

ATTACHMENT: QUESTIONS TAKEN ON NOTICE AND FURTHER INFORMATION AGREED TO BE SUPPLIED AT THE HEARINGS

Hon Jenny Mikakos MLC

FAMILIES AND CHILDREN PORTFOLIO

1. Please provide a breakdown over the forward estimates period of the \$98.4 million for kindergarten initiatives that will help improve educational outcomes for girls, together with a budget paper reference.

(Page 6 of the Families and Children portfolio transcript)

The following kindergarten initiatives that form part of the Education State Early Childhood Reform Plan – Ready for kinder, ready for school, ready for life will improve educational outcomes for all children, both girls and boys, by enhancing the quality and accessibility of kindergarten programs:

- \$55.3 million in school readiness funding, an Australian first, so that kindergarten services can provide additional support to children who need it
- \$22.8 million investment to increase the amount of support provided to kindergartens to improve their quality
- \$6.3 million to meet growing demand for Early Start Kindergarten
- \$2.3 million to create additional kindergarten places so children who need them most don't miss out
- \$5 million so that more children with a disability can attend and fully participate in kinder each year
- \$5.5 million to local governments to expand central enrolment and make it easier for families to find a spot at a local kindergarten
- \$1.1 million to reform the way we fund kindergarten in non-government schools, to encourage more to offer a kindergarten program, particularly in low socioeconomic communities.

These initiatives fall under the following budget lines, as noted and broken down over the forward estimates in Victorian Budget 17/18, Budget Paper No.3 – Service Delivery, p. 53-54:

- Early Start Kindergarten for vulnerable children —\$6.3 million*
- Education State reform – High quality learning and development for three and four year olds — \$87.1 million
- Ensuring children with significant disabilities can participate in kindergarten — \$5 million

*note: budget line on table on page 53, Victorian Budget 17/18, Budget Paper No.3 – Service Delivery, equates to \$6.2 million (due to rounding).

2. As at 31 March 2017:

- a) how many children were on the Early Childhood Intervention Services waiting list?
- b) how many children were on the Early Childhood Intervention Services waiting list for longer than three months?

Please provide a breakdown for a. and b. for the North-Eastern Victoria, North-Western Victoria, South-Eastern Victoria and South-Western Victoria regions

(Page 12 of the Families and Children portfolio transcript)

The table below shows the numbers of children on the Early Childhood Intervention Services (ECIS) waiting list for longer than 3 months.

	North Eastern Victoria	North Western Victoria	South Eastern Victoria	South Western Victoria
As at 1 April 2017, the number of children on the waiting list for longer than 3 months	0	24	31	38

Table 1: No. of children on the ECIS waiting list longer than 3 months, by region.

The Victorian Government has implemented several key strategies to minimise the ECIS waitlist:

- As part of a bilateral agreement between the Victorian and the Commonwealth governments signed on 6 September 2015, it was agreed that children on the ECIS waitlist would enter the NDIS over the first two years of transition. This would occur ahead of their geographical area transitioning. The Department of Education and Training has now transferred the agreed number of children from the ECIS waitlist to the National Disability Insurance Agency (NDIA) to enable children in need of intervention the opportunity to have early access to the NDIS.
- Minister Mikakos has written to the Hon Christian Porter MP regarding the delays experienced by families having their child's NDIA plan prepared in a timely manner.
- The Department of Education and Training has extended the secondment of departmental employees to the NDIA to support engagement with families of young children and accelerate the planning processes for these children. In addition, the 2017-2018 State Budget provided additional ECIS funding of \$7.2 million over two years to enable more children, including those on the waitlist, to benefit from early therapeutic intervention through the State while they wait to transition to the NDIS.

3. In BP3 p.59, there is an allocation of \$6.3 million for Early Childhood Development facilities in 2018-19. Please provide a list of the projects that have already been committed to as part of this spending initiative.

(Page 13 of the Families and Children portfolio transcript also refer to DET letter 1/6/17)

A total of \$10 million for Early Childhood Development facilities has been appropriated in the 2017-18 State Budget. This funding will be used for the planning and construction of three Early Childhood Development facilities co-located on new primary school sites, enabling a stable transition for children from early learning services to primary schooling, and contributing to improved educational and health outcomes for students.

More detailed planning and site analysis is underway to determine the best location to co-locate early childhood facilities on new government primary school sites and deliver these important facilities. The Department of Education and Training will work closely with the school and wider communities to plan and design these projects once the sites have been finalised.

The cash flows across four years in Budget Paper 3 for this initiative follow standard project delivery timelines for projects of this nature:

- First year – typically taken up by planning, including extensive consultation with the school and local community, design and tenders.
- Second year – construction begins. The largest proportion of total costs are typically expended during the construction phase of a project of this nature.
- Third year – construction is typically completed, and external works and furniture and fittings are completed.
- Fourth year – a one year defects liability period follows construction completion, ensuring that any potential defects are identified and appropriately managed. This smallest proportion of total costs is typically expended during the defects liability period.

The phasing of the \$10 million allocation for Early Childhood Development facilities, including the \$6.3 million allocated for 2018-19 in Budget Paper 3, page 59, is consistent with the aforementioned construction timeline and reflects business as usual.

4. As at 30 April 2017:**a) how much of the youth justice budget in 2016–17 has been spent on agency staff?**

From 1 July 2016 to 30 April 2017, \$4,108,049 was spent from the Youth Justice Budget on agency staff.

b) what has been the total turnover of part-time and full-time staff for 2016–17?

As at 30 April 2017, 15.2% of Youth Justice Workers (Grade 1) exited the youth justice system in 2016–17. A Youth Justice Worker (Grade 1) within a custodial environment is primarily responsible for providing care, supervision and support to children and young people remanded or sentenced to Youth Justice Custody and for maintaining the safety and security of the centre.

c) how many agency staff worked in the youth justice system in Parkville and in Malmsbury for 2016–17?

The average monthly usage of agency staff at the Malmsbury Youth Justice Precinct between September 2016 and April 2017 was 23.6%. The average monthly usage of agency staff at the Parkville Youth Justice Precinct between September 2016 and April 2017 was 5.4%.

(Pages 20-21 of the Families and Children portfolio transcript)

5. Regarding the Strengthening of youth justice precincts output and asset initiative funding for 2016–17 (\$29.1 in asset initiatives and \$8.2 million in output initiatives), please provide the breakdown of asset initiative figures and output initiative figures according to Parkville Youth Justice Centre, Malmsbury Youth Justice Centre and the Grevillea unit in Barwon Prison.

(Page 21 of the Families and Children portfolio transcript)

The \$8.2 million in output funding includes \$1.9 million for the development of the business case for the Redevelopment of the Parkville Youth Justice Precinct, \$0.8 million in project management costs to complete the works at the Parkville Youth Justice Precinct, and \$5.5 million for the operation of the Grevillea Unit at Barwon Prison.

The \$29.1 million in asset funding announced includes \$13.1 million for Redevelopment of the Parkville Youth Justice Precinct and \$16.0 million approved for Emergency strengthening of infrastructure at Parkville and Malmsbury Youth Justice Centres

6. Please provide:**a. details of the work being undertaken to retain child protection workers in regional areas.**

The Department of Health and Human Services has established locally based initiatives across the state to support practitioners in their regional location. Local initiatives to induct and support practitioners include new starter supervision groups as well as mentoring and buddy systems. These activities support existing activities including formal supervision between a practitioner and their manager and live supervision with experienced practitioners. In addition specific supports for overseas practitioners recruited to rural areas are in place including regional introduction information, relocation support, mentoring and buddying.

The Department of Health and Human Services is developing the 2017-2020 Child Protection Workforce Strategy. The strategy builds on current work to attract and retain child protection practitioners through an approach that grows the capability of, and creates a professional identity for, the workforce in an environment that promotes and supports the health, safety and well-being of the workforce.

- b. **details of what measures are being taken to provide better face-to-face engagement opportunities for regional child protection workers. How would these measures interface with the implementation of the recommendations from the Royal Commission on Family Violence?**

(Page 24 of the Families and Children portfolio transcript)

In June 2016 the Department of Health and Human Services launched the one-day Recognising and Responding to Family Violence program for all frontline staff. The program was developed as a rapid response to the findings of the Royal Commission into Family Violence to ensure staff were adequately equipped to respond to family violence.

In addition to this program, a further training program is being developed for Child Protection practitioners about the nature and dynamics of family violence. A new program will be developed and rolled out to all Child Protection practitioners over a two-year period and then offered on an ongoing basis to capture new employees. Specialist Family Violence Workers have also been placed in Child Protection offices to provide expert advice, secondary consultation and attend visits to families with the Child Protection workers.

7. Regarding the Grevillea unit facility at Barwon Prison:

- a. **How much was spent to prepare the unit prior to young offenders being transferred there following the riots in November 2016? Please provide a breakdown of the spending.**

The Department of Justice and Regulation advises that no invoices were issued or settled specific to the period prior to young offenders being transferred to Grevillea.

- b. **What was the total cost of damage to the facility for the entire period that the young offenders were housed there?**

As at 22 June 2017, the total spent on building works as a result of damage to the Grevillea Unit while it was operating as a youth justice centre and remand centre was \$320,000. Works related to the visitor centre and associated improvements are expected to have an enduring value beyond the occupancy of youth justice at Grevillea, now that the facility has been returned to Corrections Victoria.

- c. **What was the total operating costs of running the facility while the young offenders housed there?**

As at 30 June 2017, total operational costs for the Grevillea Unit while it was a youth justice centre and remand centre, including staffing and building costs and excluding supplies and consumables for young people, was \$5.5 million.

(Page 24 of the Families and Children portfolio transcript)

8. How many of the young offenders involved in the 12–14 November 2016 riots at Parkville were transferred to the Grevillea unit as a result of their involvement?

(Page 25 of the Families and Children portfolio transcript)

The transfer of young people was not as a result, or based solely on, their involvement in incidents. Decisions regarding which young people were to be transferred to Grevillea Unit were made by the department, based on an assessment of suitability and taking into account the circumstances and needs of the individual young people concerned.

The following questions are from PAEC Members who were absent from the hearings:

Child Protection

9. BP3, pp.6, 16: “Better assisting children in the statutory child protection system.”

Support for children at risk will be enhanced by expanding child protection services in 2017-18, with an expansion of the workforce by an additional 450 workers. The funding will also provide additional capacity in after-hours emergency child protection services and ensure continuation of the Specialist Intervention Unit, which provides practice guidance to child protection service teams.

The Section 18 trial, in which legal guardianship for Aboriginal children is transferred to Aboriginal Community Controlled Organisations, will be further extended.

This line item shows an amount of \$72.2m budgeted for next year (2017-18), but nothing over the forward estimates.

a. How will the Victorian Government continue to pay for the “additional 450 workers” beyond next year?

The intention is that new Child protection workers are ongoing positions and therefore the Government will prioritise funding accordingly.

b. What proportion of the \$72.2 million that is budgeted for next year in this line item will go toward the 450 new child protection staff?

Approximately \$67 million will go towards the recruitment of 450 new child protection staff.

c. What proportion of those 450 new staff does the Victorian Government expect to retain beyond next year?

The department expects that the retention rate for the new staff will be consistent with the broader child protection workforce.

d. Given that there is no budget allocated across the forward estimates, how will the Victorian Government continue to fund those extra staff who are retained beyond next year?

Refer to the earlier response on this issue.

10. BP3, p.254: “Proportion of Aboriginal children placed with relatives or kin, other Aboriginal carers or in Aboriginal residential care.”

The Victorian Government consistently sets itself a target of 60 per cent, but on these figures consistently demonstrates that it is able to exceed that target: since 2013-14, the outcomes have been 64, 69.9, 72 and 72 per cent.

On the other hand, the Commission for Children and Young People’s (CCYP) 2016 In the Child’s Best Interests report found that there was “minimal compliance” with the Aboriginal Child Placement principle between January 2013 and 31 December 2014.

a. Why does the Victorian Government consistently set itself low targets? Please explain the apparent discrepancy between the 2017-18 Budget figures and the CCYP findings.

In order for there to be consistent measuring for this performance measure, the Department of Health and Human Services has maintained the same performance target. This allows for a constant benchmark in understanding data and providing accurate reporting outcomes.

The department seeks to place Aboriginal children and young people who require out-of-home care in accordance with the Aboriginal Child Placement Principle (ACPP). This principle requires that when

placing a child in care, consideration first be given to Aboriginal relatives; or if not, then with non-Aboriginal relatives; then with Aboriginal carers from the child's community; then from another Aboriginal community; and, as a last resort with non-Aboriginal carers near the child's family.

The department measures compliance by counting the number of Aboriginal children placed with both Aboriginal and Non-Aboriginal relatives or any other Aboriginal carers.

The CCYP report, In the Child's Best Interests, uses a combination of indicators to assess compliance with ACP. These include identification of Aboriginality, involvement of ACSASS in every significant decision point, convening of an Aboriginal Family-Led Decision Making meeting, placement of the child using the ACP hierarchy, and maintaining cultural identity. As such the Commission took a broader systems view of compliance than does the BP 3 measure.

b. Why does the Victorian Government consistently set itself targets it has long demonstrated, on its own figures, it can exceed? Indeed, on its own figures, its performance on this measure has improved over the past 4 years. Why are the targets not being revised upward?

The department has reviewed a number of measures and has revised targets upwards in 2017-18. The department notes a number of further measures where performance has exceeded targets and it will review these expected targets.

- 11. BP3 p.252 shows a daily average of 9,441 children in out of home care placements. The note to the section says the increase of 1,282 children on a daily average over the previous financial year target is, in part, "consistent with historic trends". The safety of children is paramount, but the community expectation would be for a reduction in need as the underlying causes of requiring out of home care placements is tackled.**

On that basis, has any further modelling been undertaken to determine what extent the measures in the 2017-18 Budget will decrease the number of children needing out of home care placements across the forward estimates?

The Department of Health and Human Services continues to build its suite of data modelling and predictive tools so as to better understand the drivers that impact on the out of home care population.

- 12. BP3, p254 – Where child placements or carers are required, the percentage of Aboriginal children placed with relatives/kin, other Aboriginal carers or in Aboriginal residential care is 60 per cent. That target remains unchanged from the previous budget. What initiatives is the Victorian Government investigating to increase that proportion?**

The following initiatives are all related to both reducing the over-representation of Aboriginal children and young people in out-of-home care; and in increasing the proportion of Aboriginal carers and support services for Aboriginal children and young people:

In the 2017-18 Budget, this government provided the following:

- \$1.1 million to further implement section 18 of the Children Youth and Families Act 2005 in partnership with the Victorian Aboriginal Child Care Agency and Bendigo and District Aboriginal Corporation.

Additionally, in May 2017 \$210,000 was allocated to support Mallee and District Aboriginal Services, the Victorian Aboriginal Child Care Agency and Gippsland and East Gippsland Aboriginal Cooperative to further develop the concept of a whole of family healing model, with the aim of preventing entry of Aboriginal children and young people into out-of-home care.

In the 2016-17 Budget, this government provided the following:

- an investment of \$5.29 million over two years to enhance the recruitment of, and support provided to, Aboriginal kinship and foster carers through: a local grassroots Aboriginal foster care recruitment campaign by Aboriginal organisations; providing local support for Aboriginal kinship and foster carers; 88 additional Aboriginal kinship care cases being contracted to local agencies for case management.
- an additional \$5.33 million over two years to support the implementation of a new model of cultural planning. This includes an on-line portal and the employment of a state-wide coordinator and 18 cultural planners who will deliver quality cultural plans for vulnerable Aboriginal and Torres Strait Islander children in out-of-home care, with a focus on culturally appropriate placements.
- an additional \$3.608 million over two years to increase the capacity of the Aboriginal Child Specialist Advice and Support Service (ACSASS). The ACSASS program provides culturally appropriate advice and consultation on decisions that determine the future of at-risk Aboriginal children; such as whether there is a strong need for Aboriginal children to be removed from their families, and relocated to a place of safety.
- \$880,000 to progress section 18. Section 18 is an important and vital step for Aboriginal self-determination and self-management that will have a significant impact for Aboriginal children. It is anticipated that authorising principal officers of Aboriginal agencies will increase cultural connectedness for Aboriginal children and young people and thus enable Aboriginal agencies to improve outcomes for their children.
- \$340,000 for a Return to Country program to help Aboriginal children in care stay connected to their culture.

13. BP3, p253 – Number of ChildFirst assessments and interventions is an increased target of 13,000 but that is still below the 2016-17 expected number of 17,000 assessments and referrals. Given the focus on anti-family violence initiatives, has the Victorian Government under-budgeted for potential demand in this critical area?

The 2016-17 expected outcome is higher than the 2016-17 target due to increasing demand in referrals to Child FIRST. It should be noted that agencies delivering the Child FIRST services respond flexibly to the individual needs of clients and the intensity of services can vary. In addition, Child and Family Services Alliances may move resources to respond flexibly to periods of demand. This can result in fluctuations in the number of assessments and interventions delivered over and above funding levels and targets.

This Government has put in place a major reform policy through the Roadmap for Reform and has increased investment in Child FIRST and Family Services in recent years, including:

- In 2017-18 the government has funded Child FIRST and Family Services an additional \$29.2 million. This includes a boost of \$2.1 million for Child FIRST.
- In 2016-17, the government provided an additional \$5.65 million (12 month funding) to increase responses in family services, particularly for those experiencing family violence. This funding has been continued for an additional 12 months during 2017-18.
- In 2015-16, the government also invested an additional \$48.1 million (over four years and ongoing) to boost capacity in Child FIRST and Family Services.

14. BP3 pp.78 and 82 sets aside a further \$2 million for management and settlement of institutional abuse claims “until a design of a national or Victorian model is agreed”. The Commonwealth has already announced a National Redress Scheme and the Organisational Child Abuse Bill has already passed the Victorian Parliament.

a. What further work is required in regard to the redress scheme model?

The Victorian Government supports establishing a redress scheme for survivors of institutional child sexual abuse.

Questions relating to the progress of a redress scheme should be addressed to the Attorney General.

b. Has the Victorian Government given any consideration to forcing unincorporated institutions to be part of the redress scheme?

This is a matter for the Attorney General.

15. BP3, p95 refers to the “significant reforms to the youth justice system”. Some of those changes undermine dual track sentencing, which you, Minister, have previously referred to as an initiative making Victoria an innovator in responding to youth crime.[1] Does the government still support dual track sentencing?

The Victorian Government continues to support dual track sentencing. The Children and Justice Legislation Amendment (Youth Justice Reform) Bill 2017 proposes changes to limit the ability for serious young offenders aged 18–21 years to be sentenced to a period of detention in a youth justice facility. These offenders will no longer be able to be sentenced to youth justice detention, except in exceptional circumstances.

The dual track system will still be available for young offenders aged 18-21 years who commit less serious offences. The amendments seek to ensure dual track is maintained as a low security option by making sure more serious adult offenders do not compromise the integrity of the system.

16. Further changes to the youth justice system include doubling sentences for children who offend in youth justice facilities. Former Victorian Commissioner for Children and Young People has previously said that “incarceration was the beginning of the end” in starting a cycle that could promote reoffending with disconnect from the wider community meaning those children simply learn bad habits from one another. [2] What evidence does the government have that increased sentences for young offenders will deter crime or make re-offending less likely?

The Victorian Government is committed to keeping the community, youth justice staff and young people in custody safe. Any violent and anti-social behaviour that threatens the safety and security of youth justice centres is unacceptable and will not be tolerated. This is why the Government has introduced legislation that will see tougher consequences for assaulting staff, causing property damage, escaping or attempting to escape while incarcerated.

The current penalties in the *Children Youth and Families Act 2005* for escape and related offences are outdated. The Children and Justice Legislation Amendment (Youth Justice Reform) Bill 2017 proposes amendments to bring these offences in line with comparable offences in other Victorian legislation while balancing the need to have appropriate penalties for young people.

This includes:

- increasing the penalties for escape or attempting to escape from 3 months to 6 months detention in a youth residential centre for children under 15, 6 months to 12 months in a youth justice centre for children 15 years and above, and 6 months to 12 months imprisonment or detention in all other cases. Increase the penalties for harbouring or concealing a person who has escaped from 15 penalty units or 3 months imprisonment to 120 penalty units or 12 months imprisonment
- increasing the penalties for counsel or induce a person to escape from 15 penalty units or 3 months imprisonment to 120 penalty units or 12 months imprisonment.

It will be up to individual judicial officers to determine which sentence is appropriate to respond to each individual young offender and taking into account matters outlined in section 362 of the *Children, Youth and Families Act 2005*.

17. Budget announcements:

- **\$360.7 million to strengthen youth justice facilities in Parkville and Malmsbury, and to build a new high security detention centre.**
- **\$3.4 million over two years for youth remand court to allow timely processing of cases of young people currently on remand.**

Asset initiatives:

New youth justice facility

The Government will build a new high security youth justice precinct that will replace the existing Parkville Youth Justice Precinct. It will include 224 beds for remand and sentenced clients, a 12-bed mental health unit and an intensive supervision unit of at least eight beds. This initiative will address capacity issues in our youth justice system into the future and ensure effective management and treatment of youth offenders to promote rehabilitation and community safety. This initiative contributes to the Department of Justice and Regulation's Youth Justice Custodial Services output.

Strengthening of youth justice precincts

The Government will repair and strengthen the Parkville and Malmsbury Youth Justice Precincts, continue to operate the Grevillea Youth Justice Centre as an interim measure while the strengthening works are being completed, and fund Corrections Victoria staff at youth justice centres. This initiative will improve the safety of staff and young people, provide more effective management and treatment of youth offenders, and improve community safety. This initiative contributes to the Department of Justice and Regulation's Youth Justice Custodial Services output.

Questions:

The Government has stated that consultation with youth justice, planning and other experts will inform the design and operational model for the centre.

- a) **Will the Government outline how this consultation will be undertaken?**
- b) **Who will the Government consult with?**

The Victorian Government has and will continue to provide information about consultation processes for the new youth justice facility.

The project for the construction of Cherry Creek is still in the early stages and there is significant work to be done on the detailed design within the facility and operating models of the new youth justice centre.

The design of the facility will take into consideration the recommendations from the reviews conducted by Neil Comrie, the outcomes and recommendations from the review into youth justice by Penny Armytage and Professor James Ogloff AM and key stakeholders who work with young offenders.

A reference group will be formed of key stakeholders involved in the youth justice system. The first meeting for this group is scheduled for July. During the design stage a number of workshops will also be held with these stakeholders and a wider group of stakeholders. Learnings and best practice from other jurisdictions will also be considered during the design process of the new facility.

Continued engagement with the Wyndham community will occur through a Community Advisory Group, which includes Wyndham community members, Wyndham City Councillors, one council officer and representatives from the local Indigenous community, the Department of Justice and Regulation and Victoria Police. The Group will use their local connections to share information about the project with the Wyndham community and provide feedback from community members to the Youth Justice Redevelopment Project team and the Government. They will also help to identify and shape future community engagement opportunities. The Group will meet regularly through the design and construction of the new youth justice centre.

c) Will interested experts be given the opportunity to inform the design and model of the centre?

Refer to the previous answer.

d) Will the design of the facility be based on evidence for best-practice in youth detention?

Refer to the previous answer.

e) How did the Government arrive at the figure of 224 beds for remand and sentenced clients, 12 mental health beds and eight intensive supervision beds?

In developing the business case for the new youth justice facility, demand modelling on youth offenders was undertaken, which considered population growth and criminal justice trends.

f) Will the Government release the details of the business case that led it to arrive at these figures?

The Government is unable to release the details of the business case due to the commercially sensitive information contained within it; however a summary of the business case has been made available and can be accessed on the engage.vic.gov.au website.

g) Once the new youth justice centre is operational, how will Parkville and Malmsbury be utilised?

The Department of Justice and Regulation will consider the best longer term use of the sites having regard to a range of considerations, including recommendations from recent independent reviews.

h) What will determine where a young person is detained?

A classification and placement service will be established to assess each young person (on reception to custody) for their security risks, rehabilitation needs and appropriate placement in custody.

i) Will Malmsbury continue to be used for 18 – 21 year olds?

The Victoria Government's intention is for the Malmsbury Youth Justice Precinct to continue to provide accommodation options for the dual track population of 18-21 year old young men.

j) Will all three youth justice centres be used to accommodate both sentenced and unsentenced young people?

The two existing youth justice centres are built to house both sentenced and unsentenced young people. The new facility will also be built in this way. This assists the system to cope with fluctuations in the numbers of young people in each category.