

CORRECTED TRANSCRIPT

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

Inquiry into budget estimates 2005–06

Melbourne — 1 June 2005

Members

Mr W. R. Baxter

Ms C. M. Campbell

Mr R. W. Clark

Mr B. Forwood

Ms D. L. Green

Mr J. Merlino

Mr G. K. Rich-Phillips

Ms G. D. Romanes

Mr A. Somyurek

Chair: Ms C. M. Campbell

Deputy Chair: Mr B. Forwood

Staff

Executive Officer: Ms M. Cornwell

Witnesses

Mr R. Hulls, Attorney-General;

Ms P. Armytage, secretary;

Ms J. Griffith, executive director, community operations and strategy;

Mr J. Griffin, executive director, courts; and

Ms E. Eldridge, executive director, legal and equity, Department of Justice.

The CHAIR — I welcome our new witnesses, Ms Penny Armytage, Mr John Griffin and Ms Elizabeth Eldridge. Minister, if you would run through your portfolio of Attorney-General we would be extremely appreciative.

Overheads shown.

Mr HULLS — I will run through these slides pretty quickly. The second slide which is coming up now shows my portfolio has \$520.7 million or around 20 per cent of the share of the public justice budget. This is almost a 9 per cent increase on last year. I think it does represent a significant injection of funds into my portfolio amounting to nearly \$200 million over the next four years. These funds will be directed towards landmark projects and initiatives that build on the major achievement of the last couple of years.

The next slide deals with output costs of my portfolio. Dispensing justice is up 11 per cent. There is a 25 per cent increase in funding allocation for legal support for government which includes areas such as legal policy, native title, Victorian Government Solicitor's Office. This slide also shows that there has been an 11 per cent increase in funding allocation for achieving equal opportunity and that includes things such as the Office of the Public Advocate. The next slide shows our major achievements over the last 12 months. Last year I launched the justice statement which really set up the vision; this year we are actually implementing that vision. More than 20 initiatives were set out in the justice statement under the themes of modernising justice and promoting rights and addressing disadvantage. I have been successful in securing funding for these reforms through ERC and the law reform and research account. Other initiatives will be self-funded from within my department.

The next slide deals with further law reform achievements including the setting up of the Sentencing Advisory Council, which has been very active since it established its full-time work program. It is giving the Victorian community a say in sentencing for the first time. It released a discussion paper recently in relation to suspended sentences. I look forward to receiving its report in that area. The reform of the legal profession: we are overseeing sweeping reforms to the profession, introducing a one-stop-shop for complaints. We increased the kids' court age jurisdiction, and also the Victorian Law Reform Commission has implemented a comprehensive review of sexual offence law and procedure. I think that presents us with a significant opportunity to improve the criminal justice system in relation to incidences of sexual assault.

The next slide deals with further law reform including overhauling the Crimes Act. It is the first time the Crimes Act has really had a thorough review since about 1958. In relation to defences to homicide we have already, as you know, had a Victorian Law Reform Commission report on the defences to homicide, and I hope to be introducing legislation later this year in relation to some of those recommendations.

The Evidence Act will be reviewed along with the Bail Act. References have been made to the Victorian Law Reform Commission for both these acts. The human rights consultation panel, as part of the justice statement, set out that there should be a discussion in the Victorian community about human rights and that discussion is about to take place. In fact, I will be launching the discussion paper in relation to human rights this afternoon.

In reference to major achievements, we have been meeting community needs in responding to major crime. In building a better justice system we have put in an extra \$42.8 million over four years to help courts, corrections, the Office of Public Prosecutions and the Victorian Government Reporting Service to manage the expected surge in major crime cases. Also there is increased funding to our courts for extra judges and staff. We have invested about \$100 million to ensure that Victorians have access to modern court facilities, and that includes opening the Mildura and Warrnambool courts. Planning is well advanced for a new court at Moorabbin and work is under way for the Latrobe Valley court and police complex.

In relation to the budget, my portfolio received \$152.5 million in outputs and \$46.9 million in assets over four years. This is my portfolio's component of the major policy statement A Fairer Victoria, which I am sure John Thwaites has spoken about. It includes things such as \$24.3 million for breaking the cycle of reoffending through early intervention; a neighbourhood justice centre, which will be the first Australian neighbourhood justice centre — it is a one-stop multijurisdictional court which I hope to speak about later; and the gateways to civil justice project where we have committed \$8.9 million over four years for four new community legal centres and an enhanced civil advocacy program.

The CHAIR — Could the last three slides be in shorthand?

Mr HULLS — Very quickly, the Lake Tyers renewal project is a very important one. I know we spoke about it last year. The Office of the Public Advocate has received extra funding in large part because of the increased caseload due to our ageing population. Family violence, which, as you would know, affects one in five women, has received a boost in funding. It is important we have a renewed focus on family violence. Regarding high-tech courts there has been substantial funding — \$32.3 million — for capital funding and IT in our courts. We are looking at the Melbourne legal precinct master plan which will modernise that whole legal precinct. The next to last slide talks about the Office of Public Prosecutions. An extra \$21.5 million is provided over four years to help the OPP tackle increasing workload and there is further funding to fight organised crime, which no doubt Tim Holding spoke about. The final slide refers to a fairer and stronger justice system, and that is what this is all about.

The CHAIR — Thank you, Minister. If you go to budget paper 3, page 151, looking at legal policy output, I presume a significant part of that was the justice statement. I would be interested in how that justice statement is being implemented.

Mr HULLS — As you know, I announced the justice statement in May last year. It fashions a vision for the future based on the two themes I have spoken about. It includes the areas of criminal law and procedure, civil disputes, courts, legal profession, protecting human rights, addressing the causes of overrepresentation of disadvantaged groups in our criminal justice system, improving responses to victims of crime, enhancing legal education, advice and legal assistance. Twenty-five initiatives were flagged and there are many more minor projects which we will be implementing over the next 5 to 10 years. Work is well under way in relation to some of the major initiatives. That includes our commitment to legislative and procedural reform, flexible approaches to responding to and resolving civil disputes, modernising our courts and the legal profession, addressing disadvantage and promoting discussion on human rights. As I said, I am launching that at 1.30 p.m. today.

Touching on some of the practical implications and aspects of the implementation of the human rights part of the justice statement, I set up a consultative group made up of Professor George Williams, Rhonda Galbally, Andrew Gaze and Haddon Storey to embark upon a discussion with the Victorian community. I am very keen for that to start. Also there has been an additional \$32 million in relation to our commitment to high-tech courts. It is important that we have effective technology. Currently courts actually use about 10 different case management systems — would you believe — to support their operations. This is just outdated, so this injection of funds will modernise our courts and create a single, integrated management system for court users.

The Legal Profession Act is all about contributing to national consistency in the regulation of the legal profession. It creates a one-stop shop for legal complaints; it cuts through duplication and inefficiency. When I introduced the legislation I said that the new system had to be operational by 1 January 2006, but I was keen for it to start earlier, preferably 1 July of this year. However, as a result of the national approach and the fact that New South Wales has deferred its commencement date — and we do need national consistency and certainty for those who are currently involved in the regulation of the legal profession — I now expect the new commencement date to be 1 October of this year. I have had discussions with stakeholders and they appear to be happy with that. As I said, the date had to be by 1 January next year, but I expect now it will be 1 October of this year. In conclusion, I think the justice statement will provide for many years to come an exciting and meaningful platform for modernising our justice system and addressing disadvantage.

Mr RICH-PHILLIPS — Minister, I would like to ask you about your working-with-children legislation. You have had your consultation process, which has concluded, and your exposure draft is in the public domain. The government's stated intention is to have the legislation in place by the end of this year. There is obviously under that legislation a fairly stringent regime for checks of people who work with children. Next March Victoria has the Commonwealth Games and we are expecting 4500 athletes and 1500 coaches and officials from overseas. In disciplines like swimming and gymnastics many of these athletes will be children and their relationships with their coaches would clearly fall under this legislation. What has the government budgeted for the completion of these working-with-children checks for the Commonwealth Games and who will be responsible for the administration of those?

Mr HULLS — In relation to the working-with-children check generally, it is true that we as a government place a very high priority on the protection of our kids, and we are committed to ensuring that there are appropriate measures in place to deal with any risk posed to kids by child-sex offenders. We propose introducing the working-with-children check after we have, as you know, embarked upon substantial consultation with the Victorian community. We have put out an exposure draft and a discussion paper, and I am told we received about

160 submissions in relation to the discussion paper. I have to say that the submissions were divided almost evenly, with half saying that what is proposed goes too far and the other half saying that what has been proposed probably does not go far enough. Obviously it is important that we get that balance right. The Premier made an announcement, some weeks ago I think, in relation to one of the major concerns of people about the check, and that is the cost. The cost in relation to volunteers will be met by the government. That, I think, alleviated a number of fears, particularly in relation to sporting groups and the like. Obviously the nub of the scheme will be that the employer will be responsible for ensuring appropriate checks are in place. Who it will or will not cover is going to depend on the final draft of the legislation. But I certainly envisage that the legislation will be in place in the spring sitting of Parliament. In relation to allocation of costs I am advised that in budget paper 3 there is \$8.7 million in the crime and violence prevention output that will cover the working-with-children check. I am told that up to \$2.7 million will be generated in fees in 2005–06.

Mr RICH-PHILLIPS — Clearly, given the government's intention, the relationship between an under-age athlete and their coach would be the type of thing intended to be picked up with this legislation. How is the legislation going to work in a practical sense when you have, presumably, several hundred junior athletes arriving the week before the Commonwealth Games and by virtue of being in Victoria being subject to this legislation? Obviously any background check would relate to their home country, their home police force — in Africa et cetera. In practice how will this work, or will you be making an exemption for the Commonwealth Games?

Mr HULLS — After consultation, the legislation will apply to employers and employees in Victoria. The legislation will not be applying to international athletes. It is legislation that will apply to employers and employees here in Victoria. There was substantial consultation with all stakeholders in relation to the legislation, and it would be — —

Mr RICH-PHILLIPS — When you say employers — —

Mr FORWOOD — It does not only apply to employers.

Mr HULLS — And volunteers here in Victoria — but the question was in relation to athletes coming from interstate. It applies to employers and volunteers in Victoria. In relation to attempting to ensure that the legislation will apply to overseas athletes and people travelling with those athletes, it would be an impossible task. In relation to any specific further details of the legislation, obviously that is still being worked up and there is still consultation, but it will not apply to overseas visiting athletes.

Mr MERLINO — I refer you to the new initiatives outlined on page 9 of budget paper 3 which include \$15 million over four years and \$9 million TEI to establish a neighbourhood justice centre in inner Melbourne. Can you inform the committee how the new neighbourhood justice centre will work and how it will be established?

Mr HULLS — It is actually pretty innovative. I think last year I spoke about the prospect of this — or maybe I did not. It is based on the Red Hook centre that I saw in New York a couple of years ago. It is a pretty exciting innovation. It will incorporate a one-stop multijurisdictional court and offer a range of on-site services to benefit victims, offenders, civil litigants and the local community. It heralds a new approach to the way in which justice is dispensed. It is a proactive rather than a reactive approach and an inquisitorial rather an adversarial approach in which we would seek to further reduce crime and reoffending rates. The work of the centre is going to be based around partnerships between the court, local and state governments, service providers, schools, local traders and community groups. They will look at solving problems such as community disorder and also addiction and recidivism.

As well as the multijurisdictional court that will hear and determine local matters, the justice centre itself is also going to include a dispute settlement service. It will include access to a range of services for clients including drug and alcohol treatment, housing and mental health services. There will also be a volunteer program. It is envisaged that it will involve local residents who will assist in the work of the centre in return for vocational training. Also, job creation opportunities will be available at the centre to assist the local community. It is an Australian first. I am hopeful that by July of this year I will be able to announce my decision on the location of the centre. That has not been established yet. I think we announced in the budget that it would be in an inner city area. My department is currently scanning various inner city municipalities to identify a suitable site. Based on the New York model, it has to have a high-density population, obviously a geographical sense of community, and also fairly high rates of

disadvantage. It is envisaged that in the autumn parliamentary sitting legislation will be passed to facilitate the creation of this court, and it is envisaged that it will be operational by 2007. Further discussion is taking place as to where it has to go, but the sorts of areas we are looking at at the moment include Richmond, Collingwood, Flemington, Kensington — those types of areas — but we have not come across a suitable site yet. The department has given me a number of options and we are still vigorously discussing those.

Mr FORWOOD — Talk to the Minister for Planning about the Smith Street site.

Mr BAXTER — The budget provides \$120.2 million for enforcing court orders, which is a very substantial increase of some 30 per cent on the previous year. Am I right in assuming that the bulk of that will go towards enforcing traffic offences and PERIN Court warrants? If that is so, was that increase made in anticipation of the recent report by the Auditor-General which went to the huge amount that is outstanding on these warrants, or will the implementation of the Auditor-General's recommendations require an additional subvention?

Mr HULLS — First of all, in relation to the sheriff's office issue you raised, can I say that in relation to the Auditor-General's report we had already taken substantial initiative on the matters raised in his report. Of course we take his recommendations seriously. He brought the need to address the growing debt pool to the attention of not just this government but also the former government in a report he delivered in 1996. We have been working on improving the productivity of the sheriff's office and there has been a 40 per cent increase in the numbers of sheriff's officers. There has been a revitalisation strategy to bring about cultural change within the sheriff's office. There have been several new units established, including a business analysis unit to improve the collection and analysis of data, two mobile sheriff's offices, and also what the sheriff describes as a hot warrant system for better actioning. There has been an increase in the clearance rate of the sheriff's work from 6.4 per cent to 16.6 per cent, but it is still not as good as we would like it. We are looking at a whole range of new enforcement measures which I spoke about last week, which include things such as wheel clamping, vehicle registration suspension, wage deductions, non-renewal of drivers licences and the like. When you put in place these measures you have to ensure that disadvantaged members of the community are not adversely affected, so there will be some safeguards as well. In relation to the output that you referred to, it really is about the same, it appears to me, if you are referring to page 161. The expected 2004–05 outcome was \$32.3 million and it is going up to \$32.7 million. The cost of administering the sheriff's office would remain about the same.

Mr BAXTER — On a supplementary question, Chair, I am referring to information provided in response to the committee's questionnaire which talked about it going from \$83.9 million — this is for court order enforcement — to \$120.2 million. That tends to the 30 per cent. That is why I was asking the question: is it primarily related to the sheriff's office or is it other matters? I am not sure if I have actually gathered from your remarks whether the increase is in anticipation of the Auditor-General's recommendations or whether that would be additional?

Mr HULLS — The increase was not in anticipation of the Auditor-General's recommendations. The Auditor-General conducted an inquiry into the sheriff's office over a period of nine years, so a number of changes have already taken place. I can get back to you on the specifics. I am advised that the PERIN Court costs will increase as the traffic camera rollout program continues, but in relation to the figure you have quoted and what part of that relates to increased traffic or other court enforcement action, I will get back to you.

Mr BAXTER — Thank you.

The CHAIR — There is a supplementary from Mr Forwood.

Mr FORWOOD — Yes, I would just like to follow it through, too. Page 142 of budget paper 3 shows that the original amount to be spent on this output in 2004–05 is \$124 million. You only spent \$84 million and the explanation is apparently to do with the traffic fines, and now you are saying you are going to spend \$120 million. I guess what we need is a reconciliation between what you were going to spend \$124 million on last year, how much came out because of the traffic program, and why we are only spending \$120 million this year. Mr Baxter's point is right. Yes, there has been a big increase on what was actually spent, but it is less than the budget expenditure the year before. So there has been in fact a \$4 million cut in the overall output group. I am not asking for an answer now, but —

Mr HULLS — Yes, what you are saying is that the 2004–05 budget for enforcement of court orders of \$124.2 million was revised down to \$83.9 million. Was that as a result of some of the traffic camera issues and it is

now envisaged that the 2005–06 budget is \$120.2 million because the traffic camera issues have been resolved and are coming back on line, or does it result from other matters?

Mr FORWOOD — Thank you.

The CHAIR — Minister, my comment relates to the budget outcomes report that was tabled fairly recently in the Parliament that goes to the major issues under 12.3 on page 248 when this committee was concerned about the collection and enforcement of fines and managing outstanding fines and doubtful debt provisions. It would be of great interest to us, whatever information you could provide, because we were actually quite alert to and concerned about that.

Ms ROMANES — Minister, on page 151 of budget paper 3 under the legal policy output you have set a target of 28 law reform projects for 2005–06 and you have given some example of those in your presentation. One of those is the reform of sexual assault laws. Can you outline what steps have been taken to implement the recommendations of the Victorian Law Reform Commission's review of sexual offences law and procedure?

Mr HULLS — This is a very important question. Obviously victims of sexual assault are the least likely of all crime victims to report to the police. When you try to imagine the idea of repeating your story to the police, lawyers and the court, followed by a pretty daunting court procedure, a daunting cross-examination, it is no surprise that many victims choose to remain silent in relation to these matters. I gave a reference to the Victorian Law Reform Commission in relation to sexual offences. I received a report in August. It made 201 recommendations for change. Since then a dedicated unit has been set up in my department to implement these recommendations. Some of the law reform commission's non-legislative recommendations have already been implemented, and that includes developing training on sexual offences for prosecutors, improving the collection of sexual offences statistics and also conducting research into why victims actually withdraw their complaints. I am considering a range of legislative reforms for introduction in the spring sitting of this year with the potential for a second round of changes next year.

Some of the reforms I am considering for this year include things such as preventing an unrepresented accused from cross-examining the victim, tightening controls on the cross-examination of kids, allowing expert evidence about the nature and effects of sexual assault to ensure that judges and also jury members have accurate information about sexual violence. But I have to say that legislative reform alone cannot of itself bring about the degree of change that I believe is needed to improve the experience of victims in sexual assault cases. That legislative reform has to be accompanied by cultural change. There has to be a transformation of attitudes and also behaviour in relation to sexual assault matters. As a result of that my department has convened a high-level advisory committee which has been meeting since December of last year including leaders from across the justice system, including the Chief Commissioner of Police, the Chief Magistrate, the Chief Judge of the County Court, the DPP, the managing director of legal aid and, importantly — I have to repeat this, importantly — senior defence barristers.

This is the first time ever that the key players from across the justice system have come together to work with the government on sexual assault law reform. There have been some promising signs already — for example, senior defence counsel have suggested that there should be a charter of advocacy developed to guide barristers about the appropriate way to behave when cross-examining a witness. The fact that these justice leaders have come together for the first time to look at cultural change in relation to sexual offences is a good thing. It has not happened before, so if we get cultural change aligned with legislative change then we have a chance of getting some real reform in relation to sexual offences in this state.

The CHAIR — By way of supplementary, this is a point I raised with the chief commissioner when she was here. Does that group actively discuss how you ensure, particularly in small country towns where the police know the victim and the perpetrator, that there is impartiality and there is enforcement? It has been raised with the Chief Commissioner of Police, but it was a matter that concerned me. It is a point I make and you can comment on it if you can. It does not necessarily apply only to small police stations. The second point I make is that in the answer you have just given it is very much focused around the courts and post sexual abuse. Have you anything in mind to address the culture and imbalance in the power relationships and the attitude that many men have that they are to control women and sexual abuse is part of that? I know we have a very short time, so if you want to say it now, otherwise you can take it on notice.

Mr HULLS — Briefly, obviously all these matters have been discussed. There is a police code of practice in relation to how these matters should be dealt with to ensure fairness and impartiality. In relation to addressing the underlying causes of sexual assault, of course we are looking at innovative ways to do that. As you know, we are about to establish two domestic violence divisions in the Magistrates Court. While that does not necessarily relate to non-related victims, some of the lessons we will learn out of that, particularly in relation to the men's behavioural change programs, I suspect will be very useful with further work being done concerning reform of sexual assault laws. I repeat: you will not be able to change the culture and you will not be able to encourage victims of sexual assault to report their crimes — and that is what they are, crimes — unless there is an holistic cultural change across the justice system. You can have legislation which is all well and good, but there has to be a cultural change as well.

Mr FORWOOD — Lisa Hannan, the magistrate, threw out a case recently because testing had not been done by the forensic laboratories. A year before she raised the issue of delays to the courts caused by this, and that was in April 2004 where she went into some detail about it. Do you know how many outstanding tests there are to be done and what effect that is having on the courts? In particular I would be interested to know how much money is allocated to forensic testing and whether or not you are satisfied that this is not just a bottleneck in the court system?

Mr HULLS — As you would know, the forensic area fits within the portfolio of the Minister for Police and Emergency Services. Obviously this issue will have been brought to his attention in the past. I understand that there is a review under way in relation to forensic capacity and that involves not just Justice but also DTF to ascertain the actual capacity and whether or not there are issues that can be addressed in the short term. In relation to the particular case you raise, I obviously do not comment on individual cases, but I suspect the forensic testing is something that Tim Holding, as Minister for Police and Emergency Services, has a handle on and will be addressing appropriately.

Mr FORWOOD — On that issue, are you aware of the number of times your prosecutors seek for cases before the courts to be delayed because testing has not been done? In the particular case I cited the prosecutor had sought an eight-month delay, had been given two months, and it had not been done in two months so the case was dismissed. What we had in fact was two trips to the court by your prosecutors and two trips by the defendant, so this is obviously putting pressure on the court system. Yes, we need to sort out the forensic bit, but what I am more concerned about is the effect on the court system and what you as the Attorney-General are doing to ensure that we do not have these trips to the court that are just put off because some other part of the judicial system is not working properly.

Mr HULLS — To answer your question, I am not aware of the number of times that applications have been made by prosecutors to have matters delayed, nor would I be. They are independent prosecutors, and applications are made to adjourn a case for a whole range of reasons. You are asking am I aware of the number of times that applications have been made.

Mr FORWOOD — From this particular matter.

Mr HULLS — No, I am not, and I might also say that I meet with the Office of Public Prosecutions regularly about a whole range of issues, including funding and the like, and this issue has never been raised with me, as far as I recall. We raise a whole range of issues, but it has not been raised by Paul Coghlan with me. I can say that obviously from the OPP's point of view there has been a substantial increase in funding. That does not address your specific question about whether or not there are bottlenecks with the forensic capacity. I can only repeat that that is a matter for the Minister for Police and Emergency Services, but the delays — are there systemic delays as a result of prosecutors not being able to have matters analysed — have not been brought to my attention by the OPP, their office or by Paul Coghlan.

Mr SOMYUREK — Minister, I refer to you to the law reform output in budget paper 3, page 151. Can you outline to the committee the steps that have been taken to assess and implement the recommendations of the Victorian Law Reform Committee's review of defence to homicide?

Mr HULLS — I say from the outset, as you know, we have re-established the Law Reform Commission after it was previously abolished. I must say that it has been a great asset to this government. There is no question about that, Marcia Neave and the whole organisation are independent. They are at the cutting edge of law reform.

They have made a number of recommendations. I gave them a reference in relation to defences to homicide and they made a number of key findings. The first is that the current defence of provocation is outdated. They made that quite clear. They found the defence is biased against women. They found that conceptually it is confused and it promotes a culture of blaming the victim of homicide. I wholeheartedly agree with their conclusions. I wholeheartedly agree that the defence of provocation does hark back to an era where it was acceptable, particularly for men, to have a violent response to an alleged breach of honour. It has certainly been often criticised for excusing or condoning men's violence towards their wives or partners. So I believe provocation as a defence to homicide has no place in a modern, civilised society, and in the next sitting of Parliament I am going to introduce legislation to abolish the defence of provocation. The Law Reform Commission also made a number of other recommendations which included clarifying the defence of self-defence. It also recommended the re-introduction of the partial defence of excessive self-defence, and creating a new defence of duress and extraordinary emergency. It recommended allowing evidence to explain the history of family violence such as expert evidence about the nature and dynamics of family violence. It also recommended amending the law of infanticide.

At the time I released the report I gave in-principle support to many of the recommendations. I am sure that we all understand that homicides can occur in a very wide range of circumstances, and it is important to give detailed consideration to each and every one of those recommendations. I conclude by saying that the draft amendments are currently being prepared. My department will then undertake targeted consultation about the detail with a view to introducing legislation in relation to the defences to homicide in the spring sittings of Parliament this year.

Mr CLARK — I refer to the legal precinct master plan which you announced recently, and page 300 of budget paper 3 provides for \$2.5 million. When do you expect the master plan to be completed? When do you expect work to be commenced and completed? What idea do you have at this stage of the likely overall cost of the project? Are you contemplating undertaking the project under Partnerships Victoria, or have you decided that you will deal with it as a traditional project?

Mr HULLS — That is a good question. The master plan is a pretty important and exciting part of the justice statement. The high priority for the master plan is to consolidate and enhance the role of the legal precinct here in Victoria to optimise the delivery of court services, improve court administration and form a long-term, sustainable plan for the future of the legal precinct. Melbourne boasts the only legal precinct in Australia that has such a centralised area of courts of all jurisdictions — in the vicinity of William and Lonsdale Streets. It does not occur anywhere else in Australia. So legal and court support services, both in public and private sectors, have been drawn into this area. As you know, the new County Court was opened in 2002.

The first stage of the master plan focuses on the upgrade of the Supreme Court building itself. It is a heritage-listed building; some would say it is an architectural icon. Each year up to half a million Victorians come into contact with some part of the justice system, whether they be a party, a witness, a juror or the like. Everyone recognises our Supreme Court building. So the first part of the master plan will be to work towards a detailed specification and also a business case for the complete redevelopment of the Supreme Court. I guess this is really a down payment on the future of this 121-year-old building. Exact details of the redevelopment will be determined over the next 12 months, but they currently include the upgrading of the Supreme Court and Court of Appeal, to bring them into one fully-integrated complex, also creating a striking new Supreme Court complex that integrates modern and heritage architecture; adding a new multi-security Criminal Court building to the rear of the existing Supreme Court —

Mr FORWOOD — The County Court?

Mr HULLS — No, I think it is the old High Court building. Obviously we will also provide secure court environments for high profile and high security criminal cases. There will be extra courtrooms and also the introduction of state-of-the-art technology; a new high-security entrance, and secure car parking for court users. Two million dollars of the \$2.5 million will allow for the planning and documentation of stage 1 of the legal precinct master plan, and \$500 000 will be provided to redevelop the old County Court site to accommodate the Supreme Court on a temporary basis while work is being done on the Supreme Court. As part of the master plan, it is envisaged that the old County Court site will be turned into a multijurisdictional court complex, where there will be courtrooms that can be used by all jurisdictions, but also areas where upgraded alternative dispute resolution can take place. You asked how long it would take and that is a very good question. I suspect it will be subject to the next budget round, but this is the first very substantial step.

Mr CLARK — Any idea of total cost and Partnerships Victoria's participation?

Mr HULLS — Obviously I will be able to answer that question better when I am here next year because what we are doing now is scoping. We have not yet made any decisions about whether or not it is going to be a public-private partnership or what the total cost will be because we do not yet know exactly what the overall plans are going to suggest to us. There has been some talk about moving the Victorian Civil and Administrative Tribunal as well. We are obviously in discussions with all jurisdictions, but we want to retain that site, and this is the first step, and the Supreme Court is the urgent work that needs to be done.

Mr FORWOOD — Part of my supplementary question was going to be about VCAT. Page 10 of your overheads shows a diagram with a circle. How did you arrive at the precinct being in that particular shape and covering that particular area?

The CHAIR — It is where the mouse stopped. You took a photo from a helicopter, didn't you, Rob?

Mr HULLS — It is an interesting question. We are working with consultants and they were looking at traffic flow through, public transport, movement of pedestrians and the like, and also obviously issues of access and the like. That is how they came across this particular diagram.

Ms GREEN — Minister, I refer you to budget paper 3 on pages 9 and 10 where the theme of improving access to justice is discussed. I note that you already covered the neighbourhood justice centre in an answer to a question from Mr Merlino. Could you inform the committee about the other initiatives that are detailed there and how they will be implemented.

Mr HULLS — I know this is an issue of interest to some people at this table. In investing in access to justice we have put \$82.4 million over four years to improve that access for targeted disadvantaged groups. As we know, those who are disadvantaged often find it very difficult to deal with civil and also consumer problems. If legal problems are not resolved early, they can obviously escalate and that compounds further disadvantage. So the Gateways to Civil Justice project is all about improving access to legal and consumer information, and giving advice and assistance to disadvantaged groups. As part of this four new community legal centres will be established in the outer east, the outer west, the outer south-east and the Loddon-Campaspe area. Each of these areas has significant numbers of disadvantaged people, a lack of existing services and a population in excess of 200 000 people. As you would know, community legal centres are often at the cutting edge of service delivery, at the cutting edge of community education and also at the cutting edge of law reform, and they understand the needs of people who are most disadvantaged. I guess your next question probably is: where exactly are they going to go? I expect there will be substantial consultation with a number of people in this room and others about the specific locations. I hope to make an announcement by about August of this year as to specifically where they will go. In addition, a new early resolution civil advocacy program will be offered at some existing community legal centres as well. That will focus on timely and effective dispute resolution, and of course there is the neighbourhood justice centre which I will not touch on.

I want to conclude on this point. I have a real passion for CLCs. I know how they work. I used to, as you know, work for legal aid, and I know the interaction between legal aid and CLCs. It is absolutely crucial that they be appropriately funded. Many of them work off the smell of an oily rag. They are dealing with the most disadvantaged members of our community. It is important that, where we can, we expand the CLC network. I know the former government had a proposal to amalgamate CLCs and have big super CLCs in the north, south, east and west. The view I took when I took over the portfolio was that that is not the way CLCs should operate. They have to be part of the community, integrated into the community, owned by the community, and that is how they will best work, so there has been the biggest injection of funds, I have to say, to CLCs in the last few years ever, but it is important that where we can, we continue to expand CLCs, and that is why I am pretty excited about these four new CLCs.

Ms GREEN — I am glad to see other communities will have the benefit of what we have in Whittlesea where you opened one last year, Minister.

Mr RICH-PHILLIPS — I would like to take you back to the Working with Children framework. You indicated, particularly in relation to the Commonwealth Games, that it was not the government's intention that it apply to junior athletes and their coaches coming from overseas. I think to reflect that the exposure draft will need to change. With respect to junior athletes and coaches coming from interstate, do you have the same position? For

example, would a netball team from Albury competing in a competition in Wodonga also be exempt from the requirements of the legislation?

Mr HULLS — I was taking advice in relation to the matter. Obviously it is fairly complex legislation, and it is a matter of getting the balance right. The legislation itself is still being worked up — it has not been finalised — but I repeat that it is not envisaged that the legislation will apply or be able to apply to athletes coming from overseas, and I have said that earlier. In relation to interstate, obviously there are still discussions taking place in relation to that matter, and we are looking at what occurs in other jurisdictions and what Working with Children regulations and regimes apply there to try and have some consistency, and I would simply say to you that the legislation is still being worked up.

Mr RICH-PHILLIPS — Why would you draw a distinction between — —

The CHAIR — Hang on, Mr Rich-Phillips.

Mr HULLS — The other issue in relation to the Commonwealth Games is implementation. As you would know, the legislation will be introduced, we hope, later this year, but the implementation of that legislation is fairly complex.

Mr FORWOOD — Start date of 30 June 2006?

Mr HULLS — It is fairly complex and it does involve obviously a whole range of IT issues and the like and, even if it was envisaged that it would apply to athletes coming from overseas, the practical reality is that to implement it in time for the Commonwealth Games, the legislation being introduced only later this year, it is virtually impossible.

Mr RICH-PHILLIPS — Can you realistically make a distinction between athletes from overseas and athletes from interstate?

Mr HULLS — The other issue, I am reminded, is that there will be a phase-in period in relation to the implementation of the legislation. It will not all start up on the one day. Obviously there is going to be a phase-in period in relation to some areas, and others will take a bit longer. You ask about interstate. I repeat that we are still having discussions with interstate jurisdictions in relation to the types of arrangements they have in place to make sure we get it right. I fully expect, to be absolutely frank with you, that when this legislation is introduced, there will be criticisms of it, just as there were criticisms in relation to the exposure draft and the discussion paper. Some people will say, once we introduce the legislation, that it does not go far enough — they will say it should apply to anyone in the world who comes to Victoria. Others will say that it goes far too far and that it should not apply to volunteers, for instance, regardless of the fact that it is not going to cost volunteers. Others will say, hopefully, ‘You have got the balance right’. It is an extremely complicated piece of legislation, and the implementation will be complicated, and we have to get it right. But the message cannot be that in introducing this legislation, we are ensuring that there will be no sexual offences taking place in relation to kids. This is a safeguard, but it will not stop heinous crimes being committed, so there has to be a very strong education campaign go with this legislation as well; they have to go hand in hand.

Mr RICH-PHILLIPS — Can I just clarify how you make the distinction between international visitors and interstate visitors given that you are going to treat them differently?

Mr HULLS — Obviously we are looking at having some sort of reciprocal arrangements with other states who run similar schemes, but to try and have an arrangement with countries around the world, particularly in time for the Commonwealth Games, is just not doable.

The CHAIR — Thank you, Minister. I thank the people from the portfolio of the Attorney-General for their attendance. For those who are not here but who have prepared extensively for today, thank you very much to each of those. We will be following up with questions you have taken on notice, together with any points that require clarification. The transcript will be sent to you shortly.

Witnesses withdrew.