

VERIFIED TRANSCRIPT

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

Inquiry into budget estimates 2008–09

Melbourne — 3 June 2008

Members

Mr G. Barber	Mr G. Rich-Phillips
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Witnesses

Mr R Hulls, Attorney-General,
Dr Kelleher, Acting Secretary,
Mr J. Griffin, Executive Director, Courts Division, and
Ms P. Adams, Manager, Portfolio Coordination, Department of Justice.

The CHAIR — I declare open the Public Accounts and Estimates Committee hearing on the 2008–09 budget estimates for the portfolios of Attorney-General, racing and industrial relations. On behalf of the committee I welcome the Honourable Rob Hulls, MP, Deputy Premier, Attorney-General, Minister for Racing and Minister for Industrial Relations; Dr Roslyn Kelleher, acting secretary of the Department of Justice; John Griffin, Executive Director, Courts Division; and Paula Adams, Manager, Portfolio Coordination, Department of Justice. Departmental officers and members of the public and the media are also welcome. In accordance with the guidelines for public hearings, I remind members of the public that they cannot participate in the committee's hearings. Only officers of the PAEC secretariat are to approach PAEC members. Departmental officers who are requested by the minister or his chief of staff can approach the table during the hearing. Members of the media are also reminded to observe the guidelines for filming or recording proceedings in this room.

All evidence taken by this committee is taken under the provisions of the Parliamentary Committees Act and is protected from judicial review. There is no need for evidence to be sworn. However, any comments made outside the precincts of the hearing are not protected by parliamentary privilege. All evidence given today is being recorded. Witnesses will be provided with proof versions of the transcript. The committee requests that verification be forwarded to the committee within three working days of receiving the proof version. In accordance with past practice, transcripts, PowerPoint presentations and any other documents tabled by the minister will then be placed on the committee's website.

Following a presentation by the minister, committee members will ask questions related to the budget estimates. Generally the procedure followed is that relating to questions in the Legislative Assembly. I ask that all mobile telephones be turned off, and I invite the minister to give a brief presentation for no more than 5 minutes on the more complex financial and performance information that relates to the budget estimates for the portfolio of Attorney-General.

Mr HULLS — Thank you very much, Chair. It is a pleasure to be here. I will just quickly run through the slides.

Overheads shown.

Mr HULLS — The first slide shows the budget breakdown. It shows that my portfolio is \$878.4 million or around 22 per cent of the allocation for the Department of Justice. This represents an almost 20 per cent — 19.7 per cent — growth over the current year's funding. Additional funds are going to be directed towards landmark projects including, in particular, things such as developing and enhancing innovative low-cost resolution and an upgrade to the mortuary facilities — which I know will interest everybody here — and also forensic services.

The next slide shows the budget breakdown further. Dispensing justice, which is courts and prosecutions, takes up 52.7 per cent of the portfolio; legal support to government includes legal policy reform, native title, VGSO, victims services, electoral commission, legal aid and the like. Then there is community operations which includes infringement management, enforcement services, asset confiscation, road and safety enforcement and the like.

The next slide is specific to the portfolio of Attorney-General. As you can see 52.7 per cent of the budget includes courts and prosecutions — it is the biggest slice of the portfolio — legal support for government and protecting the rights of Victorians, which are areas such as legal policy, native title, VGSO and the like. There is also community operations which includes working-with-children checks, the Aboriginal Justice Agreement and victims services.

Major achievements last year are listed on the slide. They include the human rights charter. Homelessness guidelines were developed and launched to assist businesses and to provide services to homeless people. The relationships register was passed by the upper house on 10 April, and it is expected to commence by the end of the year. There is an equal opportunity review which was flagged in my justice statement in 2004. Julian Gardiner is undertaking that review. Assisted reproductive technologies: the Law Reform Commission has handed down its report. We are working up legislation for later in the year in relation to that. The Aboriginal Justice Agreement mark 2 is a landmark agreement that I am sure you are all familiar with.

Other major achievements include sexual assault reforms. The Neighbourhood Justice Centre has had its first birthday in Collingwood. There has been a continued roll-out of Koori courts in a whole range of places across the state. In judicial education the judicial college is continuing its groundbreaking work in providing ongoing professional development to the judiciary. We have a number of family violence reforms including family violence

divisions at Ballarat and Heidelberg, and also the Moorabbin Justice Centre which opened in October of last year, which is a state-of-the-art facility in that area. Then there are a whole range of reforms we are undertaking work in relation to. That is the Crimes Act; we are just about ready with uniform evidence bill; and also the Bail Act. The Law Reform Commission has done work in relation to reforming the Bail Act.

For this year's budget, there is a big area in ADR — \$17.8 million in ADR; improved Supreme Court efficiency — \$38 million over four years will provide for more prosecutors, solicitors, and extra Supreme Court judges. In the Magistrates Court a substantial increase — \$15.6 million for additional security personnel and weapons screening. There is a huge increase in the workload in the Children's Court, and we have allocated \$6.5 million for new magistrates, registry staff and the like.

The last slide talks about sexual assault reform allocation in the budget: \$8 million for a specialist sexual assault prosecution unit in Geelong based on the model that we set up here in Melbourne which is working well, \$29.2 million to refurbish the lower floors of the old County Court building to have multipurpose courtrooms in that building, \$21 million to replace the analogue interview recording equipment at Victoria Police and the OPP, and also a large amount, \$61.8 million to update the mortuary facilities and forensic services, including \$38 million to rebuild the mortuary services building — it is outdated; it needs upgrading — and also a refugee support program: \$8.2 million to ensure that justice agencies are more accessible to refugees. So that really is a snapshot of what has occurred in the last period and what has been announced in the budget.

The CHAIR — Thank you. We have about 55 minutes allocated for questions. I might just start off as I have started off with other ministers in terms of trying to get a bit of a clearer picture of revenue forgone, what subsidies, both explicit and implicit, are in departments' and agencies' programs and also any concessions. I was just wondering whether you could give us a quick brief on what they may be in your portfolio and also perhaps in the other two portfolios if there are any.

Mr HULLS — In relation to the A-G's portfolio, there are a number of work areas in the Department of Justice that provide concessions or subsidies or forgo revenue, although from my portfolio, the A-G's portfolio, there is only one that I am aware of, and that is the Working With Children check. Volunteers are not charged for Working With Children checks. The check is usually charged at \$71.70. From 3 April 2006 to 13 May 2008, I am advised that there were over 135 000 applications from volunteers, and so the revenue forgone is about \$9.7 million because we are not charging for those checks. In relation to the racing portfolio, I am advised that there are no concessions or subsidies in that portfolio, and that is the same with the IR portfolio.

The CHAIR — So in terms of, you know, free tickets to the races, et cetera, they are the responsibility of what, Racing Victoria?

Mr HULLS — We have set up an independent board, RVL, and that is entirely the responsibility of either RVL — who I have no doubt would hand out tickets from time to time including to members of Parliament — and also the VRC and Melbourne Racing Club and Moonee Valley. That would be entirely a matter for them.

The CHAIR — Just in terms of legal aid, I mean how would you judge that? It is a subsidy in some way or other, is it? Or really it is a program, I suppose.

Mr HULLS — It is a program. It is a program that is funded partly by the commonwealth, partly by the state to assist people who need legal assistance. It is means tested and merit based so you only get legal aid based on your ability to pay but also based on the merit of the case, and it is based on a scale of fees. So it really is a program, I suppose. There is also a lot of pro bono work that is done by lawyers who are doing work for government. You are probably aware that we changed the tender process guidelines some years ago to enable or to contractually ensure, at least, that those firms that did government legal work had to also commit to pro bono work and equal opportunity briefing practices and model litigant principles. The last report I had in relation to the amount of pro bono work that is being done by private firms — this is across Victoria, so it is not pro bono work for government — is from memory, and I can get you the exact figure, but I think it is over \$6 million worth of pro bono work that is being done by private law firms who are contracted to do government work.

The CHAIR — Now that would be useful for us to have a figure on that.

Mr WELLS — Minister, I refer you to budget paper 3, page 171 under 'Dispensing Justice', 'Court Matters and Dispute Resolution', and also to the Productivity Commission's *Report on Government Services 2008*

which shows that Victoria's courts have some of the longest waiting lists and worst waiting times of any jurisdiction in Australia. For example, in the County Court as of 30 June last year there were 581 non-appeal criminal cases compared to 296 in 2003. So I am wondering: what do you consider to be the causes for the huge increase in court waiting lists that have occurred since you have been Attorney-General? When do you expect to be able to reduce court delays to acceptable levels, and will you provide the committee with details of what you and your department have agreed are the time lines referred to in BP 3, page 171, in which cases should be heard and decided? That is that 80 per cent number there under 'Timeliness'.

The CHAIR — Okay, because we have an extensive report on this in our last estimates report.

Mr HULLS — It is a fairly substantial question that deals with a number of things, but if I could just start with the County Court because that is what you have specifically referred to. In 06–07 the County Court finalised some 9433 matters which was, it is true, less than the target of 10 600 matters. This was wholly due to a decrease in the rate of finalisation for the civil jurisdiction which was 21 per cent less than the expected number. Civil matters finalised were 4830 compared to the target of 6110. You ask why. With the introduction of tort law reforms it is now much more difficult to actually bring civil actions before the courts, so those that actually do come before the court tend to run to trial and are not being resolved earlier than they were outside the courtroom via traditional pretrial methods such as mediation, consent orders and the like. This trend has continued in 07–08 with 4675 civil matters projected to be finalised compared with a target of 5500, and the trend may well continue into 08–09.

In response to the impacts of tort law reforms — you have to remember we introduced an unlimited jurisdiction to the County Court as well — the court has been reviewing the way its civil list is managed, and it is implementing a number of initiatives, including a new commercial list, and the process around directions hearings I understand has also been tightened. Those new measures are expected to be fully implemented by July 2008, although the pipeline effect is such that it will take a little time to influence results.

It is worth noting that the County Court met or exceeded timeliness and quality targets in 06–07 and is expected to do so in 07–08; and the 08–09 budget provides funding of over \$1.6 million for a judge-led mediation pilot, which will include an extra County Court judge. So work has been done in this budget to try and get matters resolved outside the court process rather than within the court process. You also have to remember that in the last budget there was also a substantial increase in resources to the County Court, including a number of extra judges. I think there were some two extra judges in last year's budget in relation to the County Court, and that is also expected to have a flow-on effect.

In a nutshell, matters are becoming more complex. Those matters that are going to court are the most complex matters and are far more difficult to resolve at the door of the court, as was previously the case. We have implemented a whole range of reforms both in the civil and in the criminal area. You are probably aware that the Law Reform Commission just handed down its report in relation to civil justice and how to better resolve civil matters outside the court process, or when they get to court having a much more streamlined process. In relation to the criminal jurisdiction we have introduced things such as sentence indication, for instance, all with a view to getting people to plead guilty at an earlier stage so matters do not go to trial. We believe all those reforms — and there have been substantial reforms, including substantial extra resources to our courts — will address the delay issue. Some of those matters have already been addressed in the last budget, but due to the pipeline effect they will take a while to come through.

Mr WELLS — Just to clarify that.

The CHAIR — Very quickly, please.

Mr WELLS — Minister, with regard to that 80 per cent — that third point I raised about the time frames — are you able to provide, maybe on notice, the time frames to the committee for Magistrates, County and Supreme courts within the definition of that 80 per cent?

Mr HULLS — When you say, 'definition', how do you mean?

Mr WELLS — What are the actual days or weeks with regard to the time frames set aside for settling a case?

The CHAIR — We will take it on notice.

Mr WELLS — Under ‘Timeliness’ it says ‘Criminal and non-criminal matters disposed within agreed time frames’; what are the agreed time frames?

Mr HULLS — I am happy to do that. That will be based on a national definition in relation to timeliness.

The CHAIR — The Productivity Commission report.

Mr HULLS — I am happy to get you that material.

Mr WELLS — For each court?

Mr HULLS — Yes.

The CHAIR — They are done, as we reported, in terms of higher appeal, non-appeal, Supreme, District, Magistrates and Children’s. That is how they do it. I might note that you did recently produce a report which did suggest that the Auditor-General might consider whether there is a need to build on his work covering the Magistrates Court by undertaking a more targeted approach to examining efficiency aspects relating to various levels of courts within the judiciary, and I am sure the government will reply to that particular recommendation in due course this month.

Ms MUNT — In budget paper 3, pages 166 to 171, under the umbrella of ‘Legal support to government and protecting the rights of Victorians’, ‘Protecting community rights’ and ‘Dispensing justice’, the government has funded a package of alternative dispute resolution initiatives under those umbrellas, and you also mentioned in your presentation strengthening alternative dispute resolutions under that \$17.8 million of funding. Could you please detail to the committee how these funding initiatives will assist in resolving disputes and reducing court delays?

Mr HULLS — It really gets back to Kim’s initial question. We have in Australia, in Victoria, an adversarial system of justice, basically, and I think it is time to question whether or not the adversarial system has passed its use-by date. What normally happens, particularly with a civil dispute, is that someone will go and see a lawyer, a lawyer will send off a letter of demand, and once that occurs — bang! — you are in the system. A lot of it is a chest-thumping, table-thumping exercise, and you really have to ask whether or not people start to lose sight of what dispute resolution is all about, and the system of discovery, interrogatories and the like in our court system. You have got to ask whether or not it is aimed at resolving disputes or increasing costs for all parties. So we have to think differently; we have to think smarter. I think the next substantial wave of reform in our justice system is ADR — alternative dispute resolution, or, as I prefer to call it, appropriate dispute resolution. We have to look at more appropriate ways of resolving disputes outside the court system, and the court should be a port of last resort, basically.

With that in mind, this year’s budget has provided \$17.8 million over the next four years for ADR initiatives right across the state. This will go towards reducing the high costs of obtaining justice in Victoria and, I think, unlocking for the first time in any jurisdiction the real potential for ADR, both outside the court process and within our courts. As part of that measure we will be the first jurisdiction in Australia to trial judge-led mediation. It has never happened before in this country. It is based on a Canadian model where an intractable dispute that has been in the court list for a long period of time is taken out of a particular list and sent off to a judge who has had nothing to do with it, with a view to trying to have the matter resolved. From memory, the figures in Canada show that 95 per cent of matters that are put into the mediation list before a judge are resolved. Why? Because they have the imprimatur of a judge. They have the imprimatur of a judge and the imprimatur of the court, and they are resolved very quickly and effectively.

We know with mediation that people take ownership of the outcome. In court, often one side wins everything and the other side walks away thinking, ‘The system has let me down’, whereas with mediation parties take ownership of the dispute. So \$17.8 million has been allocated for improved dispute resolution services across the state, including judge-led mediation trials in both the Supreme and County courts. That includes the appointment of an additional County Court judge and an additional Supreme Court judge. There is also funding for a whole range of other mediation services right across the state, including a Magistrates Court intervention order mediation program, \$5.8 million; expanding the services of the Dispute Settlement Centre of Victoria into rural and regional parts of the state — substantial amounts for that; and also \$1 million provided to set up an ADR champion to raise the profile of ADR right across Victoria.

There has been a fair amount of interest in this. I know that Chief Justice Marilyn Warren has had a look at the Canadian model. From memory, the judge in Canada was Justice Louise Otis, who heads up the list there, and from memory, Marilyn Warren has met with Louise Otis. The courts realised that it is important to think outside the square in resolving disputes. The cost of justice — particularly when you have some barristers these days charging up to \$14 000-plus a day — at the high end is becoming prohibitive. It is becoming a fiefdom for large corporate entities to take action against each other in the full knowledge that their legal fees are tax deductible. They have to realise that access to publicly funded court time is not infinite. It is a finite resource that ought to be utilised in the best possible way. We need to do what we can to get these matters out of our courts and resolved a lot more efficiently and effectively prior to getting to court. But if they do get to court, again, we have to look at innovative ways to resolve them outside the adversarial process.

Mr RICH-PHILLIPS — The budget provided some money for the old County Court refurbishment. In May 2005 the legal precinct master plan was released, which had the Supreme Court redevelopment as stage 1 of the master plan and the old County Court redevelopment as stage 2, and it noted:

Stage 1 works are identified as top priority requiring immediate implementation, based on urgent identified service needs. Subsequent stages are identified as future works as service needs dictate.

The CHAIR — Can you tell us what you are quoting?

Mr RICH-PHILLIPS — The master plan. Can you tell the committee why funding has been provided for stage 2, not stage 1, and does this mean the master plan has now been abandoned for that precinct? Specifically on the numbers, the figure on your presentation, \$29.2 million, is at odds with the 22.5 shown in the budget. Could you reconcile those two numbers, too, please?

Mr HULLS — Okay. Just in relation to the legal precinct master plan, no, it has not been abandoned — quite the opposite. Work is being done virtually on a daily basis in relation to the master plan. This year's budget provides, I think, some \$23 million additional to the \$10.5 million that was provided in 06–07 and 07–08 towards establishing a further six flexible trial spaces within that precinct at 223 William Street, which is the old County Court. That will meet additional cross-jurisdictional demands. These will be multipurpose courts that can be used by any of the jurisdictions for overflow from their particular premises. The additional courtroom capacity within the legal precinct accommodates the expansion of judicial numbers as well within the various jurisdictions, and it will assist in achieving more efficient case management within the precinct.

In relation to the Supreme Court redevelopment which you have touched on, the implementation of the legal precinct master plan commenced immediately after 06–07 ERC funding was announced. The Supreme Court redevelopment early works program was funded with some \$22 million in capital funds in 06–07 and 07–08, and the early works program is being delivered within that scheduled program and is on budget. The construction works comprise urgent occupational health and safety works and upgrading of heritage works at the courts and amenities in the Supreme Court. Key milestones of that program to date — and I have been at the opening of some of these — include the Banco Court upgrade and the provision of judicial facilities opened in May of 07, and the refurbishment of court 15, which has provided the Supreme Court with a civil trial facility and the accommodation of multiple witnesses. Court 14, which is a smaller civil court, has also been fitted out to enable disabled access at the court. The upgrade and refurbishment of court 4 was completed in late March of this year and reopened on 7 April this year, and construction is currently under way in courts 2 and 3, with works due to be completed in, I think, July or early August of this year.

The legal precinct master plan is a very important plan. I think the nub of your question is, I guess, why was the funding not allocated in this year's budget to complete the Supreme Court. It is a staged process, to be frank with you, and there are always competing priorities. The major priority of each of our courts is to reduce court delays, which gets back to Kim's first question, and a whole range of reforms have been implemented in relation to that, but the Supreme Court redevelopment — that is, the court itself — is by no means off the agenda. Substantial amounts have already been spent, and it was always going to be a staged process.

Mr RICH-PHILLIPS — Was that not supposed to be the no. 1 priority under the master plan? Is that not why it was stage 1? That is what the master plan said, 'This is the priority'.

Mr HULLS — The master plan is about upgrading the facilities that exist in that legal precinct. That includes the Supreme Court, and an enormous amount of funds has already been expended in a staged way on

upgrading the court facilities at the Supreme Court. The early discussions in relation to the master plan were whether or not, in upgrading those facilities, we should actually have a brand-new stand-alone court; whether we should divide the court into two and have a civil and criminal jurisdiction; and, if we were to have a brand-new stand-alone court, what it would mean to the current court site. There were problems in relation to the old High Court site — as you will remember, there were heritage issues and the like — and the federal government at the time made it quite clear that they were not going to allow the state government to move in relation to those High Court premises, so there had to be a total reworking of what was going to happen ultimately to the Supreme Court. But nonetheless, enormous amounts have already been spent on upgrading the current facilities of the Supreme Court, so it is a priority, and further work will be done over the coming budgets.

Mr RICH-PHILLIPS — Another part of the question was about the dollars — that is, the difference between your slide and what is in the budget papers.

The CHAIR — I think he already mentioned there were \$10 million in this financial year and the previous one.

Mr RICH-PHILLIPS — Perhaps the Attorney-General can tell us, if that is the reason.

Mr HULLS — I am advised that there is no difference. The 29.2 is made up of 22.5 assets, 6.7 output, which brings you to the 29.2.

Mr SCOTT — I would like to draw your attention to budget paper 3, page 171 and the output group 'Dispensing justice'. Can the Attorney-General outline the planned progress in the development of Australia's first higher jurisdiction Koori Court?

Mr HULLS — This is something that I am pretty excited about and I have spoken about on a number of occasions in the Parliament. As we all know, there continues to be a gross overrepresentation of Kooris in the Victorian justice system, and we just cannot just stand by and allow Aboriginal males to be incarcerated at 12 times the rate of their non-indigenous counterparts. We just cannot allow Aboriginal kids to be incarcerated at 16 times the rate of their non-indigenous counterparts, so we have set up a number of Koori courts around the state. They have been criticised by some. I know that an allegedly well-known barrister recently criticised the Koori courts generally, but all you have to do is read the report of the Royal Commission into Aboriginal Deaths in Custody and you will see that it is quite clear we have to have a more culturally sensitive justice system; not one that is a soft option — quite the opposite — but one that is more culturally sensitive to the needs and aspirations of Aboriginal people. As a result we set up as a trial Koori Magistrates Courts here, the first one being at Shepparton, I think, in 2002. They have now been independently evaluated, and they are no longer trials. They have been so successful in reducing recidivism rates, so successful in ensuring compliance with court orders and so successful in ensuring that the Koori population, if you like, takes ownership of the justice system and is more aware of the justice system, that they have now become a permanent part of the DNA here in Victoria of the legal landscape.

As a result it is now time to have another trial, and that is in a higher jurisdiction. You cannot in this game stand still, because if you do, you go backwards basically. Whilst the Magistrates Courts have been successful, I think it is important that we have a look at the higher jurisdiction, so the Koori County Court will be the first indigenous court in that jurisdiction in Australia. It has the strong support of not just the Koori community but, just as importantly, the County Court as well. I know Chief Judge Michael Rozenes is very supportive of it.

Obviously we have to work through the eligibility criteria and the like. We have already ruled out sexual offences being dealt with in the Koori County Court, and they are not dealt with in the Koori Magistrates Court either, so there is nothing new there. The Koori defendant will have to consent to the matter being heard in the County Court and will have had to have pleaded guilty to the offence, the same as in the Magistrates Courts. All the County Court sentencing options that currently apply will apply in the Koori County Court, as occurs in the Magistrates Court. There will be, as there is with the Magistrates Court, Koori elders and respected persons who sit in on court as well.

I certainly believe our higher courts should operate in a way that is more culturally accessible, acceptable and comprehensible to the Aboriginal community. I think for too long, as a community, we have ignored the overrepresentation of Aboriginal people in our justice system, or we have tended to say, 'They behave a lot worse than the non-indigenous population, so therefore they deserve what they get'. Well, it ain't as simple as that, and it is important that we address the underlying causes of criminal behaviour, and address them as best we possibly can. In doing that we have got to have a court system that is more culturally sensitive. It is not a soft option. Many

Kooris do not choose to appear before the Koori Magistrates Court, because they find the shaming exercise in front of their elders is far more intimidating than the normal court, so it is not a soft option at all, but if it works as well as the Koori Magistrates Courts have been working, it will be a resounding success.

The CHAIR — Thank you. I remember being a member of the Law Reform Committee in 2000. In the review of rural and regional legal systems we had somebody from the Koori community come in. They walked in and they just walked out, because the disconnect was so great. I think that anything that can be done to actually fix that gap is very important.

Mr BARBER — The adult parole board, Youth Residential Board and Youth Parole Board have all be exempted from the human rights charter by regulation and the human rights commission said that they were unaware of the rationale for that and that such provisions were extremely significant. I believe your response was that this was done for a period of one year in order to allow for a review of the impact of the charter on those bodies' work and also to consider the resources that they would require to comply. Can you let us know what those resources are, the progress of the review and whether it will still be for only one year?

Mr HULLS — It is a good question. I actually met with the heads of the Youth Parole Board and adult parole board only last week about this very matter, because they are seeking an extension of the exemption. They have put their case to me in relation to that and I have not made a decision yet about whether to go down that path or not. They have suggested that natural justice is not afforded to people seeking parole and they have to make decisions, often very quickly, in the interests of the broader community. They are aware that no right under the charter is absolute, but they are indeed seeking a further period of exemption.

Whilst I understand their arguments, I am somebody who is pretty passionate about the human rights charter and I want it to become a permanent part of the legal landscape in this state; I do not want it to become a political football. I hope that whoever is in power over the next 10 years in Victoria will ensure that the human rights charter remains in this state. But to give due regard to the arguments they are putting, I have told them I actually want to go down to the parole boards and see personally how they operate — not just the adult parole board but also the Youth Parole Board — before I make a final determination in this area. I want to see firsthand how they operate and after I have viewed how they operate I want them to further make out the arguments on why they require a further exemption in relation to their operations for a period of time. I am due to go down there, I think, in the next couple of weeks, to both the adult parole board and also the Youth Parole Board, and a decision will be made in the next short period of time. To get to the nub of your question, yes, they have sought a further exemption and I am giving consideration to that.

Mr BARBER — So it may not really be a question of resources, then?

Mr HULLS — They will have to put to me not only a very strong argument as to why they should be further exempted for a period of time but also, if they were not exempted, what resources they believe they would require to fully adhere to the charter. It may not be just a question of resources; that is true. It may well be, on the decisions they make and the timeliness of those decisions that they are required to make when they are dealing with people's liberty — they do not give reasons for their decisions, as you are probably aware — as they have initially put to me, that it is important that they continue to operate in that way. As judges they admit that in all likelihood they are denying people natural justice. But that has always been how the parole board operates and if you change that, and you put in place a whole range of appeal rights and they have to give voluminous reasons for decisions and the like, it would tie down the work of the parole boards and, in their view, they could well become unworkable. That is their argument. I want to see for myself and get a better feel for the way the boards operate and I will make a decision in due course.

Mr NOONAN — I want to ask you about the second-last dot point on your handout, which goes to the upgrade of mortuary facilities and forensic services, some 61.8 million, and in particular ask you: given that commitment of funding, why has the government chosen to significantly increase funding to the Victorian Institute of Forensic Medicine?

Mr HULLS — It is a good question. It is a substantial amount of money, it is true. The government has given VIFM an additional \$23.8 million in output funding over four years and \$38 million in asset funding, in the state budget. The primary rationale for this increased funding has been the significant increase — and this is in the budget papers as well — in demand for medico-legal death investigations. The number of investigations has

increased by 41 per cent over the past seven years, so that is a huge increase in the workload of the coroner. There have been a number of factors that have driven this increased demand. The ageing of the Victorian population has resulted in more people in the age range with a higher death rate. Medical practitioners are much less willing to sign death certificates, due to the growing awareness of the legal implications of attributing a cause of death not based on medical evidence.

As private pathology providers have withdrawn from rural autopsy services, which they see really as non-core business, more deaths requiring medico-legal investigation have been actually transferred down to Melbourne, to VIFM in Melbourne, although there are negotiations taking place now with VIFM to re-establish services in places like Bendigo and Ballarat. Fourthly, increased referrals of death certificates from births, deaths and marriages has arisen as a result of the system of safeguarding against a Dr Shipman-type scenario. So there have been far more referrals of death certificates from births, deaths and marriages. VIFM has adopted a range of measures to deal with this increased demand from within its existing resources, but — and you have heard this before — more needs to be done, and as a result there has been a substantial budget increase. What will it do? The money will allow VIFM to employ five additional forensic pathologists, a trainee pathologist and related scientific staff. That will mean obviously extended pathology services and the like. It will also include coronial services by establishing a coronial council and strengthening the prevention role of the coroner — so not just investigation of deaths but also a prevention role: education and training and the like.

Also it will allow for a significant upgrade of the mortuary facility. This is absolutely necessary. There needs to be an increase at that facility for body storage capacity because of the increased demand. It will refurbish and expand the autopsy suite. We think that this huge increase in resources will allow VIFM to carry out its work in a more timely and more effective manner. It is a substantial amount of resources, but it is absolutely crucial. The building down there is old; it needs a refurbishment, and the increase in the number of bodies physically going there has been such that the storage facilities are outdated.

Mr DALLA-RIVA — Attorney-General, just in relation to service delivery, budget paper 3, pages 166 and 167, in the legal policy, advice and law reform output group, I ask: in respect of the forward estimates there is a calculation of projects and also the total output costs — I am just trying to work out the financial impacts in terms of the legislation on family violence that you announced in July last year. When do you expect that to be put into Parliament, including the trial of the safety notice regime on interim protection orders? The other ones are the Criminal Investigation Powers Bill and the criminal offences bill, both referred to in the statement of government intentions. Is there any financial impact — I know you touched on it briefly — in terms of that output group as a result of the law reform commission's Civil Justice Review, which you indicated earlier?

Mr HULLS — Okay, I will touch on the last thing first — the Civil Justice Review. The law reform commission handed its report in relation to civil justice just last week. I think it made 177 recommendations. Some of those will have a financial impact; many of them will not. We need to work through each and every one of those, particularly those that can be implemented quickly to have a real impact in relation to civil justice. We need to work through each and every one of those. I cannot give you a definitive answer, because we may not accept all of the recommendations, but I think the law reform commission indicates that many of the reforms will not require extra resources. There will be some low-hanging fruit I think we can implement sooner rather than later. A lot of the reforms are about changing the culture in relation to how civil justice is undertaken, but it does also refer to alternative dispute resolution. As you know, that does have a resource implication, and we have actually pre-empted the report by allocating some \$17.8 million for ADR.

In relation to the family violence report, you would be aware family violence is a leading contributor to preventable death, disability and illness among Victorian women aged between 15 and 44. It is a scourge on our society. For too long it has been in the too-hard basket, I think. As a result I asked the law reform commission to review our family violence laws, and its report was tabled in 2006. At that time the government undertook a staged approach to the administrative, procedural and legislative recommendations contained in the report. The law reform commission report contains 75 non-legislative recommendations relating to administrative and procedural aspects of the justice system, and significant progress has already been made in addressing the key recommendations, such as increased access for victims of family violence to legal support services, enhanced family violence professional development for police, support staff and judicial officers, improved after-hours victims services, as well the Sentencing Advisory Council actually reviewing the maximum penalties and sentencing approaches for breach of family violence orders. The major recommendation was that there be a stand-alone family violence bill — that family violence intervention orders are really being dealt with at the moment under the same piece of legislation as

the stalking orders and that there should be a stand-alone bill. To have such a bill would give a clear and cohesive legislative focus on family violence intervention orders.

There has been an enormous amount of work done in relation to this bill. I note that some have said that it should have been introduced before this and we should have done it much earlier this year. I disagree. My view is this is such a groundbreaking piece of legislation that will lead the nation that it is important there be appropriate stakeholder consultation and support for the recommendations. Indeed, I have to say that stakeholders themselves actually sought additional time to participate in the process, and the government agreed to that. Yes, we could have rushed the bill in a lot earlier than when we intend to introduce it — and it will be later this year — but we decided to adhere to the request of stakeholders. They were fully aware of the substantial implications of this legislation. It was important that we get it right.

In relation to the family violence safety notices, the bill will deal with those notices. I think it was originally announced by the former Premier, Steve Bracks, that the trial of family violence safety notices was expected to get under way in mid-2008. However, it is now anticipated that the family violence bill will be introduced later this year, with a start-up date either late 2008 or early 2009. That is as a result of extended consultation with stakeholders and at their request.

I just repeat that this is a very important piece of legislation. It is all about better protecting Victorian families. It is about allowing the woman and the kids to stay in the home while the perpetrator of the family violence is removed from the home. It is about ensuring that perpetrators of family violence do not get the opportunity to cross-examine victims of family violence personally in court. A whole range of other recommendations have been put to us that will be included in the bill, including a comprehensive definition of family violence that will include economic and emotional abuse as well as other types of threatening and controlling behaviour. It has also been put that we broaden the definition of ‘family member’ to cover a wider range of family and family-like relationships and ensure that all relevant evidence as is appropriate in the circumstances is presented before the courts. That means impinging on the hearsay rule as well. We think this will be a very good piece of legislation, but we have to get it right, and we have adhered to the request of the stakeholders to give them extra time to consult on the bill.

Mr PAKULA — Minister, I just refer to your presentation. The budget breakdown 2008–09 by output group had \$415.2 million for dispensing justice. Of that, on the budget initiatives page — you have already gone to ADR and Supreme Court — Magistrates Court safety, security and risk, \$15.6 million, could you just give the committee some detail as to how that particular initiative will improve safety for officers of the court, members of the public, et cetera?

Mr HULLS — Some time ago I was approached by the Chief Magistrate in relation to a number of incidents that occurred at some of our courts. It was suggested that there needed to be upgraded safety at some of our magistrates courts, acknowledging that we need to get that balance right. Courts are public assets, and it is absolutely important that members of the public have access to our courts on the one hand, but on the other hand they need to be secure assets as well, and the security of judicial officers and staff who work in the courts and those who are appearing in our courts needs to be secured as well. It is a balancing act. Nonetheless the Chief Magistrate put a case and a study was done by the police, I think, in relation to some of the security issues at our courts. I do not know whether that report was ever finalised or endorsed finally by police. Nonetheless, it was agreed by the government that there needed to be further funds allocated for a number of courts around the state, so the budget includes \$15.6 million over four years for the Magistrates Court to fund additional security personnel and weapons screening across the state. This will better equip our magistrates courts to respond to challenges of security and safety. It will make our courts safer for not just judicial officers and staff but, as I said, court users as well.

There are three components to the package. The first is \$13.2 million for armed guards and unarmed security personnel services at nine courts; 1.98 million for the installation of weapons detection systems at these courts; and also \$700 000 for minor security upgrades across all of Victorian courts. In case Kim Wells wanted to know what the nine courts were — and I know that is what he was going to ask — they are Broadmeadows, Dandenong, Frankston, Moorabbin, Ringwood, Sunshine, Geelong, Heidelberg and Werribee. I recently attended the Frankston Magistrates Court to announce the security funding package. That will see \$1.6 million spent at Frankston. For anyone who has had the opportunity to visit the Frankston Magistrates Court, it is a very busy court. There are a whole range of issues there. I suspect that this \$1.6 million will ensure two security guards, and an airport-style weapons screening system staffed by an additional three security personnel. I think it is a good budget initiative and it will be welcomed not just by the Chief Magistrate but by all court users.

The CHAIR — A final question to the Attorney-General from Mr Wells.

Mr WELLS — It is just to follow up the same question, Minister. I note that the list that you read out, none of them are in country areas. It is my understanding the Auditor-General brought down a report that highlighted serious security risks for country magistrates courts. Could you maybe address that part of it for us?

Mr HULLS — This is an ongoing brief where there has been substantial funding for upgrading security. Some of that \$700 000 for security upgrades across all Victorian courts I suspect will be utilised in those country areas where there is deemed to be a higher risk than other jurisdictions.

Some of the matters that are dealt with in some country courts could not be described as high risk and as a result will not require upgraded security. Others I expect will, particularly if there was a very substantial matter that had high risk associated with it, although it may be in those types of matters they would be transferred to a court that had upgraded security. That happens now for instance in Melbourne with the Supreme Court and the County Court for some of the more high-risk matters. Supreme Court matters are actually dealt with over the road in the County Court because of security issues there. I suspect some of that \$700 000 will be allocated to country jurisdictions, but it is an ongoing brief that the Chief Magistrate has to advise the government in relation to the highest security risks and the allocation of funding to those courts that I have named. My understanding is that has been after consultation with the Chief Magistrate, but we continually review security right across the state and this is an ongoing exercise.

The CHAIR — Thank you, Attorney-General. I noticed in your outputs for the VEC you have got funding down for one by-election, which is very efficient of you in that regard. I also thank John Griffin for his attendance.

Witnesses withdrew.