

**RESPONSES TO QUESTIONS TAKEN ON NOTICE AND FURTHER INFORMATION AGREED  
TO BE SUPPLIED AT THE ATTORNEY-GENERAL PORTFOLIO AND RACING PORTFOLIO  
2017-18 BUDGET ESTIMATES HEARINGS**

**ATTORNEY-GENERAL**

**Q1. Please explain the work that is being undertaken to accommodate population growth and the expected increased demand on services.**

*(Page 14 of the Attorney-General's portfolio transcript)*

Population growth is one of the factors the Department takes into account when planning for changes in demand for services. The Department also examines the impact of other reforms and socio-economic changes which may have an impact on the level of detected crime, numbers and nature of cases flowing through to the courts, and demand for associated services across the criminal justice system including impact on prisons.

The Government has provided additional funding in this budget to Victoria Legal Aid, Community Legal Centres and the Office of Public Prosecutions to help meet increasing demand.

The Department is also using technology as a means of managing increasing demand on services such as increasing the amount of information available online to the community.

The Government has invested in a range of projects and programs to accommodate population growth and the expected increase in demand on court services including:

- \$70.3 million for priority security, infrastructure and maintenance work to court buildings across Victoria;
- \$89.2 million to develop a new case management system for the Children's and Magistrates' Courts;
- \$14.7 million for a major expansion to the Magistrates' Court video conferencing network to reduce delays and increase the efficiency and safety of court hearings. As a result of this investment there has already been a 146% increase in videoconferencing for Magistrates' Court hearings over 2 years;
- \$10.9 million for new audio and visual technology in the Supreme court to allow witnesses to provide testimony via video link;
- \$130.3 million to fully implement five Specialist Family Violence Courts at the Ballarat, Frankston, Shepparton, Moorabbin and Heidelberg Magistrates' Courts. This investment is an important step in implementing one of the key recommendations of the Royal Commission into Family Violence;
- \$25.2 million to expand the Court Integrated Services Program (CISP) and CISP Remand Outreach Pilot (CROP) to provide specialist court support services to more than 2,000 additional participants annually. CISP and CROP address the underlying causes of offending and reduce recidivism;
- \$18.9 million for the Office of Public Prosecutions to recruit additional specialist staff, increase the pool of experienced barristers and improve capacity for handling digital evidence;
- \$32 million to establish Victoria's second Drug Court providing capacity for an additional 170 drug offenders to receive targeted support to address their drug use; and
- An additional \$85.2 million for Victoria Legal Aid services and an additional \$24.8 million to the community legal sector.

**Q2. Regarding the work development permit project, please explain:**

*(Page 14 of the Attorney-General's portfolio transcript)*

**a. when and why was the firm FutureGov engaged to carry out the project?**

FutureGov Australia Pty Ltd (FutureGov) was engaged in May 2016 to undertake work in relation to the establishment of a prototype ICT solution for a Work and Development Permit (WDP) Scheme in Victoria.

**b. provide details of the project, including what the company was engaged to do, what payments were made to the company and the tender process (including whether it was competitive)**

FutureGov was engaged to support the Department to implement a prototype ICT solution to operate the State's WDP scheme. The WDP Scheme is being established as part of reforms to Victoria's fine system. It provides a way for people who are disadvantaged, vulnerable or experiencing financial hardship to address their fine debts by undertaking approved activities and treatment. The Scheme commences on 1 July 2017.

FutureGov was paid a total of \$608,055 (including GST) for this engagement.

FutureGov was engaged in accordance with the Department's procurement policy. A Certificate of Exemption was provided by relevant Departmental delegates on the basis of the existence of "exceptional circumstances". The Department considered that an urgent engagement was required to enable the Department to complete the build of the prototype ICT solution by the statutory WDP commencement date of 1 July 2017. FutureGov Australia was engaged pursuant to this Certificate of Exemption.

**c. was there any commitment to engage local employees?**

The FutureGov contract was significantly below the value threshold that triggers Victorian Industry Participation Policy (VIPP) requirements and accordingly there were no specific local content requirements in relation to this procurement. The majority of FutureGov employees engaged on this project were Melbourne based.

**d. when was the agreement terminated?**

The engagement with FutureGov was terminated on 23 December 2016.

The following questions were submitted to the Chair from PAEC Members who were absent from the hearings:

- Q3. One of the aims of The National Partnership on Legal Assistance Services was to build resilience in the sector, but in speaking with some community legal services, they are confused about their funding.**

**Accordingly:**

- a. In BP3, p94, the line item “Supporting Community Legal Centres” goes from \$5.2 and \$5.3 million to 2019, down to \$2 million in the forward estimates. Can you explain that drop?**

The Commonwealth Government originally withdrew approximately \$3.0 million of funding for each of the next two years of the current National Partnership Agreement on Legal Assistance Services (2017-18 and 2018-19). Therefore, \$3.1 million of the \$5.2 million in 2017-18 and \$3.3 million of the \$5.3 million in 2018-19 was directed to Victorian CLCs to ensure that they would be able to continue to provide services to disadvantaged Victorians and not be impacted by the Commonwealth’s budget cuts.

This funding is part of the ‘Supporting community legal centres’ item in BP3, under which the Victorian Government is delivering an additional \$14.5 million over four years to the community legal sector. The funding includes assistance for integrated service partnerships which enable early identification and support for legal needs before they escalate; the continuation and expansion of the Community Legal Centre (CLC) Assistance Fund to ensure better access to services; funding for the critical work of the Federation of CLCs, plus targeted funding to JobWatch to continue providing specialist advice on employment issues.

- b. On the same page, the extra legal assistance for children and young people is not funded past 2019. Why is that?**

The ‘extra legal assistance for children and young people’ is \$15 million for services to be provided by Victoria Legal Aid (VLA) in response to current and projected demand. This funding comprises:

- \$4.5 million over two years to support the roll-out of youth diversion by providing additional grants of legal aid, additional duty lawyer services and specialised training for lawyers to be able to deal with these complex matters
- \$10.5 million over two years for legal assistance for young people affected by the Government’s reforms to on youth crime – namely, the Youth Control Order and Intensive Monitoring and Control Bail Supervision Scheme.

The funding for two years will enable current and projected demand to be met with appropriate services. The implications of the Government’s youth justice reforms will be considered to determine funding needs beyond 2019.

- Q4. In BP3, p10, one output is that “Family violence legal assistance services delivered by Community Legal Centres and Victorian Legal Aid will be continued and expanded to respond to demand for family violence intervention orders and child protection matters.”**

**Broadmeadows has some of the highest rates of family violence related matters but it is unclear how the funding will be allotted between community legal centres. Will a needs based model be used to distribute funds amongst Community Legal Centres?**

The funding referred to under the output item 'Legal responses to family violence and child protection' includes investment in family violence initiatives which would otherwise have lapsed on 30 June 2017.

This includes funding of \$10.3 million over four years for two grant programs – the CLC Family Violence Duty Lawyer Services and the CLC Family Violence Fund. The department is working through the disbursement processes for these grants which are intended to provide additional duty lawyers in the Magistrates' Court and support family violence-related services provided by CLCs to address current unmet demand among vulnerable or disadvantaged Victorians and to provide additional legal assistance services.

Other services within this budget item will be delivered by VLA in line with current and projected demand for family violence-related services, and to support the roll-out of the Specialist Family Violence Court Division at five Magistrates' Courts across Victoria. In December 2012, the VLA Board adopted CLC funding guidelines that prioritise funding to centres located in population growth areas and areas of relatively high unmet need and disadvantage and to centres that show they are more effectively targeting their services to need. This framework is used to allocate any new funding that is made available for CLCs, including family violence funds.

**Q5. Regarding the Victorian Equal Opportunity and Human Rights Commission:**

- a. In BP3, p. 371 there is an expectation that only 35% of complaints will be finalised via dispute resolution. Also, under BP3 p287, the number of complaints handled in 2016/17 is significantly lower than expected (700 of 1200 target).**

**VEOHRC has of course had its powers curtailed so cannot conduct investigations as it sees fit; it cannot compel the production of documents; nor can it enter into enforceable undertakings. Effectively, the teeth have been taken away and now there are less investigations and low dispute resolution targets. Has there been any consideration given to reinstating these powers**

The *Equal Opportunity Act 2010* (EO Act) received Royal Assent in April 2010 but did not commence until 1 August 2011. It was amended by the former Coalition Government in 2011 before it commenced operation.

The EO Act, as originally passed in 2010, modified VEOHRC's existing powers to investigate serious systemic discrimination. The Act would have allowed VEOHRC to conduct serious systemic discrimination investigations on its own motion, and public inquiries with the consent of the Attorney-General.

While the amended EO Act does not contain provisions allowing VEOHRC to conduct public inquiries, it retains provisions which allow VEOHRC to conduct investigations into any matter relating to the operation of the Act, if certain conditions are met. These conditions are that the issue must be serious, it must affect a class or group of people and that the issue is unlikely to be remedied through the normal complaints processes. There must also be reasonable grounds to suspect that the Act may have been breached and that the investigation would advance the objects of the Act.

VEOHRC may conduct an investigation in the manner it thinks fit and is bound by the principles of natural justice. If reasonably necessary for the purpose of conducting an investigation, VEOHRC may ask any party to provide information in relation to the investigation on a voluntary basis. VEOHRC is also able to apply to VCAT for an order to compel a person to provide information or a document, or to compel a person to attend before VEOHRC to answer questions.

After conducting an investigation, VEOHRC may take any action it thinks fit. This may include, for example, entering into an agreement with a person or organisation about action to be taken to comply with the Act. Alternatively, VEOHRC may refer the matter to VCAT for an inquiry or make a report of the matter to the Attorney-General or to Parliament.

These investigation powers are separate from VEOHRC's dispute resolution services. VEOHRC provides a dispute resolution service for complaints under the EO Act and the Racial and Religious Tolerance Act 2001.

As noted in BP3, the 2016–17 expected outcome of 'Complaint files received and handled by VEOHRC' – 700 complaint files – is lower than the 2016–17 target range of 1,020–1,200. The number of complaint files received by VEOHRC is demand driven, and there has been a decline in demand for VEOHRC dispute resolution services.

In order to respond to the decline in demand, VEOHRC continues to promote its information and dispute resolution services through social media and community engagement. However, the target of this measure for 2017–18 has been decreased from a range of 1,050–1,200 complaint files to a range of 900–1,050 complaint files in order to reflect the decrease in demand for these VEOHRC services.

The BP3 measure "Proportion of finalised complaint files resolved through dispute resolution" is to be replaced in 2017–18 by a new performance measure of "Settlement rate of conciliation". The new measure more accurately reflects VEOHRC's conciliation success rates, as it excludes matters where parties withdraw from dispute resolution for reasons outside of the control of VEOHRC. The 2017–18 target for the new measure has been set to 65 per cent.

**Q6. In reference to BP 3, p. 281 regarding legal aid:**

**a. Why are duty lawyers services, grants of legal assistance, legal advice and minor assistance matters all lumped together for the projected target of 32,000 for 2017–18, when ideally there should be separate targets for each type of assistance.**

The new family violence related measures reflect the concerted efforts of Government to respond to the recommendations of the *Royal Commission into Family Violence*, and the Government's commitment to addressing family violence and providing assistance to victim survivors. The aggregation of these three types of legal assistance services under one measure "*Family violence legal services (VLA)*" strikes a balance between transparency and conciseness in the presentation of the government's output estimates in Budget Paper 3.

**b. How does this affect comparison with previous years?**

The target was developed by reviewing service delivery in prior periods, and forecasting an estimated result for the reporting period taking into account trend data and population growth. However, time series data on family violence related services, prior to 2017–18, has not been maintained in a systemic way by VLA and therefore making comparisons with previous years would be unreliable. Over time, the level of effort required to deliver services in these categories will be closely monitored and in subsequent years, the target mix will be adjusted accordingly.

**c. Where does the figure of 32,000 come from?**

As noted above at 6(b) the target was developed by reviewing service delivery in prior periods, and forecasting an estimated result for the reporting period taking into account trend data and population growth.

**d. What is the target for 2017-18 for grants of legal assistance for family violence?**

3,200 services.

**e. What is the target for 2017-18 for legal advice and minor assistance?**

3,200 services.

**Q7. In reference to BP 3 p. 281, regarding the \$249.9 million funding:**

**a. What is separate amount in full provided to legal aid and will this be sufficient to avoid the forecast deficit of \$8 million stated in VLA 2016-17 mid year report?**

**There has been a considerable rise in demand for grants of assistance in summary and indictable crime and child protection as well as family violence. Will be the function of these courts?**

The estimated output cost for Public Prosecutions and Legal Assistance in 2017-18 is \$249.9 million. Of this, VLA has been allocated \$167.3 million.

The VLA's 2017-18 funding is separate to the 2016-17 allocation, and has no direct impact on the VLA's projected 2016-17 deficit as identified in VLA's 2016-17 mid-year report. The VLA has sufficient cash reserves to manage the projected 2016-17 deficit result.

**Q8. The Committee understands that \$130.3 million has been allocated to fully implement five Specialist Family Violence Courts at the Ballarat, Frankston, Shepparton, Moorabbin and Heidelberg Magistrates' Courts - one of the key recommendations of the Royal Commission into Family Violence.**

**a. What will be the function of these courts?**

Specialist Family Violence Courts (SFVCs) will deliver safe and accessible court facilities, integrated services for family violence matters, and the support and expertise of specialist family violence teams, and.

As part of this approach:

- Risk assessment and safety will be key, with resources allocated based on risk and need
- SFCV facilities will be safer for victim survivors, with separate entrances, exits and waiting areas
- Court services will be integrated with broader family violence services.
- All family violence matters for a court location will be heard in the SFVC
- Related matters (such as criminal proceedings) will be heard together, where possible
- Judicial officers and court staff who work on family violence matters will receive specific training, including training on trauma-informed practice
- More specialist resources will be available in court, including Koori support services and interpreters

**b. How will progress in achieving the court's objectives be measured?**

An evaluation and monitoring framework is being established as part of the implementation of SFVCs. There is a range of reporting and governance measures in place within Court Services Victoria as well as across the broader Victorian Government family violence reform system.

**c. When is the first court expected to be operational?**

A new court facility in Shepparton is currently under construction. Following completion of the new facility, it is anticipated that the Specialist Family Violence Court will be fully operational at the Shepparton Magistrates' Court by September 2018. The SFVC model will be progressively rolled out to the other four Magistrates' Court locations.

**d. Why have these locations been selected?**

These five locations currently encompass approximately 23 per cent of projected family violence related demand on the Magistrates' Court over the next four years.

The funding is an important first step towards implementing Recommendation 60 of the Royal Commission into Family Violence: that all headquarter courts and SFVCs have the powers and functions of the Family Violence Court Division.