

Questions taken on notice

Portfolio:	Secretary
Witness:	Ms Rebecca Falkingham
Committee member:	Mr Richard Riordan
Page of transcript:	4

Mr RIORDAN: Thanks, Chair. Thank you, Secretary Falkingham. That was an interesting overview. My first question is to you. Page 118 of the questionnaire supplied back to the committee details the department's full-time effective workforce. I note that the Victorian Commission for Gambling and Liquor Regulation is included in those numbers. Can you tell the committee, please, the number of FTE gaming inspectors employed by the VCGLR in 2020?

Ms FALKINGHAM: Thank you for the question. I will take that on notice and get that from the VCGLR for you.

Mr RIORDAN: Good, thank you. Can we also have, on notice presumably, what percentage or number of those gaming inspectors are based full-time at Crown Casino?

Response:

Victorian Commission for Gambling and Liquor Regulation (VGGLR) staff are authorised as 'gambling and liquor inspectors' under section 130 of the *Liquor Control Reform Act 1998* and section 10 of the *Gambling Regulation Act 2003*.

The VCGLR has advised the department that there are currently a total of 56 inspectors at the VCGLR including 13 inspectors rostered on at the casino.

Portfolio:	Secretary
Witness:	Ms Rebecca Falkingham
Committee member:	Mr Richard Riordan
Page of transcript:	4

Mr RIORDAN: Thank you. Can you also, again on notice, tell us how many FTE gaming inspectors have been employed each year between 2015 and 2020—so we can have that as sort of a lineal representation. And also of those inspectors over that period of time, how many have been based full-time at Crown Casino?

Response:

Based on advice from VCGLR:

Table: VCGLR inspector numbers between 2015 and 2020

Year	Number of liquor and gambling inspectors
30 June 2015	69
30 June 2016	64
30 June 2017	69
30 June 2018	70
30 June 2019	65
30 June 2020	55
1 March 2021	56

The VCGLR has advised the department the following: it has maintained a consistent presence at the casino over the last five years; the current staffing at the casino comprises a team of 13 inspectors but the VCGLR is unable to extract the number of dedicated inspectors at the casino for each time period without extracting and reviewing shift rosters which is an extensive manual process.

Portfolio:	Secretary
Witness:	Ms Rebecca Falkingham
Committee member:	Mr Richard Riordan
Page of transcript:	4

Mr RIORDAN: Excellent. Can you tell the committee what were the VCGLR’s costs in the 2019–20 year in overseeing compliance of Crown Casino?

Ms FALKINGHAM: Obviously within the budget papers we do not delineate those costs, but

Response:

The VCGLR has advised the department the following:

- For the 2019/20 financial year the estimated cost for the overall supervision of the Melbourne casino was \$5.2 million (compared with \$5.4 million in 2018/19).
- However, casino compliance is not a specific cost item in the VCGLR ledger. The collection of data for the calculation of the supervision charges for the other gambling licensees enables the VCGLR to estimate the cost of the overall supervision of the Melbourne casino. This estimate uses an attribution of costs and overheads model and should be considered an estimate not a full cost recovery model.

Portfolio:	Secretary
Witness:	Ms Larissa Strong
Committee member:	Sam Hibbins
Page of transcript:	13

Mr HIBBINS: Okay. Thank you. Are you able to provide the committee on notice what the service delivery outcomes are for each prison and then how each prison measures against that outcome?

Ms STRONG: I can certainly provide you the SDOs and what they are.

Mr HIBBINS: Okay. Thank you.

Ms FALKINGHAM: Sorry, can I just confirm, Mr Hibbins, you mean for the 2019–20 financial year—

Mr HIBBINS: Yes. Thank you.

Response:

At present, 22 measures are used in the calculation of the aggregated BP3 indicator, 'Proportion of benchmark measures in prison services agreement achieved'. Not all 'service delivery outcomes (SDO) measures apply to all prisons, due to differing roles played by different facilities across the system – and their varied security classifications, remandee and risk profiles and so on. Different benchmarks apply to SDOs at each location for the same reason.

Current SDO and reference number		Prisons where measure applicable
1	Escapes	All
2	Assault on staff or other persons [not prisoners]	All
3	Out of cell hours	All
4	Number of unnatural deaths	All
5	Self-harm	All
6	Assault on prisoners by other prisoners	All
7	Assault on prisoners by staff	All
8	Random general urinalysis	All
9	Medical screening within 24 hours	All
10	'At-risk' assessments within 2 hours	All
14	Proportion of prisoners engaged in purposeful activity	All except MAP, MRC
15	Vocational education and training participation	All except MAP, JLTC
16	Education and training unit of competency completions	All except JLTC
17	Prisoner-related harm reduction	DPFC, MAP, MRC, PPP, RCC
18A	Offending behaviour programs scheduled	FCC, RCC, PPP
18B	Offending behaviour programs completed	All except MAP, MRC, JLTC
20A	Pre-release program and assistance [sentenced prisoners]	All

20B	Court discharge information session [remandees]	Barwon, DPFC, FCC, MAP, MRC, Hopkins, Marngoneet, Karreenga, RCC, PPP
22	Prison industries	All except FCC, MAP, RCC, PPP, JLTC
23	Case management	All
24	OH&S/WorkCover	All except FCC, RCC, PPP
25	Disability training	PPP

Prison	Number of applicable SDOs in 2019-20	Reference numbers of SDOs <i>not</i> measured at location	Aggregate performance of each prison (% of SDO benchmarks passed)
Barwon	19	17, 18A, 25	68.4
DPFC	20	18A, 25	75.0
MAP	16	14, 15, 18A, 18B, 22, 25	68.8
MRC	18	14, 18A, 18B, 25	61.1
PPP	20	22, 24	80.0
Hopkins	19	17, 18A, 25	73.7
Fulham	18	17, 22, 24, 25	94.4
Loddon	18	17, 18A, 20B, 25	72.2
Marngoneet	19	17, 18A, 25	78.9
Karreenga	19	17, 18A, 25	84.2
Ravenhall	19	22, 24, 25	57.9
Middleton	18	17, 18A, 20B, 25	94.4
Beechworth	18	17, 18A, 20B, 25	83.3
Dhurringile	18	17, 18A, 20B, 25	83.3
LKK	18	17, 18A, 20B, 25	83.3
Tarrengower	18	17, 18A, 20B, 25	83.3
JLTC	14	14, 15, 16, 17, 18A, 20B, 22, 25	100.0
TOTAL	309		78.6%

Portfolio:	Secretary
Witness:	Ms Larissa Strong
Committee member:	Sam Hibbins
Page of transcript:	13

Mr HIBBINS: Okay, thank you. Just in terms of what was meant by a short prison sentence, is that what was meant: remand?

Ms STRONG: I suspect it is people who come in on remand, subsequently get sentenced and either get time served—so have a relatively sort sentence—or actually do get a short sentence. I would have to double-check that.

Response:

In this context, a ‘short sentence’ refers to an effective sentence length of less than six months. The 2019-20 outcome for rate of return to prison within two years included 1,488 prisoners who returned to serve an effective sentence length of less than six months – a 24 per cent increase from the previous year’s result, or 288 more returning prisoners. This figure includes prisoners who entered prison on remand and subsequently transitioned to a sentence.

This measure, however, does not include remanded prisoners who are sentenced to time served and released. As per national counting rules specified as part of *Report on Government Services* reporting, prisoners who subsequently return to prison for remand-only episodes are excluded, as they are not considered to have returned for a subsequent sentenced episode.

Note: The effective sentence length of imprisonment is calculated as the period between the date of reception into prison custody and the earliest date of release. Effective sentence length is based on either the non-parole period set by court or the aggregate sentence. As a prisoner’s release at the end of the non-parole period is not automatic, the actual time served by a prisoner may be longer than the effective sentence.

Portfolio:	Secretary
Witness:	Ms Rebecca Falkingham
Committee member:	Sam Hibbins
Page of transcript:	14

Mr HIBBINS: I just want to ask now about the liquor and gaming regulator. What now is the status of the existing reports and inquiries that were being undertaken into Crown? Just thinking, for example, of the one that was announced back in late 2019—has that been completed and finalised?

Ms FALKINGHAM: Sorry, Mr Hibbins, I am trying to remember which one you are referring to.

Mr HIBBINS: This was after the media revelations into Crown in late 2019. They indicated that they would be getting back to the minister within two to three weeks of the report. I think it is actually referred to in their annual report as well.

Response:

The VCGLR has advised the department the following:

The investigation regarding allegations relating to Crown that were made in media reports in July and August 2019 has concluded. As a result of the investigation the VCGLR requested Crown Melbourne provide an explanation of its conduct regarding its engagement with junket participants (show cause notice).

Portfolio:	Secretary
Witness:	Ms Rebecca Falkingham
Committee member:	Sam Hibbins
Page of transcript:	14

Mr HIBBINS: Okay, great. If you could get the date when that one was completed, that would be great as well. Thank you. Now, there were some statements made in terms of the staff employed at the VCGLR. There is a statement saying that they had at any time two staff members, or effectively two staff members, on the casino team. Is that an accurate statement? Is that an accurate reflection?

Ms FALKINGHAM: That is not my understanding, Mr Hibbins, but I think I will take it on notice for Mr Riordan to provide the breakdown of the number of staff working at Crown Casino at any time.

Response:

The VCGLR has advised the department that there are currently 13 inspectors allocated to the casino team however that exact number of staff working at the casino at any one time fluctuates depending on rosters and operational requirements. During normal operations, the casino team operates with no less than two inspectors per shift. Although, during much quieter times there is always at least one inspector rostered at the casino.

The VCGLR also maintains the ability to divert resources to the casino (or any geographic area/licensee etc) in line with operational requirements.

Portfolio:	Secretary
Witness:	Ms Larissa Strong
Committee member:	Sam Hibbins
Page of transcript:	15

Mr HIBBINS: Great. Okay. Thank you. I think I am running close to time, but I just have one final question for Corrections. In terms of catering contracts for prisons and justice facilities, are they contracted out, and if so, what is the overall cost for catering contracts?

Ms STRONG: Most prisons actually have their own kitchens. If it is cell accommodation, they will prepare meals. It is an opportunity for prisoner employment in the prison as well, and they supply the food to the prisoners in the cell. For a lot of prisoners who are in cottage accommodation it is self-catering. So they go to a canteen shop in the prison, they buy the food and they cook the food themselves. There will obviously be contracts to supply food either for the kitchens within prison industries or for the self-catering and the canteens. I would have to take on notice the value of those contracts.

Response:

Catering for prisons and justice facilities is not contracted out; however, the department has various supply contracts to procure the provisions required by kitchens within Prison Industries, self-catering, and the canteens. The overall cost of these supply contracts in 2019-20 for prisons and justice facilities was \$13.346 million.

Mr HIBBINS: Okay. That is all right. Thank you. And is it similar with cleaning services as well?

Ms STRONG: Correct. We have a combination of cleaning. We changed our approach in the middle of COVID. So we certainly have professional cleaners for each local prison who come in and clean the areas where prisoners cannot go. We have always had prisoner cleaners, prisoner billets, who clean the facilities. During COVID we upped their training and qualification to a cert III with special training in infection control and touch point cleaning, and they clean the prisoner areas as part of our response to having a clean and hygienic prison environment.

Mr HIBBINS: Yes. Okay. If I could get the overall funding for cleaning at prisons, that would be helpful.

Ms STRONG: For 2019–20?

Mr HIBBINS: Yes.

Response:

In 2019-20, the cost of contracted-out cleaning services for public prisons was \$2.7 million, of which \$1.3 million excludes expenditure related to COVID-19 and \$1.4 million is related to contracted touch point cleaners in response to COVID-19.

Portfolio:	Secretary
Witness:	Chief Commissioner Patton
Committee member:	Danny O'Brien
Page of transcript:	19-20

Mr D O'BRIEN: Yes. So in those do you have a number for how many are in breach of the enforcement warrant stage?

Chief Comm. PATTON: No, I do not.

Mr D O'BRIEN: Okay. Is that something you are able to take on notice?

Chief Comm. PATTON: Well, it is not something I capture. Once they go into Fines Victoria, they are matters dealt with through the Fines Victoria process. They are followed up, if you are an adult, through the sheriff's office or, if you are a child, it is then registered, as I understand, in the Children's Court through the children and young persons infringement notice system. Children are obviously treated differently. They do not automatically revert to a warrant; they are listed for hearing at the Children's Court, as I understand, where their personal circumstances are considered by a magistrate or registrar. So there is a whole range of different things in what is a very big beast, but we do not control that. My focus is on making sure my staff appropriately and properly enforce the COVID rules, showing appropriate discretion but enforcing where there are deliberate, obvious and blatant breaches. What happens after that obviously goes out of our hands to a large degree.

Response:

This information is not available.

Portfolio:	Secretary
Witness:	Ms Jodi Henderson
Committee member:	Danny O'Brien
Page of transcript:	20

Mr D O'BRIEN: Okay. Secretary, I will just move on in the brief time I have got left to some youth offending issues. The recent Productivity Commission ROGS data confirmed that only 20 per cent of non-Indigenous young offenders received a youth diversion referral in 2019–20, compared to 66 per cent in New South Wales and over 50 per cent in both Queensland and WA. Why do only one in five youth offenders in Victoria receive a youth referral?

Ms FALKINGHAM: Thanks, Mr O'Brien, and I think it is important that those figures often are not comparing apples and apples, so I will ask the Youth Justice Commissioner to respond to your question.

Ms HENDERSON: Thank you. You are referring to the Children's Court youth diversion program?

Mr D O'BRIEN: Well, youth diversions as a proportion of offenders is what is listed in the ROGS report.

Ms HENDERSON: Yes.

Mr D O'BRIEN: Basically I guess we are talking about kids that are sent to detention versus kids that are sent into a referral program of some description to try and get them back on the straight and narrow.

Ms HENDERSON: Yes. What I might just give you is an overview of the Children's Court diversion program for 2019–20.

Mr D O'BRIEN: I have got 25 seconds left.

Ms HENDERSON: Oh.

Mr D O'BRIEN: Is there a simple answer? And if not, I am not happy to take on notice.

Ms HENDERSON: No, there is not a simple answer, but I guess the other jurisdictions have a much higher rate of Aboriginal children under the criminal justice jurisdiction.

Mr D O'BRIEN: Well, this question was specifically about non-Indigenous offenders, so that is the data. The specifically non-Indigenous—only one in five Victorians get diverted.

Ms HENDERSON: Yes. I will take that on notice and come back to you with a more fulsome explanation.

Response:

The Productivity Commission's annual Report on Government Services (ROGS) includes reporting on Police Services (Justice Sector) such as Youth Diversion, as well as Youth Justice Services (Community Services Sector).

The **Police Services** reporting includes 'Youth diversions' and defines this as: *'the total number of non-court proceedings for alleged youth offenders (numerator), divided by the total number of police proceedings for alleged youth offenders (denominator)'*.

The ROGS reporting notes that this data is "not comparable across jurisdictions because of differences in the legislative arrangements and procedures that underpin and determine the application of, and eligibility for, diversionary options in each jurisdiction's youth justice system".

The **Youth Justice Services** reporting includes the number and rate of young people under youth justice supervision across the country. In 2019-20, Victoria had a rate of 9.8 young people per 10,000 young people aged 10 to 17 years, under youth justice supervision. This is significantly lower than the 2019-20 national average of 17.4 and continues a six-year trend of Victoria having the lowest rate of Youth Justice supervision in the country.

Victoria's low rate of supervision reflects the focus on diverting young people from the criminal justice system through programs like the Youth Support Service and Aboriginal Youth Support Service; the Children's Court Youth Diversion service and other programs that support young people and their families such as Family Functional Therapy, Multi-Systemic Therapy and Community-based Aboriginal Youth Justice programs.

The Children's Court Youth Diversion service aims to divert young people from further progression into the criminal justice system. The service helps young people understand the impact of their offending and provides opportunities for rehabilitation, through tailored diversion plans and case co-ordination.

Since implementation in 2017, coordinators had overseen 4,956 diversions for young people up to 30 June 2020. In 2019-20, the program oversaw 1,170 diversions. The service has also increased the high rate of successful diversion completion year on year, from 93 per cent in 2017-18 to 94 per cent in 2018-19 and to 95 per cent in 2019-20.

Portfolio:	Secretary
Witness:	Commissioner Crisp
Committee member:	Brigid Vallence
Page of transcript:	33

Ms VALLENCE: Perhaps to you, Commissioner Crisp. Back on 9 June the former chair of the CFA board, Mr Greg Smith, sought a letter of comfort essentially from the government in the view of the current and significant level of financial uncertainty about the CFA's long-term financial sustainability, and that was a quote of Mr Smith's. Was a letter of comfort provided to Mr Smith to support the CFA financially if they fell short?

Mr CRISP: I am not aware in fact whether that letter was provided or not. I would have to take that one on notice.

Response:

The department can confirm that on 9 June 2020 Mr Greg Smith, in his capacity as Chairperson of the Country Fire Authority (CFA) Board, wrote to the Minister for Police and Emergency Services, the Hon Lisa Neville MP, seeking a Letter of Comfort from the Government to provide a level of financial certainty for CFA in the context of Fire Services Reform.

In response to this request Rebecca Falkingham, in her capacity as Secretary of the Department of Justice and Community Safety, sent the attached letter to Mr Smith on 19 June 2020. (See below "Secretary – Letter to Greg Smith – Chair CFA Board 19 June 2020.pdf")



Department of Justice and Community Safety

Secretary

Level 26
121 Exhibition Street
Melbourne Victoria 3000
Telephone: (03) 8684 0501
justice.vic.gov.au
DX: 210077

Greg Smith AM
Chairperson
Country Fire Authority Board
8 Lakeside Drive
BURWOOD EAST VIC 3151

Dear Mr Smith

COUNTRY FIRE AUTHORITY FINANCIAL SUSTAINABILITY

I refer to your correspondence dated 9 June 2020 to the Hon Lisa Neville MP, Minister for Police and Emergency Services in which you seek support for a Letter of Comfort to provide financial certainty for the Country Fire Authority (CFA) in the context of Fire Services Reform (FSR).

I am pleased to be able to advise you that the Government is finalising a support package for the CFA for sustainability measures to directly support volunteers and brigades to further build volunteer capacity and capability. I anticipate being able to provide further advice on this shortly.

The Government has also been made aware that funding requests are likely to be required to address long standing CFA and FRV financial sustainability issues. DJCS will work with CFA on the development of these funding bids and how these bids could potentially be considered as part of the delayed 2020-21 State Budget process.

Further, it is acknowledged that the CFA and Fire Rescue Victoria (FRV) 2020-21 budgets are likely to require revision to account for any unanticipated costs arising from the new fire services model. DJCS will also work closely with the CFA in seeking any supplementary funding that is required to address these costs.

As you are aware, long-term financial sustainability has been a critical consideration in Fire Services Reform and the Government's intention to address CFA and FRV financial sustainability is evidenced in the *Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Act 2019* (the Act). The Act requires that an Implementation Plan be tabled in Parliament that includes actions relating to financial sustainability and the development of a funding plan, which determines the financial requirements of CFA and FRV and addresses the impact of the reforms. The Act also provides for a Fire Services Implementation Monitor whose functions will include assessing the impact of the reforms on the financial sustainability of CFA and FRV.



The Department is working with CFA and FRV to identify financial sustainability-related actions for inclusion in the Implementation Plan. The Department will also coordinate the conduct of a financial sustainability assessment to inform the funding plan and consider how financial sustainability can be addressed via means other than a pure reliance on supplementary funding. As you are aware, funding will need to be approved by Government.

In relation to the issue of whether CFA will be funded for costs incurred in implementing the Enterprise Agreement (EA), as per normal practice this funding is held in contingency by Department of Treasury and Finance (DTF) and approval needs to be sought from the Treasurer for its release. We are currently working closely with the CFA and DTF to obtain the Treasurer's approval for this funding and this decision is expected shortly. I will ensure that this is communicated directly to the CFA.

The Government recognises that financial certainty is essential for CFA in becoming a fully volunteer firefighter organisation. The intent of the actions and measures outlined above is to provide CFA with such certainty and the Government is committed to continuing to support the CFA to meet its obligations to the Victorian community.

I would like to thank the CFA and the Board for their work on preparing for FSR commencement and look forward to continuing to work together on these important reforms.

Yours sincerely



Rebecca Falkingham
Secretary

Portfolio:	Secretary
Witness:	Commissioner Crisp
Committee member:	Brigid Vallence
Page of transcript:	33

Ms VALLENCE: Okay. The CFA's board meeting on 18 May, and I am referring to the minutes of that board meeting, talk about additional costs from the secondment agreement, service level agreements, tools of trade and section 103 arrangements requiring supplementation. What is the dollar value of this supplementation, and what is the nature of these costs?

Mr CRISP: I have not been exposed to the document or the material you are referring to, so again I would have to take that one on notice.

Response:

On 16 June 2020 the government approved \$250 million over five years for reform implementation. This included \$126 million in CFA capability funding for key volunteer initiatives including: health and safety training; leadership training; replacement of aged stations and appliances; and upgrades of volunteer-facing ICT systems.

DJCS continues to work closely with the CFA to manage any additional costs that have been realised in the 2020-21 financial year.

Portfolio:	Secretary
Witness:	Ms Rebecca Falkingham
Committee member:	Nina Taylor
Page of transcript:	37

Ms TAYLOR: Absolutely. Thank you. I would now like to move to crime prevention. Specifically, page 23 of the DJCS questionnaire raises some crime prevention initiatives for addressing the causes of crime. I note that it states that the department seeks to partner ‘with community, business and sporting groups’. Are councils ever a partner in crime prevention projects? I would have thought yes, but anyway.

Ms FALKINGHAM: They most definitely are, and I might actually refer back to some of the earlier initiatives that I was speaking to, in particular the number of youth outreach programs that we had available to us in that period. I might actually, if it is okay, take that question on notice. I have just lost my page.

Response:

This information is not available.