

VERIFIED VERSION

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

Inquiry into Budget Estimates 2017–18

Melbourne — 23 May 2017

Members

Mr Danny Pearson — Chair

Mr David Morris — Deputy Chair

Mr Steve Dimopoulos

Mr Danny O'Brien

Ms Fiona Patten

Ms Sue Pennicuik

Ms Harriet Shing

Mr Tim Smith

Ms Vicki Ward

Witnesses

Mr Martin Pakula, Attorney-General,

Mr Greg Wilson, Secretary,

Ms Chris Humphreys, Director, Civil Law Policy,

Mr Ryan Phillips, Deputy Secretary, Criminal Law Policy and Operations, and

Ms Kylie Kilgour, Deputy Secretary, Criminal Justice Strategy and Coordination, Department of Justice and Regulation.

The CHAIR — I declare open the public hearings for the Public Accounts and Estimates Committee inquiry into the 2017–18 budget estimates.

All mobile telephones should now be turned to silent.

I would like to welcome the Attorney-General, the Honourable Martin Pakula, MP; Mr Greg Wilson, Secretary of Department of Justice and Regulation; Mr Chris Humphreys, Director, Civil Law Policy; Mr Ryan Phillips, Deputy Secretary, Criminal Law Policy and Operations; and Ms Kylie Kilgour, Deputy Secretary, Criminal Justice Strategy and Coordination. Witnesses in the gallery are Mr David Ware, Chief Executive Officer, Court Services Victoria, and Mr Shaun Condon, Deputy Secretary, Finance Infrastructure and Governance.

All evidence is taken by the committee under the provisions of the Parliamentary Committees Act, attracts parliamentary privilege and is protected from judicial review. Comments made outside the hearing, including on social media, are not afforded such privilege.

Witnesses will not be sworn but are requested to answer all questions succinctly, accurately and truthfully. Witnesses found to be giving false or misleading evidence may be in contempt of Parliament and subject to penalty.

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

All written communication to witnesses must be provided via officers of the PAEC secretariat. Members of the public gallery cannot participate in the committee's proceedings in any way and cannot photograph, audio record or videorecord any part of these proceedings.

Members of the media must remain focused only on the persons speaking. Any filming and recording must cease immediately at the completion of the hearing.

I invite the witness to make a very brief opening statement of no more than 10 minutes. This will be followed by questions from the committee.

Mr PAKULA — Thank you, Chair, and I thank the committee for the opportunity to present at my 11th PAEC one way or the other.

Visual presentation.

Mr PAKULA — I just wanted to start with a presentation. The Attorney-General's portfolio as a percentage of the entire justice department is, as you can see, a relatively small proportion, certainly as against corrections, police and emergency services — 7 per cent, or 9 per cent when you include infringements and warrants, which is a total of just under \$470 million.

Going to some of the key initiatives in this budget in terms of spending, there is \$25.2 million over four years for CISP and CROP, and they are important initiatives particularly in regard to responding to the family violence royal commission and the coroner's report; legal aid funding of almost \$80 million over four years; \$24.7 million over four years to support our CLCs; \$28.5 million over four years to support victims of crime; and just under \$90 million for a very important upgrade to the case management system in the Magistrates and Children's courts, which has been long overdue. We have also got \$130.3 million over four years for the specialist family violence integrated court response, and that is about fully implementing that model at five Magistrates Courts.

There is an IT upgrade for the Supreme Court of Victoria worth just under \$11 million, and that will be particularly important in regard to their ability to hear cases without prisoners necessarily needing to be transported to court — it allows videoconferencing, as we have rolled out in the Magistrates Court; another \$12.2 million for critical infrastructure upgrades in our court system; \$3.4 million for the continuation, or the reanimation, if you like, of the fast-track remand court in the Children's Court; and \$1.4 million of output funding for the Family Drug Treatment Court at Broadmeadows, which has been a very successful initiative.

Moving forward there is, in terms of the Attorney-General's portfolio, \$35.7 million for the forensic mental health implementation plan; \$7.6 million planning money for the court precincts at both Bendigo and Werribee; \$23.6 million for the support of Aboriginal Victorians who are at risk of family violence; and \$3.2 million for the diversion of Aboriginal male perpetrators of family violence, and we know that in those Indigenous communities that that family violence funding and support is extremely important.

Over the last 12 months there have been a number of changes that I think are worthy of mention, and I will be happy to take questions on them during the hearing. But community correction order reform, I know, was a substantial part of the questioning when I was here last year. There have been changes to the CCO regime which came into effect about two months ago and we are already starting to see the impact of that reform.

In terms of organisational responsibility for child abuse, we are continuing to deliver on our commitments to implement the recommendations of Betrayal of Trust and we have made amendments through the Wrongs Amendment (Organisational Child Abuse) Act which come into effect in July. Again, I am happy to deal with that if there are more questions.

This morning we have released our response to the *Access to Justice Review* along with \$34.7 million worth of funding to deliver on 57 of those recommendations. We have made justice easier for family violence survivors through the Family Violence Protection Amendment Act. We have expanded the Metropolitan Drug Court from Dandenong into Melbourne and that commenced sitting in March of 2017. That means there is now capacity for 240 drug offenders to be on the program at any one time, and if the success of the Melbourne court reflects the success of the Dandenong court, that will be a boon to community safety. We have implemented new offences for serious crimes under the Crimes Amendment (Carjacking and Home Invasion) Act 2016. I think the details of that act are well known, but again I will expand on that if there are questions in regards to it.

In terms of some of the matters that are coming in the very near future, in regards to bail a few weeks ago I released volume 1 and volume 2 of the Coghlan report, along with a government response to the first volume of that report and a commitment that the government would introduce legislation in two stages. I have committed that the first stage of those bail reforms will be introduced before the end of May. Given that we are almost at the end of May, I think you can assume that that will be quite soon. We are underway in terms of implementing a new IT system for our fines reform amendments, which are coming into effect later this year. That will simplify and strengthen the collection and enforcement of fines in Victoria, and it carries on from work that had been commenced under the previous government, under Attorney-General Clark.

There is a new core business system coming into effect for the Registry of Births, Deaths and Marriages. The current system is at the end of its life, and I think members of Parliament have been well aware of some of the issues that have plagued the registry in the past. I think we have got those largely under control now, but the new core business system will make a very large difference to that. And in regards to sentencing reform, which I know has been a matter of some contest, there is very shortly going to be coming into effect legislation for a sentencing scheme which will deliver on the recommendations of the Sentencing Advisory Council, which were delivered to government after the baseline sentencing regime was overturned in the Court of Appeal. That is a standard sentencing scheme which is based in large part on the successful scheme that operates in New South Wales and which has been upheld in the High Court.

Chair, given the time, I am happy to stop there in regards to the presentation and submit myself to the questions of the committee.

The CHAIR — Thank you, Minister. Just at the outset there are a couple of things. Yesterday I received a resignation letter from Danny O'Brien, the member for Gippsland South, and I want to place on the record my thanks for his contribution to and his service on this committee since its inception. I wish Mr O'Brien a very speedy recovery.

For the benefit of Hansard and for your benefit as well, Minister, Ms Pennicuik and Ms Patten are absent today. They have provided questions to members of the committee. We will be providing those questions via the secretariat to you at the conclusion of this hearing. If you could take those on notice, that would be appreciated.

Minister, I might commence. The budget paper reference is budget paper 3, pages 5 and 6, and it is the whole-of-government family violence output initiative. I note that in your presentation you referred to a case

management system to be used in both the Magistrates Court and the Children's Court. Can you provide a bit more information to the committee about what is being developed as part of this initiative?

Mr PAKULA — One of the things that the royal commission identified was a need to have much better information linkages and a much better foundation for the sharing of information between the courts and other agencies. One of the things that has been identified as a critical issue in terms of need for upgrade is the case management system in both the Magistrates Court and the Children's Court. There is \$89.2 million in the budget; 22.4 of that is for output and the balance — 66.8 — is for asset funding, and it will help those two courts manage their growing case loads. It will create a person-based linking of court activities rather than tracking each case individually, so it will allow the person's issues to be properly tracked and managed. It provides the ability to interact with other agencies more effectively through an enhanced ability to share information. It certainly will streamline the operating processes and increase the timeliness and accuracy of critical information that magistrates receive when they are in court. It will mean that less complex matters can be shifted to digital channels, whether that is online applications forms or the like, and that will mean that in some circumstances there will be less need to physically attend a court. It will ensure more efficient court management and operation, and it will ensure that the courts are ready to meet anticipated rises in demand, whether that is through major changes to legislation or through policing, because they impact on the courts quite considerably.

I do not know whether members have done what I have done in the past in terms of visiting, particularly some of our regional magistrates courts. When you see the IT systems that they are using, it is quite confronting — you know, green flashing cursors and very old IT. It is not surprising at all to me that the courts identified, and the family violence royal commission identified, a need to upgrade those IT systems as a critical need in dealing with family violence and responding to it effectively.

The CHAIR — Why were the magistrates and children's courts specifically chosen as part of this initiative?

Mr PAKULA — Court Services Victoria have identified that collectively those two courts deal with something like 350 000 cases, and they process something like a million transactions every year. So they are the courts that Victorians interact with most often, and their ageing case management systems have been identified as the highest priority by court services. If you look at the Magistrates Court, it is one of the busiest courts in the country. Ninety per cent of all people who are sentenced in Victoria are sentenced in the Magistrates Court, and it is the initiation point for most criminal proceedings in the state. It is the main source of data in regard to prior convictions for both Victoria Police and VicRoads, so that is where they get a lot of their information from. I do not know if anyone is familiar with Courtlink, which has been the case management system that they have been using to date, but I think it is something like 30 years old. I do not know that anybody works with IT infrastructure anymore that is 30 years old.

Ms SHING — Fax machines in the police force, Minister, might be an example of that.

Mr PAKULA — Well, that is another element, but yes. When you think about it, would anyone in this building work with 30-year-old IT infrastructure? You just would not do it.

The CHAIR — In terms of this level of investment, how do you think that is going to improve information sharing? What are you expecting to see from this level of investment in terms of improving the quality of sharing information?

Mr PAKULA — The case management system at the courts as it is at the moment has been the cause, I think, of delayed provision of services. It has meant that the system has been unable to properly share information with other government agencies. I think it has therefore meant that there has been increased risk for the safety of people attending court. Data errors due to dozens of manual data entry processes — to give you an example, to transmit a warrant, the current process for transmitting warrant documents to Vic Pol, which is either via fax, post or hand delivery, has led to delays in that information being available to police officers. I think it has increased the risk of warrants being mislaid, and if you look at the coroner's report into the death of Luke Batty, that was found to be a significant issue — that manual sharing of information, leading to information going missing. So I think you will see that agencies, including Corrections Victoria, infringements management and enforcement services, and the Department of Health and Human Services, will all benefit from an IT upgrade, and if you look at the Royal Commission into Family Violence, it will acquit or partially acquit at least eight of the recommendations of the royal commission.

The CHAIR — Okay. In terms of the broader question around improving operational efficiency in our legal system, often there has been a strong correlation, I suppose, between IT investment and innovation to try and improve efficiencies, whether in the private sector or in the public sector. What are you expecting to see from an operational perspective off the back of this investment?

Mr PAKULA — Again, advice that we have received from Court Services Victoria is that they estimate that around \$10 million each year in staff time could be substantially automated with a new case management system, and that will mean that court staff are freed up to work on other important activities. If you think about the current system, where there is extensive manual data entry, double handling, digital file management and analog file management, it is substantial. The estimate is about \$10 million worth of time, and the flow-on effects of that are significant. CSV tells us that a Courtlink search for a prisoner pending release by Corrections Victoria can take up to 20 minutes and averages 10 minutes, and with 9000 releases per annum, manual checks in Courtlink add up to hundreds of hours of staff time, and you have got similar manual checking protocols that exist for community correction orders. So I think it is a no-brainer that this sort of information should be held on a modern case management system rather than this multitude of manual entries that we deal with at the moment.

The CHAIR — Okay. If I can bring your attention to budget paper 3, page 110, the reference is ‘Supreme Court of Victoria — IT upgrade’. I note that is \$9.6 million in 2017–18 and 2018–19. Can you outline to the committee what this expense is for?

Mr PAKULA — As I just alluded to in the presentation, the Supreme Court is our highest court. It is also an extremely old building with heritage courtrooms, so we want to deliver — —

The CHAIR — 1884, I think, actually.

Mr PAKULA — That is right. We want to deliver contemporary in-court audio and video technology. We want to have facilities like large-format screens for the public and for the bench and for the bar and witness cameras. That means that some of the benefits that you will see flow from that will be improved protection for vulnerable parties; I think a much more productive court; greater visibility of court proceedings to parties and, importantly also, to the public; strength and interoperability with other agencies; and, importantly, reduced security risks at the court. Apart from that we would anticipate there will be a reduction in the need to transport prisoners to court for hearings and an increase in the ability of videoconferencing with prisons and prisoners. That initiative is expected to commence in August/September this year, and again I think it will greatly enhance the operations of the court, safety of participants and the experience for those who are trying to view court proceedings.

The CHAIR — I am conscious of time. If I could draw your attention to budget paper 4, page 70, ‘Completed projects’, and this relates to projects estimated to have been completed before 30 June this year — ‘video conferencing (statewide)’. Can you outline to the committee in a little bit more detail, briefly if you can, around that initiative?

Mr PAKULA — That of course was an initiative of last year’s budget — \$14.6 million to provide courts with 151 new videoconferencing units. I can tell you that as of 10 May this year, 115 courtrooms across 24 courthouses had been equipped with videoconferencing units. During 2016 there were 17 105 matters heard by video link — that is, an average of 1425 per month — and during January to April 2017 there have been 7832 matters heard by video link, an average of just under 2000 per month. So that investment is paying off in spades and it has transformed the operations of the Magistrates Court.

Mr MORRIS — Good morning, Minister. Welcome back to PAEC. If we can start with the subject of bail, BP 3, page 269, but not so much on the budget, more the general issue. There has of course this year been the bail review conducted by Paul Coghlan, QC, and I understand there are 37 recommendations from that. I have got 24 in front of me here. Can you indicate to the committee where in the budget papers there is a provision for the increase in remand numbers that is identified in the report?

Mr PAKULA — Thank you for the question, Mr Morris. There are a range of different initiatives both in the budget papers and which have been funded previously which will deal with the expected increase in remand numbers that will come from the changes to the Bail Act. The government, as I have said, will be introducing the first tranche of bail reforms before the end of May and a second tranche of bail reforms later in the year.

As I indicated when I released the Coghlan review the funding for that will be provided as necessary, but it is important to recognise all of the things that are either in train or in the budget that will help provide for the additional remand numbers. So to go in no particular order there is a new facility at Ravenhall coming online later this year which will have 1000 beds or so, and there will be capacity — —

Mr MORRIS — Funded by the coalition.

Mr PAKULA — Yes, that is as it may be, Mr Morris. There is additional capacity which will be freed up at the Melbourne Remand Centre when the works there are concluded later in the year. There is money in the budget, as I have indicated in my presentation, for CISP and for CROP, and if you look at the Coghlan review, if you look at the Luke Batty inquest, they are significant recommendations in regards to the use, particularly of CISP. There is the funding that has been allocated for the new youth justice facility in the City of Wyndham at Cherry Creek. There will be additional capacity created when the works at Parkville are concluded and there is some additional capacity indeed that has now been freed up at Grevillea as a consequence of those youth offenders moving out of there.

So there is capacity in the system at the moment or capacity coming online. There is also, you might note, funding in the budget under the corrections portfolio, I think of some \$75 million or so. I am not sure if Minister Tierney has been before the committee yet — that obviously is the sort of money that you would anticipate or you would expect to see in terms of planning for new facilities if necessary.

Mr MORRIS — So I take it from your commentary so far that while there is money in the budget from, as you said, a variety of things, none of it is new money linked directly to the outcomes of this review.

Mr PAKULA — I would contest that, Mr Morris. The review itself makes recommendations for legislative change and for other sorts of change, not just legislative but system change. The responsibility of government is to ensure that when those changes work their way through the system that there is capacity in the system to deal with the additional persons who would be held on remand as a consequence of that. We are keenly aware of that, and as I have indicated both in public commentary and that I repeat today, there is capacity coming online in the system, and if additional capacity is required, then it will be provided.

Mr MORRIS — We are now five months on from Bourke Street. We apparently do not have an allocation of funds in this year's budget to address the recommendations of the review. Are you saying, 'Trust us. We'll do it if we need to'? Surely the need is demonstrated. When is it going to be funded?

Mr PAKULA — I do not think it would be a useful use of the committee's time for me to repeat myself at great length, but I have just indicated that it is the government's expectation that the review and the implementation of the recommendations of the review will lead to more people being held on remand, and it is the government — —

Mr MORRIS — And I am asking what provision has been made in the budget for that — apparently nothing.

Mr PAKULA — And I am indicating to you that a combination of things that are already in train and new funding that is provided in the budget will mean that we have capacity to deal with any additional prisoners held on remand as a consequence of the changes that we will be making to the act.

As I say, the bill will be introduced this week. I would be hopeful of the support of the opposition so that we may pass that through the Parliament with expedition. Then, as I say, we will be able to deal with those additional persons through the additional capacity that is coming online, whether it is through Ravenhall or through the new youth justice facility, which is funded in the budget, Mr Morris. So a number of these issues will apply to young persons — —

Mr MORRIS — Minister, the review proposes significant policy variations, which I think we are both agreed will require more people to be held on remand. What you are saying is that, even though that is a significant policy change, everything that has been planned, everything that has been funded, is more than sufficient to deal with it.

Mr PAKULA — No, I did not say that. I do not mind the thrust and parry of PAEC, but I do not like being verballed. I did not say that.

Mr MORRIS — I am simply trying to get the bottom here. You have got a report that appears to be unfunded, so I am trying to establish — —

Ms SHING — If additional capacity is required, then it will be provided.

Mr PAKULA — Mr Morris — —

Mr MORRIS — ‘Trust us, we’re the government. We’re here to help’.

Members interjecting.

The CHAIR — Order!

Mr MORRIS — The question was about funding in this year’s budget, and I think we have established that there is not any funding in this year’s budget.

Members interjecting.

The CHAIR — Order!

Mr MORRIS — What projects are specific outcomes from the Coghlan recommendations?

Mr PAKULA — Let me very quickly — —

Mr MORRIS — Specific outcomes.

Mr PAKULA — Let me very quickly go through it again. There are 1000 beds coming online.

Mr MORRIS — Yes, which were funded by the coalition.

Mr PAKULA — There will be additional capacity at the Melbourne remand centre and at Parkville when those works are completed.

Mr MORRIS — Yes, you have told us all about those, but you have also indicated that they were not outcomes of the review. I am asking about outcomes of the review.

Ms WARD — I am sorry, Minister, they are often very keen on their own voices rather than hearing the response.

The CHAIR — Order! Ms Ward!

Mr PAKULA — You are only using up your own time. Let me just say, there is a new youth justice facility funded in the budget. There is \$75 million for corrections — —

Mr MORRIS — Which was announced well before the report and recommendations were considered by the government.

Ms WARD — Mr Morris, how about you let the minister actually finish it instead of trying to answer for him?

The CHAIR — Order! Ms Ward!

Mr MORRIS — Can we move on? Can I go to the same subject but a slightly different side of it. Attorney, Mr Coghlan suggests in his report that while, as we have agreed, the tougher bail tests will see more people remanded, he is also proposing the government should remove a range of less serious indictable and summary offences from the bail system altogether. Of course that will mean that a number of accused people will remain in the community rather than being remanded. Does the budget account for the effects of any changes that you will be making towards implementing this part of the report?

Mr PAKULA — Can I say in regard to that part of the report, the government has not yet responded to that part of the report, and I think it is — —

Mr MORRIS — So can you tell us now what offences will no longer be subject to bail?

Mr PAKULA — Well, no, Mr Morris, because I just indicated that the government has not yet responded to that part of the report. It is important for you to understand what Mr Coghlan was referring to. What Mr Coghlan indicated was that there are some very minor offences which at the moment are treated by charge and bail, and they are at the very petty end of the spectrum. But what happens as a result of — —

Mr MORRIS — Would you consider the possession of illicit drugs to be part of that — consider that to be a petty charge?

Mr PAKULA — No, well, what happens, Mr Morris, is that sometimes in these cases people who are charged with minor offences for which they would never normally receive a sentence under conviction, because they are bailed and then may not respond or attend a hearing, are then in breach and then they are remanded. So you have got the system — —

Mr MORRIS — So, is possession of illicit drugs in that category?

Mr PAKULA — Well, as I said, Mr Morris, the government is still considering that part of the report. But what Mr Coghlan has recommended is that — —

Mr MORRIS — As the Attorney, you must have a view on that.

Mr PAKULA — What Mr Coghlan has recommended is that in some cases those people could be dealt with by a different process where they are simply asked to attend at court and judgement could be issued in their absence if they do not attend.

Ms WARD — Good morning, everyone. Good morning, Minister. Happy PAEC. Minister, I think you are probably aware, because I have asked you about this before, that I am a strong supporter of community legal services. Having been on the committee of management for the West Heidelberg Community Legal Service for many years, I well understand their absolute importance within our communities. In your presentation, at page 3, you speak about supporting community legal centres, and there is \$24.7 million over four years. How is this money to be spent? What is the support that you are actually planning to deliver?

Mr PAKULA — The government has allocated \$14.26 million over four years to continue the CLC assistance fund, the Family Violence Duty Lawyer Fund and the CLC family violence fund. Those grant programs would have otherwise lapsed on 30 June. We have been providing funding directly to CLCs through three grants programs through 2015–16 and 2016–17. They were established to assist CLCs to provide more duty lawyer services. We have been working really hard in terms of our dealings with the commonwealth to try to have the commonwealth reverse their cuts.

So all in all, Ms Ward, we are putting in an extra \$24.7 million. As I say, 14.5 million of that will ensure that CLCs can continue to provide services to disadvantaged Victorians; There is 6.4 million over two years for that, 4 million over four years to continue the CLC assistance fund and 2.4 million over four years for integrated service partnerships. I have visited one of these community health partnerships in Mildura. They are an outstanding opportunity for CLCs and legal services to be combined with, say, health services. There is another one at Banyule. They are really important. We are continuing support for JobWatch, and we are providing some support for the Federation of Community Legal Centres. Then, as I say, we are providing additional funding over four years to continue the Family Violence Duty Lawyer Fund and the CLC Family Violence Fund.

Ms WARD — So there are quite a few layers to the support the state is offering. Minister, you mentioned the commonwealth and their reluctance, if you like, to fund community legal centres. We know that that has been recently overturned. Can you give us some idea of the kinds of contingencies that the state has had to create in order to alleviate the negative effects of what the government was proposing to do? Minister, I must congratulate you for the leadership that you have shown in putting pressure onto the commonwealth to ensure that this funding would actually be continued instead of cut as they were proposing to do.

Mr PAKULA — Thank you for that, Ms Ward. I think that myself and the other state and territory attorneys, both Labor and Liberal, have worked very hard to ensure that the commonwealth reversed those cuts. The issue of course is that we are still unsure, even though the total quantum has been reinstated, whether community legal centres will be able to use the same money for the same things that they have used in the past.

Ms WARD — So when you see the same money are you talking about amounts or are you talking — —

Mr PAKULA — So the same — —

Ms WARD — So the funding amount is still not clear?

Mr PAKULA — No. The quantum has been replaced, but what is not clear is whether CLCs will be able to use that commonwealth funding for the same things that they are using it for at the moment. We raised this matter with Senator Brandis at LCCSC last week. He has made it clear that the funding that the commonwealth is putting back will be applied to certain discrete things, including family violence, which does not necessarily match up with what CLCs had been using the funding for in the past. It is why the state money, which we had put aside in anticipation of the federal cuts, is so important because it will mean that community legal centres can continue to do the work that they are doing at the moment regardless of whatever chains the federal government puts on their funding.

Ms WARD — So without that contingency you would not be able to reassure community legal services that they would be able to continue as they have been?

Mr PAKULA — I think that is right. I think it is clear that without the money that is being provided by this budget CLCs may well be in a position where they would have to reallocate funds from certain endeavours to other endeavours, and it would mean that they might have to let people go, they might have to, for instance, close outreach offices. We have got the example in, say, the Yarra Valley where the Eastern CLC has an extra office at Healesville. It is still not clear what fetters the federal government is going to place on their funding, so the money that the state is putting in will mean that they can continue doing what they do and do it in an enhanced way.

Ms WARD — So how much time and effort do you think our community legal services are spending in trying to tread water and keep themselves going with this kind of uncertainty?

Mr PAKULA — It is true to say that one of the great bugbears for community legal centres is the uncertainty of funding, having to operate hand to mouth if you like. So the fact that our government has now provided some certainty of funding, some guarantee of funding, I think will mean that community legal centres, for the next few years at least, will be able to operate with a degree of certainty that they have not had in the past.

Ms WARD — You also mentioned in your response earlier grant programs. The government has funded three separate grant programs to provide assistance to community legal services. Can you talk to us in greater detail about what those services are?

Mr PAKULA — Yes, thanks, Ms Ward. The CLC Assistance Fund was \$2 million over two years. It operated as a grants round, and community legal centres made application to government for grants for a range of things, including family violence funding, outreach officers, women's legal services and the like. We provided \$2.4 million for the Family Violence Duty Lawyer Fund and \$1.3 million for the Family Violence Fund. So those programs meant that CLCs could provide more duty lawyer services to ensure that more victims could be represented at court and better access to legal services for vulnerable clients. It meant that a range of key frontline resources and programs, whether that be family violence support, improved access to justice for newly arrived persons or services for regional youth and remote youth could be provided, and all of those are being continued.

One good example was a grant to the WEstjustice Community Legal Centre which supported an employment law project, and that meant that working outcomes for newly arrived communities across Melbourne's west could be provided. I am very pleased that we are able to continue that support through this budget.

Ms WARD — Why is the commonwealth providing support and funding for integrated service partnerships? What do you hope to get out of that?

Mr PAKULA — As I indicated briefly, I think those integrated service partnerships are very innovative and they are very important. It means that there can be work done between CLCs and non-legal service providers to intervene before things escalate and get out of control. The traditional model of legal assistance, where a lawyer expects a client to identify and present with, say, a legal problem at the outset, really misses a section of the

community that might be in more desperate need of help. So if you look at the health justice partnership, lawyers go to places where vulnerable people are more likely to be, and they work with the non-legal professionals to assist in identifying and resolving those problems.

So that incorporation between a legal response and a healthcare response means that things can be nipped in the bud before they manifest themselves into a legal problem. That co-location, that outreach, means that they can operate out of schools, they can operate out of specialist support centres. It is a new and emerging model but, as I say, we are seeing it at Mildura, we are seeing it at Banyule, we are seeing it in St Kilda — this sort of integration of services between health support and legal support. It has not been supported by government funding in a budget in the past, and I think this is a great opportunity to do that.

Ms SHING — I might just leap in with a final question in relation to reporting requirements for commonwealth funding. Is it anticipated that legal services may have additional workload imposed as a result of changes to the federal funding model?

Mr PAKULA — Well, they certainly have in the past. Last year's national partnership agreement imposed greater reporting requirements, and we are hoping that the federal government do not increase that burden any more.

Mr T. SMITH — Welcome, Attorney. I refer to budget paper 3, page 277, and the departmental performance objective 'Effective management of prisoners and offenders and provision of opportunities for rehabilitation and reparation'. I note that the rate of return to corrective services within two years of discharge from a community corrections order is up from 28.9 per cent in 2015–16 to 33.4 per cent in 16–17 despite a target of 28 per cent. Attorney, isn't it true that reoffending under your government's watch is increasing significantly and rapidly for offenders on non-custodial orders?

Mr PAKULA — Thanks for the question, Mr Smith. I do not think that is right at all. I do not know whether this is the only measure, because, as you know, or as I think you know, community-based offender supervision is a matter for the Minister for Corrections, so there may well be other reoffending measures somewhere else in the budget, but I recall very clearly when I was a member of this committee and in opposition that the rate of return to prison within two years of release under your government was in the high 40s. Now, I do not know whether there is another measure. This is specifically about rate of return within two years of discharge from a CCO, but certainly the other measure that I recall there being in the budget papers previously, which was the rate of return to prison after release within two years, was somewhere between 45 and 50, right?

In terms of rate of return, again, this is a matter for the corrections minister, but ever helpful as I try to be, Mr Smith, I can read the footnote, which is beneath that item. It says:

The 2016–17 expected outcome is higher than the ... target due to the ongoing impact of the abolition of suspended sentences.

I also note — and again I only do this to be helpful because I certainly would not want to cut across the portfolio responsibilities of another minister —

Mr MORRIS — It is also worth pointing out that the target, in the knowledge of the abolition of suspended sentences, was 28 and the expected outcome is 33.4, which is significantly higher.

Mr PAKULA — And I acknowledge that, but as I say, I also note that at budget paper 3, page 94, there does appear to be an output initiative within the portfolio responsibilities of the Minister for Corrections which is 'Programs and services to reduce reoffending', and they are funded at, it seems, around about \$40 million and a bit over four years. So that would appear to be a recognition from the corrections minister that it is important to fund those services to reduce reoffending, and I am pleased that the minister has been able to secure that funding.

Mr T. SMITH — But, Attorney, in 2013–14 the rate of return to corrective services within two years of discharge from a community corrections order was 20 per cent, and now it is 33 per cent, so that increase is quite substantial, isn't it?

Mr PAKULA — Well, I think you need to bear in mind, Mr Smith, that the rate of use of community corrections orders absolutely exploded between 2013 and 2015. That is partly because of the abolition of suspended sentences, it is partly — I will concede — a result of the Boulton decision and it is partly a

consequence of the legislation that was introduced by the former government just before the 2014 election, which made the use of CCOs easier and broader than it had been in the past. In 2013 my advice is that there were something like 7230 CCOs and by 2015 that had grown to just under 11 000. There was a very large increase in the use of community corrections orders and, as I think I have said at this committee now on three occasions, I do not cavil with the introduction of community corrections orders by the former government.

Mr MORRIS — Boulton was December 14; you could have done something about it pretty much straightaway, but you sat back and watched.

Mr PAKULA — Well, this was your rhetoric last time, Mr Morris, and I do not — —

Mr MORRIS — The facts have not changed.

Mr PAKULA — I do not think it is very helpful or edifying for you and me to simply repeat the debates that we have had in the past, but we did introduce legislation last year to wind back the use of community corrections orders consequent on both Boulton and your legislative change. You seem to take issue with the fact that, having legislated in late 2014 and having a decision in late 2014, it was appropriate for there to be some evidencing about the way those changes would affect the system, and that evidence did not need to be one month's worth. The former government made changes to the system for a reason, and we had a look and saw the effect of that. Now, community corrections order reform — —

Mr MORRIS — I thought the effect of Boulton was self-evident. I would not have thought you would need to wait.

Mr PAKULA — Community corrections order reform, as I say, was legislated for last year, has been in effect since 20 March this year and, again, I expect that we will see this as a consequence of making community corrections orders unavailable for a series of serious crimes. I mean, the former government needs to take some responsibility, I would have thought, Mr Morris, for the fact that when you introduced community corrections orders legislation you placed no limit on what sorts of crimes they could apply to.

Mr MORRIS — The 2017–18 target — the target for the coming year — is still 33, and you are telling us the legislation that commenced operation in March is going to solve the problem. If it is going to solve the problem, why is your target 33 for the coming year when the target for 16–17 was 28?

Mr PAKULA — Mr Morris, let me tell you a difference between our government and the former government. We do not make grandiose statements of that nature. The problem with the former government was that whether it introduced CCO reform or bail reform or parole reform, it was always attended with a claim that this was the silver bullet that would fix everything.

Mr MORRIS — No, your testimony was the legislation was going to deal with this issue of the abolition of suspended sentences. Clearly your own figures in the budget demonstrate that it is not going to.

Mr PAKULA — No. Mr Morris, you are conflating two different measures.

Mr MORRIS — No.

Mr PAKULA — One is the question of how many CCOs are issued, and the question of how many people — —

Mr MORRIS — But the budget says the expected outcome is higher because of the impact of suspended sentences, and you yourself drew the attention of the committee to that. The 16–17 target was 28, the expected outcome is 33.4 and the target for 17–18 is 33, so effectively no diminution at all in the volume.

Mr PAKULA — Mr Morris, would you like me to answer your question?

Mr PAKULA — The target that you refer to is not a measure of how many people are granted CCOs. That is a measure of the rate of return to corrective services. There might be a similar percentage on a lower number of total community correction orders, and the fact is that the — —

Mr MORRIS — High-risk offenders on CCOs in 2014, 128; in 2016, 3180?

Mr PAKULA — What measure are you referring to now?

Mr MORRIS — I am sure you know.

Mr PAKULA — Sorry?

Mr MORRIS — I am sure you know.

Mr PAKULA — What are you referring to?

Mr MORRIS — They are the stats.

Mr PAKULA — Oh right. So, sorry, you are not referring to the budget?

Mr MORRIS — They are the stats.

Mr PAKULA — Mr Morris, I have already said that the government recognised that there were people who were on CCOs who should not have been on CCOs. I consider that to have been not just, as you might have it, a consequence of the Bolton decision but a consequence of flawed legislation which changed the combined sentence from three months to two years — we have put that back to a year — which had no limit on what sort of offences could have a CCO applied to them. And at the upper end for CCOs that could be applied for periods of a decade or more we have limited the maximum period of a CCO in the higher courts to five years, which means that their applicability to very serious crimes will not be the sort of free-for-all that you provided for in your legislation.

Mr DIMOPOULOS — Good morning, Attorney-General and officers. After the attempts to rewrite history by those opposite I think I will ask you a question about infrastructure.

Ms WARD — And you might actually listen to the answer, Mr Dimopoulos.

Mr DIMOPOULOS — Yes, that is right. I refer to budget paper 3, pages 109 and 110, and specifically page 109 which lists ‘Safe and sustainable Victorian courts’ as a line item. I know you referred to infrastructure in your presentation and also I think in a response to a question from the opposition. Specifically can you give us a bit more detail about that investment there — the 1.3 a year for the next four years?

Mr PAKULA — The infrastructure upgrades in the courts?

Mr DIMOPOULOS — Yes.

Mr PAKULA — We have invested heavily in court safety and security in previous budgets. One of the things that is raised most particularly by local members and by users of the courts is the condition of those courthouses, so we have provided \$12.2 million over four years to upgrade critical infrastructure and maintenance funding at Victorian courts. We are going to carry out that critical infrastructure across the court system to reduce the risk of building failure.

We will be addressing a range of infrastructure issues — health and safety, accessibility and compliance, general infrastructure lifecycle maintenance and upgrades. The sort of work that will be undertaken will be the general maintenance that you would expect in some of our very old court buildings. The courts that have been prioritised for those works — by Court Services Victoria, it is important to point out — apart from the Supreme Court are the Magistrates Courts at Sunshine, Sale, Wonthaggi, at Wangaratta, Stawell, St Arnaud, Nhill and Warnambool. The beauty of these kinds of funds is that they do provide a dividend right across the state, and they ensure that we are able to support Victorians in courthouses from the Supreme Court right through.

Mr DIMOPOULOS — I think there are about 53 or 54 court buildings around Victoria. You could spend probably a billion dollars doing them all up. How did court services come up with that prioritisation that you just mentioned?

Mr PAKULA — As always when you are dealing with a large number of requests and limited capacity, Court Services Victoria needs to prioritise based on what they think is the most critical infrastructure needs.

Mr DIMOPOULOS — Public access, safety and that kind of thing?

Mr PAKULA — Indeed. Public access, safety, those where there might be health and safety risks. On top of the 58.7 million we put in last year, this is the list of those courts where we think the greatest need exists.

Ms SHING — I might pick up now in relation to assistance for victims of crime and the work of the Office of Public Prosecutions. I note that there has been no increase to the level of fees that are provided for OPP barristers, and therefore it has actually been really increasingly difficult to attract highly qualified and experienced barristers in providing support.

I would also like to work through budget paper 3, pages 94 and 95, and the funding that has been allocated to help address victims of violent crime and how the OPP has been supported to better protect and support victims in the criminal justice system both as a consequence of the, I think, \$1.9 million over two years and how it is anticipated that victims will be able to get more specialised assistance provided to them as a consequence of this additional funding?

Mr PAKULA — Thanks for that, Ms Shing. One of the things that energised me in the budget was discovering that there has been an issue with the OPP over a period of years. We know they have great prosecutors who work for the service full time, but they also brief out a lot of their work to the criminal bar. I became aware that the OPP in terms of the briefing rate were unable to fund their lawyers that they were briefing at the same level that legal aid were funding defence lawyers. Now, I think that is an untenable situation. The OPP needs to have access to the best criminal lawyers and they need to be able to pay the right rates to attract them to do prosecution work. We have provided \$10.8 million over two years to extend the sustainability of the pool of experienced and knowledgeable barristers that the OPP can draw on to prosecute important cases and complex cases. They need to be able to pitch for and get the very best criminal lawyers to do that work. We have also provided \$3.7 million over two years to enable them to recruit additional specialist staff. They will be able to recruit nine additional specialist lawyers and four legal support staff to focus on things like family violence offending, offences committed by persons on bail, gang-related offending, drug trafficking and sex offending. Then there is \$2.5 million for enhanced capability to process and handle digital evidence and another \$1.9 million for additional frontline legal services to victims and witnesses to ensure that more people can be better supported earlier in the process.

Ms SHING — Where does the victims of crime commissioner sit within this matrix as well, Minister? We have got, I think, just under \$6 million in the budget to support and advocate for victims of crime. I know that that is one part of the overall response that has been welcomed from the community, but how does that fit into the additional support provided to barristers and support staff within the OPP and broader support to victims and witnesses?

Mr PAKULA — We are providing about \$6 million additional support for the victims of crime commissioner. The victims commissioner is being funded at something like \$400 000 per annum since he has been in place, and of course we legislated to make that position permanent. That money that is available to Mr Davies as victims of crime commissioner will gradually ramp up to a figure much closer to \$1 million per year, and we are also providing him with about 600 000 a year to massively improve the website, which is the main interface between him and victims. That funding, in addition to the funding that we are providing to the OPP for victim support, will mean that they can recruit victim and witness specialised social workers, because a large part of the OPP's role is the interaction with victims: ensuring that they are available to give evidence, ensuring that they are in the right frame of mind, ensuring that they understand the process that they are about to deal with. That additional support will just be exceptionally important.

Ms SHING — I would also like to follow on from some discussion that has been raised in the course of the discussion here today around the Harper review and the recommendations of that review to expand the post-sentence scheme to include serious violent offenders. Within the workload of the OPP and the additional support that is required, how will we be placed to better assist with what is anticipated to be an increased workload following the implementations of the Harper review recommendations?

Mr PAKULA — Thank you for that, Ms Shing. The Director of Public Prosecutions has the responsibility of applying to the court for the imposition of detention orders. The Harper review examined the SSODSA and recommended eligibility for that scheme be expanded, as you say, to include serious and violent offenders, and that new legislation is anticipated for introduction to Parliament next year. The expansion of the post-sentence scheme to serious violent offenders will result no doubt in additional workload demands for the OPP. That will include an increase in detention order applications, in detention order reviews — those orders have to be

reviewed by the court every year — and potentially an increase in breach proceedings. Funding of \$4.6 million over four years has been allocated to support that increased work of the OPP under that expanded scheme. That will allow the OPP, as I say, again to recruit additional specialist lawyers, to make use of external counsel services, and that will mean they can support those proceedings for detention order applications and order reviews under that expanded system in response to the Harper recommendations.

Ms SHING — I would also just like to get some general comments if I can about the work that is being undertaken to accommodate population growth. We are looking at an additional three million-odd people coming to Victoria by 2050. That will obviously continue to increase the demand on services and the people who are being processed through the system. If I could get that on notice, that would be fantastic.

Mr PAKULA — I will take that on notice.

Mr MORRIS — BP3, page 269, the departmental output summary, but I am actually going to address my question to Mr Wilson. In relation to the work development permit project, I understand a UK-based firm, FutureGov, was engaged by the department to carry out that project. Can you indicate to the committee when and why FutureGov was appointed to carry out that project?

Mr WILSON — I might need to take that on notice actually, because there was from memory a competitive process to find the best value for money outcomes. I might take that on notice if I can, Deputy Chair.

Mr MORRIS — Okay. I have a number of questions that flow from that, so is it your wish to take the whole lot on notice?

Mr WILSON — In terms of fines reform more generally?

Mr MORRIS — The project, what the company was engaged to do, payments to the company. Obviously not the internal workings of the tender process but simply an assurance that it was a competitive process. Was there any commitment to engage local employees? I understand the agreement has now been terminated; is that correct?

Mr WILSON — The original — back to 2007 — for the whole system, the infringement management system?

Mr MORRIS — Yes.

Mr WILSON — Yes, we have moved to a new system bill provider, and there is a tender out for the actual operation of that system. But I would prefer to take it on notice just to make sure I have got my dates right, Deputy Chair. The new system — I think it is the Victorian infringement enforcement and warrant system — is being built by Civica Proprietary Limited for completion by the end of 2017. And then there is a tender — I have just got some dates here. The business services tender RFP closed on 12 January, and the evaluation of that is currently underway. So that is a new system provider and then the operator.

Mr MORRIS — So that is the new system, but in terms of the FutureGov system, what they were engaged to do, what was paid — the grand total — and some assurance around the tender process, if you are happy to take those things on notice.

Mr WILSON — For the work and development scheme aspect and the fines reform, yes.

Mr T. SMITH — Referring to budget paper 3, pages 351 through to 355, and the departmental performance objective ‘The fair, timely and efficient dispensing of justice’ I note that the average cost per criminal case heard in the Supreme Court has increased from \$34 164 to \$43 359 — —

Mr PAKULA — Are you directing this to me or Mr Wilson?

Mr T. SMITH — To you, Sir, sorry.

Mr PAKULA — Can you just point out which performance measure you are referring to?

Mr T. SMITH — Page 352, budget paper 3, increased cost in Supreme Court trials, criminal proceedings.

Mr PAKULA — ‘Average cost per case — criminal matters’?

Mr T. SMITH — Yes. Is it not a fact that under your government’s watch the average cost of criminal trials in the Supreme Court has risen by 27 per cent in the last year alone?

Mr PAKULA — Sorry, are you just asking me to engage in a mathematical calculation? Or are you asking me for any value-add?

Mr T. SMITH — I want you to respond to my question.

Mr PAKULA — I would not have thought, Mr Smith, that the most useful activity would be for me to get out a calculator and put \$43 359 over \$38 025 — —

Mr T. SMITH — It has increased by 27 per cent, Minister, so why? Why is that the case, Minister?

Mr PAKULA — Let me read to you the footnote, Mr Smith:

The 2016–17 expected outcome is higher than the 2016–17 estimate due to one-off funding to support investment in the Supreme Court’s digital transformation agenda and the introduction of specialist staff to deliver case management ...

Is that not the measure you are referring to?

Mr T. SMITH — I am wanting to know why criminal proceedings have increased in expense.

Mr PAKULA — The amount, Mr Smith, is arrived at by dividing the total amount spent by the court —

Mr T. SMITH — I am aware of how the law of percentages works, Minister.

Mr PAKULA — by the number of matters read. And so the reason that it has gone up is referred to in the footnote, which says that it relates to the digital transformation agenda and the introduction of specialist staff to deliver case management reforms and that the Supreme Court has experienced significant increases in maintenance and infrastructure costs, which I have just told the committee we are providing \$4.7 million in this budget to help alleviate.

Mr T. SMITH — Moving onto something entirely separate, Minister. You are responsible for the Victorian Equal Opportunity and Human Rights Commission. If you need a budget paper reference — —

Mr PAKULA — No, I accept that contention.

Mr T. SMITH — You accept that contention. I am wondering when their review into equity and diversity of the fire services is going to be made public.

Mr PAKULA — At what time does this section end?

The CHAIR — In 3½ minutes.

Mr PAKULA — It will not take me 3½ minutes to answer. The answer is that is a matter for the commission. I have not been involving myself in that in any way. I assume it will be made public when it is completed, and I do not believe that it is completed, but I would anticipate that you would have directed any questions about that to the Minister for Emergency Services.

Members interjecting.

Mr PAKULA — I have great confidence in Ms Hilton and the board of VEOHRC. I am sure that they will provide a thorough report and it will be released when it is completed. Beyond that I am afraid I cannot provide any further elucidation for the committee.

Mr T. SMITH — If I could ask why, when the government made its decision last week with regard to splitting up the CFA, this report had not been taken — —

Ms WARD — Point of order, Chair. You have allowed a bit of flexibility in terms of forward estimates with Mr Smith's line of questioning, Chair, but I would have thought that the direction that he is going now is well away from forward estimates and the budget process.

Mr T. SMITH — On the point of order, Chair, the decision was made last week to split the fire services over the forward estimates period, and this report, I would have thought, is particularly pertinent to that decision. I wanted to know if that report had been concluded and whether or not it was taken into account when the decision was made. I would have thought that was entirely relevant — a very important question.

Ms WARD — Chair, the minister has already responded in terms of his ability to comment on that report, which is that he has not been involved in the report. Furthermore, these are questions for the emergency services minister. I appreciate that this information has come after the emergency services minister has spoken at PAEC but — —

Mr T. SMITH — The Minister for Emergency Services, Chair, is not responsible for the Victorian Equal Opportunity and Human Rights Commission.

Mr MORRIS — Which is where the question is addressed.

The CHAIR — While I would point out it might have been helpful for this to have been raised with the Minister for Emergency Services, I am happy for the minister to respond in relation to his responsibility for VEOHRC.

Mr PAKULA — I am sure, Mr Smith, that you would appreciate I cannot go to the question of the compilation of the Minister for Emergency Services' response or the release of the review — the fire services response. What I do know from having seen the public announcement in relation to that is that there is an increased diversity target which is in that response. In regard to VEOHRC which I am, as you say, the minister responsible for, VEOHRC has an independent review function. They are carrying out their responsibilities under that independent review function, and I have no doubt that what they will prepare will be a substantial and high-quality piece of work.

Mr T. SMITH — I just cannot understand why it was done before the decision. The report was completed — —

The CHAIR — Order! I would like to thank the witnesses for their attendance: the Attorney-General, the Honourable Martin Pakula, MP; Mr Wilson, Mr Humphreys, Mr Phillips, Ms Kilgour, Mr Ware and Mr Condron. I believe there were two questions taken on notice. The committee will follow up on these questions taken on notice in writing. There were additional questions from the crossbench which will be tabled by the secretariat. The response, answering the questions in full, should be provided in writing within 10 working days of the committee's request.

Witnesses withdrew.