

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE COUNCIL

FIFTY-SEVENTH PARLIAMENT

FIRST SESSION

QUESTIONS ON NOTICE

1 and 2 March 2011

(Extract from book 3)

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FIFTY-SEVENTH PARLIAMENT — FIRST SESSION

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QUESTIONS ON NOTICE

*Answers to the following questions on notice were circulated on the date shown.
Questions have been incorporated from the notice paper of the Legislative Council.
Answers have been incorporated in the form supplied by the departments on behalf of the appropriate ministers.
The portfolio of the minister answering the question on notice starts each heading.*

Tuesday, 1 March 2011

Corrections: Melbourne Assessment Prison — prisoner deaths

- 80. MS PENNICUIK** — To ask the Minister for Employment and Industrial Relations (for the Minister for Corrections): In relation to deaths in custody at the Melbourne Assessment Prison (MAP):
- (1) How many prisoner deaths occurred at MAP in 2010.
 - (2) What was the date of each death.
 - (3) What was the cause of each death.
 - (4) How many deaths occurred at MAP between the calendar years 1989 to 1999 inclusive.
 - (5) How many deaths occurred at MAP between the calendar years 2000 to 2009 inclusive.

ANSWER:

I am advised that:

- (1) Three prisoner deaths occurred at MAP in 2010.
- (2) The first prisoner death occurred on 23 March 2010, the second on 19 May 2010, and the third on 10 August 2010.
- (3) The coroner has not yet determined the cause of these deaths.
- (4) Five prisoner deaths occurred at MAP between the calendar years 1989 and 1999
- (5) Six prisoner deaths occurred at MAP between the calendar years 2000 and 2009.

Corrections: prisoner deaths

- 81. MS PENNICUIK** — To ask the Minister for Employment and Industrial Relations (for the Minister for Corrections): How many deaths occurred in all Victorian prisons, excluding the Melbourne Assessment Prison, in the 2010 calendar year.

ANSWER:

I am advised that:

In the 2010 calendar year, seven deaths occurred in Victorian prisons, excluding the Melbourne Assessment Prison.

Corrections: Dame Phyllis Frost Centre — investigations and reviews

- 82. MS PENNICUIK** — To ask the Minister for Employment and Industrial Relations (for the Minister for Corrections): In relation to the Dame Phyllis Frost Centre (DPFC), since 1 January 2009, how many investigations and/or reviews into —
- (a) incidents involving prisoners have been undertaken; and

- (b) management of DPFC have been undertaken.

ANSWER:

I am advised that:

In relation to the Dame Phyllis Frost Centre (DPFC), since 1 January 2009:

- (a) fourteen investigations and/or reviews have been undertaken by the Department of Justice; and
- (b) there have been no investigations and/or reviews into the management of the DPFC.

Corrections: prison costs

83. MS PENNICUIK — To ask the Minister for Employment and Industrial Relations (for the Minister for Corrections): In relation to prison costs:

- (1) What is the current annual cost per person (male and female) of imprisonment in each of Victoria’s 14 prisons.
- (2) What is the current annual cost per person for individuals subject to extended supervision orders at Ararat.

ANSWER:

I am advised that:

- (1) The annual average cost per prisoner in public and private prisons in 2009-10 is shown in the table below. Costs are calculated in accordance with the counting rules for the *Report on Government Services 2011*.

Public prison average	\$110,256
Private prison average	\$100,145
All prisons average	\$106,864

- (2) The 2009-10 annual average cost per person per annum for individuals subject to extended supervision orders and supervision orders and housed at Ararat was \$155,000. These costs include sex offender treatment, supervision, community support program and operations of the facility.

Corrections: prisoners — mental health

84. MS PENNICUIK — To ask the Minister for Employment and Industrial Relations (for the Minister for Corrections): In relation to mental health in prisons:

- (1) What investigations and/or reviews have been undertaken by or on behalf of the Department of Justice since 2007 into the mental health of prisoners and psychosocial impacts of imprisonment in high security and management units in Victoria.
- (2) What were the main findings and/or recommendations of these investigations and/or reviews.
- (3) Will the reports of these investigations and/or reviews be placed on the public record.

ANSWER:

I am advised that:

The following reviews undertaken since 2007 have considered the mental health needs of prisoners in Victoria:

- **Review of the Mental Health and Psychosocial Needs of Prisoners Detained in Restrictive Environments:**
The Department of Justice commissioned an internal and confidential review into the mental health and

psychosocial needs of prisoners detained in restrictive environments. The Department of Justice does not anticipate publishing this report.

- **Evaluation of the Better Pathways Strategy:** A review of the Better Pathways Strategy reported that the Marrmak Unit has greatly enhanced the access by women at the Dame Phyllis Frost Centre to acute and out-patient mental health services and led to a reduced need to transfer patients to the Thomas Embling Hospital. An executive summary of the evaluation is accessible from the Department of Justice website.
- **Justice Mental Health Strategy:** Extensive research and consultation were undertaken as part of the review of existing mental health service responses in the justice system, to identify service delivery gaps relating to people with a mental impairment and to explore future service response ideas for this group. The Strategy is accessible from the Department of Justice website.
- **Indigenous Mental Health in the Criminal Justice System:** The Department of Justice commissioned this report to assist with developing appropriate responses in the area of Indigenous mental health across the justice system. The Report provides an overview of the research to date in this area and suggests ways to provide more culturally responsive and appropriate service responses. The Department of Justice does not anticipate publishing this report.

Justice Health is in the process of procuring a research provider to undertake a one year study into the mental health needs of Koori prisoners in Victoria.

- **Justice Health Review:** The Justice Health Unit internally reviews on a case by case basis, critical incidents, complaints and allegations relating to a prisoner’s mental health. This is done in collaboration with Corrections Victoria and the Office of Correctional Services Review, as necessary. Such reviews contain private health information and, given their confidential nature, are not available to the public.

Corrections: Office of Correctional Services Review

85. MS PENNICUIK — To ask the Minister for Employment and Industrial Relations (for the Minister for Corrections): In relation to the Office of the Correctional Services Review (OCSR):

- (1) What has been the annual budget for the OCSR in each financial year since 2003-4.
- (2) What is the projected budget for the 2010-11 financial year.
- (3) Since 2004, how many reports, reviews and/or investigations of the OCSR into prison management or incidents have been placed in their entirety on the public record.
- (4) What are the names of any OCSR reports, reviews and/or investigations that have been placed on the public record.

ANSWER:

I am advised that:

- (1) The OCSR was established on 13 August 2007. The OCSR’s budget for each financial year since 2007-08 is outlined in the table below:

Year	OCSR Budget
2007-08	\$2.643 million
2008-09	\$3.120 million
2009-10	\$3.176 million
2010-11	\$3.196 million

- (2) The projected budget for 2010-11 financial year is \$3.196 million.

- (3) Summaries of reviews and investigation reports completed by the OCSR were published in the respective Department of Justice Annual Reports for 2007-08, 2008-09 and 2009-10.
- (4) The names of OCSR report, reviews and/or investigations that have been placed on the public record are provided in the respective Department of Justice Annual Reports.

Police and emergency services: police — tasers

- 86. MS PENNICUIK** — To ask the Minister for Employment and Industrial Relations (for the Minister for Police and Emergency Services): What is the expected cost for the acquisition and rollout of tasers.

ANSWER:

I am advised that:

The deployment of tasers within Victoria Police is an operational decision made by the Chief Commissioner.

Victoria Police currently limits the issuing of tasers to its Special Operations Group (SOG) and Critical Incident Response Teams (CIRTs). In July 2010, Victoria Police commenced a 12-month trial of tasers in Bendigo and Morwell and is yet to make a decision whether to issue the devices more widely to members. As a decision has not yet been made on the wider rollout of tasers to operational officers, information regarding the cost of such a decision does not exist.

Police and emergency services: police — semi-automatic firearms

- 87. MS PENNICUIK** — To ask the Minister for Employment and Industrial Relations (for the Minister for Police and Emergency Services): What is the expected cost for the acquisition and rollout of the new .40 calibre Smith & Wesson M&P semi-automatic pistols for the police force.

ANSWER:

I am advised that:

Victoria Police has selected the .40 calibre Smith and Wesson M&P semi-automatic pistol as its replacement firearm at a cost of \$7 million, with the new pistols being rolled out to operational members by 2012. The transition to semi-automatic pistols will be supported by an intensive enhanced mandatory training course that must be attended twice a year by all police using firearms.

Victoria Police anticipates the introduction of the semi-automatic pistols will strike the right balance between having the best equipment for police members and maintaining community confidence that lethal force will be used as a last option.

Police and emergency services: police — civil action costs

- 88. MS PENNICUIK** — To ask the Minister for Employment and Industrial Relations (for the Minister for Police and Emergency Services): What was the outlay in dollar value in the 2009-10 financial year, and what is the projected outlay in the 2010-11 financial year, for defending civil actions against Victoria Police.

ANSWER:

I am advised that:

In 2009-10, the Victoria Police Civil Litigation Division expenditure for legal costs related to civil actions against police was in the order of \$3 million. This expenditure is consistent with annual expectations and a similar amount is budgeted for 2010-11.

Police and emergency services: police — tasers

89. MS PENNICUIK — To ask the Minister for Employment and Industrial Relations (for the Minister for Police and Emergency Services): In relation to the use of tasers by Victoria Police:

- (1) Has Victoria Police or the Department of Justice undertaken an evaluation of the 2009 interim report of the Braidwood Commission of Inquiry or the June 2009 Queensland Crime and Misconduct Commission and Queensland Police Service Review of Taser Policy, Training, and Monitoring and Review Practices, for the purposes of informing current and future Victoria Police taser policy and use practices.
- (2) What provisions in the current Victoria Police taser policy address the issue of —
 - (a) the use of tasers to gain compliance; and
 - (b) usage creep.

ANSWER:

I am advised that:

Victoria Police makes decisions on the deployment and use of all operational police equipment. Victoria Police has developed the following policy guidelines specifying the instances in which a police member may use a taser, or Conducted Energy Device (CED):

- When the subject is causing serious injury to themselves, the police or the public, or the police member is satisfied on reasonable grounds that the subject’s behaviour is likely to cause serious injury;
- All other tactical options would be or have been ineffective in eliminating the risk of serious injury; and
- De-escalation and/or conflict resolution techniques have not been or will not be effective in eliminating the risk of serious injury.

Although the use of tasers by police is currently restricted to members of the Special Operations Group and Critical Incident Response Teams, Victoria Police advises that it is undertaking a 12 month trial of tasers by general duties police in Bendigo and Morwell. It is anticipated that this trial will end in June 2011.

In shaping and developing current policy, guidelines and training in the use of tasers, Victoria Police has relied extensively on the findings of the Braidwood Commission of Inquiry. Victoria Police also advises that other reviews, including the Queensland Crime and Misconduct Commission, and the Queensland Police Service Review of Taser Policy, Training, Monitoring and Review Practices, as well as the New South Wales Ombudsman’s report into the use of tasers by the NSW police force, have provided valuable information in the development of current policy and guidelines for the use of tasers.

It should be noted that there are significant differences between Victoria and Queensland in the deployment of tasers and operating procedures relating to their use.

Police and emergency services: police — semi-automatic firearms

91. MS PENNICUIK — To ask the Minister for Employment and Industrial Relations (for the Minister for Police and Emergency Services): In relation to preparations for the introduction of semi-automatic firearms for Victoria Police:

- (1) What evaluations of the risk of increased use of firearms have been undertaken by or on behalf of Victoria Police.
- (2) What evaluations of the risk of reflexive and contagious shooting incidents in the context of the introduction and deployment of semi-automatic firearms have been undertaken by or on behalf of Victoria Police.
- (3) What were the findings and recommendations of any such evaluations.

- (4) Are the findings and recommendations of any such evaluations publicly available.
- (5) Has Victoria Police responded to the recommendations of any such evaluations.
- (6) What measures are Victoria Police undertaking to address the risks associated with the new semi-automatic firearms.

ANSWER:

I am advised that:

The decision to introduce semi-automatic pistols was an operational decision made by Victoria Police, and follows a thorough investigation, assessment and recommendation by an independent panel to determine the most suitable firearm for members. The transition to semi-automatic pistols will be supported by an intensive enhanced mandatory training course. Before being issued with the new pistol, I am advised that all members must complete a four day training course in its use as well as the need to ensure safety and minimising or avoiding the use of force in conflict situations. As is currently required, police will continue to undertake refresher firearm training every year.

The Chief Commissioner has indicated that the training includes a refocus of the core elements of police response to effectively deal with conflict situations in particular when dealing with vulnerable members of the community. In January last year Victoria Police announced that, following an extensive review of critical incident response procedures, all operational members and senior staff will be required to complete a new training package. This enhanced training will enable police to better deal with volatile situations involving vulnerable persons, particularly those with a mental illness and those affected by alcohol or drugs. This new mandatory training doubles the training that police members must complete from one day annually to one day biannually.

Corrections: Office of Correctional Services Review

92. MS PENNICUIK — To ask the Minister for Employment and Industrial Relations (for the Minister for Corrections): In relation to the Office of Correctional Services Review (OCSR):

- (1) How many thematic reviews were undertaken by the OCSR in prisons in the 2008-09 and 2009-10 financial years and what were their names.
- (2) How many individual issue and incident investigation reviews were undertaken by the OCSR in prisons in the 2008-09 and 2009-2010 financial years and what were their names.

ANSWER:

I am advised that:

(1) The Office of Correctional Services Review (OCSR) completed two thematic reviews in prisons in 2008-09:

- Review of procedures and practices in relation to unlawful detention and release of prisoners
- Healthy prison review of Dame Phyllis Frost Centre

The OCSR completed three thematic reviews in prisons and one prison follow-up review in 2009-10:

- Review of prison complaints systems in Victoria's prisons
- Whole of prison review of the Marngoneet Correctional Centre
- Whole of prison review of Port Phillip Prison
- Follow-up of the 2008 compliance review of the Metropolitan Remand Centre

(2) The OCSR undertook 48 investigations into incidents in prisons in 2008-09. The investigations included property complaints, alleged privacy breaches, allegations of inappropriate behaviour by staff, serious assaults on prisoners by other prisoners, alleged assault on prisoner by staff and escape from custody.

The OCSR undertook 21 investigations into incidents in prisons in 2009-10. The investigations included escapes from custody, drug-related incidents and alleged assaults on prisoners by staff.

Corrections: Metropolitan Remand Centre — mobile phones

- 93. MS PENNICUIK** — To ask the Minister for Employment and Industrial Relations (for the Minister for Corrections): In relation to the report in *The Age* on 27 April 2010 on the alleged release of mobile phones formerly belonging to prison officers to prisoners at Melbourne Remand Centre (MRC) that allegedly contained call records, personal phone numbers and security codes for doors:
- (1) Has the Department undertaken an inquiry into this matter; if so —
 - (a) who undertook the investigation;
 - (b) what recommendations were made to the MRC; and
 - (c) will the report on the inquiry be made public.
 - (2) If an investigation has not been undertaken, why not.

ANSWER:

I am advised that:

- (1) Departmental mobile phones had been provided to the residents of the minimum-security **Judy Lazarus Transition Centre** (not the maximum-security Metropolitan Remand Centre, as referred to in the question), as part of a three-month pilot program which aimed to improve monitoring of the prisoners during leave permits.
 - (a) Corrections Victoria undertook an Internal Management Review in response to this incident.
 - (b) No recommendations related to the Metropolitan Remand Centre, as neither the pilot program, nor the incident, involved this location. However, mobile phones provided to the residents of the minimum-security Judy Lazarus Transition Centre were all removed from the possession of those prisoners and there is no intention to reissue them.
 - (c) It is not appropriate that Internal Management Reviews be made available to the public, as they may contain confidential security practices.
- (2) An Internal Management Review was undertaken.

Higher education and skills: vocational education and training — funding

- 95. MS PENNICUIK** — To ask the Minister for Higher Education and Skills:
- (1) What is the estimated cost of restoring concessional fees for eligible students enrolling in diploma and advanced diploma courses.
 - (2) What expenditure is expected to be incurred in the 2009-10 financial year to fund special places in Vocational Education and Training (VET) courses for students who are not eligible under the Victorian Training Guarantee.
 - (3) What market or client research was undertaken by Skills Victoria or the Department of Innovation, Industry and Regional Development that supported the policy decision to abolish concessional fees for diploma and advanced diploma courses.
 - (4) How many Government funded skills deepening modules are expected to be supplied by private VET training providers in the 2009-10 financial year.
 - (5) Does there continue to be government funding support for the cost of mandatory or necessary VET training undertaken by volunteers serving in state entities and voluntary organisations.
 - (6) In relation to the output figures shown in Budget Paper No. 3, page 128, what are the reasons for the lack of growth in 'Annual government funded (diploma) module enrolments' between the 2008-09 financial year actual and the 2010-11 financial year target.

- (7) How much has been spent to date on the public information campaign to inform the community and prospective students of the *Securing Jobs For Your Future* package and what funds are available in the 2010-11 financial year for this purpose.

ANSWER:

1. I am informed as follows:

As announced on 18 January 2011, the Government has re-introduced tuition concession fee places for Health Care Card holders aged 15-24 years undertaking Diploma and Advanced Diploma courses at a TAFE institute. Students eligible for these training places will pay \$100 per annum in tuition fees.

The re-establishment of tuition concession fee places will help to remove financial barriers to vocational education and training (VET) for young Victorians.

The Government has allocated a \$56 million funding commitment over four years and is adopting a phased approach to implementation—with concession places initially offered over 11 months from 1 February 2011. A staged approach will provide the opportunity to implement the Government's commitment within existing budgetary parameters, whilst testing and monitoring the demand for concession places.

The Victorian Government will also be undertaking a review of fee structures for vocational education and training (VET) during 2011 which will examine the current fee regime with a view to its effects on access to the VET system. This review will also include a review of demand for concession fee places, to resolve the treatment of concessions in 2012.

2. \$5 million has been appropriated for exemptions in VET courses in the 2009-10 financial year.
3. The policy represented the standing arrangements for Commonwealth income contingent loans. This Government has decided, on the basis of consultation with students and providers to facilitate access to concessional fees for young people.
4. It is estimated that 127,500 government funded module enrolments in Skills Deepening courses will be delivered by private providers in the 2009-2010 financial year.
5. *Skills for Life—the Victorian Training Guarantee* is an entitlement to a government subsidised place in recognised training that can be accessed at any time for anyone (including volunteers) who meets the required eligibility criteria, including citizenship/residency status. The *Victorian Training Guarantee* will be fully operational for all VET courses in 2011. Under the guarantee, for people aged up to 20, Government subsidised places will be available for training at any qualification level. For people aged 20 and over, Government subsidised places will be available for training at the foundation skills level and for any qualification higher than the qualifications already held.
6. The Budget Paper 3 (BP3) measure being referred to is for all annual government funded module enrolments—it is not restricted to diploma level as suggested in the question.

This target has been progressively increased from 2.3 million in 2008-09 to 2.6 million in 2010-11. Targets for 2010 were set according to longitudinal patterns and long term growth projections of actual Government funded delivery.

7. Since its launch in August 2008, expenditure on the *Securing Jobs for Your Future-Skills for Victoria* marketing campaign has totalled \$9.7 million. Funds available for expenditure for the 2010-11 period for this purpose totals \$4.5 million.

QUESTIONS ON NOTICE

Answers to the following questions on notice were circulated on the date shown.

Questions have been incorporated from the notice paper of the Legislative Council.

Answers have been incorporated in the form supplied by the departments on behalf of the appropriate ministers.

The portfolio of the minister answering the question on notice starts each heading.

Wednesday, 2 March 2011

Housing: Floyd Lodge and Nelson Place

106. **MS HARTLAND** — To ask the Minister for Housing: In relation to Floyd Lodge and Nelson Place public housing, Bernie Finn, Liberal MLC for Western Metropolitan Region, stated that the Floyd Lodge and Nelson Place public housing establishments in Williamstown should be sold to developers:

- (1) Does this represent the views of the Government.
- (2) Is there any plan to close and sell Floyd Lodge and Nelson Place.
- (3) What is the timeframe on the secured tenure for Floyd Lodge and Nelson Place public housing.

ANSWER:

- (1) This does not represent the view of the Government.
- (2) There is no plan to close and sell Floyd Lodge and Nelson Place.
- (3) Given the response to question (2), this question is not applicable.

