

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

Inquiry into the 2023-24 Budget Estimates

Melbourne – Thursday 15 June 2023

MEMBERS

Sarah Connolly – Chair

Nicholas McGowan – Deputy Chair

Michael Galea

Paul Hamer

Mathew Hilakari

Lauren Kathage

Bev McArthur

Danny O'Brien

Ellen Sandell

WITNESSES

Mr Enver Erdogan MLC, Minister for Victim Support,

Ms Kate Houghton, Secretary,

Mr Bill Kyriakopoulos, Deputy Secretary, Police, Racing, Victims and Coordination, and

Ms Melanie Heenan, Executive Director, Victim Services, Support and Reform, Department of Justice and Community Safety.

The CHAIR: I declare open this hearing of the Public Accounts and Estimates Committee.

I ask that mobile telephones please be turned to silent.

On behalf of the Parliament, the committee is conducting this Inquiry into the 2023–24 Budget Estimates. The committee's aim is to scrutinise public administration and finance to improve outcomes for the Victorian community.

I advise that all evidence taken by the committee is protected by parliamentary privilege. However, comments repeated outside of this hearing may not be protected by this privilege.

As Chair I expect that committee members will be respectful towards witnesses, the Victorian community joining the hearing via the live stream today and other committee members.

Witnesses will be provided with a proof version of the transcript to check. Verified transcripts, presentations and handouts will be placed on the committee's website.

I welcome the Minister for Victim Support the Honourable Enver Erdogan and officers from the Department of Justice and Community Safety. Minister, I am going to ask you to make an opening statement or presentation of no more than 5 minutes. This will be followed by questions from committee members.

Enver ERDOGAN: Thank you, Chair. I would like to begin by acknowledging the traditional owners of the land on which we meet and pay my respects to their elders past, present and emerging.

As the Minister for Victim Support, I would also like to acknowledge anyone who has been a victim of crime.

Visual presentation.

Enver ERDOGAN: I am pleased to have this opportunity to speak about the government's ongoing investments to better support victims of crime and our work to improve outcomes for people at a time of need. We are committed to a justice system that understands the needs of victims, respects their rights and delivers services that are trauma informed. That is why we have made significant investments in victim services and continue to make improvements to the system to make it truly victim centred and culturally safe.

The Victorian government, as you will see on the slide, offers a range of services for victims of crime to help manage the impacts of offending and support them through the criminal justice system by supporting victims in the immediate aftermath of a crime, such as the Victims of Crime Helpline; more intensive case management supports, such as the victims assistance program delivered by local community agencies; supporting victims throughout their contact with the criminal justice system, such as the Child Witness Service and the intermediary program; and the victims register that continues to support victims after an offender is convicted. I will not go through all the figures on the slide, but as you can see, these services provide significant support to a large number of people each year.

The 2023–24 Victorian budget invests an additional \$17.39 million to implement important recommendations from the Victorian Law Reform Commission and establish a simpler, victim-centred compensation system. That includes \$10.78 million over four years to support the opening and operation of the new financial assistance scheme, and it includes \$6.6 million to continue support for the Victims of Crime Assistance Tribunal and support a successful transition to the new scheme. Combined with allocations from previous budgets, this latest investment sees more than \$100 million provided for the establishment of the financial

assistance scheme for victims of crime. The scheme will be transformational for victims, representing a major reform to the way victims access financial assistance in this state. It is about making it easier for victims to get the clinical help that they need and address the impact of crime on their lives.

We are making significant progress in delivering other improvements to services and supports that put victims of crime first. In March this year we launched Victoria's first victims legal service, supported by a \$7.3 million investment in last year's budget. The victims legal service is a partnership between Victoria Legal Aid, Aboriginal and other specialist legal service providers and local community legal centres. It provides free legal advice and support to people who have suffered injury or loss as a result of crime, helping them to access assistance through the Victims of Crime Assistance Tribunal or from an offender. In March this year we opened the new co-located child witness service and intermediary program premises, funded in the 2021–22 budget, with remote witness rooms, meeting rooms and breakout spaces. The child witness service and intermediary program provides specialist support for children and young people and adults with cognitive impairment to enable their participation in the justice system as witnesses. It also promotes best practice in cultural safety and whole-of-family care so that victims can feel safe, minimises the trauma they may experience through the court process and supports them to provide better quality of evidence.

As you will see, these are some of the previous investments that our government has already made. The Victorian government has made and continues to make significant investments to support victims of crime. You can see \$100 million since the 2019–20 state budget to establish the new financial assistance scheme. You can see that there is \$9.9 million over four years to secure the future of the intermediary program ongoing in the 2021–22 budget. You can also see that there is \$1.8 million to establish the new co-located premises for the child witness service and the intermediary program, including new remote witness rooms, and \$0.5 million for the virtual court support program.

We have made and continue to make significant investments to support victims of crime. These investments underline our commitment to ensure victims get the access, support and assistance they deserve and need. As the Minister for Victim Support I have seen firsthand the positive impact that victims services have on people's lives. I am proud to be continuing the government's work to deliver these important nation-leading reforms. I am joined today before you at the PAEC by our department Secretary, our Deputy Secretary and our Executive Director, so they will be part of the panel to assist the committee in its work. Thank you for having me.

The CHAIR: Thank you, Minister. For the first 8 minutes I am going to throw over to Mr O'Brien.

Danny O'BRIEN: Thank you, Chair. Minister, I refer you to budget paper 3, page 281, which highlights the expected increased demand from victims for consultation by the Office of Public Prosecutions, an increase of 25 per cent, and also to – as the *Herald Sun* reported yesterday – the 70,000 criminal cases waiting to be heard in the Magistrates Court. I appreciate it is not directly your portfolio, but the delays in getting justice obviously impact on victims, and I am wondering what action you have taken as the Minister for Victim Support to work with the Attorney-General on addressing victims' concerns about these delays and also ensuring that the court processes are sped up.

Enver ERDOGAN: Thank you, Mr O'Brien. It is a very important question because I know even from my previous career before entering Parliament – I was a personal injuries lawyer – and obviously even from before the pandemic the way the court system operates can be a source of frustration and concern and can have a traumatising effect on victims going through the whole process and the time it takes for justice to be served. In terms of my portfolio – because, you are right, many of those responsibilities for courts and tribunals fall within the Attorney-General's – I can say VOCAT does fall in my victim portfolio responsibility, and our government has invested in previous budgets about \$10 million towards reducing the VOCAT backlog. In this budget there are further investments of \$6.6 million over the next two years for the Victims of Crime Assistance Tribunal. Obviously this will continue to address the backlog of pending applications in preparation for the financial assistance scheme.

Danny O'BRIEN: Can you tell me what the backlog currently is?

Enver ERDOGAN: Yes, I can. Outstanding Victims of Crime Assistance Tribunal applications, as of 30 April – I have that figure with me – were 8142. Of this figure, 6277 were new applications received between

1 July and 31 March this year. So it is about a 14 per cent increase on the same period in the previous year. So we are seeing an increase. I think that is probably, again, the post-COVID pandemic impact.

Danny O'BRIEN: What is the time frame that they are currently waiting?

Enver ERDOGAN: In terms of the time frame for each applicant – is that what you are asking?

Danny O'BRIEN: Yes. like is there an average time frame that they are waiting for a result?

Enver ERDOGAN: I do not have that before me. I might ask our Deputy Secretary or Executive Director. They may have that information in front of them. I do not have that. I will have to take that on notice.

Danny O'BRIEN: I am happy for you to take it on notice if you do not have it.

Bill KYRIAKOPOULOS: I think more than nine months. Around 46 per cent of applications have been pending for more than nine months and just over 35 per cent over 12 months.

Danny O'BRIEN: Okay, 35 per cent over 12 months. Minister, is that acceptable – for victims of crime to be waiting that long?

Enver ERDOGAN: I think that is the reason why our government is committed to the delivery of a financial assistance scheme, a scheme that will be transformational in terms of the impact it has on victims of crime. It was designed with that – one of the key purposes was quicker decision-making for our financial assistance scheme, and –

Danny O'BRIEN: Didn't you say in your presentation you started introducing that in 2019?

Enver ERDOGAN: I think that is when we made, obviously, the commitments and the initial investment. That is legislated. Ms McArthur will probably recall we voted on a Bill last term to implement the financial assistance scheme. That is obviously legislated to be operational by the end of next year, and we are on track to deliver that.

Danny O'BRIEN: Can I just ask on that, I noticed on page – the justice page the funding for that \$10.7 million you mentioned, but it is \$1.6 million next year and then \$3.1 million in the out years. Why is it so little to start with?

Enver ERDOGAN: In terms of the breakdown – which budget paper are you referring to, sorry?

Danny O'BRIEN: You are going to test me now.

Bev McArthur interjected.

Mathew HILAKARI: Page 82.

Danny O'BRIEN: It is 82. Thank you, Mr Hilakari. Up the top there, 'Operationalising a new financial assistance scheme'. That is not a big question, but I am curious as to why it is – particularly if this has been passed last term –

Bill KYRIAKOPOULOS: But also operations will begin in 2024, which is when we will be hiring all the appropriate staff.

Danny O'BRIEN: So pardon my ignorance – I do not recall the details of this one – but is the funding in the budget for this literally just to operate the scheme, or is it part of the funding –

Enver ERDOGAN: To get it ready for operational – there is obviously still another budget cycle. The legislation that passed the chamber last term was for it to be operational by December 2024, so there is still another budget cycle to go through before it is fully operational. This is to get it there. This is to build it up.

Danny O'BRIEN: Yes, so the money in the budget is not actually money that will end up going to victims?

Bill KYRIAKOPOULOS: No.

Enver ERDOGAN: No.

Danny O'BRIEN: Right. Okay. Minister, page 263 shows the output for advocacy, human rights and victim support is cut by 8 per cent in this year's budget – and quite a dramatic reduction from the revised figure of \$181 million down to \$117 million. What impact on victims will that have?

Enver ERDOGAN: I just want to be clear: we are not cutting services to victims in our – in fact we are actually investing more money. The 7.97 per cent decrease in the 2023–24 budget compared to the 2022–23 budget is mainly due to a number of factors, and I will just explain them, because I think that will probably alleviate your concern. Partially sunseting or ceasing fixed-term funding for initiatives approved in previous budgets, including the Victoria Police restorative engagement scheme and redress scheme, supporting vulnerable Victorians and supporting victims of crime – so really the redress scheme money has already been spent, and then there is obviously a recognition that some of the fully anticipated impacts of the national redress scheme for institutionalised child sexual abuse across the forward estimates as well. So there are other factors at play. There is actually no cut to –

Danny O'BRIEN: Okay. Breaking it down a bit, because this output is not just your portfolio, I assume –

Enver ERDOGAN: No, that is right.

Danny O'BRIEN: So how much of this year's \$117 million is actually for the victim support portfolio?

Enver ERDOGAN: All I can say is that it is my understanding that there is no impact on my portfolio, so there is no change for the matters that fall within my portfolio in terms of the funding.

Danny O'BRIEN: Yes. Sorry, that was not this question, though. This question was: of that output – \$117 million – how much of it is for the victim support portfolio?

Enver ERDOGAN: I do not have a breakdown of that, but we usually report these in the usual way. But if I can provide that breakdown, it is probably a question I will take on notice.

Danny O'BRIEN: Okay. That would be good if you could. Maybe the Secretary might be able to say: with the 3000 to 4000 public service cuts, is the victim support portfolio going to be affected by those? How many jobs will be lost?

Kate HOUGHTON: No, it will not. So the savings that I have been asked to make within my department will be in policy, coordination, corporate, procurement and external spend with consultants. That will be the focus of the savings, not victim support.

Danny O'BRIEN: Okay. Thank you. You mentioned in your presentation the victims assistance program. How much is that funded for this year?

Enver ERDOGAN: The 2023–24 budget invests a further \$17.4 million to support the opening and operation of the financial assistance scheme and the transition to a more simple and victim-centred scheme.

Danny O'BRIEN: No, sorry, the question –

Enver ERDOGAN: \$17.4 million.

Danny O'BRIEN: Yes, but the question is about the victims assistance program. Is that transitioning to –

Enver ERDOGAN: You are saying is that in VOCAT. So VOCAT will be rolled into FAS.

Danny O'BRIEN: Okay. Righto. Thank you.

The CHAIR: Thank you, Mr O'Brien. The next 11 minutes will go to Mr Hilakari.

Mathew HILAKARI: Thank you, Minister, and thank you, officials, for your attendance this afternoon. I might assist Mr O'Brien a second time in fact, because I might go straight to the financial assistance scheme, which is outlined on page 82, budget paper 3. So as we have just heard, this funding here initially

operationalises the financial assistance scheme. Can you just outline how this is going to better assist victims of crime?

Enver ERDOGAN: Yes. I think the financial assistance scheme is important. As I stated earlier, it is a transformational scheme really, and it will be leading the nation once it is fully operational. It obviously was a government policy that was developed following the Victorian Law Reform Commission inquiry into how the Victims of Crime Assistance Tribunal was working. And I guess victims told that commission that the experience of going to VOCAT sometimes made their trauma worse, to be frank. And the commission recommended that VOCAT be replaced with a simpler system that was more focused on the victim, and that is what we are delivering.

The new financial assistance scheme will not involve courtrooms, hearings or magistrates; instead it will involve a much clearer application process and better support for victims at the application stage. The scheme also provides victims with more time to seek the assistance they need and is available to victims in a wider range of circumstances. It will be run by scheme decision-makers, who will be supported by Victorian public service employees to make decisions about financial assistance. All employees of the scheme will be qualified professionals, which means they will have a strong understanding of family violence, sexual assault and other violent crimes and be skilled at supporting victims in culturally safe and inclusive ways.

This is a once-in-a-generation reform that will ensure more victims are able to access the support they need quickly and to access it in a way that supports their recovery. In delivering these reforms we have ensured the victims have a voice, and we were able to incorporate their valuable insights into the design and the implementation of this new system.

To this end I would like to take this opportunity to acknowledge the work of the Victims of Crime Consultative Committee. In the consultation phase I have been able to attend their meetings at the outgoing of their last set of committee in February and the first meeting of the new committee. I know it was a highlight for the previous committee about their work in the design of the financial assistance scheme, and I was also told by the new committee they were looking forward to being part of the journey to operationalise the financial assistance scheme. So clearly to the victims group this matters, and I guess that is what our government is about – delivering and doing what matters for Victorians.

Mathew HILAKARI: All right. Thank you. It sounds like it is a really different arrangement that is being put in place than that historically, and I am so glad to hear that both the outgoing and the incoming are pleased with these arrangements. So just to be clear, the scheme decision-makers and public service employees are making these decisions: can you just give us a bit more detail on that?

Enver ERDOGAN: Yes. I think that is important because it is one of the most significant aspects of the reform and really goes to the heart and the guiding principles. Obviously I talked about the trauma of turning up in a court-type process. So currently individuals seeking financial support who go through VOCAT are subjected to hearings where they can be forced to confront their perpetrators. So again that is retraumatising. The magnitude of the trauma experienced by people in this position cannot be understated. They need to endure a hearing and a distressing and harrowing ordeal for those who have also suffered greatly as a result of criminal offending. The use of administrative decision-makers addresses and resolves this problematic feature within the existing system. By removing the requirement for victims to face the perpetrator during hearings, we can alleviate the traumatic effects of the process. This change not only ensures the protection of victims but also provides them with the necessary support and space to heal and rebuild their lives. May I risk saying that obviously we hope to see a more streamlined process in terms of the decision-making time frame as well.

Mathew HILAKARI: That is great, and we covered that just a few moments ago. In terms of the scheme itself, how is it responding to new types of offending that victims are contending with? Is there a broadening of the scope of the scheme or is it the same sort of guide rails that we had before?

Enver ERDOGAN: Yes, a really good point. It is important to understand that victims are eligible for financial assistance if they are a victim of a violent crime. So it is not all crimes – not necessarily just property damage – but usually it must have a violent element to it. Not all offences are specifically listed in the legislation. The scheme covers offences such as assault, threats to kill, culpable driving, sexual offences, stalking, kidnapping and home invasion. An important extension of the scheme has been in the area of image-

based sexual offences, which is a type of offending that has become more of an issue in recent years due to the access to certain types of technology. We all know that most people these days carry a camera in their pocket or bag, and we know that image-based sexual offences can have devastating impacts on victims, and many of them are very young. We know that this change will not stop that, but the financial assistance scheme also allows for new offences to be added to the scheme more quickly so that it can respond to the changing types of offending when new offences are created. Adult victims will now have up to three years to make an application, and 10 years for family violence or sexual offences. Primary victims will now include children exposed to violent crimes, and the definition of ‘close relationships’ will be broadened and expanded to better recognise close personal relationships, recognising the changing nature of our society as well.

Mathew HILAKARI: You just mentioned some time limits there around how long a victim of crime has to actually make an application. Could you just maybe go through how that compares between the old scheme and the new scheme, because you also mentioned children there, and there can be a long distance between when people want to access such a scheme.

Enver ERDOGAN: You are right. Under the current system victims of crime have two years to make an application, so that is a pretty strict time frame. With the new financial assistance scheme, we are talking about adult victims having up to three years, so it is an extension of a 50 per cent increase, you could say, in time. The rationale for this is quite simple. We have done this to ensure that everyone who finds themselves in a position where they need support can access the support when they need it. With family violence and sexual offences, we have got an even broader time limit. The time limit is 10 years. This is understanding the deep impact of trauma and how difficult it can be, because usually, unfortunately, the offenders and victims are quite close, and obviously those relationships might prohibit people. We know there are a whole bunch of laws around this that deal with these circumstances. The 10 years, I think, is reflective of the seriousness of those offences. It also shows a commitment to listening to victims of crime and ensuring their voices are heard in shaping our criminal justice system. That includes the ongoing work of the Victims of Crime Consultative Committee – a safe space where they can discuss these policies and their lived experiences, not only with myself and with our team in the department of justice but with other stakeholders there from Victoria Police and the Attorney-General’s office. It is high level, so victims get direct access and direct input into the policymaking of our government.

Mathew HILAKARI: Thank you so much for taking us through that. I might turn to a different topic now and take us to budget paper 3, pages 280 and 281, on the victims legal service. I understand this is being delivered with Victoria Legal Aid. Can you just outline to the committee what this service is about and how this will improve Victorians’ lives?

Enver ERDOGAN: That is right. The victims legal service is a program that I am really excited about. I was so excited that it was one of my ministers statements in the chamber earlier this year. Mr Galea may remember.

Michael GALEA: I sadly missed that, so I am glad to hear it now.

Enver ERDOGAN: All of you in the lower house did not get the opportunity to hear my riveting speech about the victims legal service earlier this year. It is very important because –

Danny O’BRIEN: Could you provide us with a DVD copy of it?

Enver ERDOGAN: Well, we can get a copy for you, Mr O’Brien.

Mathew HILAKARI: I believe he has taken that on notice.

Enver ERDOGAN: I will not be shy about the work we are doing in this space, because it is really exciting. It is not just us as the Department of Justice and Community Safety doing this work, it is us partnering with Victoria Legal Aid and community legal aid providers to provide services for people when they need them most. The legal service is funded for 22 full-time equivalents in the 2024–25 budget and includes 12 full-time equivalent positions for community legal centres. In just its first few months, it has assisted more than 481 victims with information or legal advice, and 182 referrals were made to providers for ongoing casework. The victims legal service is expected to deliver over 3000 services of legal advice and assistance, including casework, in its first full year of operation, and they are off to a strong start. The establishment of the Victorian legal service illustrates our commitment that the voices of victims of crime are heard and are front and centre in

our criminal justice system. It is a landmark reform, and I think once we have the FAS system running they will complement each other really well.

Mathew HILAKARI: We just went through with the FAS system some guiderails and some limitations around that. What sorts of issues does the victims' legal support service help with?

Enver ERDOGAN: In terms of the design of the system, we were informed by expert advice which identified a range of specialist victims' legal services that were needed. There was a gap in the system for victims making their applications and pushing them forward. In terms of that, there was a 2020 report that looked at this by the Centre for Innovative Justice, *Strengthening Victoria's Victim Support System*. One example comes to mind where they identified this gap in terms of service delivery. The Victims Legal Service as it exists today is able to provide free legal advice and support to people who have suffered injury or loss because of a crime and need help to seek financial assistance through the Victims of Crime Assistance Tribunal or to get compensation from the person who committed the crime. Obviously once FAS is operational, they will be able to help victims make applications with the new scheme.

Mathew HILAKARI: Okay. So that is how they access the scheme. Is it through FAS or –

Enver ERDOGAN: For some applicants they will be able to make their applications online. With FAS we have invested heavily into the front office, so to speak, so the web portal, to make it as easy as possible – a simpler way to make applications. But for some people it will be more complex than that, and they will be able to access legal support.

Mathew HILAKARI: I am really appreciating that we are breezing through this. Thank you for your fulsome answers, but we are actually making it through.

Members interjecting.

Mathew HILAKARI: No, I have got more questions; do not take up my time. I would like to take you to page 262, Minister, and to 'Objective 6: Victorians are protected with equal opportunities information, freedoms and privacy rights'. Could you just provide the committee with an update on what initiatives exist to support vulnerable people who are dealing with the justice system – the interaction with this particular area?

Enver ERDOGAN: Sure. You are talking to page 262?

Mathew HILAKARI: Yes, page 262 of budget paper 3, thank you.

Enver ERDOGAN: I am pleased to have the opportunity to answer that question, because it is an opportunity to highlight the important work being done in our Child Witness Service and intermediary program.

The CHAIR: Apologies, Minister.

Mathew HILAKARI: That is all right. Thank you. I will catch you up on that.

Enver ERDOGAN: Thank you, Mr Hilakari.

The CHAIR: We will go to Ms Sandell for the next 3 minutes.

Ellen SANDELL: Thank you, Chair. Good afternoon. I would like to refer you to the survey, page 11. It says:

Work underway to design an alternative online reporting pathway for victim-survivors to make it easier to disclose sexual violence and harm, including considerations for connecting victim-survivors with support services and/or police.

I was just wondering if you could tell me a bit more about this project.

Kate HOUGHTON: Sorry, was that page 11 of the questionnaire?

Ellen SANDELL: Yes, that is my understanding.

Kate HOUGHTON: We might have a different page.

Ellen SANDELL: Sorry, I do not have the actual survey in front of me. Maybe you can just speak to any work around designing alternative pathways, as I mentioned?

Bill KYRIAKOPOULOS: That actually falls within the Attorney-General's portfolio, but we were briefly briefed on it by some of the people working on it at the Victims of Crime Consultative Committee recently. But, yes, it does fall within –

Ellen SANDELL: Is there any information you can provide, given I think it is to do with connecting victim-survivors with support services, so not just about reporting but about support services?

Bill KYRIAKOPOULOS: Correct. Look, they are in the process of designing that at the moment, and part of the consultation is with victims of crime. Our new victims of crime community representatives have been part of that process, and they are trying to consult with people that have had firsthand experience with the justice system about how we can improve our processes to deal with that kind of reporting.

Ellen SANDELL: And what is the time line on that, do you know?

Melanie HEENAN: In terms of the time frame?

Kate HOUGHTON: The online reporting – we got funding through previous budgets to design that, and the design should be ready August 2024, and then implementation will be another decision of government.

Ellen SANDELL: So consultation is happening now just through internal – or is that a public consultation?

Bill KYRIAKOPOULOS: No, very widely.

Melanie HEENAN: Yes, and certainly our victim representatives on our Victims of Crime Consultative Committee had, I guess, a good opportunity to really feed into the process, which is largely looking at an option to reduce attrition. It was a really fantastic recommendation from the Victorian Law Reform Commission. Both internal to the department as well as victim representatives and others; for example, the peak body SASVic, Sexual Assault Services Victoria, have also had some input and are continuing to have input into the design.

Ellen SANDELL: And so you say it is focused primarily on attrition?

Melanie HEENAN: Well, one of the drivers, I guess, is the high rate still of attrition through the process. So it is looking at, I guess, opportunities for victim-survivors to be able to have an option for disclosure but also to learn more about their options for reporting to police and to be connected with support services. To that end, assisting with attrition insofar as making sure victim-survivors can get connected into the system as much as possible.

The CHAIR: Thank you, Ms Sandell. Thank you, Minister and department officials. The time has come for the end of questions for this session. Thank you very much for appearing before the committee this afternoon. The committee will follow up on any questions taken on notice in writing, and responses are required within five working days of the committee's request. The committee will now take a short break before beginning the consideration of its final portfolio for today, and that is youth justice at 4:05 pm. I declare this hearing adjourned.

Witnesses withdrew.