

Attachment A

Questions taken on notice

Portfolio:	Attorney-General
Witness:	Dr Cassar
Committee member:	Mr Danny O'Brien
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Mr RIORDAN: So can you give the committee an idea of what sort of budget you have to work with to manage this important program?

Dr CASSAR: We are still working that through, and again we will have absolute transparency on those final figures in the next update.

Mr RIORDAN: When is the next update due?

Dr CASSAR: I will come back to you on that one.

Mr RIORDAN: Okay. Perhaps when you come back to us on that, would it be possible to provide us with a breakdown of how you plan to allocate the funding under what sort of headings, what departments?

1. The timing of the next budget publication will be determined by the Treasurer.
2. COVID-19 Quarantine Victoria is still finalising specific budget allocations.

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Mr D O'BRIEN: Thank you, Chair. Can I go back to the question about resident support officers, so probably to the Commissioner. In the August hearings, on notice, you gave us a figure of how much the resident support officers had cost DJCS. Could you give us an update? I think you said there were 1040 resident support officers under DJCS's control through the period. I am just wanting to know what that cost and were they paid while hotel quarantine was suspended?

Dr CASSAR: Sure. I am just trying to find the exact costs, to be helpful, but as we briefed at the last PAEC hearing, yes, when flights were ceased we had to have that workforce ready. No-one knew how long that period was going to go on for, so we had to remain in a state of readiness and ensure that our staff were kept as active as we could. And we had some excellent support functions running during this time: we had over 200 staff who were supporting the community AO functions with DHHS, we uplifted training and we had a range of those people remain in the hotels that were still live and active during this period to support emergency accommodation. More recently we have certainly looked at using that workforce, and they have been actively engaged in the stand-up of the hotels which we are now occupying.

Mr D O'BRIEN: Can I just clarify: I think you just said 1040 resident support officers previously, but in the question on notice answer from August you said 1498. What is the discrepancy there—the 1040?

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Dr CASSAR: *I will have to take that on notice, but my understanding was that there were around 1400 staff in total. At this point we have 1040 dedicated RSOs. We still have a range—the total number of staff is probably past 1400. It is probably closer to 1500, and that includes all our other support functions like operational support officers, who support residents with their luggage and running up UberEats and deliveries. We have site managers, assistant site managers and all the executive overhead.*

Mr D O'BRIEN: *And you were going to look for the figure of what they actually had been paid through that period.*

Dr CASSAR: *I might need to take that one on notice.*

Mr D O'BRIEN: *If it helps, it was \$7.12 million to 31 July. I do not know whether you have got an update since then.*

Ms FALKINGHAM: *Mr O'Brien, we might take that on notice. Just to add to Dr Cassar's answer, just so you are aware, the RSOs were performing other COVID-related activities when the hotels were not fully functioning. That might have been contact tracing, helping with doorknocking, so they were absolutely used to the best of the tasks that we had at hand.*

1. RSOs were on standby ahead of the resumption of international flights. This approach provided flexibility to rapidly stand-up the required workforce in time for the resumption of international flights into Victoria. Significant steps were taken to establish a secure, stable and exclusive workforce, presenting the lowest operational and public health risk. At 30 November 2020, the final day of DJCS control of Operation COVID Accommodation, before transferring to Covid-19 Quarantine Victoria, there were 1,040 RSOs and Team Leaders employed by DJCS.
2. The total expenditure to 30 November 2020 to DJCS for RSO and Team Leaders employed in the COVID Accommodation program was \$78.6m.

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Mr D O'BRIEN: *Of the 1500 thereabouts, were they all working or were there some literally sitting at home on the couch getting paid?*

Ms FALKINGHAM: *There absolutely would have been some that did not have duties, but on the whole we tried to redeploy wherever we could, because at that stage, you will remember, we were at the height of the pandemic and we wanted to make sure that we utilised every resource we had available. But I can take on notice the percentage number of RSOs that were in other duties.*

A total of 225 RSOs and Team Leaders undertook alternative duties head of the resumption of flights, including doorknocking activities for DHHS. All RSOs undertook refresher training and site inductions from 19 October 2020.

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Witness:	Mr Colin Radford
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Mr D O'BRIEN: *Okay. On that question, will that investigation look into why Unified Security was retained to provide security services when it was not on a pre-approved list?*

Mr RADFORD: *I am sorry. I did not catch the second part of the question.*

Mr D O'BRIEN: *When it was not on a pre-approved panel.*

Mr RADFORD: *I would have to take that question on notice. I mean, what we look at is whether there have been breaches of the Occupational Health and Safety Act and the duties that a duty holder holds. I do not believe procurement would fall within that, but I will take that on notice.*

WorkSafe have advised that they will provide their response directly to the Public Accounts and Estimates Committee – This QoN will not be provided to the committee by DJCS.

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Mr D O'BRIEN: *I do not really care who answers the question. The basics are: there were no visitors; how were 385 units of drugs found on visitors in Victorian prisons?*

Ms FALKINGHAM: *Okay. I think it is obviously critical to acknowledge that we have continued to reduce drug use in correctional facilities in July 2020—1.74 of 745 random general tests were recorded as positive. This result is the lowest positive monthly rate recorded since July 2011, and that is in our most publicly available data. The proportion of random drug tests also recorded fell—*

Mr D O'BRIEN: *I am sorry. With respect, Secretary, the question was pretty specific about the August figures and drugs found on visitors when visitors were not meant to be at prisons.*

Ms FALKINGHAM: *Sorry, when you say 'visitors', I think that what you will find is we have been able to prevent drugs through both mail and through the use of drones coming into the correctional system.*

Mr D O'BRIEN: *Okay. Well, let me be a bit more clear. This is from the Corrections Victoria website, Drugs in Victorian Prisons Report for August 2020. The table is 'Seizures of Contraband: Visitors', and for August it was 385.*

Ms FALKINGHAM: *I think that might be the previous year, but I had better take it on notice because I cannot see what is in front of you.*

Mr D O'BRIEN: *Year to date 2020–21, for the August period.*

Ms FALKINGHAM: *I will take that on notice.*

The Drugs in Victorian Prisons Report is produced monthly and the specific table referred to is the 'Seizures of Contraband by Item Type Visitors' section. This relates to all drug seizures detected by prison staff via routine or targeted security processes where the drugs have been identified as being attempted to be introduced into the prison by a visitor, this includes mail.

The data referred to from the August 2020 Drugs in Victorian Prisons Report (specifically, 19 finds of buprenorphine, entailing 356 units across Barwon, Port Phillip and Ravenhall prisons in August) was detected in incoming mail only.

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Mr D O'BRIEN: Okay. Well, continuing on, and you may have touched on this, Corrections Vic data confirms prisoners returned a total of 305 positive drug tests between April and August. How many of these cases have been referred to Victoria Police for investigation for drug use offences?

Ms FALKINGHAM: All are referred to Victoria Police.

Mr D O'BRIEN: Okay. That being the case, there were 495 seizures of buprenorphine prescription medication, powders and crystals and cannabis between April and August. Are you saying that all of those have also been referred to Victoria Police?

Ms FALKINGHAM: Again, I would have to look at the specifics of what you are looking at. The Acting Corrections Commissioner will be here this afternoon, and she will be able to answer that question for you.

Mr D O'BRIEN: This is specifically in relation to COVID because obviously the question is about prisoners being effectively locked down; that is why we are asking these questions now.

Ms FALKINGHAM: Sure. But, as I said, I do not have what you have in front of you right now. I am happy to take that on notice.

Corrections Victoria policy requires prison staff to contact Victoria Police when they find drugs (other than prescribed medication) within the prison or on prison property. All seizures are reported to Victoria Police.

A number of the 305 positive test results may have been linked with findings of drugs, but many will not have been. For example, they may reflect a positive drug test result without the finding of contraband. In those cases, prisoners will be charged with a prison offence under Regulation 65 of the Corrections Regulations 2019.

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Mr HIBBINS: *So just a point of clarification for the committee's benefit: my understanding was that the size of the fines was actually larger than the Children's Court dealt with and they would have to go to the Magistrates Court. Is that not the case?*

Ms FALKINGHAM: *That is not my understanding, but happy to take that on notice and check with the president of the Children's Court on that matter.*

The Children and Young Persons Infringement Notice System ('CAYPINS') is a system that has been specifically designed for children and young persons who fail to pay infringement notices.

For the purposes of CAYPINS, the definition of a "child" is the same as for criminal proceedings in the Court. That is, the person must have been of or over 10 and under 18 years of age at the time of the alleged commission of an infringement offence and under 19 at the time of the application to register the offence with the Court (Sch 3, cl 2 Children, Youth and Families Act 2005 (CYFA)).

An enforcement agency may apply to have an infringement penalty registered with a Court registrar (Sch 3, cl 3 CYFA).

The amount of a fine does not determine whether it falls within the scope of CAYPINS. Rather, if a child falls within the relevant definition in Sch 3, cl 2 of the CYFA, an enforcement agency may apply to register an infringement notice in respect of an infringement offence in the Children's Court.

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Mr HIBBINS: Are you able to provide the committee with information—you can take this on notice—in terms of the range of fines, in terms of the amount fined for young people, for children?

Ms HENNESSY: I can ask the question, Mr Hibbins, but as I said, because fines for people under 18 are not registered by Fines Victoria, which is kind of our entry point into this world, there may be another source that we are able to access. I mean, Victoria Police might have a disaggregation, but Fines Victoria, because we do not register those fines, because you go registration and then you go enforcement and then you go off to court and then you go off to the Sherriff coming around and knocking on the door—that is not a system that is used for people under 18 in the state of Victoria. But I absolutely accept the interest and the spirit of the questions that both you and the Member for Brunswick have asked on this matter, and if I can find a way for you to get some data on that, I am more than happy to share it.

As at 15 December 2020, 1,560 fines, valued at \$2.3 million, for COVID-19 offences were issued to people under the age of 18 years.

Considering the total number of fines by each category of COVID-19 offence:

- 221 fines were issued for a failure to comply with the requirement to wear a face covering
- 1 fine was issued for a failure to comply with the requirement to self-isolate or self-quarantine
- 1 fine was issued for failing to comply with the requirement to provide a name and address
- 11 fines were issued for leaving a restricted area in Victoria without a valid reason or excuse
- 4 fines were issued for failing to comply with directions in relation to private or public gatherings
- 1,322 fines were issued for failing to comply with the public health directions generally.

This data obtained by the Department of Justice and Community Safety reflects enforcement agency data in relation to COVID-19 fines issued to children.

If unpaid, children's fines, including for COVID-19 offences, may be registered for enforcement with the Children's Court of Victoria. These fines cannot be registered with Fines Victoria.

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Ms VALLENCE: Secretary, you stated just a little earlier that all cases of positive drug tests and drug seizures are referred to Victoria Police. Can you explain then why for the year ending June 2020, including a period in which Victorian prisons were under COVID lockdown, only four drug-use offences have been recorded by Victoria Police despite 1800 positive drug tests during that period?

Ms FALKINGHAM: I cannot comment on every individual investigation, Ms Vallence. But to just go back briefly to Mr O'Brien's question in relation to that report, I have had a quick look at the report; just to be really clear, that table on page 16 always captures mail. So we have during the period of COVID been able to shut down a lot of access to drugs through our mail system and, as I said earlier, through our drone system. In relation to your question, I would have to reconcile our data with Victoria Police's data and come back to you out of session.

Ms VALLENCE: And take that on notice?

Ms FALKINGHAM: Of course.

Corrections Victoria policy requires prison staff to contact Victoria Police when they find drugs (other than prescribed medication) within the prison or on prison property. If the positive test results were not linked with a drug or contraband find, then those prisoners will be charged with a prison offence under Regulation 65 of the Corrections Regulations 2019.

The reference to 1800 positive drug tests appears to have come from the June 2020 Drugs in Victorian Prisons report. More accurately, the total number of positive results for that period was 1828 (which includes 1482 positive targeted tests and 346 positive random general tests).

The reference to four drug use offences having been recorded by Victoria Police appears to come from the Crime Statistics website, which refers to offences recorded by Victoria Police by location, including 'Prison/Detention Centre'. For the 12 months to June 2020, there were four offences recorded for 'drug use'. However, there were also 221 offences recorded in prisons/detention centres over this period for 'drug possession', 36 for 'drug trafficking' and 14 for 'drug dealing'.

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Ms VALLENCE: *Can you provide a list of the sites within the 24 investigations to the committee that you are investigating?*

Mr RADFORD: *I would have to take that on notice. I am not sure. I would probably have to get legal advice on that, Ms Vallence.*

Ms FALKINGHAM: *Sure. But, as I said, I do not have what you have in front of you right now. I am happy to take that on notice.*

WorkSafe have advised that they will provide their response directly to the Public Accounts and Estimates Committee, this QoN will not be provided to PAEC by DJCS.