

TRANSCRIPT

STANDING COMMITTEE ON LEGAL AND SOCIAL ISSUES

Inquiry into youth justice centres in Victoria

Melbourne — 27 June 2017

Members

Ms Margaret Fitzherbert — Chair

Ms Nina Springle — Deputy Chair

Mr Joshua Morris

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Ms Jaclyn Symes

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Mr Greg Barber

Ms Georgie Crozier

Mr Nazih Elasmar

Ms Colleen Hartland

Mr Gordon Rich-Phillips

Witnesses

Mr Greg Wilson, Secretary, and

Ms Julia Griffith, Deputy Secretary, Youth Justice, Department of Justice and Regulation.

The CHAIR — Welcome, everybody who is attending today, both to give evidence and in the public gallery. We are hearing evidence today in relation to the inquiry into youth justice centres in Victoria. The evidence is being recorded as well as filmed, which I understand you are aware of. All evidence taken at this hearing is protected by parliamentary privilege; therefore you are protected against any action for 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 invite you to briefly address the committee if you wish to do so. We are suggesting you take no more than 5 minutes to do that so that we can open up for questions. I am in your hands.

Mr WILSON — Thanks, Chair, and thanks for inviting us to present to this committee. As you would be aware, responsibility for youth justice transferred to the Department of Justice and Regulation on 3 April, so I really just wanted to open up with 5 minutes on five key areas in particular and where we are at with those things for the benefit of the committee: first, the structural arrangements for youth justice in the department; second, where things are at with recruitment, staffing and training; third, an update on what we are doing on operations and infrastructure; fourth, responding to high rates of remand; and fifth, the over-representation of Koori young people.

I can make a general comment around the transition. I think it is fair to say that as far as machinery of government changes go, things have happened quite smoothly with minimal disruption. If I can start with the structural arrangements, I have established a dedicated youth justice division headed by Julia Griffith, who joins us here today. We have set up a new leadership team with significant experience in operational leadership, both in custodial and community settings. This team includes two new executive directors, one to oversee the youth justice operations, who is Jodie Henderson and who has appeared here before, and another responsible for youth justice policy, strategy and business services.

In terms of the community side of youth justice, the department has eight regions, as you are probably aware. I have established a general manager for youth justice in each region, who will report directly to the regional director. That arrangement mirrors what happens on the adult corrections side with community corrections. We believe that helps facilitate engagement with other government departments at a regional level and local service providers.

Finally, on the structural arrangements the committee may be aware that the department has an Office of Correctional Services Review, which monitors and reviews the performance of Victoria's correctional system. I have recently extended the scope of that office to include youth justice, which means it will provide an internal review function that examines individual serious incidents that occur in our custodial facilities and community settings independent of the youth justice division itself, as it does with Corrections Victoria.

On the second area, recruitment staffing and training, the importance of a stable workforce within the centres has been a consistent theme emphasised by various independent reviews during recent years. Our youth justice workers work with complex young people in a very challenging environment and it is vital to provide consistency and stability to the workforce, and training is central to the achievement of this. Currently all new youth justice workers undertake an intensive three-week induction program to introduce them to the role and to develop the skills required to safely and effectively work with complex young people in their care. Training includes a focus on preventing occupational violence, use of restraints, adolescent development and trauma-informed care.

We are currently considering other opportunities to learn from staff training and development provided to corrections staff, and in particular their induction program, which goes over eight weeks rather than a three-week period. Since the transition to justice, all safety and emergency response teams have been trained in tactical options, which includes containing incidents, limiting escalation and minimising involvement of other young people. Over the next 12 months we expect that all youth justice staff will be trained in tactical options. Training and exercising is occurring in updated emergency management procedures. Finally, you may be aware that there has been a new behavioural model introduced, which I will talk about in a second. But all staff will be trained in that by August 2017.

In terms of recruitment, a dedicated recruitment team has been established in the department. We are developing a new targeted recruitment strategy. The strategy has been informed by the outcomes of relevant reviews and includes a focus on emphasising the safety and security responsibilities of youth justice workers.

The strategy will involve more of a volume recruitment or what we might call a mass campaign, similar to the way that we recruit corrections staff and sheriffs, with a particular focus on recruits from the Malmsbury area. We expect that campaign to kick off next week so we can keep you informed of how that is going. In the meantime we have an expression of interest out. I think that is just on the government website, so we are still continuing to recruit staff. We have got 19 currently being inducted and we still have extra staff in Corrections Victoria deployed across the custodial sites to help us with the strengthening of security and to support staff to manage young people's behaviour and just respond to any incidents that do occur.

In addition to the new positions in the structure that I mentioned at the beginning, we have placed experienced general managers in both precincts and added four operational managers to strengthen day-to-day operational support. I should say at this point the feedback that I have received from the general managers that have taken over the facilities regarding the youth justice staff is that they have all being very impressed with their dedication and commitment, so I thought it was important to acknowledge that.

The third area is operations and infrastructure. If I start with the infrastructure side of things, in response to the infrastructure vulnerabilities we have expedited strengthening works at Parkville and Malmsbury, with the first phase of repair and upgrade works at Parkville currently being completed. Infrastructure works will continue in 2017–18 on all remaining accommodation at Parkville, including remand north and south, and the youth residential centre site.

Longer term planning, of course, involves the design and development of the new custodial facility at Cherry Creek, which will include a focus on rehabilitation and reducing reoffending. The department has established a community advisory group to help guide the development of that new facility and ensure the local community is informed and engaged as the project progresses. The community advisory group will use their local connections to share information about the project with the Wyndham community and provide feedback from committee members to the youth justice redevelopment project team and the government. The local Indigenous community, VicPol, some councillors and staff from my department are represented on that group, but I can provide the committee the detailed list of who is on it. The relevant environmental and cultural works are underway — or the assessments. We have also established a stakeholder reference group with stakeholders like the Jesuits, the commissioner for children and young people, as well as the commissioner for Aboriginal children and young people, and I think that is underway as well.

On the operational side, there are a number of improvements that we are progressing. As you have heard from my colleagues at previous hearings, the new behaviour management model for young people is being developed in partnership with staff and the CPSU and continues to be rolled out. It provides a consistent and practical behaviour management approach across all youth justice precincts to equip staff with strategies to manage unacceptable client behaviour. As I said, all staff will be trained in that model by August 2017. I mentioned that the youth justice safety and emergency response teams are being trained in tactical options. That will include formation line skills to improve the effectiveness of incident response and management and prevent the escalation of incidents. This training will continue to be rolled out over the next 12 months to all youth justice custodial staff as well. The department has commenced a review of the emergency response arrangements in youth justice, so that will better align with what happens in corrections and emergency services more generally, as well as contingency planning, which will also involve the delivery of training and exercises in emergency management procedures.

With regard to incident reporting, the department is reviewing procedures to better align with those used by Corrections Victoria. That system will be designed to ensure that the department's obligations are met and will allow for continuing reporting and oversight of incidents impacting young people in the department's care. A new MOU between the Commission for Children and Young People and the department will be developed, reflecting the continued reporting of all adverse events involving a child or young person detained in a youth justice facility or in a youth residential centre to the commission. Finally, the development of improved intelligence gathering across youth justice centres will also help prevent and respond to violent and antisocial incidents. An improved intelligence function was established at Malmsbury when Corrections Victoria started supporting the youth justice system, and this is now being expanded to Parkville to inform operational management and inform the classification and placement of young people as well.

Fourthly, just quickly, on responding to high rates of remand, you would also be aware that the number of young people held on remand has increased significantly since 2013. On average 40 per cent of children held on

detention are on remand and not under sentence. The government has provided \$1.6 million over two years to establish a fast-track remand list in the Children's Court to help speed up the processing of young people on remand. The fast-track court will ensure that young people's cases will be dealt with more quickly and reduce pressure on the system. It commenced operations on 29 May 2017.

The fifth area I want to talk about, briefly, is over-representation of Koori young people. If I could just highlight the importance of tackling over-representation of Aboriginal people in the youth justice system. We will be looking at how we can better work with the Koori community to meet the needs of Aboriginal young people and minimise their over-representation in the youth justice system, which is something we intend to advance under the auspices of the Victorian Aboriginal justice agreement between government and the Koori community. The development of an Aboriginal youth justice strategy is something that we intend to discuss at the Aboriginal Justice Forum, which occurs later this week. They were the five areas I wanted to touch on.

In summary, our focus since 3 April has been to bed down the new structural arrangements, stabilise operating arrangements to make the facilities safe for these staff and young people; enhance training, recruitment, our systems' policies, practices and procedures; and expedite the necessary building works to strengthen and augment capacity. We will continue to focus on those areas as we now progressively turn our attention to longer term strategies, which of course will be informed by the various reviews that have been undertaken and the work of Penny Armytage and Jim Ogloff, which is still being considered by government. We will obviously have regard to those various reports and also engage stakeholders along the way. They are my opening comments, Chair. I am happy to take questions.

The CHAIR — Ms Griffith, was there anything further you wish to add to the statement that has been made?

Ms GRIFFITH — No. I think the secretary has given a good overview of the range of things that we are doing concurrently, with the priority of ensuring the safety and stability of the custodial centres.

The CHAIR — Thank you very much, Mr Wilson, for that very thorough introduction, which has provided quite a bit of new information. I think there are lots of questions. I might start briefly. Firstly, I apologise for my voice. I think most of us have a cold at the moment, so you are going to have a lot of this today.

Mr WILSON — That time of the year.

The CHAIR — It is. You mentioned earlier the different training regime that you are using, and I think what I picked up was that one difference is it is three weeks versus eight weeks — unless I am wrong. Could you take me through any other differences between the training that you undertake with youth justice staff compared to that which was done previously?

Mr WILSON — As I mentioned, the corrections officers get eight weeks training compared to three, and the three weeks or the 15 days we have extended to 21 days to include the tactical operations training. Mindful always that youth are under a separate act and they are different and so on, we carefully look through what is done in corrections to see what we can add and augment in terms of the training of youth justice staff. There are things like, say, cultural awareness, where the youth justice staff get I think an hour and a half and corrections get more than a day, so it may be that the same sorts of things are provided under both but the scale of corrections means that it invests more time at the beginning on that training. It is a bit like the incident reporting arrangements. We are carefully going through what we can learn from corrections, which is a \$1 billion-plus enterprise per annum — it invests a lot in those things — and see what we can learn from and adapt and apply in the youth justice settings as well. So they are the sorts of things, but there is a long list of things, you know, a whole, I guess, curriculum of things, over that eight weeks that we will work through and develop up progressively for the youth justice staff.

Mr MULINO — Thanks for your evidence. We heard evidence previously from the secretary of DHHS that DJR had advised that Grevillea was the best option for accommodating young inmates after the loss of beds at Parkville. I am just wondering what the reasoning was and the criteria were for that advice.

Mr WILSON — As I recall at the time, and there was a lot of pressure to get the decision made quickly, there is the criteria under the act — things like recreation facilities, visit centres, education and so on. For us it was important also to find a location where it could be clearly separated and delineated as a youth justice facility

from the adult facilities. So we went through a rapid but exhaustive process of looking at each and every prison and the layout and just working through what would best meet that criteria, as I say, including the ability to actually partition it off separately from the rest of the adult system.

Mr MULINO — Just one quick follow-up — I am just wondering what you are currently implementing in terms of early intervention and diversion programs.

Mr WILSON — There is a big emphasis on that statewide in terms of Victoria Police and I guess criminal justice more generally, but I might ask Julia if she wants to update the committee on some particular things we are doing.

Ms GRIFFITH — You are probably aware of the youth support service. That would be the main early intervention activity that has been funded, so that is about \$4.9 million per annum, and that works on referrals from Victoria Police, where young people are referred at a cautioning stage. The nature of the assistance that they provide is a range of things: obviously working back in with the family or an appropriate role model or another significant person in their life; education and training assistance; when they are obviously of a working age, employment assistance; assistance with drug or alcohol treatment, which is often needed; and so forth. So that is working actively. I think more than 1000 young people over the course of the year are assisted by that, and we have some early intervention initiatives, as I understand it as well, in relation to working with Aboriginal young people. So supporting those people prior to them being sentenced and also supporting those who are sentenced, in the community.

Ms SYMES — Thank you for your presentation. It was good to see a forward-looking explanation of what is happening. You touched on quite a few things, and one of the things I wrote down was the MOU that you are developing with the children's commissioner. Could you just expand on that a little bit?

Mr WILSON — We recognise the importance of the relationship with the commission, so whilst we are going through reviewing how to improve incident reporting and take learnings from the Corrections Victoria system, we will be working closely on the development of that MOU because we want to capture whatever we come up with. Corrections has things like a threshold of incidents that are to be reported within 30 minutes, for example, compared to — I think category 1 incidents are a day in youth justice and category 2, two days. I guess for us it is comprehensively going through the definitions that are necessary and the various categories and working with the commission to make sure that the systems and processes of getting those incidents, of capturing the details, and reporting them through to the commission happens as seamlessly as possible.

Ms SYMES — The other thing that I wrote down was the improved intelligence.

Mr WILSON — Again a well-developed intelligence system is an example of what you have in the corrections system, with 7000 prisoners and an investment of over \$1 billion a year, and how important that is not just for the management of day-to-day operations but also understanding particular offenders, relationships, risk and those sorts of things that then help with placement decisions and risk assessments and so on as well. So there is the ability to use that intelligence to manage things day to day and then there are also the benefits you get from having that in terms of placement decisions and classifications of offenders, and all of that goes to our objective of minimising the likelihood of incidents and so on as a preventative measure, but it is really well-developed in corrections systems and it is something that, as I said, we had introduced in Malmsbury when corrections were there and we are now rolling that out to Parkville as well.

Ms SPRINGLE — I do apologise for being a little late and missing part of your presentation. I would like to start with perhaps exploring a little more about the rehabilitation programs that you plan to be rolling out or that have been implemented already in the youth justice system.

Mr WILSON — Again I might ask Julia to comment on that, but it is from my point of view with the statutory responsibilities for adults and young people and the objectives of not just legislation but the common sense of saying that if people are in your custody, working with them for the benefit of the community to make sure that they do not reoffend and that as a consequence of their time with us they come out and they have addressed whether it is their offending behaviour or whether there are actually skills or whatever else, and they come out better prepared than when they came in. But I might ask Julia to comment more specifically on what we are doing in this space.

Ms GRIFFITH — You are probably aware of the Youth Health and Rehabilitation Services arrangement. It is a consortium with the Youth Substance Abuse Service — YSAS — and St Vincent's as well as Caraniche. They are responsible for the delivery of health and rehabilitation services in the custodial centres and contribute to some of the rehabilitation services for young people on orders in the community.

Under their arrangement they provide a range of primary health services. They also provide a range of case coordination and case planning, and then they have a range of rehabilitation services. The rehabilitation services go from one-on-one psychological counselling, which can certainly address offending behaviour, through to group-based programs so that they have the capacity to deliver violence intervention programs and alcohol and drug treatment, particularly using a harm-minimisation approach. They deliver a range of programs to young people on remand, particularly at Parkville in relation to the higher remand population there, and particularly around emotional regulation, alcohol and drug harm minimisation and so forth. They also have a sex offender treatment program for the small number of young people who may be suitable for that. They offer a suite of offending behaviour programs.

Of course the other part of rehabilitation is the work that Parkville College do in terms of education and the work that the Youth Justice Community Support Services do. They are funded non-government organisations that are working with young people in preparing for their transition on release and on parole and other things.

Ms SPRINGLE — Am I right in saying that the rehabilitation programs are what they have always been? There is no extension of those planned or added elements to them?

Ms GRIFFITH — Going forward, as the secretary says, the main thing in the first instance is to ensure a safe and stable custodial environment, so you create the environment you need to provide effective rehabilitation. We obviously want to make sure that there is the appropriate emphasis on providing offending behaviour programs. Group programs are particularly effective with young offenders. So it is important to ensure that in the course of the structured days at the centres we accommodate the opportunity for them to do their education through Parkville but also, where relevant and where assessed as suitable based on the risk assessment of their reoffending and their criminogenic needs, give them the opportunity to participate in a relevant offending behaviour program. So we will have quite a focus on that in the next period and going forward.

Ms SPRINGLE — Does that include any assessment to address the causal factors of the offending behaviour?

Ms GRIFFITH — In terms of the causal factors, they are multidimensional, but certainly the approach to assessment is to assess for risk of reoffending. That does go to a range of factors in terms of people's peer relationships, their substance misuse and other things. Certainly when it is violent offending, there are very specialised assessments that will screen whether a person is suitable for a violence intervention program and assess them based on that. Clinicians do those assessments.

Ms SPRINGLE — Moving on from that, can you perhaps unpack for me a little about the differences on the ground? You talked about adopting some of the corrections processes and procedures and instant reporting and all of that sort of stuff. But on the ground, when the workers are working with the children, what are the differences between how in a correctional environment the staff would work and how in a youth justice environment the staff would work?

Mr WILSON — They are very similar, in fact, because at the end of the day our staff are dealing with people, so the actual respectful relationships, the order and so on that you want, those kind of fundamentals are the same in both, but of course they operate under different acts. So for us it is basically, as I said at the beginning, an emphasis on stabilising things, making the facilities safer and then gradually starting to increase the things that Julia just talked about in terms of programs and so on. In a day-to-day sense they would be very similar, but of course youth are different. They are the same — they are youth justice staff, they are led by general managers that manage prisons — so if anything I would say it is more the changes in the staffing levels and the order and discipline that is provided, I guess, from prison general managers for some of the earlier changes, as distinct from what happens between a staff member and particular young offenders in the facilities. It is more that higher level order that is being introduced. I do not know if you have anything to add, Julia.

Ms GRIFFITH — My only thought is that with safety and security there is a lot of similarity in terms of how to work in a custodial environment and to ensure that for young people, yourself and the team around you. But obviously in terms of working with young people — and again you will have been apprised of this, I assume, from all the experts you have had before you — there is the state of adolescent brain development and the nature of their impulsive behaviours. Many of the young people in custody have experienced, as you would understand, significant trauma. The part of their brain that contributes to good judgement, thinking and controlling those sorts of impulsive behaviours is the last thing to develop, and so many of them are still in that phase. I think therefore that it is important for the workers who are working with them to understand what that means and what that looks like in terms of behaviour that gets played out in the accommodation environment. It is also important to be able to identify when you need to intervene early to help control behaviour before it escalates. That development of trusting relationships is, of course, a very important part of both a youth justice environment and an adult prisoner environment.

Ms SPRINGLE — Would you say that under the department of justice, youth justice centres will be run more like prisons than they were, to be frank?

Mr WILSON — I would not use prisons as the analogy. I think we would run them in accordance with the requirements of the act and we will have more resources and be better equipped with the scale of corrections to draw on things like training and, as I say, incident reporting procedures and policies and practices. So I think it will always be consistent with the legislation, but we will just be able to bolster the resources that were available to youth justice and we will also be able to learn from the appropriate policies and practices. So it will be, I guess, better resourced youth justice facilities rather than in any way converting them into a prison environment.

The CHAIR — I just have a couple of quick questions before we move to Ms Crozier. You referred earlier to improved intelligence gathering and establishing this at Malmsbury. Just to ask a really obvious question: how do you define ‘intelligence gathering’, and how is it different to what was happening previously at Malmsbury?

Mr WILSON — I guess it is a system is the obvious thing, as distinct from staff that may pick up chatter, for want of a better description. It is much more of a system that captures intelligence that is gathered and then that enables it to be analysed and so on. So it is really just the introduction of a proper system and then the training and the processes around that to make it much more formal and structured as a system rather than what would otherwise just be staff picking up things as you go and possibly mentioning something up the line. This is a much more systematic way of gathering that intelligence and then monitoring it and analysing it and making decisions on the basis of it.

The CHAIR — Also, you referred earlier to the Ogloff report, which is still with government, and the range of different reports that have been put together on youth justice. Which of those many reports do you have access to?

Mr WILSON — I assume we have access to all of them.

The CHAIR — So there are two Muir reports, I think.

Mr WILSON — Yes, there are two for which my understanding is executive privilege is being claimed, but I am assuming that that would have been shared with our operational people, and DHHS is part of the transition. I get briefed on them at a fairly high level, but as I said in the introductory remarks there seem to be some common themes that are guiding what we are doing. I do not know the actual detail of each and every report, but that is how we are considering them.

The CHAIR — Also, in terms of the decision-making to go to Grevillea, was that the only place where those young people could go?

Mr WILSON — In our view it was pretty limited in the time available, and it ticked those boxes that I referred to, and so that was the advice that we put up to DHHS, which ultimately had the statutory responsibility for it. But I do recall a pretty exhaustive process of looking at every single prison to see what we could do, and that is what we came up with. I do not know if you have anything to add, Julia.

Ms GRIFFITH — The only thing to add is that one of the requirements was cellular accommodation. We have a range of prisons that have either cottage-style or broader accommodation which really have prisoners in rooms and so forth. Cellular was important, given the young people and the circumstances that they were coming from.

The CHAIR — Were there are other places that were considered within the prison system aside from Grevillea?

Mr WILSON — All of them were looked at —

Ms GRIFFITH — Yes, we went through them.

Mr WILSON — but, as Julia said, you could not use Beechworth or at Dhurringile, because it would not have had the security requirements and the cellular accommodation. They were like residential places.

Ms GRIFFITH — That is right. We were also conscious of things like sex offenders and other things in terms of the whole appropriateness of where young people are located to.

Ms CROZIER — Thank you both for appearing before the committee this morning and for your evidence so far. I would just like to go to the issues around the court cases, the two Supreme Court cases and the Court of Appeal. We have heard evidence that the costs of those court proceedings have not been borne by DHHS and were in fact transferred to DOJ; is that correct?

Mr WILSON — I am not sure they are being transferred, but they are still being worked through, and the minister has committed to bring those costs back to the Public Accounts and Estimates Committee.

Ms CROZIER — Sorry, could you just repeat that? I just could not hear it.

Mr WILSON — The minister took that on notice and committed to come back with the costs to the Public Accounts and Estimates Committee, so when she has done that I am happy to provide this committee with the details.

Ms CROZIER — There have been a series of questions relating to this over a number of months in terms of what the costs of the proceedings have been and the minister has failed to provide it so far. Do you have an undertaking of what the costs are? Are you working through that?

Mr WILSON — I am not, and I do not know what they are, but there will be — —

Ms CROZIER — Is the department of justice?

Mr WILSON — For the minister now it would be our people working with the VGSO to settle accounts and so on. The other thing worth keeping in mind is that costs were awarded against the state, so there will be a process to go through to determine what the final cost will be at the end of that. As I understand it, the other party has not applied yet, but we assume that they will and there will be hearings associated with that to determine what the final costs will be.

Ms CROZIER — So you are saying that with the first Supreme Court case and the Court of Appeal, which was under the DHHS prior to transferring youth justice to you on 3 April, DHHS knows what the costs would have been or they are working with the solicitor-general's office?

Mr WILSON — Everyone involved will be working through collating those costs and settling the costs to give to the minister, who has taken the question on notice from a PAEC hearing, and she will respond to that shortly.

Ms CROZIER — Do you know when she will respond to that? Have you got any indication when she will respond to that?

Mr WILSON — No. I have just got letters from things that I have taken on notice from the Public Accounts and Estimates Committee, and I think it is weeks that they give you to respond, but I cannot speak on behalf of the minister.

Ms CROZIER — We will look forward to receiving that. Thank you, Mr Wilson. If I could, in terms of that, do you have a breakdown of those personnel who were involved in those legal proceedings?

Mr WILSON — No, I do not. I mean, I could — —

Ms CROZIER — Are you able to provide the committee with a breakdown of all the personnel?

Mr WILSON — I could provide the committee with who has appeared as witnesses from the department of justice.

Ms CROZIER — Thank you; that would be most helpful. Could I ask a point of clarification? Did you say that 40 per cent were on remand? I could not actually hear what — —

Mr WILSON — Yes, 40 per cent. It often gets confused. There are 80 per cent, as I understand it, at Parkville —

Ms CROZIER — Yes. I was going to say — —

Mr WILSON — and of course 40 per cent of the total is actually 80 people. So that 80 and 40 can get confused.

Ms CROZIER — So it is 40 per cent on remand?

Mr WILSON — Of the total and 80 per cent at Parkville.

Ms CROZIER — So that includes all the 18 to 21-year-olds sentenced and other sentenced young people. Forty per cent of the entire group are on remand?

Mr WILSON — Which is around 80 people, if that makes sense.

Ms CROZIER — But at Parkville, where the remandees are primarily located, it is around 80 per cent?

Mr WILSON — Yes.

Ms CROZIER — If I could just go to one other area in relation to the department of justice. The department provides monthly reports on breakdowns of contraband and other activities. Is that being conducted in youth justice?

Ms GRIFFITH — Well, we are looking to — —

Ms CROZIER — And drug testing. Contraband and drug testing I should have referred to.

Ms GRIFFITH — Well, drug testing is not being done, but in terms of actually looking at reports that identify contraband that is located and searching activity, we are looking at the documentation around that and whether it is relevant to be making it available.

Ms CROZIER — The minister and the previous manager of secure services, Mr Lanyon, spoke about ice in January after the riots in Parkville and also the Malmsbury escape. They said ice was a contributing factor to a lot of what was going on. If it is a problem, why are young people not being tested?

Mr WILSON — I am not sure that we would say that it is, but I am happy — —

Ms CROZIER — It is not a problem? Ice is not a problem?

Mr WILSON — Well, it is a scourge, not a problem. I cannot validate whatever Mr Lanyon said, but I am happy to take it on notice and — —

Ms CROZIER — So the minister said that ice is a contributing factor for the disruptions and you are saying that it is not a problem?

Mr WILSON — No, I am just saying — —

Ms CROZIER — You are not seeing it as a problem?

Mr WILSON — You are putting that to me, but I have not satisfied myself of what is happening and whether that is, for example, remandees coming in with ice-affected addictions or your suggestion that there is contraband and others getting in. So I just wanted the opportunity to take that on notice and give you a correct answer.

Ms CROZIER — Thank you. I am just trying to clarify this. I am getting the indication that you do not think it is a big issue in youth justice.

Mr WILSON — No, I did not say that.

Ms GRIFFITH — No.

Mr WILSON — I am basically saying I do not know. I am not — —

Ms CROZIER — You do not know.

Mr WILSON — I would like to go and examine that and come back to you, rather than just accept the premise — and what is the nature of it, as well, because I would be concerned if ice is getting into those facilities, as distinct from people with drug addiction.

Ms CROZIER — Not as contraband, but young people who are ice affected or have ice addictions.

Ms GRIFFITH — On reception, you are saying.

Mr WILSON — Yes.

Ms GRIFFITH — Sorry, so your question is?

Ms CROZIER — Basically the minister was saying that ice was a significant issue —

Mr WILSON — Yes.

Ms GRIFFITH — In the community.

Ms CROZIER — in terms of why the riots were occurring and the activities — and the behavioural issues — that were undertaken throughout those significant events and riots that have occurred over the last 18 months. I am just trying to get what is the situation and is drug testing being done, if it is an issue? The minister said it is an issue.

Mr WILSON — Yes.

Ms CROZIER — You are doing drug testing in the adult corrections system. Why are you not drug testing young people?

Ms GRIFFITH — Well, there has not been a regime for drug testing in the youth justice system.

Ms CROZIER — So should it be?

Mr WILSON — I am happy to look at things that improve rehabilitation prospects, the management of facilities and so on, but I would have to admit that ice and other drug addictions of people coming in will be an issue for us. But what happens once they are in, in terms of contraband and so on, I would have to come back to you on that one.

Ms CROZIER — We have just heard evidence that large percentages of young people have — —

Mr WILSON — Yes, addictions.

Ms CROZIER — They are on drugs or are drug addicted; that is right. So in relation to them not being tested or it is not an issue, I am just wondering why the minister said it was, and I am just wondering if it is in

those reports that you have reviewed. What has been in the reports that you have reviewed in relation to the drug problem?

Mr WILSON — I am happy to come back to you on that.

Ms CROZIER — Thank you; we look forward to receiving that response.

Mr MORRIS — Thank you for your testimony today. I was hoping to get to Ms Crozier's point there about the potential for ice and other drugs to be affecting young people in these centres. We have seen evidence of late of mobile phones and the like being in high-security prisons. To suggest perhaps that ice and other drugs are not getting into these facilities, I think the history that we have seen here is probably indicative of the fact that it probably is happening, and I would wonder — —

Ms Symes interjected.

Mr MORRIS — Thanks for that, Ms Symes. I am curious; Donald Rumsfeld spoke about known knowns and known unknowns. I think we are dealing here with a bit of a known unknown — that there may be an issue here that drug testing of these young people might be able to reveal. Is that something that you would be advocating for?

Mr WILSON — Well, I think I said two things. I did not say that there was not ice getting in. I think I just want to test if that were the issue. Secondly, I gave an undertaking to examine that particular issue and come back to the committee.

Mr MORRIS — I was hoping maybe to touch on the rewards programs that are currently operating in youth justice. Could you perhaps give us a bit of an overview of how they work and operate?

Mr WILSON — Well, in general terms, there are rewards and there are consequences, basically. So it is an approach that seeks to reinforce positive behaviours and I guess disadvantage those that do not behave well. So it is a differentiated approach based on how people behave in custody. I do not know, Julia, if you have got anything to add, but essentially that is as complicated as it gets. It is rewarding good behaviour, and people who do not behave well do not get those rewards. So it is a differentiated approach based on how people behave.

Ms GRIFFITH — Yes, that is right. You will have heard of the nature of the system.

Mr MORRIS — Gold, silver, bronze.

Ms GRIFFITH — You have got it. So easily remembered and easily identified with if you are a young person. It is all around the things that can be worked with within the custodial environment. So the capacity that young people have to buy things from the canteen — how much money they have available for making their purchases, which allow them to buy toiletries and other things as well as snacks and things. That is certainly one of the things, as is having visits — obviously standard visits for all, but being entitled to an extra sort of meal package, for example, to share with visitors. Phone calls as well are a basic entitlement, but also having the capacity to have extra phone calls if you wish to purchase them, and those sorts of things.

Then obviously on the other side of the equation are things which also mean something to young people — for example, loss of the TV and some of those things which have meaning and encourage young people to, I guess, regulate their own behaviour and reflect on their behaviour. All of that is given in the context of a behavioural plan where they have the opportunity to work through what they need to do to get back on track. It is those sorts of things — not dissimilar to your home environment probably, maybe.

Mr MORRIS — In terms of that, I am assuming there is a rather strict framework or structure that the gold, silver, bronze program works around. I am assuming there is a document, or something of the like, that staff members have and that there is a way of communicating that effectively and efficiently to the inmates as well. Can you maybe expand on how that is done?

Mr WILSON — As I mentioned, there is that whole behaviour management model. We are going through the process of training all staff so that those sorts of things are in place. I do not know if you have anything to add, Julia, on those points as they exist at the moment.

Ms GRIFFITH — It has been worked through with the CPSU and the staff representatives, and the training is going to be underway. Certainly by the end of August I think all staff will be trained, and I think many of the young people are pretty much already aware of the way it works. The important thing here is about application of it from all staff and across both centres. Any behaviour management regime has to have consistent application and be perceived by the young people, as if it was also in an adult environment, to be fair.

Mr MORRIS — Would you be able to provide that documentation to the committee with regard to how it is communicated to both staff and the inmates as well?

Mr WILSON — Yes, happy to keep you updated on that as well.

Mr MORRIS — Just to be clear: is this system still operating within youth justice at the moment — the gold, silver, bronze program?

Ms GRIFFITH — To my knowledge.

Mr MORRIS — I believe that the committee may have heard testimony in the past, from the minister indeed, that the program had ceased. Is that not the case to your understanding?

Ms GRIFFITH — I would need to check with Jodi Henderson in terms of the precise nature of it at this point. We can get back to you if you like. To my knowledge it is operating, but maybe it is going to be applied more fully once all the staff have been trained.

Ms CROZIER — In Parkville and Malmsbury — gold, silver, bronze?

Ms GRIFFITH — Yes.

Mr MORRIS — That will be interesting to find out.

Ms GRIFFITH — We will take that on notice, then, and we will make sure that you have got the facts.

Mr WILSON — It has been put to me as a behaviour management model with rewards and consequences. Whether we still characterise that as gold, silver, bronze or whatever, which I think started off in *Grevillea, we will check. But I am happy to provide you with all of the details of how it works and the policies and practices around it.

Ms SYMES — Just going back to the remand numbers, I am wondering if you could comment on the new remand court.

Mr WILSON — As I mentioned in the opening, with Judge Amanda Chambers and the benefit of \$1.6 million over two years from the government, it has been recognised as a significant issue. From 2013 the numbers have grown, I think, from 20 per cent to 40 per cent, but I might stand corrected on that. The aim is really to get those people processed more quickly. You walk through these facilities, and there are young people just sitting there potentially waiting for months to go to court to have their matters heard. We are working collaboratively with the Children's Court to see what we can do to get those people through more quickly. It has only commenced since 29 May, so I am happy to provide the committee with an update.

Ms SYMES — Will it reduce the amount of time the young person has to go back to court?

Mr WILSON — I am not sure about that 21-day reporting thing.

Ms SPRINGLE — That is under the act. They do have to appear before a court within 21 days.

Mr WILSON — Yes, but I am not sure whether that is kind of locked in. I think it is more to get their matters heard, which means they are either sentenced or they are dealt with, which means they are not on remand having to come back every 21 days. I think the aim is to actually have their substantive matters heard more quickly.

Ms SYMES — And that will reduce time served outcomes too, won't it?

Mr WILSON — Yes. At any point in time, once that is up and running there would be reduction in the proportion of remand, all things being equal, because more have been processed more quickly.

Ms SPRINGLE — On that, just as a follow-up to that, my understanding is that part of the problem is that kids are going back to court every three weeks, as per the act, and are then re-remanded for whatever reason, whether it be that they are not deemed to be suitable for whatever or there is no accommodation or what have you for them to be released. So how would the remand court deal with that issue?

Mr WILSON — I think it is basically once you have dealt with their substantive matter they are no longer on remand. They are either sentenced or they are given time served or they are done, as distinct from remand, which just keeps continuing with that 21-day report back. That is my understanding of it, but I am happy to come back with more details on it as well as how it has been going — because it has only been three weeks or so, I think — to provide the committee with more info about that.

Ms SPRINGLE — If you could. I could be misinformed or I could have misunderstood, but my understanding is that the children have to go back before the court every three weeks, as per the act.

Mr WILSON — While they are on remand.

Ms SPRINGLE — Yes, and so there are other reasons why they are being re-remanded. It is not necessarily that they are not going before a court.

Mr WILSON — Yes. I assume it is to tackle some of those reasons, whether it is VicPol and others —

Ms GRIFFITH — Police prosecution.

Mr WILSON — just getting their cases together, but I guess what we are saying is there needs to be a dedicated effort to bring those numbers down and to get those matters processed more quickly, given there is that three-week report back whilst they are on remand.

Ms SPRINGLE — I do have one more follow-up question from Mr Morris's train of thought earlier, and that is around lockdowns and whether that is still happening and, if so, why.

Mr WILSON — It is an operational matter, but my understanding is that there are occasions where that is necessary for the safety of the individuals concerned and the good order of the facilities and what have you. But as to the extent to which they are occurring, I would have to take that on notice, but I am happy to come back to the committee with details of that.

Ms SPRINGLE — That would be great. It sparked my interest around the issue of lockdowns being used as punishment, so when you are talking about the new behavioural management kind of regime — —

Mr WILSON — That will not be part of it, no.

Ms SPRINGLE — But is it now?

Mr WILSON — No, it is not a punishment thing. It is basically driven by safety and de-escalation and so on. It is certainly not punishment.

The CHAIR — There are a couple more issues that I want to ask about. One is in relation to drugs, which we were talking about earlier. I have visited Parkville, Malmsbury and Barwon Prison. I was struck when I went to Barwon Prison that I had to pass through a specific air screening test to see whether there was evidence of drugs on my clothing or whatever. There is nothing like that at Malmsbury or Parkville. Are you thinking of changing that?

Mr WILSON — As I said, it is not on my particular agenda, so I do not have a particular strategy where I can say, 'Yes, we have considered it and this is what we are doing'. But given you have raised those issues as a committee, as I said to Ms Crozier, I am happy to have a look at it.

The CHAIR — Thank you. My other question is: I understand that the Cherry Creek site at the moment has no indicative completion dates because time frames will depend on the outcomes of initial assessments and so on. Is that right?

Mr WILSON — Yes and no. I will just explain the process of the environmental approvals. We go through a process of undertaking various environmental assessments to give to the Minister for Planning to make decisions about the need for an environment effects statement, and then also working through the department of environment here and then to the commonwealth under the EPBC act. Some of the things they look for they need to examine in certain conditions. So with the golden sun moth, they would say it needs to be summer conditions to observe what is actually going on there. I am not an expert in these things.

So in that sense we cannot tell those planning bodies we want something done by a certain date, but I can say based on experience and so on to the people that deal with these matters that we would allow six to nine months for those things to be concluded. So the best case scenario, I guess, is by the end of the calendar year, possibly into the new year. But our planning is basically to commence construction subject to all of those approvals — I do not want to be seen to be pre-empting any of them — in mid-2018. So there is an allowance for those things to occur, but we cannot be definite because it is in the hands of other bodies.

The CHAIR — Sure. So it is six to nine months for the various environmental assessments that need to — —

Mr WILSON — And the Aboriginal cultural work and so on.

The CHAIR — Yes, which needs to then feed into the environment effects statement. Is that — —

Mr WILSON — As I understand it the Minister for Planning has to make a judgement about environment effects statements, and I think it is a kind of whether-or-not decision in the first instance, and then the commonwealth with the EPBC act based on what they have seen may then impose various conditions and so on and offsets and what have you that we will need to take into account.

The CHAIR — So the six to nine months is referring to?

Mr WILSON — What we think. As I say I do not want to be seen to be pre-empting those processes, but — —

The CHAIR — The reason why I raise it is that, as you know, Jodi Henderson gave evidence to this committee some time ago, and she had a number of questions on notice. One of them has come back this morning, and she has said:

At this stage, no indicative completion dates are available —

for the Cherry Creek site —

as the time frames will depend on outcomes of initial assessments, which will be scheduled by the major programs and projects office of the Department of Justice and Regulation in due course.

I was just trying to — —

Mr WILSON — So Jodi would not have been aware of that, because it is run by a separate office. That office works to me, and they are the kind of indicative time frames, and as I said I would not want to characterise that as a firm completion date. I am just sharing with the committee what we think we should allow for those processes —

The CHAIR — That is appreciated.

Mr WILSON — because I cannot say and I would not want to be seen to be telling planning authorities —

The CHAIR — No, none of us want to do that.

Mr WILSON — when they need to make decisions by. So that is our, I guess, internal assumption in that project office with me. They are not public dates, but they are assumptions.

Ms CROZIER — I just want to follow on in relation to that calendar year. Has a full business case been prepared for the subsequent works that are going to proceed in 2018?

Mr WILSON — There is a business case and then a further process of a business case for Cherry Creek, building on that initial work — the same criteria and all those sorts of things, yes. So that has been completed.

Ms CROZIER — That has been completed?

Mr WILSON — Yes.

Ms CROZIER — The business case for the Cherry Creek site has been completed?

Mr WILSON — Let me be very careful here. There is a business case prepared for a new youth justice facility, which as I understand it led to the Werribee South location, and then there is a process that the government went through, given the response from the community, where it put that back to the community and the community came back with an alternative site. We went and completed an assessment of that site in accordance with the same criteria as the full business case for a new facility at Werribee — —

Ms CROZIER — But now you have got these new elements for Indigenous cultural and environmental implications, so there could be some costs that are incurred from those findings if you have not got those complete. So it cannot be fully completed if you have not actually finished those proceedings.

Mr WILSON — We would not regard those as new in the sense that we did not know about them. In my experience, whether it is regional rail or the Melbourne to Geelong pipeline, with anything that happens in that part of the state, we know about the grasslands and we know about the golden sun moth and so on. We would anticipate that in going to that site we would need to comply with all of those relevant planning and environmental requirements in the choice to move to that Cherry Creek site.

Ms CROZIER — And no additional costs?

Mr WILSON — No. It is still, from memory, \$288 million, 224 beds — that is the actual for costs — and with the completion dates we were still looking at complete construction at the end of 2020, and then there is always a commissioning process before you can start bringing people in, so that would occur early 2021. That is the latest I have from our project office.

Ms SPRINGLE — Are you able to enlighten us at all about how the number of beds for that facility was settled upon — 224?

Mr WILSON — No, other than that it was settled upon in the original business case.

Ms SPRINGLE — Based on what criteria?

Mr WILSON — They would be projections made by DHHS of the future demands and so on.

Ms GRIFFITH — Based on population growth and criminal justice trends for some period.

Mr WILSON — There is a summary business case on a website, Engage Victoria, but I am happy to take that one on notice as well.

Ms SPRINGLE — Thank you.

The CHAIR — Just one last issue: we have had witnesses raise with us — former staff have raised with us — the issue of people being allegedly afraid to report incidents because of consequences. Do you have any comments to make on that at all?

Mr WILSON — I am not aware of it, and again I would not say that means it has not happened, but with the work that we are doing in terms of stabilising the operating environment, bolstering resources, providing more training and so on, I would hope if anyone felt that way, we would address that by strengthening the arrangements around the custodial facilities through the things we are doing.

The CHAIR — So that is not an issue that has been raised with you?

Mr WILSON — No. I mean, I get various anecdotal comments about, I guess, morale and confidence and those sorts of things. So as I said, I would not say that that does not happen, and I could imagine there would be

some that feel that way. My job as the person that those staff work for is to make sure that they have the support around them to do their job professionally and competently and do not have any such fears into the future.

The CHAIR — That is interesting, because it is different to some evidence that we received earlier where it was put to us that staff are too scared in some instances to report assaults because they are threatened by the people that they are looking after.

Mr WILSON — I am not denying that that may have happened. It is really that my focus is on making sure that they can do their job confidently and they have got the support around them so that they do report incidents without those sorts of anxieties.

The CHAIR — I think we have run out of time, after starting late. Again, my apologies that we started late. Thank you very much for appearing today and for the contribution you have made. You will be provided with a copy of the transcript within a few weeks for proofreading.

Mr WILSON — No worries. Thank you.

Ms GRIFFITH — Thank you.

Witnesses withdrew.