

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

2021–22 Budget Estimates

Melbourne—Wednesday, 30 June 2021

MEMBERS

Ms Lizzie Blandthorn—Chair

Mr Richard Riordan—Deputy Chair

Mr Sam Hibbins

Mr David Limbrick

Mr Gary Maas

Mr James Newbury

Mr Danny O’Brien

Ms Pauline Richards

Mr Tim Richardson

Ms Nina Taylor

WITNESSES

Ms Natalie Hutchins, MP, Minister for Victim Support,

Ms Rebecca Falkingham, Secretary,

Ms Peta McCammon, Deputy Secretary, Service Delivery Reform, Coordination and Workplace Safety, Department of Justice and Community Safety.

The CHAIR: I reopen these hearings of the Public Accounts and Estimates Committee with Minister Hutchins, this time for consideration of the victim support portfolio. We again invite you to make a 5-minute presentation, and this will be followed by questions from the committee.

Visual presentation.

Ms HUTCHINS: Thank you, Chair. As the Minister for Victim Support, I am really pleased to have this opportunity to report against the budget measures to support victims of crime. Can I begin by acknowledging the Wurundjeri people as the traditional owners of the land.

We are committed to a justice system that understands the needs of victims of crime, respects their rights and does not further compound the trauma that they have experienced. The government offers a suite of services to victims of crime that provide information and support, help manage the effects of crime and guide victims through the criminal justice system. For example, our child witness service and our intermediaries program provide children, vulnerable victims and witnesses with cognitive disabilities with specific measures to help them feel safe and supported. The victims register provides registered victims with information when an offender becomes eligible for parole or for particular custodial permits or post-sentence orders or where a prisoner absconds or dies in custody. I will speak to the other points that are up there further in the presentation.

We provide support to victims with a highly specialised and skilled workforce. This is undertaken by dedicated professionals who work across government services. In terms of the budget we have come a long way in better understanding the needs of victims and ensuring that we have systems that generally respond to their needs and significant reform backed by investment. We have substantially increased the resources available to support victims of crime since we have come to government. And I am really pleased that this budget has delivered \$64.5 million into victim services—the biggest investment in this space. The allocation will significantly improve experiences of victims by designing a new financial assistance scheme to replace the current VOCAT one; establishing a victims legal service to provide legal services for FAS applicants; continuing to run the intermediaries, a really, really valuable program; and continuing to make inroads on the current VOCAT backlog that we are facing. We are recruiting new tribunal officers to help us clear that backlog. This is the most significant investment in victim services in decades, and it will make a fundamental difference to so many people's lives. The \$64.5 million is inclusive of \$54.6 million over four years to build the FAS and improve services for victims within my line items. The balance is represented by funding to the courts in the A-G's portfolio. The government will continue to consult closely with stakeholders and in particular participate in dialogue with victims with lived experiences to develop the new scheme.

So far this financial year the government's full suite of services for victims of crime has provided the figures that you see up on the screen: 12 000-plus calls made to the Victims of Crime Helpline, 15 000-plus victims of violent crime have been assisted through the victims assistance program and 1034 children and their families have been supported through the Child Witness Service.

During this period as well, Victorian police referred a staggering 21 405 victims of crime to the helpline, including 15 536 L17 referrals for family violence, the vast majority of which were male victims; 235 victims joined the victims register; and the intermediaries pilot program has received 1285 requests for assistance since it began in 2018. So you can see that the demand is high, but we are meeting that demand despite the challenges of the COVID pandemic.

I would now like to highlight two of our key victim support services, the Victims of Crime Helpline and the victims assistance program. The crime helpline is an intake and triage service that provides psychological first

aid and needs assessments and referrals of all victims of crime. It is staffed by 15.25 full-time equivalent people and operates seven days a week, including public holidays, 8 to 11. The government also funds community service organisations to deliver the victims assistance program across the state. These are great programs that provide flexible management to victims.

The CHAIR: Thank you, Minister. Ms Taylor—no, Ms Richards. Sorry, switch.

Ms RICHARDS: Yes, sorry. We are just trying to keep you on your toes. Thanks, Minister and officials, again for your time this afternoon. I am interested in exploring the victims legal service and refer you in particular to budget paper 3 and page 91. Could you please explain how the victims legal service initiative will improve access to support for victim-survivors?

Ms HUTCHINS: Sure. Thanks. Being the minister for victim-survivors has been a very interesting role and I have got to say a very emotional role, because hearing directly from victim-survivors—and their voices and their stories and the journeys, and also how they have been treated in the justice system—plays a really pivotal role in forming the policy and thus the investments that we have made out of this budget. Part of that investment has been to commit to a victims legal service for those that need that assistance in navigating a case for reparation for what has occurred to them as a result of being a victim of crime.

Just last year I launched the Centre for Innovative Justice victim services review, which had a recommendation around establishing a new victims legal service. The review told us, similarly to the work that was done by the Victorian Law Reform Commission, that victim-survivors find accessing financial assistance incredibly difficult and isolating, and they also find that having to go through another legal process is daunting. That is why the budget provided for this service but also for a complete overhaul of our financial assistance scheme so that it is an administrative-based scheme, not a court-based scheme. So that \$7.3 million over three years will establish in 2022-23 a victims legal service. Initially the service will provide legal advice and casework for financial matters relating to victims of crime, namely the new financial assistance scheme, and support for restitution and compensation orders. These services will be located with Victoria Legal Aid and community legal centres.

Ms RICHARDS: Thanks, Minister. Using the same budget paper reference, I am interested in understanding what other supports there are that the government provides for people through the legal process.

Ms HUTCHINS: In addition to the legal process, there are quite a few other services that are available. The Child Witness Service is one of those. It is an integrated program integral to the government's role in creating access to justice for victim-survivors. The Child Witness Service specialises in supporting child witnesses and their families to prepare them for the role of being a witness, supporting them throughout the criminal trial process, debriefing them and giving them support post trial and referrals to specialists along the way. Additionally, kids who go through the process can also be supported by a help dog, a labrador named Kiki, who can attend legal conferences and assessments and courtrooms. All of the feedback that we have received on this additional service has been very, very positive and it has helped keep a calmness for the children who are able to access the services of that dog. That is probably one program, but there are many more like the work that is done by our victim support officers as well.

Ms RICHARDS: Thanks, Minister. I am wondering, perhaps just to help the committee understand a little bit more, if you could provide the committee with an example of how a child witness has been supported through this program.

Ms HUTCHINS: Certainly. There is a young child with the pseudonym 'Mandy'—we do not use the real names—who was a child complainant in a sexual offence. A referral was received by the Child Witness Service for specialised case management services for Mandy, who was alleged to have been sexually assaulted by Mandy's family and friends. She was concerned about exposure in the courtroom and her ability to safely provide evidence. She was concerned about exposure in the courtroom and her ability to feel safe, so unfortunately Mandy refused to talk about her experiences initially but with support was able to. The child witness officer allocated to the case supported Mandy and her family and friends who were supporting her. The child witness officer provided support at legal conferences and coordinated arrangements for the family to travel to court. As with many clients, the child witness officer provided orientation to the remote witness rooms—which is really important and can be a daunting thing for a child to go through—supporting children to

build their confidence and be comfortable in the space. It was an opportunity to answer their questions about the process and explain the roles. Mandy reported feeling nervous and distressed about being a witness and answering questions, so more supports were put in place—more supported work, additional support by her intermediary, meeting and bonding with the court dog, additional information on court processes and also meeting the judge, the prosecution and the defence counsel, which assisted in managing expectations and anxiety. The witness was able to complete her evidence, including a cross-examination. The court dog, Kiki, sat with Mandy while she gave her evidence alongside her intermediary and her child witness officer. In the weeks that followed her evidence, Mandy reported that she felt good about what she had done in being able to present and tell her story in court.

Ms RICHARDS: Thanks, Minister. That is really important for us to understand. I am just going to take a bit of a tack change now, again using the same budget paper reference, so budget paper 3, page 91, and ask if you can explain how the intermediaries program initiative will improve access to justice for victim-survivors, their families and witnesses.

Ms HUTCHINS: So the intermediaries program is a really fantastic program that is available for children and adult complainants with a cognitive impairment in sexual offence matters and child and adult witnesses with a cognitive impairment in homicide matters. So it is a really important service for some of the most vulnerable people in our community to be able to go through the justice process. Intermediaries are available to support also victims and witnesses participating in the taking of visual and audio recorded evidence in the form of interviews conducted by the sexual offences and child abuse investigation, SOCIT, team.

Intermediaries are skilled communication specialists with professional qualifications in speech pathology, psychology, social work and occupational therapy. Their role is to ensure that the communication with witnesses is as complete, coherent and accurate as possible. An intermediary is an independent and impartial officer of the court. These people help police, lawyers and the judiciary to plan their questioning so the victim-survivor can understand, participate and feel more confident, and better quality evidence is drawn from that process.

The investment built on a \$7.7 million investment that was provided in the 2017–18 budget and actually allowed for this program to be piloted quite successfully. An evaluation in May found that this program benefited victims and witnesses as well as the police and judges in getting through the court cases in significant time to be able to provide outcomes, so it improves access to justice for victim-survivors and makes for a fairer trial.

Ms RICHARDS: I have not got long, so I am just going to ask you one short question. How many victim-survivors have accessed support through the intermediaries program?

Ms HUTCHINS: From July 2018 to 30 April 2021 the intermediaries program has had about 1250 requests for assistance. Twenty-eight per cent of these requests were from adults with a cognitive impairment and 72 per cent were for children, and of those requests around 760 were for assistance in giving evidence and 491 were requests for attendance at court.

Ms RICHARDS: Thanks, Minister. Thanks, Chair.

The CHAIR: Thank you. Mr Newbury.

Mr NEWBURY: Thank you. Can I start, Minister, by talking about something that I am particularly passionate about, and that is the reporting of sexual assault. It is something that you may be aware that I have spoken about publicly. Earlier this year there were a number of horrific crimes in my local community committed on young girls in terms of sexual assault, and I organised briefings for Parliament with Chanel Contos. Did you have an opportunity to speak to campaigner Chanel Contos?

Ms HUTCHINS: No, I did not.

Mr NEWBURY: Do you know if she engaged with the department? I remember her saying she did with the Acting Premier. Did she engage with the department in any way?

Ms FALKINGHAM: Mr Newbury, I am not aware of any contact with the department directly. I am aware of the incidents though.

Mr NEWBURY: Okay, yes. Can I ask, Minister, your views on modernising sexual assault reporting? I mean, Victoria is the only state that does not have, as I understand it, any online capacity, and what the young women said to me, what the young girl said to me, is they felt that that would be something that was really important to them. They spoke to me of the difficulty of reporting. Have you considered modernising sexual assault reporting with an online capacity?

Ms HUTCHINS: I believe that there is quite a substantial amount of work that is being undertaken by the VLRC at the moment, but of course I have given consideration to this. This is a pretty significant issue for so many women. I was able to commit out of the most recent budget some funding in the crime prevention space to partner with Melbourne Uni and the City of Melbourne around reporting, but also proactively preventing sexual assault and reporting in place in the city from bars through to points around the city that could be improved for women to be able to feel safe and report any incidents that might be happening—even ahead of incidents happening—or incidents that have occurred. Certainly it is something that we are talking to our Victims of Crime Consultative Committee about, and we are looking forward to receiving the report that is currently underway.

Mr NEWBURY: Can I ask: has the department been doing any work even in perhaps engaging with other states? I know that New South Wales has done a lot of work on this recently. I am genuinely asking in terms of this policy matter.

Ms FALKINGHAM: Yes. Thanks, Mr Newbury. I am aware of how passionate you are about this issue. It is the most under-represented form of violence in our country, and it is one that the attorneys-general across the country have been looking at. As the minister said, the VLRC has had a referral from the former Attorney-General out of the horrible crime that was obviously in the media last year with Celeste Manno. We continue to work really carefully through this piece of work. So the referral is looking at all aspects through the criminal justice system in terms of how we can improve reporting but also how we can look at police practice and how we can look at our existing suite of laws. The department is running concurrent with the VLRC work, because we do not want to miss a minute—from the minute the VLRC hands down its findings, we want to be ready with whatever they recommend in terms of implementation. So we are working really closely with Victoria Police, with all the service providers through the Justice Partnership Committee and really listening to victims' voices, which are so critical in this to understand why people feel they cannot come forward to report and what further we can do to support those really courageous women that decide to continue and pursue the reporting of crimes. So can I just assure you it is one of the top priorities of the Department of Justice and Community Safety.

Mr NEWBURY: I do not know off the top of my head: is there a time line?

Ms FALKINGHAM: The report is due by August 2021, with an interim report later this year.

Mr NEWBURY: 2021, or—

Ms FALKINGHAM: 2021. So there are two parts obviously to the review. The VLRC is also reviewing the stalking, harassment and similar conduct, which is obviously deeply associated with this piece of work, and the interim report on that work is due by 31 December.

Mr NEWBURY: Right. Okay. Thank you. May I move to now page 303, budget paper 3, Minister? Would you mind explaining why the number of L17 referrals for family violence increased across the last financial year yet the number of referrals to the victims assistance program fell? It is page 303, if that helps, and it is those tiny little 'under' sentences.

Ms HUTCHINS: I think in going through some of the figures I did in the presentation in terms of looking at the reporting that happened, particularly in the last 12 months in regard to most of those months being affected by the pandemic, you are right, the subset of L17s for male victims of family violence was an extraordinary amount. We also saw, on average, calls to our hotline had increased substantially in length of time, because there was a need for a much longer period of discussion than there ever had been before, in receiving those calls. But ultimately the decline in take-up of the victim assistance program is basically premised on demand,

not on ability to deliver. We were able to continue to deliver these services throughout the pandemic, sometimes in different ways to how we usually had done it, but certainly I think that as timing of court cases may have slowed things down perhaps those services were not under as much strain and demand.

Mr NEWBURY: I guess my point was simply offences went up but referrals went down, so I think that is an important point to note.

The CHAIR: Thank you, Mr Newbury. Mr Limbrick.

Mr LIMBRICK: Thank you, Chair. And thank you, Minister and team, again. I am going to ask a couple of questions on behalf my crossbench colleague Ms Maxwell. On budget paper 3, page 88, there is a line item called ‘Supporting victims of crime’ to which \$47 million has been allocated over four years. I think that part of the funding is for the continuation of work on implementing the recommendations in 2018 by the Victorian Law Reform Commission in its review of the *Victims of Crime Assistance Act*. Is that correct?

Ms HUTCHINS: Yes.

Mr LIMBRICK: By what date will the government fully implement the recommendations of that review, and what is the estimate of what will be the final cost of all that work?

Ms HUTCHINS: I can go to the time lines. Certainly a major part of our commitment to that work—probably around 13 of the recommendations—is only addressed through legislation, so it is kind of ‘How long is a piece of string?’ when it comes to the Parliament. But of course this was an election commitment for us in overhauling the financial assistance scheme, and so our intention is of course to bring that forward as soon as it is applicable to the parliamentary agenda. The budget in 2019 provided \$3.2 million in order for us to get it off the ground, that policy work, and I guess going forward, you know, the budget has only been passed down for—what, six weeks now?—six weeks. We are getting on with committing that money that has come out of the budget to really get all the foundations in place, from the staffing through to location through to the ICT. So I do not know if you want to supplement that?

Ms McCAMMON: I guess the only other thing I would add is one of the recommendations of the VLRC report was actually to do some demand modelling. As part of the reform, what we would hope is that we actually see more victims coming forward and applying for assistance. In terms of the total cost we are still working through what that demand might look like. So I think part of the success of the scheme will be that we actually see more people coming forward as well.

Mr LIMBRICK: Okay. On page 98 of budget paper 3 under the item ‘Sustainable delivery of prosecution services’ there is a reference to funding for the OPP to provide support for victims and witnesses. Could you please clarify what that support entails?

Ms HUTCHINS: It specifically says the OPP, does it? I might have to ask the Secretary to supplement the answer to that.

Ms FALKINGHAM: I think the Deputy Secretary is going to take this one on notice.

Ms McCAMMON: I think we might have to take that on notice, because I understand that is in the A-G’s portfolio.

Mr LIMBRICK: Oh. Okay. All right. Thank you. On page 309 of budget paper 3, under the heading ‘Victims of family violence assisted with financial counselling’, it says that the target was 3750 but the expected outcome was only 2400. What were some of the factors that played into this, and what other options were considered and used in order to help ensure the service was accessible for victims?

Ms HUTCHINS: I just need a minute. I think what we will try and find is the figures that you have just referred to. If I could just say on the family violence assistance front, certainly not all of the cases that are brought to our attention get followed through in the processes that we would ideally like to see. Unfortunately so many people pull out. But I might throw to the Secretary.

Ms FALKINGHAM: Thanks, Mr Limbrick. This matter actually falls within the Minister for Consumer Affairs, Gaming and Liquor Regulations’s portfolio, but we are happy to provide you that data offline.

Mr LIMBRICK: A comment was made to me by a team member how fragmented this portfolio is and how difficult it is to identify the bits. But yes, I think I am out of time, so thank you.

Ms FALKINGHAM: Thanks.

The CHAIR: Thank you very much, Mr Limbrick. And that concludes the time we have set aside for the consideration of the victim support portfolio, indeed all of your portfolios, with you this evening, Minister Hutchins and Secretary. Thank you for appearing before the committee in these various capacities today. The committee will follow up on any questions which were taken on notice in writing, and responses will be required within 10 working days of the committee's request.

I note that we have explored some issues across your hearings today that might be difficult for some people, so the Lifeline number is 13 11 14, the Kids Helpline number is 1800 55 1800 and the Beyond Blue number is 1300 22 4636.

Thank you very much for your time here today. I declare the hearing adjourned.

Witnesses withdrew.