Justice and Regulation; and

Ms Jan Shuard, Commissioner, Corrections Victoria.

The CHAIR — I declare open the public hearings for the Public Accounts and Estimates Committee inquiry into the 2015–16 budget estimates. All mobile telephones should now be turned to silent.

I would like to welcome to the hearing Mr Wade Noonan, Minister for Corrections; Mr Greg Wilson, Secretary of the Department of Justice and Regulation; Ms Jan Shuard, Commissioner, Corrections Victoria; Mr Shaun Condron, Chief Finance Officer, Department of Justice and Regulation; and Ms Julia Griffith, Deputy Secretary, Corrections, Department of Justice and Regulation.

All evidence is taken by this committee under the provisions of the Parliamentary Committees Act, attracts parliamentary privilege and is protected from judicial review. Any comments made outside the hearing, including on social media, are not afforded such privilege. The committee does not require witnesses to be sworn, but questions must be answered fully, accurately and truthfully. Witnesses found to be giving false or misleading evidence may be in contempt of Parliament and subject to penalty.

All evidence given today is being recorded by Hansard. You will be provided with proof versions of the transcript for verification as soon as available. Verified transcripts, PowerPoint presentations and handouts will be placed on the committee's website as soon as possible.

Departmental officers may approach the table during the hearing to provide information to the witnesses if requested, by leave of myself. However, written communication to witnesses can only be provided via officers of the PAEC secretariat. Members of the public gallery cannot participate in the committee's proceedings in any way.

Members of the media are to observe the following guidelines: cameras must remain focused only on the persons speaking; operators must not pan the public gallery, the committee or witnesses; and filming and recording must cease immediately at the completion of the hearing.

I invite the witness to make a very brief opening statement of no more than 5 minutes. This will be followed by questions from the committee.

Visual presentation.

Mr NOONAN — Thank you very much, Chair. I am happy to take you through this presentation — I think it is only about four or five slides — and to give you the high-level overview of the budget for corrections for 2015–16. Members will note that there is \$1.22 billion in output and \$384 million in asset — a total of \$1.606 billion. Very importantly the 2015–16 state budget includes an extra \$332.8 million to provide support and expansion for prisons and community correctional services. You will see a breakdown of those figures in terms of the \$332.8: \$124.9 million for critical infrastructure and services in the men's prison system, \$88.9 million to expand community correctional services and \$119 million to expand the women's prison system and provide support for women prisoners and offenders.

I will go into detail on the next slide regarding the men's prison system and how that \$124.9 is being allocated. We have got \$88.2 in new asset funding and \$36.7 in new output funding for critical infrastructure across the men's system to support the recent and upcoming expansion. Importantly you have got a range of areas where that funding will go, including cell safety and reception upgrades at the Melbourne Assessment Prison; expanded health, education and programs at Dhurringile, Beechworth and Langi Kal Kal; upgrade of a waste water treatment plant for the Barwon and Marnongeeet prisons to meet increased demand; new security response offices and expanded reception capability at the Metropolitan Remand Centre; expanded health and programs building at Loddon Prison; and importantly industry for the Marnongeeet Correctional Centre annexe.

The budget provides very important investment for the Thomas Embling Hospital: an additional eight-bed high-dependency unit for prisoners and forensic patients with acute mental illness, along with 20 additional secondary health beds for the men's prison system, which effectively doubles the existing health capacity.

I move on to community corrections on the next slide. There is a very comprehensive package here of \$91 million, including \$26 million in new asset funding; \$65 million in new output funding for expansion of Community Correctional Services, which will importantly provide 143 new Community Correctional Services staff across case management, court assessment and a number of other areas; four staff for a pilot expansion of the mental health court liaison service at Melbourne and Sunshine magistrates courts; increased delivery of

programs to reduce reoffending; leasing of new trailers and buses to expand community work; and important additional investments in terms of being able to lease CCS locations and refurbish existing locations to support additional staff. Finally, \$2 million has been allocated for men's behavioural change programs as part of the family violence initiative package.

The last slide outlines a very important budget for the women's prison system, which is undergoing expansion. There is \$65.7 million in new asset funding and \$53.3 million in new output funding for expansion across both the Dame Phyllis Frost Centre and Tarrengower for a net gain of 106 beds, most importantly including 44 purpose-designed mental health beds as part of a new 70-bed unit at the Dame Phyllis Frost Centre; a 44-bed mainstream unit at the Dame Phyllis Frost Centre; an 18-bed minimum security unit at Tarrengower; operation of 48 contingency beds at the Dame Phyllis Frost Centre to meet immediate demand pressures whilst the new units are under construction; and importantly the supporting infrastructure we have just listed there. Finally, the budget also provides for the continuation of the targeted women's correctional response, which is a very important program.

The CHAIR — Thank you, Minister. I might kick off. I refer you to budget paper 3, page 286, regarding the rate of return to prison within two years and the rate of return to corrections within two years. Can you tell us, with the output cost you have, what are you going to do to meet this major challenge in corrections?

Mr NOONAN — I thank the Chair for a very important question and a very big challenge for government. Obviously the Victorian prison system has had, both in the women's and men's areas, a significant expansion in terms of overall numbers — an additional 1200 prisoners, for example, in the last two years. What we have seen in the area of recidivism is growth. After many years of decline in the area of recidivism in the last decade, we got to a figure in 09–10 of 33.7 per cent — that is, people in the corrections system returning within a two-year period. You will see from this budget that the expected outcome in this financial year is 45 per cent. That is an enormous challenge for an incoming government, and it is one that we have very quickly turned our minds to by way of a response.

There has been some commentary about this in the last week since the budget was handed down, and it is very important that this 15–16 budget takes a very long stride forward in terms of the rehabilitation of offenders. This is deliberately a rehabilitation budget. It invests in community corrections — a very significant investment in community corrections — essentially to stop offenders graduating, if you like, to the prison system. It also invests very heavily in critical infrastructure and services to deliver rehabilitation programs in prisons. Yes, we have seen a significant addition in terms of beds, but what you need to do is add the critical infrastructure to ensure that those prisons actually operate both to keep the community safe in the first instance and to rehabilitate prisoners whilst they are fulfilling their custodial sentence.

We have very deliberately invested in mental health capacity in both the women's and men's systems, offending behaviour programs, drug and alcohol services, young offender employment readiness and work skills both in prison and in the community. We are also investing in community supervision and in prison-based rehabilitation.

Importantly — Chair, I am nearly finished — what it also does is invest in our staff. In terms of my visits around the Victorian prison system, we really have to stop and thank and acknowledge the great work of our corrections staff based both in Melbourne and in country Victoria. They have been working under enormous pressure with that significant growth that the system has seen, and they are absolutely dedicated and committed people. This budget invests also in technology and smart services that very much strengthen the safety of the community as well as ensure the smooth running of our prison and corrections facilities.

We will make the issue of recidivism and tackling the issue of reoffending an absolute priority for this government in its term, and as I said, if you look to some of the very significant investments we are making in some of these key areas that have not seen the sort of investment that they have needed in the past, we are taking the first major stride forward.

Mr MORRIS — I refer you to budget paper 3, page 286, and in particular the prisoner supervision and support output measure, which is referenced down towards the bottom of that page. Certainly along with, I am sure, many of my colleagues I have a strong interest in the parole system, and of course the former government transformed what was an archaic and ineffective system to be one of the most efficient and indeed one of the

toughest systems in Australia. We are all aware of why those reforms were necessary. We had far too many young women in particular losing their lives at the hands of parolees. Given that very recent history, why has the government chosen to weaken and in fact to water down the Callinan \$84 million parole reform package by diverting funds from that package from the community-based offenders supervision output relating to parole reform?

Ms SHING — On a point of order, can I ask why you have used the word ‘weaken’ — through the Chair?

Mr MORRIS — I actually said ‘water down’.

Ms SHING — You said ‘weaken’.

Mr MORRIS — Either way.

Mr T. SMITH — What is the point of order?

Mr MORRIS — You do not like the question.

Ms SHING — There is a presupposition in that question which again should appropriately be set out by reference to the budget papers.

The CHAIR — Order!

Mr MORRIS — Chair, it is the right of any member of this committee to ask a question and to expect an answer. There is a clear reference not only to the public interest but to the budget papers, which is not something, by the way, that is obligatory in these hearings. It is a simple question. These hearings can go on and on and on if we are going to continue to have government members seeking to edit questions they do not like. It is a pretty simple system: I get to ask a question and the minister answers it, and then you get to ask a question and the minister answers it. I do not recall once taking a point of order on a government question, saying, ‘We don’t like that question’.

The CHAIR — Through the Chair.

Ms SHING — It is perhaps because they are beyond reproach.

Mr MORRIS — We can do it if you would like.

Ms SHING — Fine. I look forward to — —

Members interjecting.

The CHAIR — Order! Ms Shing! Deputy Chair! Mr Smith! Could the Deputy Chair restate — I did not say rephrase, just restate — his question?

Mr MORRIS — Chair, it is a reasonable question. Let us get this very clear. I am not going to sit here and have Ms Shing or indeed any other member of the committee from wherever they are sitting endeavouring to edit my questions. If you want to start that sort of crap — and I use that word in all seriousness and very deliberately — —

The CHAIR — It is unparliamentary, and you know it, Mr Morris.

Mr MORRIS — If you want to start that sort of crap, then we will be taking points of order on every government Dixer — Dixers that your government promised you would abolish. We are going to endure it for the next eight days. Let us just get on with it.

The CHAIR — Order! Mr Morris, all I was seeking to do was to hear the question in full, as you want to ask it, because I was interrupted by Ms Shing. I am not seeking to modify or change your question at this stage; I just want to hear it. I do not think I am being unreasonable, Mr Morris.

Mr MORRIS — I had in fact completed asking my question before Ms Shing chimed in.

Ms SHING — The Chair is asking you to restate the question.

The CHAIR — Could you restate the question for me, pretty please?

Mr MORRIS — Can I re-ask the question?

The CHAIR — Yes, you can re-ask the question, Mr Morris.

Mr MORRIS — Minister, welcome back! I refer you to budget paper 3 and in particular page 286. Towards the bottom of the page there is reference to the prisoner supervision and support output measure. As I indicated when I asked the question the first time, like many of my colleagues I have a strong interest in the parole system. The old system, as all of us, sadly, are only too well aware, was archaic and often ineffective. The former government undertook extensive reform, particularly commissioning retired Justice Callinan to review the system, and those reforms, which extended over a considerable period, have resulted in what is unarguably I think the most effective and toughest parole system in the nation. In the light of that and given that those actions were driven by the sad and perhaps unnecessary deaths of several young women at the hands of parolees, why has the government chosen to change the Callinan \$84 million parole reform package to water it down by diverting funds from the community-based offender supervision output relating to parole reform?

Mr NOONAN — Can I thank Mr Morris for an important question about parole and indeed make the observation that I think we do now have the toughest parole system in the country. It is more difficult for individuals to get parole. Of course it is more tightly managed, and there are more significant consequences for breaches as well.

I think it is really important to make it clear that there has been no cut whatsoever by an incoming government to the \$84.1 million that was allocated in the last state budget. I think, to make it really clear, what I am going to ask Mr Condron to do is just help us, for the committee's benefit, to understand how that funding is actually now reported. If the committee is okay with that, I think it might also be helpful for the commissioner to explain where we are up to in terms of the recommendations from the Callinan review, because they are quite significant, and they have been picked up by this government in terms of the recommendations which were not fulfilled, to actually fulfil them. So, if the committee is happy, I will throw to Mr Condron initially, and he can deal with the monetary aspect.

Mr CONDRON — The comment that has been referred to is the footnote, I think, at the bottom where it mentions the 'transfer of funding from the community-based offender supervision output relating to parole reform'. When the funding for parole reform was first allocated, it was allocated fully to community-based offender supervision. At that time we were unsure of the split we were going to provide and how much of it would eventually end up in prisoner supervision services, and the bulk of it was allocated towards putting in the new parole officer structure within community-based offender supervision. However, there has been a transfer of funding from one output to the other to reflect the fact that we also have some of that funding directed towards parole programs in prisons and a number of staff put in place to support that as well. So we had to shift the funding between two outputs. That is all it was. There was no watering down of the funding as such.

Mr NOONAN — Chair, again, to pay due respect to Mr Morris's question, Corrections Victoria have done a lot of work in this area, and there have been some recently met recommendations of the Callinan review which are probably worth sharing with the committee, which go to Mr Condron's response around the allocation of parole officers, for example. It might be of value for the committee for the commissioner to share that.

Ms SHUARD — Firstly, the preparation for parole now commences from the time a prisoner comes into prison, with a parole period, so the assessment takes place at the beginning of the sentence. A lot of that funding has gone into that part of it with a new assessment tool. As recommended by Mr Callinan, we apply a different assessment tool for risk of reoffending to all offenders going out to parole. All serious, violent and sex offenders now must complete their treatment requirements before they are considered for parole, so there is a new program model and additional resources going into providing those programs for violent and sexual offenders.

From 1 January this year we commenced a new pre-release program, another recommendation of Mr Callinan that all prisoners going to parole should be assisted to transition in the community, so we have a reconnect

program and a relink program so prisoners get support as they are getting prepared for parole, and then they are supported as they transition back into the community.

We have in-community corrections now from 1 April, a new dedicated parole stream. It separates those community corrections staff who look after people who have court ordered orders, those who come out of the court, from a different group of staff. These 150 staff have been allocated to what we call the parole stream, who supervise and case manage prisoners on parole. All of those things are in place, and 22 of the 23 recommendations of Mr Callinan have now been put into place, with one remaining, which will be in place by the end of this year.

Mr MORRIS — I thank Ms Shuard and Mr Condron for their responses. Minister, in the light of that answer but not necessarily flowing from it, can I ask you: do you remain committed to the ongoing implementation as opposed to the initial implementation of all the measures in the Callinan review, particularly including measure 9, which starts with the words ‘Consideration should be given to the appointment of a recently retired judge of the Supreme Court to chair the parole board’?

Mr NOONAN — I thank the member for his supplementary question. I just need to be absolutely crystal clear in terms of the funding and in terms of this government’s approach. Yes, no change; and I think I cannot be any clearer in relation to that. In relation to the issue of a replacement for the outgoing Bill Gillard, we are currently seeking to make an appointment and make that appointment as quickly as we possibly can. The member might make his own observations, but I think the role of the chair of the parole board has become a very important one and in many respects a full-time role in terms of its requirement, because of essentially the two-tier structure requiring the chair to take a stronger role in relation to parole for serious and violent sex offenders. The government certainly looks forward to appointing a new chair and is working very diligently to ensure that that happens at the earliest opportunity. I look forward, as the government does, to making an announcement in the not too distant future.

Dr CARLING-JENKINS — Thank you, Minister. I would like to refer you to budget paper 3, page 266, and to your earlier comments which indicated a commitment to rehabilitation within the prison system. I would just like to point out that people with intellectual disabilities, as I am sure you know, are over-represented in our current system, and there are many complex factors surrounding this incidence. I am not going to ask you to comment on this overall; I would just like to draw your attention to one issue of concern in this space, and it relates to substance abuse and rehabilitation programs provided within the corrections system.

There has been an article published online on 6 March 2015 by McGillivray and her co-authors. She is an academic at Deakin University here in Victoria. I would be happy to supply you with the full source; I am just conscious of time to read it all out now. She highlighted that people with and people without intellectual disability within the prison system share similar rates of substance abuse issues. However, the completion rate of alcohol and drug treatment programs is much lower for people with intellectual disabilities compared to the rest of the prison population. My question is: how will Corrections work to accommodate people with intellectual disabilities in rehabilitation programs, especially in light of research such as this?

Mr NOONAN — Can I thank Dr Carling-Jenkins for her question. I am very happy for you to submit that outside of the committee’s deliberations today. I think there are many over-representation’s in terms of demographics in the prison system that you do not necessarily see in the community, so I make the observation about the over-representation, for example, of people with hepatitis in the prison population, the very high level of representation of people with mental illness in the prison system and, as you have correctly pointed out, those in our prison system who may have a disability of some description.

I will get the commissioner to go to the specifics of the question that you have asked, because I think she is well placed to provide a very comprehensive answer on this. But I will say in terms of rehabilitation for prisoners in our system, there is a myriad of approaches taken, which have to go to things such as the offending behaviour of that particular prisoner and to the issue of education. Many of our prisoners are poorly educated, sadly, with few training and employment prospects, so that is why you are seeing further investments in this particular budget around increasing industry opportunities for prisoners, of course drug and alcohol treatments and the general health and mental health treatments of prisoners. Again if you look at the investments we are making in the women’s prison system, there was no ongoing program for mental health treatment beyond the end of this

financial year — remarkable. So there are also important programs around pre and post-release. There is a broad sweep of programs that are all about seeking to assist the rehabilitation of offenders.

Yes, you are right, there are great complexities in terms of the prisoner cohort in our system. They are not underestimated by Corrections Victoria or me or the government. I think we all understand that when you see 45 per cent in terms of reoffending rates the challenges around investing in these areas are real for government, and the gains that were made over many years under the previous Labor government essentially have been lost in the last four years — not because there has been a lack of effort by those working with individuals, but simply because if you put a lot of people into the prison system without an appropriate level of support, that will always be challenging. I might ask the commissioner to supplement that very important question.

Dr CARLING-JENKINS — Sure. Thanks.

Ms SHUARD — Firstly, we have a pathway for people with intellectual disabilities through the prison system. Starting at Port Phillip Prison we have what is called the Marlborough unit, and that accommodates people with intellectual disabilities so that there is a different staffing model and program model for those people so the program model can meet their needs. We run a special sex offender treatment program for people with disabilities as well, as well as provide other programs through their pathway. They can go to medium-security prisons now as well, so there are units within the Loddon prison that hold people with intellectual disabilities, and then they can go out to a minimum-security prison placement through the system.

In terms of the drug and alcohol treatment, we have a contracted service with Caraniche for all of our drug and alcohol treatment programs. They have a target that 80 per cent of people going through those programs will complete those programs. It applies to everybody. It is no different.

The CHAIR — Dr Carling-Jenkins, on a supplementary question.

Dr CARLING-JENKINS — No, that is fine. Given the time, I am happy to keep going.

Ms WARD — Minister, I am interested in community correctional services, and in particular I would like to draw your attention to budget paper 3, pages 83 and 89. Can you outline for us the demand you are seeking to meet and provide a detailed explanation of what is included in the major investment the government is putting into community correctional services?

Mr NOONAN — Thank you very much, Ms Ward, for that question. You would have noted from the very quick overhead that I worked my way through at the start of the session that there is significant increased investment in community corrections in terms of services to meet that demand, and the budget provides \$65 million in output funding and \$26 million in capital funding to expand the capacity of community correctional services to supervise offenders in the community.

The growth that we are seeing in community corrections is quite extraordinary, and what we are expecting to see is continued growth out to June 2016 of approximately 13 500, and that is an additional 1800 offenders on community corrections orders. The reason we are seeing this is because of the abolition of suspended sentences and changes to sentencing practices. What you are essentially seeing is that where a person may essentially been in a situation where they received a suspended sentence, they were not requiring any supervision or support from a community corrections staff member. Many of those are now receiving community-based orders.

What the funding in this budget will actually do is provide the capacity for us to recruit 143 additional community corrections staff. That is about a 25 per cent increase in terms of the number of staff that are there. It will also provide us the capacity to open nine new community correctional service locations and provide additional programs and services all aimed at reducing recidivism and obviously increasing opportunities for offenders to make a successful transition from an order back essentially into the community.

It is also worth pointing out that in order to improve advice to the courts, the budget provides funding for four staff to a pilot service to provide clinical advice to the Melbourne and Sunshine magistrates courts on whether a mental health treatment condition should be attached to an offender's community corrections order.

There is also funding over two years — an additional \$2 million — to provide community corrections with additional funds to deliver additional men's behavioural change programs, and that, in light of the things that we were talking about in the police session, is very important in relation to family violence.

So it is a substantial increase in capacity in line with the substantial growth. I understand that, from a government point of view, the area of community corrections is a very good opportunity for us to divert people from graduating into the prison system.

Mr D. O'BRIEN — Minister, I refer to budget paper 3, page 83, in relation to the Department of Justice and Regulation output initiatives. Do you have any plans to change the Serious Sex Offenders (Detention and Supervision) Act, and are you satisfied it is serving its purpose adequately in protecting the community?

Mr NOONAN — Can you just give that budget reference again?

Mr D. O'BRIEN — Budget paper 3, page 83. I think it just refers to the output initiatives. The question again, if you like: any plans to change the Serious Sex Offenders (Detention and Supervision) Act, and are you satisfied it is serving its purpose adequately in protecting the community?

Mr NOONAN — I thank Mr O'Brien for the important question. I will just give some background to this and then respond because it is an important question on a number of levels.

As you are probably aware, the Serious Sex Offenders (Detention and Supervision) Act 2009 requires that serious sex offenders who present an unacceptable risk to the community be subject to post-sentence supervision or detention arrangements. The reason that is is because the act is very much about protection of the community but also facilitating the treatment and rehabilitation of a serious sex offender.

Offenders on post-sentence supervision orders in the community are subject to a range of very strict monitoring conditions, as you probably know, including, among other things, residential curfews, GPS electronic monitoring and in many cases strict treatment and rehabilitation regimes. Offenders may, as part of their order, also be required to reside at Corella Place — a facility that I have visited which, as you may know, is located in Ararat adjacent to the Hopkins Correctional Centre. Corella Place provides supported accommodation for serious sex offenders on post-sentence orders where appropriate accommodation elsewhere in the community has not been secured.

As of 1 May, there were 114 offenders on post-sentence supervision orders — not a big number. What I would say to you by way of response is that any government, including ours, will look very closely at the management of these serious sex offenders and remain very vigilant in order to keep the community safe. If that means potentially bringing forward amendments to legislation which will better administer the act and the arrangements for both the offenders and the community, that is what we will do. But I would say to you very clearly that that it is something that we are and we will continue to closely monitor in the future.

Mr D. O'BRIEN — So is this something you are actively considering?

The CHAIR — Mr O'Brien, is that your supplementary?

Mr D. O'BRIEN — I will move to a supplementary; I was just seeking clarification on the answer. Minister, could you advise the committee how many breaches of the act there have been since you became the minister, and do you have any plans to alter the way the suppression orders operate in relation to the act? If there have been any breaches, details would be welcome.

Mr NOONAN — I am not sure that I can answer that particular question in terms of the number of breaches, but I would say to you again that I will look at any of the acts that fall within my responsibility, and where matters are brought to my attention, you would expect that I will look at those sorts of matters that come to my attention and seek to understand whether or not changes are necessary. That goes for this act, and it goes for every other act under my responsibility. Again I make the point that in this area, regardless of who is in government, you have to remain very vigilant in this, because this is a small cohort but a very serious cohort that you have to make sure that you manage with some real degree of vigilance. The commissioner might want to make some additional comments in relation to the question that you posed to me.

Ms SHUARD — I can tell the committee that since the beginning of 2015 six offenders have breached by way of non-compliance, so that is with the conditions of their order. That can be anything from a breach of a curfew to electronic monitoring, or perhaps if they have a condition of abstinence from drugs or alcohol, that can be a breach also. And three have breached by way of further offending, so any further sexual offence is a breach of the act.

Mr D. O'BRIEN — Sorry, Ms Shuard — six offenders have breached through non-compliance?

Ms SHUARD — Six non-compliance in 2015, and three by way of further sexual offending. They will be matters that have been so far found to be in breach by the court.

Mr D. O'BRIEN — Are you in a position to provide more detail on those? Is that possible?

Ms SHUARD — It will depend. Many of these matters have got suppression orders around them — the order has got suppression. If it was around an individual, it might not be possible if there is suppression in place, but the details of the actual cause of the breach would be available. I do not have it here.

Mr D. O'BRIEN — If that could be provided — I am happy for you to take it on notice — that would be appreciated.

Mr NOONAN — We will just have to make sure that — —

Mr D. O'BRIEN — Of course.

Mr NOONAN — I think that is the spirit in which you are seeking the information. We will have to just be very mindful of the sensitivities there.

Mr D. O'BRIEN — I understand. Thank you.

The CHAIR — That concludes the hearing. I would like to thank the witnesses for their attendance: the Honourable Wade Noonan, the Minister for Corrections; Mr Wilson, Ms Shuard, Mr Condrón and Ms Julia Griffith.

Committee adjourned.