

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 Jaclyn Symes MLC, Attorney-General,

Ms Rebecca Falkingham, Secretary,

Ms Peta McCammon, Associate Secretary,

Ms Marian Chapman, Deputy Secretary, Integrity, Legal and Law Reform, and

Ms Corri McKenzie, Deputy Secretary, Police, Fines and Crime Prevention, Department of Justice and Community Safety; and

Ms Louise Anderson, Chief Executive Officer, Court Services Victoria.

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.

We welcome the Attorney-General as well as officers of her department. I invite you to make a presentation, which will be followed by questions from the committee.

Ms SYMES: Thank you, Chair. Good morning, members. It is great to be with you. I, too, begin by acknowledging the traditional owners and paying my deep personal respects to elders past, present and emerging. This morning we are commencing with the Attorney-General portfolio, and I have got a presentation to take you through.

Visual presentation.

Ms SYMES: The past two years have been challenging, as we know, for all Victorians. The justice system is no exception to that, but I am pleased to report that thanks to the hard work and dedicated people across the system, supported by targeted investments, recovery is well and truly underway. Since the start of the pandemic we have put \$340 million towards programs to support justice recovery and reduce court backlogs. As a result of that investment I am pleased to report we are starting to see the courts return to normal. Courts and VCAT have been progressively returning to in-person hearings. Criminal and civil jury trials have resumed across the state in the Supreme and County Courts. Case clearance rates are expected to reach 100 per cent in most jurisdictions by the end of 2021–22. That means that courts are processing as many cases as they are receiving, and in some areas they are doing better than that.

Courts and tribunals did an amazing job in keeping the wheels of justice turning during the pandemic. Across the board they have used technology and innovation and continued to deliver justice to vulnerable people, while enabling people to engage with the courts in new ways. The digital solutions that have rolled out are building a more efficient and accessible justice system—for example, the statewide expansion of the Magistrates' Court through active case management. The County Court has ensured that even when juries were not sitting matters were still being progressed, with 60 per cent of these matters resolved without the need to go to trial. Courts have been using judge-alone trials during the pandemic. Many criminal cases could be heard when juries could

not be convened. Targeted investments are also enabling courts to hear more matters. For example, last year's budget funded early replacements for four County Court judges, upgrades for courtrooms to be COVID-safe and two new magistrates for the statewide online Magistrates' Court. These efforts are having an impact, with the pending cases across the courts and VCAT falling by 5 per cent in year 2021–22 to the end of April.

This year's budget provides further resources to courts for them to continue this amazing effort. We are providing over \$20 million to the courts for backlog reduction initiatives, including the development of an integrated service centre at the Magistrates' Court and supporting e-courts to continue in the Supreme Court. We are also investing \$10 million for building and technology upgrades to deliver safe and functional courthouses across Victoria. We are also providing additional targeted support to VCAT, which members would appreciate is the busiest tribunal in Australia. Our investment of \$21 million in the budget will help VCAT hear and resolve matters, including residential tenancy matters, which is the list which has the largest area of concern for me. This funding is on top of the \$56.7 million invested last year for VCAT's digital transformation project and a \$5.2 million funding boost in 2019–20, which has already resulted in the full digitalisation of the planning and environment list.

Court data across the system is demonstrating recovery. The first graph, top left, shows the case clearance rate for family violence intervention orders in 2020–21 and 2021–22, showing that the clearance rate is expected to reach 100 per cent, compared with 84 per cent 2020–21. It means that the court is finalising as many cases as it is receiving. We are seeing similar trends in the Children's Court and the Magistrates' Court. The second graph, which is bottom left, shows the case clearance rates for criminal matters in the County and Magistrates' Courts are also heading in the right direction. With upward trends, the Magistrates' Court is also hoping to be back to 100 per cent this year. The third graph, top right, shows that the County Court is well underway in reducing the backlog in criminal trials. The number of pending criminal trials fell from 1532 in September 2021 to 1428 in April 2022. Given new trials continued to be filed during this period, the drop is a significant achievement, and despite the disruptions to jury trials last year 78 per cent all criminal cases in the County Court are still expected to be finalised within 12 months of being lodged. As is shown on the far right of the slide, this reduction in pending cases is supported by the return to jury trials. Over 160 juries have already been empanelled in the first four months of this year, with over 90 trials completed to verdict across the state. Finally, the other graph shows the Magistrates' Court momentum is addressing the backlog, and that continues to build. It is pretty incredible that pending criminal matters dropped by 5 per cent in a single month between February and March, the largest decrease the court has experienced in 15 years, so this just goes to illustrate the dedication of the courts and the importance of the online Magistrates' Court, which for members' reference listed almost 730 000 across the platform since July 2020.

Slide 4 goes to the interconnectedness of the justice system, and we know that the justice system will only work when legal services and other system participants have the resources they need as well. \$25.5 million is in the budget for the OPP to continue its critical work prosecuting the most serious offences and supporting victims. The funding will enable it to hire more lawyers and support staff and make technology upgrades, and this comes on top of \$62 million that it received last year. Also in the past 12 months we have funded 19 integrated services and health justice partnerships to continue operating and to support specialist legal assistance services targeting family violence through support of our CLCs. We have also funded a program that assists families at risk of defaulting on their mortgages, helping them to avoid homelessness. This year's budget provides a further \$6.5 million for CLCs to enable more Victorians to access legal services. We are also spending \$1.6 million over two years to establish a specialised LGBTIQ+ legal service at the Victorian Pride Centre, recognising their unique legal needs. We are also supporting St Kilda Legal Service to provide legal advice and assistance to sex workers throughout Victoria as we transition to a decriminalised sex work industry. Finally, there is \$11 million in the budget for programs that are proven to work at resolving cases out of court, relieving pressure on our courts, and in recognition of the interconnectedness that I mentioned earlier there is also \$59 million that is spread across several programs in legal aid, further work in OPP and meeting the costs of extending some of our important court programs.

Slide 5 goes to therapeutic justice measures. We know these work; they reduce reoffending and they can change lives. The past year has seen a number of new therapeutic courts and programs come into service. We have opened the Drug Court in Ballarat, Shepparton and the County Court. The new Bendigo law court is a really exciting project that will open in early 2023, and the new Wyndham law court is on track to be opened by 2025. We are continuing to roll out specialist family violence courts across the state. The Magistrates' Court

has a new fast-track model to assist vulnerable workers recover unpaid wages, and new Koori Courts were launched into Geelong, Wodonga and Wangaratta.

I might skip across to slide 6, which is a bit of information about supporting vulnerable Victorians. Over the last year we have progressed a raft of reforms to protect vulnerable Victorians, and this budget will continue that important work. We passed important reforms for our equal opportunity laws, delivering on our election commitments to strengthen protections against discrimination for LGBTIQ+ Victorians, and this law will commence in just a few weeks on 13 June. We developed and introduced last week legislation to ban the public display of Nazi symbols. Our spent convictions laws commenced, helping Victorians with minor offences in their past to move on with their lives, and the prohibition on change and suppression practices came into effect in February, outlawing those deceptive and harmful practices. This year's budget provides \$4.8 million to implement our response to the Legal and Social Issues Committee's inquiry into forced adoptions, and we will be using that funding to design Australia's first redress scheme. Slide 7, Corri.

As part of our response to VLRC's report into improving justice system responses to sexual offences, this year's budget commits \$46.9 million to support victims of sexual violence and harm. Among other reforms, this will support the design of a new alternative reporting system and better forensic medical examinations for victims. These will complement our important work legislating a new affirmative consent model for Victoria. We are also improving outcomes for Aboriginal Victorians. The budget contains a range of measures for Aboriginal communities. Our stolen generations reparation scheme is now open for applications and is supported by \$155 million in funding.

My slide 8 will go through some of the service delivery that the justice system provides. We have got \$6.2 million in new funding to continue BDM's call-taking capability and \$2.4 million to enable them to work with Service Victoria on digital opportunities. BDM is really busy at the moment. They have actioned over 604 000 submissions since 2021, and 95 per cent of those have been received online through self-service portals. So to improve the proof-of-identity processes, making them secure, Digital Victoria has the role of verification, and it is now available through BDM.

We also obviously have responsibility for the working with children check program. I am very pleased to report also that the fines system has been working well, with key functionality available in the IT system. I can talk more about fines if anyone is interested in that during questions. Thank you for listening to the presentation. It is a big portfolio; there is a lot in it. So I am more than happy to have a conversation about the interests of members.

The CHAIR: Thanks, Minister. Deputy Chair.

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.

Mr D O’BRIEN: Okay. Given the importance that judges are independent and seen to be independent of government, why did the government advertise for the appointment of magistrates on a fixed-term contract for only two or three years?

Ms SYMES: Oh, man, I have been waiting for this question.

Mr D O’BRIEN: I look forward to then getting an answer perhaps.

Ms SYMES: Well, no-one has asked me. No-one has asked me.

Mr D O’BRIEN: Here it is.

Ms SYMES: I get every question in question time in the upper house, and not one person has paid any interest to this question. But it is a great—

Mr D O’BRIEN: Well, you knew you could rely on me, Attorney, didn’t you?

Ms SYMES: Here we go. It is fantastic. It is a great opportunity to set the record straight. There was never any intention to have a temporary magistrate; in fact the Act would not allow me to do that. There was an administrative error in an advertisement that was put up, and it was quickly identified that it was wrong. We think it was probably merged with an advertisement for another role. Absolutely when a judge is appointed they are appointed to their retirement age and indeed can continue on beyond that. There has never been a discussion with me or anybody in the department. I have not received any advice on the proposal to introduce a scheme of temporary magistrates. It is unfortunate that it was reported in the way that it was that led anyone to the conclusion that that was something that was under active consideration.

Mr D O’BRIEN: Well, given your obvious concern on the matter, Attorney, that is the ad. It clearly says two to three years at the bottom. How did a mistake like this happen? Was it signed off by you or your office?

Ms SYMES: No, it was not signed off by me or my office. As I said, it was a basic human error that was identified and rectified very quickly. And as I did identify, even if I had given thought to it, which I did not, it would require me to pass legislation in the chamber and have a debate about the merits of any such proposal.

Mr D O’BRIEN: So do you accept that no judge or magistrate should ever be appointed on a fixed or temporary basis?

Ms SYMES: Well, we currently have coroners that are appointed on—

Mr D O'BRIEN: The question was judge or magistrate, not coroners.

Ms SYMES: I think for the issues that you identified and the perception that you identified in terms of their independence, I am happy with the current system.

Mr D O'BRIEN: Perhaps it is a question for the Secretary. I mean, have you identified how this happened and put in place measures to ensure that it does not happen again?

Ms FALKINGHAM: Yes, of course, Mr O'Brien. We thank you for the question. I have gone into a lot of detail to really understand this, because we have a clerical officer who is mortified by the fact that—

Mr D O'BRIEN: Sorry, Secretary, can you just bring your microphone a bit closer?

Ms FALKINGHAM: I can. I have gone into a lot of detail to understand how this did in fact happen. And we have a clerical officer who is very mortified by the fact that when clicking on a drop-down box that allows you to enter basic human resource information before you go out to advertise in government, literally the wrong button was clicked. There have been no discussions across any part of the department in relation to changing the legislation on this matter, and we do apologise if that caused any concern right across the judiciary. But as I said, it was a really simple clerical error where, you would understand, with proforma internet forms it is literally just a click-down box and the wrong button was clicked. So it was never anyone's intention.

Mr D O'BRIEN: How long was the advertisement up?

Ms FALKINGHAM: I think less than 4 or 5 hours. It was not long at all.

Mr D O'BRIEN: Okay. And Attorney, did you have any reaction from the Chief Magistrate or anyone else in the legal profession to this mistake?

Ms SYMES: No. Everybody that I spoke to accepted that it was a clerical error that was identified and fixed. And I thought that the explanation was pretty convincing, so I did not give much thought to it. As I have explained, it is not a proposal that has ever been put to me, it is not something that I am thinking about now and there are legislative constraints on doing it. It is just something that went up and caused a few views, but other people were talking about it much more than me.

Mr D O'BRIEN: Okay. Well, I understand mistakes happen, but this is a pretty big one in the scheme of things.

Ms SYMES: I tend to disagree.

Mr D O'BRIEN: The potential implications—

Ms SYMES: But the fact that we have categorically ruled it out, I think the discussion is pretty ended.

Ms FALKINGHAM: I think it is important, Mr O'Brien, to also state that we quickly notified the media publication that that information was—

Mr D O'BRIEN: You quickly notified—sorry?

Ms FALKINGHAM: The media publication, when they asked us about that story, and we advised them that that information was not true and not correct.

Mr D O'BRIEN: Okay. Thank you. Just in the short time I have got left, the forced adoption redress scheme—can you give me an idea when that will be open for applications?

Ms SYMES: This year's budget put in funding to design it, work out the eligibility criteria and have ongoing consultations, similar to how we did stolen generations, how we have done further redress schemes. This Bill is not far away, you would be aware too, Mr O'Brien, so once I get a report back on the consultations we will consider what measures can be considered in next year's budget.

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.

Mr D O'BRIEN: It was certainly raised before your time, and I would appreciate it if you could come back to me.

Ms SYMES: Look, I love country courts. I love the ability for access to justice in regions, and I am more than happy to have a close look at that.

The CHAIR: Thank you. Mr Maas.

Mr MAAS: Thanks, Chair, and thank you, Attorney. Thank you to your team as well for being here. I think it is also worth noting that it was not too long ago in this state that when it came to seniority in the law these were positions that were held by crusty old men. It is really testament to how far we have come to see all of you at the witness table today. Attorney, I would like to take you to budget paper 3, page 130 and the 'Output initiatives' table. There is a line item there which says, 'Helping Courts respond to the impacts of the pandemic'. I was hoping you would be able to explain to the committee how the government is helping the courts to get back to normal and how the investments in that line item will benefit Victorians.

Ms SYMES: Thanks, Mr Maas. I do appreciate your comments. I have a very talented team with me here today who have been fantastic in supporting me in the role of Attorney-General. Look, I have got to say I have been really impressed with the courts and their efforts and the collaboration with government in relation to dealing with unprecedented impacts of health restrictions that of course were necessary to protect the community but meant that we had to think about alternatives and workarounds to make sure that the wheels of justice could keep turning. So I do want to acknowledge the amazing job that courts and tribunals have done.

Across the system there has certainly been a shared focus on using whatever tools they could to ensure particularly vulnerable people could still get justice. There has been some really good exploration of ideas, and a lot of those will become permanent. The backlog recovery is not simple. It involves many justice partners working together and accepting change and, I guess reflecting on some of your comments, making sure that we try less traditional things. While support for the courts is critical to get through cases as quickly as possible, there are also other areas of the justice system that we must be cognisant of that require support, because if you do not do that, the whole thing does not work. I am referring to such bodies as the OPP, VLA, Victoria Police and victim support services et cetera.

This budget and indeed the last have committed substantial resources across the system to provide some surge capacity and investment in technology. Some of the key investments in this year's budget provide \$31.5 million to provide an integrated Magistrates' Court of Victoria service centre, a Supreme Court e-court program, additional staffing for the County Court and funding for the active case management program, so really enabling all of those jurisdictions to be targeted and helping people, being able to triage cases and really trying to get through things as quickly as possible. There are new VCAT members that will be brought on to help with its backlogs; \$11 million will also pilot a specialist OPP County Court team to continue a pre-court engagement and resolution model pilot as well as Victoria Legal Aid's Help Before Court program. We know that the more that people understand the system, the more advice they get before hearings and the like, it actually resolves a lot of matters. So people get resolution and they are not in court, tying up the resources unnecessarily, if they can agree to things before that.

As I identified in my presentation, there is \$59 million that is spread across justice agencies to manage downstream costs of the investments in the court. A new magistrate means that you need other people all around the system to support that, for example—so recognising that the justice system is interconnected and that courts and tribunals must be matched by resourcing related justice sector entities to enable them to handle all of those flow-on volumes that are generated by the courts. Since the pandemic we have invested almost \$300 million in initiatives related to justice recovery, so they are enabling swifter resolution, you will remember from the graphs that I showed. We acknowledge that there are backlogs, but we are heading in the right direction. By picking up and integrating or embedding the lessons that we have learned, my hope is that we are better than pre-pandemic levels because of the position that we have been forced into.

Mr MAAS: Thanks, Attorney-General. I understand that the line item referred to also covers off on VCAT, and we all know that VCAT plays a very important function for everyone's electorate, mine included. I was hoping you could tell us more about what the funding will deliver in terms of VCAT.

Ms SYMES: Yes. Thank you, Mr Maas. Look, VCAT is a really exciting and critical component of the justice system. I know that members through their electorate offices would be familiar with the fact that everyday Victorians are accessing VCAT every day. These are issues that we are quite familiar with as members of Parliament. VCAT—they hear cases under more than 150 Acts. They do resolve a diverse range of disputes from residential tenancy matters to complex building, property, planning and human rights matters, so they do have a deep impact on ordinary Victorians' lives. Many people do rely on VCAT—it is shown by the numbers. In 2019–20 the tribunal received 80 000 new cases, answered over 500 000 calls and emails and received 900 000 visits to its website.

During the pandemic, VCAT operations, like all parts of the justice system, were impacted by restrictions, contributing to delays and backlog cases. In relation to your specific question about support for VCAT, this budget has \$20 million for additional VCAT members to hear more matters, helping them to address cases more quickly. The funding will be used in a way that optimises the hearing of backlog cases in relevant lists, and therefore members will be allocated where they are most needed.

I would really like to give a bit of a shout-out to the Dispute Settlement Centre of Victoria as well. They have stepped up to help VCAT deal with the rental providers and tenants matters, a much-appreciated supplement to VCAT in an area that has seen the largest increases in demand. This is part of VCAT's backlog recovery program, which is focused specifically on the residential tenancies list and comprises a range of parallel interventions, including case audits, referrals to mediation and referring matters so that its surge member workforce have cases ready to go so that they can resolve as much as possible. The program is already knocking off thousands of the backlog.

So it is really important that VCAT is supported to deal with matters as quickly as possible. They are often smaller matters that are not life and death. People are not waiting to find out whether they are going to be incarcerated or not, but they are matters that keep people awake at night—whether you are getting your bond back or if you have got a consumer issue that you are waiting for. We acknowledge the impact it has on people's lives. People want those matters resolved. We want to make sure that we can support VCAT to do that, but they came off a base that was not prepared for a pandemic in relation to digitalisation. So in addition to members, physical people, having a system that works better through digitalisation is something that we are working towards, and there is funding in the budget to ensure that they can complete that transformation, which will set them up in a way to deal with backlogs and better deal with cases in the future.

Mr MAAS: Great. Thanks, Attorney. I will take you to budget paper 3, page 98, now. There is a section there on the delivery of prosecution services, among other things. You mentioned before that resourcing the OPP was a key part of supporting the court system. What did you mean by that, and why is that funding there important?

Ms SYMES: Thanks, Mr Maas. The OPP is just integral to the justice system, the criminal justice system in particular, because they are responsible for prosecuting on behalf of the state the most serious of crimes. So Victorians need to be confident in a well-supported OPP. Because of the current levels of demand, we have supported OPP with nearly \$100 million, including additional funding over two successive budgets. This year's budget provides a total of \$36.6 million to hire more prosecutors, paralegals and clerks, upgrade its audiovisual evidence capabilities and modernise its record management system. This investment will really go towards helping court backlogs and making sure that Victorians get access to justice as soon as possible.

Mr MAAS: Thanks, Attorney. Thanks, Chair.

The CHAIR: Thanks, Attorney. Thanks, Mr Maas. Mr Hibbins.

Mr HIBBINS: Thank you, Chair. Thank you, Attorney and your team, for appearing this morning. I would like to ask first: budget paper 3, page 90, shows \$50 million towards legal assistance and \$7 million towards community legal centres. How much of this is allocated to the culturally safe legal assistance from the Victorian Aboriginal Legal Service?

Ms SYMES: Thank you, Mr Hibbins. I obviously share with you your admiration for CLCs and in particular VALS. I had a fantastic visit recently to their organisation. I toured around, said ‘Hello’ to the staff and had a really in-depth dive into all that they do. It is an army of work that is produced out of that organisation, and so I am very pleased to be able to provide them some funding in this budget. Like with a lot of agencies, and particularly CLCs, it is never as much as what they would like. I am always working to ensure that we can best support them, but this year’s budget is a great budget for Aboriginal Victorians in particular. There is almost \$400 million across government agencies and departments in this year’s budget. I understand it is the single biggest budget investment for Aboriginal communities in Victoria’s history. VALS are a great partner of the government. Not only do they provide services to Aboriginal people across the state who come into contact with the justice system, they are not backwards in coming forwards in identifying policy areas and things that they want to consult with me on and for me to give consideration to, and I do value their input in relation to that.

The budget outcome for VALS this year will allow them to operate at the new Bendigo law courts, so that is \$3.1 million over four years and more than \$800 000 ongoing. Last year’s budget delivered \$2 million in funding for a pilot program to establish the first of their new centres and lay the necessary groundwork for evidence for future expansion, and that is ongoing work that I have undertaken to do with VALS. This is on top of \$2.16 million of one-off funding that was provided in the 2020–21 budget for the first steps in the planning and implementing of that model. VALS is also funded by the commonwealth, including under the *National Legal Assistance Partnership*, which commenced on 1 July. Under this arrangement VALS has received \$31.33 million, and we continue to work with that program to ensure that money to CLCs is going to some of the important programs that they are having.

Importantly, there have certainly been no cuts to VALS funding. In the last three budgets we have continued to provide more funding to support the services that they offer. I have a good relationship with VALS, and I want to work with them in relation to supporting a lot of the ideas that they have, because they are fantastic, but we have provided them with funding in this year’s budget to continue the good work that they do.

Mr HIBBINS: Thank you, Attorney. Can I ask now about the decriminalisation of public drunkenness trial, where the rollout has been delayed. Now, there was an allocation in last year’s budget; I do not think there is a new allocation in this year’s budget. Can I ask how much of the previous funding has been spent, and can you provide the committee with an update in terms of where that program is at and what the new time frame for this initiative is from pilot to the full implementation?

Ms SYMES: Sure. Yes. I have got some details here that I can take you through in relation to the funding model. You would appreciate that it is a collaboration between justice, Health and the police, but the information I can provide for you is that the final decision on funding for 2022–23 will be made following full consideration of the impacts of the decision that we have made to defer decriminalisation for up to 12 months. We had hoped to do this shortly. The government has already allocated \$26.4 million to implement the public intoxication reforms. Primarily, as I indicated, this has gone to the Department of Health, as well as some to justice and VicPol. Much of the funding will be going towards the trial sites which we have announced.

In justice, the following payments have been made to support the reforms this financial year: \$1.25 million to the Aboriginal community justice panels, nearly \$300 000 to Rumbalara for the Koori night patrol in Shepparton and \$400 000 to VALS for their custodial notification scheme. This was a necessary but obviously disappointing decision that we came to in relation to deferral. When we are trying to move from a criminal response to a health response in the middle of a pandemic, it goes without saying that the attention of health was stretched, and to ensure that we can get this model right—we want to make sure it is a success—we cannot change these laws until we have the health model established. So I am pleased to say that the health trials are on track for this year, and they will provide the evidence and enable the partners to work together to ensure that we can inform what the final model looks like. We have really good consultation mechanisms set up to ensure that all the partners—everyone that has an interest in this—are working together and are all committed to the final goal. You would appreciate that in other states good intentions have been there but have not necessarily produced the outcomes that they set out to achieve. We want to get it right in Victoria, and the delay of 12 months is going to enable us to be in the best place to do that.

Mr HIBBINS: Okay. Thank you. In terms of a time lime to have it fully rolled out, what is the—

Ms SYMES: Well, subject to the passage of legislation in both chambers, you would appreciate that the current legislation has a commencement date of November this year. We have indicated that that will not be appropriate, so I will be bringing legislation very shortly to change the date to November 2023, and I am hoping that I get passage and support for that. But I think that the merits of the case that we have put forward plus the support of the stakeholders should ensure that the Parliament is accepting of that.

Mr HIBBINS: Okay. Thank you, Attorney. I would like to now go to budget paper 3, page 295, and there it has the new measure of the ‘Average daily number of young people aged 10–13 under supervision’, with a target of less than five. Obviously we know, particularly with the Raise the Age campaign, just how damaging it is for children to be in incarceration and in the corrections or youth justice system. If there was a target of four or what have you, surely that is a real failure of policy—to have four children aged 10 to 13 under supervision. Surely that target is far too high.

Ms SYMES: Look, my target is zero. If you speak to the Minister for Youth Justice, she would share that view, and in fact I do not think you will get a minister in this government, including the police minister and the child protection minister, that does not share an aspiration of zero.

Mr HIBBINS: Well, shouldn’t that be reflected in the budget papers?

Ms SYMES: Well, that is our aspiration. The budget papers need to reflect the reality. We have a very, very small number of children in that cohort who are in incarceration. There is no child aged 10, 11 or 12 that is currently in youth justice. There are a small number of 13-year-olds. You will have the opportunity to go through some of the amazing programs and work that youth justice are doing to keep young people out of incarceration. I would also point to the Children’s Court’s efforts to ensure that for young people who come before them bail is a preference and remand is a last resort, and they make sure they work towards that. We are working really hard to make sure that that cohort of children is not caught up in the justice system at that tail end, but there are some challenges that we need to deal with, a lot of services that these kids need. There is concerted effort from government that is focused on that. You would also appreciate that there are national conversations around criminal age of responsibility and where that should be set, and that is work that I am committed to progressing.

Mr HIBBINS: Thank you, Attorney.

The CHAIR: Thank you. Ms Richards.

Ms RICHARDS: Thanks, Attorney and officials, for your time here this morning. I would like to explore the pre-court engagement service, and I am particularly interested in hearing a bit more about some of the programs you mentioned in your answers to an earlier question from Mr Maas. I would like to take you to budget paper 3, page 99. It explains how the government funding will support the continuation of the Magistrates’ Court pre-court engagement service pilot. Could you please perhaps explore for the committee a bit more about how this program works and—something that is of course interesting to many of us—how it will help victims of family violence.

Ms SYMES: Yes. Thank you, Ms Richards. It is good have an opportunity to explore it a bit more, because I think I gave just brief comments earlier on the benefits of ensuring that people are given the opportunity to resolve matters before they end up at a hearing stage. So this program is really interesting. It is delivering really good outcomes. For example, the adaptive innovative solutions that it is bringing are also having an impact on the COVID delay. Effectively, the pre-court engagement program assists clients to resolve their family-violence-related matters prior to the hearing via early legal assistance to parties that are seeking family violence intervention orders.

One major contributor to delay in intervention order applications is adjournments. They are often caused by parties arriving for hearings that are not prepared for the case to proceed that day. Typically they could be due to a lack of legal advice, or they do not really understand what the hearing is going to involve so they have not thought about what options they have before they get there. This is obviously quite detrimental to victim safety. Adjournments have flow-on effects for resourcing and impacts on agencies that work in the system, because each time there is an adjournment they have got to go and update their reports and their records and basically start from scratch, which is just another drain on people’s resources that we really want to have targeted to outcomes.

So the pre-court engagement program provides much better opportunities for early resolution. Legal advice can help resolve these cases before the court date, resulting also in minimal judicial time being required for the case. And the matters that do go to hearing that have gone through the pre-court stuff means that they are better prepared to actually deal with the hearing so that the judge is in a position to make a decision rather than saying, 'Hey, we are still waiting on that report' or 'You need to provide this'. So they sort of go quicker, which means that there are less adjournments coming out of hearings as well.

This program operates in partnership with the Magistrates' Court, VicPol and family violence practitioners and also legal assistance providers such as VLA and CLCs. It was originally piloted in Frankston. Lawyers began engaging in this pre-court work advice and negotiation with a view to resolving family violence matters, and the Legal Aid office in Frankston, along with Peninsula CLC, demonstrated that this was a program that we should roll out, and it is something that VLA and CLCs talk to me regularly about as a real positive and particularly a great benefit to their clients who are victims of family violence.

There was \$7.75 million provided to expand the model to the additional Magistrates' Court locations in Broadmeadows, Dandenong, the Latrobe Valley, Melbourne, Ringwood, Sunshine and Werribee. Funding in this budget will continue to enable those programs to continue, because demand is strong and we are seeing the benefits. I think having that embedded in the system is going to be a great thing for particularly victims of family violence.

Ms RICHARDS: Thank you, Attorney. I am interested in perhaps understanding a little bit more about the Magistrates' Court Service Centre and I know it is referenced at budget paper 3, page 131. Can you perhaps provide a bit more understanding for the committee on what is involved in the model and what you are expecting it to deliver?

Ms SYMES: As you would appreciate, the Magistrates is our highest volume criminal court and plays a really important role in responding to crime and also deterring crime. They deal with matters such as drink driving and theft and of course have a large role to play in family violence intervention orders as well as personal safety intervention orders. So they play a really good, important role in protecting vulnerable victims and their families.

More than 90 per cent of Victoria's civil and criminal cases start or finish in one of our 51 Magistrates' Courts, so having an opportunity to have a hub, I guess—a new service centre—will certainly put us in a position to transform the courts' back-of-house operations. So it is another backlog measure, effectively, but also greater efficiency. I think one of the lessons that we have learned from the pandemic is we are doing a lot of things in the courts and the courts are coming up with initiatives that they probably would have come up with naturally in five or 10 years, but being forced to bring those forward is really seeing some fantastic benefits. The service centre will bring together some back-house operations, centralise processes, improve user experience and expand service availability. There has been a pilot, so we have seen and recognised the benefits of centralising digital public inquiries, for example. The aim is to reduce administrative burden on staff in court buildings. The service centre will free up capacity for those staff that are not tied up with general inquiries and the like to focus on case management of the more complex matters and to get parties better prepared before they reach a judicial hearing, so it will work really well and hand-in-hand with the pre-court programs that we discussed earlier, and it will just mean people are getting the targeted and tailored response from the court that they need. The service centre model will also enable the court to build upon efficiencies gained during the pandemic, particularly the online Magistrates' Court, because that is a technological improvement, and in the public-facing part of its operations it will help to better serve the Victorian public by virtue of having the one service centre to come through.

Ms RICHARDS: Thank you, Attorney. I would like to move along in the time I have got left to an area of great interest to so many across the Parliament, and that is the redress schemes. I will refer you to budget paper 3, page 3 and again on page 89, regarding the progressing of the stolen generations reparation package and implementing recommendations from the Legal and Social Issues Committee's inquiry into responses to historical forced adoption in Victoria. Could you explain how these initiatives will support those impacted by these respective past practices?

Ms SYMES: Yes, thanks for your question. I think you are so busy in this role you forget all the good stuff that you are doing, because you are moving on to the next one, but that was a pretty special day when we got to announce the redress scheme for stolen generations. It was obviously work that started before me, but having

the honour of delivering it on behalf of the government is such a privilege. The package seeks to recognise the lasting suffering caused by the forced removal of Aboriginal and Torres Strait Islander children from their families, community and culture, as well as losing identity and language. It will provide financial and restorative reparations to an estimated 1200 eligible members of the stolen generations. The supported application process for the package opened on 31 March, and applications have started to be received. Importantly, the package provides financial and restorative reparations including a lump sum payment of \$100 000; a personal apology from the Victorian government; supported access to healing programs such as family reunions, reconnection to country and language programs; an opportunity to record and share their story and experience; importantly, access to trauma-informed counselling; and also access to records held by the state about their removal. We want to make it as easy as possible for this cohort of people to access redress without re-traumatisation, so applications go in, they are supported to make those. We make it really easy to get all the information they need so that they do not have to gather it themselves. We are also, importantly, fast-tracking applications from elderly people or people with poor or declining health, and they have access to advance payments of \$20 000 while their applications are going through the process. So, look, it is something that is overdue, but I am proud that it has started and that we can finally do some good to go against addressing a really large wrong.

Ms RICHARDS: Thank you, Attorney.

The CHAIR: Thank you. Mr Newbury.

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.

Ms SYMES: But as the Secretary indicated, the information that we have from Fines Victoria is that 50 per cent of people that have received a COVID-related fine have engaged with the system to either pay in full, seek to have it considered or sign up to a payment program.

Mr NEWBURY: I mean, that could mean anything. Last time we heard that 92 per cent had not paid, so an engagement does not mean anything really.

Ms SYMES: We have got 50 per cent of people that are not ignoring them.

Mr NEWBURY: So 50 per cent are ignoring them.

Ms SYMES: Fifty per cent of people have not yet—

Mr NEWBURY: You have just said 50 per cent of people are ignoring the fines.

Ms SYMES: No, 50 per cent of people I can demonstrate have engaged with the process.

Mr NEWBURY: I am only using your language.

Ms SYMES: I just repeated my language to you: 50 per cent of people who have been issued a fine have engaged with it, either paying in full or through a review or electing to have the matter heard in court. As we know, fines do not go away, and I would encourage anybody who has outstanding fines to seek assistance from Fines Victoria about how they can deal with that fine. We have a range of options for people to make sure that they can clear that and get on with their lives without this hanging over them. But this was a really important measure for the protection of the Victorian community. I really want to thank Victoria Police and authorised officers who went about ensuring that public health orders were taken seriously and that people that were not complying or not responsive to being asked to comply were issued appropriate fines, and I would really encourage people that have been issued to take up the range of options available to them.

Mr NEWBURY: I do appreciate the point that 25 000 people have ignored them. What I am interested in is the proportion that have actually been paid—the data that you did, with respect, bring with you last time, that you do not appear to have brought with you this time. If you would not mind taking that on notice, that would be great.

Ms FALKINGHAM: Thanks, Mr Newbury. I think it is also important to clarify that another 49 per cent of that number have not been registered for enforcement, so that information would not sit with us, because it has not been registered with Fines Victoria. That might lead to an internal review at Victoria Police. There might be ongoing conversations going on with the authorised officers to understand COVID compliance. So these figures do move around a lot because we are always engaging with people about the best approach. We are obviously very conscious as well about the most vulnerable in our community and working with them to ensure that they know about payment plans and to make sure that they know there is other assistance available to them. The people at Fines Victoria are very, very good at providing support and services to all of those people, but it is important to say that that 50 per cent has to be sat alongside the 49 per cent that have not been registered with us yet for enforcement.

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.

Mr NEWBURY: Thank you. Ms Anderson, can I ask about the working-from-home arrangements for magistrates. How do the working-from-home arrangements work for magistrates at the moment?

Ms ANDERSON: Overall I may not have an answer specifically to what the nature is—

Mr NEWBURY: I am not asking a specific question. I am just asking: how does it work?

Ms ANDERSON: Magistrates are either located in a regional, metropolitan or CBD location subject to the nature of listings, and the Attorney has referred to the online Magistrates' Court. It would ordinarily get an assessment of whether a matter is amenable to be heard online or in person, and then there will be an allocation made to the magistrates. Those magistrates may attend in person or, if appropriate, continue or hear the matter from their own home office, as it were.

Mr NEWBURY: In terms of the city perspective, the reason I ask is a number of magistrates have raised privately that they are being told that there are not enough chambers so they are being rostered to work from home.

Ms ANDERSON: I am not aware of that feedback, Mr Newbury.

Ms SYMES: Neither am I.

Mr NEWBURY: Sorry?

Ms SYMES: Neither am I.

Mr NEWBURY: Well, I am letting you know now.

Ms SYMES: Well, there is not one single magistrate that has raised that issue with me, nor has that been raised—

Mr NEWBURY: That does not necessarily mean it is not true, though.

Ms SYMES: Well, if they had an issue, most people who are justices are not particularly shy in letting me know their views, and I can categorically confirm that I have not heard from a single magistrate directly that has raised any such concern.

Mr NEWBURY: Well, I am letting you know now. I am just letting you know that that has been raised. In short, you are not aware of it.

Ms ANDERSON: No, I am not.

Ms SYMES: Perhaps I would ask you to direct the individual—

Mr NEWBURY: Individuals.

Ms SYMES: that you have referred to to me, and I will have a chat to them if you like.

Mr NEWBURY: Sure.

Ms SYMES: And I am sure the Chief Magistrate would be happy to have a chat with them as well.

Mr NEWBURY: Well, no. The point that was raised with me is that the Chief Magistrate is a big fan of working from home and so that is the problem.

Ms SYMES: Oh, well, that is a statement that you are making. I do not have any information that would support that contention. And as I said, no-one has raised these issues with me, so I do not think it is a huge issue, because I hear about things pretty regularly if there is something going on.

Mr NEWBURY: But some things do happen that you are not aware of.

Ms SYMES: But if people want a resolution, then they should speak to the people who have capacity to have conversations about dealing with their concerns.

Mr NEWBURY: Thank you.

The CHAIR: Mr Newbury, can I remind you to keep your questions to the estimates process, please.

Mr NEWBURY: Attorney, in relation to the point you made about the gay legal service funding, when I first proposed it Minister Foley ‘slammed’ the proposal. Can I ask what the change of heart was from the government? I mean, wiser heads have obviously prevailed, but where did the decision change come from? Why did the decision change happen?

Ms SYMES: I would not describe it as a change in position. As you would appreciate—

Mr NEWBURY: I think it was pretty clearly written at the time.

Ms SYMES: As you would appreciate, the pride centre is a very iconic, amazing building that this government was very proud to fund, to build, and it is a great building. When touring it, there is obviously a pretty appropriate room for a legal service.

Mr NEWBURY: I agree entirely. I came up with the idea.

Ms SYMES: When the pride centre opened we partnered with Thorne Harbour Health and St Kilda Legal Service to provide a dedicated stream for LGBTIQ+ Victorians to access dedicated services.

Mr NEWBURY: So the minister was just shooting off at the mouth?

Ms SYMES: We have now funded the service to be a tenant within the building, and that is currently out for tender. It is going to be well supported by that community and I think a fantastic asset to the pride centre. We have had a task force working on that outcome for some time, so there has been no decision that has changed. It has been something that we have been advancing in relation to a model, and it will make a great asset along with the other fantastic tenants at the pride centre.

Mr NEWBURY: Thank you for that clarification.

The CHAIR: Ms Taylor.

Ms TAYLOR: Thank you, Attorney and officials, for being with us today. I think there is a lot more to unpack regarding the stolen generations reparation package, in particular noting that I think almost \$1.5 million was spent this financial year to set up the reparations package. How was that funding used?

Ms SYMES: Sorry, Ms Taylor, you were talking about the stolen generations redress?

Ms TAYLOR: Yes.

Ms SYMES: I almost should have a subtitle as the ‘Minister for Redress Schemes’—I have got a few of them. But the \$1.45 million was primarily spent on the activities of the stolen generations steering committee, which was a really important part of the process in ensuring that we could support them to produce a final report. What I mean by the importance of this was ensuring we had a community-led design of reparations involving a steering committee that would lead this work. It was chaired by Yorta Yorta man and member of the stolen generations Ian Hamm, who if you saw speak at the launch was just incredible. So taking on that role, as someone who has experienced the trauma that goes along with these awful practices, shows just what an incredible human Ian Hamm is. The composition of the committee also included other members of the stolen generations and their descendants as well as representatives from four Aboriginal community controlled service providers: Link-Up, Connecting Home, VALS and the Koorie Family History Service.

In the course of their work a listening process was undertaken, which heard from more than 400 members of the stolen generation and their families. They provided their final report after these extensive statewide consultations in July 2021, and there were 56 recommendations. The report is broken up into two parts. Part 1 encompasses recommendations 1 to 34, including advice on the reparations package and its operational framework, which I went through in some detail in previous answers. But ultimately the money went to helping the steering committee guide the final package design and operation. As I identified, the reason that it was so integral to be community led was that we wanted to ensure that no further harm or retraumatisation could be caused. We wanted to create a culturally safe and supported process and, importantly, promote self-determination of Aboriginal people.

There is also part 2, which will go to enhancing service provision and policy responses and cover the broader recommendations to support some of those services that want to step into this space—and we have certainly committed to a whole-of-government response to that; as you would appreciate, some of those other elements would be outside the Attorney’s portfolio. In addition, we received advice from the steering committee that the government should set up an interim funeral fund to assist with funeral costs and other associated costs up to \$10 000. This was important, because it was designed to bridge the gap in covering expenses and easing some of the burden for families until the full package was available. But as I said, applications are now open and people are supported to make those, and there are those advance payments for people in the sad situation where their health is not well and they want to get some advance payments.

Ms TAYLOR: Noting that the steering committee was heavily involved in design of the reparations package, could you explain how Aboriginal leaders will continue to be involved in the implementation and delivery of the package?

Ms SYMES: Yes. Thank you. As I said, it is really important to be led by Aboriginal leaders, and this leadership will continue to be front and centre of the implementation and the delivery package. For this reason a stolen generations advisory committee has been established, which will continue the work of providing advice and guidance to government. Now that the package is operational, there are nine members of that committee who have lived experience of stolen generations policies. They do come from a range of backgrounds, but they all have deep ties to communities across Victoria.

Additionally, all applications for the package will be assessed by an independent panel. It really is important that sensitive decisions, such as the impact of removal on applicants connection to their family and country, are made by community and certainly not politicians or bureaucrats. This approach keeps the decision-making about eligibility of applicants at arms length from government and goes a long way to promoting Aboriginal self-determination, consistent with what we have been advised throughout the process as being the right way to approach reconciliation and, importantly, healing. I have met with VALS, who certainly have reinforced this message of taking care in our approach to implementing the package, as many of those who are eligible for redress are hesitant with engaging with government, for understandable reasons. It is why the advisory work of the committee and assessment panel is going to be really important to make sure we get it right and to work closely with the community and the agencies that are there to support their communities.

Ms TAYLOR: Fair enough. I would just like to explore now the design of the forced adoption redress scheme. I understand work is underway to design a redress scheme for mothers affected by historical forced adoption practices. Could you please explain how learnings from the stolen generation scheme will assist in the design of this new scheme?

Ms SYMES: Yes. As I said, there are some benefits to all of these great projects being under the one portfolio, because I can draw on the expertise of the department of justice, who have been instrumental in ensuring that we can get these packages up and available for people in need. It will be helpful to draw on the experience of the stolen generation reparations package to inform the ideal practices when designing the best scheme possible for correcting the wrongs of the past in relation to a redress scheme for mothers that were affected by historical forced adoption processes. Particularly helpful will be the experience of establishing the steering committee that I just went through. We want to provide leadership and personal experience and hear from lived voices in the design of this package.

Similar to how we did stolen generations, a key theme will be to establish the scheme without a delay and to offer some kind of emergency payment that could be made available almost immediately. We did take the learnings from the advance payments that are available to be prioritised for the stolen gens package and established a \$500 000 forced adoption hardship fund. The hardship fund will provide discretionary payments to mothers affected by forced adoption who have exceptional circumstances and those that are terminally ill. It will be important that the criteria for who is eligible to access the hardship fund is designed in consultation with the appropriate stakeholders, including, as I said, those with lived experiences. There are support groups and agencies and organisations that all have an interest in this matter, and we want to speak to all of them and make sure that they all have an opportunity to contribute. The administration and implementation of the hardship fund will provide opportunities to learn as well from some of the examples that we might want to consider for the final design and application.

A little bit of what we have drawn on is just ensuring that correct information is provided to applicants and providing timely referral to support services such as VANISH, which is the Victorian Adoption Network for Information and Self Help. We know that when we talk about these issues it brings people back to situations of trauma, so not only do we want people to access our scheme, we are very conscious that it will require support services and counselling. Indeed there are some good bodies out there to help people through the processes.

Ms TAYLOR: Yes, noting just how important the support for people affected by forced adoption must be, further to what you were saying there, I understand the 2022–23 budget is providing support services for people affected by historical forced adoption practices. So could you further unpack what exactly these services are and how they are providing—

The CHAIR: Sorry to interrupt you, Ms Taylor, but your time has expired. Mrs McArthur.

Mrs McARTHUR: Attorney, budget paper 3 at page 388 reports output funding of \$185.8 million for court services in Victoria 2022–23. The Productivity Commission's Report on Government Services 2022 recorded that with very few exceptions Victoria's courts had the worst backlogs anywhere in the country. For example, the proportion of criminal cases delayed more than 24 months at County/District Court level is 11.3 per cent in Victoria—more than twice as bad as the next worst case, Queensland, at 5.5. Criminal cases delayed more than 12 months in the Magistrates' Court is 28.3 per cent in Victoria compared to just 4.7 in New South Wales. For Magistrates' Court civil cases waiting longer than a year, Victoria is at 30.5 versus 3.7 in New South Wales. So,

Attorney-General, do you accept that these shocking backlogs mean that Victoria's court and tribunal system is in crisis because people are denied access to justice?

Ms SYMES: Thanks, Mrs McArthur. I think at the outset I have certainly acknowledged that our courts have unacceptable backlogs, and I have taken the committee through many of the initiatives and the focus that the heads of jurisdiction and government have on doing all we can to address these as quickly as possible.

I would urge caution in relation to the comparisons of jurisdictions. We count everything in our figures, and not all jurisdictions would include all matters in their numbers, so comparing them in the way that you have outlined is not an accurate picture of what is happening across other jurisdictions. All jurisdictions in Australia have backlogs, and I know that a lot of people are working on measures to address that. I think Victoria is certainly leading the way in relation to our innovation and pre-court engagement programs and the like and sharing that information with other jurisdictions. As the slides indicated in my presentation, we are heading in the right direction. And I think from what we have come to learn from having to adjust and think of new ways of doing things due to restrictions, we are going to be in a really strong position when we get to prepandemic levels to actually drive down those pre-existing backlogs that have been in the system for some time. I think what we have learned will be embedded and continue to provide a good platform for further improvements to the justice system.

As I have indicated, the backlogs are something that we are very conscious of. I have not shied away from that. And I think what is also important to put on the record is that not only have the courts put all their attention in relation to options, innovations to keep the wheels of justice moving, there is a dedicated resource to ensure that the most serious cases, those that have vulnerable victims, are prioritised. So it is not as though you join the queue at the end in every matter. You will be listed and allocated to times in relation to your particular circumstances, with particular cognisance of the impact on victims.

Mrs McARTHUR: Well, Attorney, even accounting for some statistical variations, the figures look very bad for Victoria compared to elsewhere in Australia. So what do you say to the victims of crime who have to wait for years before they can give evidence against their attackers and are denied the opportunity to start healing in a timely way, or to renters who have had their bond withheld for two years after leaving a tenancy because they cannot get into VCAT to have the dispute resolved?

Ms SYMES: I guess, to start with your first point in relation to victims of crime, as I identified in my previous answer, these are matters that the courts consider when allocating to courts, particularly jury trials. They prioritise vulnerable victims in the way that they schedule things, and they ensure that victims of traumatic offending can get their cases heard as soon as the system can accommodate. As I also mentioned in my presentation, the backlog of criminal trials is starting to come down, even though new cases continue to be filed. Criminal trials have been running in the Supreme and County courts since last year, and trials in the regions commenced even earlier than that. In the first four months of the year courts empanelled more than 160 juries across the state, and we have invested heavily in active case management in the County and Supreme courts. Between 2021 and 2022, 590 criminal matters were completed through this case management process, and 60 per cent of them were resolved, discontinued or remitted to the Magistrates' Court. So, coming back to some of my previous comments about early resolution of issues, the early signs are that this approach has the potential to generate whole-of-criminal-justice-sector savings and really get into those backlogs. My hope and expectation is that through measures such as the efficiencies in the court system we can build back from COVID with a better and faster criminal justice system than we had beforehand, noting, as I indicated, that delays did exist in the system before the pandemic.

In relation to your comments for those that are awaiting the return of bonds, as identified, I am very conscious of the impact that these delays have on people, which is why I have been working with VCAT in relation to ensuring that they get the resources they need to employ more members. And we have staff from the Dispute Settlement Centre, who would normally deal with disputes such as fence disputes, trees and neighbourhood issues, who have been allocated to help with the VCAT cases, in particular the residential tenancies list.

You would appreciate that due to the pandemic there was not only an inability to have face-to-face hearings in a system that had only had the ability to have face-to-face hearings, it had to pivot without really a digital platform to do so. There are a lot more cases in that space due to people's personal circumstances. So that is a

priority of mine, that list, and providing all the support I can to VCAT to ensure that they can drill down on the backlogs for tenants and landlords.

Mrs McARTHUR: Thank you, Attorney. We will go to VCAT again. In last year's budget the Labor government trumpeted a digital service transformation of VCAT that was to cost \$29 million and be completed in the third quarter of 2023–24. In this year's budget the government states that this transformation has been delayed by 15 months and now will not be finished until the last quarter of 2024–25. Attorney, why should the thousands and thousands of Victorians who cannot get their cases heard in VCAT because of the chronic delays accept that this digital service transformation is going to be delayed by more than a year? The government claims in the budget papers that the delay is due to a revised project scope and schedule yet claims the total cost has not increased by a single dollar. Attorney-General, can you please explain how an IT project can be delayed by 15 months with a revised scope and yet the budget does not change?

Ms SYMES: I can explain that, Mrs McArthur, because delivery of the project is underway with the enablement of e-filing and automation of some manual processes that started in the residential tenancies list earlier this month. It is only the capital funding that has been re-phased, meaning that this change is technical only and does not actually change the overall project's duration. The funding re-phase outlined in BP4 for the digitisation does not reflect a delay in the overall delivery date of the project. Importantly, we have seen transformation in the planning and environment list, and we will be able to learn from its successes to roll out to the tenancy list, which, as you have identified, is a priority for many Victorians and certainly has my full attention.

The CHAIR: Thank you. Mr Richardson.

Mr RICHARDSON: Thank you, Chair, and thank you, Attorney-General and department officials, for joining us today. Attorney I want to take you to the topic of the Bendigo law courts, and I want to take you to budget paper 3, page 130, table 1.24, which refers to the government's investment in operationalising—I was practicing that one; I thought that was not going to come out right—Bendigo law courts. For the committee's benefit, can you outline what the Bendigo region can expect from this court's coming operations?

Ms SYMES: Thank you, Mr Richardson. As a regional MP and indeed Member for Northern Victoria, which takes in Bendigo, I am always happy to talk about justice in our regions. The Bendigo court project is a really exciting project. It was announced before I was the Attorney, but I got to go and put the hard hat on and do a bit of a tour recently. It is beyond amazing. It is a five-level new court in central Bendigo on the corner of Mundy and Hargreaves streets, for those that are familiar with Bendigo, so right in the centre of town. It features nine courtrooms, two hearing rooms and two mediation suites and includes remote witness facilities and interview rooms for service providers.

The design of the court itself really has been well thought out. It seeks to minimise adverse environmental impacts. It is really lovely. It has been prepared in consultation with the traditional owners, the Dja Dja Wurrung people. There is going to be a massive copper panel facade at the top with punchouts—my construction language is probably not on point, but little holes in it—which will display Bunjil overlooking Bendigo. From inside the court the lights will come through and at night-time it will project over the regional city of Bendigo.

In this budget we have allocated \$19.73 million in output funding over four years to commence operations of this new, modern multijurisdictional court in Bendigo. That is on top of a massive investment for construction, which was over \$150 million, and it is expected to be operational early next year. But importantly the new facilities, as much as I got excited about the staircases and the artwork, are more than just bricks and mortar. It is going to be a significant step in building a stronger connection between the Bendigo community, the courts and justice support agencies that of course provide invaluable assistance to members of the community who bring their matters to court. It will not only assist with the user experience of court applicants and responders but also encourage efficiency of matters by providing greater support and capacity for case resolution, advice and external support referrals. In comparison to the current court that is there in Bendigo, it will also deliver specialist services, including a new Assessment and Referral Court, a Koori Court and an additional magistrate and judicial registrar. Within the project, Court Services Victoria are also working towards the government's *Local Jobs First* target of 92 per cent local content, and it is expected to actually generate 390 jobs, which is a

big boon for Bendigo and the surrounding community. So thank you for the questions; I am a bit excited about that project.

Mr RICHARDSON: Exploring a bit more in addition to the court facilities themselves, what investment is being made to ensure that the court is accessible for the entire Bendigo community?

Ms SYMES: Look, it is always important to acknowledge the many numbers of people and agencies that are critical to the operation of a court, and Bendigo is no exception. Being able to design it with all of that in mind means that you can make the right investments and involve the court partners to really focus on the outcomes for the community. Our focus is on court users—we want good working environments, but we really want good outcomes for the users. There is \$59 million in initiatives for programs that operate within our justice system, including court programs that the Bendigo court will rely on, including Victoria Legal Aid, who will assist, obviously, with providing affordable legal representation and advice to eligible participants. VALS will also assist in providing culturally appropriate legal services to the Bendigo region, and the Bendigo court is also going to feature advanced technology infrastructure throughout the building, as we have discussed, I think, in relation to ensuring that we are doing the best we can to deal with matters more quickly. We are certainly aware of how critical technology services have been to our courts in recent times and how we can continue to embed that and make strides to keeping matters running in accordance with any health restrictions and the like but also actually bringing about permanent fixtures and improvements. It is just going to be overall a better outcome for people. The new Bendigo court will also be able to facilitate remote hearings and new services such as digital evidence display, videoconferencing and live streaming, so there are going to be lots of bells and whistles and all the latest things at the Bendigo court, which is very exciting. I think it will be a great outcome for people that are required to attend that service.

Mr RICHARDSON: You have covered in your evidence today, Attorney, the importance of access to justice, particularly for vulnerable members of our community. I am wondering if you could also provide an overview of how the Bendigo law courts will offer that support to vulnerable members in our community.

Ms SYMES: I am pleased to say that the Bendigo court will be incorporating some of the most tried and tested methods of therapeutic justice, including a Koori Court, which will be on the top floor with the Bunjil mural as well. Having it on the top floor I think is going to be really symbolic as well in terms of really making sure that people feel welcomed—sitting in the waiting room and having Aboriginal art on display and the like. It is going to be a good outcome. The courts will continue to demonstrate our government's commitment to facilitating self-determination for Indigenous people, because we want to actively seek to address systemic disadvantage and over-representation of Indigenous people in our justice system. We know when Aboriginal people who are accessing the courts feel welcomed, feel seen and feel understood that they are going to get better outcomes for themselves and indeed for the community.

Bendigo law courts will also be one of the locations that sees funding from our investment in expanding the Assessment and Referral Courts. This is critical in supporting those who experience severe mental health concerns to access our courts and was recommended by the Royal Commission into Victoria's Mental Health System. So this is a program that allows for the prioritisation of treatment and rehabilitation for offenders suffering from mental illness or cognitive impairment. The court design has had input from heads of jurisdictions, practitioners, court staff and users and has made use of this amazing technology—virtual technology where you could put a headset on and walk into a designed courtroom and give feedback on how high the bench is, for example, but importantly being able to think about the experience for victims, making sure that the court is designed in a way that they can, if they are in person, give evidence in a safe space, and indeed, if they need to exit the court, making sure that they are separated from perpetrators, for example. These are going to be state-of-the-art building facilities, and with those programs that are really targeted to some of our most vulnerable in the community we are really going to turn some lives around at the Bendigo law courts; that is my expectation.

Mr RICHARDSON: I might leave it there, Chair. Thank you.

The CHAIR: Thank you, Mr Richardson. Mr Barton.

Mr BARTON: Thank you, Chair. Good morning, Attorney and team. Attorney, I note on page 90 of budget paper 3, funding for 'Legal assistance', includes funding for organisations to support their community in legal

matters, including in matters against the government. The responsibilities for government departments, agencies and regulators to act as model litigants obviously reduce the amount a government needs to spend supporting the community in these matters. So when parts of the government fail to act as model litigants this has an impact on the legal support available to the community. In relation to actions by Commercial Passenger Vehicles Victoria in recent legal matters and their attempts to frustrate, delay and undermine the resolution of reasonable claims against it, what are the responsibilities of the regulator to act as a model litigant?

Ms SYMES: Thank you, Mr Barton. Of course I note your continued advocacy for those in the transport industry and particularly taxi drivers—something that you are well known for and very passionate for, and you continue to make their voices heard, so I commend you on your efforts. Your question specifically goes to model litigant issues, and I can confirm that the department of justice has guidelines on the obligations of the state, its departments and its agencies to indeed act as a model litigant. All governments around Australia also have a common-law responsibility to act as model litigants. Victorian departments and agencies also have a duty to behave as a model litigant.

As the Attorney-General, you may appreciate that it is difficult and somewhat inappropriate for me to comment on specific litigation that relates to a regulator that falls outside of my portfolio responsibilities. Minister Horne may be able to supplement my answer to you with more specific information in relation to this matter. I can outline that ensuring compliance with this obligation is the primary responsibility of the agency that has responsibility for the litigation, but as I have indicated in my answer there are guidelines about how people should behave.

In addition, any lawyers that are engaged in such litigation, whether Victorian government solicitor, in-house or private, also need to act in accordance with the obligation to assist their client agency to do so. I would note, though, that the obligation does not prevent any agency from acting firmly or properly to protect their interests, but rather requires an agency to act fairly, act consistently and not take advantage of the claimant.

Mr BARTON: Keeping with the same reference then, what requirements do model litigant obligations, if you can get me more detail, impose on parties? And do you think that the actions of Commercial Passenger Vehicles Victoria are consistent with those obligations, Attorney?

Ms SYMES: Mr Barton, I think the first part of your question is something that I can go to. It would not be appropriate for me to provide an opinion on Commercial Passenger Vehicles Victoria, but what I can say in general terms is that the Victorian government obligation includes a range of requirements in relation to what agencies should do. They should act fairly in handling claims and litigation brought by or against them, deal with claims promptly and not cause unnecessary delay and pay legitimate claims without litigation where it is clear that liability is at least as much as the amount paid. There are a range of other obligations, but I would gather that those provide a bit of a snapshot for the expectations that are placed on all agencies and all government departments. But it certainly would not be appropriate for me to give a specific opinion on the matter that you raised.

Mr BARTON: Yes, we have to be careful, of course. Attorney, who is responsible for agencies acting as model litigants?

Ms SYMES: Fundamentally, Mr Barton, the determination of whether an organisation has acted as a model litigant is a matter for the court, in particular the court hearing a particular proceeding, but the department of justice can respond to any complaints made about adherence to its policies. Via VGSO we also take steps to ensure that all of our government lawyers—all those that are accepting government work—are trained in this regard. Hopefully I have given you enough information in relation to what is expected and some of the avenues that people have got to raise a complaint, whether through the department or in relation to court action. But again, the responsible minister might be able to give you a little more detail into the specifics of that agency that fall under her portfolio responsibilities.

Mr BARTON: Thank you, Attorney. I will just move over to spent convictions. Last year Parliament passed new spent convictions laws. In your presentation you mentioned that these laws have now partially commenced. Where is the implementation of this up to, and what progress has been made in relation to the application-based part of the scheme?

Ms SYMES: Thanks, Mr Barton, for your question. Again it is a great opportunity to talk about some of the really meaningful changes that we have made this term, and I do recall that you made a fairly impassioned contribution in the chamber and were very supportive of this legislation. I am also incredibly proud of this legislation. It removes unfair barriers to employment for Victorians with past convictions. The Act enables individuals who have committed certain offences to have their convictions spent where they have demonstrated their ability to rehabilitate. This will remove the impact that criminal records have on people who have paid their debt to society. I know the reform has particular relevance to many Aboriginal Victorians, who we know are over-represented in our justice system. The first tranche of the Act commenced on 1 December last year, so offences that carry a term of imprisonment of less than 30 months, excluding sexual or serious violence offences, began being spent automatically where the person had remained crime free. And from July 2022 Victorians will be able to apply to the Magistrates' Court to have their more serious offences spent. Of course in making a decision the court will have regard to factors such as the personal circumstances and demonstrated rehabilitation of the applicant, the nature and circumstances of the offence, any impact on the victims and any risks to public safety—a really important reform that makes a really big difference to people's lives, particularly people that committed offences in their youth and really want to go on to be able to participate fully in society. Sometimes one little line on a piece of paper can really put someone back—so being able to ensure that in appropriate cases these issues that they have moved on from and are no longer factors in their lives are not holding them back from fully participating in society.

Mr BARTON: Thank you, Attorney. I have got 1 minute to go. In that case, Attorney, in your presentation you talked about the work that CLCs are doing through the health and justice partnerships. They also do incredible work with people with fines. What are you hearing about them and the needs of the communities that they serve and how governments can support better legal services for vulnerable communities?

Ms SYMES: Thanks, Mr Barton, for the opportunity to really pump up the tires of our CLC sector. Since coming into the role I have committed to regular round tables with our CLC sector, and I guess one of the advantages of all being able to log on online and have meetings now is they are really well attended. There are more than 50 CLCs, so being able to have them all in the same room and have conversations about what they do is really energising. They are so passionate about law reform and so passionate about helping our most vulnerable. I know that you have an interest in ensuring that people who have fines, particularly if they have multiple unpaid fines, can be supported to help deal with those. But also CLCs just give incredible insights into the front line of our legal services, offering practical things that can be done to improve inequality, such as with family violence, mental health, consumers, tenants, employment, and—I will end on—they do a lot of work on fines, and I really appreciate the work that they do for people in Victoria.

Mr BARTON: Thank you, Attorney.

The CHAIR: Thank you, Mr Barton. Thank you, Attorney. That concludes the time we have set aside for consideration of the Attorney-General portfolio with you today. Thank you for appearing before the committee in this capacity. 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.

The committee will now take a short break before resuming consideration with you, this time with the emergency services portfolio, at 10.25.

Witnesses withdrew.