

## Public Accounts and Estimates Committee 2021-22 & 2022-23 Financial Performance and Outcomes Hearing

<b>Department:</b>	Court Services Victoria
<b>Witness:</b>	Ms Louise Anderson
<b>Committee Member:</b>	Mr Danny O'Brien
<b>Page of Transcript:</b>	Page 3

### Relevant text (from transcript):

**Danny O'BRIEN:** You mentioned clearance rates, or you mentioned the timeliness. Is there a figure for the average –

**Louise ANDERSON:** It depends on the nature of the list. For some lists it is 85 per cent of matters resolved within 18 months or within two years. They apply it separately to each type of list, subject to the complexity and, ordinarily, how many matters are heard.

**Danny O'BRIEN:** But is there an average time now for a case from the time it is lodged with VCAT to when it is dealt with?

**Louise ANDERSON:** Yes, and I might just come back to you on that.

### Answer:

VCAT has nine lists: Building and Property; Civil Claims; Guardianship; Human Rights; Legal Practice; Owners Corporations; Planning and Environment; Residential Tenancies, and Review and Regulation. Requirements and complexity of cases vary by list. VCAT's annual report provides the median number of weeks for a case to be finalised. This is believed to be the more useful statistic as an overall average may not present the most accurate picture. A breakdown by list as at 31 October 2023 follows.

<b>VCAT List</b>	<b>Median time from case lodgement to finalisation (weeks) as at 31 October 2023</b>
Building and Property List	36
Civil Claims List	32
Guardianship List	5
Human Rights List	23
Legal Practice List	26
Owners Corporations List	9
Planning and Environment List	25
Residential Tenancies List	5
Review and Regulation List	34
<b>OVERALL</b>	<b>25</b>

<b>Department:</b>	Court Services Victoria
<b>Witness:</b>	Ms Louise Anderson
<b>Committee Member:</b>	Mr Danny O'Brien
<b>Page of Transcript:</b>	Page 4

**Danny O'BRIEN:** Okay. Is there a figure of how many cases there are currently on backlog at VCAT – when I say 'on backlog', currently before VCAT?

**Louise ANDERSON:** I have got aggregated numbers and I have got some particulars. I can take those on notice and send them through rather than talking through them.

**Answer:**

VCAT's pending caseload as at 31 October 2023\* is:

<b>VCAT List</b>	<b>Pending caseload as at 31 October 2023</b>
Building and Property List	2,552
Civil Claims List	6,672
Human Rights List	453
Legal Practice List	64
Owners Corporations List	752
Planning and Environment List	1,205
Residential Tenancies List	23,417
Review and Regulations List	805
<b>TOTAL</b>	<b>35,920</b>

\*Note: Data is current as at 24 November 2023 and may be subject to minor revision. Pending cases are not calculated for the Guardianship List, as cases remain live so long as a guardianship or administration order is in effect.

<b>Department:</b>	Court Services Victoria
<b>Witness:</b>	Ms Louise Anderson
<b>Committee Member:</b>	Mr Danny O'Brien
<b>Page of Transcript:</b>	Page 6

**Relevant text (from transcript):**

**Danny O'BRIEN:** Okay. I might move on just to a quick question, and we addressed this in the estimates process as well. The Dispute Settlement Centre of Victoria, I understand, was effectively coopted in to try and help with VCAT. The question is – well, does that just mean that fence disputes will end up in VCAT because they cannot be dealt with by DSCV? Is DSCV still providing those services, and if so, for how long will it have to be doing so?

**Louise ANDERSON:** I understand that they are still providing those services and that there is a strong focus on improving their efficacy and managing the time well, so the concern you have identified is not realised. At the same time, there is a focus on increasing mediation services within VCAT, whether that is member or particular registrar capability, and I know that is being considered so that the dispute resolution service can return to their primary focus. But I do not have any understanding of what the time frame for that is.

**Danny O'BRIEN:** Okay. So you would expect they will be but you do not know when. Are you able to find out for me on notice?

**Louise ANDERSON:** I can certainly take it on notice, of course.

**Answer:**

The Dispute Settlement Centre of Victoria (DSCV) has been supporting VCAT by offering mediation for some bond disputes. Since January 2022, VCAT has referred 6,994 cases to DSCV. DSCV has assisted VCAT to dispose 930 cases.

The Department of Government Services has indicated that the DSCV Residential Tenancies Backlog support arrangement will be ending on 31 December 2023.

<b>Department:</b>	Court Services Victoria
<b>Witness:</b>	Ms Louise Anderson
<b>Committee Member:</b>	Mr Danny O'Brien
<b>Page of Transcript:</b>	Page 6-7

**Relevant text (from transcript):**

**Danny O'BRIEN:** Thank you. Can I move to courts generally – can you tell me how many Magistrates' Courts do not have safe waiting areas for victims?

**Louise ANDERSON:** Out of the 51 Magistrates' Courts that we support across the state – specifically Magistrates' Courts – there are only 13 that are at this point, and an additional seven, so that would take us up to 20. I think then rudimentary maths might suggest that 30 do not have the specific safe waiting areas. That does not mean that there are not certain workarounds that have been put in place or other responses that ensure the safety in the best way we can within those waiting areas, but they have not been improved in the way that specialist family violence would require –

**Danny O'BRIEN:** Right. So 20 of the 51 have a specific safe waiting area.

**Further information:**

13 out of the 51 court locations are gazetted as Specialist Family Violence Courts (SFVC).

There are six SFVCs that currently have safe waiting areas at this point of time, and the remaining seven SFVCs are currently undergoing capital upgrades to have safe waiting areas.

In addition, Mildura (which is not a SFVC) has a separate entrance and separate waiting area for affected family members.

All affected family members in family violence proceedings can choose to participate in court hearings without attending a court building. This is facilitated online and available at all courts.

In addition to the above, three Children's Court of Victoria locations have safe waiting areas.

<b>Department:</b>	Court Services Victoria
<b>Witness:</b>	Ms Louise Anderson
<b>Committee Member:</b>	Mr Danny O'Brien
<b>Page of Transcript:</b>	Page 7

**Relevant text (from transcript):**

**Danny O'BRIEN:** What about separate circulation pathways for people in custody?

**Louise ANDERSON:** I will take it on notice, if you wish, to identify how many of our 80 premises across the state, which include leased premises, have custody facilities, but where we have custody facilities it is around 70 per cent that have some circulation pathway that ensures that a person in custody is not brought through the front door or interacting with the public or witnesses. As you would know, many of our buildings are old – 50 per cent of them are heritage in one way or another – and we have over the last five years really put in place a strong program of capital works to address accessibility but also to address safety. I will not take your time.

**Answer:** There are currently 27 sites that have holding cells. Out of the 27 sites with holding cells, 16 have dedicated custody circulation pathways.

For the sites that do not have dedicated custody circulation pathways, an operational risk-managed approach is utilised. A range of other measures are in place across Victorian courts to manage the safety of all court users and staff including security protocols, personnel and screening.

<b>Department:</b>	Court Services Victoria
<b>Witness:</b>	Ms Louise Anderson
<b>Committee Member:</b>	Mr Danny O'Brien
<b>Page of Transcript:</b>	Page 7

**Relevant text (from transcript):**

**Danny O'BRIEN:** What about – how many Magistrates' Courts do not have remote witness facilities?

**Louise ANDERSON:** Remote witness in the formal sense, where the person is vulnerable and needs to give – I would not have the answer on that specifically. I can look into it, but my only other comment around that, Mr O'Brien, is a remote witness can, by virtue of the remoteness – all of our courts, every one across the state, have remote hearing facilities. Each courtroom is fitted out in one way with cameras, with video, with safe video links. So, for example, it may be that a remote witness could give evidence still from Melbourne in a safe and secure way, but it would be able to be heard in Horsham or Mildura if we do not have the facility there. Now, that may not be convenient to the witness – I am just doing a hypothetical – but it is not a prevention. The absence of those facilities does not mean that they are not able to give evidence in a safe and secure way.

**Danny O'BRIEN:** Could I perhaps ask if you could take those specifics on notice?

**Louise ANDERSON:** Sure.

**Danny O'BRIEN:** And if you are able to provide any information on how the department is trying to remedy these issues, that would be great.

**Answer:**

Court users have the ability to appear remotely at a Magistrates' Court hearing in a wide range of circumstances. This might be facilitated through the use of a remote witness room at court, or through an appearance online from an alternative location. Remote witness room facilities are available at all Headquarters Courts and the larger regional Courts. 30 Court locations currently do not have dedicated remote witness room facilities, however, all Court locations have the capacity to have Court users appear online from other locations.

<b>Department:</b>	Court Services Victoria
<b>Witness:</b>	Ms Louise Anderson
<b>Committee Member:</b>	Mr Danny O'Brien
<b>Page of Transcript:</b>	Page 9 & 10

**Relevant text (from transcript):**

**Danny O'BRIEN:** What is the average wait time for a criminal matter to be finalised in the Magistrates' Court at the moment?

**Louise ANDERSON:** I do not have the answer to that again.

**Danny O'BRIEN:** Is that data you keep, though?

**Louise ANDERSON:** It is data that the Magistrates' Court may keep, and I could find out, but we do not keep it.

**Danny O'BRIEN:** If you could take that on notice, that would be good.

**Answer:**

The Magistrates' Court cannot provide an average wait time for a criminal matter to be finalised. There are a range of factors which can contribute to the length of time a case may take to reach finalisation. However, the Court can provide on-time case processing data which is where criminal matters are resolved or otherwise finalised within established timeframes.

In the 2021-22 financial year, which was during the height of the COVID-19 pandemic, 40.7 per cent of criminal matters were finalised within six months of commencing in the Magistrates' Court. In the 2022-23 financial year, this increased to 55.1 per cent. In the first quarter of the 2023-24 financial year, it is sitting at 63.1 per cent.

<b>Department:</b>	Court Services Victoria
<b>Witness:</b>	Ms Louise Anderson
<b>Committee Member:</b>	Mr Matthew Hilakari
<b>Page of Transcript:</b>	Page 11

**Relevant text (from transcript):**

**Mathew HILAKARI:** One of the things I am really keen to understand is the recovery investments and how they are being used to maximise the capacity to work through the backlogs. We have gone through a little bit of that previously, but there is a bit of a way to go, so I am just keen to understand how we are utilising those finances well.

**Louise ANDERSON:** Sure, of course...The Children's Court have been utilising the judicial registrars. That came through a funding initiative in 2021– 22 where they had not had judicial registrars before; they had principally been magistrates supported by case management through their registrars. The judicial registrars are now focusing on early hearings, on pre-trial or pre-hearing management, and are finding really great results in reducing the time to a final hearing but also resolving matters through agreement, which is new for that jurisdiction.

**Mathew HILAKARI:** Do you have a sense of the numbers that are using that and completing –

**Louise ANDERSON:** I do actually have that, and I could –

**Mathew HILAKARI:** Because that is really a great initiative to see people not enter the courtroom.

**Louise ANDERSON:** Thank you to my colleague. So there has been over 1000 in each year – 1200 of those readiness hearings. I have not got the data here, but I understand from the readiness hearings about a third of the matters do not proceed because they have been resolved at that early stage.

**Further information:**

In regard to Readiness Hearings conducted by judicial registrars of the Children's Court, over half of the matters do not proceed to final contested hearings.



<b>Department:</b>	Court Services Victoria
<b>Witness:</b>	Ms Louise Anderson
<b>Committee Member:</b>	Ms Ellen Sandell
<b>Page of Transcript:</b>	Page 11

**Relevant text (from transcript):**

**Ellen SANDELL:** Firstly, regarding Victoria's public housing high-rise estates, do we have figures in the two years that are subject to this inquiry of how many VCAT applications were initiated by Homes Victoria, broken down by site?

**Louise ANDERSON:** I do not have those to hand, and I could take it on notice. I do not know if VCAT will hold that data, but of course we can make the inquiry.

**Answer:**

VCAT does not collect data on a site-by-site basis, but rather by type of application. The following table provides some context around the applications from 2018-19 to 2022-23.

Year	Homes Victoria (formerly Director of Housing) initiations	Possessions applications	Renewals or furthers	Abandonment applications	Death of tenant applications	Section 209 applications
2022-23	2,955	1,827	566	169	162	153
2021-22	1,718	992	202	151	110	119
2020-21	750	121	114	38	29	124
2019-20	5,216	2,600	1,223	251	145	204
2018-19	6,935	3,644	1,314	306	132	251

There was an increase in applications from Homes Victoria (formerly known as Director of Housing) in 2022-23, displaying the return to pre-pandemic numbers. There was a significant decrease in the number of applications from Homes Victoria in 2020-21 and 2021-22.

The majority of Homes Victoria applications relate to rent arrears. Hearings for rent arrears are typically heard within a month of the application being lodged.