

# **PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE**

## **Inquiry into the 2022-23 Budget Estimates**

Melbourne—Wednesday, 18 May 2022

### **MEMBERS**

Ms Lizzie Blandthorn—Chair

Mr Danny O'Brien—Deputy Chair

Mr Rodney Barton

Mr Sam Hibbins

Mr Gary Maas

Mrs Beverley McArthur

Mr James Newbury

Ms Pauline Richards

Mr Tim Richardson

Ms Nina Taylor



**WITNESSES**

Ms Natalie Hutchins MP, Minister for Victim Support,

Ms Rebecca Falkingham, Secretary,

Ms Peta McCammon, Associate Secretary, and

Ms Melanie Heenan, Executive Director, Victim Support and Justice Operations, Department of Justice and Community Safety.

**The CHAIR:** I declare open this hearing of the Public Accounts and Estimates Committee.

I ask that mobile telephones please be turned to silent.

I begin by acknowledging the traditional Aboriginal owners of the land on which we are meeting. We pay our respects to them, their elders past, present and emerging as well as elders from other communities who may be with us today.

On behalf of the Parliament, the committee is conducting this Inquiry into the 2022–23 Budget Estimates. The committee's aim is to scrutinise public administration and finance to improve outcomes for the Victorian community.

I advise that all evidence taken by the committee is protected by parliamentary privilege. However, comments repeated outside this hearing may not be protected by this privilege.

Witnesses will be provided with a proof version of the transcript to check. Verified transcripts, presentations and handouts will be placed on the committee's website.

I welcome Minister Hutchins again, this time for the victim support portfolio. We invite you to make a 5-minute presentation, which will be followed by questions.

**Visual presentation.**

**Ms HUTCHINS:** Thank you, Chair. I too would like to begin by acknowledging the traditional owners of the land on which we meet and pay my respects to the elders past, present and emerging.

As the Minister for Victim Support, I am pleased to have this opportunity to speak about the government's record investment in supporting victims of crime. We are committed to a justice system that understands the needs of victims of crime, respects their rights and does not further compound the trauma that they have already experienced.

In December last year I released a victim support update, which sets out the government's commitment to unprecedented investment in victim services and reform to the system to truly make it victim centred, trauma informed and culturally safe. It is essential to say up-front that our approach to reform is anchored by victims' views and experiences. The Victims of Crime Consultative Committee continues to provide extensive feedback and contributions to help us improve the system.

The government offers a suite of services for victims of crime to help manage the effects of crime and guide victims through the criminal justice system. This includes services that can provide support to victims in the immediate aftermath of experiencing a crime, such as through the Victims of Crime Helpline and more intensive case management support, such as that offered by local victims' assistance programs that we refer to as VAPs; these are delivered by community agencies. Then there are services that can support victims through their contact with the criminal justice system, such as our Child Witness Service and using intermediaries. And you can see from the slide up there the amazing work that is being done in terms of contact over the last 12 months.

In terms of the state budget, the 2022–23 state budget provides \$39.5 million over four years to commence the operation of the new financial assistance scheme, including funding for the decision-maker directorate to oversee operations of the financial assistance scheme and the financial assistance unit to perform critical client support. This is the most significant investment in victim services in decades and one which is highly anticipated by stakeholders and victims because of the fundamental difference it makes to victims' lives. This latest funding, combined with allocations from previous budgets, will see more than \$100 million provided to support the establishment of the financial assistance scheme, the largest investment in victims services for many decades and one that I am enormously proud of. The 2022 budget also provides \$4.8 million over four years to support the important role of the victims of crime commissioner. The role of the victims of crime commissioner is not only critical. It informs policy but also practice reform.

We are making major inroads into significantly progressing our priorities for improving services for victims of crime. The Victims of Crime (Financial Assistance Scheme) Bill has been introduced into Parliament in the last month; the Bill establishes the underpinning legislation needed for this scheme. We are also acting decisively to make improvements to the victims of crime tribunal now for victim-survivors before the new scheme commences. This includes providing VOCAT with \$9.9 million to address the backlog in their pending cases to enable a smooth transition, and that money rolled out of last year's budget. In March we also introduced reforms through being able to prohibit the notification or attendance at VOCAT hearings by alleged offenders of family violence, sexual offences, stalking and other offences.

We recognise that Aboriginal and Torres Strait Islander people are over-represented as victims of crime but totally under-represented in accessing victim support services. We are developing a dedicated strategy underpinning the principles of self-determination and cultural safety to ensure we provide victims of crime with support that meets the needs of this cohort. We are also working to establish a victim-centred restorative justice program. This program will expand the restorative justice options we can offer to victims.

The most important voices of all are of those victims themselves, and the following quote is from a victim that gives us advice at the state level:

A big concern at VOCAT is you often need the offender to be found guilty first before an application can proceed. For a woman to go through the criminal justice process, they often have to go against the whole family, their kids, the community—it can cause significant rifts for someone to have to go through that before they can have a chance at accessing assistance.

The work we have undertaken on the financial assistance scheme takes the perspective of victims as a starting point and builds on that.

**The CHAIR:** Thank you, Minister. Mrs McArthur.

**Mrs McARTHUR:** Thank you, Chair. Thank you, Minister. In 2018 the Victorian Law Reform Commission reported on its review of the Victims of Crime Assistance Tribunal and its governing legislation, the *Victims of Crime Assistance Act 1996*. The Victorian Law Reform Commission made 100 recommendations, including the creation of a new administrative scheme to replace VOCAT to assist victims in their recovery from acts of violence. Your government went to the last election with a promise to implement these changes if elected. Minister, why has it taken four years to get to this point?

**Ms HUTCHINS:** I thank the member for her question. Of course this is a record investment that has come out of the last budget and this budget. We also made the commitment that it would be victim informed in terms of building a new system, and that has meant consultation has needed to be undertaken.

**Mrs McARTHUR:** It takes four years for consultation?

**Ms HUTCHINS:** No, there has been a whole process that has been put in place, and we are now at the stage even with legislation being in Parliament. The financial assistance scheme is proposed to implement all of the recommendations of the Victorian Law Reform Commission over time. For those that we are focusing on in this Bill, we have had to not only consult victims but also be prepared to build a new scheme from the ground up, step by step, through consultation. I think with the detailed service design that we have done with victim representatives and agencies and of course this budget's and the last budget's financial commitments we are definitely on track to do that.

**Mrs McARTHUR:** So do we expect that in the next four years you will have this sorted out?

**Ms HUTCHINS:** Oh, no, we expect that if those opposite support the Bill through the house, we will have the legislative structure and the budget structure and we will look to continue to build the system. We have offered additional funding to VOCAT to address the backlog whilst we get on with building the system and opening it up.

**Mrs McARTHUR:** So, Minister, why weren't victims of crime important to the Andrews Labor government until just before the last election?

**Ms HUTCHINS:** Well, I think our government has not only—

**The CHAIR:** Sorry, Minister. I would just also ask that the member relate her questions to the estimates that we are here to consider, please.

**Mrs McARTHUR:** Good. So, Minister, between your commitment to making things easier for victims and the time it could take to fully implement these changes, which could be six years, considering this, what do you say to the victims you promised to help?

**Ms HUTCHINS:** I would say to the victims that this is the biggest investment we have made in victim support, and it took our government to establish a position of Minister for Victim Support. So I am not sure that you can put any more emphasis on our commitment than that. But certainly a standalone investment of \$100 million over two budgets to build a new financial assistance scheme is a pretty good legacy, I think, for any government.

**Mrs McARTHUR:** So do you think it is fair enough that you will have them wait two more years when they have already waited four?

**Ms HUTCHINS:** Nobody is waiting to have their matters heard because of this new system. We are building the new system while there is a current system in place, and we have given additional resources to VOCAT to continue to hear applications and we are getting on with implementing the recommendations that will build the new scheme.

**Mrs McARTHUR:** So the build contains a delayed default commencement due to the significant amount of work outstanding, including building information technology systems to fulfil the requirements of the scheme and developing published guidelines. Minister, why wasn't this work, supposedly important to this government, undertaken over the last four years?

**Ms HUTCHINS:** This is work that has been built up over the last four years, and our reforms are really about delivering a trauma-informed and safe financial assistance scheme, implementing 84 of the 100 VLRC recommendations, implementing key findings from the Royal Commission into Family Violence and improving formal recognition and acknowledgement of victims of crime. I think when you do get a chance to have a look at the Bill that is before the house, you will realise there are new initiatives in that that are not demonstrated in any other state, and those come in the form of the recognition meetings that are going to be offered to really recognise the effects of the crime that has happened against the individual. We have heard from victims that that is a really key part, the desire for victims to be heard.

**Mrs McARTHUR:** Minister, one of your slides showed us that 18 890 victims were referred by Victoria Police to the helpline, including 14 893 male victims of family violence, through L17 referrals. If I have got my maths right, that means that only 3997 victims of crime in the family violence sector were women. So there were more male victims of crime referred to the helpline than women. Is that correct?

**Ms HUTCHINS:** Yes, because there are standalone services for women that are not currently available for men.

**Mrs McARTHUR:** So do we have the figures on the number of women that were referred?

**Ms HUTCHINS:** Not to our helpline. What I am saying is there are other helplines that are available to women who are victims of family violence. There are numerous helplines—1800 RESPECT. But they are better directed questions to the Minister for Prevention of Family Violence, and I think that there are even other ministers that might oversee some of those calls. But certainly the referrals for L17s for male victims—the arrangement with VicPol is for them to be referred to this line.

**Mrs McARTHUR:** Thank you, Minister.

**The CHAIR:** Thank you, Mrs McArthur. Ms Taylor.

**Ms TAYLOR:** If I can refer to your presentation, can you please explain how the victims legal service initiative will improve access to support for victim-survivors?

**Ms HUTCHINS:** Sure. Voices of victim-survivors are very, very powerful. If you get to meet some of the representatives on our committee at any stage, you will realise they are a force to be reckoned with in terms of their experience but also what they are willing to give. They play a critical role in the formation of the policy that we are working on—not just on the financial assistance scheme but across the board when it comes to advice. In 2020 I launched the Centre for Innovative Justice’s victim services review that they undertook, which included as one of their recommendations a new victims legal service. The review told us, like the Victorian Law Reform Commission’s report, that there was an absolute need for victim-survivors to get that additional legal assistance because of the complex nature that the form is currently in before VOCAT. We are looking to further simplify that when we set up a new financial assistance scheme, but there is certainly more legal advice—and more need—required by victims of crime. We have committed \$7.3 million to establish a victims legal service. We are currently doing that groundwork to partner with organisations who currently deliver some of those like-minded services, and the financial assistance scheme will be much more accessible. It will not use legalese, it will be simple, it will be in plain language. It will not require victims of crime to reappear at court. A lot of this application process can be done through phone calls and online and through that assistance. And through all of that they can be supported by Victoria’s first-ever victims legal service once the doors open on that service. It is a good initiative.

**Ms TAYLOR:** Yes. Very good. And you have already spoken about the power of the victim-survivors. Can you please explain to the committee how initiatives like the victims legal service are being developed with input from victim-survivors?

**Ms HUTCHINS:** As Minister for Victim Support I continuously meet with victim-survivors both on our consultative committee but also those that come into contact with me with significant issues, and certainly our willingness to listen and build the system around them has been at the forefront of our consultations. Many of the key details around both a legal service for victims and the financial assistance scheme have been worked through in detail with the Victims of Crime Consultative Committee, which is not just made up of victims but made up of professionals across the sector as well. But certainly victims’ voices have been very much engaged during that process.

**Ms TAYLOR:** What other kinds of supports are provided to victim-survivors to navigate the legal process?

**Ms HUTCHINS:** Certainly our child witness service plays a key role, and I am really pleased that that role has been able to continue to be supported throughout the pandemic. It is another example of important program work that is happening to create access to justice for young people—well, for anyone, but in this particular case children who are victim-survivors to be able to appear in court and be supported. I am happy to say that in recent times we have added the additional support of a care dog by the name of Kiki—she is a Lab—who works in the court system, who attends legal conferences and assessments and courtrooms to give that support to children that might need the extra support to not feel scared and feel protected. Testimonials from victim-survivors’ experiences in using a support dog say that it has calmed them, it has helped them to deliver their evidence.

**Ms TAYLOR:** Wow.

**Ms HUTCHINS:** This is work that is also coordinated by our child witness service in making sure that there is appropriate language used so a child can understand the questions but also that if a child is getting distressed in the witness box they are supported in that process to have a break or be assisted in some way, shape or form. So that it is one of the many services that we provide.

**Ms TAYLOR:** Thank you. You mentioned the support the victims legal service will provide applicants to the financial assistance scheme. Can you explain why this is important?

**Ms HUTCHINS:** I think when you take a step back and you look at the effects on people who have gone through experiencing a serious crime, they could be traumatised, PTSD, they could need ongoing psychological assistance, they could be struggling with potentially being homeless if they do not feel safe going back to the environment perhaps where the crime was committed or they could be grieving at the loss of a loved one. These are all of the things when you are taking on a legal case, when you are fighting for your justice and when you are fighting for compensation and also support to get on with your life and turn your life around. Quite often there is the need for psychological support, and quite often you cannot navigate the legal service. Unfortunately there are a lot of people that walk away from getting the help that they need. So by having the support of a victim-focused legal service, it is extremely important to keep people engaged in the process to get them the help that they need. Unfortunately there are a lot of people who are in our justice system who themselves were victims of crime. Their lives went completely off track post that incident happening, and they did not gain the support that was available to them. Having a victim-focused legal service will help these individuals to stay engaged.

**Ms TAYLOR:** I would now like to shift to the intermediaries program, and I refer to your presentation. Could you please explain how the intermediaries program is improving access to justice for victim-survivors?

**Ms HUTCHINS:** This is a really good program that was piloted in 2018 and has shown some really substantial results and was also a recommendation out of the Royal Commission into Family Violence. It is a scheme that improves the situation for those that need it going through the court system. It can be either in the space of child witness support or also adults with a cognitive disability or developmental issues, allowing them to be able to give evidence and access the justice system. In last year's budget we provided nearly \$10 million to continue this program and grow it, meaning that the program could transfer from being a pilot into an ongoing program with continuous support. These intermediaries are available for child and adult complainants with cognitive impairment in sexual offence matters and child and adult witnesses with a cognitive impairment in homicide matters. Intermediaries are also available to support victims' and witnesses' participation in the taking of visual and audio recorded assistance interviews conducted by the sexual offences and child abuse investigation teams, known as SOCITs.

The intermediaries are just amazing individuals that are so highly skilled, with communication skills and professional qualifications such as speech pathology, psychology, social work and occupational therapy. Their role is to be independent and impartial but to assist where they see the need to make sure that justice is served for those individuals who need this service.

**Ms TAYLOR:** How many victim-survivors have accessed support through the intermediaries program?

**Ms HUTCHINS:** From July 2021 to 30 April this year we have received around 426 requests for assistance, and behind these numbers are really vulnerable Victorians that need this service.

**Ms TAYLOR:** Thank you.

**The CHAIR:** Thank you, Ms Taylor. Mr Barton.

**Mr BARTON:** Thank you, Chair. Thank you, Minister. Budget paper 3, page 89, 'A new financial assistance scheme for victims of crime': could the minister provide some detail around the breakdown of funding within the budget item to implement the new financial assistance scheme?

**Ms HUTCHINS:** The commitment is \$39.5 million over four years and \$13.7 million ongoing for the following components. So the breakdown of that is \$3.2 million over four years and \$879 000 ongoing for the decision-maker directorate to oversee the operations. Now, just to explain—I am not sure if you need me to explain—

**Mr BARTON:** You need to explain, Minister.

**Ms HUTCHINS:** what the decision-maker directorate is. That is the peak body who takes the applications, looks at the applications and makes a decision outcome in those situations. There is \$31.6 million over four years and \$10 million ongoing for the financial assistance unit—so that is the unit to perform critical client support, intake, triage, assessment, processing the applications, complaints and in-house legal advice. The intent is, as I said, not to have courtrooms but to have assistance either on the phone or online and make it as

smooth as possible. In addition to that is the \$4.4 million over four years and \$2.2 million ongoing for the operational non-staffing costs. I might refer to my colleague next to me from victim support around the details on that one.

**Ms HEENAN:** Absolutely. Thanks, Minister. In relation to the operational non-staffing costs, that includes things like storage for VOCAT's files. There will be a transition from that court-based model to an administrative one, so we will be making sure their files transition over so that we can have access to them if there are variations in orders that the new scheme might make in place of the old scheme. But it also includes things like the infrastructure for victim recognition meetings, for example, so that a victim recognition meeting could be held on country if it is an Aboriginal victim of crime or held in a CAHS or in a region, so to ensure that there are some of those costs that sit around being able to hold a recognition meeting that is safe and trauma informed for the victim or victim-survivor.

**Mr BARTON:** Thank you. You may have answered this, Minister, in all that, but what proportion of that funding will fund the workforce and general scheme operational expenditure, but more importantly, how much is direct financial assistance for victims of crime out of that?

**Ms HUTCHINS:** I do not know that I have the exact split. Do you have that?

**Ms HEENAN:** The awards will be dealt with through a special appropriation, so it is not—this is in terms of the establishment of the scheme, but in terms of the awards it is a separate special appropriation within the consolidated revenue.

**Mr BARTON:** Okay. Thank you.

**Ms HUTCHINS:** But there is a big IT build that comes with this as well.

**Mr BARTON:** I imagine. In keeping with the same reference, the government has indicated that the initial role of the victims legal service is going to focus on supporting victims and their applications for financial assistance. Does the government intend to expand this support to provide other legal assistance, and if so, could the minister advise how and when?

**Ms HUTCHINS:** At this early stage that is the scope that we have been given the funding for, so that is where we are at, but there is always potential to deliver more for victims of crime down the track. We have been talking to legal centres around the state and hearing their ideas around that.

**Mr BARTON:** Thank you, Chair. Thank you, Minister.

**The CHAIR:** Thank you, Mr Barton, and thank you, Minister. That concludes the time we have set aside with you today.

Thank you for appearing before the committee. The committee will follow up on any questions taken on notice in writing, and responses will be required within five working days of the committee's request.

We thank all ministers and officers who have given evidence to the committee today as well as Hansard, the committee secretariat and parliamentary attendants, as well as the hospitality, security and cleaning staff who have looked after all of us.

The committee will resume its consideration of the 2022–23 budget estimates tomorrow.

I declare this hearing adjourned.

**Committee adjourned.**