

# VERIFIED VERSION

## PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

### Inquiry into Budget Estimates 2015-16

Melbourne — 13 May 2015

#### Members

Mr Danny Pearson -Chair

Ms Sue Pennicuik

Mr David Morris -Deputy Chair

Ms Harriet Shing

Dr Rachel Carling-Jenkins

Mr Tim Smith

Mr Steve Dimopoulos

Ms Vicki Ward

Mr Danny O'Brien

#### Staff

Executive Officer: Ms Valerie Cheong

#### Witnesses

Mr Martin Pakula, Attorney-General,

Mr Greg Wilson, Secretary,

Mr Donald Speagle, Deputy Secretary, Civil Justice,

Ms Marisa De Cicco, Deputy Secretary, Criminal Justice, and

Mr Shaun Condron, Chief Finance Officer, Department of Justice and Regulation; and

Mr Alan Clayton, Chief Executive Officer, Court Services Victoria.

**The CHAIR** — I declare open the public hearings for the Public Accounts and Estimates Committee inquiry into the 2015-16 budget estimates. All mobile telephones should now be turned to silent.

I would like to welcome today the Attorney-General, the Honourable Martin Pakula, MP; Mr Greg Wilson, Secretary of the Department of Justice and Regulation; Mr Donald Speagle, Deputy Secretary, Civil Justice; Ms Marisa De Cicco, Deputy Secretary, Criminal Justice; and Mr Shaun Condron, Chief Finance Officer. I would also like to advise the committee that Alan Clayton, Chief Executive Officer, Court Services Victoria, is in the gallery as well, in the event that that is of interest to members.

All evidence is taken by this committee under the provisions of the Parliamentary Committees Act, attracts parliamentary privilege and is protected from judicial review. Any comments made outside the hearing, including on social media, are not afforded such privilege. The committee does not require witnesses to be sworn, but questions must be answered fully, accurately and truthfully. Witnesses found to be giving false or misleading evidence may be in contempt of Parliament and subject to penalty.

All evidence given today is being recorded by Hansard. You will be provided with proof versions of the transcript for verification as soon as available. Verified transcripts, PowerPoint presentations and handouts will be placed on the committee's website as soon as possible.

Departmental officers may approach the table during the hearing to provide information to the witnesses if requested, by leave of myself. However, written communication to witnesses can only be provided via officers of the PAEC secretariat. Members of the public gallery cannot participate in the committee's proceedings in any way.

Members of the media are to observe the following guidelines: cameras must remain focused only on the persons speaking; operators must not pan the public gallery, the committee or witnesses; and filming and recording must cease immediately at the completion of the hearing.

I now invite the witness to make a very brief opening statement of no more than 10 minutes. This will be followed by questions from the committee.

**Mr PAKULA** — Thank you, Chair. Can I say at the outset what a pleasure it is to be here for 1 session rather than 54 sessions. I am happy to provide an overview in regard to the Attorney-General's portfolio.

### **Visual presentation.**

**Mr PAKULA** — The slide that is on the screen at the moment is a breakdown of the budget for the Department of Justice and Regulation. In a general sense it provides that the Attorney-General's portfolio has \$537 million in funding, made up of \$396.8 million in Attorney-General and 140.2 in A-G infringement and orders management, which is the sheriff's office and other receipts. It does not include funding for the courts, which of course is now under CSV, but I can inform the committee that the courts budget for 2015–16 is \$466.1 million. You will see on the pie chart the breakdowns for the other portfolios in the department, including racing, which we will deal with in 90 minutes or so.

Moving to the next slide, in terms of budget initiatives in 2015–16 there is, of course, \$40 million for the Royal Commission into Family Violence because our government recognises that family violence is one of the most significant issues confronting our community and the biggest law and order challenge in Victoria today. That \$40 million includes 36 million for operation of the commission and \$4 million to support stakeholder engagement with the commission. There is also \$2.1 million in 2015–16 to continue free legal advice and support services to ensure proper representation for family violence-related matters.

I will whip through the others. There is \$2 million for the Community Legal Centre Assistance Fund, which is very important for their ability to provide ongoing free advice, and \$1.2 million so that family violence duty lawyers from community legal centres can help more victims at the Magistrates Court. There is ongoing funding for 2015–16 for JobWatch of \$371 000, which continues their funding profile; \$200 000 over four years so that the law handbook can remain free online — that would have ceased without that funding; there is \$2.09 million over four years for the assessment and referral court list — that is for that to continue, and it ensures people with mental health and cognitive impairment issues are appropriately represented; \$19 million

over two years to support the administration of the working with children check; and funding to support the social and community services equal remuneration order.

Moving on to the next slide — a great initiative in terms of videoconferencing in the Magistrates Court — \$10 million of capital funding and \$4.6 million of output funding for the Magistrates Court in regard to videoconferencing, which reduces the need for prisoner transfers and helps to separate victims from the accused when giving evidence. There is also money for the courts in regard to the equal remuneration order for the social and community services pay equity case. There is, again, money for the courts in regard to the ARC commitment that I referred to in the previous slide, \$100 000 capital and \$9.5 million output. In regard to the transport of deceased persons, the Coroners Court were confronting a significant shortfall in their capacity to transport deceased persons, so we have provided \$4.9 million in funding for 2015–16 to allow that to continue. We made a strong commitment in opposition that the Coroners Court death review unit would be funded again under our government so that they could continue the systemic review into family violence deaths. We have provided that in the budget. There is half a million dollars to increase the capacity of men's behaviour change programs in the Magistrates Court, and in line with our election commitment we have provided \$80 000 for the Victorian court safety audit. As I have indicated, that court safety will also be augmented by the videoconferencing.

In terms of some of the achievements since we have come to government, as I have indicated the Royal Commission into Family Violence commenced operations on 23 February this year. We made a commitment during our period of opposition that we would make a reference to the Victorian Law Reform Commission into the use of medicinal cannabis. That was after some heart-rending stories from families. I am very pleased that that matter was referred to the commission in December last year. They have been asked to report by 31 August this year, and I am advised by former Justice Cummins that that deadline will be met. Dr Ian Freckelton, QC, has been appointed as special commissioner to the review, and he is leading the investigation into options for change.

We have passed legislation in regard to removing limitation periods for civil actions founded on child abuse. That was, I am very pleased to say, passed with the support of everyone in the Parliament. It is very important legislation. Not quite so bipartisan was the repeal of the summary offences move-on laws, but again I am very pleased that that repeal has gone through. That was an election commitment made more than a year ago. The repeal of section 19A has been introduced into Parliament, and again I am hopeful that that will receive strong support from across the Parliament. Section 19A is the only HIV-specific criminal offence in force in any jurisdiction in the country, and it is appropriate that it be repealed, given that there are other offences available in the Crimes Act to deal with intentionally infecting a person with any disease.

The ice task force was established in December 2014, with significant representation from Victoria Police; Patrick McGorry, the former Australian of the Year; Tony Parsons from the drug court; and many other eminent persons. We effectively concluded the work of the former government in regard to the Wrongs Amendment (Asbestos Related Claims) Act. As members would be aware, the former government closed that loophole by regulation, but we were required to retrospectively fix the period between June and November 2014, and we did that by way of that legislation.

In terms of reforms ahead over the year ahead and possibly beyond, there is the Royal Commission into Family Violence implementation task. That will begin after Marcia Neave reports in February 2016. We have made a commitment to implementing the balance of the recommendations from *Betrayal of Trust*, and we intend to do that. We need to respond to the VLRC on medicinal cannabis. We will have to implement the ice action plan, and that is a whole-of-government implementation.

Building on the ice action plan commitments, we are progressing negotiations with the commonwealth on a national cooperative scheme on unexplained wealth, and I met with the federal justice minister, Michael Keenan, last week in regard to that. That builds on ice, but as members are aware — —

Sorry? Are you right for me to continue?

**Ms WARD** — Please.

**Mr MORRIS** — I am just taking up your role.

**Mr PAKULA** — Okay. I can assure you, Mr Morris, I am almost done. I will whip through the rest.

Unexplained wealth: I can go to that in more detail. In regard to outlaw motorcycle gangs, we have strong laws to tackle outlaw motorcycle gangs. Victoria Police have done a fabulous job in targeting their activities, but we are now considering the adequacy of the existing organised crime laws and talking to the commonwealth and other states and territories about that. We have got the expungement of historical homosexual convictions to complete, an access to justice inquiry and a strong equality agenda that members will be well aware of. We have to re-tender for the government legal services panel, and indeed the review of the charter of human rights is under way under the stewardship of Mike Brett Young, the former CEO of the Law Institute, and I look forward to that report later in the year.

I am happy to now take questions, Chair.

**The CHAIR** — Thank you, Minister. In the context of the 2015–16 budget and your own portfolio responsibilities, can you inform the committee how this budget acquits Labor’s financial statements?

**Mr PAKULA** — Thank you, Chair. I will try not to labour some of the points made in the presentation, but I am proud to indicate to the committee that in the first budget we have met all of the commitments made in Labor’s financial statement in regard to the Attorney-General’s portfolio. We are delivering even more funding to provide support for those who need it most when dealing with the justice system, including victims of family violence, people suffering with mental health or cognitive impairment and those facing financial hardship.

We made a range of commitments in LFS, and I will just inform you of the status of each of them in the budget. Most of them are contained in budget paper 3, page 5, so without having to go to the page each time: \$1 million per year in 15–16 and 16–17 for the Community Legal Centre Assistance Fund. That commitment was initially made when the commonwealth indicated that they were cutting funding. Even though the commonwealth restored that funding, we have maintained that \$2 million, so that will provide even greater assistance to our CLC sector to deal with family violence matters, online services for regional and rural youth and the like. As I have indicated, the death review unit in the Coroners Court will receive \$300 000 per annum for four years. That was another commitment that we made, and that will allow the death unit — the Coroners Court systemic death review unit — to undertake specialist investigative analysis into family violence related deaths, identifying both individual and systemic determinants that will help inform future policy developments.

The family violence duty lawyers at CLCs will be provided for with \$1.2 million. There is half a million dollars for men’s behaviour change programs. As I have indicated, the audit of the Victorian court safety apparatus will ensure that victims of family violence in particular are free from intimidation when attending court. I briefly touched on the law handbook. This is an outstanding piece of literature and an outstanding resource, particularly for those who do not have access to lawyers. There was a situation where that law handbook would no longer be free online. People already have to pay for the hard copy version, but the online version is free. Fitzroy Legal Service was going to have to start charging for that. It was our view that that was an important asset and resource to remain free online, and that funding will provide that.

Every commitment made in my portfolio in Labor’s financial statement has been acquitted in full. There are of course a range of other commitments, initiatives and programs that are funded in this budget in this portfolio, but they are those that appeared in LFS.

**Mr T. SMITH** — Welcome, Minister.

**Mr PAKULA** — Thank you.

**Mr T. SMITH** — Minister, I refer you to budget paper 3, at page 84 where under the heading ‘Expanding community correctional services to meet demand’, the budget papers make it clear that there will be an expansion in the number of offenders receiving community correction orders, or CCOs. With this in mind I refer also to the Court of Appeal’s guideline judgement in December 2014 in Boulton, in which the court said that CCOs:

... may be suitable even in cases of relatively serious offences which might previously have attracted a medium term of imprisonment (such as, for example, aggravated burglary, intentionally causing serious injury, some forms of sexual offences involving minors, some kinds of rape and some categories of homicide) ...

and the fact that the decision in *Boulton* is now being widely used by the courts. Would it be reasonable to conclude from the anticipated growth in the use of CCOs in budget paper 3 that the government will not be amending the sentencing act to ensure that CCOs are not used to allow violent offenders to walk free from court and back into our communities?

**Ms SHING** — Channelling Mr Pesutto there, already?

**Mr PAKULA** — Thank you, Tim, for the question. No, it would not be reasonable to conclude that. I think you need to understand the rationale behind the increase in funding for CCOs in the budget. The former government introduced community correction orders and then legislated again late last year to effectively expand the capacity for their use and did not appropriately fund that legislation. So we were in a situation where there was correspondence from the County Court to the Minister for Corrections, and I assume you raised this matter with the Minister for Corrections, effectively making the point that because the CCO regime was so chronically underfunded you had a situation where on the one hand courts were handing down CCOs and community corrections were not in a position to appropriately provide the orders that were being ordered by the courts.

In those circumstances people were either being breached or the order was simply not being adhered to. It was the strong view of the court, and the view of government, that if you are going to introduce this regime, you need to therefore provide funding so that community correction officers are in place in the system and are able to actually implement the orders that have been made by the courts.

In regard to the other part of your question you talked about *Boulton v. The Queen*, and you are right; that was a guideline judgement that made some substantial remarks about CCOs. It is important for members of the committee — or non-government members of the committee — to be completely across what the former Attorney-General's submissions were in that case. In submissions to that guideline judgement the former Attorney-General, Robert Clark, argued, and I am quoting, that there was:

... scope for greater use of CCOs, including at the higher end consistently with the intention of Parliament. In particular, there is scope for the higher courts to impose CCOs that have a greater number of and more onerous conditions attached, and with a duration of more than two years.

You might recall there was then legislation brought in to allow CCOs to be combined up to a period of five. The former attorney's submission also noted that the CCO:

... is intended to be available in serious cases where an offender may be at risk of receiving an immediate custodial sentence, but the court considers that immediate custody is not necessary to fulfil the statutory purposes of sentencing given the range of options provided by a CCO.

And in addition he submitted that the CCO has:

... the robustness and flexibility to be imposed in a wide variety of circumstances.

So in a nutshell, Tim, the submission of the former attorney was that CCOs were not a soft option; they were an option designed to be both punitive and rehabilitative and that they were available in a wide variety of contexts.

When you talk about the growth of the use of CCOs, the obvious reason for that is because late last year the final abolition of suspended sentences happened. It came through the Parliament and came into effect in about November. So you have a whole cohort of people that would once upon a time have received suspended sentences. Some of them are going to prison, and some of them are getting CCOs.

There have been submissions by the former attorney and two tranches of legislation by the former attorney which effectively outline the case that CCOs are not a soft option and are meant to be both punitive and rehabilitative, and the abolition of suspended sentences, which has led to an increase in the use of them, and the fact that it was chronically underfunded, which is the reason we have provided additional funding in the budget.

**Mr T. SMITH** — So attorney, do you think, given what you have said, it is appropriate for violent offenders to receive CCOs?

**Ms SHING** — I am not even going to raise a point of order.

**Mr PAKULA** — Sorry; you are not going to?

**Ms SHING** — No, I am not.

**Mr PAKULA** — I am sorry. I thought you said you were.

**Ms SHING** — It is a first, Attorney; it is a first.

**Mr PAKULA** — Of course as all members are aware, standing orders do not really allow the seeking of opinion, and so I will desist from providing an opinion. I will simply make the point that violent and serious offenders should be prosecuted and handled with the full force of the law. Our courts have a wide range of options, including imprisonment, available to deal with those people, and CCOs as appropriate, as provided for by legislation introduced by the former government.

**Ms SHING** — That is a grab; it may just not be the one that you wanted.

**Dr CARLING-JENKINS** — Thank you for coming, Minister.

**Mr PAKULA** — Thank you for having me.

**Dr CARLING-JENKINS** — I appreciate your time and congratulate you on your budget. I would like to refer you to budget paper 3, page 277. I have a bit of a question around legal aid. Over the past few years there has been a lot of criticism of legal aid services, which you would be well aware of, and I note in this budget that you have allocated an increased target for legal aid, combined with the implementation of what is described as a new triage model. Can you provide for the committee an overview of this project and how it fills the gaps in service provision in this area?

**Mr PAKULA** — Yes, and thank you for that question. As you say, there have been funding issues relating to legal aid for a long time, and it has not been assisted by the fact that over a long period of time the commonwealth's contribution to legal aid has declined from about 50-50 to now about a third. We had some budgetary announcements last night which do not really rectify that. Legal aid are dealing with a situation where, in per capita terms, Victoria receives the lowest share of federal funding, and Victoria Legal Aid has a very stringent means test — certainly more stringent than some other jurisdictions.

As a consequence of that, legal aid, through its executive director, Mr Warner, have made some changes to the way they operate. The changes referred to in there are not changes that have been implemented by government; they have been implemented by VLA themselves. I was fortunate enough to visit VLA a month or two ago and see the triaging service that you refer to. It is effectively a call centre, and what it allows legal aid to do is to deal with a lot more issues — a lot more complaints — without necessarily providing that sort of high-end, expensive legal advice. A lot of matters can be dealt with over the phone, and a lot of matters can be dealt with by referrals to either CLCs or to pro bono practitioners.

In that way Victoria Legal Aid is trying to get the best bang for its buck by preserving financial resources for those queries that genuinely need the services of a VLA lawyer, whether that be representative or the briefing of a barrister or the like. Other circumstances can be dealt with, in many respects, by a telephone interview and then sending the person in the right direction. I was lucky enough to put the cans on, and I listened in on a couple of calls. The people who work there are highly professional, they are legally trained and they provide exceptional advice. We are in an environment where legal aid, like legal assistance services all over the country, has stretched resources, and they need to make the best of the resources they have, and that is what they are seeking to do via that model.

**Dr CARLING-JENKINS** — Thank you very much for that description. Can you give me some more information around how this interacts with the commitment to family violence? Given the government's commitment to family violence prevention and support, how will families navigating through this maze of family law benefit from this project as you have just described it?

**Mr PAKULA** — I indicated in my opening comments that in addition to the resources that have been put into the family violence royal commission — and they are substantial — we are providing \$1.2 million for family violence duty lawyers at CLCs, so that helps in that regard. But we are also providing some money for legal aid itself, specifically for those family violence services so that there can be greater support at the courts. I

have also indicated that — and this goes a little outside the VLA purview — we believe the implementation of much better video technology in the courts will also help victims of family violence by separating them in many more instances from the perpetrators.

Whether it is through additional funding for legal aid more generally, additional support for community legal centres through the CLC assistance fund, additional support for legal aid for family violence work, additional funding for men's behaviour change or the contribution to the Royal Commission into Family Violence, we have a suite of options that will help deal with the scourge of family violence. We are not suggesting that there is any magic or quick fix. This is an entrenched and very difficult problem to overcome, but the government is providing significant resources through VLA and otherwise to deal with it, and we look forward very much to the report of the royal commission.

**Dr CARLING-JENKINS** — Thank you.

**Ms WARD** — Good afternoon, Attorney-General. In your response to Dr Carling-Jenkins you referred to last night's budget. I refer you to budget paper 5, page 183, and I am interested to know how last night's budget does affect Victoria Legal Aid and the national partnerships that are mentioned in that section of the budget papers.

**Mr PAKULA** — Thanks, Vicki. Last night's budget was, I suppose, in some respects both a relief and a disappointment. The national partnership agreement on legal assistance services, which governs the relationship between Victoria and the commonwealth, and indeed all states and the commonwealth, expires on 30 June this year. Under the current agreement the VLA provides a range of services for both state and commonwealth law matters and it helps with the administration of justice, because if those people who cannot afford a lawyer are not provided with one, the system just grinds to a halt. The support that is provided includes telephone information. It provides legal advice, advocacy, duty lawyers and the like.

There was a great deal of concern back in March because the position of the commonwealth was quite opaque about what was coming our way in the federal budget. We were told consistently that we would not know until budget night. So in March of this year myself and all other state and territory Attorneys-General wrote to the commonwealth attorney expressing concern about what were at the time proposed cuts to legal assistance funding. We sought a commitment from the commonwealth that there would be no further funding cut, and we have now got effectively the answer. There is no cut for the next two years — that much we know. But after two years, after the 16–17 year, there is no guarantee of current funding levels to CLCs. We are, on last night's budget papers — if they are not amended in a future budget — looking at a cut to CLCs from 17–18 on in the realm of \$3 or \$4 million a year. There are also some obviously serious omissions. The budget has not addressed the fact that, as I indicated before, we do receive the lowest per capita funding of all the states, and it does not deal with the call by the Productivity Commission for another \$200 million nationwide in legal assistance funding.

I am relieved that the commonwealth did not proceed with the cuts it had previously flagged, but there are still cuts two years down the track, and that is in an environment where we know that the need for services is only going to increase. I do not speak for other than Victoria in this respect, but the states are generally just not in a position to fill the gap every time the commonwealth cuts funding.

We are also still negotiating the national partnership agreement, and that has to be concluded by 30 June. There are still a number of issues outstanding, including what key performance benchmarks will be in there — so what will be the measurement of success that will be required to be met for commonwealth funding to be released. We still do not know whether or not there will be a bar on community legal centres doing advocacy work. I have to say — it was my view in opposition and it is my view in government — that I have no objection to community legal centres running advocacy work. Governments are entitled — —

**Mr D. O'BRIEN** — They do it all for you — that is why.

**The CHAIR** — Order!

**Mr PAKULA** — The point is that governments should not be afraid of criticism, and funding to organisations should not be tied to the notion that you behave in a way that does not upset the government of the day. That is my view, and it always has been. Make no mistake: whoever is in government feels the sharp edge

of criticism from organisations that are there to make sure that governments are delivering for people who need government support, and we still do not know the full details of what jurisdictional service planning will be required.

As I say, I am quite relieved by the fact that the initial cuts did not come to fruition and that the government reversed those cuts, but I am concerned about cuts two years down the track and there are still some matters that need to be concluded for the national partnership agreement to be resolved.

**Mr D. O'BRIEN** — My question relates to support for victims of crime. I refer you to page 278 of budget paper 3, the output 'Victims receiving a service from the victims of crime helpline, victims assistance and counselling program and victims register'. There is no real funding growth in this output class, and if you want a reference to that, it is page 269. The class variation is 0.5 per cent. The expected outcome for 2014–15, last year, was 23 000 consultations; that is the number. It is well above the 2014–15 target of 21 000. I am talking about the table on page 278. Why are you keeping the same target this year again of 21 000 when the actual expected outcome was higher, which clearly shows there is higher demand from victims who need support?

**Mr PAKULA** — I should make a couple of points about that. Firstly you will note that the footnote identifies why the 2014–15 expected outcome is higher than the 2014–15 target due to a higher than expected number of male family referrals received by the helpline. I would also make the point that on the funding profile that you have referred to there is no impediment to that helpline dealing with those additional calls that have come in. Indeed if there are additional calls that come in in 2015–16, whether they are on the target or slightly above the target, then that helpline will assist those individuals. There is no issue with that whatsoever.

I should indicate that in regard to support for victims of crime, the former government introduced both a Victims of Crime Consultative Committee, which was chaired by Justice Cummins and a victims of crime commissioner, Mr Greg Davies, the former secretary of the Police Association. You may have noted that in recent days I have indicated that Justice Cummins's term has concluded and that he has been replaced by former Justice Teague as the new chair of the Victims of Crime Consultative Committee. I have no doubt that Justice Teague will do an outstanding job in that role. I have also indicated that the Victims of Crime Consultative Committee will continue, as will the victims of crime commissioner's office.

We are actually working to put some structure around both of those bodies. Certainly the victims of crime commissioner was introduced — and I do not say this pejoratively — very late in the electoral cycle last time. I think it was clear that there was not a great deal of structure around Greg Davies's role, so we are moving to put that structure in place and to appropriately support both his office and the Victims of Crime Consultative Committee.

We will be seeking expressions of interest for two-year appointments to that consultative committee, commencing in the third quarter of this year, and I have asked those persons who are currently members of the committee, who were effectively provided with their farewells by the former Attorney-General late last year, to stay on until September so that there can be some continuity between those committee members and the committee members who will come into those roles in the third quarter of 2015.

**Mr D. O'BRIEN** — When I hear ministers say, 'I do not mean this pejoratively' or 'I do not wish to be partisan', it generally means they are about to be.

**Mr PAKULA** — Except I wasn't.

**Mr D. O'BRIEN** — Thank you, Attorney-General. I will take it on face value. That actually leads on nicely to my supplementary question. We welcome the fact that both the committee and the victims of crime commissioner, which were established by the previous government, will be continuing, but why have you not allocated any additional funding for victims of crime support, particularly, as I said, when the increase was there from last year?

**Mr PAKULA** — I can indicate to you, Mr O'Brien, that there are absolutely no reductions in support for that funding. There was \$12.1 million in support services in 2014–15. That was already an increase on 13–14. That is in addition to the support and assistance that is provided through the Victims of Crime Assistance Tribunal, and we continue to support VOCAT, the Victims Support Agency and the victims of crime helpline.

We support the Victims of Crime Consultative Committee, and we support the commissioner's role at those levels as they are required to be supported.

But Labor's first budget — and we make no apology for this fact — is a budget where the lion's share of our additional funding commitments went to those matters that were the subject of our election commitments. All of those election commitments have been dealt with and have been funded, and where increases have been committed to, those increases have been provided, including in legal aid. If in the future there is a need for even further funding, whether it be to support the helpline or the consultative committee or Mr Davies's office, then that additional funding will be given appropriate consideration during the normal ERC process.

**Dr CARLING-JENKINS** — Thank you, Attorney. I ask a question on behalf of my fellow crossbencher, who is unable to attend today, and it is around the youth justice diversion programs, which are covered in budget paper 3, page 65 and page 76. There is mention there of funding of \$300 000 per annum for youth diversion programs. As you would know, youth division makes a real difference in the lives of young offenders, and there was an election commitment made by your government to invest in such diversion programs. The question is this: is this the funding for the election promise of statewide youth diversion programs at the pre-plea stage in the Children's Court, and is this in addition to or the same as funding of \$1.2 million for the bail youth diversion program?

**Mr PAKULA** — Thank you for the question, Rachel. I do not underestimate the difficulty of asking questions on behalf of others, because — —

**Mr D. O'BRIEN** — Particularly the Greens.

**Ms SHING** — She is not here to defend herself.

**Mr PAKULA** — And I do not intend to create a situation where she would need to, but obviously she would know what she is driving at better than anybody else. This cuts across my portfolio and that of Minister Mikakos — that is the first point that should be made — and youth diversion programs are probably more within her bailiwick than mine, but in late 2014 there was funding provided to the Children's Court to commence a 12-month pilot of a court-based youth diversion program. When we came to government there was some contention or conjecture about the nature of that funding and how that would be applied. There has been discussion both with the Chief Magistrate and with the president of the Children's Court in regard to that, and that was funding of \$700 000, I think, which as I recall came from the court fee pool. That is being applied for that pilot to be run this year, starting this month. That pilot will then be externally evaluated, and once that external evaluation has occurred government will be in a position to determine whether or not to roll out a youth diversion program more broadly than simply in the pilot program.

Youth diversion is, I think, an important element of our justice system, and where it is possible to do so governments and the courts both have a desire to keep young people away from a scenario where they are more likely to simply end up in a cycle of crime, but youth diversion programs require significant funding. We are not in a position to legislate for a statewide youth diversion program in the Children's Court in the absence of appropriate funding, so this pilot will be very important. We will conduct it, it will be externally evaluated and that will form the basis for consideration moving forward.

**Dr CARLING-JENKINS** — I am just wondering from that answer when the pilot program will be completed and evaluated. Can we anticipate that this will be addressed in next year's budget?

**Mr PAKULA** — It is going to be available in a number of courts. It is going to be available at Dandenong, Broadmeadows, Sunshine, Werribee, Ballarat, Ararat and Stawell. We are anticipating that the pilot will be available to around 400 young people. As for the conclusion date — and I am happy if either Mr Speagle or Ms De Cicco has more information — it is my recollection that it is designed to run for approximately 12 months, and the evaluation process will take a period of months after that.

**Mr DIMOPOULOS** — With your indulgence, Chair, I want to acknowledge my former workplaces, the Department of Justice and Court Services Victoria, two fine departments with fine officers. Picking up on your presentation, Attorney, and the continuation of funding for the assessment and referral court list, which is obviously a very important initiative, I want to see whether you can give us some more background about that and a bit of an update.

**The CHAIR** — Is there a budget paper reference?

**Mr DIMOPOULOS** — Yes: BP3, page 102.

**Mr PAKULA** — In fact, Stephen, you will note that the ARC list is referred to in various places around the budget papers because of both the court component and the DJR component. Credit to all in this. It was a truly Labor initiative, but it was one that was supported by the former government when in government as well. It is something that is a beacon in terms of providing access to justice for all people. It was a program which had a sunset which was then extended and has now been removed, and it has been removed in particular in light of the funding that is coming in this budget.

We have committed \$12.8 million over four years for the continuation of that list in the Magistrates Court. Of that 12.8, 9.6 million of it is allocated to the courts and the remaining 3.2 consists of grants to VicPol, 1.1, and Victoria Legal Aid, 2.1, and that supports their involvement in delivering on the initiative. That ensures that the staff who are delivering the product of the ARC list are able to continue delivering it. For the uninitiated, it is a specialist court-based program that engages with accused persons who have mental health or cognitive impairment issues, and when you see the statistics that we have seen where the number of people who are incarcerated and who have mental health issues has been steadily rising over the last few years, that underlines the importance of the ARC list because it helps to create support services with the aim of reducing repeat offending behaviour. We are talking about psychological assessment, drug and alcohol treatment and other welfare services — mental health, disability, housing services and the like. It is available to participants that have matters listed at the Melbourne Magistrates Court.

Under the ARC list magistrates are able to apply more therapeutic approaches to those with mental health and cognitive impairment issues. It means less formal hearings. It means direct engagement between the accused, their legal representative, the prosecutor and the judicial officer. Those people are required to attend court on a regular basis so that the underlying causes of their offending behaviour can be properly monitored by magistrates. It was a list that was created in 2009–10, and as I said, it was funded initially for four years. It was then funded in the 2013–14 budget for two years, and importantly there has been an economic evaluation of the outcomes of that list that established that 43 per cent of all participants who exited the program did not reoffend in the two years following engagement and that a total of 3043 prison days were avoided in the 12-month period following ARC list involvement. It has played an extraordinarily important role in the justice system. We are proud to have been able to continue funding for a further four years and I look forward to further exceptional results from the ARC list in the years ahead.

**Mr D. O'BRIEN** — Following on from the previous question about victims of crime support, I refer to budget paper 3 at page 280, the output number of victims and witness consultations to be undertaken by the OPP. It shows a reduction in the range from 9750 to 10 750 down to between 9000 and 10 000 as the target. This suggests that victims of crime, who we know are often traumatised by the experience and need close and regular contact with prosecutors and support, are less likely to be engaged in the prosecution process, so I guess my question is: can you guarantee that those witnesses will not be abandoned and explain how this will be so?

**Mr PAKULA** — Sorry, can you just repeat the last bit?

**Mr D. O'BRIEN** — Can you guarantee that witnesses will not be abandoned and victims will not be abandoned, and explain how this will be achieved?

**Mr PAKULA** — Of course they will not be.

**Mr D. O'BRIEN** — Reducing the number of consultations — that is the point in question.

**Mr PAKULA** — I will come back to that. Can I say there has been some recent bad blood, it seems, between members of the opposition and members of our prosecution services. I have seen some comments directed at Mr Silbert that I thought were probably unnecessary. Mr Silbert, John Champion and all of those who run the Office of Public Prosecutions are professionals of the highest order.

**Mr D. O'BRIEN** — Sorry, Chair, I am not sure how this is relevant to the question I just asked.

**Mr PAKULA** — Because I am responding to your question, Danny, by saying for anyone to imagine that — I think in your words — the OPP would abandon witnesses or abandon victims I think does that office a great disservice. They are professionals of the highest order. They treat witnesses that come within their remit with great courtesy, care and attention, as of course they would not simply because it is the right thing to do but because they are in most cases absolutely essential to the prosecution case. It would be counterproductive in the extreme for the OPP to not provide witnesses and victims with the greatest of courtesy, care and attention, and they do.

As for the target that you have referred to, the answer to your question lies in the footnote directly below the number that you quoted, and it says — and I will read it for the benefit of other members of the committee, if you would like:

The 2015–16 target for this performance measure has been reduced to reflect improvements in online material and other resources, which are expected to reduce the number of witness consultations required.

Let me simply make the point that the reduction in that target would have been based on advice from the OPP but the upper range of that target remains above the expected outcome for 2014–15.

**Mr D. O'BRIEN** — That actually leads to my supplementary question. As you say, the footnote refers to more contact in electronic form, and I guess this is getting to the nub of the question, Attorney-General. Do you believe or are you satisfied that this type of contact with victims of crime and witnesses is going to help improve the process, where they are being given online material, email contact, whatever it is? I emphasise this question is not a reflection on the OPP; it is the government's figures in here that I am asking about.

**Mr PAKULA** — Again I would simply respond to your question by saying that I have no doubt whatsoever that all victims and witnesses who require personal attention and personal meetings, consultations and attention of any sort from the OPP will be provided with that. I have no doubt that that is the way the OPP has always conducted itself, and I have no doubt that that is the way that it will continue to conduct itself.

**Ms SHING** — Hello, Attorney and representatives from the department. I would like to take you to budget paper 3, page 7, if I may, and the reference to the Community Legal Centre assistance fund. In the interests of Mr O'Brien's earlier contribution, I would also like to declare that I have in fact volunteered at a legal service, run a night service and been on the publications committee for the law handbook.

**Mr D. O'BRIEN** — Volunteer service does not need a declaration, Ms Shing.

**Ms SHING** — Could the Attorney-General please inform the committee about how this fund will operate.

**Mr PAKULA** — Thank you for that question, Harriet. As I said, there should be just a little bit of background on this. Last year we received notification, not just from the Federation of Community Legal Centres but from a number of individual CLCs, including the Eastern Community LC, St Kilda, Port Phillip and a number of others that they had been notified that funding that had previously been allocated by former Attorney-General Dreyfus — \$3 million worth of funding over a two-year period, the two budget years coming up — was being withdrawn. For some CLCs that was \$100 000 a year. It was a family violence counsellor or it was a lawyer who dealt with infringements or the like. It was going to mean in one case at least that an outreach office was going to close.

We thought long and hard about whether or not we could fill the hole completely that had been created by the commonwealth, but we settled on a fund of \$2 million over two years, which would not fully replace the commonwealth funding but would allow for those CLCs which had had their funding cut to make applications for grants so that those vital services could continue. There are two types of CLCs in Victoria. There are the generalist ones that provide services on a range of issues to those in their local geographic area. At this point it would be appropriate to give a shout out to my own Springvale Monash Legal Service — —

**Ms SHING** — A CLC love-in.

**Ms WARD** — West Heidelberg legal service should be in there too.

**Mr PAKULA** — Those generalist CLC services operate both in the city and in regional and rural Victoria. Then there are specialist CLCs. There is the mental health CLC or the tenancy or consumer law or

environmental defenders office and the like. So you have two types of CLCs. We made that commitment for \$2 million in the context of the federal government withdrawing three. As I indicated in, I think, my answer to the Chair's question, that money has now been returned by the commonwealth. But we have maintained the CLC assistance fund and delivered on that commitment in full in the budget.

The department and I are working closely and quickly to develop an appropriate model for the distribution of those funds. It is \$1 million a year. There will be a grants application process and an assessment process, and once that process has been concluded that funding will be released to those CLCs so that they can provide better services for those who need it most — the most disadvantaged in the community. In the not-too-distant future we will be releasing details of exactly how that application process will operate and when it will commence.

**Mr T. SMITH** — Attorney, I refer to your initial presentation regarding the review of the human rights charter. Quite simply, Attorney, you are engaging the former partner of Maurice Blackburn and CEO of the law institute, Mr Brett Young, and Crown counsel, Ms Melinda Richards, to conduct this review. How much is this going to cost?

**Mr PAKULA** — As for Crown counsel, Crown counsel is a statutory appointment, and whatever work Crown counsel undertakes in regard to any assistance that she provides to Mr Brett Young will be part of her normal daily job. So there will be no additional cost in regard to Ms Richards beyond the wage that she earns as Crown counsel.

In regard to Mr Brett Young, let me say I would of course hope that there was no attempt to reflect on him. I think Mr Brett Young, as the former CEO of the law institute, has been an extraordinarily well regarded individual for a long, long period of time and has worked very well with government, whether it has been a Labor government or a conservative government.

We made a decision that we thought that the charter review should be an independent review this time around rather than one conducted by the Scrutiny of Acts and Regulations Committee. As you would probably be aware, the Scrutiny of Acts and Regulations Committee during the last term of Parliament was not constituted in the way that it would be today. It was a committee with a government majority, and we did not think it was appropriate for a committee with a government majority to conduct that review.

So Mr Brett Young, in those circumstances, I think has been an excellent choice and is engaging in a wide range of consultation as we speak. I can indicate to the committee — I was about to say that I would take that specific question on notice — that on 18 February 2015 the department approved the reprioritisation of \$0.524 million of internal funding for the charter review across the 2014–15 and 2015–16 financial years. So there is no cost to budget; it is internal reprioritisation within the department of justice's budget. And I would indicate again to you, Tim, that even running the review via a parliamentary committee does not come without a cost. The other point I should make of course is that it is not as if this review is optional — it is in legislation that the review must be carried out, and so it is a cost which is being borne by my department.

**Mr T. SMITH** — I am not seeking to reflect on Mr Brett Young at all with my supplementary. I just want to make that very clear.

**Mr PAKULA** — Excellent. I am very pleased to hear that.

**Mr T. SMITH** — But going to the heart of what you are talking about with regards to independence of the individual concerned, he is on the record talking very positively about the human rights charter, and indeed having, you know — he is on the record talking about this in very glowing terms previously in his role at the law institute. So I just wonder how you can have an independent review by someone who is philosophically committed to a human rights charter — —

**Ms SHING** — Point of order, Chair.

**Mr T. SMITH** — When the whole point of an independent view is that the — —

**The CHAIR** — Order, Mr Smith. There is a point of order before the Chair.

**Ms SHING** — The individual undertaking the review is first and foremost an officer of the court, and as you would understand — —

**Mr T. SMITH** — No, no, I was not referring to Ms Richards; I was talking about Mr Brett Young.

**Ms WARD** — Let her complete her point of order.

**The CHAIR** — Order! Ms Shing.

**Ms SHING** — As you would understand, the need for an independent review is not in and of itself materially affected by what one has or has not said. If that were the case, then many of the people on your side would be incapable of discharging the obligations in relation to an assessment here — —

**Mr T. SMITH** — Sorry, Chair, what is the point of order?

**The CHAIR** — Ms Shing, if you could come to the point.

**Ms SHING** — Sure. I do not actually see that the premise of your question has any bearing in relation to the independence of the review itself. If you have a question about the review of the charter, which is being undertaken entirely within the act, then perhaps raise it so that it is not unnecessarily inflammatory.

**The CHAIR** — Order, Ms Shing. Perhaps it might assist the Chair if Mr Smith might be able to indicate where Mr Brett Young made these comments because, for example, if Mr Brett Young was making these comments in his capacity as the then chief executive officer of the Law Institute of Victoria and he was representing the views of the LIV, then presumably that may not necessarily be the case now that he has ceased to be the CEO of the LIV.

**Mr T. SMITH** — Previously, Chair, Mr Brett Young has made comments with regards to he thinks there should be potential damages that can be claimed for breaches of the charter. I can quote — —

**Mr PAKULA** — If I can assist, Chair, I am more than happy to answer the question.

**Ms SHING** — Further to the point of order, Chair — —

**The CHAIR** — Continue, Mr Smith.

**Mr T. SMITH** — Okay. In 2009, in a submission by the law institute, Mr Brett Young said:

We don't have an issue with their submission —

that is referring to the Law Council of Australia's submission —

but ours goes further. For example the LCA doesn't suggest there should be damages flying from a breach of the charter. Which we say should ... We think it something that makes our charter something that we can move the country forward with.

I would have thought those sorts of comments on the record, Chair, would preclude this individual from conducting an independent review on something like this, which previously SARC undertook.

**Ms SHING** — Further to the point of order, we have a former Attorney-General in this state, who was charged with administering the Charter of Human Rights and Responsibilities, who referred to homosexuality as being on all fours with spina bifida. If you want to actually start talking about — —

**Mr T. SMITH** — Honestly.

#### **Members interjecting.**

**The CHAIR** — Order! I will hand it to the Attorney to respond because he has indicated that he is happy to respond. One observation that I would like to make, Mr Smith, with respect, is that when you read out the quote, Mr Brett Young referred to 'We', he did not say 'I', so I would have interpreted 'We', as being the Law Institute of Victoria and not necessarily 'I' as Mr Brett Young. But that would just be an observation I would make. I am conscious of the Attorney's time, and if the Attorney is happy to respond to the question, I will allow him to do so, without assistance.

**Mr PAKULA** — Thank you, Chair. Let me make a few points. You touched on it at one point. I am aware that Mr Brett Young is on the record having made comments about the charter in his capacity as CEO of the law

institute, and he made those comments as a reflection of the views of the organisation which he represented. That is the first point. Secondly, the notion of independence, from my perspective — it is not necessary for someone to conduct a review that has never expressed an opinion about an area of subject matter ever in their life. If that were the case, it would have precluded all of the then government members on the Scrutiny of Acts and Regulations Committee from conducting a review of the charter because some of the individuals who were on SARC in the last term of government had expressed extraordinarily pejorative views about the charter of human rights and yet were conducting that review themselves.

‘Independent’ means, in this context, not connected to the government and not connected to my department, and Mr Brett Young is someone who was external to the Department of Justice and who was taken from the legal fraternity or community more generally to conduct that review. While I am on the point I should, for the sake of clarification, indicate that the amount of money I referred to earlier — the \$524 000 — includes dedicated project staff. I would not want anybody to think that is a salary. But Mr Brett Young has expressed views in the past and had done so in his capacity as CEO of the law institute in the same way that many members of the Liberal and National parties have expressed views, and indeed members of the Labor Party have expressed views, and then sat on SARC and conducted the review.

But the third and most important point I think to make, Tim, is that ultimately decisions about where the charter goes are a matter for government, and so it is not as if we are in a circumstance where either I or anybody connected with the government has said that we intend to simply implement whatever recommendations come from any such review in the same way that your government, when it received the review that was conducted by SARC, as I recall it, agreed with some of them and did not agree with others in terms of the recommendations. So I think you can rest easy about that. Ultimately the decision will be one for government, but we are not, I have got to say, in any way afraid of getting frank and robust advice from the reviewer.

**The CHAIR** — Did you want to make a point of order, Mr Morris?

**Mr MORRIS** — Thank you, Chair, it is nothing to do with the substantive questions, but regarding one of Ms Shing’s most recent interventions there, simply as a matter of guidance. A comment was made about a former Attorney-General and for those who are not aware of the circumstances of those remarks one could draw the conclusion that the remarks were made either when that individual was the Attorney-General or in the context of his holding that office. Those remarks, as many of us are aware, are of a historical nature.

The point is that person is not able to defend himself in this committee, and under standing orders I am not able to ask for a withdrawal. Equally I do not believe the opportunity exists for a complaint to the Privileges Committee if there is a representation. I simply suggest that we need to be aware of that issue and perhaps deal with it in a manner in which those sorts of claims are not made, where there is no opportunity for the individual concerned to respond. It is not the house; we do not have the sort of free-flowing rules or the capacity for that person to come in and speak for themselves, but they are effectively not able to respond to the claims that are made. So if we could just deal with that sensitively.

**Ms SHING** — On the point of order, Chair, I note Mr Morris’s contribution. I note also that he is talking about not wanting to go back into the annals of history in relation to somebody who is not here to defend himself. I would also seek then that same reasoning be applied to Mr Brett Young as he was quoted from a historical context in relation to the inference that he was not able to discharge obligations as far as an independent review of the charter was concerned. Mr Smith has opened the door to that particular set of inferences. It was not unreasonable for me to actually counter that in the way that I did.

**Mr MORRIS** — Two points, if I may. Mr Young’s remarks, I believe, were in fact made this century. The other remarks that were referred to were a whole lot further back than that. Secondly, Mr Young has the opportunity to raise a complaint with Privileges if he feels he has been misrepresented. A member does not.

**The CHAIR** — Mr Morris, you have been around this place far longer than I have, but I would have thought that in this setting and forum if the member for Box Hill took exception to what a member raised in this forum, there would be an appropriate avenue for that member to seek redress if not via the Privileges Committee — and I will defer to your view on that — then via the Speaker, I would have thought.

**Mr MORRIS** — It has got to happen straightaway and it has got to happen in the house. That is the point. All I am asking for is a little procedural fairness.

**The CHAIR** — Here is an idea, because we have only got 20 minutes to go in this session and I think we could spend the next 10 minutes toing and froing on this —

**Mr MORRIS** — The point of order is more about moving forward than seeking to appeal to — —

**The CHAIR** — Sure. Mr Morris, what I was going to suggest is we could say whatever we like to each other across the table, within reason, and we can deal with that in the format and setting, but we say nice things about people who are here.

**Mr MORRIS** — Let us stick with those rules and we will be fine.

**Ms WARD** — Attorney-General, I refer to budget paper 3, page 6, regarding the expansion of the court integrated services program. Can you provide details regarding this program and its expansion and outline why this program is so important?

**Mr PAKULA** — Thanks for that question, Vicki. It is, again, a very important program. It was established back in 2006, and in the budget there is \$7.1 million over three years for the expansion of CISP, as it is known, as part of the family violence fund. It currently operates in the Magistrates Court at Melbourne and Sunshine and in the Latrobe Valley. It is a very successful intervention program. It is aimed at participants who are on summons or on bail and who have psychological issues which are linked to their offending, and it links participants up with community treatment and support services to address the issues that contributed to their offending behaviour. Again, I am not trying to participate in a love-in, but it was supported as well by the former government because it targets a high volume of less complex participants for a shorter period of intervention, and it is supplemented by services like the ARC list. It provides case management for up to four months for those who are presenting with mild to moderate offence-related issues such as drug, alcohol, mental health and housing issues.

The efficacy of the program has been measured, and I think it is why it has been so, I suppose, widely supported across the political spectrum. It was measured through an evaluation process which revealed a range of positive results: a 20 per cent reduction in reoffending rates for CISP clients, and when we are seeing the recidivism rate now tracking into the mid-40s, I think we know that any program which is about addressing reoffending rates is very important. It has got a BCR of 5.9, a \$5.90 saving for every dollar spent and \$1.9 million per annum saved in imprisonment costs. So to date, as of 30 April, CISP has accepted 1392 referrals; provided case management to 714 accused persons, 66 per cent of them at Melbourne, a quarter at Sunshine, 9 per cent in the Latrobe Valley; and over the next two years it is intended that it will enhance its responses to methamphetamine and family violence given the rise in those issues amongst the presentations to the court from accused persons. What is most pleasing is that the expansion is being planned for Dandenong, Frankston, Moorabbin, Geelong, Bendigo, Warrnambool and Mildura court locations by July this year.

**Mr T. SMITH** — Back on the human rights charter, and I suppose going to the quote I raised before by Mr Brett Young, your reviewer, will you rule out the introduction of a right to seek damages against the state of Victoria or by any other person for breaches of the human rights charter act given, as I said previously, Mr Brett Young, the person you have appointed to conduct the review, is on the public record saying that there should be such a right and the quote previously from *Lawyers Weekly*, 17 June 2009?

**Mr DIMOPOULOS** — On a point of order, Chair, I am just going to quote the former Chair:

I do think it is beyond the remit of the estimates process to ask —

as they have —

the Attorney-General to speculate on other legislation that he may at some future point, whether it be in this term or another term, bring before the house.

That was a former Chair of this committee, Mr Morris, and I think that fits squarely — —

**Mr T. SMITH** — On a point of order, Chair, committees are not bound by previous committee rulings; that is the one difference between this and the house.

**Mr DIMOPOULOS** — No. I am just providing some guidance to the Chair.

**Ms SHING** — Further to the point of order, the question has been asked and answered in relation to the fact that the process of the review is underway and under foot, and that is going to take place in an independent fashion. You are asking the Attorney to speculate on what will or will not be the outcome of the review.

**Mr T. SMITH** — A perfectly reasonable question.

**The CHAIR** — The explanation that has been provided by the minister today is that Mr Brett Young has been engaged to provide a review. That review will make a series of recommendations. Those recommendations may be accepted in part or in full by the government or not accepted at all. I would suggest to you, Mr Smith, that asking the minister to give a guarantee when he has already outlined the process and already outlined that it is fairly involved is problematic. Can I suggest that maybe you might want to rephrase it?

**Mr T. SMITH** — Chair, given that the question pertains to something that he has mentioned in his introductory slide show — we are talking about a review of the human rights charter, he has gone outside SARC, got an independent reviewer who has expressed views on this subject — I have simply asked the minister will he guarantee that there will not be that right to seek damages against the charter. I would have thought that was a pretty straightforward question.

**Mr DIMOPOULOS** — I would ask you to take some guidance from the previous chair of PAEC, who was a very good chair and who ruled out a predictive kind of crystal ball-gazing approach to legislation.

**Ms SHING** — Further to the point of order, I fail to see how this can be an independent review when you are seeking in effect a guarantee from the Attorney-General in this committee as to a certain outcome that is yet to be determined because the review has not taken place, and could therefore hardly be considered independent if he were to answer the question in the terms that you are seeking.

**The CHAIR** — Mr Smith, I advise you to ask another question.

**Mr T. SMITH** — You are not going to allow me to ask this question?

**The CHAIR** — Again, for the reasons I have outlined, I do not think it is a fair and reasonable question given what has occurred today and the explanation provided by the Attorney. I do not think if you are having an independent review that you can expect a minister to categorically rule in or rule out anything.

**Mr T. SMITH** — I am asking the Attorney-General a very specific question in his capacity as the first law officer of Victoria what his view is with regard to seeking damages within the human rights charter.

**The CHAIR** — Mr Smith, you are restating your question, and what I am saying to you is I do not think — —

**Mr T. SMITH** — I am going to keep saying it, Chair.

**The CHAIR** — I am ruling it out. I am ruling that question out.

**Mr T. SMITH** — Fine. Your call.

**The CHAIR** — Would you like to ask another question, Mr Smith?

**Mr T. SMITH** — No. That is fine.

**Dr CARLING-JENKINS** — The final question I had prepared has been asked by one of my esteemed colleagues, so I will — —

**Ms SHING** — Do you have esteemed colleagues here?

**Dr CARLING-JENKINS** — I do have esteemed colleagues. I consider everyone here an esteemed colleague. I am going to ask a question. I do not have a budget paper reference number — I apologise — but it relates to something from your presentation on JobWatch, and there was a mention of 371 000 in 2015–16 for the program of JobWatch or JobWatch funding.

It is my recollection — and correct me if I am wrong — that JobWatch, which provides a significant service for workers, was cut in the past and that at some stage in, I think in 2010–11, they received quite a significant amount of funding, over 800 000 I believe. I am just wondering if you could provide me with details of whether this program will be expanded over the term of this government.

**Mr PAKULA** — Thanks, Rachel, for the question. That funding that has been provided does not amount to an expansion. That is a continuation of the level of funding that JobWatch has been receiving in recent years. JobWatch is co-funded by both the state and federal governments. I had a degree of interaction with JobWatch previously when I was Minister for Industrial Relations between 2008 and 2010, and some robust discussions with Ms Bytheway about funding levels at that time.

The commonwealth's contribution to JobWatch currently runs out on 30 June 2016. This budget allocation is effectively a holding pattern to ensure that Victorian funding and federal funding marry up so that both funding runs to 30 June 2016. That will enable us to have conversations with the commonwealth and indeed for JobWatch to have conversations with both state and federal governments between now and when their funding round expires 13 months from now.

So, no, that money does not demonstrate an expansion of funding. It is a maintenance of current funding up to the date where commonwealth funding expires. Of course it would be our expectation and our hope that the commonwealth contribution is renewed, and that will then enable the state to make an assessment about the level of support it provides.

**Mr DIMOPOULOS** — In relation to videoconferencing, and specifically BP3, page 103, under 'Asset initiatives', I think it is a very important initiative, but I want to see if you could provide some background for the committee that we may not be aware of.

**Mr PAKULA** — Yes. Thanks, Steve. Given your background you would probably be aware that the Magistrates Court currently uses videoconferencing for some witness evidence and some prisoner court appearances, but it is very much constrained by existing infrastructure. There are limits on the number of calls that can be made and received simultaneously, so we think it is important to establish a new videoconferencing system that incorporates much more updated technology. That will in the medium term reduce the need for prisoner transfers to and from court. That would mean that when the current corrections contract expires there might be some savings there, but it will also mean just a reduction in the movements to and fro and greater security.

We have allocated a \$10 million asset to establish the new videoconferencing capability in 41 courts and \$4.6 million over four years in output funding to operate the network. The Magistrates Court case load is growing quite rapidly. There has been a growth in family violence matters that are being addressed by the court, due to improved police procedures, legislative reforms and more publication of family violence issues. The age and fit-out of many court locations across Victoria hinders effective improvements. Matters like delayed transport and lack of capacity in police holding cells can interrupt a court case. They cause delays in resolving matters, and they mean that justice is delayed for victims, so greater videoconferencing capabilities will mean that more prisoners can appear remotely. It will reduce the costs of prison transfers ultimately, it will improve the safety of those attending court, it will improve the efficiency of the running of the court and it will mean that the types of hearings that could be heard by video link include mentions, guilty pleas, contest mentions, special mentions, sentencing hearings, bail applications, filing hearings and committal hearings that are uncontested.

I think it is a fabulous initiative. It is going to enable witnesses to attend court remotely from a desktop, a laptop and potentially even a tablet. As I say, it will make it easier and safer for victims. That project rollout will commence in 2015–16, and we expect that videoconferencing facility to be fully operational by 2017–18. I think it is a very exciting initiative. I know that the Magistrates Court is very pleased about it, and I think it is just the next step forward, both in the administration of justice but also in terms of operating our system much more efficiently and with much more regard for the interests particularly of victims, who will in future need to personally confront their accusers less than they have to today.

**Mr D. O'BRIEN** — Attorney, my question follows on from that one from Mr Dimopoulos. Leaving aside the videoconferencing facilities, which you have outlined in detail, is there any funding at all for upgraded security at courts in regional Victoria?

**Mr PAKULA** — As I have indicated already, Mr O'Brien, we have allocated \$80 000 for the Victorian court safety audit. I am sure that you would expect me to be aware that there are a number of courthouses around the state that would have claims or bids for upgraded facilities. Sometimes that is about security; sometimes that is just about physical infrastructure. It is not a regional court but we have had an issue over the last few months at Heidelberg, where there has been substantial flooding to the under area of that court, and some of our Magistrates Courts in particular are housed in quite old buildings.

Overlaid on that, Danny, is that in terms of the priorities for upgrades to courts, we are guided to some extent by the views of Court Services Victoria, a body that was set up by the former government to give the courts a degree of operational independence. As well as forming our own views about upgrades to court infrastructure, we are informed by the views that are expressed by CSV about what their priorities might be, and they get appropriate consideration during the budget round.

As I have indicated, we have \$80 000 to undertake that audit, which will inform future decisions about infrastructure upgrades of any sort, but particularly court safety upgrades. I will obviously be taking a very keen interest in the outcome of that audit.

I should also indicate to you that the Magistrates Court sits in 53 locations across the state. All metropolitan and suburban venues have walk-through metal detectors and PSOs. Regionally the Magistrates Court relies much more on Victoria Police to provide security, but Geelong law courts have walk-through metal detectors and Ballarat law courts have private security guards engaged for the family violence court division, so there is constant vigilance and response to matters that may arise. But in response to the substance of your question — and this may preclude the need for a supplementary — there is funding of \$80 000 for the audit, but is there specific funding for any particular court in regional Victoria in regard to infrastructure? The answer is no.

**Mr D. O'BRIEN** — Thank you for trying to pre-empt that. Now that you have answered my supplementary I will have to quickly think of another one. It is fairly simple: firstly, it is a clarification. I will put it into two parts. The clarification on the audit you refer to is on page 5 of BP3. It is actually a 0.1 there; is that just a rounding?

**Mr PAKULA** — It is a rounding.

**Mr D. O'BRIEN** — It is 80 000?

**Mr PAKULA** — It is 80 000.

**Mr D. O'BRIEN** — You mentioned the growth in family violence, and I think it is a concern that there is nothing for court security at this stage, but could you advise when that audit is likely to report and what its reporting situation will be? Will it be reporting directly to you? Will it be publicly available?

**Mr PAKULA** — At this very late stage of the day, I might ask Mr Clayton to come forward and talk about that audit. Mr Clayton is the CEO of CSV.

**The CHAIR** — Of course. Welcome, Mr Clayton.

**Mr CLAYTON** — The audit is a great opportunity for us to look at the physical fabric and the security issues, and we see it as a matter of priority for 15–16 in the context of the money that has been provided.

**Mr D. O'BRIEN** — The question is about the timing, or when it is likely to be completed.

**Mr CLAYTON** — We will start this as soon as we can, but I would expect that it would be a project that would be undertaken during 15–16.

**Mr D. O'BRIEN** — Will that be publicly available? Is that report to the Attorney-General or to Court Services Victoria?

**Mr DIMOPOULOS** — It would be pretty dangerous to be made public.

**Mr D. O'BRIEN** — Indeed, but that is what I am getting to. That is why I ask the question.

**Mr PAKULA** — I think you should assume that if there is an audit conducted which might indicate where there are security problems in the courts that it would not be prudent to make that widely available.

**Ms WARD** — No, it would not.

**The CHAIR** — Thank you. That wraps up our session now for the Attorney-General. I am conscious of the fact that some of the people at the table will remain at the table, so I would like to thank Mr Donald Speagle and Ms Marisa De Cicco for your time today.

**Witnesses withdrew.**