

Questions taken on notice

Portfolio:	Attorney-General
Witness:	Ms Symes
Committee member:	Mr D O'Brien
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Relevant text:

Mr D O'BRIEN: Thank you, Chair. Good morning, Attorney-General and officials. Minister, I go to budget paper 3, page 388, which has the funding for Court Services Victoria, and also 389 and 390, which have the performance measures, which show that the Magistrates Court failed to meet its targets for average cost per case disposed of in both criminal and civil divisions, and I note similar outcomes for many of the Supreme and County courts performance measures. In net terms, how many additional magistrates were added to the Magistrates Court in 2021–22?

Ms SYMES: Thank you for your interest in the Magistrates Court. You would appreciate that the pressures that the pandemic has put on the courts has been played out in exacerbating what was already an existing court backlog. So some of the new technologies that we have introduced and the absolute focus of the jurisdiction heads on measures that can go towards reducing backlogs have been instrumental. In my presentation I identified new magistrates that have been brought on to help with the online Magistrates Court, which I think has received over 700 000 matters that it has dealt with, so it is really important to have those resources dedicated to that particular platform.

Mr D O'BRIEN: I am just after the net additional new magistrates, sorry.

Ms SYMES: I am getting to that, because I think I will, in terms of the exact figures, ask Louise Anderson to provide that for you, Mr O'Brien.

Ms ANDERSON: Thank you, Attorney. Louise Anderson, CEO of Court Services Victoria. As at 30 April 2022 there were 123 magistrates for the Magistrates Court of Victoria. As you would know, magistrates also work in the Coroners Court—as judicial officers in the Coroners Court—as well as the Children's Court, so that is for the Magistrates Court only. And there were an additional four magistrates appointed in the last financial year, with additional judicial registrars as well who are taking up some of the appropriate judicial work, subject to the court rules.

Mr D O'BRIEN: When you say 'additional four', is that a net four or is that just four in total?

Ms ANDERSON: That is four additional magistrates since 1 July 2021.

Mr D O'BRIEN: Okay, but in net terms—so how many retired in that time?

Ms ANDERSON: I am sorry. I do not have that information before me.

Mr D O'BRIEN: Could I ask for that information on notice? Could I also ask—

Ms SYMES: Just on that, in terms of when a judge of any jurisdiction resigns, the heads of jurisdiction are pretty quick to ask me to replace that vacancy.

Mr D O'BRIEN: Yes. If I could get the actual data on notice, that would be great, thanks, Attorney. And also I am after how many additional magistrates does the budget fund for 2022–23, again talking in net terms.

Ms SYMES: We will get you those figures. That is fine.

Answer:

To date, there has been a net increase of four magistrates in the Magistrates' Court of Victoria in 2021-2022, increasing the total number of magistrates from 119 to 123. Nine magistrates were appointed in 2021-22, including five who replaced retiring magistrates.

One additional magistrate has been funded through the 2022-23 Budget.

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Relevant text:

Mr D O'BRIEN: Okay. Can I just in my very brief time note that the Sale County Court has been closed for about four years now due to some security and functional issues, but I understand that to try and clear the backlog there will be a circuit there in the second half of this year. Is there funding provided or can funding be provided to Court Services Victoria to address the physical issues in that court, reopen it and actually ensure that County Court sessions can go on in Sale again?

Ms SYMES: Mr O'Brien, I might take that on notice. I am not familiar with the condition of the court and therefore what might be required, but I am certainly more than happy to look at that.

Answer:

The Sale Magistrates' Court has remained open during the past four years, including through-out the pandemic. The County Court of Victoria resumed circuits at Sale Magistrates' Court in March 2022.

Court Services Victoria will carry out certain base building works at Sale in 2022 but these will not impact any court sittings.

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Relevant text:

Mr NEWBURY: Thank you. In relation to the slide pack and the COVID fines point in the slide pack, Ms Falkingham, can I ask for an update on COVID fines and any data you might have with you? Do you have that data with you?

Ms FALKINGHAM: I can go through that data for you, Mr Newbury. 50 031 fines, including fines that have since been cancelled or withdrawn, have been issued to people breaching COVID-19 directions, including 39 919 fines for general breaches, 5721 fines for failing to wear a face covering, 112 fines for failure to self-isolate or self-quarantine, 914 fines for leaving a restricted area in Victoria, 1723 fines for unlawful gatherings, 15 fines for failure to provide a name and address when required, 634 fines for travelling from a restricted area to Victoria and 993 fines for other business-related offences.

Mr NEWBURY: Thank you. And out of the 50 031 what is the percentage that have been paid to date?

Ms FALKINGHAM: Around 50 per cent have had engagement with us through either Fines Victoria or the courts, and I am happy to take it on notice for you to get a more detailed breakdown of that number.

Mr NEWBURY: So you do not have a paid-to-date figure with you?

Ms FALKINGHAM: Paid to date? No, I do not.

Mr NEWBURY: Okay. Do you have a paid-in-full or paid arrangement figure with you?

Ms FALKINGHAM: No, I do not, but I am happy to take that on notice.

Answer:

As at 9 May 2022, of the 50,031 COVID-19 fines issued in total, 25,529 COVID-19 fines, or 51 per cent, have been registered for enforcement with Fines Victoria, which means they have not been paid or finalised in another way. Fines do not expire and people and businesses issued with a COVID-19 fine must pay their fine and may face enforcement action if they do not do so.

Vulnerable people whose COVID-19 fine was caused by their vulnerability (for example, homelessness or a mental health condition) may apply to have their fine reviewed because of their special circumstances.

For information about their COVID-19 fine, people should contact Fines Victoria at www.fines.vic.gov.au or call (03) 9200 8111.

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Relevant text:

Mr NEWBURY: Thank you. You have got in the slides that 17 700, on average, notices are going out through Fines Victoria for different types of fines. Do you have a paid-to-date figure on that with you?

Ms FALKINGHAM: I do not have that with me, no, Mr Newbury.

Mr NEWBURY: Can you take that on notice as well?

Ms FALKINGHAM: I most certainly can.

Answer:

The figure of 17,700 daily outgoing notices issued by Fines Victoria on average in 2021-22 includes a range of notices related to the original fine, such as penalty reminder notices and notices of final demand.

A preferable indicator of the performance of the Department of Justice and Community Safety in relation to the payment of fines is the clearance rate of infringements, which is a BP3 performance measure. In 2021-22, the percentage of infringements cleared within 180 days of issue is expected to be 70 per cent (page 288 of Budget Paper 3).