

VERIFIED VERSION

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

Inquiry into Budget Estimates 2016–17

Melbourne — 13 May 2016

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Dr Rachel Carling-Jenkins

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Witnesses

Mr Robin Scott, Acting Minister for Corrections,

Mr Greg Wilson, Secretary, Department of Justice and Regulation, and

Ms Jan Shuard, Commissioner, Corrections Victoria.

**Necessary corrections to be notified to
executive officer of committee**

The CHAIR — Just by clarification before we commence, earlier, during the Acting Minister for Police’s testimony, I referred to Minister Noonan as a former minister rather than being the minister and Minister Scott being the minister. That was a regrettable oversight on my behalf, and I just wish to correct the record. I will ensure that Hansard reflects that as well.

I declare open the public hearings for the Public Accounts and Estimates Committee inquiry into the 2016–17 budget estimates. All mobile telephones should now be turned to silent.

I would like to welcome the Acting Minister for Corrections, the Honourable Robin Scott, MP; the Secretary of the Department of Justice and Regulation, Mr Greg Wilson; and the Commissioner for Corrections Victoria, Jan Shuard.

All evidence is taken by this committee under the provisions of the Parliamentary Committees Act, attracts parliamentary privilege and is protected from judicial review. Comments made outside the hearing, including on social media, are not afforded such privilege. Witnesses will not be sworn but are requested to answer all questions succinctly, accurately and truthfully. Witnesses found to be giving false or misleading evidence may be in contempt of Parliament and subject to penalty.

Questions from the committee will be asked on a group basis, meaning that specific time has been allocated to members of the government, opposition and crossbench to ask a series of questions in a set amount of time before moving on to the next group. I will advise witnesses who will be asking questions at each segment.

All evidence given today is being recorded by Hansard, and you will be provided with proof versions of the transcript for verification as soon as available. Verified transcripts, presentations and handouts will be placed on the committee’s website as soon as possible.

All written communication to witnesses can only be provided via officers of the PAEC secretariat. Members of the public gallery cannot participate in the committee’s proceedings in any way and cannot photograph, audio record or video record any part of these proceedings. Members of the media must remain focused only on the persons speaking. Any filming and recording must cease immediately at the completion of the hearing.

I invite the witness to make a very brief opening statement of no more than 5 minutes. This will be followed by questions from the committee.

Visual presentation.

Mr SCOTT — Thank you for the opportunity to make a presentation in the corrections portfolio as the acting minister. We inherited as a government an overcrowded prison system and unplanned growth of offenders in the community. In our first year the government invested \$450 million to strengthen rehabilitation, stabilise prisons and respond to growing offender numbers supervised in the community. We can see the early results, with prisoner recidivism — returns to prison — now reducing, turning around the growth of the past four years with the completion of community correction orders improved. This budget gets on with the job of stabilising the prison system, dealing with serious sex and violent offenders and reforming corrections in the community.

There is more than \$400 million invested in corrections in the 2016–17 budget. This includes record funding of \$233.4 million for expanding and reforming the community corrections system; \$84 million in funding for strengthening the management of serious sex offenders; \$95.3 million for improvements in the Metropolitan Remand Centre; \$1.5 million to continue two specialist programs for remand outreach and deradicalisation; and funding to support the new Drug Court and the response to family violence.

The 2016–17 state budget provides \$233.4 million — \$201.4 million in output and \$31.9 million in assets — over four years to strengthen and expand the capacity of community corrections. Key initiatives include additional court advice staff; the introduction of additional staff as senior case managers; practice standards managers to raise the quality of community correction service case management; additional clinical staff; the continuation of programs, including offender behaviour programs and alcohol and drug treatment capacity; youth employment readiness programs as funded in the 2015–16 state budget; the introduction of a group-based alcohol and drug education program for low-risk offenders; funding to deliver offending behaviour programs;

additional community work programs, officers and equipment; and the introduction of workforce employment pathways initiatives. We want offenders contributing to the community, not back on orders or in prison.

This budget is an immediate response to the Harper review that builds on legislation and operational changes of the past year. The \$84 million investment includes \$32.5 million to build and \$19 million to operate a new specialist secure facility that includes operational funding for accommodation of those with a cognitive disability or acquired brain injury, the expansion of assessment and treatment services for serious sex offenders in prison, an intensive supervision and outreach program for offenders, a research centre to build knowledge in reducing sexual offending and violent crime, and the development of a new governance model to oversee the post-sentence scheme for serious sex offenders.

Now we are turning to the response to the Metropolitan Remand Centre. The original \$51.9 million in capital was for hardening the infrastructure of the Metropolitan Remand Centre security and includes solid walls between the five accommodation areas and the strengthening of offender posts and the management unit plus secure fencing in other areas, increased camera coverage and increased security. A further \$23 million in capital will be invested in remand capital improvements that include service buildings to operate in the five compounds, improved movement control for access to industry education and visits and also fencing for the recreation area. We have included remand operating funding of \$20.4 million for staff and for industries to increase prisoner work, structured day activities, a new remand operating regime and stronger case management and supervision.

Other initiatives include \$800 000 to continue the remand outreach program; \$700 000 for the community integrated support program, which works with prisoners charged with terrorism-related offences or those at risk of radicalisation; and funding for corrections officers to support the new Melbourne Drug Court and services as part of the government's response to family violence.

The CHAIR — Thank you, Minister.

Ms WARD — Welcome back, Minister. Welcome, everyone; it is nice to see you. Minister, I am glad that you mentioned in your presentation the issues around the Metropolitan Remand Centre riot. I see that the government has put in a significant amount of money in addressing this. Can you firstly please explain to me how the capital works being funded in this initiative compare to the capital works that were announced in December 2015?

Mr SCOTT — I may ask for some supplementation on what these works will mean in an operational sense from the commissioner, but I will make some opening remarks. In December the government announced \$51.9 million in funding to harden the infrastructure at the Metropolitan Remand Centre in response to the recommendations of the Walshe report into the riot. This included solid walls between the five accommodation areas; the strengthening of officer posts, central movement control and management unit; secure fencing in some other areas; and increased camera coverage and security for the roofs of buildings, along with immobiliser technology for vehicles.

There has been subsequent funding beyond the \$51.9 million, which, because of its timing and announcement, is included in this budget in terms of that, and that is the appropriate thing to do. There is a further \$23 million for remand-related improvements, including new service buildings so that the prison can operate services into the five separate compounds; upgrades to improve movements in the prison, particularly for industry education and visits and canteen and vehicle access so the prison can operate a less staff intensive approach to escorts and movements; fencing for the recreation area so that it can be routinely utilised; and security and emergency service group vehicles.

The investment responds to the Walshe report finding in relation to the strain that was placed on the facilities with the increasing prisoners and the difficulties in scheduling prison visits and the problems that caused within the prison. It ensures that prisoners at Victoria's main remand facility are able to access programs and services they require, and it reflects a commitment to returning the Metropolitan Remand Centre to full remand operations. I will get the corrections commissioner to supplement.

Comm. SHUARD — All of those infrastructure changes at the prison will allow us to operate the prison in five separate precincts. With the growth in the prisoner numbers there from 613, which it was built for in 2006, and it now has a capacity or will have a capacity of 954 once the — —

Ms WARD — When will it be finished? When will it have that capacity?

Comm. SHUARD — Well, currently we are operating with a capacity of 780 while we return the prison back to normal and get the work done with the infrastructure. When that work is completed, in about 18 months time, the capacity will go back up to 954 beds. It will allow us to operate five separate precincts and reintroduce a hierarchical model within the prison — so incentivised good behaviour — so that prisoners that come through the system can actually earn their place into cottage-style accommodation, and those that are new into the system will be in the cellular accommodation. It also takes out 50 of the bunks that we had to put in with the rapid expansion of the prison so that the incentivised program in terms of prisoner management in there can be better managed.

Ms WARD — Thank you. Minister, I understand that there are existing projects that have funds reprioritised away from them to fund these capital works that have been needed because of the riot. Why has this been done? Why has money been taken from there, and what is the impact on those prisons that have been affected?

Mr SCOTT — Okay. Thank you for the question. In November 2015 the Treasurer did approve the redirection, as I said, of \$51.9 million to fund infrastructure projects to reinforce the Metropolitan Remand Centre. Of the reprioritised capital funding, projects at Tarrengower, Beechworth and Dhurringile were impacted. The delivery of additional health beds was also impacted. We were able to reprioritise the funding on the basis that the number of sentenced prisoners in Victoria had stabilised and there were significant vacancies in the medium and minimum security prisons. The Tarrengower project was deferred as there are additional beds opening at the Dame Phyllis Frost Centre in July 2016. The delivery of these beds will ease the pressure on the women's system.

The stabilisation in prison numbers allowed Corrections Victoria to close a number of beds in medium and minimum security prisons, although these beds do remain available to reopen as surge capacity is required. This means the upgrades designed to support increased prison numbers were not required at the time. As an example, the capacity at Dhurringile prison is 340 prisoners. As of February 15, when operating capacity of the prison was at his peak, the operating capacity of the prison was 500 prisoners.

On the other hand, there is a significant issue with demand for remand beds, and we need to ensure that infrastructure is put to where there is greatest demand and where it is needed most — that is, increasing the capacity of the Metropolitan Remand Centre where it was needed. I will get further detail from the commissioner.

Comm. SHUARD — As I think I have said here before, our prison numbers peaked at 31 January 2015 with 6506 prisoners. We are currently today around 6440 prisoners, so it has not gone back up to that number, and it has been quite a considerable period of time that we have stabilised in our prisoner numbers. So therefore we have closed beds across the state. Closing beds really effectively means you reduce your staffing numbers in those prisons appropriately and reduce the number of prisoners going out there. So we have done that in the minimum security prisons. We have done that in some medium security prisons.

But we have also been reprofiling our beds. What that means is that we look at the beds and what they are being used for. Prisoners cannot go in any bed; they have to go in a bed that is appropriate for their security rating — for whether they are a mainstream prisoner or a protection prisoner, and whether they are an unsentenced prisoner. So we have increased the number of beds across the state for remand prisoners. About 28 per cent of our male prisoner population are now remands, and 37 per cent of the women's prison population are remand prisoners, and so we have needed extra beds to accommodate those. So we have remand prisoners now at three male medium security prisons, which is quite appropriate given they are rated at medium security. But that is to be able to accommodate the remand population. We are also reprofiling beds as I speak to be able to accommodate the additional remands coming into the system.

Ms SHING — Commissioner, I might pick you up there in relation to the figure that you quoted around the peak of numbers and how that appears to have dropped off, and hopefully that trend will continue. Has there been any modelling done in relation to any correlation that might exist on recidivism statistics on the one hand and the number of people in the prison system in the budget period?

Comm. SHUARD — Well, certainly our expected outcome this year is a reduction in recidivism at 41.5 per cent.

Ms SHING — I noted that, yes.

Comm. SHUARD — That is what our expected outcome is going to be, which is a reduction from 44 per cent last year.

Ms SHING — That had trended up for some time; it is now starting to come down. Is that a correct summary?

Comm. SHUARD — That is right. We had had a rise in our recidivism rate. Much of that rise was related to the parole reforms and people on parole returning.

Ms SHING — What period of time was that, Commissioner?

Comm. SHUARD — The last couple of years, since the parole reforms, since 2014.

Ms SHING — Thank you.

Mr DIMOPOULOS — Minister, can I take you to community corrections — so BP3, page 97, and your presentation where you talk about record investment in 16–17. I just want to get a sense about how this initiative manages particularly what you would call ‘high-risk offenders’. You have touched on it, but also: what are the different management arrangements for community corrections?

Mr SCOTT — This is a very significant investment in community corrections. I think I referenced 233 million, which is 201.4 operating or output expenditure and 31.9 million in asset. This in fact builds on investments that were made in the last budget. There was a \$63 million investment, with 147 additional staff, whereas this funding will provide 130 new additional staff to enhance rehabilitation offenders, build workforce capacity and improve service delivery. This is in addition to the 143 staff that were funded in the 2015–16 budget.

The funding is designed to meet growing demand and strengthen the risk management for people on court orders. It involves additional court advice staff and specialist training to support the establishment of court advice as a gateway to the community corrections service system; case management, with the introduction of additional staff to undertake a new senior case management role to manage sex offenders on community correction orders and offenders subject to community correction orders combined with imprisonment. That is actually quite an important issue, and I might get the commissioner to supplement because that has been a real growth area, particularly the community correction orders combined with imprisonment.

Mr DIMOPOULOS — And just specifically, if you want to either take it on notice or say in the next 45 seconds, more around the rehabilitation part of the — —

Mr SCOTT — Well, there are a whole series of programs which are designed to ensure that offenders do not reoffend or deal with issues in their life that may have contributed to offending. There are examples. There is a group-based alcohol and drug education program for lower risk offenders who have an alcohol and drug treatment condition attached to their community correction order. Would you like to supplement, Commissioner?

Comm. SHUARD — There is also brokerage funding in that packet of funding so that we can engage community-based services to deliver offending behaviour programs for the portion of offenders that are moderate risk, enabling our existing services to be able to focus their effort around the higher risk offenders with the more criminogenic programs.

Mr T. SMITH — Minister, I refer to BP3, page 264, in relation to the Department of Justice and Regulation’s output funding for prisoner supervision and support. I note you have been acting minister now for 95 days and you are responsible for 12 male prisons and 2 female prisons.

Mr SCOTT — I am.

Mr T. SMITH — How many of these prisons have you visited in that time?

Mr SCOTT — Two.

Mr T. SMITH — Two prisons. Minister, that is not a huge number.

Mr SCOTT — I am interested in the estimates angle, but anyway, continue.

Members interjecting.

Mr T. SMITH — I think the point is, Minister, firstly, which two prisons have you visited?

Mr SCOTT — In fact, in relation to the issue that we have just been dealing with, I visited the Dame Phyllis Frost Centre, which is located nearby the other prison that I visited, which was of course the Metropolitan Remand Centre, which we have been discussing at some length.

Mr T. SMITH — The Metropolitan Remand Centre. Thank you very much for that, Minister. Because I suppose where I am going with this question is that — I mean, let us just be frank — you are a part-time corrections minister, and given that — —

Members interjecting.

The CHAIR — Order!

Mr T. SMITH — Given that the government originally reported that you would be in the role for only three months, how much longer are you going to be our part-time corrections minister?

Members interjecting.

The CHAIR — Order!

Ms SHING — A point of order, I think it is an unfair characterisation, and again unparliamentary, for Mr Smith to refer to the acting minister as a ‘part-time corrections minister’ not once, but twice.

The CHAIR — Okay. I think — —

Members interjecting.

The CHAIR — Order! I promised that I would deal with points of order quickly and expeditiously. I would encourage Mr Smith that this is budget estimates, so it is about prospective expenditure commencing on 1 July 2016 across the four years of the forward estimates. Perhaps you may wish to craft a question about what activities the Acting Minister for Corrections may choose to do or may embark upon over the course of the next financial year.

Mr MORRIS — The budget papers also include the anticipated result for the 2015–16 — —

Ms SHING — Further to the point of order, Chair, the objection that I have raised is to Mr Smith’s characterisation of the acting minister as a part-time Minister for Corrections on not one, but two, occasions. I object on the basis that it is unparliamentary, and I would ask that he withdraw.

Members interjecting.

The CHAIR — Order! It is Friday. It is Friday afternoon. We have done very well to have got this far, and I am trying to restore order so that Mr Smith can ask a question in relation to — —

Mr T. SMITH — How much longer will we have this minister as an acting corrections minister?

The CHAIR — Mr Smith, I do not think it is within the minister’s gift to be able to answer that question. I would encourage you to ask another question.

Mr D. O’BRIEN — Maybe the minister might know. He could tell us.

Mr SCOTT — Well, actually, I cannot respond to the question. I am always trying to be assisting for the member for Kew in his various interventions.

Members interjecting.

The CHAIR — Order!

Mr SCOTT — But I cannot help him on this occasion. I cannot help him on this occasion, because I cannot give a timetable for the period in which I have been in this role. But I serve as required in the government, and that is the nature, and it is a great honour to serve as a minister in a government.

Mr T. SMITH — Well, we look forward to the inevitable reshuffle, but anyway — —

The CHAIR — Is there another question, Mr Smith? Perhaps Mr O'Brien might have a question.

Mr D. O'BRIEN — No. Mr Smith has one.

Mr T. SMITH — Minister, I refer to BP4, page 55, and BP3, page 97 in relation to improvements and infrastructure upgrades at the Metropolitan Remand Centre. How is it that between December and May the Metropolitan Remand Centre rebuild costs have blown out by 43 million?

Mr SCOTT — Okay. I am happy to respond to the question. There are a number of elements. Firstly, there is a presumption in it that the scope of the works is the same, which is not actually correct. In fact I thought my previous answers actually dealt with that matter, but I might go to that. So in terms of the original funding, there is a \$51.9 million capital injection, which was announced last year, in fact, which was for the solid walls between the five accommodation areas, the strengthening of officers posts, central movement control and management unit, secure fencing in other areas and increased camera coverage, and security of roofs of buildings, along with immobiliser technology for vehicles.

There has been a subsequent announcement in this budget which involves an expansion of the scope of funded works, and that includes a new service building so the prison can operate services in the five separate compounds; an upgrade of the central movement control to improve movement in the prison particularly to industry, education and visits; further work to strengthen the central movement control; canteen and vehicle access so the prison can operate a less staff intensive approach to escorts and movements; fencing for the recreational area so it can be routinely utilised; and security and emergency service group vehicles.

On top of the \$23 million, there is also additional operational funding which has been announced in this budget, which is beyond the \$51.9 million in capital that was previously announced, which is for staff for industries to increase prisoner activity, a program of funding for a structured day, a remand behavioural incentive regime and stronger case management and supervision.

I think, Mr Smith, your question assumed that there had been an original scope of works and that that scope of works had not changed and therefore there had been a blowout of costs. I think in fact my previous answer — but I am happy, as I said, to provide that further information — indicates that the increased expenditure is due to the change in the scope of works and additional items. I might get the corrections commissioner to supplement.

Comm. SHUARD — The original scope of work is certainly changing the way the prison will operate. The second scope of work allows us to build in more amenity so that the prisoners in that prison can be contained within the precinct and access some activity while they are in there. So it is designed to reduce the amount of movement that was previously moving through what is called central movement control. It also allows us to introduce a double shift into the industries area so that double the amount of prisoners can be engaged in industry and be able to go to education programs as well. The second part of the works, if you like, allows it to operate in a different way than it operated previously, given the increase in numbers that the prison has absorbed with the building program.

Mr D. O'BRIEN — Can I just jump in there, Commissioner — either you or the minister. I understand pre-riot the capacity was about 1000; it was brought back to 800. I have heard that it has since gone back up to 950. Can you confirm that or tell us what the current capacity is?

Comm. SHUARD — Yes, I can. The current capacity is capped at 780. We have been operating on 780. After the riot it was much less than that, and we have gradually brought the number back up to 780.

Mr D. O'BRIEN — Okay. So it has never been at 1000; is that right?

Comm. SHUARD — No, it had 1006 beds on the day of the riot and the number of prisoners was up towards that — it was around 900 or more, I think — but, no, since the riot it has not gone beyond 780.

Mr D. O'BRIEN — Okay, thank you.

Mr T. SMITH — Minister, of the 95 million, how much has been diverted from other capital projects across the system?

Mr SCOTT — I can answer that. Just give me a second; I do try to be helpful to you —

Mr T. SMITH — I know you do, Minister. Thank you.

Mr SCOTT — in terms of providing factual information. The redirection was the \$51.9 million that I referred to earlier, which was made in November 2015.

Mr T. SMITH — Thanks, Minister.

Dr CARLING-JENKINS — Thank you, Minister. I have only got 4 minutes — —

Mr SCOTT — I will try and be brief. We will not waffle; I will try.

Dr CARLING-JENKINS — I am just letting you know that it is a tight time frame for the crossbenchers. I would like to, firstly — if I get to two, but at least firstly — get to one of the output measures on budget paper 3, page 271, where there has been the introduction of a new performance measure, 'Assessment of prisoners "at risk" undertaken within 2 hours'. I commend this measure; it sounds like a great initiative to achieve a 100 per cent target of providing risk assessments within 2 hours. Quite simply, I just wondered, first: is this measure already in practice which corrections is simply formalising, or is this a new challenge?

Mr SCOTT — I will refer that to the corrections commissioner as it is an operational matter.

Comm. SHUARD — Firstly, we have that measure across all of our prisons. When a prisoner is identified to be at risk — so they self-disclose, for example, that they are contemplating self-harm or indeed a staff member observes behaviour that they are concerned about — it requires, firstly, that obviously the medical staff are notified. It requires that the prisoner is kept under observation by the staff, and it requires that the medical officer or the psychiatric nurse undertakes an assessment of the prisoner within 2 hours, so it cannot be longer than that. We currently have that measure in place. It is included as a good measure of the safety of our system — the effort that goes into keeping prisoners safe.

Dr CARLING-JENKINS — I absolutely agree, and I just wondered if you were formalising what was in practice or whether it was a new challenge, so thank you for clearing that up. In your presentation on page 3 you mentioned, Minister, the deradicalisation program, and that is also in budget paper 3, page 99, where it was described as 'countering violent extremism'. I believe that was the description. In my office I have had a number of constituents coming in with concerns raised particularly by people within different ethnic communities, seeking ways that they can work with their own youth towards this aim. I wonder if you could expand on this program in the short time we have, or take it on notice, specifically addressing how this program assists with working within and with different ethnic communities.

Mr SCOTT — For reasons which I hope you would accept, I probably wish to offer — in fact it is an offer to any member of the committee — a briefing on this rather than the matter being explored in the full committee itself. There are matters of a sensitive nature, particularly in relation to the methodologies and who is involved, that while I would be happy to assist the committee members on them I think they are more appropriately dealt with by an offer of a briefing for members. There have been briefings provided, and there has been an offer of briefings on these matters previously, and I would certainly extend to committee members an offer in that context because the success of the process, by the necessity of it, requires a sensitive treatment.

Dr CARLING-JENKINS — Fair enough. Thank you, Minister. Just very briefly, then, it describes two specialist programs. Just from a budget point of view, can you explain the breakdown of the costs between the two programs? Is that an even split?

Mr SCOTT — In fact it is \$800 000 to continue the remand outreach program and \$700 000 to continue the community integration support program.

Dr CARLING-JENKINS — 700 000.

Mr SCOTT — \$700 000. I think there is a rounding issue, though, in that, from memory. It might be. We can get the exact figure.

Dr CARLING-JENKINS — Okay. Thank you, Minister.

The CHAIR — Ms Ward, for 5 minutes.

Ms WARD — Five minutes? Thank you, Chair. Thank you, Minister. I want to talk to you about something that I consider to be quite serious and that is the management of serious sex offenders. If you go to budget paper 3, page 97, part way down you have got a line item that is dedicated to the management of serious sex offenders. How does this budget deliver on the recommendations of the Harper review?

Mr SCOTT — That actually is a very good question.

Ms WARD — Thank you.

Mr SCOTT — Not to cast aspersions on any of the questions that have been made today, but that is a very serious — —

Members interjecting.

Mr SCOTT — No, no. I do not want to make a joke of it, actually. That is a very serious issue that we should all take — —

Ms WARD — It is a very serious issue.

Mr SCOTT — A very serious issue. The Harper review was released on 24 April this year. If I can be indulged by the committee, I will just thank the members of the expert panel chaired by retired Supreme Court judge David Harper and the work that was undertaken.

The budget makes funding of \$84 million. This is to undertake a number of activities, and in the limited time I will try and go into detail as much as I can. That includes \$29.54 million in capital funding and \$19.9 million in output funding over four years for a purpose-built specialist secure facility for the treatment and containment of serious sex offenders who are not suited to Corella Place, Emu Creek or somewhere in the broader community due to the risk of their behaviour. A further \$3 million in capital funding is provided for an interim secure facility for serious sex offenders requiring secure detention while the specialist secure facility is under construction.

There is \$4.7 million in output costs for an eight-bed community-based supported accommodation facility for serious sex offenders with a cognitive disability or acquired brain injury. There is \$18 million in output funding over four years for expansion of the Problem Behaviour program to provide assertive outreach to high-risk individuals and statewide expansion of the Forensic Clinical Specialist initiative to build the capability of a specialist adult mental health workforce. That funding, although it comes under this output, is actually allocated to the Department of Health and Human Services, which will be responsible for administering the program.

There is \$2.1 million in output funding over four years for expansion of the community support program to provide high-intensity transitional support to serious sex offenders in existing custody or residential facilities; \$1 million in output funding over four years for a new centre of research excellence to be the lead agency in a consortium of Australian, New Zealand and international specialist research agencies, with the aim of building an evidence base to reduce persistent violent crime and sexual offending.

It should be noted that this is not being taken in isolation. There is a whole series of non-budget matters that relate to the Harper review, but this is a very significant set of interventions and a very significant report for dealing as a society — I will try and be careful how I characterise this. There is a journey going on whereby at one point in the past if persons had finished their sentence, it was viewed that the society had in a sense

discharged responsibility, particularly after parole had finished. Now there are some persons who are risks to others and that had really been looked at in terms of sex offenders in relation to their sexual offending. The Harper review really looked at the offending and the risk posed by offending, not just sexual offending but violent offending, both violent offending of sex offenders and there is work that is underway within government which will lead to further announcements in relation to the really violent offenders who are not sexual offenders but violent offending that needs to be addressed in a way which protects the community on a more ongoing basis.

Ms WARD — Just quickly, Minister, what does it mean for the community and what does it mean for the perpetrators to have their own secure facility?

Mr SCOTT — There was a need found during the Harper review that there are some persons — I do not want to get into an individual in this case, but it particularly obviously relates to one individual. I might get the corrections commissioner to supplement, but the facilities particularly — there are two now that exist — for serious sex offenders, their behaviour could not be managed within those facilities and there is a need to create a new, more secure facility to manage the behaviour of particularly difficult individuals.

The CHAIR — Order! Mr Smith for 5 minutes.

Mr T. SMITH — If we can just continue on the line of questioning of Ms Ward, which is the Harper review. I am just wondering: where would this new facility that you are talking of be placed?

Mr SCOTT — A decision has not been made but the advice that has been provided is that it will be located adjacent to another secure facility. There has not been a final decision, but the advice — —

Mr T. SMITH — The member for Oakleigh just said ‘Kew’, and I am just making — —

Mr SCOTT — I do not want to make any jokes in these circumstances about these issues.

Mr T. SMITH — Neither do I.

Mr SCOTT — So the advice we have identified is that it will be located in a suitable location adjacent to another secure facility.

Mr T. SMITH — Will you be consulting the local community? With the line of questioning here, I am trying to get an understanding of how you will go about this process, which I would imagine will create probably quite a degree of local concern.

Mr SCOTT — We are talking about a secure facility, so the intent is actually to create somewhere where the community is kept safe. In fact this is an improvement in the safety of the community. I cannot give advice at this point about the process in relation to the location, because there is still work that needs to be undertaken in that area, but I would re-emphasise that we are talking about a secure facility which will increase the safety of the community.

Mr T. SMITH — There is a bill before the Legislative Council to implement recommendations 7 and 9 of the Harper review. When will further legislation be introduced to implement the remaining 33 recommendations?

The CHAIR — I am not sure if that would necessarily be the responsibility of the Minister for Corrections; it might be a question to be asked of the Attorney-General.

Mr SCOTT — No, there are responsibilities that I have.

The CHAIR — Okay, my apologies.

Mr SCOTT — Again I will be very generous to the member for Kew.

Mr T. SMITH — Thank you, again.

Mr SCOTT — The particular complexities relate to the treatment of violent offenders. That is a very complex issue. The recommendations, without wanting to turn this into a debate around legislation in an estimates hearing — but I can understand the context of the question — —

Mr T. SMITH — It is genuinely an information exercise.

Mr SCOTT — It is a genuine question, and I am trying to genuinely deal with the issue because I think it is a very important issue. There is further work being undertaken within government, particularly in relation to the issue of those offenders who are violent offenders but who have not sexually offended, so the Harper review makes recommendations in relation to the expansion of the provision particularly in terms of the provisions that exist within the Serious Sex Offenders (Detention and Supervision) Act as they relate to those offenders.

There is a significant body of work to be undertaken in terms of making determinations around exactly — and I am trying to be as frank as possible — what individuals are contained, what criteria are used and what evaluation processes, because the Harper review itself recommended further work be undertaken on that particular issue, which is, as I am sure committee members would appreciate, quite a complex and difficult task to get right and one which in all genuineness I suggest should be something that, in terms of any legislation that came about, members could work on collectively in good faith to get the best outcome for the community.

Mr D. O'BRIEN — Minister, just a quick one in the time left — BP3, page 269. Subsequent to the release of the budget, the Attorney-General made some announcements relating to the post-Boulton framework, so my question is: what assumptions are the budget papers based on, and what is the likely impact then of any framework post-Boulton — post the Attorney-General's announcement?

Mr SCOTT — I am just seeking some advice.

Mr D. O'BRIEN — Is it likely to be a significant change in financial terms?

Mr SCOTT — There are decisions that have to be made about the nature of the response. The question you asked, I understand it is actually a budget question. The assumptions that exist within the budget papers and the numbers there reflect existing law, as is the normal practice. There is consideration that has been given without decisions being made, and there are obviously cabinet processes attenuated to these matters — —

The CHAIR — Order! Ms Pennicuik for 4 minutes.

Ms PENNICUIK — Welcome again, Mr Wilson, commissioner and other staff here today. Just quickly, I am very interested in the five precincts in the Melbourne Remand Centre that you have been referring to and what those precincts are. If you could briefly describe them, and maybe take any detail on notice.

Mr SCOTT — I think that is directed to the corrections commissioner.

Ms PENNICUIK — I was looking at the commissioner.

Comm. SHUARD — The precincts will be set up. Firstly, we have to have a protection precinct. Remand prisoners come in. There is a big group of those that need protection from the rest of the prison population, so they operate in a self-contained area, and they do not mix with the rest of the population. We then have what is area 4, which is, if you like, the graduated top of the hierarchy. So prisoners who are going to be there for a long time are able to earn their way into that unit, which has cottage-style accommodation. It allows prisoners then to advance into further looking after themselves, doing self-catering, getting employment and going to education, because some prisoners, as we know, will spend a long time on remand before they go before the courts.

The other three then graduate down to the first precinct, which is where you will get admitted to the remand centre. You arrive there, you have to undertake an assessment when you come in to see where you are best placed within the system and then you move through. There are also the ones that will be on less out-of-cell hours. There is one area that operates on 8 hours out of cell, when under the normal regime the other areas operate on 12 hours out of cell, so it is a hierarchy of earned privileges.

Ms PENNICUIK — Thank you, Commissioner. That is very helpful, and if there is any more detail on that, I am really interested in it. Just because I have only got 4 minutes, if I could move quickly to the other question, which is in regard to budget paper 3, page 101. On the table and endnote (c) it refers to the women's expansion

strategy of \$7.9 million for estimated investment in the women's prison expansion strategy. My question is: does funding for that strategy include expanding and replicating the services available in the Judy Lazarus Transition Centre so that they are available to all women prisoners, in line with recommendations 17 and 20 of the Victorian Ombudsman's report?

Comm. SHUARD — No, it does not have funding in there to create a dedicated transitional facility for women. What we are doing in response to the Ombudsman's recommendation is looking at what the features are at Judy Lazarus Transition Centre that we can build in, particularly at Tarrengower — Tarrengower is our open camp prison for women — and building in additional capacity for us to be able to take women on transitional activities into the community. As we know, with their children, we take them into the community now to participate in child activities, and the women do community work in the community. We are looking at what all of the things are that occur for men at Judy Lazarus and putting those in place at Tarrengower.

Ms PENNICUIK — Yes, at Tarrengower. So you are, I suppose, taking a slightly different approach from what the recommendation was in the Ombudsman's report, but you are committed to doing it in some respect. I take that as the answer.

Comm. SHUARD — We aim to meet the intent of the recommendations by having those equivalent services, but we do not have a facility other than Tarrengower.

Ms PENNICUIK — The minister looks like he might want to say something.

Mr SCOTT — No. I think the commissioner has adequately described the circumstances.

Ms PENNICUIK — I think I am out of time for another question.

The CHAIR — I would like to thank the witnesses for their attendance: the Acting Minister for Corrections, the Honourable Robin Scott, MP; Mr Wilson; and Ms Shuard. The committee will follow up on any questions taken on notice in writing. A written response should be provided within 14 calendar days of that request.

Committee adjourned.