

CORRECTED VERSION

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

Inquiry into 2003–04 budget estimates

Melbourne– 30 May 2003

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Mr R. Hulls, Attorney-General,
Ms P. Armytage, Secretary, and
Ms E. Eldridge, Deputy Secretary, Legal and Equity Portfolio;
Department of Justice

The CHAIR — I welcome to this third section of the afternoon session Ms Penny Armytage, Ms Elizabeth Eldridge and the Attorney-General. Minister, I understand you are speaking to a handout at this point, so over to you.

Mr HULLS — I will, just briefly. My portfolio is one of four ministerial portfolios within the department. It includes statutory agencies such as the Department of Public Prosecutions, the Legal Ombudsman, the Law Reform Commissioner and the like; legal aid; judicial and quasi-judicial bodies such as the courts; statutory officers including the Public Advocate, the Law Reform Commissioner, the Privacy Commissioner and the like; and also business units within the department.

The next slide sets out the budget of the Department of Justice, which overall is \$2.18 billion. My portfolio takes up 21 per cent of that.

The next slide divides up how that 21 per cent of the budget is spent. Legal support for government is 9 per cent and includes legal policy, law reform, legal advice to government, native title framework and so on. Dispensing justice is 63 per cent. It involves courts, forensic evidence, police prosecutions, legal aid and victim support. Equal opportunity is 2 per cent — that is fairly straightforward. The balance is enforcing court orders.

The next slide is the major achievements in the last financial year. It speaks about terrorism and transnational crime legislation. The commitment was made by the Premier at COAG in April 2000 to refer power to the commonwealth Parliament to support a comprehensive national application of terrorism offences, and we have introduced legislation in Victoria to ensure that occurs.

Also, the victims task force has been established within my department to progress the implementation of recommendations of the review in relation to victims services. There has also been VOCAT amendments — the Victims of Crime Assistance Bill was introduced basically to ensure that victims of crime can get easier access through the removal of a lot of red tape to compensation for pain and suffering.

The next slide continues the major achievements, with the Aboriginal justice agreement, of which I am very proud, and I know other ministers are too. In 2002–03 we saw the establishment of two Koori magistrates courts in Shepparton and Melbourne, and a third has been earmarked for Warrnambool; and also the appointment of additional Magistrates Court Koori liaison officers and bail justices.

The next slide talks about native title and the fact that there are currently 20 native title claims. Thirteen of those are over large regional areas of Victoria. They are all pretty complex and involve multiple parties — up to 12 000 in one case. Then there is also the Wotjobaluk claim, where an in-principle agreement was reached between the government and the Wotjobaluk to settle their native title claim. I believe that is a great achievement and is being progressed.

The next slide talks about the justice statement, and I spoke about that at last year's PAEC meeting. It is progressing. Also, alternative dispute resolution and online mediation is being piloted by consumer affairs and the Dispute Settlement Centre of Victoria, which comes under my portfolio.

This last slide is basically about future commitments in the portfolio. There has been a commitment to a new Magistrates Court at Moorabbin or in that area. Also \$14 million has been committed for legal aid funding, which is the largest increase in legal aid funding by the state government since the inception of legal aid. I am very proud of that.

We have allocated \$5.2 million over four years for the creation of a domestic violence division of the Magistrates Court, and \$6.2 million over four years for the establishment of a sentencing advisory council, which I spoke about at length last year. In addition we have committed \$6.5 million to enhance the asset confiscation scheme. So they are the main budget commitments out of this year's budget.

The CHAIR — Thank you, Attorney. I go to the Victorian Aboriginal justice agreement. I know we are entering the fourth year of that agreement now. Could you tell us progress of the initiatives under the VAJA?

Mr HULLS — Yes, I know, Chair, you have specific interest because you are one of the original signatories to this agreement. As a government we do recognise that improving justice for indigenous Victorians demands a commitment to partnership. We also recognise that meaningful progress depends on involving communities in the development, delivery and evaluation of programs. In the short life of the VAJA we have worked together to make justice more accessible for Victorian Koori communities, and that justice agreement was

Australia's first and continues to be the most significant partnership to combat the overrepresentation of Koori people in the criminal justice system.

From an advocacy perspective, such practical initiatives under the agreement include the regional Aboriginal Justice Advisory Committee network, which is now in its second year of operation. That is bringing community and government together to develop grassroots-based responses to local and regional issues. If any of these programs are going to work, they have to be driven from the grassroots up basically, and that is what that network is about. But there is also the Aboriginal justice forum, which continues to bring senior Koori community representatives and key government and agency representatives together to monitor the implementation of the Aboriginal Justice Agreement initiatives.

From a direct service delivery perspective, very real advances are being made not only in terms of a range of Koori-friendly services but in the manner in which they are being delivered. Examples of this include the establishment, as I said earlier, of two Koori magistrates courts in Shepparton and Melbourne, with a third earmarked for Warrnambool; the appointment of two Koori liaison officers in the Koori courts and one Koori liaison officer in the Melbourne Magistrates Court, 20 Aboriginal bail justices, and two additional Aboriginal welfare officers to assist Koori prisoners with matters during and beyond their incarceration periods; a rights-based array of programs which include a mentoring program for young Aboriginal women in Shepparton; a community legal education program delivered in partnership with the Victorian Aboriginal Legal Service; a culturally sensitive program delivered through the disputes settlement centre of Victoria; and also a Koori recruit and career development strategy which seeks to build on the diversity of the Justice portfolio by creating relevant employment opportunities and programs by scholarships, staff support networks and the like.

This program is very important but we still have a long way to go. Koori Victorians are still 11 times more likely to be incarcerated than non-Koori Victorians. Across Australia indigenous people are 12 times more likely to be jailed than non-Kooris. There has been a substantial increase in the number of Koori women incarcerated.

I have to say these figures are a national disgrace and as a community — and I do not mean just the Victorian community but as an Australian community — you just cannot stand by 10 years after the Royal Commission into Aboriginal Deaths in Custody and say 'All is working well and we have done enough'. That is just a nonsense. We still have to work harder at decreasing these incarceration figures. The Aboriginal Justice Agreement I think is a very important first step, but that is all it is — it is a substantial step. It is all about partnerships but it is just a first step, and we have to continue to be vigilant in working in partnership with the Koori community.

The CHAIR — From what you outlined amongst many initiatives, you outlined Koori recruitment into the Department of Justice. You might need to take this on notice but I would be interested to know how many people have been recruited by the DOJ and it will be a question I will be asking.

Mr HULLS — From memory, it is over 40, but I will get you the exact figures on that. Indeed, the Department of Justice recently received an award for its recruitment program.

The CHAIR — Surprising. Good.

Mr HULLS — Yes. From memory, it is around 40.

The CHAIR — Good. You have probably been the departmental leader in that regard.

Mr CLARK — My question relates to the legal support for government and dispensing justice output groups and to the Wrongs Bill currently before the Parliament. Could I ask: what role has your department played and will it play in developing and implementing this bill? What role is it playing and will it play in responding to the grievances of the legal profession about the content of the bill and the alleged lack of opportunity for consultation, what numbers of claims are you expecting to be lodged in the court system due to the bill and the cut-off date of 30 September, and what provision are you making to ensure that that additional number of claims does not have an undue impact on the handling of proceedings within the court system?

Mr HULLS — Can I say in relation to the bill, it is interesting. I have read two articles — I have not brought them with me — that were published in the last week on the bill. One was published in a business magazine where the opposition complained that the bill was being delayed and should have been brought on sooner; another was in I think the *Australian Financial Review* or another paper this week where the opposition complained that the bill was being rushed and there had not been enough consultation, so I find the question very interesting. Either the bill is being rushed or it is being delayed.

Mr FORWOOD — Just answer the question.

Mr HULLS — I will answer the question, but it is an interesting question, having read those two articles. In relation to what role my department is playing, obviously when it comes to reform of the law my department always plays an important role. This is an important area of law reform.

You spoke about complaints received by the legal profession. Yes, as you would expect, I have received a number of queries about the legislation, I have received a number of complaints about the legislation, and as, I suppose, a senior minister in the government, I have also received views of people who support the legislation, as you would expect. I think your question was what am I going to do in relation to monitoring those complaints or addressing those issues.

I would simply say that this legislation has now been second-read by the Premier in the house and is due to be debated I think next week. The legislation was and is very important legislation, and it is being handled. The lead minister in relation to it is the Minister for Finance, John Lenders, as you would be aware. I understand that he has also received a substantial amount of correspondence in relation to this legislation.

With all legislation, you will get complaints and you will get people who support the legislation. The aim of the legislation was — and it is always a balancing act with legislation, and this particular legislation is no different — on the one hand people's rights and ability to get access to the courts and on the other hand the rights of Victorians and Victorian businesses to get access to affordable insurance. In balancing those two rights the Victorian government has come up with this legislation and believes it has the balance right.

When you compare this legislation with that in other states, you will see that each other state has grappled with the same sorts of competing interests. You are probably not aware but the Premier was able to announce today that something like 800 small community groups have now been able to obtain insurance after 30 June. I have no doubt it is in large part as a result of this legislation. Those 800 community groups were in a situation only a few weeks ago where they possibly faced extinction, but they have been able to announce today that they have been able to get insurance.

So I guess it is a long-winded way of saying the legislation is being brought in and the lead minister is the Minister for Finance. Obviously, there is always consultation between departments in relation to technical aspects of the legislation, and there was concerning this legislation. The Department of Justice had a role in relation to some technical aspects in relation to the legislation. I will continue to liaise with lawyer groups and other relevant stakeholders in relation to not just this legislation but every other piece of legislation that comes out of my department. We continually monitor all sorts of legislation.

Mr CLARK — The third part of my questions related to the potential spike of claims up to 30 — —

Mr HULLS — It is my understanding that there already was a spike in claims prior to the legislation being introduced. I am advised that the rumour mill was in full force prior to the legislation being introduced and as a result a number of lawyers on behalf of their clients filed a number of claims. There is a cut-off date in relation to legislation in October of this year and it is envisaged that there will be a number of writs issued prior to that date. You raised the issue of the actual numbers, but I do not have them. In fact I have not been contacted by the courts and I am not sure that my department has been contacted in relation to any issues that have arisen to date concerning a spike. Obviously that will be closely monitored by my department.

Mr CLARK — And you will respond accordingly if the problem emerges?

Mr HULLS — Absolutely.

Mr MERLINO — Minister, in budget paper 3 at page 224 the outputs under the heading 'Dispensing justice' include the reduction of offending and reoffending rates and the number of prisoners returning to prison. Can you inform the committee of the progress of the court referral evaluation and drug intervention treatment (CREDIT) program which is aimed at breaking the cycle of criminal reoffending?

Mr HULLS — I certainly can. The Bracks government is absolutely committed to being tough on crime but also tough on the causes of crime. We understand that to provide Victorians with a safe community you have to reduce recidivism and also promote rehabilitation. Basically you have to break that vicious cycle between drugs and crime.

We are also aware of what I think is a pretty alarming statistic — that is, that about 41 per cent of offenders commit crimes under the influence of drugs or to support a drug addiction. You have to respond to this in a real way and incorporate that knowledge into your priorities as a government. We recognise that as a priority in courts right around the state you have to break that cycle, and that is why the CREDIT program has been rolled out to 11 Magistrates Court locations, including Ballarat, Bendigo, Geelong, Moe, Sunshine, Dandenong, Ringwood, Frankston, Heidelberg, Broadmeadows and Melbourne. Other magistrates courts are also being considered and evaluated for future roll-out.

As you know, the CREDIT program is aimed at non-violent offenders with a drug problem and provides drug treatment to offenders as a condition of their bail. I have actually sat in on a CREDIT hearing at the Melbourne Magistrates Court and I have to say it is a worthwhile experience. Clients are referred to counselling, consultancy and continuing care and some clients obviously require more than one treatment. When they are referred to more than one treatment more than one agency will get involved and all attempts are made to effectively coordinate the appropriate agencies.

By the way, it is a jointly funded program with the commonwealth government. It employs drug clinicians to monitor and supervise offenders. To date I can say that under the Council of Australian Governments agreement we undertook to roll out the program. From its inception in November 1998 to March 2003, there have been 2420 people referred to the program. Of these, 1493 were accepted by the program and of these 731 have successfully completed it.

The heroin drought and a number of other matters have led to a lower participation rate in the program than was initially envisaged, but there are strategies in place to increase the participation of CREDIT, and they include —

The CHAIR — There is a bit of a corollary there! You might like to go back a step!

Mr HULLS — It includes a communication strategy to educate the referring agencies and other stakeholders and an appropriate marketing program and the like, but we believe it is a very important program and obviously it will continue to be monitored. As I said, it is all about at the earliest available opportunity getting people who have committed a crime as a result of their drug addiction straight into rehabilitation services, having a network of experts monitor them and having that overseen by the court. The program is sanctioned by the court and by the police — police have to approve a person going into CREDIT. It is monitored by the court and gets people at the earliest stage of their drug use.

The CHAIR — Is it too early yet to show up recidivism rates?

Mr HULLS — An evaluation is currently under way in relation to the CREDIT program and as soon as that evaluation is completed I will be in a better position to advise.

The CHAIR — Thank you.

Ms ROMANES — A supplementary on that, Chair.

The CHAIR — Yes.

Ms ROMANES — Minister, could you also outline how the Drug Court is helping to reduce those reoffending rates?

Mr HULLS — The Drug Court commenced at Dandenong in May 2002 and we think it is a vital component in our fight against drugs and crime. The Drug Court has been provided with a new type of order, a drug treatment order. Under the Sentencing Act this gives the magistrate a number of phases. The first is stabilisation, which is a period of about 12 weeks. That phase includes reduction in drug use and the ceasing of criminal activity in addition to the stabilisation of a combination of income and health.

The next phase is consolidation, which is another 12 weeks. That phase aims to have the participant in the Drug Court program striving to be drug free, remaining crime free and consolidating their social and domestic environment and developing life skills, including employment and identification of major life issues and the like.

Finally there is a 26-week phase of reintegration in which the participant is expected to be relatively drug free and crime free and accept a new lifestyle. It was originally targeted to deal with 450 offenders over the three years but to date 147 defendants have been referred for whom 55 drug treatment orders have been made. These are in line with the expected targets for a single location.

Originally it was envisaged that we would roll them out to three locations but we want to ensure that we are getting them right. We want to ensure there is a proper evaluation out at Dandenong. It is also a cross-portfolio initiative. Obviously it involves judicial officers, lawyers, law enforcement agencies, correctional authorities, treatment providers and a whole range of government departments, including the Department of Human Services, Treasury and Finance and, at the commonwealth level, Centrelink. It is a three-year pilot which is due to expire on 20 May 2005 and we think it is a very important initiative.

Mr BAXTER — I want to turn to the current system and the outstanding debt problem. Presumably the decision of the Victoria Police to issue tickets or to give motorists somewhat less latitude than is historically the case will lead to a big increase in the number of PERIN notices issued which will presumably increase the bad debt problem exponentially. What steps are being taken to address that problem and has any work been done to identify whether those people who are not paying are actually multiple offenders? I would not expect this work to be necessarily done by the Department of Justice but I would like to see, using your figures, whether there was any correlation between those persistent offenders and the number of accidents they have, and therefore the road safety implications. Is that being examined.

Mr HULLS — It is an interesting and complex question.. First of all I would say in relation to the PERIN system that the system was introduced in about 1986 as a result of a review which looked at alternatives to full summary proceedings in the Magistrates Court. This financial year, 2002-03, it is anticipated that some 875 000 matters will be dealt with by PERIN, and the forward estimates for 2003-04 exceed 1 million matters.

You are really asking do those forward estimates take into account the new initiatives and the campaign to ensure that people do not speed. The fact is that I expect that a whole range of factors have been taken into account, but in relation to that specific question I am happy to get back to you on it. As I said, in the forward estimates a substantial increase has been expected in the number of PERIN matters.

You asked how those matters are being enforced. A dedicated work force within the Sheriff's Office executes all warrants for non-payment of fines. PERIN is currently staffed by 33 full-time employees and receives admin support from Tenex Solutions Pty Ltd, which is Enforcement Management's private sector contract partner.

I am advised that the enforcement under the current regime is far more cost efficient for enforcement agencies than the former system. Under the former system agencies like local government, for instance, were required to prepare and serve a summons incorporating a statement of evidence. You probably recall there would be payment of an issuing fee, equivalent to the open court criminal jurisdiction initiation fee, and frequently staff had to attend court to give evidence.

I will provide you with any information we have about the other interesting matter you raised concerning the rates of recidivism with PERIN and also whether there is a connection between rates of recidivism with PERIN and motor vehicle accidents. Off the top of my head I do not know if work has been done in relation to that. I attended my first road safety ministerial council meeting the other day. It consisted of the Minister for Transport, the Minister for Police and Emergency Services, myself and a whole range of bureaucrats from TAC, the department of transport and the like. They presented us with some amazing statistics and a correlation between a range of areas. I do not know if that was one of them, but I will chase that up and get back to you.

Mr DONNELLAN — Locally police inform me that we have had an alarming increase in the incidence of domestic violence due to matters like financial pressures and so forth in the City of Casey. I was wondering how the establishment of a domestic violence division of the Magistrates Court will assist the justice system to respond to domestic violence issues in a responsive and preventative manner.

Mr HULLS — The increase in the number of domestic violence matters has been an issue that I have been concerned about for quite some time. I think domestic violence should concern the community generally, but how you best deal with it is what concerns me in particular.

Obviously we made an election commitment to establish a domestic violence division of the Magistrates Court to deal with what are the very tragic and often complex issues associated with domestic violence. We have committed \$5.2 million over four years for the establishment and operation of a domestic violence division of the Magistrates Court. I believe this domestic violence division will ensure that women and children who have experienced family violence will have greater access — and this is the purpose of it — to a more responsive, integrated and supportive justice system. Development of this division will continue during 2003-04. It is anticipated the implementation will commence in 2004-05.

The creation of the domestic violence division of the Magistrates Court will also link with existing initiatives, including the mandated men's behaviour change programs, which are a pilot project. The government has also committed \$1.6 million over three years to implement a range of prevention programs for men who use violence against family members. We are currently researching and evaluating options to bring together specialist expertise and targeted resources to improve the criminal justice and service response to domestic violence, and there are some programs that are being looked at under the women's safety strategy.

I think the domestic violence division of the court will build upon a number of current initiatives and will better integrate some of the services that are provided to women and children who suffer domestic violence. We set up a drug division of the Magistrates Court. That is currently being evaluated, but the anecdotal evidence is that it is being successful. Domestic violence is a substantial and complex problem in the community, and if we can have an integrated approach through our court system with a whole range of support networks attached to the court, it will be a good thing, and that is the objective of it.

Mr DONNELLAN — I guess it is too early but would there be any likelihood of something like that being placed out in the Dandenong Magistrates Court, or is it far too early to look at something like that?

Mr HULLS — It is too early to say. The issue with it is this — and I would say this, wouldn't I? — I think it is an excellent initiative, but there will be careful consideration of where it goes. On the one hand it is a great initiative that I believe will bring a whole range of integrated services together. On the other hand, you can bet your life that once it is announced some people who do not agree with it will say, 'Oh, well, it is only in a certain place because that is the domestic violence capital of Melbourne' or Victoria or whatever. So you have to be very careful how it is chosen. It may be that it is the Melbourne Magistrates Court that has a specific division, but it is too early to say.

Mr CLARK — I refer you to the forensic evidence output group of your portfolio. I expect you will be aware of a recent Magistrates Court case and press reports on it relating to delays in forensic testing with Magistrate Lisa Hannan on 9 May asking the Office of Public Prosecutions to subpoena a Victorian forensic science centre analyst to explain the problem and Catherine Quinn telling the court that there was a lack of analysts and that the centre needed considerably more resources to meet its deadlines and giving an apology to the court. My question, basically, is what do you propose to do to tackle what seem to be serious problems and damage to the criminal justice system as a result of these delays in the forensic science centre?

Mr HULLS — I think what you are talking about is not VIFM, which is the Victorian Institute of Forensic Medicine, but the police forensic area, which is within the ambit of the Minister for Police and Emergency Services. But I am more than happy to take that question on notice, obtain that information for you from the minister's office and get it to this committee.

The CHAIR — Thank you, Minister. I refer to a media release you put out in September 2002 where you referred to additional state government budget funding for two County Court judges. I am particularly interested in the number of judicial appointments, not only with an old mindset but particularly in the 21st century, when there should be far more women in judicial appointments. Could you give us a run-down on how the percentages are looking at the moment in relation to the number of judicial appointments and the number of women who are coming through?

Mr HULLS — Yes. Thanks. I have continually said that you have to get the best and brightest to be appointed to the bench. But I have also continually said that we kid ourselves if we think that the best and brightest are just white Anglo-Saxon males from private schools, basically. That is not to say that white Anglo-Saxon males from private schools do not necessarily have the ability to be appointed to the bench, but I have to say — and I have said this on the record before and I am happy to say it — that when I first became Attorney-General I got sick and tired of meeting the usual characters — and I say that with all politeness.

When you make a judicial appointment you want to consult as widely as you can so when I say the usual characters I am obviously talking about the heads of jurisdictions, the Law Institute, the bar, and all that sort of stuff. I got sick and tired of going to groups and saying that the next County Court appointment or the next Supreme Court appointment was due in a month's time and who did they think were the 10 best and brightest who might be eligible — and continually I got a list of white Anglo-Saxon blokes. Not only that, but there were never any women on the list. I would say to these people 'What about so and so?', and I would happen to mention a woman's name, and they would say, 'Oh, no, not yet; she has been at the bar for only 15 years', whereas the blokes they were putting up had been at the bar for 10 or 12 years. With women the high jump bar was much, much higher.

I was sick and tired of it so what I did was advertise. I asked for expressions of interest, firstly for magistrates, then for County and Supreme Court judges, and just recently for the position of Chief Justice. Well, you would have thought that the sky was about to fall in, that this was the worst possible thing that could happen, and how dare an Attorney-General actually seek expressions of interest for these very important positions — and they are very important positions. But I want to broaden the pool from which the government can make these appointments, and that was one way of doing it.

I am now pleased to say that there has been, albeit slowly, a mindset change within the leaders of the legal profession in relation to the appointment of women and having, if you like, a more representative judiciary. Since the Bracks government was elected to office there have been, would you believe, 55 judicial appointments. It is extraordinary that in my term as Attorney-General there would be so many appointments. It may be just the cycle that we are in, when a lot of people are coming to the time when they retire and the like, but 55 in my view is a huge number of appointments.

Of the appointments the government has made to the Magistrates Court, 58 per cent have been women and of all County Court judges appointed by this government 52 per cent have been women. The percentage in the Supreme Court is far lower than that, but I have to say that it is not necessarily through want of trying. The process is that a person will be approached — and they cannot be forced — and a number of people have rejected the offer for a whole range of legitimate reasons: it is not the right time in their career or they do not believe in themselves that it would be appropriate.

I do not necessarily just think, ‘Oh well, let’s make the next appointment a woman’. I want the best and brightest and I think the government has been appointing the best and brightest to the bench. It just so happens that a large number of them have been women, and I think that as a result of that the culture within the legal profession is now changing, so I will continue to appoint the best and brightest and try to broaden the field from which I can make appointments.

The CHAIR — Thank you. Mr Baxter.

1 **Mr BAXTER** — Thank you, Chair. Minister, I would like to turn for a moment to the priority setting in the Department of Justice as a whole for capital projects, particularly in relation to joint facilities — courthouses and police stations — which I think most people would agree is a good use of resources. I refer particularly to the new court and police complex at Wodonga, for instance, implemented by the previous government and built by this government. It is a great facility. My layman’s assessment of it is, though, that we have been sold short. We have a very roomy, well-appointed court part of the building but it seems to me that for the police we have not built for the future. My question is: is that a feature of the police having separately negotiated the budget for their part of the building as against yours or is it a departmental decision as to who gets what of the funding available to build a joint complex like that? My ancillary question is: is there a technical reason why Mildura seems to be lagging behind and its new court is not proceeding?

The CHAIR — By way of clarification, I presume that as coordinating minister in the Department of Justice you have the ability to speak on both aspects of the question?

Mr HULLS — I am happy to speak on anything. It is a good question and an interesting one as well, because there is consultation in relation to future needs of the police and future needs of the court. Let’s take a typical example and then I will get to the specifics that you mentioned about Mildura and Wodonga. For instance, at the moment we are looking for a civil court site in Moorabbin. This is a commitment we made. How do we get the site? From memory, we need 7000-plus square metres. So we advertised locally. Only two sites in the local vicinity have been identified. One is close to the police station. I have been advised, as coordinating minister, that the police station in the Moorabbin area is 10 years old and currently suits its purposes, but that in 10 years time it may not be suitable. I am of the view that it should be, and I envisage there will be discussions with the police side of the portfolio and my side of the portfolio in relation to what site is chosen, taking into account the long-term needs of the police as well. I agree with you that co-location has some benefits.

In relation to Wodonga, I cannot comment on the specifics except that I expect there was consultation between both parts of the portfolio about the Wodonga court and — you are right, it is a state-of-the-art court — it being strategically placed with the police.

I am advised that there was consultation between court services and Vicpol in relation to Wodonga, and I am also advised that the Wodonga police are very happy with the outcome that has been achieved.

Mr BAXTER — It depends who you talk to.

Mr HULLS — I suppose it does. In relation to Mildura, there have been delays, and I will explain what the problem was. We made a commitment to build a courthouse. We consult as a government, as you know, and we set up a local consultative committee to ascertain what the best site was. Two sites were possible: one in the civic centre area where the current court is and the other out at the old hospital site, which is way out of town, nowhere near the police and the like.

Ultimately the community decided they wanted the court to be part of their civic infrastructure and it should be centralised. We agreed to that, so we went about purchasing the land to build the new court. As a government, it is easy to say this is what we want, but when people do not want to sell you have to go down the path of compulsory acquisition. That was the hold-up with Mildura. There was one particular shop, from memory a music shop, which did not want to play our tune. As result we had to go down the path of compulsory acquisition, so it has taken longer than we first envisaged. However, I am pleased to say that that has now all been cleared up, and I am travelling to Mildura soon, in June, in the next couple of weeks, to turn the first sod of soil for construction of the Mildura court.

Mr MERLINO — In the 2002–03 budget paper 2 at page 196 funding is provided for the justice statement project. Will you advise the committee what progress has been made in progressing that initiative?

Mr HULLS — The initiative itself is pretty important. Again when I took over the portfolio what was occurring, particularly around budget time, was that courts were putting in individual bids for their needs without looking at our court system in a holistic way. They were individual business units, if you like. The County Court would be saying, ‘We need an extra two judges’. The Magistrates Court would be saying, ‘We need a couple more magistrates’ and the Supreme Court would be saying the same thing. They were not actually looking at themselves in a holistic justice sense. They were not looking at things like cross-vesting between the courts and whether there could be more cross-vesting or the jurisdictions of the courts and whether the jurisdictional limits of the courts were right and the like.

So we embarked upon this justice statement to ensure we had a justice system operating with its respective agencies as a system rather than individual units, if you like. I think the creation of a justice statement creates an avenue for applying a joined-up approach — we hear a lot about joined-up government, but a joined-up approach to the justice system. This approach takes into account the agreed principles of the justice system, including of course the paramount principle of judicial independence.

The objectives of the justice statement are a vision for the justice system that will take it forward for the next 10 years; a set of principles and objectives that will provide the overarching framework for the system and will operate as a driver of the vision; a court strategic directions statement that will provide the blueprint for administrative and structural reform in the courts over the next five years; and also to identify initiatives and activities that will over a period of five years implement the vision, principles and objectives.

The justice statement has three components. There is the justice statement itself and the court strategic directions, which is actually a subproject designed to involve the judiciary in identifying strategic goals for the court system that will complement the justice statement. For constitutional reasons — for separation of powers reasons — the judiciary could not participate in the formulation of government policy through the drafting of the justice statement. However, it was important to involve them in the process of identifying trends and planning for the future. The other subproject, if you like, is the court resources model, which is a model for identifying resource needs of the courts.

You asked where we are at with it. In July 2002 the steering committees and working parties were established. During the second half of 2002 there were a number of stakeholder interviews, workshops, miniconferences and the like. The outcomes of all these activities have now been brought together, collated and analysed, and the first drafts of the justice statement have already been completed. They will be returned to the working party for the final justice statement to be submitted to government. It is anticipated that will occur in July or August this year, so it is progressing very well.

The CHAIR — By way of supplementary, you did not mention the Children’s Court or the Department of Human Services in any of the discussion. I am particularly interested in that, and in light of Mr Baxter’s comments in relation to the Wodonga court, as an aside, its location is sensational for child protection workers, right opposite the DHS site.

Mr BAXTER — They had to wait a long while.

The CHAIR — It is a sensational location. When we are looking at the justice statement I would like to think that DHS, the Children's Court and time efficiencies and collaboration is included in it.

Mr HULLS — The Children's Court is involved and there are discussions with DHS in relation to it. The point you make is right. This is the first time that there has been a whole-of-government approach in relation to the justice system and the Children's Court is represented on the working party. Judge Jennifer Coate has been involved.

Mr CLARK — My question relates to the position of the Solicitor— General, which I assume forms part of the legal support for government output. I understand the previous Solicitor— General, Douglas Graham, QC, went on leave around April last year and completed his appointment in around December last year. Why was the vacancy not filled at that time and when do you intend to appoint a new Solicitor— General?

Mr HULLS — I was advised that I could have appointed an acting Solicitor-General up until Douglas Graham had finished by the end of December. An approach was made and I was not able to get somebody to fill the position on an acting basis. In relation to the permanent position, yea, you are right, it is now vacant. A very extensive advertising campaign has taken place in relation to that position. A short list was prepared and interviews were conducted. An expert interview panel that consisted of a number of people, including a former High Court judge, a current Solicitor— General from another state and heads of a number of departments, including my department and the Department of Premier and Cabinet, as you would expect because it is a government decision. That interview process has been completed. I am yet to receive the final recommendation, but I expect to receive that within weeks and I expect to be in a position to make a recommendation to government certainly within a month.

Ms ROMANES — Minister, budget paper 2, page 232, refers to an increase in legal aid funding. This initiative is said to support the provision of high-quality legal advice and representation for all Victorians. Could you inform the committee of the proposed spending initiatives for that funding and also the current status of commonwealth–state negotiations?

Mr HULLS — Yes. I am pretty passionate about legal aid. I have a legal aid background. I used to work with Victoria Legal Aid at the Glenroy office when it existed, at the Frankston office when it opened and then in Aboriginal legal aid work up in north Queensland, so I am pretty passionate about legal aid and access to justice.

We committed in the budget \$14 million extra to legal aid over the next four years. This represents the most significant — I am happy to repeat this a million times — the most significant increase in legal aid funding by a state government since the inception of legal aid. I do not know if you saw today's *Australian Financial Review* legal section. I was reluctant to mention it, but now that you have raised it, the allocation of the funding is an internal matter for Victoria Legal Aid. It is not the role of government to be directing legal aid how it should spend its money, and that is for obvious reasons. I get lobbied, and I am sure members of this committee as members of Parliament do too, 'Billy Bloggs applied for legal aid and did not get it; we want you to lobby'. Well, if the Attorney-General was the one who was directing how legal aid money should be spent internally I would see that as an interference with the independent operation of VLA. So VLA decides how it will allocate its funds.

VLA has decided that \$1.4 million of those funds will be allocated to the Community Legal Centres to provide services to the most vulnerable members of the community; \$1.6 million to enhance regional access is to VLA; and \$11 million to provide the first increase in professional fees for legal aid lawyers in 11 years. Now the argument by the bar has been that every cent of that \$14 million should have gone to increase fees for legal aid lawyers. That was never a commitment that was made by this government, and nor could it have been a commitment made by this government, because we do not internally allocate funds within VLA.

Of course I understand the argument presented by the lawyers who do legal aid work. They will argue that they are doing this work on the smell of an oily rag and that there has not been an increase in fees. I absolutely understand that argument. And not only that, if they are not remunerated appropriately they pull out of doing legal aid work. That makes it more difficult for clients of legal aid services to get lawyers to represent them, so they have to be remunerated appropriately. I have to say, however, that it is just not right for the bar to be saying or inferring that there was a commitment or an implied commitment that every cent of that \$14 million would go to increase lawyers fees. That was never a commitment.

Indeed there are always competing needs for legal aid funds. You will never meet the unmet demand that is out there, that is why we have looked at other innovative ways of meeting that unmet demand. We have, as you know, made it a condition that firms that do work for the government show a commitment to pro bono work. It is important that lawyers understand that there was not a commitment but that this is nonetheless a substantial increase for them: \$11 million dollars out of \$14 million.

The second part of your question was about the federal government. If you have a look at the Bracks government's increase to legal aid funding since coming to power it has been substantial. By contrast, the commonwealth funding has declined from over the \$34 million in 1996–97 to \$28 million in the current financial year. That is a huge decrease in funds. The old system of legal aid was that 55 per cent of legal aid funding was put in by the feds and 45 per cent by the state. That went into a bucket and could be used at the discretion of legal aid. What is happening now is that the state government is actually contributing more to legal aid in Victoria than the feds. But not just that, the federal funding is tied — it can only be used for federal matters, which in my view is just a disgrace.

What I have said to Daryl Williams and to all my other state colleagues is that we have got to change the funding system to a system whereby legal aid funds can be used at the discretion of the relevant state legal aid bodies. A motion was passed at the last meeting of the Standing Committee of Attorneys-General and it was passed unanimously by all state attorneys that the funding system be changed. Will Daryl Williams get the message? I do not know — probably not — that is, he will get the message, but will he do anything about the message? The answer is, probably not. But until we get a change in the funding formula there will always be a substantial financial shortfall on behalf of the federal government. We are doing our bit, but the feds are not coming to the party.

The CHAIR — Thank you, we will have our last question from Mr Clark.

Mr CLARK — My question relates to page 226 of budget paper 3, the timeliness measures within the County Court. As you will see the timeliness for civil cases disposed of within 12 months of commencement has fallen from 46 per cent in 2001–02 to a 35 per cent target in the forthcoming year; and that criminal cases disposed of within 12 months have fallen from 90 per cent to 75 per cent. These would appear to be worrying deteriorations in timeliness. Do you agree with that concern, and if so, what measures do you have in mind to tackle it?

Mr HULLS — Just refer me to the page again.

Mr CLARK — It is page 226 of budget paper 3.

Mr HULLS — You say the target has gone down?

Mr CLARK — Yes, the actual in 2001–02 was 46 per cent and the target for 2003–04 is 35 per cent on civil and 75 per cent on criminal.

Mr HULLS — You probably are aware that there has been a substantial bubble in Workcover cases that have gone before the courts. That decreased figure will result, I suspect, from that. I will get you further information about it, but it will be as a result of the Workcover bubble. In relation to the criminal aspects, I will come back to you on that.

As to what we are going to do about it, whenever there is a delay in relation to a particular list we are obviously approached by the court in relation to that matter and it becomes an issue for the court. The court will then seek to have extra resources by way of judges to meet that increased demand. In the past that has been met. There was previously a bubble some time ago in relation to Workcover, and that was met by the appointment of extra judges to the County Court. If the court is of the view that there is a difficulty with the list obviously it they will approach us. I will take on notice the specifics of that question and will get back to you.

The CHAIR — That concludes the consideration of the budget estimates for the portfolios of Industrial Relations, Workcover and Attorney-General. I thank the Attorney-General and departmental officers for their attendance today. I will be in touch by correspondence on matters that you have taken on notice and any other questions that the committee may have. Thank you, Minister..

Committee adjourned.