

CORRECTED VERSION

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

Inquiry into 2002–03 budget estimates

Melbourne – 2 July 2002

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Mr A. Haermeyer, Minister for Corrections;

Mr P. Harmsworth, Secretary; and

Mr A. Clayton, Deputy Secretary, Justice Operations, Department of Justice.

The CHAIRMAN — I declare open the Public Accounts and Estimates Committee hearings on the budget estimates for the portfolios of corrections and police and emergency services. I welcome the Honourable André Haermeyer, Minister for Corrections; Mr Peter Harmsworth, Secretary of the Department of Justice; Mr Alan Clayton, deputy secretary, justice operations; departmental officers; and members of the public and the media.

All evidence taken by this committee is taken under the provisions of the Parliamentary Committees Act and is protected from judicial review. However, any comments made outside the precincts of the hearing are not protected by parliamentary privilege. All evidence given today is being recorded. Witnesses will be provided with proof versions of the transcript early next week.

I call on the minister to give a brief presentation on the more complex financial and performance information that relates to the budget estimates for the portfolio of corrections.

Mr HAERMEYER — Thank you, Mr Chairman. Unfortunately the overhead slide projector is not working so I will be referring to the document that has been circulated. On the first page you will note the pie chart that gives an overview of Department of Justice expenditure and how it is broken up across the various portfolios. That shows that the corrections portfolio has a budget in 2002–03 of \$288.3 million, which accounts for some 14 per cent of the total expenditure of the Department of Justice.

Within the outputs in enforcing correctional orders we had a published budget in 2001–02 of \$252.7 million and the published budget for this year is \$288.3 million, which is an increase of \$35.6 million and a variation of 14.1 per cent. The primary reason for that variation is the fact that we have increasing prisoner numbers within the prison system, and that has some significant costs associated with it given that the average cost per prisoner is in the vicinity of \$50 000 to \$55 000 per year. When prisoner numbers go up you need to account for the fact that you will have an increase in the requirements in the corrections system. I might also add that our per-prisoner cost across most of our prisons has actually reduced, so significant efficiencies are being achieved, but the actual number of prisoners has gone up.

Also we made a significant boost to corrections in the budget last year which entailed not only new infrastructure but also a significant boost to community correctional services and to diversion and rehabilitation programs which had been neglected for a long, long time. That neglect in part was a factor in the increase in our prison population, and I am happy to go into that in some more detail later if the committee wishes.

Basically our prison strategy is a major component of our entire law enforcement and crime reduction strategy, and it is about not only trying to reduce the number of people coming into prisons by reducing our crime rates but also reducing our recidivism rates. We have had an increase in recidivism of about 3 per cent per annum, and that is very much what the boost to community correctional services and to pre and post-release programs is about.

Victoria's rate per 100 000 adult population in community corrections is less than half the national rate, and we also have an imprisonment rate that is well below the national average. Victoria's imprisonment rate of 88 per 100 000 is the lowest rate of any state. That can be compared with the rate in New South Wales of 153 per 100 000. We also need to bear in mind that our prison population has been increasing consistently through the 1990s; since 1996 there has been an increase in the prison population of in excess of 33 per cent. At the same time Victoria also has the highest average sentence of any state, which was borne out in the Productivity Commission report.

If you look at the graph on the slide which indicates where we are trying to go in diversion and rehabilitation of prisoner numbers you will see there is a projections trend line which indicates what the growth in prisoner numbers would have been to 30 June 2006 if we had gone along the trajectory that followed on from the policies of our predecessors; we would have been looking at a prisoner population of some 4200. However, with the programs such as bail support, rehabilitation and also pre and post-release services, we aim to reduce the growth in the prison population by in the vicinity of 600.

So we expect there will still continue to be a growing in the prison population, and that is a factor of a number of things which I think are largely attributable to the nature of the crimes that are being committed. Previously armed robbery was committed by a professional criminal in a balaclava with a sawn-off shotgun. These days an armed robbery is committed by a desperate drug addict waving a knife or syringe in a 7 Eleven store, so the quantities of those have gone up. Although I am pleased to see that the police figures this year show we have turned that tide, it certainly is a crime which courts deem requires a custodial sentence. There has also been a tougher sentencing regime, all of which makes an impact on the prison population. We are hoping to reduce the rate of increase. I think it is unrealistic to expect a decrease in the prison population.

The next slide shows correction's long-term management strategy, which is a comprehensive package of diversion and rehabilitation reforms. They include the redevelopment of community correctional services. Over the seven years from 1992 to 1999 the community correctional service (CCS) saw its numbers cut yet the number of people it was having to service increase dramatically. There was a neglect in professional rehabilitative services in particular — they were just not happening. Of course when you cut staff numbers and increase the number of orders to be supervised the supervision levels dwindle. As a result of that we had an increase in the breach rate, and that led to a lack of confidence by the courts in what was hitherto probably the most highly regarded community corrections program in Australia. It is our aim to restore confidence in that because we believe, and certainly the evidence shows, that the likelihood of someone reoffending on a community-based program is about 10 times less than it is once they have been through the prison system and they have made all sorts of great friends and learned wonderful new skills.

We also have bail advocacy and support services. A lot of the people who come before the courts are denied bail not because they are inappropriate for bail but simply because they do not have a fixed place of residence to go to, so the provision of some sort of housing and accommodation for those people does provide some assistance in that regard. We have a diversion strategy operating at a number of levels — in the courts, with the police through their cautioning program, and also through further diversion strategies at the corrections level.

We have a strong rehabilitation framework. As I said, in the past we spent a lot of money running our prisons and then spent a mere pittance in making sure people do not come back, so now we provide intensive pre and post-release support to ensure that prisoners are properly prepared for release and that when they are released into the community they are provided with support. If there is a need to find them housing or to provide ongoing education or ongoing treatment programs, be they drugs or other sorts of programs, that needs to be done. We cannot assume that because somebody has done a stint in prison that will address all their needs. We have to assume that once they have done a stint in prison it is far harder for them to reintegrate back into the community. Many find that when they come back into the community their families do not want to know them, their partners may have left them, they have no accommodation, little hope of a job and of course it is no surprise that sometimes within weeks if not days they are out there in the pubs making contact with some of the friends they met inside. It is no surprise that we expect them back in the prison system.

Also important is that we are making significant efforts to evaluate some of the programs that run in the prison system. I was rather surprised to find, in my first year as minister when I went around the prisons and asked questions about some of the programs being run there, that there was little anybody could tell me about the effectiveness of those programs. We need to ensure that if we are running these programs we are evaluating them for effectiveness to see whether they need to be modified or other approaches need to be taken.

Finally I will deal with drug initiatives in prisons. We have had a very high prevalence of drugs in prisons. Earlier this year we announced a significant boost to drug testing in prisons and to perimeter security arrangements to reduce the prevalence of drugs in the prison system.

Most of the remaining slides have been covered. Prison accommodation has been a bit of a sore point. As I indicated, we took over a very heavily overcrowded prison system. We had a situation where, as I say, in the late 1990s the prison population grew by about one-third, so it grew by over 1000. The number of additional beds provided was probably about 100, so it is little surprise that our prisons are overcrowded. That spilled over into our police cells and as a result we had a massive increase in the number of corrections prisoners being held in police cells. For that reason the government has in the interim adopted a strategy of trying to provide as many temporary beds as we can within the prison system, but that can only be taken so far. We announced in the 2000–01 budget an expansion program of 357 beds, which will be largely in place by the end of the year and should significantly reduce the number of people in our police cells and the overcrowding in the system.

Mr DAVIS — How many was that?

Mr HAERMEYER — Three hundred and fifty-seven. In addition we announced a number of new prisons. We originally indicated that we were going to build four new prisons including a 300-bed and a 600-bed prison within the metropolitan area and two smaller rural prisons. We subsequently decided that rather than build two new rural prisons we would rebuild the Beechworth prison on a new location near the town and that we would also upgrade the size particularly of the Langi Kal Kal and Ararat prisons, and that was a more effective way of doing that. This expansion came out of our prison master plan, which was really the first time we have had a master plan for the system since 1983. I daresay it is an exercise that needs to be taken at least every 6 to 10 years, because if you do not you get the sort of overcrowded system we had to take over.

On the net increase in beds, there are also a number of old outdated prisons which will close. Wron Wron, which is very, very remote and has very poorly serviced infrastructure, will have to close. Bendigo prison is a very small and archaic prison which will also close. But most of those positions will be taken up within the new wing that is going out to Loddon prison. We are talking about a net increase of almost 1100 beds within the prison system that we believe will absorb the overcrowding and give us capacity to grow into the future.

As you may be aware, the coroner made some recommendations in 2000 resulting from some deaths in custody at Port Phillip Prison. As a result of those recommendations we did an audit of all our prison facilities and have developed a cell fire and safety program to enhance the safety of all our cells across the prison system. That is being built into all the new facilities that are being built and we are also in the process of retrofitting the existing facilities. So it is a major infrastructure commitment within the prison system.

The next slide deals with the Victorian Aboriginal justice agreement. Of course dealing with Aboriginals in the prison system is a very important component of that. Even though in Victoria Aboriginals are a relatively small component of our prison system they are still statistically 11 times more likely to be in the prison system than anybody else. They do have particular needs that need to be dealt with. We run a very innovative program, which is actually funded by Victoria but is run just across the New South Wales border. It is a diversion program for young Aboriginals. It is an residential program and we are looking at expanding that in another location as well.

As I say, what we are trying to do here is not only address the physical needs of the prison system in terms of its structural requirements and the bed requirements but also we are trying to do something with the system in terms of breaking that cycle of reoffending. I have no illusions that somehow we are going to magically get recidivism rates down to negligible levels but if we can reduce recidivism rates even marginally that will reduce the costs of our prison system and the costs of crime that come from that and it is very small investment when you consider the cost of actually housing people within the prison system. On that note I will hand it over to you for any questions you may want to ask.

The CHAIRMAN — Thank you, Minister. Can I take you immediately to an issue that I think we have discussed each time you have come to this committee — that is, the operation of private prisons, in particular the women's prison which about 20 months ago you took back from the private operators to be operated under the department of corrections. I recall that in the past you have spoken to this committee about serious defaults in those prisons, a number of problems occurring at those prisons which raised concerns for you, which eventually led to your moving to take it back under the control of the department of corrections. Could you detail for this committee the performance of the women's prison, the Dame Phyllis Frost Centre, since you have taken it back under direct control?

Mr HAERMEYER — Certainly, Mr Chairman. The decision to step into the women's prison, as I indicated last year, was taken because of repeated contractual breaches, repeated failures on the part of the operator of the prison, Corrections Corporation of Australia, to meet with the contractual requirements that it had signed up to. So the government really had no alternative, if it was going to meet its duty of care to the people in its custody, to step in and take over the operation of that prison. We had a situation where the self-harm rate was above 40 incidents per average 100 muster and just prior to the step in was as high as 73 incidents per average 100 muster, so that is an exceptionally high level.

The CHAIRMAN — Just for the purpose of comparison, what would be an average figure? Obviously the 73 is very high. Rather than the average, what would your expectation be?

Mr HAERMEYER — Probably more around the level it is now. I think it does need to be acknowledged that a women's prison will normally have a higher level of incidents than any other prison. In that sense we had to take that into account. Women's prisons are notoriously more difficult to manage because of the complexity of the issues and the fact that a women's prison is usually fairly small, which means that you do not have the opportunity that you do in a men's prison of segregating people to the same level as you do within the men's prison system. We have a significant number of prisons in the men's system so we can move them to various different locations. Within the women's system I suppose we have two prisons. Tarrenghower is a very low-security facility. In the main women's prison we have the option of simply moving them around different units within that prison.

The level now for the current year, as I say, from around 73 per 100 muster when we stepped in, is now down to around 23 incidents per 100 muster, so that is a 68 per cent reduction in the self-harms. With assaults on prisoners by other prisoners, again we had around 50 per 100. That is now down to about 24 per 100. Assaults on staff — and that is also of particular concern — were around 15 or more per 100 before the step in. That went up to 23 per

100 muster, just before the step in. The number now is around about 10 incidents per 100 muster, so that again is nearly a 40 per cent reduction.

The area of concern — I expressed concern at the time — was that the prison pharmacy was being run like a lolly shop. I think that is borne out by the fact that we had drug positives of around about 9.2 per cent for the period 1999–2000, but very high at various levels. Also that does not actually reflect the high level of prescription drugs that was being taken by prisoners. They basically needed to walk in and make a complaint about any health issue and they would be given some sort of prescription drug. The then corrections commissioner and I did an impromptu visit to the prison prior to the step in and we were just amazed at the number of women that were just absolutely zonked out on drugs, prescription or otherwise. The random testing now shows that we are down to about 4 per 100 muster, so that is a significant reduction. The prescription drugs issue has been tightened up and access to prescription drugs is no longer as easy as it was. All of that is a significant improvement in the performance of that prison on just about any measure you care to mention. There was of course an increase in that first year, post the step in.

There has been an increase in the cost of running that prison, particularly given that in those first few months we had to have the SESG — that is, the state emergency services group — on site and to have a doubling of staff in some areas simply to ensure the good order of the prison during the transition. We expect those figures to come down in subsequent years. There have been improvements in security, in health and in the provision of educational services. I can be only highly congratulatory of the ongoing staff who remained within the system — most staff were kept on — and also the management that took over there. It is a vastly improved prison now to what it was. It will never be incident free; no prison ever will be, and women's prisons will always have a higher incident rate.

Mr DAVIS — In your presentation you referred to the long-term management of correctional facilities, and so forth. I take you back in that spirit to last year's budget where you talked about funding four new correctional facilities. With 12 months now having passed can you give us a progress report or at least provide details on the location of sites that have been selected for the following planned prisons: the 600-bed metropolitan maximum security remand prison, the 300-bed metropolitan medium security prison, the 120-bed minimum security facility and the 100-bed minimum security facility? Can you give me some locational information?

Mr HAERMEYER — The last two are easy. We basically took the decision that instead of building a new regional facility, Beechworth fulfilled all the requirements of that facility, although the existing Beechworth prison, as much a tourist attraction to the town as it may be, is not a great facility in terms of running a prison. We are building a brand-new facility a couple of kilometres out of Beechworth. That means minimum disruption to that town's economy and to the staff.

As to the second one, we decided simply that gains were to be achieved by expanding some of our existing regional facilities. There have been significant increases in prisoner numbers or expansions at Ararat and Langi Kal Kal, and there has also been a new unit recently opened at Dhurringile prison. The second of those regional prisons has been achieved simply by expanding some of our existing facilities.

As to the two metropolitan prisons, we have indicated we have called for expressions of interest through Partnerships Victoria to the private sector to build those prisons. I make it clear — and we made it clear prior to the election and at all stages — that we do not have a problem with the private sector building the infrastructure. At the end of the day the financing of the infrastructure is simply a question of costs. We care about who runs them, so they will be publicly run prisons. We are in the final stages of site identification, and announcements about the 300-bed and 600-bed facilities within the Melbourne metropolitan zone will be made within a number of weeks.

Mr HOLDING — I take you to something that you mentioned during your presentation — that is, the significant problem of drugs in the prison system. You mentioned some of the initiatives that have been taken at the Dame Phyllis Frost Centre to address both the prescription and the illicit drug problems there. You also mentioned drug testing and perimeter security as measures that are part of a comprehensive strategy to address the problem of drugs in prisons. Can you provide the committee with further information about what the government is doing in that regard and what the performance or success rate has been in being able to address that problem?

Mr HAERMEYER — Certainly the prevalence of drugs in our prisons, both licit or prescription drugs and illicit drugs, was unacceptably high. Across the prison system our random general testing showed in 1997–98 a 6.3 per cent positive rate. I suspect the rate was probably higher than that because sometimes it is hard to pick up some of the prescription drugs. That goes to the heart of the policies that are employed by individual prisons. Now as part of our rejigging of the prison system we certainly are trying to get consistency across the system to ensure

they are all operating by the same ground rules. Regardless of whether you are in one of the two private prisons or in a public prison the policies about prescription drugs are the same. The figures to date for 2001–02 show that the random general testing positive rates are down to 3.1 per cent. That is a halving over a number of years.

Early this year we announced a significant new prison drug strategy, which is firstly about increasing the number of passive alert dogs or detector dogs we use at prison gates to identify the presence of drugs coming in, plus additionally enhanced procedures in checking prisoners and visitors for drugs. Also we are doubling the number of random tests to be done. The number of targeted tests in 1997–98 was 14 746; to date for the year 2001–02 the number is 25 576. Under this drug-testing program the drug tests will double. That will vastly enhance the chance of anybody who is caught with a positive sample in their system being picked up and will act as a major deterrent from bringing drugs into the prison system.

Also part of that strategy is about introducing harm-reduction strategies to reduce the health risks to staff and prisoners that arise from illicit drug use and the high-risk activities that go with that. Drugs are a very destabilising influence within the prison system. I know one particular prison management that is no longer there tended to have the view that somehow they keep prisoners calm, but they make prisons volatile. They are bad for the health of the prisoners, bad for their health once they are released, and bad for the health of the people who have to work in the prisons. This boost to the prison drug testing and to security will vastly improve the management of our prisons and also help us to reduce recidivism and get some of the prisoners off drugs once we release them from the system.

Ms BARKER — During your presentation you referred somewhat briefly to CCS. You were clear in indicating that the increase in service demand and the cuts that occurred to that service over a period and how essential that service is in diverting offenders from prison into other appropriate orders and programs. Can you provide further detail to the committee on the progress of the redevelopment of this very important service?

Mr HAERMEYER — Certainly. In last year's budget, the May 2001 budget, we indicated that as well as building new prisons we are committing \$43.5 million over four years to boosting community correctional services and particularly to boosting rehabilitation and pre-release programs — those transitional programs to try to reduce reoffending. CCS is largely to deal with what you may call the low-risk, low-level offenders. If we can deal with their offending at a community level we can vastly reduce the likelihood of their reoffending. Statistics show that people undergoing community programs are perhaps 10 times less likely to reoffend than people coming out of the prison system.

It is a cost-effective way of reducing recidivism. It is a lot cheaper than providing prison beds. That \$43.5 million will go firstly to improving staffing levels, improving the training of people within community correctional services and improving our retention of staff. We were finding that people were coming into CCS and then not staying for very long, so in terms of experienced staff it was costing us very badly. It is also about firstly developing a proper statistical model that helps us to predict and respond more appropriately to offender demographics, introducing a fairly successful Canadian risk-assessment program, which is called LSIR. That too will help us to better assess the people who are coming into our corrections system. We are also providing professional services — whether it is drug treatment or some sort of other needs that those prisoners have. It is not just a matter of sending them to a particular location to do some community work. In many cases they have very complex needs that will need to be addressed. In the case of drugs, as I have said previously, the drug strategy that the Premier and the Minister for Health have announced has significantly increased the number of community-based rehabilitation beds.

When in opposition I was on the Drugs and Crime Prevention Committee. We met with some magistrates out at Dandenong Magistrates Court who indicated to us that they had a lot of people who they felt did not belong in the prison system — people with drug problems — but they were reluctant to give them a community treatment order because of the time it took between the order being handed down by the court and their being able to find a treatment bed, which was in some cases as high as six weeks. They feared in that time that those people would, firstly, reoffend X number of times, and secondly, may very well be dead over that period of time. So reducing the waiting times for drug treatment beds is very important in terms of getting those people community-based treatment because all of the evidence suggests that community-based treatment is a more effective way of dealing with their particular problems than a custodial sentence.

The CHAIRMAN — Can I take you perhaps to the other end of the corrections system — that is, the post-release end. I note in your presentation you talked about an unfortunate increase in recidivism over recent years. It would seem that support post-release is vital in trying to prevent reoffending and in the areas of employment, particularly in drug treatment and access to rehabilitation facilities for people affected by drugs, et cetera. The other area that probably attracts less comment is stable accommodation post-release and the ability for

released prisoners to be able to go to stable accommodation. Can you provide some detail to this committee of what is occurring in that area of post-release accommodation and how that is being catered for within the corrections system?

Mr HAERMEYER — Yes, certainly, Mr Chairman. As I indicated, through a program called Bridging the Gap we have committed some \$3.5 million to post-release programs. They are being administered through agencies such as Melbourne Citymission, VACRO — the Victorian Association for the Care and Resettlement of Offenders — ACSO, the Brosnan Centre and south-east alcohol and drug services. It is about looking after the ongoing needs of those offenders after they are released from the prison system.

One of those needs is housing, which I will come to in a second, but many of them will have the need for ongoing treatment for drug habits to make sure they do not get back on to drugs once they are released. Many of them will need to be relinked with family or other members of the community who will provide them a sort of social reference group that is not likely to lead them back into drug-taking and criminal behaviour. They will need assistance in finding a job. If you do not provide that, those people are going to be out there, unemployed, on drugs and back in the prison system before you know it.

The other of course is housing. If they have nowhere to go, they will be out there, and the first thing they will be doing is trying to find the money to score a hit. They will probably be doing that by robbing somebody or knocking off somebody's house. We have to find them some housing, some stable accommodation. Certainly, together with the Office of Housing, we have made some significant inroads in terms of providing placement for people coming out of the prison system, so that we can get them into some sort of appropriate housing. That is really one of the most fundamental needs we can provide to prisoners within the system.

If we provide those, I think some of them will be less likely to come back at all. But let us be realistic about it — most of them probably will come back, but if we can increase the interval between their visits back into the system we have at least made some progress. I am hopeful that many of them will be able to get out of that vicious cycle altogether. It is very important to get them into appropriate housing that is in a location where they might be able to find employment, close to the family links that we want to re-establish. That is all absolutely critical in terms of reducing that vicious cycle.

Mr DAVIS — Just in following up that point, you mentioned the arrangements with the Office of Housing. Whilst obviously it is very important to integrate prisoners who are coming out and, as you point out, to lower the recidivism rate, and so forth, is there a preference given to prisoners in that arrangement with the Office of Housing? How does that operate? Do prisoners get some ability to move up the queue in terms of housing waiting lists for public housing? What is the arrangement on that? Perhaps you would care to detail that.

Mr HAERMEYER — The Office of Housing will help us to try to identify appropriate housing for those prisoners.

Mr DAVIS — Public housing?

Mr HAERMEYER — That may be housing that is provided either directly by the Office of Housing or it may be housing that is available through community agencies. It may be private rental accommodation. But it is a critical need, because when these people come out of the system, many of them have no place to go to. They are very much at the pointy end in terms of critical need, because if you do not find them that housing, which is one of the most fundamental needs, they are going to be breaking into your car or into my house to find the money to get drugs, and they will be in some squat somewhere. These people are really at the critical end of the system.

Mr DAVIS — So there is some preference in terms of public housing?

Mr HAERMEYER — There is a needs assessment that is done. You would probably need to ask the Minister for Housing in terms of how people are assessed, but there is a needs assessment done in terms of everybody that applies for public housing, and prisoners are put through that same sort of need assessment.

Mr DAVIS — Same needs.

Ms BARKER — Minister, perhaps Mr Davis is not aware of the segmented waiting list.

Mr HAERMEYER — They have to apply. They have to go through a system. It is not 'as of right'. They have to be assessed competitively against other applicants for public housing. But, as I say, simply the nature of people coming out of the prison system will often dictate that they disproportionately are at the critical end.

Mr DAVIS — The other issue I want to take up with you about correctional facilities is the article which appeared in the *Age* of 25 April 2001 which referred to community transition units (CTUs) that would be established in metropolitan Melbourne. Can you provide some progress report on that aspect and some evidence or information about the location of the sites selected for the three planned mini prisons?

Mr HAERMEYER — Yes. The CTUs are an important part of that community reintegration phase. It is about prisoners who are literally weeks from release and about progressively reintegrating them back into the community, where they are still undergoing a custodial sentence and are still required to be kept in secure accommodation. It is about giving them the opportunity to at least try to find a job, get a job, before they come out of the prison system and easing that transition. We are currently assessing a number of sites in terms of those community transition units and at this stage I am not able to identify where those sites are likely to be.

Mr DAVIS — Frankston, Dandenong and Cranbourne are the locations I have heard. Could you indicate whether or not that is the case?

Mr HAERMEYER — I know that some local members have gone around there trying to beat those locations up and trying to scare people out of their wits. But without wanting to get into an exercise of going through the *Melway* for where they are not going to go, I can indicate to you that we are not considering sites in any of those three locations.

Mr DAVIS — You are not?

Mr HAERMEYER (Nods).

Mr HOLDING — I would like to ask a follow-up question to the question the Chairman asked about the housing program. You canvassed the Bridging the Gap program; I would like to specifically ask about that program and the pre and post-release drug rehabilitation program. Can you provide the committee with some information about the offender groups that that program attempts to target?

Mr HAERMEYER — Yes, certainly. Firstly, as I say, the Bridging the Gap program deals with a number of agencies: Melbourne Citymission, VACRO, ACSO, Brosnan and south-east alcohol and drug services. Melbourne Citymission is primarily focused on the women prisoners. VACRO is dealing with male prisoners over 25 who have particular family issues and male prisoners over 25 who have been serving long sentences and have a particular issue with institutionalisation. Many of those do not know how to relate to a world that does not have the regimentation of the prison system, so that is a particularly difficult task. ACSO is dealing with male prisoners over 25 who are socially isolated older prisoners and also those with mental health issues. I might add that Brosnan and VACRO have been two of the pioneers with this post-release formula and have often made the point that the funding was inadequate. Brosnan has always focused on young offenders 17 to 25 years old. South-east alcohol and drug services is focusing on prisoners based in the south-eastern region of Melbourne. Some 232 prisoners have participated in the program to date, and we have engaged Melbourne University's department of criminology to evaluate that program.

Mr HOLDING — How many prisoners?

Mr HAERMEYER — It is 232, and we expect that we will have a final evaluation report by December this year. That will tell us how successful the program has or has not been and if there are any gaps that need to be filled or any amendments or changes that need to be made to the way the program works. But certainly we will seek to capitalise on any of the successes and expand those areas. As I say, it is a small level of expenditure when you consider the cost of keeping somebody in the prison system, and it can yield a significant return on investment in terms of money that you will not have to spend by housing them in the future.

Ms BARKER — Before I ask the question I indicate that the Bridging the Gap program, the housing program, is one I am very familiar with because through my office I dealt with a young male recently out of prison who, in line with Mr Davis's comments, was appropriately assessed as homeless under the categories of the Office of Housing and was then appropriately given accommodation as a matter of urgency. It has worked very well for him, because if he had been homeless he would not have kept on track. You referred to the coronial inquiry and the deaths in custody and the program which was rightly and appropriately developed to upgrade the safety of cells, and you indicated the cell and fire safety program. You may not have the detail here today, and that is fine, but could you give the committee some idea of the progress in ensuring that that program is carried out? You said that within new prisons, I think, that would occur as a matter of course, but you were retrofitting existing facilities. Could you give us some more information about that important program?

Mr HAERMEYER — Yes. As I indicated, shortly after I became the minister the coroner publicised a report into five deaths in custody that occurred in Port Phillip Prison between 1997 and 1998. Some of those were from hanging; others were from fires within the prison cells. What we undertook to do was a complete review of the safety of prison cell design. We can build a prison cell that is completely hanging-point free. You can do that, but it will also be the most inhumane cell you can possibly put anybody into because, effectively, it will have a concrete bed and no fittings, no fixtures and no capacity for any personal belongings. We already have those cells in existence, and they are used for short-term periods for observation of people who are deemed to be under very high suicide risk.

The other thing that came out of that review was that one of the most important things in terms of reducing deaths in custody is actually getting the risk assessments right. So we have reviewed our risk-assessment tools. We have the cells that can keep people from harming themselves, but we have to ensure that our risk assessments are appropriate as well. We have come up with a cell design that, while still affording some basic levels of facilities within the cells, minimises the opportunity for hanging and reduces the fire risk within those cells. We worked very closely with the coroner on that. Once everybody was reasonably happy with that, it was on that basis that we then proceeded to do the specifications for both the new prisons and the new cell units that are being built within existing prisons.

As I said, we did a prototype which was then inspected and tested. That prototype is now becoming the prototype for all our cells. We are also in the process of retrofitting our existing cells. Meanwhile, while that is occurring, the risk management of our prisoners continues to be extremely important to ensure that we do not put any prisoners in cells that have a very high risk, or where they are at risk. That is a program that will take some years to complete. The retrofitting is a 10-year program and we are about two years into it.

Ms BARKER — But a program well worth undertaking?

Mr HAERMEYER — I think so. At the end of the day, while these people may be offenders we have a duty of care for those people within the prison system. Many of them are at very high risk of harming themselves. They get very depressed at times, particularly those who are first timers in the system. The front end of the system — the people coming into remand centres and assessment and classification units — is extremely high risk. We need to ensure that we do not exercise capital punishment in this state, even by suicide. We have an obligation to ensure the proper care of those prisoners.

The CHAIRMAN — Having some years ago spent some time working in the old Geelong jail — —

Mr DAVIS — Glad you said working.

The CHAIRMAN — I did say working. Having recently had the opportunity to visit Barwon prison in my electorate on a couple of occasions the progress in cell design is absolutely outstanding and is to be commended. The issue that I wish to raise with you also goes to my recent visit to Barwon where, as part of the temporary bed strategy which you outlined in your presentation, use is being made of relocatables. I might say that while we use the word ‘relocatable’ I was amazed to find out what that meant on the ground. The designs and what has been achieved in that relocatable area is amazing. The way they are brought in and dropped into place and the actual design and accommodation within those relocatables is pretty good. Coming from a teaching background we have a view about relocatables — —

Mr HAERMEYER — If I may, those relocatables are far more humane than the relocatable that exists on the premises of this building.

The CHAIRMAN — Absolutely. I think people here would be delighted to have a similar standard of relocatable. Taking you to that, I know Barwon is well under way. Can you provide the committee with some detail of the progress being made on the temporary bed strategy through the use of relocatables?

Mr HAERMEYER — We refer to the relocatables as temporary, but I think they are a good permanent facility. They are not like some of the old portable school classrooms that you might conjure up in your mind. These are state-of-the-art facilities being locally built by Victorian manufacturers, mainly in regional Victoria. They are highly secure. They are better than most of the accommodation that they are replacing. They conform with the cell design guidelines I referred to earlier. Most importantly, they give us the flexibility to reconfigure the needs of our prison system. If we have a need for additional accommodation, if we find that our needs at Ararat are less and we need more prisoners at Barwon or Loddon because of the particular profile those prisons serve or vice versa, we have the capacity to move those facilities very quickly without having to go and build new wings. It gives us a

degree of flexibility in terms of the configuration of the prison system that we have not had in the past. They are a great initiative and a great introduction to the system.

Currently we have relocatables at the Dame Phyllis Frost Centre — the old women's prison — and at Ararat and Fulham. One was recently opened at Dhurringile and we have two going out to Barwon in July. They are a great facility and give us a lot of flexibility in the system. They will save us money in the future in terms of not having to build accommodation simply to meet configuration needs rather than simple overall capacity needs.

The CHAIRMAN — Of course they get around the other considerations with new construction within the walls of prisons.

Mr HAERMEYER — We are also building additional fixed units. As you are well aware in your own electorate, we have a new unit under construction at Barwon which we expect will be completed later this year or very early next year at the latest. We have another permanent unit under construction at Loddon. There are 70 beds in each of those cases. We also have additional permanent units being constructed at Fulham. It is a significant expansion program in terms of fixed and relocatable accommodation.

Mr DAVIS — In last year's budget statement you indicated that construction of the government's new prisons would achieve a reduction in the adult prison system utilisation rate to around 90 per cent. That would be consistent with internationally recognised standards. Do you agree that that is still achievable? I notice in your budget outcomes that the expected outcome of average daily prison design capacity utilisation rate, on page 217 of the budget, is 120 per cent.

Mr HAERMEYER — Which page are you referring to?

Mr DAVIS — Page 217 of budget paper 3.

Mr HAERMEYER — Those figures do not reflect the kick-in that we would expect from the additional beds, nor do they reflect the reductions we would expect from the demand reduction strategy. As I said, our master plan has been built around getting all of the overflow out of the police cells and then giving us a reasonable level of spare capacity within the system to give us some flexibility. We believe that is achievable as the new prisons come on line. We also have some of the temporary accommodation which will not be retired until those levels are achieved.

Mr DAVIS — At last year's budget estimates you said that:

By the middle of next year —

mid-2002 —

I believe we will be below the 100 per cent occupancy rate ...

Considering that your own budget rate indicates 120 per cent here, I think you would have to acknowledge that you have failed to achieve the target you set last year at this committee.

Mr HAERMEYER — The completion of those new prisons is expected for 2004 so we cannot expect the benefit of those beds to kick in until those new prisons come on line. Meanwhile, with the additional beds that are provided as part of the 357 plus the relocatables we will at least get the capacity of the system down, within the next six to eight months, to below levels where you would need to keep corrections prisoners in police cells.

Mr DAVIS — It does seem that you have failed on that one. You also said to the committee last year that:

... the additional prisons that are being built will make sure that we not only accommodate all of the excess capacity there at the moment, but we will be able to accommodate the acceptable 85 to 95 per cent rate for well into the future.

Yet in this year's state budget you indicate that the average daily prison design capacity utilisation rate will still be at 117 per cent in June 2003.

Mr HAERMEYER — You need to have clarified the difference between prison capacity and prison design capacity. Design capacity is what the prison was originally designed to accommodate. Many of those prisons have been modified, and that design capacity does not include the relocatable facilities that have been put into those prisons. If you look at the next line, it says:

Average daily prison utilisation rate of all permanent and temporary prison capacity.

Most of that temporary capacity is the relocatable facilities, and we have that going down from a range of 94 to 97 per cent to 92 to 97 per cent. The design capacity is what the original design specifications of that prison were and it does not include the relocatable facilities within those prisons, so we will have sufficient spare capacity within the system.

Mr DAVIS — So those figures of 120 and 117 per cent measure people in the major parts of the prisons, do they, rather than in the relocatables; is that what you are saying?

Mr HAERMEYER — They measure what the prison was designed to hold — for example, the Dame Phyllis Frost Centre, which is the women's prison, was designed originally to accommodate 125 prisoners; it now has within it three relocatable units — a 10-bed, a 16-bed and a 50-bed unit — and that design capacity of 125 does not reflect those additional beds.

Mr DAVIS — Just to be clear about this, the average daily prison design capacity is about the older parts of the prison and it is separate from the relocatables; so in a sense what you are suggesting to me now is that we need some sort of measure of the additional capacity in the relocatables as they are, in a sense, like a separate prison. Do you understand what I am saying?

Mr HAERMEYER — That is probably a fair point, and to an extent that is done in the average daily prison utilisation rate. The design capacity rate is probably relatively obsolete and needs to be modified, but that is compensated for by the next figure, which is the average daily prison utilisation rate.

Mr DAVIS — Of permanent and temporary capacity?

Mr HAERMEYER — Yes.

Mr DAVIS — If I can be unkind enough to put it this way, if you muddy the measures in this way it seems to me you do not get any realistic measure of the stacking of additional capacity into facilities that are not designed for it. How do we know those relocatables have a certain capacity and how do we decide that that capacity is reasonable? If you have a design capacity for the original prisons, how do we get to some reasonable measure of the numbers that are in the older parts of the prison?

Mr HAERMEYER — As I say, that is reflected in that average daily prison utilisation rate.

Mr DAVIS — Certainly the reports I have heard have been that there is still overcrowding in a number of prisons. What you seem to be saying is that we do not have a suitable measure in that first category — the average daily prison design capacity utilisation rate — to actually detect the numbers in the older parts of the prison.

Mr HAERMEYER — No, what that average daily rate reflects is the number of people in the prison system as opposed to the number of beds we have in the prison system, but we also need to understand that with that increase between 1996 and 1999 in the prison population and the failure to provide the beds that were required we had that overflow into police cells and the police cell numbers are not reflected in that figure. We expect that the additional beds that will come on line within the next few months will absorb pretty much all of that and enable us to maintain that level of flexibility.

The CHAIRMAN — Perhaps I can work through that with the example of the Barwon prison, which is the one I know. Barwon was designed for a certain capacity — I forget what it was — but it clearly has more prisoners now than the original design allowed for, so I assume that would show up on those figures on the first line as being over 100 per cent, but because of things like the relocatables and other design factors there is not an overcrowding problem at that prison, and that is what shows in the second line.

Mr HAERMEYER — As I say, the Dame Phyllis Frost Centre was designed at a capacity of 125, and I found that a rather bizarre situation given that it replaced Fairlea, which had a capacity of around 150. You built a smaller prison to replace a larger prison, and it is little surprise that that prison was overcrowded virtually from the word go. Its design capacity is 125 prisoners, but it has beds now for 250 prisoners.

Mr DAVIS — Can you provide a break-up of that?

The CHAIRMAN — That does not necessarily mean there is any degree of crowding at that prison?

Mr HAERMEYER — No. We have another two relocatables going in there. Barwon was designed for 250 prisoners, and when I became the minister significant doubling up of cells was already going on within that

prison. That is now being addressed in terms of the additional beds that are going into Barwon. Doubling up in the case of some prisoners might be appropriate — the buddy system is a good way of dealing with people who have some level of suicide risk — but for many prisoners it is totally inappropriate. What we need to do is ensure that we do not have any more doubling up than is desirable on correctional grounds. As I say, we have two relocatable 50-bed units going into Barwon in addition to the 70-bed unit, which will give Barwon a capacity of some 420 beds.

Mr DAVIS — I am just trying to grapple with this concept of the numbers for the established prisons and the relocatables. How does that apply to the utilisation of the additional facilities associated with the prison such as the recreational facilities, and so forth? You are essentially crowding more people in to use those associated facilities, are you not?

Mr HAERMEYER — No, a lot of that fixed infrastructure is appropriate for the number of prisoners within the system, but sometimes it gives us a better utilisation of that fixed infrastructure. If there is a requirement to improve any of that core infrastructure, whether it be kitchen facilities or recreational facilities, that will be done; but that infrastructure was built originally with some sort of greater utilisation capacity already built into it so I do not think it puts any strain on that infrastructure whatsoever.

The CHAIRMAN — That brings us to the conclusion of the time allocated for questions on the corrections portfolio.

Witnesses withdrew.