

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

Inquiry into the 2024–25 Budget Estimates

Melbourne – Friday 24 May 2024

MEMBERS

Sarah Connolly – Chair

Nicholas McGowan – Deputy Chair

Michael Galea

Mathew Hilakari

Lauren Kathage

Bev McArthur

Danny O’Brien

Aiv Puglielli

Meng Heang Tak

WITNESSES

Enver Erdogan MLC, Minister for Victim Support; and

Kate Houghton, Secretary,

Bill Kyriakopoulos, Deputy Secretary, Police, Racing, Victims and Coordination, and

Erika Owens, Acting Executive Director, Victim Services, Support and Reform, Department of Justice and Community Safety.

The CHAIR: I declare open this hearing of the Public Accounts and Estimates Committee.

I ask that mobile telephones please be turned to silent.

On behalf of the Parliament, the committee is conducting this Inquiry into the 2024–25 Budget Estimates. The committee's aim is to scrutinise public administration and finance to improve outcomes for the Victorian community.

I advise that all evidence taken by the committee is protected by parliamentary privilege. However, comments repeated outside of this hearing may not be protected by this privilege.

As Chair I expect that committee members will be respectful towards witnesses, the Victorian community joining the hearing via the live stream this afternoon and other committee members.

Witnesses will be provided with a proof version of the transcript to check. Verified transcripts, presentations and handouts will be placed on the committee's website.

I welcome the Minister for Victim Support the Honourable Enver Erdogan, as well as officials from DJCS. Minister, I invite you to make an opening statement or presentation of no more than 5 minutes, after which time committee members will ask you questions.

Enver ERDOGAN: Thank you, Chair. I would like to begin by acknowledging the traditional owners of the land, and I pay my respects to their elders past, present and emerging and extend that acknowledgement to any Aboriginal people with us here today. As the Minister for Victim Support, I am honoured to have this opportunity to speak about the government's ongoing investment in supporting victims of crime. We are truly committed to a system that understands the needs of victims and makes sure that it is victim centred and culturally safe, which is why we have made and continue to make significant investments and improvements to the system.

Visual presentation.

Enver ERDOGAN: Delivering on our commitments – you will see that from 1 July 2023 to March 2024 we have provided a range of services, including the Victims of Crime Helpline and other services that support victims in the immediate aftermath of a crime. The most intensive case management support, such as that offered by the victims assistance program, is delivered locally by community agencies, as well as services such as the child and youth witness service, an intermediary program that can support victims throughout their contact with the criminal justice system. The victims register also plays an important role in assisting victims by providing key information about an offender's sentence and when offenders may be preparing for parole and release from prison.

As you can see on the slide, these important services are helping thousands of Victorians. This year we are on track to commence the new financial assistance scheme, a major step forward for victims in this state. The Allan Labor government is backing this with a \$71.9 million investment in this year's budget. This funding will support awards to victims of crime in the first year, with further investment determined on demand. This builds on more than \$100 million from previous budgets to support the delivery of the scheme. The scheme will be transformative for victims, representing a fundamental change in the way victims access financial assistance in this state. For many victims, accessing assistance through a court-based tribunal ends up exacerbating their trauma and can be discouraging for victims. The government is fixing that by introducing an administrative

model, making it easier for victims to get the critical help they need. We legislated the scheme in 2022, and now we are delivering it.

In addition to the financial assistance scheme, a part of our record delivering on our commitments, we continue to invest in improving services and support for victims of crime. In March 2023 we launched Victoria's first victims legal service, supported by a \$7.3 million investment over three years in the 2021–22 budget. The victims legal service is a partnership with Victoria Legal Aid, local community legal centres and Aboriginal and other specialist legal services providers, like VALS and Djirra. Operated by Victoria Legal Aid, the VLS helpline is the victims legal service primary entry point. The legal service provides free legal advice to victims, helping them to access assistance through the Victims of Crime Assistance Tribunal or from an offender. With the financial assistance scheme set to open, the victims legal service will be there to support them access this new scheme.

The victims legal service has already assisted 2545 victims as of 31 December 2023. The success of this program has seen that the Commonwealth government is also now partnering with the expansion of the service. From 1 March 2024 the victims legal service expanded to provide advice to victim-survivors wanting to protect confidential information and Aboriginal women wanting support in reporting sexual violence to police. In August 2023 I launched Garragarrak, the \$4.1 million premises in which the child and youth witness service and intermediary program are also co-located. The child and youth witness service supports children, young people and adults with cognitive impairment to participate as witnesses in the justice system. Intermediaries and independent court officers facilitate communication between eligible witnesses and the court or police. These new premises are designed so that victims can feel safe and to minimise trauma that they may experience through the court process.

As you can see, the government has made and continues to make significant investments to support victims of crime. The new victims of crime financial assistance scheme exemplifies what our ongoing investment in the victims support system can deliver, and it underlines our commitment to ensure victims get the access to supports in the system that they need and deserve.

The CHAIR: Thank you very much, Minister. For the first 8 minutes, we are going to go to the Deputy Chair.

Nick McGOWAN: Thank you, Chair, and thank you, Minister. You ended your presentation nicely, because it leads into a question I had. Page 109 of the performance statement shows that the target for victims receiving a service from the victims assistance program was missed by over 25 per cent, and it says that the rationale for missing that target was in part the result of 'transition to a new service model on 1 July 2023'. Do you know what that new model was and why it had that impact on actually delivering assistance?

Enver ERDOGAN: Yes, I must admit, Mr McGowan, when I saw those figures that was one of the questions that I asked the department as the Minister. As a government, we are always looking to see improvements in the quality of service delivery to victims of crime. Supporting victims is our priority and a fundamental reason why we design and deliver to meet the expectations and needs of victims, which is why we reviewed the operational quality of service delivery for our victim support settings. The victims assistance program is now following a whole new service model, and I think there can be teething issues with some of that transition when you have a transition such as that. From 1 July we had new providers, but our greater focus is on client outcomes and implementing a range of performance measures. Transition periods like this can have a negative effect. But what I would also say is that involving the voice of victims in designing systems is very important for us. We designed the systems with services that are victim centred and the expectation is that they are properly trauma informed. There are a range of issues that have been raised in surveys, like that result is below our target. I can give you an example: one of them, the criticism is about the timeliness of VOCAT. As a government, you see in the budget, we are investing in a new financial assistance scheme that will open up later this year, which should be able to, hopefully – the goal is address that concern. Some of the other feedback we have had from victims, in their broad experiences of the justice system – not necessarily in my portfolio – is that it can be a frustrating experience. Obviously –

Nick McGOWAN: Whose portfolio, Minister?

Enver ERDOGAN: Some other justice portfolios.

Nick McGOWAN: No, I appreciate that, but I am just trying to understand which portfolio they are particularly critical of.

Enver ERDOGAN: No, I do speak to the Victims of Crime Consultative Committee and get their feedback. I think it reflects people's broader interactions with justice, whether it be police or courts or the Office of Public Prosecutions. I think victims have gone through a very difficult period of time, but we are committed to continuing to improve it. But one of the complaints about VOCAT – that is the goal first, to resolve those complaints and make sure they get more timely service, more trauma-informed service, from our new financial assistance scheme.

Nick McGOWAN: Sure. I suppose what I am trying to understand is how many victims actually missed out on support because of this new system.

Enver ERDOGAN: It is not necessarily how many have missed out; the survey results are about the satisfaction of people that have been provided services through justice. The Deputy Secretary may want to elaborate.

Bill KYRIAKOPOULOS: It is still a statewide service, so no-one should be missing out. It is a referral service that comes through the Victims of Crime Helpline, so they are referred through. So, yes, as the minister said, it is a satisfaction survey, but changes to the system just mean we have a better, more comprehensive service with really clear targets about what they need to deliver for victims, so there should not be anyone missing out as part of the changes.

Nick McGOWAN: Thank you for that. Page 29 of the questionnaire states the goal for responding to the needs of victims of crime in the next 12 months is to 'better support the victims of crime'. However, there is a 1.5-year delay in the supporting victims of crime capital works project. How do you explain that? What is that due to?

Enver ERDOGAN: I will pass over to –

Nick McGOWAN: Page 75 of budget paper 4. It is also referred to in the questionnaire, page 29. It is the 'Supporting victims of crime' capital works project.

Enver ERDOGAN: I might take that one on notice.

Bill KYRIAKOPOULOS: Yes, I think we might have to.

Nick McGOWAN: Okay. Page 109 of the performance statement, client satisfaction with victim support – and, Minister, you mentioned that just a moment ago – is well down on the target and a big drop from the year prior. And in that time there has been delivery of a new service model. Is there any evidence that new service model will actually improve the situation, or will it make it worse for victims of crime?

Bill KYRIAKOPOULOS: Again, there should be absolutely no difference in the service that is being provided. We do have some new providers. There has been some changing of hands in particular regions, but that should not necessarily be reflected in the satisfaction survey. As the minister said, overwhelmingly the satisfaction survey is the result of negative outcomes or length of time sitting within particular systems or waiting to have a case heard or an application heard. In the overwhelming amount of cases their reasons for the dissatisfaction are related to external matters rather than the service itself, but naturally people consider them to be a holistic experience.

Nick McGOWAN: And who are the new providers? Are you able to provide a list of those?

Bill KYRIAKOPOULOS: Yes, absolutely, we can provide a list.

Enver ERDOGAN: We will provide a list of the new providers – who were the previous providers and the current providers. We can provide that list to you.

Nick McGOWAN: Okay, Minister, thank you very much. Budget paper 3, page 67, states that the funding of the financial assistance scheme is only allocated for the coming year and that funding for future years has not

been determined as yet. Victims of crime obviously are looking for certainty in terms of the assistance they require. Why is there not further funding in the out years?

Enver ERDOGAN: I think it is important, Mr McGowan, to state that the \$71.9 million is an important investment and will deliver the financial assistance scheme this year. It is a once-in-a-generation opportunity to change the system from that quasi-judicial process to more of an administrative process, so it should be more trauma informed and be more interactive in terms of it being able to support people online with applications, making that easier. You are right – in budget paper 3 we do outline this \$71.9 million. I think it is important that as we transition to a simple, more victim-centred approach, further funding will be demand driven – so we will have the first year until July, and then we will see how big the demand is, because I suspect that there is quite a bit of pent-up demand in our financial assistance scheme. I speak to a lot of community legal services – although that is in the Attorney-General’s portfolio – but Fitzroy Legal Service, I was there recently, and they were looking forward to this new system.

Nick McGOWAN: I am sorry to interrupt you. I am interested in this, and I do apologise, Minister. But the victims of crime commissioner and her *Sidelined and Silenced* report – when will the government respond to that report? I know we have got very little time, so no disrespect.

Enver ERDOGAN: I think we have received that report. It is a comprehensive report – a lot of recommendations –

Nick McGOWAN: This year, Minister?

Enver ERDOGAN: 55 recommendations. The report was sent to the Attorney-General and me, so we are looking through that report in terms of which recommendations we can address. I think what we are doing is we are also going to commence a victims charter review later this year, so I think a lot of those report findings will be part of that review as well.

Nick McGOWAN: Thank you, Minister.

Enver ERDOGAN: Thank you, Mr McGowan.

The CHAIR: Thank you, Mr McGowan. We are going to go to Mr Galea.

Michael GALEA: Thank you, Chair. Good afternoon again, Minister and officials. Minister, I would actually like to pick up from what you were just discussing with Mr McGowan, and that is the \$71.9 million investment in the department’s output initiatives for the upcoming financial year in order to operationalise the new financial assistance scheme. Minister, can you please talk to me about what you are hoping to achieve with this scheme and how it will make the service provided better for victims of crime?

Enver ERDOGAN: Thank you, Mr Galea, for giving me the opportunity to talk about our transformative financial assistance scheme. It is not only a significant reform for me but I think across the state, and there is a lot of excitement in the sector – looking forward to the financial assistance scheme. As a government we are committed to building a system that supports victims of crime in Victoria. The funding allocated in this budget for the financial assistance scheme means that we are delivering on this commitment. The FAS will make a real difference to victims of crime in this state. Its commencement underscores the government’s commitment to implementing recommendations of the Victorian Law Reform Commission – that is where this recommendation came from. We asked the Victorian Law Reform Commission to review the Victims of Crime Assistance Tribunal, VOCAT. They told us that the experience of going to VOCAT was sometimes retraumatising and needed to be more sensitive to victims. That is why the FAS will be different.

One of the key principles that underpins these reforms is the move towards a less adversarial and more administrative tool – I think that is important. We have designed it so it will not feel like going to court; instead, it is going to be more straightforward and less stressful. We want to make sure victims are treated with empathy and respect throughout the process. Traditionally victims seeking assistance have been subject to processes reminiscent of courtroom proceedings, which can exacerbate feelings of vulnerability and distress. The new approach is more streamlined, simpler and compassionate, which we know is important from listening to the real, lived experiences of the victims of crime. From listening to the voice of victims, we also know just how important it is to have quality and empathetic support as they navigate this system. That is why victims will be

supported in the new scheme by qualified professionals whose expertise and attention can support victims through the process effectively. The new simplified procedure and support really means that it will be helping people to get the support they need when they need it. I think that timeliness is an issue that we will be closely monitoring. When you are implementing a new system, that can be a challenge, because it is going to be the first time we are trialling this new approach. Staying on top of that – I think our Deputy Secretary is aware of it – will be a challenge, but our goal is to try and improve those standards in particular.

In particular it also means better support for victims of family violence and sexual assault as part of this new FAS, and we are extending the time limit to make an application for financial assistance. Under current settings victims have two years to make an application. In the financial assistance scheme they will have three years, and 10 years in a family violence and sexual offence case. I think that is important, because with family violence usually people are reluctant to come forward, so there can be a significant lag. Under the previous VOCAT there were some difficulties there in proceeding with those cases. This will just take out the ambiguity: you have got 10 years in those circumstances. In short, it is a major reform and a big step forward for victims of crime in our state.

Michael GALEA: Thanks, Minister. Just continuing on from that, we know that victims of crime often have very diverse and unique experiences and needs as well when they deal with the justice system. With that particularly in mind, from the functionality point of view, how is that going to be supporting those victims to access the support that they need?

Enver ERDOGAN: Yes, that is right. I think in terms of the user experience – that is the core of this financial assistance system. Its purpose and design is making sure that people with lived experience have an easier time accessing the support they need and deserve. That is why we have made the process of seeking assistance trauma informed, and it will be victim sensitive and easier to navigate. It needs to be straightforward – that is the goal we have set for the FAS. The most transformative way the FAS enhances the user experience is by transitioning the application process from a traditional court tribunal to administrative. As I was talking about, instead of having to face hearings – that is what VOCAT involved in many cases – and we know how confronting that can be, decisions on an application will be made by administrators led by the scheme decision-makers. In many instances they will be made – to speak colloquially – on the papers. People will provide the documentation and an assessment will be made then and there.

Victims will be able to access the financial assistance scheme by various modes of communication, including telephone, online and email. I think that is important as well. We are seeing more and more government services accessed online, and I think that is the way, the digitalisation of the world. I think it is important that our victim support services also adapt, and we have been doing that in a range of areas, but I think this is going to be transformative really for the FAS. They will be accessible through the National Relay Service to ensure that individuals with disabilities can access the services without barriers or limitations. By offering multiple communication options we ensure that victims can get the help and assistance they need, because we know not all victims are the same and the victim experience is not always the same. The one-size-fits-all model just does not work.

Michael GALEA: Thanks, Minister, and I note the *Victims of Crime (Financial Assistance Scheme) Act*, which sets out the groundwork and the principles for this program, requires the scheme to be up and implemented by 1 December this year. Are you on track to meet that deadline?

Enver ERDOGAN: Yes, that is correct. The Act does require us to be operational by 1 December 2024, and we are aiming to beat that. I have been briefed on it by our Deputy Secretary Mr Kyriakopoulos that we are on target to be operational and on target, but as government we will continue to be committed to supporting victims and deliver the significant reform. I should add that as FAS is being rolled out there will still be a transition period during which VOCAT will continue. I think that that is important, because people who have commenced an application through VOCAT can kind of see that process through. I think it is important to provide that support. VOCAT will continue to work with existing applications before the commencement of the financial assistance scheme. That continues to be funded in the budget as part of the broader Court Services Victoria, so the operation of VOCAT itself is actually under the Attorney-General's portfolio because it is a tribunal. In light of the upcoming transition to the financial assistance scheme tribunal, officers have been established at VOCAT as a new type of decision-maker and operations of VOCAT have been centralised, assisting with working through those obligations.

Michael GALEA: Thanks, Minister, and obviously as part of your role I know that you regularly meet with victims as well. I am curious to know what sort of consultation with victims and victim support groups has gone into development of the FAS.

Enver ERDOGAN: I think that is really important. We did say from the outset that this would be a victim-informed process, and that is why I want to highlight here and give special mention to our victims of crime consultative committee, who have been working with us very closely in the design and implementation of the FAS. They are a committee of people with lived experience. Some of their stories are quite traumatic, and they are really brave and courageous people. I want to thank them again, because after what many of them have experienced, losing loved ones in some instances or they have experienced it themselves personally, to be able to come and actually participate and give back and help us design a system that is appropriate is really important. We meet regularly with them, and I know the department does, and the professionals in the field, but we know from the Law Reform Commission's 2018 review of VOCAT that victims were not satisfied with the VOCAT process. That is why we are taking the opportunity to make it better. As previously mentioned, some victims found the court-like nature really confronting and just unnecessarily traumatic. I think in most instances we know that people will be awarded some, so there was no need to make people go through this additional court-like process, and that is what we are trying to address here. We are consulting, and we are also engaging Indigenous voices too – I want to make that clear as well. The Aboriginal Justice Caucus is an important partner of ours, and I want to thank them too for the development and design and supporting us in implementing this. I want to also thank the department, who is undertaking the work. I think sometimes the public service do not necessarily get the recognition, but they are key in making sure this comes to fruition.

Michael GALEA: Thank you, Minister. Moving on to the victims assistance program, referencing the 'Department Performance Statement', page 109, I note that there is a target for 10,000 victims to receive support under this program in the upcoming financial year. Minister, can you tell me a bit more about how this program currently supports, and is expected to continue to support, victims of crime?

Enver ERDOGAN: Thank you, Mr Galea, for giving me the opportunity to talk about our victims assistance program. It is a fundamental part of our victim support system in Victoria, and we are always looking at ways we can deliver better support to victims within the victims support system. The victims assistance program plays a crucial role in helping victims manage and recover from the impacts of crime. The program offers a range of services and support designed to provide practical, emotional and psychological support to victims of violent crime.

The victims assistance program can assist with a wide range of needs, including emergency home security and safety planning, facilitated communication with police and assisting with statements, coordinating access to counselling, transportation and medical services, as well as offering referrals to other support services, including legal advice. This includes delivering some practical assistance to victims as they navigate the justice system. For example, the program assists with victim impact statements for court. These statements all allow victims to articulate the physical, emotional and financial impact that crime has had on their lives, ensuring that their voices are heard and considered by the court when sentencing offenders. This important service also assists victims of domestic and family violence. There are a number of specialist services available to support women and children. The Orange Door is the main service under the portfolio of Minister Ward that does provide support for women victims of domestic violence. In my portfolio the VAP plays an important role in providing support services to male victims predominantly, because we have a dedicated service for women.

I would also like to note that the victims assistance program receives referrals directly from Victoria Police and the courts to ensure that victims are connected to the system at the earliest possible stage. To deliver this we have a range of local partners. I want to mention them as well – they play a very important part – Windermere, DPV Health, Anglicare, Junction Support Services, CatholicCare Victoria and the Sexual Assault and Family Violence Centre. Thank you, Mr Galea.

Michael GALEA: Thank you. Thank you, Chair.

The CHAIR: Thank you, Mr Galea. We are going to go straight to Mr Puglielli.

Aiv PUGLIELLI: Thank you, Chair. Good afternoon. Most if not all victim-survivors of family violence need not only crisis accommodation but they also really need legal services to save and overwhelmingly they

are turning to community legal services to support them. We know that in the system there always have been some unmet legal needs, but based on the Victoria Law Foundation's *Public Understanding of Law Survey* from September 2023 they found that now unmet legal services is at 78 per cent. That is nearly four out of five of every victim-survivor of family violence is going to have trouble or will not be able to access a community legal service. Noting that there is some funding in this budget for those legal services, why is that rate of funding not at a rate that is going to keep up with demand?

Enver ERDOGAN: I think Mr Puglielli has raised some really good points there, and as someone who is a lawyer by profession I know the important work that they do. You see that in the Attorney-General's portfolio, not necessarily in mine – community legal centres and legal aid are funded through the Attorney-General's portfolio and there has been significant funding for four years for those providers. There is always more we can do, and in my space the victims legal service was an innovative reform in this state, helping people with VOCAT applications to be frank. But in terms of community legal services and legal aid, the Attorney-General has remit over those. But I agree there is a need to better support them; that is why we have given them four years of funding in this budget.

Aiv PUGLIELLI: The measures that you have just pointed to and the level of funding that you have referred to, in your view, is that going to be sufficient to meet the level of demand that is out there in the community?

Enver ERDOGAN: I think it is important that there is a national plan here. The federal Attorney-General Mr Dreyfus KC is also looking at these matters. I think there is a national legal assistance plan, and from what I hear from the sector, there is always more people they can assist with the available resources. I was at the Fitzroy Legal Service recently and I know the great work they are doing in so many spaces. There was a big funding announcement for Q+Law, and the Fitzroy Legal Service is really a lead in that space and I want to thank them for their hard work and dedication.

Aiv PUGLIELLI: Noting what you have just put to the committee, in your view do we need to see an increase in federal funding to meet the community demand that is out there?

Enver ERDOGAN: I understand that we are negotiating that. I would always like to see more federal funding for initiatives in Victoria, and access to justice is an important one.

Aiv PUGLIELLI: And from those negotiations, are you hopeful that there is going to be an increase from the federal space?

Enver ERDOGAN: The Attorney-General is leading those negotiations, so I am not privy to the details of those –

Bill KYRIAKOPOULOS: It is worth adding, though, that we do have both federal and state funding for our victims legal service as things stand, and they are dealing with thousands of inquiries related to currently VOCAT, but they will be able to deal with the financial assistance scheme queries as well once that scheme opens later this year.

Aiv PUGLIELLI: Thank you. Thank you, Chair.

The CHAIR: Thank you very much, Mr Puglielli.

Minister and department officials, our time for this session has come to an end this afternoon. Thank you very much for appearing before the committee. The committee will follow up on any questions taken on notice in writing, and responses are required within five working days of the committee's request.

The committee will now take a short break before beginning its consideration of the youth justice portfolio at 2:15 pm.

I declare this hearing adjourned.

Witnesses withdrew.