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10 April 2017

Ms Margaret Fitzherbert  
Chair, Legal and Social Issues Committee  
Parliament House  
Spring Street  
EAST MELBOURNE VIC 3002

Dear Ms Fitzherbert,

**Inquiry into Youth Justice Centres in Victoria**

Thank you for providing me with the opportunity to appear on behalf of WorkSafe at the hearing for the Inquiry into Youth Justice Centres in Victoria on 22 March 2017.

My responses to the questions taken on notice at the hearing are below. I also attach a copy of the transcript of my appearance with annotated comments.

I trust that this information will assist the Committee.

Yours sincerely

A handwritten signature in black ink that reads "Marnie Williams".

**Ms Marnie Williams**  
Executive Director, Health and Safety

## WorkSafe's responses to questions on notice

### 1. The Committee requested a comparison of claim categories between youth justice centres and adult prisons.

A comparison of claim categories between youth justice centres and adult prisons for the years 2010-2017 is set out in the table below. This provides a breakdown of the claim categories for the adult prison system (under the Department of Justice and Regulation - DOJR) and Youth Justice Centres (under the Department of Health and Human Services - DHHS) for the period 1 January 2010 to 28 February 2017:

Claim category (mechanism of injury)	DOJR	DHHS
Falls, slips and trips	161	50
Hitting object	27	15
Being hit by moving object	148	121
Sound and pressure	11	1
Body stressing	323	118
Heat, radiation and electricity	3	0
Chemicals and substances	2	0
Biological	6	2
Mental stress factors	247	78
Other*	9	10
<b>Total claims</b>	<b>937</b>	<b>395</b>
<b>Total remuneration 2010-2017**</b>	<b>\$1755m</b>	<b>\$265m</b>

\* 'Other' includes mechanisms of injury such as: a vehicle incident, rollover or unspecified mechanisms.

\*\* In considering the claim numbers, it is important to look at the total remuneration of the 2 employers as it reflects the amount of remuneration paid to employees. This provides a sense of the relative size of each workplace. The comparison of the total remuneration for 2010-2017 shows that the DOJR adult prison system workplaces are almost eight times the size of DHHS youth justice centres. This provides some context as to why DOJR has relatively higher claim numbers.

### 2. The Committee queried the number of agency staff included in the breakdown of claim numbers provided at the hearing.

WorkSafe's records indicate that of the claims for the period 2010 to 2017, 4 were from agency staff associated with one organisation (G4S) at the Parkville and Malmsbury Youth Justice Centres.

In providing this, I note that GS4 has only been registered as a workplace at Parkville Youth Justice Centre since April 2012 and at Malmsbury Youth Justice Centre since July 2015. Before those dates WorkSafe has not identified an agency with a workplace registered at any of the youth justice centres.

Of the 4 claims received from GS4 staff, 1 claim was received in 2013, 2 claims were received in 2014 and 1 was received in 2017. The total amount in compensation payments made over that period was \$32,778 (as at 28 February 2017).

**3. The Committee requested advice on WorkSafe's understanding of the concept of security in youth justice centres.**

WorkSafe recognises that the concept of security in youth justice centres (YJCs) involves competing policy considerations.

Under Victoria's OHS laws, the Department of Health and Human Services (DHHS) must provide and maintain a working environment that is safe and without risks to health for YJC workers, so far as reasonably practicable. Complying with this duty involves identifying and eliminating any risks to the security of staff and if this is not reasonably practicable, reducing the risks so far as reasonably practicable by working through a hierarchy of risk controls and choosing appropriate risk control measures (for instance choosing systems of work to manage occupational violence based on evidence based models).

The obligation on DHHS to ensure the facilities meet occupational health and safety (OHS) laws must be balanced against the obligation to ensure young persons (clients) receive effective supervision and rehabilitation. Creating a stable environment for clients is linked to security from a workplace health and safety perspective.

As the occupational health and safety laws are risk based, it is up to DHHS to decide what risk control measures are appropriate to ensure staff safety while balancing the needs of clients. In determining what risk control measures are appropriate to adopt, DHHS must take into account any relevant information about how to eliminate safety risks. I note that there are a range of expert opinions on how to achieve greater security in the centres. These include different approaches to creating a more stable environment. As I noted at the hearing, DHHS has drawn on a range of information to assist it in meeting its OHS obligations, for instance, by implementing a number of recommendations from the Report by Peter Muir. However, it is clear that the system still requires improvements.

WorkSafe is primarily concerned with the health and safety of staff in youth justice centres. However, in considering if occupational health and safety obligations are being met, WorkSafe does have regard to what is reasonably practicable for the duty holder. This involves consideration of the resources available to DHHS and any competing obligations to ensure staff and client safety and security. WorkSafe appreciates that YJCs are challenging and complex workplaces. We encourage DHHS to continue to proactively address OHS risks by adopting measures that balance the need to create greater stability among clients.

**4. The Committee requested a breakdown of the number of provisional notices (PINs) issued at youth justice centres.**

As I noted at the hearing, WorkSafe does not record the number of PINS issued by health and safety representatives to DHHS at YJCs. WorkSafe will only have access to any PINs that have been disputed by the DHHS. I can however, confirm that between the period 1 January 2010 to 20 March 2017 there have been no disputed PINs for YJCs.

**5. In regards to an incident that occurred at Parkville Youth Justice Centre on 18 August 2016, the Committee queried whether the matter remains ongoing.**

WorkSafe's response to the incident that occurred at Parkville Youth Justice Centre (YJC) on 18 August 2016 is complete. A WorkSafe inspector attended the Parkville YJC on 19 September 2016 to respond to the reported incident. At the time, WorkSafe was advised that the incident had been investigated and as a result, one of the employees had been terminated and the other had been 'stood down'. WorkSafe was advised that Victoria Police are in charge of the ongoing management of this incident.