

TRANSCRIPT

STANDING COMMITTEE ON LEGAL AND SOCIAL ISSUES

Inquiry into youth justice centres in Victoria

Melbourne — 30 May 2017

Members

Ms Margaret Fitzherbert — Chair

Ms Nina Springle — Deputy Chair

Mr Daniel Mulino

Mr Edward O'Donohue

Ms Fiona Patten

Mrs Inga Peulich

Mr Adem Somyurek

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Mr Greg Barber

Ms Georgie Crozier

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Ms Colleen Hartland

Mr Gordon Rich-Phillips

Witness

Mr Brendan Murray.

The CHAIR — Welcome, everybody, to this public hearing. Thank you for coming along today to give evidence, Mr Murray, and welcome. All evidence taken at this hearing is protected by parliamentary privilege. Therefore you are protected against any action from what you say here today, but if you go outside and repeat the same things, those comments may not be protected by this privilege.

I note that yesterday you sent around an opening statement, which has been given to all members of the committee. I believe we have all read it. Thank you for providing that. Can I ask: do you want that to be admitted into transcript as your statement?

Mr MURRAY — Yes.

The CHAIR — Okay; thank you. Given that it has been read, I do not know that you need to dwell on the contents of it, but if there is any brief opening statement that you would like to make, please feel free.

Mr MURRAY — I think everything is contained in that statement.

The CHAIR — Certainly. In that case I may just open up to questions.

Ms CROZIER — Thank you very much, Mr Murray, for being before us this morning. Would you just explain to the committee the genesis of the Parkville College? I note that you oversaw it in your opening statement that you have provided to us, but just give us an understanding of how it worked and, in your view, what the circumstances were for you to leave earlier in the year.

Mr MURRAY — Okay. Start with the genesis of Parkville College?

Ms CROZIER — Yes. I am just trying to establish the deterioration of Parkville, if you think that is what has occurred.

Mr MURRAY — Yes. Parkville College was established formally in 2013. In 2011 there was an agreement with the government and the Department of Education and Early Childhood Development and the Department of Human Services at that time that a government school would be established to provide school-based education for all children detained in custody in Victoria.

Prior to that there was a 2010 Ombudsman's report into the conditions at Melbourne youth justice precinct, and there were three recommendations pertaining directly to education. Children in remand were not receiving education formally, children under the age of 14 — 14 and under — were receiving four days of education and TAFE providers were providing education to sentenced children and young people at Parkville and Malmsbury, but it certainly was not meeting legislative requirements.

The idea of the school was to enhance education and rehabilitation and to recognise that children within youth justice had been out of the education system for a long time, and it was believed that providing them with more education and top-quality education would be in their best interests and in the best interests of the state.

Ms CROZIER — And on that, what were the results that were obtained for those young people who were attending Parkville College?

Mr MURRAY — With Parkville College, I do not have all the records with me. In our first year of operation, in a way we ran a pilot education school in 2012, because the government at the time recognised that children in remand were not receiving anything and wanted to move quickly on that, so we agreed to provide education for 51 kids in remand while we were establishing the school. We had our first young person complete year 12 in that year.

In 2016 Parkville College students completed 436 VCAL units, the Victorian certificate of applied learning, towards their years 10, 11 and 12. That is commonplace now for children to complete senior secondary school.

Ms CROZIER — What was some of the feedback from those young people that were attending Parkville College — every level of it?

Mr MURRAY — I am going to be biased in my response, but perhaps it is best to point to the Commission for Children and Young People. They take feedback from young people and children detained in custody as part

of their exit plans. I think the last statistic that I read was somewhere in the vicinity of 80 per cent of children and young people described their experience as positive with education, enjoyed going to school and believed that it assisted them. About 10 per cent were ambivalent and 10 per cent said they did not like it, roughly.

Ms CROZIER — So has Parkville College been operating effectively in the past 12 months?

Mr MURRAY — Not as effectively as I would like, but we still plough on.

Ms CROZIER — Can you just elaborate a little bit to the committee why it has not been effective?

Mr MURRAY — Well, I am sure the committee would be familiar with reports tabled by the Ombudsman and the principal commissioner from CCYP that have outlined that there have been extensive excessive lockdowns. It was a continual struggle for the last year and perhaps more to get detainees to attend school.

Ms CROZIER — Why?

Mr MURRAY — I cannot exactly say, but I have said that within my opening statement that — —

The CHAIR — Would you like a copy of that?

Mr MURRAY — Yes, thanks. I would put it down to incompetence.

Ms CROZIER — Incompetence by whom, though?

Mr MURRAY — Not the staff on the floor. I think they have had an enormous struggle, but in the governance and administration of facilities.

Ms CROZIER — Is that because there has been significant disruption to the facilities over the last 18 months or so where there has been huge amounts of incidents that have related to that disruptive process but also the throughput of staff? I am just trying to understand what the issue is in terms of why the college is not effectively working.

Mr MURRAY — My opinion is that there was expansion to Malmsbury secure. The secure services took over both secure welfares — they took over Fairfield Disability Forensic Assessment and Treatment Service — and that the quality staff could not be spread. We saw that with Grevillea as well. While staff went down to Grevillea we had increased incidents at Malmsbury. So a small pool of top-quality staff were spread thinly and I do not believe there was sufficient effort towards the recruitment and development of qualified staff.

Ms CROZIER — If I could, Chair, just to follow up on that, in terms of the quality of staff that you refer to, and the staff who had the ability to perhaps manage these young offenders were spread too thinly across the three facilities is what I gather you are saying — —

Mr MURRAY — Yes. Well, across a few because secure services took over both secure welfares, Fairfield and Malmsbury expanded, and there became a reliance on agency and casual staff.

Ms CROZIER — How much reliance on casual and agency staff?

Mr MURRAY — I really do not know the numbers well enough.

Ms CROZIER — But significant numbers?

Mr MURRAY — Absolutely.

The CHAIR — I have a question about the provision of educational services at Grevillea. The committee has been to Malmsbury and Parkville, although we were not allowed to see all parts of Parkville; and Ms Crozier and I went to Grevillea a couple of weeks ago. Ms Springle was supposed to come with us but was unable to do so. We were shown the main part of the main building and were told that that was set up with couches and that was where education used to happen. Was that an adequate set-up from your perspective?

Mr MURRAY — No.

The CHAIR — Why is that?

Mr MURRAY — As you would know from Grevillea, there is just a hall with cells that open onto it. So no, it is not the optimum space for education.

The CHAIR — So what else was happening in that space when lessons were trying to be conducted?

Mr MURRAY — Any manner of things would occur there — legal appointments, medical appointments. There was a lot of traffic coming through that area.

The CHAIR — Thank you. I wanted to ask also about some comments that were attributed to you in the *Age* of 4 April, last month, and I will just read the section:

Murray also claims he was pressured by education department officials to tell a court hearing that education could be adequately delivered at Barwon, despite his belief to the contrary.

And a direct quote from you is given:

‘I was told what the department would like the Supreme Court to hear and what the department wouldn’t like the Supreme Court to hear’, says Murray of conversations he had with two senior department officers in the three days before he was called to testify at a December hearing.

I will note out of fairness that an education department spokesman has strongly rejected that suggestion, but I am interested in hearing more about that incident and in particular who it is that said this to you.

Mr MURRAY — I was contacted on the Friday evening prior to providing evidence in the Supreme Court on Monday morning. So I was contacted on 9 December between about 5.30 and 6 o’clock in the evening by the Secretary of the Department of Education and Training and an executive director within the Department of Education and Training, who I also believe has had a function as an adviser to Minister Merlino.

The CHAIR — Are you prepared to give the names of these people?

Mr MURRAY — I have parliamentary privilege?

The CHAIR — You do.

Mr MURRAY — The Secretary of the Department of Education and Training is Gill Callister and the executive director within the department is Stephen Fraser.

The CHAIR — When you say you were contacted by them, was it a conference call that they were both part of?

Mr MURRAY — Yes.

The CHAIR — And could you tell us about the conversation?

Mr MURRAY — The conversation opened under the guise of discussing a memorandum of understanding about the way in which Parkville College could provide education at the Grevillea youth justice centre. It was about a 25 minute conversation that then moved into an attempt to convince me — I think is the best way to describe it — that we could lawfully provide qualifications and accreditation at Grevillea that were equal to what could be provided at Malmsbury and Parkville.

The CHAIR — What did you say?

Mr MURRAY — I said that that could not be the case and I understand the law. I had a follow-up call on the Sunday from Stephen Fraser to again convince me that recognition of prior learning could be achieved for children that were not attending a school and at a non-registered campus. But again I pointed him to the documents and to the act and said that that is not the case and that is not what I would be saying in court the next day.

The CHAIR — Were you given instructions as to what you should say in court?

Mr MURRAY — No, I was not given instructions. I was told what would be important to be said and certainly what the department would like me to say.

Ms CROZIER — That is not an instruction?

Mr MURRAY — It was not a directive, but close enough.

The CHAIR — Were you warned of any consequences if you did not say what they wanted?

Mr MURRAY — I was alerted in the Sunday phone call that it would be likely that the Department of Health and Human Services could cease to operate youth justice facilities and that it was likely that the department of justice and corrections could take that over, and that being the case the school funding that I had been arguing for for quite a few years could not be confirmed because justice or corrections may go with another education model.

The CHAIR — How would you characterise the timing of telling you that information?

Mr MURRAY — It was clearly linked for me to evidence that I would be providing in the Supreme Court.

The CHAIR — I understand that you no longer work at Parkville College.

Mr MURRAY — That is correct.

The CHAIR — Are you able to tell us about the circumstances of your departure from that role?

Mr MURRAY — I made a decision on 21 December after the Supreme Court finding that I would no longer work for the Department of Education and Training. I spoke to Stephen Fraser on that day and I told him that I believed that the Supreme Court was misled and that I could not be a party to working in education anymore. I went on holiday after that, maybe the next day, and returned on 9 January. I received a letter to say that the school had been afforded full funding and that a deficit of \$6 million to \$7 million that was hanging over my head had been wiped, and on the Tuesday I received a phone call asking me to hand in my keys and swipes because I was being investigated for misconduct.

The CHAIR — And what was the nature of the misconduct that was being investigated?

Mr MURRAY — The misconduct was that it was alleged that I had provided an email to the Human Rights Law Centre on the day of the stay application in the court on the 21st that alerted the plaintiffs to the fact that there were beds within the youth justice facility and I had done this without approval from any superiors.

The CHAIR — Right. What was the potential consequence of that form of misconduct?

Mr MURRAY — I am not sure. I was a subpoenaed witness of the Supreme Court. It was my understanding that I had acted lawfully in providing an affidavit and an attached email to the court prior to going on the stand.

The CHAIR — So can I just clarify: you had been subpoenaed?

Mr MURRAY — Yes.

The CHAIR — In response to that you provided an affidavit?

Mr MURRAY — Yes.

The CHAIR — And attached to that there was an email in support evidence of what you said in your affidavit; is that the case?

Mr MURRAY — Yes.

The CHAIR — And that was considered misconduct?

Mr MURRAY — And that was filed. As far as I know, that email was, I think it is called, tendered by the Victorian Government Solicitor. I understood that I had done the right thing. I think the contention was that I had voluntarily provided information that I should not have. Once I provided the information I alerted my

DHHS colleague that that email was in play to the director of secure services, who was questioned about it on the stand, and then I was questioned about the availability of beds on the stand in the Supreme Court.

The CHAIR — I have one further avenue that I want to pursue — that is, you said earlier that you believed the Supreme Court had been misled. Would you mind explaining what you mean by that?

Mr MURRAY — Yes. The Supreme Court was told that no secure beds were available for children and young people within our youth justice system after a riot that had occurred at Parkville and that Grevillea was the only option for emergency accommodation. I understood, and I knew it to be true, that one of the secure units at Malmsbury, known as Admissions, was full of young people who were occupying secure beds and so the Supreme Court was told that the secure beds there were full. But those same young people were allowed out into the minimum security facility each day to attend school and to attend the gym because they were deemed to be of low risk internally. Therefore they could have occupied one of the up to 40 available beds in the open Malmsbury facility. That was established in the Supreme Court — that there were 30 to 40 beds available, but that they were not the right level of security for children and young people detained in Grevillea. That was true, but it was like a sleight-of-hand trick that if children and young people in the Admissions unit are able to walk freely in minimum-security, what that meant for five years previous was that they could occupy beds within the open facility once they became available, and that was not the case during the Supreme Court trial.

The CHAIR — In relation to that, also in the *Age* article of 4 April, it said that you were party to internal discussions about how to avoid using Barwon.

Mr MURRAY — Yes.

The CHAIR — Are you able to tell us about that?

Mr MURRAY — Yes. I had meetings in preparation for the decision handed down by the Supreme Court.

The CHAIR — Which decision?

Mr MURRAY — Sorry, the first one around — so that was in ‘Certain Children’, I think it is called — so it was handed down on the 21st. In the week preceding I had a meeting with James McCann, who would have been second in charge to Ian Lanyon within secure services at that time. We discussed that children could be returned to Admissions from Grevillea as an option and that they would be secure within there and that those within Admissions, who were able to walk within the open facility during the daytime, could go into the Coliban unit, for example, which was vacant throughout that period.

The CHAIR — But was there any actual suggestion that that should not be made clear to the court? Was it implied it should not be made clear to the court?

Mr MURRAY — No, that was not implied to me, but clearly, while I was in the Supreme Court, Justice Garde was discussing interstate options for children, and the Supreme Court was being told that there certainly are no secure options for children and young people in custody within youth justice facilities.

Ms SPRINGLE — You talked about the fact that there were potentially 40 vacant beds at Malmsbury in a unit that perhaps was not deemed to be secure enough. In your opinion, do you think there was an option to heighten the security around those units to — —

Mr MURRAY — Of course. So Coliban was empty at this period. I am pretty sure the house between Lauriston and Coliban was empty. And what we call the ISA, four bedrooms behind Coliban, are believed to have been empty at the time, and not all beds were full in other secure areas like Ulabara. I am not an expert in this area, but I saw a massive amount of work around the clock at Grevillea. Every room was refitted with plumbing — toilets. There were porcelain toilets that had to be refitted. It had to meet standards for youth. I would think that a fence, which I have seen go up pretty quickly, could have gone around those units if you wanted to use them as secure facilities.

Ms SPRINGLE — And do you have any thoughts about why that was not taken up as an option?

Mr MURRAY — I can only speculate, but I do not think it was in the best interests of children and young people that Grevillea was selected above using lawfully created youth justice centres. I would think it is because

there must have been an acceptance that they could not control the good order of facilities and there was potential for more rioting and damage, and there had been a fairly recent escape from Malmsbury. So I think there was quite a bit of pressure to come up with something where there was some more assistance potentially from corrections.

Ms SPRINGLE — Right. And do you know of any other alternatives to Grevillea that could have been a possibility other than those empty beds at Malmsbury?

Mr MURRAY — I know where there was empty beds within the secure services. I know that Ascot Vale boys secure was not full. I know that there are a couple of units at Fairfield that were empty. Whether or not they would be appropriate, that is really not for me to say. I can say that a secure unit like Admissions at Malmsbury would have saved the state from going down the line of Grevillea.

Ms SPRINGLE — Yes, but it is fair to say that in any of those facilities where the conditions may not have been 100 per cent appropriate according to the department, similar sorts of work could have been done on those facilities that was done at Grevillea in the time frame?

Mr MURRAY — Yes, and the added bonus would have been that developmental needs for children would have been met and human rights would not have been breached as they were at Grevillea.

Ms SPRINGLE — Yes, and I guess on that, it is sort of a segue into some of the information in your statement around assessment of developmental needs and how that is administered within the facilities. You sort of imply that by and large there is a lot of activity that is not meeting the obligations of the act. Can you unpack that a little bit for us?

Mr MURRAY — I think that what became clear through the Supreme Court cases was that the government and departments overseeing youth justice were described as flying blind and providing lip-service. There did not seem to be a very good understanding of the Act and the paramount principle of best interest for children. That was at the highest level.

Ms CROZIER — Which level?

Ms SPRINGLE — The highest level.

Ms CROZIER — The minister?

Mr MURRAY — I would think so, yes. And I would think that all the way down it is difficult for people on the ground to have a very strong understanding of principles that they must work by if the people above them do not know what they are.

Ms SPRINGLE — Yes. You have mentioned that there was another educational model under the department of justice being mooted.

Mr MURRAY — Yes.

Ms SPRINGLE — Can you elaborate a little on that?

Mr MURRAY — I cannot really, but within the department of justice I would confidently say that it is TAFE models that run under the department of justice through contractual arrangements.

Ms SPRINGLE — And that would be instead of Parkville College?

Mr MURRAY — I would imagine so. That could happen, yes. I do not think there is a guarantee from any sort of preliminary business plan that Parkville College would be extended to operate in any new facility. That would be at the discretion I imagine of the government and the departments.

Ms SPRINGLE — This morning we heard evidence from the CPSU and the police association that there is a need for additional capacity to restrain young people when they exhibit violent behaviour. What are your thoughts on that, and is that something that you ever experienced in your work as an educator in the facilities?

Mr MURRAY — There is a need to restrain detainees when the good order of the facility is compromised. Unfortunately that has been relied upon too much, I think, because there has been such a disruption to the good order over a period of time. I would hope that, as I outlined, if you had a competent authority that followed international guidelines, had inspections, strong training and recruitment of carefully selected, suitably qualified staff, that it diminishes the need for restraint. But there will always be a need for security and containment.

Ms SPRINGLE — Thank you.

Ms SYMES — Thank you for coming along today. I was just wanting to clarify a little bit just in relation to your parting of ways with the employment, because you talked about an alleged leak of an email that you later confirmed you did send. And then I am a little unclear whether you thought that it was appropriate or not to send that email. I am just not clear whether you resigned or you were dismissed.

Mr MURRAY — I resigned. I will just go through them. Whether or not it was appropriate to send the email — yes, it was. It was appropriate to give the Supreme Court the information it needed to make a decision. And what was the first one? It was alleged that I had engaged in misconduct. That is what I was being suspended for. I was not asked if that was part of an affidavit that was submitted to the court.

Ms SYMES — So you were aware that there was an investigation of alleged misconduct then?

Mr MURRAY — On 10 January I was.

Ms SYMES — And what date was your resignation?

Mr MURRAY — In March.

Ms SYMES — Okay, sorry. So 21 December was when you decided to resign?

Mr MURRAY — I told my superior, I suppose, that I could not do this anymore and that when I got back I would need to submit a resignation and look at succession planning for the school. But I did not have that opportunity because I was stood down pending an investigation. If I had resigned without the investigation running its course, then it was open that the statutory authority — the Victorian Institute of Teaching — would not allow me to teach within Victoria until that complaint had been investigated.

Ms SYMES — Right. And was your resignation subject to a mutual termination — a payout? Did you seek a payout or anything like that?

Mr MURRAY — I received money — back pay because I was underpaid for four years — but I did not receive a payout for the future.

Ms SYMES — Did you seek a payout?

Mr MURRAY — No.

Ms SYMES — So it was not a mutual termination. You just resigned and got your owed entitlements without further discussion about anything that you might be owed?

Mr MURRAY — Yes, after I was cleared — the moment that I was cleared of not engaging in misconduct — I resigned.

Ms SYMES — Right, and the date again?

Mr MURRAY — Around about 10 March.

Ms SYMES — Thank you.

Mr MULINO — You have made some claims about what might have been possible in Malmsbury in terms of the use of certain beds that might have been available. Would you acknowledge that some of the judgements around — —

The CHAIR — Excuse me, Mr Mulino. Could you just move the microphone?

Mr MULINO — You have made certain claims about what you thought could have been done at Malmsbury to shift people around or reconfigure certain arrangements. Would you acknowledge that there are a lot of complex considerations when it comes to where to put people in terms of remand and non-remand, people with different security ratings, that there are certain legislative restrictions, that it is a complicated area that does involve a lot of technical restrictions but also some judgement?

Mr MURRAY — I have worked in there for five years but it is not my area of expertise. But I had these discussions with people that were making these decisions, and I was informed by those people as well that this was possible.

Mr MULINO — In terms of what you are giving evidence on, clearly you are an exceptional teacher and you are an expert in pedagogy, but, as you said yourself, this is not your area of expertise. So it is really based upon your discussions with a range of people who may or may not be experts in this area and then you gleaning from them certain things. I just wanted to clarify that it is a very technical area.

Mr MURRAY — Yes.

Mr MULINO — And it is an area of some contention. Different people have come to different conclusions. Just in terms of your judgements as to what may or may not have been possible in terms of reconfiguring that facility, your expertise is really in the teaching and the pedagogy, not in these kinds of judgements.

Mr MURRAY — Yes. I base my opinion on discussions with decision-makers who were making transfer decisions within the Department of Health and Human Services, so let us say second and third in charge.

Mr MULINO — Sure. But in a sense we are probably better placed to question them directly on those kinds of issues.

Mr MURRAY — I was not questioning them. They were speaking with me out of concern as well about staff being moved to Grevillea and making it more difficult for them at other facilities when that did not have to happen. I understand — —

Mr MULINO — I guess I am just saying in a sense it is your assessment of what they are saying to you. It is not direct expertise on these areas.

Mr MURRAY — I do not know how to answer that. I did not work for the Department of Health and Human Services, so it was not my job to transfer children, but those that were transferring and making those decisions certainly helped form my belief that those areas could have been used, and there are people in this room right now who would attest to that who are former workers there, and everyone knows that at Malmsbury.

Mr MULINO — Another issue is the operation of Parkville. I think you indicated that it been operating under a deficit for some period.

Mr MURRAY — Parkville College?

Mr MULINO — Yes, Parkville College. So how long had that been the case?

Mr MURRAY — It did not become apparent until about the end of 2013, 2014.

Mr MULINO — Right. But it may have been in deficit before that?

Mr MURRAY — Yes, but it was not visible until that time.

Mr MULINO — And you described it as a cloud over Parkville College. It is obviously not good for an institution to have a financial deficit.

Mr MURRAY — I would say that that is potentially the largest deficit that a Victorian government school has carried.

Mr MULINO — And that has now been remedied?

Mr MURRAY — Yes.

Mr MULINO — I just want to clarify: you have raised a range of queries here about the department and its operations in a range of different areas, and you have raised that in the public realm in a range of different ways. I am just wondering, in what ways did you formally raise that with your line manager in the department, and were their formal communications from you up the chain of command before that went public?

Mr MURRAY — Yes.

Mr MULINO — So that was with your line manager at first instance and then to the department?

Mr MURRAY — Yes.

Mr MULINO — Okay. And is that documented?

Mr MURRAY — Yes.

The CHAIR — I just want to clarify in relation to the email that has been the subject of some discussion today: who was the email to; and what was it about?

Mr MURRAY — The email came from the Department of Health and Human Services. It was on the morning of the decision for the Supreme Court hearing on 21 December. It outlined what beds detainees from Grevillea would be moved to on that day if the decision was made by the Supreme Court that children had to return to Parkville and Malmsbury.

The CHAIR — Okay. Had you been a recipient of that email?

Mr MURRAY — I would have been the second recipient. It was sent to a staff member beneath me in my line of management who then forwarded that on to me, which is sort of normal practice for daily decision-making and transfer movements.

The CHAIR — That makes sense.

Ms SYMES — On that email, when I asked you before about whether you thought it was appropriate or not to send it and you said that you thought it was appropriate because it was tied up with the court case, how do you reconcile that with the statutory declaration that you made saying that you do not think you should have sent it?

Mr MURRAY — I think that I did the right thing in sending it.

Ms SYMES — Do you want me to remind you of your stat dec?

Mr MURRAY — No, I know that. What did I say?

Ms SYMES —

Looking back on the matter, I should have done the following things:

...

(b) not sent the email to Ms Barson at HRLC even if I believed that she had already sent it and even if it might figure in the evidence that I was going to give.

Mr MURRAY — I wish that I had not done that so that I did not have to go through all of this. I wish that I had just been asked on the stand, but I thought I was doing the right thing in providing that information to the court. The Human Rights Law Centre were already aware of that. I understood for myself that what I was doing with an affidavit and an email was, rather than it just being sort of questioned on the stand, that I would provide everyone with that information. But yes, I certainly do wish that I did not do that. But yes — can I just say this — it was the right thing to do.

The CHAIR — Just on that, in terms of providing the email, it was provided in the context of an affidavit and as an attachment to that affidavit; is that not the case?

Mr MURRAY — That is how I understood it.

The CHAIR — When you had been subpoenaed by the court?

Mr MURRAY — Yes, but I do not think the affidavit was filed, for whatever reason. I do not know.

Ms CROZIER — Mr Murray, I just want to go back to that deficit point that you alluded to in relation to the running of Parkville College. You said it was around, I think, \$6 million to \$7 million.

Mr MURRAY — I think so.

Ms CROZIER — From the last — —

Mr MURRAY — I think so.

Ms CROZIER — Yes. So in 2013 it was not at that level — \$6 million to \$7 million. It had been accumulating, I understand?

Mr MURRAY — Yes.

Ms CROZIER — And then you said in the conversations you had with the Department of Education and Training over a number of days all of a sudden that deficit had been waived; is that correct?

Mr MURRAY — As far as I know, I received in writing on 9 January that the deficit was wiped.

Ms CROZIER — Why do you think that was the case if the department had known about a deficit for almost four years?

Mr MURRAY — I do not know.

Ms CROZIER — Were you being coerced?

Mr MURRAY — I am not sure.

Ms CROZIER — Did you feel like you were?

Mr MURRAY — I was certainly worried about funding. I wanted funding to be resolved before I provided evidence at the Supreme Court. I had requested that.

Ms CROZIER — How many times had you requested it?

Mr MURRAY — How many times had I requested the funding to be resolved, I could not say. Many, many times. Prior to providing evidence at the Supreme Court, a few times.

Ms CROZIER — It just seems a little curious that that resolution was achieved after you had asked many, many times just prior to you appearing before the court. I just think it is curious in terms of the situation. Do you agree the department's actions to resolve it at that point in time as being curious also?

Mr MURRAY — I am glad that it is resolved. It was an unwanted pressure for me. But I am not sure.

Ms CROZIER — Okay. Can I just go to a completely different point? You have suggested that there was a selection panel process, which the minister has confirmed actually in the Parliament, undertaken to have certain offenders removed from Parkville post the November riots into Grevillea. Do you know how many actual rioters were removed to Grevillea post the riots in November of last year — that were directly involved in the riots?

Mr MURRAY — During my time, so in December, I understood there to be no children detained in custody that were involved in the riots.

Ms CROZIER — Can I just have that clarification? All those children that you say were in Grevillea were not involved in the riots in November?

Mr MURRAY — Yes, as I understood it.

Ms CROZIER — Do you understand how the government came to decide to remove those children to Grevillea?

Mr MURRAY — A decision was made that it would be a remand centre and that that would be 16 and 17-year-olds. There were decisions made, which are in the Supreme Court judgement and in the transcripts, that children under 15 would not be sentenced and the children would not be girls. So decisions were made about what would be the appropriate cohort to go in. I can only speculate, I am not an expert in this, that seven children were put up to the Youth Parole Board for disrupting the good order to be transferred to adult prison. Of those seven, none of them went through to adult prison. I can only guess that decisions were made not to circumvent the law or that remandee children might only be in there for a short time so they might be the best population to go in there.

Ms CROZIER — And who was involved — —

Mr MULINO — On a point of order, Chair, is it the best use of our time to ask witnesses questions clearly beyond their expertise where they are having to speculate and guess?

The CHAIR — I think it is a reasonable question.

Ms CROZIER — The minister refused to answer it in the house and I am trying to get some clarification about what Mr Murray knows, Mr Mulino, and I will ask again in terms of what Mr Murray does know. In terms of that selection process and who was involved in it, do you know who was involved in the selection process?

Mr MURRAY — I cannot say exactly who was on the decision-making panel. I think it was called the client movement panel, which is documented within the Supreme Court judgement. At those times it clearly outlines who exactly was making decisions. It talks about the context I think of the decisions being made, but I cannot remember off the top of my head who they were.

Ms CROZIER — I am sure the committee can find out who was on that panel. Thank you very much.

Ms SPRINGLE — I am just going to move away from all of that. I would like to just ask you about a more operational matter in terms of Parkville College and what the approach was to trauma-informed responses and behaviour management of the kids within that educational setting, and perhaps how it varied to your knowledge to the practice within other parts of the centres.

Mr MURRAY — It was an evidence-based, trauma-informed approach and what we focused on was a shared and consistent model using Attachment Theory from John Bowlby and creating positive relationships using the Carl Rogers theory. The behaviour management cannot be delegated to anyone else. So it always sat within the Department of Health and Human Services in my time and now with justice, so any sort of intervention on behaviour sits with operational staff, not schoolteachers.

But in saying that, we spent an enormous amount of time in training our staff to not take things personally, to see the child and not the behaviour, to work towards social integration, to try and reduce future victims, to get kids to complete their schoolwork. I could go on and on forever. How it was different — I think that what you are seeing is a lot of inconsistent behaviour depending on who was there at the time and how they operated. We just had a really sharp focus: weekly supervisions, weekly training. I personally carefully selected staff to make sure they were well-qualified and we supported them incredibly well.

Ms SPRINGLE — Are there operational staff within the educational facility, or is it only educational staff?

Mr MURRAY — The Department of Health and Human Services, and now Justice, are always with children. Always moving, yes, always.

Ms SPRINGLE — Right. They are there within Parkville College?

Mr MURRAY — Yes.

Ms SPRINGLE — Were there violent incidents regularly within the college?

Mr MURRAY — There are violent incidents There have been critical incidents aplenty. Parkville College staff have only been involved in a few incidents over five years, but in saying that, there is an incredibly difficult task I think — almost beyond what is reasonable to expect from operational staff — to turn the keys and offer hope, to restrain a kid and then direct them towards a more positive future. I think that that is almost an impossible challenge. In saying that, incidents of violence are not going to be directed towards Parkville College staff teachers because we are, for want of a better word, not the jailer in the mind of the child.

Ms SPRINGLE — And in your view do you think that there are practices could be put in place — training, education of staff — that would minimise that jailer/inmate relationship to an extent?

Mr MURRAY — I think that the training and education of operational staff — the selection, their training and development needs a lot of work. But I also think perhaps there is a different model that could be pursued where what is the SERT team, for example, that you would have just heard of, is operating as the security of the place and operational staff being youth workers. I think there is a lot of confusion for staff that have worked on the floors. Are they a youth worker or are they a prison guard? And it is very difficult in very complex moments for them to know what to do.

Ms SPRINGLE — Thank you.

The CHAIR — I think we are going to have to wrap it up here as we are nearly out of time. Is there anything further you would like to say today?

Mr MURRAY — No, I do not think so.

The CHAIR — On behalf of the committee, I thank you very much for your time today and for the evidence you have given. You will be provided with a transcript of the evidence you have given today for checking within a few weeks.

Mr MURRAY — Thanks.

Witness withdrew.