

PAEC – Questions on Notice – Corrections Budget Estimates Hearing 17 May 2017

QUESTION	RESPONSE
<p>1. With respect to rehabilitation programs provided for prisoners: <i>[p.8 of Corrections portfolio transcript]</i></p> <p>a) What is the overall increase in spending on these programs?</p>	<p>The questioner, Ms Pennicuik, specifically references Budget Paper 3, p.97, and the \$41.1m initiative (over 4 years) to strengthen ‘Programs and Services to Reduce Reoffending’, which allocates expansion funds to three categories of rehabilitation programs. These three categories – alcohol and other drug treatment programs; post-release support services [more broadly, Correction’s Victoria’s Transition and Reintegration program] and anti-radicalisation programs – had a combined budget allocation in 2016-17 of \$19.5m. This will increase to \$26.1m in 2017-18 and \$34.2m in 2020-21 – a 75 per cent increase over four years. Note that the prison-based component of this funding relates to public prisons only, as specific allocations by private operators are a commercial consideration. The Alcohol and Other Drugs (AOD) component also excludes programs for community-based offenders which are managed by the Department of Health and Human Services, although corrections funds are provided to support these services, additional to the allocations noted above. Note also that the anti-radicalisation Community Integration Support Program is managed by Victoria Police not Corrections Victoria.</p> <p>It should also be noted that there is a further range of clinical and general programs offered by Corrections Victoria, broadly categorised as offending behaviour programs, as well as specialised offender assessment and treatment services (SOATS), education and training, and family violence programs, that are all explicitly targeted at the rehabilitation of offenders but which were not part of the specific 2017-18 Budget initiative referred to in the question. These programs had a combined budget in 2016-17 of \$46.5m excluding mental health programs and allocations by private prison operators as noted above. Substantial additional funding has also been provided by Government in the 2017-18 Budget through the ‘Management of Serious Offenders’ initiative. This involves a total of \$308m over four years; approximately 85% of which is allocated to the Corrections portfolio, with the remaining funding allocated to Court Services Victoria, Victoria Police and Victoria Legal Aid. A component of the correctional funding will permit earlier and more targeted treatment programs and strengthen ongoing maintenance programs for the identified cohort; however, the specific allocation of these funds is presently being determined.</p>
<p>b) What will be the resulting reduction in time to accessing rehabilitation programs?</p>	<p>The post-release program, known as ReConnect, commences six weeks pre-release and continues to a maximum of 12 months post-release. The expansion of post-release services will increase their scope and eligibility by increasing program places from 990 up to 3,000 places in 2019-20 and servicing prisoners exiting prison who require a service (including remandees). The additional funds are not focused on quicker access for those receiving the program, but on expanding access to a greater proportion of existing prisoners.</p> <p>The additional funding for Alcohol and Other Drugs (AOD) services will be used to add a number of new AOD</p>

	<p>programs to the suite of high-intensity programs available in Victorian public prisons, with the aim of better meeting prisoner needs and reducing the program participants' risk of reoffending. For example, the introduction into public prisons of a culturally appropriate Koori men's program will better assist Aboriginal men to break the cycle of AOD use and offending. Funding will also be used to increase the number of short health programs to meet the needs of the high number remand and short sentenced prisoners who have insufficient time to undertake longer AOD programs. The additional funding aims to increase the number of prisoners able to access programs to assist with reducing the harms of AOD use, including reoffending; there is no wait time measure associated with the increased funds.</p>
<p>c) With the increased spending on rehabilitation, why has the recidivism target not been amended?</p>	<p>Overall, in 2016-17, the Victorian Government invested more than \$80 million in prisoner rehabilitation and reintegration services, including specialised mental health services, to reduce reoffending and improve community safety. This investment has been further increased in 2017-18, with additional funding provided for Corrections Victoria to implement expanded alcohol and other drug services and post-release support for prisoners, along with family violence initiatives. Due to the time lag in measuring recidivism (i.e. the rate is based on the two-year period from when the prisoner was discharged from custody), the impact of the above initiatives on the recidivism rate will not be seen immediately, so is not reflected in a reduction in the target for rate of return to prison for 2017-18.</p> <p>In recognition of the impact of additional investment, the BP3 target for the 'rate of return to prison within two years' will reduce from 41 per cent in 2017-18 to 40 per cent in 2019-20 and to 38 per cent in 2020-21.</p>
<p>2. Regarding the various definitions of 'serious offenders': [p.9 of Corrections portfolio transcript]</p>	
<p>a) How does the definition of 'serious offender' vary between the Corrections Act and the Harper Report?</p>	<p>Section 77(9) of the <i>Corrections Act 1986</i> sets out the offences defined as a 'serious violent offence' under that Act. This definition includes a broad range of offences such as murder, manslaughter, causing serious injury (intentionally or recklessly), armed robbery, aggravated burglary and threats to kill.</p> <p>The Harper Review recommended that the eligibility criteria for the post-sentence scheme should be broadened to include serious violent offenders, in addition to sex offenders. It recommended that, in defining the new eligibility criteria, consideration should be given to:</p> <ul style="list-style-type: none"> • utilising the definition of a 'serious violent offence' under the <i>Corrections Act 1986</i>; and

	<ul style="list-style-type: none"> fixing the minimum length of an eligible sentence of imprisonment imposed on an eligible offence at three or four years' imprisonment. <p>The Harper Review emphasised that there are complex issues and consequences associated with developing the new eligibility criteria, and that the post-sentence scheme should be confined to those offenders who pose the greatest risks of causing serious interpersonal harm. Consequently, the Review recommended that the Department of Justice and Regulation undertake an audit of serious violent offenders, to ensure careful consideration of the new eligibility criteria.</p> <p>The audit recommended by the Harper Review was completed in 2016. The Serious Offenders Bill is now being drafted and will be introduced to Parliament early next year. It is intended that this legislation will replace the existing <i>Serious Sex Offenders (Detention and Supervision) Act 2009</i> with a new Act and extend eligibility for the post-sentence scheme to violent offenders who pose the greatest risks of harm.</p> <p>The proposed eligibility criteria will be finalised through the usual legislative processes, including consideration by Parliament. Not all eligible offenders will be made subject to post-sentence orders. Consistent with current arrangements, it is intended that the court will decide whether an eligible offender poses an unacceptable risk to community safety and should be subject to an order.</p>
b) How many people are classified as a serious offender under the Corrections Act that applies to people on parole? How many serious offenders are in the general prison population?	<p>As at 28 May 2017, there were 7121 prisoners in the total Victorian prison population, and 853 prisoners on parole. Of these two categories, under the definition of a 'serious violent offender' in the <i>Corrections Act 1986</i>:</p> <ul style="list-style-type: none"> 1805 sentenced prisoners were classified as serious violent offenders; 680 classified as sex offenders and a further 190 were in both categories. 330 parolees were classified as serious violent offenders; 89 classified as sex offenders and a further 7 were in both categories. <p>As outlined in response to Question 2a, the eligibility criteria and relevant legislation for the expanded post-sentence scheme will be determined through the usual legislative processes, including consideration by Parliament.</p>
3. Please advise the Committee of the annual cost per bed at Corella Place. [p.9 of Corrections portfolio transcript]	In 2016-17, the cost per offender for Corella Place inclusive of Emu Creek was \$391,088. This figure includes direct operating, legal and other costs.
4. With regard to the 30 June 2015 and 1 July 2015 riots at the Metropolitan Remand Centre, please advise: [If these details cannot be provided, please supply a reason why] [pp. 9-10 of Corrections portfolio transcript]	
a. The cost of the police investigation	Victoria Police advises that the total cost of the police investigation as a result of the riots at the Melbourne Remand Centre on 30 June and 1 July 2015 is \$80,002.

	<p>These costs include expenses for:</p> <ul style="list-style-type: none"> • Travel and accommodation • Transport • Supplies and services • Associated employee-related costs, and • Computers and communications. <p>The total does not include wages costs for investigators and analysts.</p>
b. [The] court costs for those who have been charged with offences from the riot	<p>In response to the events at the Metropolitan Remand Centre on 30 June 2015 and 1 July 2015, 102 cases were listed before the Magistrates' Court of Victoria (MCV). The outcomes to date of those cases are as follows:</p> <ul style="list-style-type: none"> • Straight hand up brief to the County Court — 66 cases • Committed to the County Court — 19 cases • Summary plea of guilty — 9 cases • Discharged — 3 cases • Warrant to Arrest outstanding — 4 cases • Case pending — 1 case <p>The cases that proceeded as a committal were heard and determined over a period of 20 days before an allocated Magistrate.</p> <p>Further to this, there were 126 video links organised for accused in custody.</p> <p>MCV is unable to supply specific costings for the listing and hearing of these matters within the timeframe available.</p> <p>The Court's Output Performance measure for 2015-16 for 'average cost per case – criminal matters disposed in the Magistrates' Court' was \$571. As this is averaged across all of MCV's criminal finalisations (including infringements), it does not take into account the complexities of high-volume major cases such as these. The average cost per case is indicative of a summary matter finalised before the court at first appearance.</p>
c. [The] legal aid [costs] for prisoner defence	<p>Victoria Legal Aid (VLA) is an independent statutory authority established under the <i>Legal Aid Act 1978</i> (Vic). VLA is responsible for determining the types of legal aid services that will be made available to the community, how these services should be provided, and the priority clients and matters in respect of those services.</p> <p>VLA makes decisions on whether individuals, including prisoners, can access funding assistance in order to obtain advice and representation in legal matters. These decisions are made in accordance with eligibility guidelines which require an assessment of a person's financial circumstances and the merits of the case.</p>

	<p>VLA determines the eligibility guidelines in line with the legislation and a set of guiding principles.</p> <p>As an independent statutory authority, VLA operates independently of Government and has complete discretion in respect of individual applications for funding assistance.</p>
d. [The] cost of the Walshe Review	Approximately \$232,000 – including the cost of Mr Walshe's engagement, secretariat officers' salaries, legal advice, editing and transcript services, and other miscellaneous costs.
e. [the costs of] the ongoing WorkSafe court case [to date]	To 14 June 2017, the Department of Justice and Regulation has paid legal costs totalling \$87,096.
f. The charges being brought against the Department.	<ul style="list-style-type: none"> • Charge 1: Between 1 January and 30 June 2015 at Ravenhall in the State of Victoria, pursuant to section 21(1) of the Occupational Health and Safety Act 2004 (OHS Act), the State was guilty of an offence in that as an employer it failed, so far as was reasonably practicable, to provide for its employees a working environment that was safe and without risks to health when in contravention of section 21(2)(e) of the OHS Act it failed to provide such training to its employees as was necessary to enable them to perform their work in a way that was safe and without risks to health. • Charge 2: Between 1 January and 30 June 2015 at Ravenhall in the State of Victoria, pursuant to section 23(1) of the OHS Act, the State was guilty of an offence in that as an employer it failed, so far as was reasonably practicable, to ensure that persons other than its employees were not exposed to risks to their health and safety arising from the conduct of its undertaking. • Charge 3: Between 27 and 30 June 2015 at Ravenhall in the State of Victoria, pursuant to section 21(1) of the OHS Act, the State was guilty of an offence in that as an employer it failed, so far as was reasonably practicable, to provide for its employees a working environment that was safe and without risks to health when in contravention of section 21(2)(a) of the OHS Act it failed to provide and maintain systems of work that were, so far as was reasonable practicable, safe and without risks to health. • Charge 4: Between 27 and 30 June 2015 at Ravenhall in the State of Victoria, pursuant to section 23(1) of the OHS Act, the State was guilty of an offence in that as an employer it failed, so far as was reasonably practicable, to ensure that persons other than its employees were not exposed to risks to their health and safety arising from the conduct of its undertaking.
<p>5. How many child sex offenders are currently on Community Correction Orders? <p>[p.10 of Corrections portfolio transcript]</p> </p>	<p>As at 28 May 2017, there were 207 offenders on a Community Correction Order (CCO) with a current offence that can be classed as a “child sex offence”. This represents 1.7 per cent of all offenders on a CCO. There are currently more than 300 applicable State or Commonwealth offences, which include loitering and accessing material on the internet in addition to child contact offences.</p>

<p>6. Regarding the <i>Fast Track Remand Court</i> initiative for youth justice offenders, why is there no similar fast track remand initiative funded in the 2017-18 budget to reduce the number of prisoners on remand for the adult system? [p.10 of Corrections portfolio transcript]</p>	<p>The Government is committed to supporting proven initiatives that help to address barriers to alleged offenders receiving bail, where appropriate. In the 2017-18 State Budget, the Government provided \$25.2 million to Court Services Victoria over four years, to fund the expansion of the Court Integrated Services Program (CISP), which provides accused persons with access to services and support to reduce rates of re-offending and promote safer communities.</p> <p>With this funding, the capacity of CISP will be increased to meet growing demand in the Magistrates' Court. This program strengthens the bail system, through increased monitoring, treatment and supervision of offenders on bail to address the underlying causes of offending. It has proven effective in reducing recidivism.</p> <p>The CISP Remand Outreach Pilot (CROP), previously funded through the Corrections portfolio, will be continued and expanded beyond the existing four prisons where it operates, to Marnong Correctional Centre in the first instance. CROP targets recidivist offenders who have been remanded in custody. A collaboration between Corrections Victoria and the Magistrates' Court of Victoria, the program is managed by Court Services Victoria and identifies remandees who may be eligible for bail if appropriate supports are in place. Program staff work with remandees and their legal representatives to address barriers to receiving bail, such as homelessness, alcohol or drug use, and mental health issues.</p>
<p>7. With regard to drug and alcohol treatment programs for prisoners, how many of these places will be available to prisoners on remand? [p.11 of Corrections portfolio transcript]</p>	<p>From 2017-18, 263 short-duration drug and alcohol treatment places per year will be added to the Victorian prison system and will be available for remand and short-sentenced prisoners.</p> <p>A further 856 places will be added to the Victorian prison system over four years starting with an additional 171 places in 2017-18. These places are for sentenced prisoners who have been convicted of a criminal offence and aim to reduce the risk of drug- and alcohol-related reoffending.</p>
<p>8. With regard to Hepatitis C treatments, will there be any performance measures related to: [p.11 of Corrections portfolio transcript]</p> <p>a. The rollout of the treatment programs to see if there is a reduction in infection rates?</p>	<p>While infection rates are not specifically measured, the focus for the Department of Justice and Regulation has been on optimising access to hepatitis treatment for prisoners.</p> <p>Since April 2015, the Statewide Hepatitis Program (the Program) has been operating within Victorian prisons (delivered by St Vincent's Hospital, Melbourne), and has recently surpassed targets set for treatments.</p> <p>The Program is based on a comprehensive nurse-led model of care for hepatitis assessment and treatment (hepatitis B and C). It is available to all prisoners who consent to being screened and are found to have chronic hepatitis. The majority are eligible for treatment, but it must be clinically appropriate and the prisoner must be willing to undergo the treatment.</p> <p>Measuring infection rates, particularly in a highly transient population, is a complex matter. However, the</p>

	<p>Department of Justice & Regulation partners with other organisations that undertake important survey work within prisons.</p> <p>The department supports the University of New South Wales, Kirby Institute's National Prison Entrants' Bloodborne Virus and Risk Behaviour Survey. The survey has shown that, in 2013, 25% of Victorian prison entrants had been exposed to hepatitis C, with preliminary results from the 2016 survey showing that 23% of Victorian prison entrants have been exposed to hepatitis C.</p> <p>As the Statewide Hepatitis Program progresses, the department will build a picture of the effectiveness of the hepatitis treatments. It is also supporting the next Kirby Institute National Prison Entrants' Bloodborne Virus and Risk Behaviour Survey in 2019, which will provide further information on the effectiveness of reducing hepatitis in the community, and therefore also in prison entrants with the disease.</p>
b. How many prisoners on remand will have access to the Hepatitis C program?	<p>All prisoners, whether sentenced or on remand, are provided with a health assessment and offered communicable disease screening on reception to prison. Any prisoner who has been diagnosed with chronic hepatitis C will be referred to the Statewide Hepatitis Program.</p> <p>Each prisoner referred to the program is provided with a comprehensive liver assessment and liver health care plan. Those found eligible will commence treatment. Eligibility relies on clinical appropriateness and the prisoner's consent.</p> <p>Remandees are treated on an individual basis according to their court and sentencing dates, with referrals made to community health services if their custody does not allow sufficient time for treatment within the prison.</p>