

Public Accounts and Estimates Committee 2023-24 Budget Estimates Hearings

Portfolio:	Attorney-General
Witness:	Louise Anderson CEO, Court Services Victoria
Committee Member:	Nicholas McGowan
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Relevant text (from transcript):

Nicholas McGOWAN: Do you know how many at VCAT are coming up for reappointment in the next 12 months?

Jaelyn SYMES: How many?

Nicholas McGOWAN: How many at VCAT are coming up for reappointment or appointment consideration?

Jaelyn SYMES: VCAT is probably less predictable than the other jurisdictions in terms of the sessional and non-sessional people coming and going. Usually with the judicial appointments it is at retirement. You start to ask people, 'What would you like to do?', and they have got options. Whereas with VCAT it is not so much that it gets to a term; people sort of come and go a bit more regularly at VCAT.

Nicholas McGOWAN: It might have been my misunderstanding. Are they not appointed for a fixed term, like a three-year appointment, or are some sessional? Is that the way it works?

Jaelyn SYMES: Some sessional and some permanent – that is right.

Nicholas McGOWAN: And are they all fixed? For example, if I am appointed tomorrow, I am appointed for a three-year term notwithstanding whether I am sessional or full-time. Is that how it works?

Jaelyn SYMES: How many years is the VCAT appointment each time we appoint?

Louise ANDERSON: Seven years.

Jaelyn SYMES: Seven. A seven-year term.

Nicholas McGOWAN: Are they all seven-year appointments? Because I know federally it can vary. There is usually scope for any Attorney-General to do three-year, four-year, five-year, seven-year appointments.

Louise ANDERSON: My understanding is the legislation requires seven-year terms, but I am sure I can clarify that if need be.

Answer:

Terms of appointments

The *Victorian Civil and Administrative Tribunal Act 1998* provides that Deputy Presidents (DPs) and non-sessional members are appointed for seven years or until reaching the age of 70, whichever occurs sooner.

Sessional members are appointed for seven years and may continue in service beyond the age of 70; therefore, some DPs and non-sessional members seek re-appointment in a sessional capacity upon reaching 70.

Vice Presidents must already be a County Court judge and may be appointed for up to 5 years.

Re-appointments

During the financial year commencing 1 July 2023 the following appointments will expire:

- 3 Vice Presidents
- 3 Deputy Presidents
- 13 non-sessional members
- 26 sessional members.

At this point, VCAT has been advised that of the above, one Vice President, one Deputy President, one non-sessional member and three sessional members will not be seeking reappointment.

The reappointment process commences six months prior to appointment expiry, where members advise the VCAT President whether they would like to seek re-appointment. Currently re-appointment request packages are provided to the Attorney-General with four months' notice.

Public Accounts and Estimates Committee 2023-24 Budget Estimates Hearings

Portfolio:	Attorney-General
Witness:	Jaclyn Symes Attorney-General and Minister for Emergency Services
Committee Member:	Nicholas McGowan
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Relevant text (from transcript):

The following question was asked during the hearing:

Nicholas McGOWAN: Okay. Thank you. Are there any infringement notices that have yet to be issued for any infringement previously? Is there any active consideration of any infringement notices that might still be issued? I would suspect the answer is no.

The following answer was provided during the hearing:

Jaclyn SYMES: For COVID? I would suspect the answer is no as well.

Answer:

There are no COVID-19 infringement notices yet to be issued since public health restrictions were lifted. COVID-19 infringements could be issued between 28 March 2020 and 12 October 2022 for various offences under the *Public Health and Wellbeing Act 2008*. These infringements were no longer issued after Victoria's pandemic declaration ended at 11.59pm on 12 October 2022.

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Portfolio:	Attorney-General
Witness:	Jaclyn Symes Attorney-General and Minister for Emergency Services
Committee Member:	Nicholas McGowan
Page of Transcript:	Pages 5 and 8

Relevant text (from transcript):

The following question was asked during the hearing:

Nicholas McGOWAN: Any [COVID-19 fines] withdrawn – do you have a figure for that?

The following response was provided during the hearing:

Jaclyn SYMES (to Danny O’Brien): I have just got a little bit more on figures here... 11,800 fines have been cancelled by enforcement agencies.

Answer:

As stated in the hearing, 11,800 fines had been cancelled by enforcement agencies. This number is correct as at April 2023 for fines cancelled or withdrawn. The more recent figures show that, as at 7 June 2023, 11,854 COVID-19 fines have been cancelled or withdrawn.

Fines may be cancelled or withdrawn for a range of reasons, including that the fine recipient elected to go to court or because the fine was withdrawn, and no further action was taken, following a successful internal or enforcement review of the fine.

Public Accounts and Estimates Committee 2023-24 Budget Estimates Hearings

Portfolio:	Attorney-General
Witness:	Jaclyn Symes Attorney-General and Minister for Emergency Services
Committee Member:	Nicholas McGowan and Danny O'Brien
Page of Transcript:	Pages 5 and 8

Relevant text (from transcript):

The following questions were asked during the hearing:

Nicholas McGOWAN: ...on the [COVID-19] fines do we, the government, know how many of those infringements are now in the courts or before the courts?

The following responses were provided during the hearing:

Jaclyn SYMES (to Nicholas McGowan): We do not have that data on hand. I can have a look and see what we can get you in relation to the data that is collected to identify the various types of matters that have been advanced to the court. Where I know I can get the data quite well is the Children's Court. In relation to specific fines and what they are for, in terms of the court data it might be a little bit more complex.

Jaclyn SYMES (to Danny O'Brien): I have just got a little bit more on figures here. I have got, for all COVID fines: 3716 individuals have elected to take 4052 fines to court, I think which was one of the questions Mr McGowan was asking; 11,800 fines have been cancelled by enforcement agencies; and 152 fines have been registered with the Children's Court for enforcement. In my capacity as Attorney-General, Fines Victoria does not enforce kids' fines, so that is a matter for the Children's Court. There are a range of fines that people are yet to deal with.

Answer:

As at 7 June 2023, for COVID-19 fines issued to adults, 3716 people have opted to contest their fine or fines in the Magistrates' Court, with 4052 fines the subject of a court challenge as a result. For COVID-19 fines issued to children, 89 children have opted to contest their fine or fines in the Children's Court, with 102 fines subject to a court challenge as a result.

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Portfolio:	Attorney-General
Witness:	Jaclyn Symes Attorney-General and Minister for Emergency Services
Committee Member:	Nicholas McGowan
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Relevant text (from transcript):

Nicholas McGOWAN: Okay. Thank you. Attorney-General, could you advise us in respect of the budget allocation for the Dispute Settlement Centre of Victoria, 2022–23 and 2023–24, the number of full-time equivalent – FTE – positions in that organisation? Or for anyone else.

Answer:

The Attorney-General is no longer responsible for the Dispute Settlement Centre Victoria, as it sits within the portfolio of the Hon Danny Pearson MP, Minister for Government Services. Therefore, this question should be redirected for Minister Pearson's consideration.

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Portfolio:	Attorney-General
Witness:	Jaclyn Symes Attorney-General and Minister for Emergency Services
Committee Member:	Danny O'Brien
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Relevant text (from transcript):

Danny O'BRIEN: But that is my point. Without that, they are going to end up in VCAT. Appreciating it is no longer your responsibility, can I ask: when do you expect that those resources will be able to be released from VCAT so the DSCV hotline will be open again?

Answer:

The Dispute Settlement Centre of Victoria (DSCV) will continue to provide services at the Victorian Civil and Administrative Tribunal (VCAT) until the pending caseload has stabilised, or until the Minister for Consumer Affairs as the minister responsible for the Department of Government Services seeks to withdraw the initiative.

While the DSCV phone line is currently closed, it is still providing information, advice, and dispute resolution services for fencing and other general neighbourhood disputes through its website. If further assistance is required after reading the information and advice on the DSCV website, Victorians can seek DSCV assistance by completing the website's 'Contact us' form. DSCV will respond within five business days.