

TRANSCRIPT

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

Inquiry into the Victorian Government's Response to the COVID-19 Pandemic

Melbourne—Tuesday, 19 May 2020

Members

Ms Lizzie Blandthorn—Chair

Mr Richard Riordan—Deputy Chair

Mr Sam Hibbins

Mr David Limbrick

Mr Gary Maas

Mr Danny O'Brien

Ms Pauline Richards

Mr Tim Richardson

Ms Ingrid Stitt

Ms Bridget Vallenge

WITNESSES

Ms Shorna Moore, Director, Policy and Engagement, Federation of Community Legal Centres (Vic), and

Ms Nerita Waight, Chief Executive Officer, Victorian Aboriginal Legal Service, and,

Ms Samantha Sowerwine, Principal Lawyer, Homeless Law, Justice Connect (*all via videoconference*).

The CHAIR: Welcome to the public hearings for the Public Accounts and Estimates Committee Inquiry into the Victorian Government's Response to the COVID-19 Pandemic. The Committee will be reviewing and reporting to the Parliament on the responses taken by the Victorian Government, including as part of the national cabinet, to manage the COVID-19 pandemic and any other matter related to the COVID-19 pandemic. All mobile telephones should now be turned to silent.

All evidence taken by this Committee is protected by parliamentary privilege. Therefore you are protected against any action for what you say here today, but if you repeat the same things outside this forum, including on social media, those comments may not be protected by this privilege. You will be provided with a proof version of the transcript for you to check. Verified transcripts, presentations and handouts will be placed on the Committee's website as soon as possible. The hearings may be rebroadcast in compliance with standing order 234. We ask that photographers and camerapersons follow the established media guidelines and the instructions of the secretariat.

We invite you to make a brief opening statement of no more than 5 minutes please, and we will cut you off at the 5-minute mark so apologies for any awkwardness there. We ask that you state your name, position and the organisation you represent for broadcasting purposes, and then this will be followed by questions from the Committee members relative to their representation at the table. So thank you to the federation for joining us today.

Ms MOORE: Thank you. Shorna Moore, Director of Policy and Engagement at the Federation of Community Legal Centres. Firstly, I would like to acknowledge that we are on Aboriginal land that has never been ceded and acknowledge the traditional owners of the land, Aboriginal elders and Aboriginal people here with us today.

We are the peak body for Victoria's community legal centres. Community legal centres, or CLCs, are local, independent, community-based organisations providing free legal help to people across Victoria. Our community lawyers are on the front line, playing a crucial role in ensuring people can access justice, including women experiencing family violence or tenants facing unfair evictions. Community legal centres work alongside health and social services to address people's social and health problems together. Our community lawyers are partnered with hospitals, schools, maternal and child health centres and other support agencies to reach people who need our help as soon as possible.

Since the COVID crisis began, demand for community legal help has significantly increased. The uncertainty around legal rights and obligations is already leading to unprecedented demand in areas such as residential tenancies and employment. Tenants Victoria has seen 400 per cent more hits to its website and online resources, and JobWatch has seen over 900 per cent more hits. Renters need our help keeping a roof over their heads, and people who have lost their jobs need our help to exercise their employment rights and receive the fair payments—for example, parents, especially mothers, who are in the very difficult position of juggling family responsibilities and working from home. Right now victims of family violence are isolated in their homes and are most at risk. We know that they need our help to obtain an intervention order and make safe arrangements for their children. We know that many at-risk young people who have homes that are unsafe and who would normally be at school need our help.

The recent investment made by Government in legal assistance will ensure community legal centres can assist many more facing hardship as a result of the pandemic. However, this will be a long healing process and recovery as we enter the economic phase of the crisis. We are very concerned about financial hardship and the impact this is going to have on people's ability to stay connected to, say, essential services like energy, gas and telecommunications. Once the moratorium on evictions is lifted we expect to see a surge in tenants facing eviction due to the accumulated rental arrears that people are never going to be able to pay back, and as

restrictions lift we are extremely concerned that we are going to see a spike in family violence as women make arrangements to leave and perpetrators lose control.

As noted by the Productivity Commission and Victorian *Access to Justice Review*, unmet legal need posts huge risks to mental, physical and financial wellbeing, with flow-on costs to the State in the form of increased burdens on health, housing, child protection, justice and other publicly funded systems. CLCs play a crucial role in avoiding the escalation of legal problems, and we are really pleased that the Attorney and Government recognise the impact that COVID has on people's need for legal help.

We have invited the Victorian Aboriginal Legal Service to appear alongside us today to talk about the impacts of COVID-19 on Aboriginal communities.

The CHAIR: Thank you very much, and I will pass to Ms Pauline Richards, MP, for the first questions.

Ms MOORE: Sorry, is Nerita—

Ms WAIGHT: Yes, I am here.

The CHAIR: Sorry. Would you like to add to the opening statement?

Ms WAIGHT: Yes, if that is okay.

The CHAIR: Sure.

Ms WAIGHT: Okay. My name is Nerita Waight. I am the CEO of the Victorian Aboriginal Legal Service. First of all I acknowledge the traditional owners of country, which has never been ceded and which we are virtually meeting on today, and recognise their continuing connection to land, waters and cultures, and pay respect to elders past, present and emerging.

VALS provides legal and non-legal services to Aboriginal people within Victoria. We are pleased to be invited by the Federation of Community Legal Centres to join the hearing, given that no other Aboriginal organisation is appearing to provide evidence.

Aboriginal communities are particularly at risk during this time because our people are already disproportionately impacted by housing instability and homelessness, unemployment, family violence, poverty and higher rates of chronic illnesses and poor mental health. We are already seeing or expect to see an increase in the legal needs of communities, including in relation to tenancy, debt, family law, child protection and criminal law. Aboriginal people are also overrepresented in child protection and criminal justice systems and have been disproportionately impacted by significant changes implemented to respond to COVID-19.

Despite some positive aspects in the Government's response, VALS has a number of concerns about the way that our people have been impacted. In particular we are concerned about the treatment of Aboriginal people in prisons, including mandatory protective quarantine for all people entering prisons and an increase in lockdowns in facilities such as Port Phillip, where clients have reported being in their cells for 20 hours a day for four weeks. If this continues, it is only a matter of time before there is another black death in custody. The Government must develop more flexible approaches to manage health concerns in custodial facilities and ensure there is an independent oversight mechanism in one of its obligations under the optional protocol to the convention against torture.

VALS is also concerned about court delays and the backlog in the court system. Delays are having significant impacts for Aboriginal people in custody and those on bail and community-based orders, particularly people with strict bail and CCO conditions. We would like further clarity on how the courts will address the backlog once restrictions are eased and ensure adequate access to legal advice and representation.

Finally, we are concerned about the failure to adequately address impacts for families whose children are under a family reunification order. Court delays, reduced services and self-isolation restrictions mean that parents' capacity to work towards family reunification within the specified time frames is severely limited. Further clarity is required through amendment to permanency provisions in the *Children, Youth and Families Act*. Thank you very much.

The CHAIR: Thank you. The time for presentation has expired.

Ms RICHARDS: Thank you both for appearing here virtually this afternoon. I appreciate you both taking the time to provide that evidence and that compelling presentation that has unpacked for us the issues that you would like to be acquitted. You did say, Ms Moore, in your initial presentation that there had been additional funding, and I was wondering if you could explain how your members will benefit from using the additional funding that the Victorian Government has announced for community legal centres in this context.

Ms MOORE: The funding given is a combination of funding to frontline legal services, which I touched on before. Community services are at the front line delivering services—for example, family violence, tenancy, consumer law matters, employment law matters and other legal issues. The other component of the funding will also go towards upgrading technology—so moving to the remote facilities that legal centres are using. That can be looking at their offices as well as possible flexible—well, hopefully we can use that funding also to give to some clients to access technology as well in order to be able to reach the legal centre.

Ms RICHARDS: Would you be able to provide a little bit more granular detail about some of the ways that people have used IT services to provide some additional advice to clients?

Ms MOORE: Sure. I have been briefed that obviously in the young people's space schools have closed for many young people, and we have been concerned about a lot of young people that have disengaged from school. So some of our legal centres, especially the ones in the south-east, have been using technologies, such as social media platforms and TikTok and others—Instagram too—in order to engage young people, and they have got some virtual sporting programs that teach you about your rights, and they have been using those platforms to engage young people. I think it is about 70 young at-risk youth in the south-east that have been engaged by Springvale Monash Legal Service's Sporting Change program, and they have linked them back into the school wellbeing teams. So that is an example of using platforms such as social media, and we have also got other members, such as Justice Connect, that are using telehealth services, in particular with older people, and accessing and increasing access to legal assistance through those mechanisms.

Ms RICHARDS: Thank you, Ms Moore. Actually it is a good opportunity to thank the community legal services. We do know you play an incredibly important role in our communities. I understand that the Commonwealth committed \$12.5 million, and of course I cannot help but compare that to the \$17.5 million provided by the Victorian Government for legal assistance services. Would you like to discuss whether you think and how you think Commonwealth funding should be increased to better support your members in light of the current situation?

Ms MOORE: Sure. Look, I have not been briefed on that matter by members, but I will say that there is an importance of the family law jurisdiction here and making sure that Commonwealth funding flows to the State and is dedicated to family law matters. We are seeing that particularly now with the complexity, because of COVID, of these family law and child arrangements and agreements and the complexity that we are seeing here in COVID due to the isolation measures. So I would say that it is important that family law is seen in the context as well as family violence and that funding does flow from the Commonwealth.

Ms RICHARDS: The Government's recent announcement for community legal services will also go to Aboriginal legal services—VALS, Djirra. Can you explain how this will assist your clients to access legal support?

Ms MOORE: I will pass that to Nerita to answer.

Ms RICHARDS: Thank you.

Ms WAIGHT: In terms of the additional funding, noting that we do not know the exact amounts that we expect to receive, it will assist us in providing critical need services. At the moment we have seen a 16 per cent spike in legal services need—and that is across criminal, child protection, family violence and civil law services. So that will allow us to surge up those sections and provide some critical assistance and also to expand a lot of what we do in terms of community education. We have released a lot of videos, interactive materials, for people across social media platforms and websites for use in schools and for use in, at the moment, homeschooling as well as a range of other areas as well as ensuring that we are collaborating with other

Aboriginal organisations across Victoria to ensure that we are meeting client needs in a holistic way, because we believe in partnering legal services with community health to ensure long-lasting change.

Ms RICHARDS: Terrific. Thank you. I understand that there has been the provision of an additional \$575 000 in funding for WEstjustice, Justice Connect and Refugee Legal. I am interested in finding out what these projects do and gaining some additional insights into how this will make a difference to those organisations.

Ms MOORE: I do know that they are part of the justice partnerships, so they are working in partnership with other sectors. I have not been briefed particularly on those three programs, so if it is okay with you I will take that question on notice.

Ms RICHARDS: Absolutely. I am happy to receive additional information later. So the Government has obviously announced a moratorium on convictions, and I am interested in having some insights from you on how these moratoriums will benefit Victorians in mental stress.

Ms MOORE: Sure. We welcome the recognition by the Victorian Government of the importance of keeping people housed during the public health pandemic and giving effect to the principles on eviction, to the moratorium. The Government has also recognised the unprecedented economic insecurity caused by COVID and the flow-on effects of putting tenants at risk of eviction. I will ask Samantha Sowerwine to respond to your question in more detail.

Ms SOWERWINE: For the record, my name is Samantha Sowerwine. I am the Principal Lawyer at Justice Connect, Homeless Law. So to respond to your question in relation to the moratorium on evictions and how it impacts on Victorian renters, and obviously they make up a large component of who we assist in the community legal sector, as the Attorney-General I think indicated this morning we have certainly seen a hugely increased demand in the legal sector in relation to tenancies and we have been seeing particularly a new cohort of tenants I think who are tenants who have lost employment as a result of COVID, find themselves in financial hardship and are concerned about nearly being evicted from their rental properties. So we welcomed the Victorian Government's response to tenancies and in particular, as you have mentioned, the moratorium on evictions or at least ensuring that evictions only occur in certain circumstances and where it is reasonable and proportionate to do so.

We have also welcomed, of course—I think as the Attorney-General spoke to this morning—the new dispute resolution scheme that enables landlords and tenants to negotiate rent reductions, to receive a significant strategy to avoid people being forced out of tenancies during COVID.

In relation to your question of how the evictions will work in the new system, what we are hopeful for—and it is early days—is that there are better protections through the VCAT process. So all evictions will go to VCAT, where we often represent the clients, and because there are various safeguards, including consideration of whether it is reasonable and proportionate in the circumstances to evict, we are hopeful that that means that it is really going to be only in exceptional circumstances where it is necessary for an eviction to proceed. I think the Attorney-General this morning spoke to some of the exceptions that are contained in relation to evictions that might be allowed.

Ms RICHARDS: Thank you again—and thank you for appearing, as well. I had not had a chance to also pass on my appreciation. I am interested in hearing a little bit about the benefits of the Maribyrnong immigration detention centre being used as an accommodation option for people leaving prisons and reintegrating into the community. Is one of you able to provide some additional detail for us to have a go at understanding what that means?

Ms MOORE: Well, Government have been managing a very complex situation and endeavouring to utilise the public health approach and have made efforts, obviously, through telecommunications, but also it is very positive to see the commitment to the transitional accommodation. We would say that with any co-design it is great to hear that they will be doing it with the community housing organisation providing onsite wraparound support services. But as I understand, the operation model has not been confirmed yet. So we look forward to getting some more information on that. It is supposed to be in operation in June. I might pass on to Samantha to discuss more about the post-release housing and the importance of access to housing for prisoners that are eligible for parole or release.

Ms RICHARDS: Terrific. Yes, do that. That is great.

Ms SOWERWINE: I would say in addition, as Shorna mentioned, to obviously wanting to understand more about how the Maribyrnong facility will work and the need, I guess, for thinking about post-release housing options more than ever during this public health pandemic, we know that at the moment the issue of prisoners being released into homelessness is a really live issue. More than 54 per cent of prisoners expect to be homeless on release and we know that in Victoria 44 per cent of prisoners who are released into homelessness are likely to end up back in prison within two years, at a cost that is extreme to the state. So we really want to see access to housing for prisoners, and this is an important opportunity for that. We welcome, as Shorna mentioned, the Maribyrnong facility and the investment from Government in relation to putting up some temporary measures to allow prisoners to exit into housing, and we also welcome yesterday's announcement in relation to the social housing investment, which includes a tranche to go towards rapid rehousing for people in the justice system. What we would like to see is a further investment in social housing, recognising that in order to meet demand—and there is huge demand, as we all know, in terms of the homeless and housing system in Victoria—we would like to see additional investment in new social housing that can help to ensure that people exiting prison can access housing on release. We know our projections are that we need at least 6000 new social housing properties per year for the next 10 years, including at least 300 Aboriginal housing units in order to even begin to meet demand.

Ms RICHARDS: Thank you again for providing that additional insight. Could you explain to the Committee in evidence how the automatic extension of interim family violence intervention orders and personal safety intervention orders from 28 days to three months will also assist people at risk?

Ms MOORE: Many people experiencing family violence are not receiving legal advice or assistance in relation to their family violence matters, which does elevate risk to victim survivors and also increases the risk of breaches of orders by respondents. There is increased risk that the affected family members covered by these orders do not necessarily agree with or understand all the conditions and impacts—for example, exclusion orders resulting in victim survivors being solely responsible for rent. There is an increased risk that respondents do not necessarily understand the impacts of orders and are therefore more likely to contravene an order. There are risks of orders being made on the basis of misidentification of perpetrators. So I guess it is just really important, and it is a constant challenge for legal services in ensuring our partners—the courts, VicPol and other services—understand the importance of legal advice and representation, as it is often misunderstood. They are important factors that legal advice will consider.

The victim needs the opportunity to be advised on her rights; arrangements for her children, for example; where she will live; other connected legal issues like temporary visas or family law; and a chance to ensure her story is fully told outside the fear and stress of an incident. This includes the opportunity to explain, for example, patterns and contexts of violence that may have occurred outside just one of those incidents that the police attended. Therefore it is really imperative that legal assistance is given for the magistrate to be fully informed to make decisions about the victim's safety and security. It is good to see that despite stage 3 restrictions Victorians could leave their homes for emergency purposes, including if people were escaping family violence, and that the Magistrates Court remained open and family violence matters dealt with, including a high level of interim orders in respect of adjourned matters, which provided some level of certainty of safety. As I mentioned though the importance of the legal assistance when it comes to adjourned matters, it is very important that there is every opportunity for affected family members to be referred to legal assistance.

Ms RICHARDS: Thank you for your evidence this afternoon and again to the three of you for providing the generosity of your time.

Mr HIBBINS: Thank you all for appearing today. I would like to ask first about whether you have some insights into the experience of either Indigenous or migrant or minority communities in terms of the police enforcement of COVID restrictions.

Ms MOORE: I will pass over to Nerita in one moment. I just want to make sure that any police response is health based and educative and not punitive, and that is really important when we are talking about, for example, vulnerable cohorts like young people who may not be able to be at home or other vulnerable groups like people that are experiencing homelessness. To speak specifically about Aboriginal communities I will ask Nerita to answer the question.

Ms WAIGHT: Aboriginal communities are being affected by those powers, and we have clients who have received those fines. At this point in time we are not in a position yet to comment on the data, because it is currently flowing through and we are analysing it, and we can certainly provide that a later date. I am sure that members of the Committee have seen the articles focusing on members of the Aboriginal community who have been unfairly impacted by the powers. For example, the Aboriginal man who experienced homelessness was fined for sleeping simply on a park bench in Collingwood. When he did not show up to court, the court then issued a warrant for his arrest and the individual was held on remand for two weeks, and two bail applications were denied, in large part due to his homelessness, but you can see what a compounding impact that has for that client, being incarcerated for a period of two weeks: that loss of feeling, being in quarantine, so not seeing daylight quite often, not being able to socialise, not being able to have any or much human interaction.

We continue to be concerned about the impacts of these powers on Aboriginal communities, particularly those who may be exposed to receiving a fine due to housing instability or homelessness, as well as other issues such as family violence. We are also concerned about young people who have received fines of \$1600, and with our kids in particular that is really difficult. Where are Mum and Dad going to get the money to pay for that? But also these children could be trying to escape a home where family violence is prevalent and trying to find a safe space to go, and instead of finding that, they are fined. We have previously called for and continue to call for transparent public reporting on the use of COVID-19 police powers, including disaggregated data on location and profile of individuals receiving these fines, so the situation can be monitored and we can act accordingly.

Mr HIBBINS: There are 17 seconds left, so maybe you want to take this question on notice, but obviously after the six-month no-evictions period do you have any concerns in terms of increased evictions and increased risk of homelessness post that evictions period being over? But maybe you can just take that on notice.

Ms MOORE: We are concerned and we will take that on notice.

Mr LIMBRICK: Thank you all for appearing before the Committee today. I would like to follow on from Mr Hibbins's question about fines and their effect on people; \$1650 is a very significant sum of money to anyone, especially someone who might be experiencing homelessness or is in a vulnerable situation. I would like to ask two things. I am not sure who to direct it to, but do you think that this sort of fine could actually push people into homelessness? Because we have got these other debts mounting and incomes dropping, I am concerned that the fine itself might push people into homelessness. Secondly, we heard earlier today about the fines review process. Have any of you had success in assisting people through that fines review process and getting them off the hook, basically, off the fine?

Ms SOWERWINE: I am happy to answer this question if that is helpful. Thank you for the question. Certainly community legal centres play a significant role in helping vulnerable Victorians and Victorians generally with their fines. So to answer your question, we are helping people. Particularly, as you can imagine, at Justice Connect Homeless Law we do a lot of that work trying to help people navigate and deal with infringements. Yes, to answer your question, we are concerned about the impact of such a high fine on people who are already doing it tough and how they might be able to pay a fine like that. Certainly what we see are, like you say, the risks in terms of housing stability but also the risks of the justice system interactions. So we see people getting caught up in a fines system and a justice system where really they should not be in it in the first place.

In terms of the options available to deal with fines, there are a range of options, as you have indicated, including review. We have yet to navigate that process fully with anyone who has received a COVID fine, but I know Nerita may speak to this in terms of having seen people and helping them. We certainly try and do reviews through Victoria Police as a first port of call and then use the options available through Fines Victoria as well in relation to enforcement review based on special circumstances. For example, if someone is experiencing homelessness, family violence, mental illness or substance dependence, there is a particular review process as well, but certainly there are concerns around people's ability to access those options and getting them the information and the help they need in order to deal with these fines. Nerita, did you want to add to anything?

Ms WAIGHT: Only to say that VALS runs a wonderful infringements clinic that works with our community members who have received fines, and a number of our Aboriginal community members who have received COVID-19 fines are currently going through that process. In terms of success, we are navigating our way through so it is too early to tell, but what I will remind Committee members is that for Aboriginal people

the fine is not just about increasing homelessness, it is the fact that they are already homeless the majority of the time. That then compounds it and means that they can actually be incarcerated for periods of time they ordinarily would not have, which then only increases the risk of black deaths in custody. So I think it is a bigger issue than perhaps what we are just going through at the moment. Only time will tell what the detrimental effects are on the wider community, as well as my own.

Mr RIORDAN: Thank you to the Federation of Community Legal Centres representatives. Just following on from David Limbrick's questions, we heard earlier today that approximately only 2.5 per cent of the issued fines have been paid, and I think there is currently about 400-odd in dispute. Has your organisation currently got some in dispute, or could we expect to see quite a lot more disputed as time unfolds?

Ms MOORE: I have not been briefed by members on that point, so I will leave it with Samantha and Nerita, if they have got a response.

Ms WAIGHT: Thanks, Shorna. As outlined earlier, we have had a number of community members who have received those fines and they are going through our infringements clinic at the moment, in which case they will be contested. Once we know the outcomes of those we can always report back.

Mr RIORDAN: I guess this is once again to whoever is best to answer, but could you advise what impacts the court shutdown, with limited videoconferencing capacity for parties, have particularly had on alleged offenders on remand for what appear indefinite periods at this stage?

Ms MOORE: I think it is important probably that you hear Nerita's voice on those matters, as Aboriginal people are overincarcerated. Nerita, would you like to answer?

Ms WAIGHT: Sorry, could I just have the question repeated?

Mr RIORDAN: That is okay. It is really just that we want to get a sense of how many people—and it has been pointed out that the Aboriginal community probably may be overrepresented—are currently on remand in custody with sort of no time frame yet given because of the backlog in the courts for them to be dealt with fairly and to get through the system. What sort of feedback do you have on that in terms of the effect of that?

Ms WAIGHT: What I can tell you is that we have had instances where Aboriginal people who are on remand and were due for sentence then had their matter pushed back, and had they been heard that day they actually would have been released, so that therefore extended their time in custody—which is really important to note because of the effects that actually has in terms of restarting your life, finding your place, finding support services and also just finding your footing in what is the new world order, in a sense. What we are also seeing in terms of our people in custody is that there is a lot of uncertainty around what will happen when courts reopen, because we do not have the answers. We do not know exactly how they are going to phase those matters out, and that could mean they then have matters protracted for a very lengthy period of time. Due to the complexity that our clients suffer, they will most likely be pushed back to allow for longer times to hear, so that will then again extend their period of time in custody.

Mr RIORDAN: Just from your own experience on that very issue, do you have any sense of how long some people might expect to be remanded in custody—what the sense of that backlog is? I have been led to believe by some in the area that for people who may have been dealt with in August or September this year it may be well into next year before they get a chance to be heard. Is that your sense of it?

Ms WAIGHT: From what I have heard and what I have seen, there are a number of our clients whose trials have been put off to dates next year. A lot of those clients are actually not in custody, but still, having your matter put off for some period of time does have detrimental life effects in terms of police checks, working with children checks and all of those things that you need in order to find economic stability.

Mr RIORDAN: I guess just across the range of services that your organisation deals with, what is your sense of what is happening with family violence? Are you finding an increase in it? Are you finding you are having to put more resources in that area? What is your view of the street on that?

Ms WAIGHT: Just in terms of what we are seeing in Aboriginal communities and family violence, we are seeing a rise and an increase of reports. Our ACCOs, like the Victorian Aboriginal Child Care Agency, actually

saw a steady increase of L17s and referrals into their family violence programs in five of their six regions, which then would result in a likely increase in clients breaching family violence orders, urgent interim applications at VOCAT for assistance and a likely increase in child protection matters resulting from increased involvement of DHHS with Aboriginal families experiencing family violence. To respond to that increase additional resources are required for fast-tracking urgent interim applications for assistance at VOCAT for victims and survivors of family violence, because it can take up to three months at the moment just to assess an urgent application. This process should be fast-tracked to respond to the anticipated increase in family violence. I will hand over to Shorna now.

Ms MOORE: Thanks, Nerita. Well, we know that COVID has increased levels of family violence experienced by women, children, adolescents and older people. These increased levels of family violence are due to a number of factors, including being confined to your home almost 24/7 because of the isolation measures, financial stress due to job losses—and this is particularly the case when it comes to elder abuse and having adult children under more financial pressure. There are fewer opportunities to access help and escape the pandemic, and the restrictions from the pandemic are being used as a tool to further control and threaten victim survivors. We have heard examples of perpetrators pretending to expose victim survivors to COVID-19 or preventing them from leaving the house because of the isolation measures.

In terms of access, there is definitely increased family violence but a decrease in referrals and access due to the necessary isolation measures. We have got some community legal centres who have pioneered integrated justice partnerships, and these referrals continue due to women still being able to access certain health and related services. For example, Inner Melbourne Community Legal have a partnership with the Royal Women's Hospital and are still continuing to get referrals; the same with Eastern Community Legal Centre and other legal centres working in the hospital context. So those referrals have not significantly been impacted, and we have actually seen an increase in family violence matters being referred.

The Magistrates Court has largely operated in the same way for decades, and this has meant that in the context of COVID-19 the model of bricks and mortar and having to appear in person was problematic. Due to the lack of IT infrastructure, the changing operations quickly proved difficult for the court. The stage 3 social distancing restrictions meant that while the courts were still open to deal with family violence intervention order matters, family violence duty lawyer services moved to remote service delivery from late March to ensure staff, client and community safety. With remote duty lawyer operations legal assistance, police and courts have been working concertedly to facilitate client access to duty lawyers, but we have seen a significant reduction in the matters. Remote duty lawyer service provision has been working very well in some regions, particularly where there are existing strong relationships and referral pathways. I am thinking of Shepparton, for example, where the courts, police and legal services have agreed to attach information about legal services to family violence safety notices and to the service packs from the courts. So that has increased the level of referrals to legal assistance.

However, there have been challenges more broadly, and referrals to duty lawyers dropped significantly once they were not present in court. Courts initially provided clients with contact details for legal services. However, relying on a victim to proactively contact at this time is reliant on a number of factors, including whether it is safe for her to call or whether she has got credit on her phone or even any understanding of—

Mr RIORDAN: Just on that—sorry, we have just got a few seconds left to go—one of the issues in remote and country areas has been the access of those duty lawyers with the close of the courts. They as business operatives have found themselves in difficulty without the throughput of work. They are suffering income loss. Can you sort of make any comment on the need to support those types of practitioners?

Ms MOORE: I am not sure about the comment about the income loss, but due to the lack of consistent statewide technology, remote hearings are not occurring. In this context there should be flexibility and interim measures put in place, such as telephone and use of Teams, while the statewide solution is implemented. This would reduce adjournments and increase the effectiveness of orders, ensuring they contain all relevant considerations specific to the situation. This is for community legal centres across the board but also in regional areas.

The CHAIR: Thank you very much. The Member's time has expired and our time for consideration of this witness has expired. We thank you very much for appearing before the Committee today. We will follow up on

any of the questions that were taken on notice in writing, and responses will be required within five working days of the Committee's request. Thank you for the work that you are doing at this difficult time, and thank you for taking the time to appear before us today. Thank you.

Ms MOORE: Thank you for inviting us to appear.

Witnesses withdrew.