

2016-17 Financial and Performance Outcomes Inquiry Hearings

Department of Justice and Regulation Response to Questions on Notice

1. With regards to sex offending, what were the crime statistics for the 2016-17 financial year?

(Asked by Ms Shing, pages 4-5 of the Department of Justice and Regulation portfolio transcript)

The number of sexual offences reported in the 2016-17 financial year is 13,499. According to the Crime Statistics Agency data the percentage change from 2015-16 to 2016-17 financial year was a 6.6% increase.

This information is Crime Statistics Agency data and was reported in the 2016-2017 Victoria Police Annual Report.

2. With reference to the residential tenancy reforms:

- a. Has the department done any modelling with regard to the likely effect of the proposed reforms?
- b. Has the department done any modelling in terms of the impact on rentals that the introduction of these changes might bring about?

(Asked by Mr Morris, page 6 of the Department of Justice and Regulation portfolio transcript)

Yes. CAV has undertaken modelling in the form of a rigorous cost benefit analysis of the reform package. This modelling is cabinet in confidence.

CAV has made available market research, which was used to inform the reform options that were released in January 2017 for public consultation. The research is accessible through the engage.vic.gov.au/fairersaferhousing site and underscores the views of landlords, tenants and property managers, which were used to ensure that the reforms were anchored to real-life experiences and preferences rather than an academic or abstract view of the market.

3. How long have each of the membership positions of the Sex Work Ministerial Advisory Committee been vacant during the 2016-17 financial period?

(Asked by Mr Morris, page 6 of the Department of Justice and Regulation portfolio transcript)

Sex Work Ministerial Advisory Committee

The immediate past appointees, their dates of appointment and the expiry of those appointments is detailed in the table below:

Name	Date of appointment	Expiry of appointment
Mr Clem Newton-Brown MP / chair	18/10/2011	17/10/2016 (resigned 2014)
Mr Nicholas Costello	07/10/2013	19/11/2016
Ms Raewyn Marshall	07/10/2013	19/11/2016

Name	Date of appointment	Expiry of appointment
Ms Michele Leonard	07/10/2013	19/11/2016
Ms Shirley Bennets	14/02/2012	13/02/2015
Dep Sup Rodney Journing (Victoria Police)	07/02/2012	06/02/2015
Ms Susan White	07/02/2012	06/02/2015
Dr Renata Alexander	07/02/2012	06/02/2015
Dr Beatrice Loff	18/10/2011	17/10/2014
Ms Bernadette McMenamin AO	26/10/2010	25/10/2013

4. Please provide information on the volume of illicit substances and the number of firearms that have been seized during the 2016-17 reporting period.

(Asked by Ms Shing, page 12 of the Department of Justice and Regulation portfolio transcript)

Illicit Substances

The Australian Criminal Intelligence Commission (ACIC) publishes the Illicit Drug Data report annually. Victoria Police provides data annually along with all state and territory police services, the Australian Federal Police, the Department of Immigration and Border Protection, state and territory forensic laboratories and research centres.

The 2016-17 report has not been released however, Victoria Police have worked with ACIC to provide the Victoria Police data prior to the release date.

Victoria Police Seizure Production Report 2016-17

Drug Category	Seizures (no.)	Weight (gms)
Amphetamine-type substances	1,976	64,179.92
Cannabis	3,328	2,333,345.35
Cocaine	187	14,931.25
Hallucinogens	15	132.43
Heroin	283	4,327.42
Other opioids	1	0.02
Steroids	0	0.00
Other and unknown drugs	426	1,274,464.63
Total	6,216	3,691,381.02

Data sourced from Illicit Drug Data Report (IDDR) 2016/17 from Australian Crime and Intelligence Commission (ACIC)

Please note:

- the above table is sourced from the IDDR production report that was produced on 1 November 2017
- data contained in the above table is specific to Victoria Police data supplied from LEAP to ACIC and does not include AFP data

- data may not include joint operations conducted by AFP and Victoria Police
- drug weights are based on LEAP report and subject to variation
- ACIC expects to publish 2016/17 IDDR report in July 2018
- Further explanatory notes in relation to these statistics can be found in 'Statistics' chapter in IDDR report

Firearms

Police come into the possession of firearms in a multitude of circumstances. This can include through the recovery of abandoned or stolen property, the acceptance of firearms for destruction, suspension and seizure of firearm licences, as well as the seizure of firearms through investigative outcomes. In some situations seized firearms may be returned to licenced owners.

The total number of firearms recorded as being seized by Victoria Police during 2016-17 is 5,605. This includes firearms seized under legislative requirements, as well as those located in a Search Warrant and related to a Coroner's Inquest.

Please note:

- this information has been extracted from the Victoria Police Property and Laboratory Management (PALM) application on 20/04/2018
- this information does not include any weapons not reported as seized in PALM or any weapons not classified as seizures

5. Please provide information in relation to firearm prohibition orders and the extent to which online organised crime has also been the subject of Victoria Police attention and/or the collaborative attentions with the Australian Federal Police.

(Asked by Ms Shing, page 12 of the Department of Justice and Regulation portfolio transcript)

The *Firearms Amendment Act 2018* amends the *Firearms Act 1996* (the act) to provide for a new firearm prohibition order (FPO) scheme. At the time of writing, the FPO scheme was scheduled to be proclaimed in early May.

A FPO is a discretionary order made by the Chief Commissioner of Police (or his/her delegate) prohibiting an individual from acquiring, possessing, carrying or using any firearm or related item. The orders will have a set duration of 10 years for persons over the age of 18 years and five years for a person aged 14 to 18.

The government's expectation is that Victoria Police uses these orders to focus on serious criminal activity. Police will be using the orders to combat serious and organised crime including: persons who are radicalised and pose a threat to the community; youth offenders involved in serious criminal activity; and networked offending.

Victoria Police has both public and discreet partnerships with the Australian Federal Police which are focused on the disruption of organised criminal activity occurring online. Integrating with other agencies allows Victoria Police to expand its scope of intelligence and gain valuable knowledge in relation to serious and organised crime, particularly with regards to weapons and drug offences happening across the country.

6. Please provide information in relation to:

- a. drugs and firearms trading/trafficking as well as other illegal activities on the dark web
- b. how Victoria Police is working with the Australian Federal Police to disrupt these dark web activities

(Asked by Ms Shing, page 13 of the Department of Justice and Regulation portfolio transcript)

a. Drugs and firearms trading/trafficking as well as other illegal activities on the dark web,

Victoria Police is witnessing significant illegal activity on the dark web relating to a range of criminal offending including identity theft, firearm trade, fraud and the distribution of child abuse material. The dark web and other online marketplaces have provided significant opportunity for the procurement of illicit and pharmaceutical drugs. The digitalisation of drug markets through the creation of dark web marketplaces, crypto-currencies and freely available encrypted communication systems has significantly disrupted traditional modes of drug dealing. A broad range of commonly known illicit and pharmaceutical drugs, in varying amounts, is available for sale on the dark web.

Known organised crime groups are moving towards greater involvements in the crypto currency sphere, both as users of technology and starting crypto currency exchanges.

b. How Victoria Police is working with the Australian Federal Police to disrupt these dark web activities.

The E-Crime Squad works closely with Federal and State law enforcement agencies in an effort to disrupt or detect illegal activities. Activities on the dark web are difficult to detect using traditional policing techniques, and within existing legislation, and require a greater reliance on covert methodology. Significant jurisdictional obstacles also exist for investigators due to the borderless nature of the online environment.

Discreet working partnerships between the Australian Federal Police's and Victoria Police's covert online units have been ongoing for several years, with reciprocal training commitments, close operational cooperation, intelligence sharing and joint operations.

Publicly, the Joint Anti Child Exploitation Team (JACET) is located within Victoria Police's Crime Command and staffed with specialist Victoria Police and Australian Federal Police investigators. The JACET concept allows for real-time shared intelligence, physical resources and technical capabilities, coupled with the use of both state and federal legislation, allowing for more comprehensive disruption/detection actions to be undertaken than if each agency were operating in isolation.

7. How much of the Treasurer's advance went to Night Court operations?

(Asked by Ms Pennicuik, page 14 of the Department of Justice and Regulation portfolio transcript)

A Treasurer's Advance of \$4.303 million was allocated in the 2016-17 Victorian Budget.

Of the \$4.303 million, \$4.153 million was expended for Night Court operational purposes. The remaining \$150,000 was expended by the Judicial College of Victoria for judicial training regarding amendments to the *Bail Act 1977*.

8. Regarding the legal costs associated with the Supreme Court matter of Intralot Australia Pty Ltd vs the State of Victoria, please provide further information on its progress and whether the \$10 million has been allocated.

(Asked by Ms Patten, page 14 of the Department of Justice and Regulation portfolio transcript)

This matter has been finalised and all payments have been made.

9. Regarding unlawful releases from Victorian prisons or the custody of Corrections Victoria during the 2016-17 financial period:

- a. How many of these unlawful releases were sex offenders?
- b. How long were these unlawfully released people out for?

(Asked by Mr Smith, pages 15-16 of the Department of Justice and Regulation portfolio transcript)

In 2016-17, there were no unlawful releases of sex offenders.

There were three unlawful releases from Corrections Victoria (CV) custody in the 2016-17 financial year (none of which involved sex offenders). These unlawful releases extended for 9 days, 9 days and 3 days respectively.

Additional note on unlawful releases – historical data:

On this matter the department would like to draw the Chair's attention to the year-on-year number of unlawful releases as relayed to this Parliamentary Committee on 13 February 2018. On this day, the Committee was advised that the number of unlawful releases by CV in the last five calendar years had been:

- Five in 2017
- Four in 2016
- Six in 2015
- Four in 2014
- Five in 2013

The department would like to correct the record of the number of unlawful releases to be as follows:

- Six in 2017
- Four in 2016
- Four in 2015
- Three in 2014
- Three in 2013
- **Total 2013-17 inclusive: 20 unlawful releases by CV (not 24 as previously indicated).**

Explanation: unlawful releases may occur through the release of prisoners either from police custody or from the custody of CV. Prior to 2017, the data reported by CV captured both those released from correctional facilities as well as those released from police custody including the Melbourne Custody Centre. In mid-2017, in order to more accurately reflect unlawful releases by CV, the counting of these incidents was changed to include only those released unlawfully from the custody of CV. The revised numbers as now provided reflect these changes in the recording of unlawful releases by CV.

10. Regarding WorkSafe and the County Court:

- a. Did WorkSafe visit the County Court complex following allegations of ongoing unsafe work practices during 2016–17 in the custody cells and during the transportation of prisoners to the courts by Corrections Victoria?
- b. What is the current status of the WorkSafe investigation?

(Asked by Mr Smith, page 18 of the Department of Justice and Regulation portfolio transcript)

Worksafe did not attend the County Court complex in 2016-17. A Worksafe inspector attended the County Court complex on 18 December 2017. The purpose of the visit was to enquire into processes in place to manage occupational violence risk to prisoner escorts when transferring prisoners from cells to court rooms via the lifts.

The inspector returned 13 February 2018 and closed his enquiry on that date, on the basis of his review of the outcomes of a risk assessment process and revisions to two Local Operating Procedures which had occurred since his previous visit.

11. As part of the Harper review, Corrections Victoria is establishing a 20-bed secure facility for managing serious sex offenders at an estimated cost of \$400,000 per bed per year. Please provide a breakdown of this cost.

(Asked by Mr O'Brien, page 20 of the Department of Justice and Regulation portfolio transcript)

The estimated cost of the new facility is based on operating at full capacity with 20 residents and a full complement of staff. Costings were drawn from Corrections Victoria's experience operating Corella Place and other residential facilities, as well as the anticipated cost of additional security to manage serious violent offenders as recommended by the Harper Review.

12. How many court orders were made against Corrections Victoria during 2016–17 in relation to failure to present a prisoner in contravention of a court order?

(Asked by Mr O'Brien, pages 20-1 of the Department of Justice and Regulation portfolio transcript)

13. What was the cost of prisoner transport in the 2016–17 financial period?

(Asked by Mr O'Brien, page 21 of the Department of Justice and Regulation portfolio transcript)

The cost of the Prisoner Transport Services Contract for the financial year 2016-17 was \$12.682m excluding GST.

14. Regarding the customer experience survey conducted by VCAT:

- a. Does the survey identify specific issues for claimants who are culturally or linguistically diverse, are from regional or remote communities or have limited literacy or special needs?
- b. How is VCAT using the survey results to become more accessible and responsive?

(Asked by Ms Shing, page 22 of the Department of Justice and Regulation portfolio transcript)

During 2017, VCAT conducted a customer experience survey across 27 venues, obtaining 486 valid responses with an average satisfaction rate for all respondents of 85 per cent. These responses included:

- respondents from regional areas, who accounted for 1 in 4 of all respondents, and who reported an average satisfaction rate of 93 per cent; and
- respondents with diverse, vulnerable or disadvantaged backgrounds, who accounted for 1 in 5 of all respondents, and reported an average satisfaction rate of 83 per cent:
 - respondents from a culturally and linguistically diverse (CALD) background were the largest cohort of respondents, with an overall satisfaction rate of 73 per cent; and
 - respondents with low literacy had an overall satisfaction rate of 87 per cent.

VCAT's two customer satisfaction surveys, conducted in 2016 and 2017, have shown that:

- 2 out of 3 respondents prefer to access information digitally;
- 1 in 4 respondents prefer to access information by telephone; and
- fewer than 1 in 10 respondents prefer a face-to-face service.

The customer satisfaction survey is intended as a broad 'health check', and does not drill down into detail for any specific cohort. VCAT intends to undertake a qualitative survey in 2018-19, which will include structured interviews to draw out themes and issues pertaining to specific customer cohorts.

Two previous reviews on access to justice at VCAT identified specific issues for Aboriginal people, and people with disabilities.

- In late 2016, VCAT engaged consultants to undertake a study of access to justice for Aboriginal people. The study considered:
 - whether services met need;
 - whether Aboriginal people faced access barriers; and
 - how Aboriginal people would like VCAT to improve their experience.
- The review found that Aboriginal people did face barriers and did not perceive VCAT as culturally safe. It made 26 recommendations to respond to the problems that were

identified by the review. VCAT initiatives in response to these findings are included in the improvements listed below.

- In mid- 2017, VCAT engaged consultants to investigate access to justice for people with disabilities. Four priority areas were identified as a result of this review: culture, service and community, employment, and monitoring and reporting. VCAT initiatives in response to these findings are included in the improvements listed below.

In response to the survey results, and the 2016 and 2017 Aboriginal and disability access to justice reviews, VCAT has increased access for the community by investing in:

- **Improved access to online information and digital services:** VCAT's website now offers online information in English and nine other community languages. For customers with low literacy, the website also includes a speech-enabled reader in all of these languages. VCAT has also improved online accessibility for people with a disability, including enhanced visual cues, compatibility with screen readers, text-to-voice functionality and navigational aids.
- **Improved access to information by phone:** During 2017, VCAT replaced over 20 different phone numbers with a single 1300 number, making it easier for customers to call and get information. Customers calling VCAT can also receive free interpreter services by phone.
- **Improved language support services for CALD customers:** Last year, VCAT provided free professional interpreter services to customers from CALD communities, at a cost of \$295,000. This service included onsite and telephone translating services.
- **Improved access for vulnerable and disadvantaged customers:** To target services more effectively to vulnerable and disadvantaged customers, VCAT has:
 - established a Diversity and Inclusion Committee to monitor issues of cultural and social diversity at VCAT and to develop and implement key initiatives to help in overcoming barriers;
 - recruited a Koori Engagement Manager and launched a new Koori Inclusion Action Plan 2017-18 (KIAP). The KIAP covers Koori inclusion, improved data collection, Koori employment and economic participation, and communication, engagement and partnerships;
 - launched its Accessibility Action Plan in February 2018, to better assist people with a disability to access the Tribunal, together with providing a supportive and inclusive workplace;
 - provided a family violence support service to ensure safe and equal access to justice;
 - hosted legal support services with Victoria Legal Aid to provide self-represented customers with access to legal information and referral to other services;
 - provided assistive listening devices and hearing loops to support people with hearing impairment; and
 - offered customers the choice to attend hearings via video or telephone hearings to support people unable to attend VCAT physically.
- **Improving the efficiency of VCAT processes:** VCAT is implementing its Customer Services Improvement Program to consolidate, simplify and streamline its processes, making it easier and faster for customers to access VCAT.

15. Please provide information in relation to the level and number of inspections undertaken on legal brothels.

(Asked by Ms Patten, page 24 of the Department of Justice and Regulation portfolio transcript)

During 2016-17, Consumer Affairs Victoria undertook 16 inspections on legal brothels.

Included in the 16 are 5 'multi-agency' inspections. Four inspections were undertaken with council and one inspection involved Victoria Police.

16. Regarding the Department's funded programs:

- a. Please provide a list of programs that had their funding concluded/lapsed in 2016-17.
- b. Please provide a list of programs that had their funding concluded/lapsed in 2016-17 and then renewed, including details on:
 - i. How many years had the funding been renewed for?
 - ii. How much funding was provided?

(Asked by Mr Morris, page 25 of the Department of Justice and Regulation portfolio transcript)

Program or initiative	Expenditure in 2016-17 (\$ million)	If it is to be extended into 2017-18, how is the program or initiative to be funded?	Effect on the community (including rescheduling of service provision or commencement of service provision) of lapsing or actions taken by the Department to ensure there is no effect	Number of years was the funding renewed for	Value of additional funding (\$ million)
Improving Victoria Police's mental health and wellbeing	0.5	Continuation funding was provided as part of the Community Safety Package announced in the Community Safety Statement announced on 4 December 2016	Nil - continued funding has been confirmed.	2 years – 2017-18 and 2018-19	2.013 over two years
Employment Law Service – Jobwatch	0.4	Funding has been provided as part of the <i>Supporting Community Legal Centres</i> initiative announced in the 2017-18 Budget.	Nil.	Ongoing	0.275 per annum

Program or initiative	Expenditure in 2016-17 (\$ million)	If it is to be extended into 2017-18, how is the program or initiative to be funded?	Effect on the community (<i>including rescheduling of service provision or commencement of service provision</i>) of lapsing or actions taken by the Department to ensure there is no effect	Number of years was the funding renewed for	Value of additional funding (\$ million)
Family Violence Legal assistance	4.6	Funding has been provided under the <i>Legal Responses to Family Violence and Child Protection</i> initiative in the 2017-18 Budget.	Nil.	Ongoing	18.985 over four years and 4.835 ongoing
Working with Children Check	9.8	The lapsing funding was additional funding provided to the program. Program delivery is being maintained in 2017-18.	Nil.	Nil	Nil
Men's behaviour change programs – Corrections Victoria	1.0 (2015-16 budget) 0.13 (2016-17 budget)	2015-16 budget: continuation funding has been provided in the 2017-18 budget under the <i>whole-of-Government Family Violence</i> initiative. 2016-17 budget: this component of the program did not commence in 2016-17. Funding was rolled over to 2017-18.	2015-16 budget: Nil - continued funding has been confirmed. Programs will continue to be provided to perpetrators on Community Corrections Orders. 2016-17 budget: Nil – this component of the program had not yet commenced [Funds were carried forward for use in mainstream behaviour change programs in 2017-18].	Ongoing	5.780 over four years and 1.653 ongoing

Program or initiative	Expenditure in 2016-17 (\$ million)	If it is to be extended into 2017-18, how is the program or initiative to be funded?	Effect on the community (<i>including rescheduling of service provision or commencement of service provision</i>) of lapsing or actions taken by the Department to ensure there is no effect	Number of years was the funding renewed for	Value of additional funding (\$ million)
Specialist Corrections Program	1.5	Continuation funding has been provided in the 2017-18 budget under the <i>Programs and Services to Reduce Reoffending</i> initiative. (Note: Funding for the <i>Court Integrated Services Program – Remand Outreach Program (CROP)</i> was granted directly to Court Services Victoria in 2017-18).	Nil.	Ongoing	6.385 over four years and 1.697 ongoing
Victims experience of the justice system - CALD victim and perpetrator (Corrections Victoria)	0.330	Funding has been provided in the 2017-18 budget for a range of prisoner and offender CALD perpetrator programs. Funding for specific new victims' programs did not commence owing to further market assessments indicating that current program availability was sufficient.	Nil. Continued funding is being provided for perpetrator programs. The victims' component was not required in either the prison or CCS locations, as the need for a program of this type was managed by existing victim-support programs	Ongoing	1.370 million over four years and 0.364 ongoing
Emergency Services Telecommunications Authority – growth funding	33.0	Continuation funding has been provided in the 2017-18 budget under the ESTA's Baseline Funding initiative.	Nil - continued funding has been confirmed.	2017-18 only	28.300 for 2017-18

Program or initiative	Expenditure in 2016-17 (\$ million)	If it is to be extended into 2017-18, how is the program or initiative to be funded?	Effect on the community (<i>including rescheduling of service provision or commencement of service provision</i>) of lapsing or actions taken by the Department to ensure there is no effect	Number of years was the funding renewed for	Value of additional funding (\$ million)
Financial Counselling – family violence	1.8	Continuation funding has been provided in the 2017-18 budget under the <i>Financial Counselling</i> initiative.	Nil - continued funding has been confirmed.	Ongoing	6.000 over four years and 1.500 ongoing
Pre-commitment information program	0.5	The initiatives (venue communications, YourPlay Ambassador Forums and YourPlay Day events) will be funded internally by the Gambling Licensing Program / OLGR.	Nil.	Nil	Nil
Family Violence - Community Legal Centre Assistance Fund	1.000	Funding provided in the 2017-18 Budget under the Supporting Community Legal Centres initiative.	Nil	Ongoing	4.000 over four years and 1.000 ongoing
LSV Club House redevelopment	6.000	This was a fixed term project for specific clubs.	Nil	NA	NA
Hazelwood Coal Mine Fire Implementation - Emergency Management Capability - Coal Mining Taskforce	0.100	This was a fixed term project.	Nil	NA	NA

Program or initiative	Expenditure in 2016-17 (\$ million)	If it is to be extended into 2017-18, how is the program or initiative to be funded?	Effect on the community (<i>including rescheduling of service provision or commencement of service provision</i>) of lapsing or actions taken by the Department to ensure there is no effect	Number of years was the funding renewed for	Value of additional funding (\$ million)
Hazelwood Coal Mine Fire Implementation - Emergency Management Capability - State Crisis and Communications Strategy	0.150	This is a fixed term project. While it is anticipated the Strategy will be finalised this financial year, its implementation will be completed in 2017-18 through the expenditure of the balance of the allocated funding.	Nil.	NA	NA

17. 'With regard to plea bargaining, the Office of Public Prosecutions annual report for 2016-17 reveals that guilty pleas accounted for 78.9 per cent of all matters finalised in 2016-17, well above the five-year average'.

'There has been a significant amount of public and media scrutiny of the Office of Public Prosecutions' handling of plea-bargains over the last 12 months and indeed in 2016-17':

- a. Is the Office of Public Prosecutions satisfied that the increase in guilty pleas is not being driven by an overuse of plea-bargaining for 2016-17?
- b. How is the Office of Public Prosecutions working through these cases?

(Asked by Mr Smith, page 27 of the Department of Justice and Regulation portfolio transcript)

Question 17 a response: The Policy of the Director of Public Prosecutions for Victoria provides strict guidelines for the appropriate resolution of cases.

This policy, which is publicly available on the Office of Public Prosecutions (OPP) website, guides the decision making process by lawyers at the OPP. In 2016/17, its application led to a result of guilty pleas in 78.9 per cent of all matters finalised.

Over the last 5 years the OPP has made incremental improvements to these processes and procedures which govern how it handles cases through better case management, case oversight from senior staff/Crown Prosecutors, clearer and more complete policies, early identification and resolution of issues, continuity in staff and counsel, better sharing of legal knowledge and availability of legal information/resources. Correctly applying these improved processes and procedures has led to an increase in guilty pleas.

Question 17 b response: The OPP works through its cases in line with its guidelines for the appropriate resolution of cases.

The decision to resolve a case, or not to resolve a case by way of a guilty plea, can only be made by a Crown Prosecutor or the Director of Public Prosecutions. Further, in any case that involves the death of a victim, approval can only be given by the Director of Public Prosecutions or the Chief Crown Prosecutor.

A detailed, forensic assessment of the merits of any case is made by the relevant solicitor before arriving at a decision about resolving a case as a plea of guilty.

The relevant OPP solicitor must have regard to whether it is in the public interest and whether there is a reasonable prospect of conviction. The OPP solicitor must also seek the views of the victim and the Victoria Police informant before the case is resolved as a plea of guilty.

OPP solicitors assess each matter as early as possible for a potential guilty plea to appropriate charges that reflect the accused's criminality, based on what can be proved beyond reasonable doubt, and that allows for a sentence that adequately reflects the criminality.

18. Regarding youth justice and the Parkville Youth Justice Precinct (Parkville) and Malmsbury Youth Justice Precinct (Malmsbury), please provide a breakdown of the number of offenders on a quarterly basis (September, December, March and June quarters) throughout 2016–17 for each of the following units in:

- a. Parkville: Eastern Hill unit, Southbank unit, Westgate unit, Oakview unit, Remand North unit, Remand South unit, Barnett unit, Cullity unit and Parkview unit
- b. Malmsbury: Lauriston unit, Campaspe unit, Coliban unit, Ulabara unit, Monash unit, La Trobe unit and Deakin unit.

(Asked by Mr Morris, page 29 of the Department of Justice and Regulation portfolio transcript)

NB: Mr Morris specified a headcount at the end of each quarter – see transcript

Unit	Date			
	Q1 16-17 29/09/2016	Q2 16-17 30/12/2016	Q3 16-17 31/03/2017	Q4 16-17 30/06/2017
Parkville				
Remand North	9	16	19	18
Remand South	12	17	15	16
Eastern Hill	14	0	0	14
Oakview	6	0	0	16
Southbank	10	0	0	0
Westgate	13	0	0	0
Barnett	8	8	17	19
Cullity	8	14	12	16
Parkview	0	8	9	0

Unit	Date			
	Q1 16-17 29/09/2016	Q2 16-17 30/12/2016	Q3 16-17 31/03/2017	Q4 16-17 30/06/2017
Malmsbury				
Deakin	11	15	16	16
La Trobe	15	13	16	16
Monash	11	14	16	16
Ulabora	7	15	15	16
Coliban	0	0	0	0
Campaspe	12	11	13	15
Lauriston	8	14	15	12

Note

- Data is based on precinct bed lists on a specified date in each quarter and is a point in time count
- Where the number is zero (0) this is due to the unit not being in use due to functionality or operational reasons.

19. In relation to the 298 young people receiving transition sessions and group programs under the youth diversion programs:

- How many of these 298 young people were from Parkville and how many were from Malmsbury?
- What sort of programs were undertaken?
- What was the attendance rate?
- What type of drug use was the most prevalent among the participants?

(Asked by Mr Morris, page 30 of the Department of Justice and Regulation portfolio transcript)

The 298 young people receiving transition sessions and group programs referenced in the question relate to drug and alcohol programs delivered by the Youth Health and Rehabilitation Services (YHaRS) to young people in custody – **not youth diversion programs**.

- The available data for program delivery of alcohol and other drug (AOD) transition sessions in Youth Justice Precincts in 2016-17 shows that 154 young people were from Malmsbury, and 136 from Parkville. AOD group programs have capacity for 8 young people.
- YHaRS delivers four types of programs: a 24-hour group AOD program, a brief psychoeducational AOD group program, individual transition sessions (aimed at harm minimisation and relapse prevention), and individual counselling (addressing AOD needs in conjunction with other offending behaviour interventions).
- No data is available regarding the attendance rates.
- No information is available regarding the most prevalent types of drug use among the participants of each of these programs.

20. Regarding the 2016-17 Budget allocation of \$58.1 million to improve court safety and security:

- a. Please provide a breakdown of this allocation according to metropolitan courts and regional courts
- b. Please provide information on the way in which environmental design has improved court security and a sense of safety for victims and survivors who may be required to attend a court for family violence or family violence-related proceedings

(Asked by Ms Shing, page 30 of the Department of Justice and Regulation portfolio transcript)

The 2016-17 Budget allocated **\$58.1 million** (\$50.9 million output and \$7.2 million asset) to strengthen security arrangements across Victoria's courts and tribunals. This incorporates **\$31.4m** in new funding and **\$26.7m** allocated previously to the former court security model.

	2016-17	2017-18	2018-19	2019-20	Total
New Funding	\$3.4m	\$10.5m	\$10.4m	\$7.1m	\$31.4m
Current Funding	\$6.5m	\$6.5m	\$6.8m	\$6.9m	\$26.7m
Total	\$9.9m	\$17m	\$17.2m	\$14.0m	\$58.1m

The output component of the 2016-17 Budget allocation provided \$50.9 million funding for the provision of Court Security Officers. This funding allocation reflects the staged deployment approach for Court Security Officers detailed under the new Victorian Court Security model with:

- current output funding of \$26.7 million for Security at Melbourne and suburban courts, including the security presence then existing at Ballarat, Bendigo and Geelong courts; and
- new output funding of \$24.2 million for regional court security through the roll-out of Court Security Officers to all other regional courts, and strengthening security at Ballarat, Bendigo and Geelong courts to align with the new standards for both entry screening and security presence.

The capital component of the 2016-17 Budget allocation provided \$7.2 million funding for asset upgrades at a number of metropolitan and regional courts, as detailed below:

- \$1.43 million has been allocated to the Melbourne Magistrates' and Children's Courts; and
- \$5.77 million has been allocated to upgrades of the Ararat, Bacchus Marsh, Bairnsdale, Colac, Echuca, Hamilton, Korumburra, Kyneton, Maryborough, Portland, Seymour, Stawell and Swan Hill Magistrates' Courts.

The Victorian Court Security Model is designed to deliver consistent safety standards across courts in Victoria by providing entry screening to detect and avoid prohibited items, including weapons, from entering a court, and to provide a better trained private Court Security Officer presence. The asset upgrades in the courts have been designed to create secure waiting areas and interview rooms.

Improvements are also being delivered to improve registry, accommodation and courtroom safety, including the provision of a visual separation barrier in courtrooms. The scope of works and allocation of budget at each site has been planned based on the existing configuration of the site and the extent of works required to deliver the design improvements, as detailed below.

Court	Status	Works
Bacchus Marsh (\$30,000)	Complete	Installation of secure registry counter screens.
Maryborough (\$30,000)	Complete	Alterations to the registry counter to ensure the safety of staff working alone, particularly on non-court days.
Portland (\$30,000)	Complete	Alterations to the registry counter to ensure the safety of staff working alone, particularly on non-court days.
Seymour (\$110,000)	Complete	Internal reconfiguration to create a secure waiting area and interview room. Improvements to registry and accommodation safety. Provision of visual separation barrier in courtroom, and a new walk-through metal detector.
Stawell (\$30,000)	Complete	Alterations to the registry counter to ensure the safety of staff working alone, particularly on non-court days.
Swan Hill (\$145,000)	Planned completion: 30-Apr-18	Internal reconfiguration to create a secure waiting area and interview room. Improvements to registry, accommodation and courtroom safety. Provision of visual separation barrier in courtroom.
Ararat (\$490,000)	Planned completion: 15-Jun-18	Internal reconfiguration to create a secure waiting area and interview room. Rebuild of public toilet facilities. Improvements to registry and accommodation safety. Provision of visual separation barrier in courtroom. Construction of <i>Disability Discrimination Act 1992</i> compliant infrastructure.
Bairnsdale (\$600,000)	Planned completion: 25-Jun-18	Heritage-sensitive works to provide new safe waiting areas, interview rooms and public toilet facility, and a secure registry.
Colac (\$330,000)	Planned Completion: 30-Jun-18	Internal reconfiguration to create a secure waiting area and interview room. Improvements to registry and accommodation safety. Provision of visual separation barrier in courtroom.
Hamilton (\$535,000)	Planned completion: 30-May-18	New safe waiting areas and interview room, and an improved registry.
Korumburra (\$375,000)	Planned Completion: 30-Jul-18	New separate waiting areas and an interview room, improved registry accommodation, and courtroom safety.
Kyneton (\$1.2 million)	Planned Completion: 31-Jul-18	Upgrade, extension and major internal reconfiguration to create a new public waiting area and toilets, secure waiting area, interview room and registry. Installation of visual separation barrier in courtroom and a new disability accessible public entry.
Melbourne Magistrates' Court (\$855,000)	Planned completion: 23-Apr-18	Minor works upgrades and realignment of front entry and security point to improve queuing and safety at entrance.
Melbourne Children's Court (\$330,000)	Planned completion: 23-Apr-18	Reconfigure waiting areas and interview rooms to create separation of space and capacity for workers

Court	Status	Works
Echuca (\$1.1 million)	Planned Completion: TBC	Separate court access from the co-located local government facilities, separate waiting rooms and safe interview rooms, new metal detectors and hand-held wands.

The facility upgrades support Court Services Victoria's response to Recommendation 182 of the Royal Commission into Family Violence, through the provision of better support for family violence victims in rural, regional and remote communities.

While quantitative data to measure the sense of safety experienced by victim survivors are unavailable, feedback from court registrars across the court sites where the environmental design upgrades have been delivered has been positive. Registrars have noted a reduction in security incidents involving parties to family violence proceedings.

21. In relation to PPP expenditure and line items¹:

- a. about \$20 million of interest expenses is spent on finance lease interest payments under PPP arrangements for Marngoneet Correctional Centre, Metropolitan Remand Centre and Fulham Correctional Centre.
- b. about \$73 million of operating expenses is spent on payments for fees and charges associated with outsourced contracts that the department entered with the suppliers who provide services for the prisons under PPP arrangements. These prisons include Marngoneet Correctional Centre, Metropolitan Remand Centre and Fulham Correctional Centre.

Please provide more details on what these expenses are for and how do they compare with non-private prisons in terms of operating expenses.

(Asked by Ms Pennicuik, page 32 of the Department of Justice and Regulation portfolio transcript)

The \$20m in interest payments is part of the finance lease arrangements relating to Marngoneet Correctional Centre, Metropolitan Remand Centre and Fulham Correctional Centre.

There are no interest expenses relating to non-PPP prisons.

The payment for fees and charges associated with the outsourced contracts includes:

- A contract with Victorian Correctional Infrastructure Partnership Pty Ltd to provide facility management services, some security services and infrastructure services for Marngoneet Correctional Centre and Metropolitan Remand Centre.
- A contract with GEO, to provide a full range of operations, including correctional and custodial services, and facility management for the Fulham Correctional Centre.

Corrections Victoria is responsible for all operations including correctional and custodial services, and facility management services for all non-PPP prisons.

¹ Department of Justice and Regulation, *Response to the Committee's 2016-17 Financial and Performance Outcomes General Questionnaire*, received 2 November 2017, pp.26-7

22. Was any money expended in 2016-17 or employees employed with respect to Fire Rescue Victoria?

(Asked by Mr O'Brien, page 33-4 of the Department of Justice and Regulation portfolio transcript)

CFA: As Fire Rescue Victoria was not established in 2016-17, no CFA funding was expended or staff employed during this period with respect to Fire Rescue Victoria.

In response to the Fire Service Statement of 19 May 2017, existing internal CFA resources were assigned to review and advise on the government's Fire Service Statement policy, and to provide internal communication to CFA staff and our volunteers. These resources were drawn from existing CFA roles.

MFB: There has been no dedicated expenditure in 2016-17 with respect to Fire Rescue Victoria, or any staff employed in relation to Fire Rescue Victoria. Any preparatory work carried out in order to be well placed, should the proposed legislative reforms be passed, has been undertaken by existing MFB staff.

DJR did not incur any direct expenditure in 2016-17 with respect to Fire Rescue Victoria. Any preparatory work relating to Fire Rescue Victoria was undertaken by existing DJR staff.

23. The annual reports for the CFA and MFB indicated an increase in spending on legal fees—CFA had legal fees increased by \$1.62 million or 82 per cent on the previous year, and the MFB had an additional \$2.59 million for legal costs.

Please explain the reasons for these increases.

(Asked by Mr O'Brien, page 34 of the Department of Justice and Regulation portfolio transcript)

CFA: This increase in legal expenditure is attributable to additional legal fees associated with the People & Culture directorate at CFA.

MFB: The MFB Annual Report for 2016-17 showed a reduction in legal costs compared to the previous financial year.

24. Please provide a breakdown of the legal fee expenses for the CFA and MFB each year over the last five financial years.

(Asked by Mr O'Brien, page 34 of the Department of Justice and Regulation portfolio transcript)

Agency	2012/13 \$'m	2013/14 \$m	2014/15 \$m	2015/16 \$m	2016/17 \$m
CFA	2.67	2.76	2.35	1.98	3.597
MFB	3.96	4.31	4.5	4.54	2.59

25. The CFA annual report showed that salaries and benefits grew by 21.5 per cent in 2016–17. The MFB annual report showed that salaries and benefits grew 15.3 per cent in 2016-17 when the MFB staffing numbers only rose 10 per cent.

(Asked by Mr O'Brien, page 34 of the Department of Justice and Regulation portfolio transcript)

CFA The primary drivers were the increase of 168 Full-time Staff Equivalent (FTE) due to the recruitment of fire fighters as part of the Growth Program, and increases in payments under Enterprise Bargaining Agreements for Operational staff, Professional Technical and Administrative staff and District Mechanical Officers. The detail is provided in table 3.1.1 of CFA's Annual Report 2016-17.

MFB: Staffing levels experienced a net increase of 10 employees from 2287 in 15/16 to 2297 in 16/17. The increase primarily arises from movement in wages and allowances across operational, workshop and corporate staff, noting that there had been no movement in operational staff remuneration since August 2013.

26. Were there any termination payments to staff of the CFA or MFB in 2016–17, including the former CEO, Lucinda Nolan?

If there were, please provide details for each of these termination payments.

(Asked by Mr O'Brien, page 34 of the Department of Justice and Regulation portfolio transcript)

CFA: Termination payments are accounted for in the annual financial statements. Individual details are not published in order to comply with privacy obligations. The CFA Annual Report for 2016-17 discloses termination benefits paid in that financial year on page 108.

The former CEO Ms Lucinda Nolan left CFA in June 2015 (CFA Annual Report 2015-16, p2).

MFB: Termination payments are accounted for in the annual financial statements. Individual details are not published in order to comply with privacy obligations. The MFB Annual Report 2016-17 reports termination benefits at page 119.

27. The CFA 2016-17 annual report listed \$4.7 million being spent on contractors and consultants in 2016–17.

Please provide details on what outcomes were delivered by these consultancies.

(Asked by Mr O'Brien, page 34 of the Department of Justice and Regulation portfolio transcript)

CFA

Consultancy: In table 8 of the 2016-17 Annual Report, CFA reported 5 external consultancies, with a total cost to CFA of \$174,300. Table 8 External consultancies 2016-17 is shown below:

As at 30 June 2017, there were five consultancies where the total fees payable to the consultants were \$10,000 or greater.						
Consultant	Purpose of consultancy	Start date	End date	Total approved project fee	Expenditure 2016-17	Future expenditure
				(excl. GST)	(excl. GST)	(excl. GST)
				\$'000	\$'000	\$'000
Gravity Consulting	To assist CFA's transformation activities	May-16	Jun-17	40.0	40.0	-
Mercer Consulting	Biennial executive remuneration review	Feb-17	Feb-17	28.0	20.4	7.6
GHD Pty Ltd	To develop a governance model for asset management and confirm roles and responsibilities for asset management life cycle	Apr-17	Jun-17	69.3	69.3	-
Deloitte Consulting Pty Ltd	To advise on a funding agreement for VFBV	Jan-17	On-going	40.0	26.9	13.1
Bridges International Pty Ltd	To review the CFA's complaints systems and processes and recommend a revised and streamlined complaints handling model for CFA	Oct-16	Dec-16	17.7	17.7	-
Total				195.0	174.3	20.7
Details of external consultancies less than \$10,000						
As of 30 June 2017, there were two consultancies engaged during the year, where the total fees payable to the consultant was less than \$10,000. The total expense incurred on these two consultants was \$15,995.						

The outcomes delivered by the above consultancies are detailed below:

1) Gravity Consulting

Gravity Consulting was engaged to review CFA's strategic and operational environment, and provide expert advice and recommendations on the modernisation and transformation of CFA in the future. As part of this engagement, Gravity Consulting collected information and research to guide the development of future CFA policy, which has assisted the organisation in the development of new policies and strategic plans to, among other things, improve efficiency and effectiveness.

2) Mercer Consulting

Mercer Consulting was engaged to undertake the biennial review of executive remuneration at CFA, and delivered its report in February 2017. The review examined the remuneration of all executive level roles based on existing work value points and analysed the potential pay compression between executives and non-executives covered by an enterprise agreement.

3) GHD Consulting

GHD Consulting was engaged to provide expert advice to CFA on the development of an asset management governance framework. The framework has enhanced governance and accountability for asset management at CFA, and ensured compliance with the DTF Asset Management Accountable Framework.

4) Deloitte Consulting

Deloitte Consulting was engaged to provide expert independent advice on appropriate governance and accountability to manage the funding relationship between CFA and Volunteer Fire Brigades Victoria. This advice has helped informed CFA's approach to improving accountability and transparency in the expenditure of public money to support volunteerism.

5) Bridges International Pty Ltd

Bridges International was engaged to review CFA's complaints systems and processes, and provide expert advice and recommendations on improving and streamlining CFA's complaints management approach.

As a result, CFA established a centralised complaints management system with a dedicated team within the Workplace Relations team that is responsible for the coordination and resolution of all complaints. This has led to greater visibility, discipline and consistency on complaints management, and a marked improvement in timely and effective handling of complaints.

6) Details of consultancies less than \$10,000

CFA engaged two consultancies for engagements under \$10,000 during 2016-17. These were:

- a. Cube Management, engaged to provide advice and recommendations in a restructure of the operational service delivery directorate to improve governance and streamline roles and responsibilities, at a cost of \$8,495.
- b. ADIIS Group, engaged to review and report on CFA's compensation administration process and system, at a cost of \$7,500.

Contracting: The \$4.5m Contractors expenditure related to various contractors supporting the business in the delivery of programs and operational activities. Key outcomes from this investment included delivery of the environmental and water monitoring process at the closed Fiskville Training campus, and increased wellbeing support to members.

A summary of major contactors is shown below:

Name	Amount	Nature of Services
NEW VISION TECHNOLOGIES P/L	395,858	Monthly IT Support
GHD PTY LTD	339,377	Governance model development
ASHURST AUSTRALIA	335,832	Environmental and water monitoring
DEPARTMENT OF ENVIRONMENT	332,500	Land and buildings revaluations
CONVERGE INTERNATIONAL INC	259,691	Chaplaincy/Wellbeing Service
MS SECURITY FIRM	249,000	Security services
STRATEGIC EXECUTIVE SOLUTIONS	181,360	Hiring contractors
METROPOLITAN FIRE & EMERGENCY	150,551	Service Charge MMR Terminals
ERNST & YOUNG	147,987	Energy And Emissions Reporting
ACCLIMATION P/L	146,400	SAP consultation
CARANICHE P/L	144,473	Bullying Hotline/Dispute Resolution
MEMBER BENEFITS PTY LTD	143,988	Memberlink Management Fees
PITCHER PARTNERS CONSULTING	101,327	Project Probity Advice
Other contractors	1,607,669	
Total	4,536,012	

MFB: N/A

28. Please provide details on the Department's progress implementing the 2009 Victorian Bushfires Royal Commission Final Report's recommendations.

(Asked by Ms Ward, page 36 of the Department of Justice and Regulation portfolio transcript)

Overall, the VBRC made a total of 125 recommendations in interim and a final reports.

Recommendations were structured across several themes including, Bushfire Safety Policy, Warnings and Information, Incident Management, Response, and Electricity-caused fire.

The response to the VBRC recommendations involved several Departments across Government.

DJR and its portfolio agencies, EMV, CFA, VicPol, MFB, ESTA, and SES have all undertaken various roles contributing to the significant program of deliverables generated by the VBRC.

Recommendations and actions generated from the VBRC and the subsequent Victorian Flood Review Inquiry resulted in the development the Emergency Management Reform White Paper in December 2012.

The Bushfire Royal Commission Implementation Monitor Progress reports and the Inspector General Emergency Management (IGEM) Annual Progress Reports were all tabled annually in Parliament as required under the Bushfires Royal Commission Implementation Monitor Act of 2011.

The final Progress Report to the Victorian Bushfires Royal Commission was tabled in Parliament on 13 October 2016 by IGEM.

The IGEM's final Annual Progress Report on 2016 reported that all of Emergency Services portfolio agencies' actions were finalised, and either considered to be implemented or closed.

In 2017, IGEM's Annual Assurance Summary states that one recommendation, with 2 actions remain outstanding, and they are led by DELWP and Victorian Building Authority relating to building code adoption.