

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

Inquiry into the 2023–24 Financial and Performance Outcomes

Melbourne – Tuesday 19 November 2024

MEMBERS

Sarah Connolly – Chair

Nicholas McGowan – Deputy Chair

Michael Galea

Mathew Hilakari

Lauren Kathage

Bev McArthur

Danny O’Brien

Aiv Puglielli

Meng Heang Tak

WITNESSES

Louise Anderson, Chief Executive Officer, and

Peter Bennis, Chief Finance 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.

On behalf of the Parliament the committee is conducting this Inquiry into the 2023–24 Financial and Performance Outcomes. Its aim is to gauge what the government achieved in 2023–24 compared to what the government planned to achieve.

All evidence taken by the committee is protected by parliamentary privilege. However, comments repeated outside of 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.

As Chair I expect that committee members will be respectful towards witnesses, the Victorian community joining the hearing via the live stream and other committee members.

I welcome the Chief Executive Officer of Court Services Victoria Ms Louise Anderson and Mr Peter Bennis. Ms Anderson, I invite you to make an opening statement or presentation of no more than 10 minutes. This will be followed by questions from the committee. Your time starts now.

Louise ANDERSON: Thank you, Chair, and good afternoon, committee. The presentation which is on the PowerPoint behind you speaks to the purpose of CSV as well as the achievements. I am Louise Anderson, the CEO of CSV, and my colleague Peter Bennis is the Chief Finance Officer for CSV.

I acknowledge that we are meeting on the traditional custodians' land, and I pay my respects to elders past and present, and thank the committee for the opportunity to speak with you today.

Visual presentation.

Louise ANDERSON: In terms of the first slide, I will not labour these points because I think every committee member has probably seen this before, but the first is to remind the committee that CSV is an independent statutory body established under the *Court Services Victoria Act* of 1 July 2014, so we are in our 10th year of operation, and its primary purpose is to provide administrative services and facilities to support the independent operations of the Victorian courts, tribunals, judicial college and judicial commission.

This diagram means a lot to me. I am not sure if it will mean a lot to the committee or the public, but its purpose is to let you know that we work together as what we call a courts group. CSV underpins the operations to support Victorian courts – as I mentioned, VCAT, the commission and the college. We are governed by a Courts Council, which is chaired by the Chief Justice of Victoria, the Honourable Anne Ferguson, and comprises six heads of their jurisdictions – that is, the courts and the tribunal and two independent members.

In terms of our key operational highlights, the first is that in 2023–24 our operating income was \$830 million, and our costs were within our annual appropriation. However, the actual expenditure was slightly more, mostly attributable to accounting treatments to do with prior years surplus and the sale of a not-required building.

CSV's costs of operation to deliver include, but of course are not limited to, salaries for court staff, remuneration for judicial officers and VCAT members, the provision of facilities – indeed 78 court and tribunal facilities, more than 50 per cent of which are owned by CSV; others are leased – IT delivery, transcription and, as I think I mentioned, security. We employ over 2900 staff – it is around 2900 FTE – and support the operations of over 500 judicial officers and VCAT members.

In terms of our strategic plan, we are in our fourth year of the strategic plan, and we continue to deliver on the initiatives aligned with the five core priorities. In terms of excellence in court and tribunal administration, I am pleased to say that the overall pending case load has reduced by 14 per cent, which includes substantial

reductions in VCAT and the Magistrates' Court pending case load. The VCAT backlog reduction program that commenced with great focus in October 2023 has significantly improved finalisations in the residential tenancy list. In the Magistrates' Court, the Magistrates' Court through prior-year funding established a service centre and an online Magistrates' Court. They responded to over 550,000 public inquiries, providing support for people as to whether they needed to access the court or not, and this saved, evaluation has shown, local court registry staff more than 35,000 hours of administrative work, allowing those registrars to focus on the hearings before the courts.

We continue to implement modern and responsive technology in the courts and VCAT, with now almost all courts in the CBD, regionally and in metropolitan Victoria being technically and digitally enabled. The courts case management system for the Magistrates' Court and the Children's Court went live for child protection in October 2023.

We continue to support diversity, collaboration, and ethical and capable people, and particularly our focus is on a safe and inclusive workplace. Preventing sexual harassment has been a very strong focus for CSV and through the Courts Council following the Dr Helen Szoke review commissioned in 2020. In 2023–24 we had an independent audit which found that we had actioned both appropriately and effectively the 16 recommendations from that review that sat with CSV. We continue of course to address the measures that we should in the gender equality action plan, and we also are committed to our self-determination plan, with most recently Courts Council asking us to develop an integrated Koori leadership model.

In our planning and delivery of contemporary, safe and integrated venues we have delivered the specialist Children's Court in Dandenong, are on track with the Wyndham law courts and are providing long-term accommodation fit-out for the VCAT in the Melbourne CBD, as well as providing works to improve disability access to many of our regional courts and safe and secure places for people seeking protection through family violence orders.

In respect of my next slide – I am sorry for those seeing this online or in the room; it is a little small, but I will speak to it – in terms of the courts' and the tribunal's achievements, the overall pending case load, as I mentioned to the committee, has reduced by 14 per cent. There are increased criminal clearance rates across the County, Magistrates' and Children's Court – over 100 per cent. VCAT's clearance rate is over 100 per cent, and residential tenancies matters have reduced by 54 per cent. The Magistrates' Court's on-time case processing, which I think from time to time, Mr O'Brien, you in particular ask me about, is improving year on year.

In terms of therapeutic court outcomes, around 245,000 hearings were for family violence matters and 130,000 hearings were for family violence intervention order matters. Eighty per cent of Family Drug Treatment Court participants achieved reunification with their children, and across the Magistrates' Court and the County Court for the year 17 Drug Court participants graduated, meaning they finalised either a four-year drug treatment order or a two-year drug treatment order, depending on the jurisdiction.

We commenced work and finished the work for three new assessment and referral courts for the Magistrates' Court at Bendigo, Ballarat and Heidelberg, and the Children's Court continued with its weekend online remand hearing court, which saw an increase of 22 per cent since last year. In respect of Koori Courts, over 1500 Koori Court matters were finalised across the Magistrates', County and Children's Courts, and three new Koori Courts opened in Bendigo, Echuca and Heidelberg.

In terms of technology, we have now had three releases of the case management system. eCourts, which allowed documents to be filed online during the pandemic. There was the civil release in October 2022 and child protection in October 2023. 2400 Supreme Court matters were live streamed throughout the last financial year, and lastly, in the higher courts 200 self-represented litigants were supported through the partnership with Justice Connect.

Finally, I will just speak to some of our assets. The Dandenong Children's Court, as I mentioned, in its first year of operation finalised over 2700 matters. In February 2024 it was fitted for a safe family violence facility and since then has heard more than 600 family violence intervention orders. We continue work on specialist family violence courts with security upgrades, and there is also work in train in around five locations. We

continue work on the Wyndham Law Courts, which is on track timewise and on budget, and we continue with the fit-out for the leased building for VCAT in LaTrobe Street.

I am just mindful of time, so I might just move to the final thing, which the committee might be interested in because I spoke earlier to the budget. CSV is experiencing budget pressures with increasing demand and increased costs, including increasing demand and costs in transcription, IT and security, and we are working across the courts group to reduce that. We are also addressing the costs necessary to ensure that we have a safe and secure technology system, and we are driving costs down through a reduction in consultant and contractor expenses as well as changes in corporate arrangements. Thank you, Chair. Sorry, I almost got there.

The CHAIR: That is all right, Ms Anderson. There is a lot of good work happening there. The first 6 minutes is going to go to Mr O'Brien.

Danny O'BRIEN: Thank you, Chair. Good afternoon, Ms Anderson and Mr Benns. Can I continue on with what you were just talking about – the costs and the challenges you are facing. Page 41 of the questionnaire refers to a Children's Court readiness and resolution review undertaken for \$85,000, which included a cost and efficiency analysis of conciliation conferences. Can you confirm that following the review all 34 members of the Children's Court conciliation conference unit are losing their jobs?

Louise ANDERSON: I can confirm that following that review the president of the Children's Court, and as you would know under the legislation His Honour is authorised and empowered to administer his court according to very proper considerations – timeliness, efficiency and access to justice – as set out under the 2005 legislation. I can confirm on the basis of that and internal consideration, the Children's Court have proposed a change to that conference unit. That conference unit is currently staffed by 30-odd public servants.

Danny O'BRIEN: Is it 34?

Louise ANDERSON: I am going to say yes, Mr O'Brien, because you are right.

Members interjecting.

Danny O'BRIEN: Who is laughing? I am always right. Sorry, go on, Ms Anderson.

Louise ANDERSON: I think in terms of your question I have responded to say that there is a proposal to cease the functions of that unit. It is a proposal. It is under active consideration as required under the Victorian public sector enterprise agreement, to which CSV is a signatory.

Danny O'BRIEN: And is the proposal that all those people would lose their jobs, or would they be re-deployed somewhere else within the courts system?

Louise ANDERSON: The proposal at this point would be that those staff exit CSV.

Danny O'BRIEN: Right, okay. What is the timeline on that? When are we expecting a decision? You said you had consultation underway at the moment.

Louise ANDERSON: Yes. Consultation, as I understand, formally closed at the end of last week, then the proper process, which of course we all follow, is that both the Community and Public Sector Union and the staff can put forward alternative proposals. They must be considered before we move to any conclusion, so that will be occurring over the next few weeks.

Danny O'BRIEN: Okay. A decision before Christmas then?

Louise ANDERSON: I would think it would be desirable for a decision before Christmas, because people certainly need certainty.

Danny O'BRIEN: Yes. On the review that I mentioned, who undertook the review? And given the review was examining conciliation conferences, can you confirm that the reviewers actually spoke to the members of the Children's Court conciliation conference unit?

Louise ANDERSON: I understand that Nous consulting undertook the review, Mr O'Brien. I do not know how extensive their consultation was, so I cannot confirm whether they did or not.

Danny O'BRIEN: The model, conferencing model, was the subject of an earlier review in 2016 by Health Outcomes International, which is still on the Children's Court website. Under the summary of key findings it is reported that:

Overall the CCM works well. It provides appropriate opportunities for parties to have a voice in a non-adversarial setting ... Parents reported that they prefer a conferencing (rather than a Court) process and most feel they have been able to 'have their say.'

The conference process is more time efficient and cost effective than contested hearings.

Given this, why is the Children's Court looking to abolish the conferencing unit?

Louise ANDERSON: I cannot speak of course directly for the president of the Children's Court, but my understanding of course is CSV is supporting properly the proposed change process. There is no proposal to move all matters to what might be referred to as an adversarial hearing. The proposal is to revert to a pre-2020 arrangement where there was one ADR hearing per Children's Court matter that falls within the remit of the conferencing unit or where ADR is appropriate.

Danny O'BRIEN: ADR is –

Louise ANDERSON: Sorry, assisted or alternative dispute resolution. My apologies. So the proposal is that those matters will go before a magistrate through either a conciliation conference that the magistrates are empowered to preside over or a readiness hearing. Those readiness hearings, while lawyers are present, are very much conducted in a case management type framework. It is not formal sides putting evidence; it is focusing on the issues, looking for a resolution to ensure that if the matter does run to a contested hearing it runs as smoothly as possible.

Danny O'BRIEN: Nonetheless given we are dealing often vulnerable children and vulnerable parents involved and given the Health Outcomes International report, this does have the hallmarks of just a cost-cutting exercise by a government that is struggling to manage its finances. Is that an accurate assessment?

Louise ANDERSON: The courts, as you know, are separate to government, and under the legislation each head of jurisdiction has responsibility for the administration –

Danny O'BRIEN: But we know there are budget issues; there were budget cuts.

Louise ANDERSON: So the courts are making considered decisions as to where they think they can best reduce expenditure but not adversely impact the quality of the justice they are delivering. Again, I am not in any way trying to avoid responding directly. I cannot speak for the president of the Children's Court, but I am very confident that His Honour's focus will be on what is best for children and families who come before the court.

Danny O'BRIEN: On that basis is there any chance this decision will be reversed and the unit will be kept?

Louise ANDERSON: A very proper process will follow with an open mind.

Danny O'BRIEN: Okay, thank you.

The CHAIR: Thank you, Ms Anderson. Mr Galea.

Michael GALEA: Thank you, Chair. Good afternoon, Ms Anderson and Mr Bennis. I would like to also talk about the Children's Court, Ms Anderson, in particular the Dandenong Children's Court, the new court facility which opened just before this current period of outcomes at which we are looking, in June of 2023, and which you mentioned in your presentation as well. In particular, given that we now have had the first full year of operation in the year which we are looking at, I would be curious to know some of the trends that you have seen. In particular in your presentation you said about 2700 matters have been finalised. What sort of impact has having these new facilities in Dandenong in my region had for accessing justice for young people in the south-east?

Louise ANDERSON: Thank you very much. One of the first and important things to sort of note about the Dandenong Children's Court is, one, it is a specialist court, so it provides all of the specialist services in terms of custody – that is, for children – and joint custody with adults on remand or coming in from police or corrections. It also has really important facilities in terms of what is called the Cubby House; principally that is where children can safely play and be observed by practitioners so that that can inform a magistrate's decision. They also have in there a number of initiatives to reflect both the demographic of Dandenong and the strong, high number of Koori peoples who access both the court but also reside in that precinct. One initiative that was built in at very minimal cost to the architecture was the capacity for smoking ceremonies to be held in the court, because the court architecture is such that it sort of sits almost contiguous to a road, and doing that in a way that does not, because it is a leased building, set off fire extinguishers. While that may seem in some ways perhaps peripheral, it is core to creating a safe and inclusive space where people who are coming on one of the most stressful days of their lives can actually feel reflected and have a level of cultural safety.

In addition, in the court – and this is, I understand, being used quite regularly – at times children who have been or perhaps are now going to be subject to care orders or consideration of whether they should stay with their family may not have had access to showers and may not have had access to clean clothes, and yet then they are expected to attend court. There is a facility in the Dandenong court for that, which again gives people dignity and the capacity to really manage their lives in the best way they can as they are appearing before the court.

Just bear with me. I am just moving to my facts on that matter. As I mentioned, it has heard over 2700 matters. The specialist family violence courts, which I spoke about, opened in February 2024, and since then there have been 5200 family violence intervention orders. Nine Koori Court sittings – we also have a Koori Court there, specialist, for providing cultural safety but also being able to support the children who come before it in the most culturally appropriate manner.

Michael GALEA: Thank you. That is especially good to hear – things such as the Koori Court, such as the culturally safe settings in that new facility – especially given the very fast growing Indigenous population in the Dandenong region. It is really good to hear that the new court is being used intensively and with its purpose in mind. That is very good to hear.

Louise ANDERSON: Thanks, Mr Galea.

Michael GALEA: In a similar vein to new courts, you mentioned as well the acquisition of 300 Latrobe Street for the new VCAT facilities. How is that tracking along?

Louise ANDERSON: It is running on time and on budget. It is a leased building but there is considerable fit-out, and that fit-out is going to start at the access point, because we want to make sure, one, that there is a separate entrance for VCAT attendees but also that you create, again, an environment that is welcoming, notwithstanding the nature of the reason for attending.

There will be purpose-built hearing rooms, which will be acoustically treated; there will be witness support rooms; there will also be rooms that are appropriate for First Peoples, Koori, in terms of hearing rooms; and it will be technologically enabled to support remote hearings, whether by phone or by video. There will be facilities for members to collaborate and co-locate to the extent that they can, because moving from 55 King Street – I am not sure if you are familiar with that building, but it is very, very suboptimal from their experiences in some way, and I know it has been challenging at times for the members themselves.

Michael GALEA: Excellent. In terms of broader accessibility too, I know it is very close to Melbourne Central station –

Louise ANDERSON: That is right.

Michael GALEA: and of course the new State Library station, which will be opening as part of the Metro Tunnel next year as well.

Louise ANDERSON: Yes. And that is a really critical observation to make, because we of course choose venues where they are close to public transport and there is an accessibility. If it is not car parking, you would certainly want public transport nearby.

Michael GALEA: Some people come from all parts of Melbourne and indeed Victoria.

Louise ANDERSON: Yes. Thank you.

Michael GALEA: I did have another question, but with 16 seconds left, I will leave it there. Thank you.

Louise ANDERSON: Thanks, Mr Galea. Thank you.

The CHAIR: Thank you, Mr Galea. We are going to go to the Deputy Chair.

Nick McGOWAN: Thank you. Thank you also, Ms Anderson. At page 25 of the questionnaire CSV were asked about the impact of the overall \$8 million in savings measures, and the answer was:

Where possible, impact was mitigated through administrative efficiencies.

That was the response in the questionnaire. Can you tell the committee where this was not possible, and specifically what frontline services were directly or indirectly affected?

Louise ANDERSON: Thank you. Our first focus was on reducing consultants and contractors, and I know that is not the question that you are asking, but it is something we are very pleased to be able to report, a reduction of 33 per cent there. We also focused on changes to the delivery of people services and finance, and we are looking at technology and other core corporate services to reduce where there may be unnecessary duplication or to streamline.

In respect of other areas where savings are being actively pursued, they are through the Supreme Court, and indeed Mr O'Brien just spoke before about the Children's Court. There are areas where we are looking at proposed changes, and at this point they are still all proposed because they are still in the consultation process. There will be changes, if they proceed, to the registry services that are delivered, for example, in the Supreme Court. In doing that, the Supreme Court has very carefully considered the impact on workload, what work can stop, how we can use technology to improve some of the efficiency to ensure that we are not burdening the staff remaining if indeed, as I said, the proposed change goes through.

Nick McGOWAN: Does this include the proposal to close a number of Children's Courts?

Louise ANDERSON: That is in the Supreme Court, I was referring to. If you are speaking, Mr McGowan, to the proposal, again from the president of the Children's Court, to centralise the criminal work of the Children's Court into four locations – Melbourne being one of them – that is not in response to any cost-saving measure. That is an intention of the court to improve the experience of the children coming before the court and also to improve the listing throughput.

Nick McGOWAN: I suppose that begs the very obvious question and the important question certainly for my constituents in Ringwood but also in the surrounding areas: would that leave the eastern suburbs of Melbourne without a single Children's Court? Not one.

Louise ANDERSON: So, as you would know –

Nick McGOWAN: It is quite preposterous, in my mind, and I do not know how that serves either the victims or the alleged perpetrators or any of those who have to assist, including the police, whose time it would take, considerable time it would take, to now assist these individuals.

Louise ANDERSON: So if I may, just in terms of Ringwood, there was not a specialist Children's Court there. And I know that may seem like a moot point, but it is very critical to the Children's Court and their ethos and practice. So there, a magistrate in the Magistrates' Court, who had gone through specialist training, would have heard matters that were a Children's Court matter. Now, they may be, subject to the volume of them, listed on a particular day or they would intersperse between other Magistrates' Court matters. As I said –

Nick McGOWAN: Ms Anderson, going from a situation where we have a competent magistrate dealing with these matters on behalf of children, that is far better than having no magistrate dealing with them at all in the entire eastern suburbs. I do not know how the bureaucracy, how you or any other executives sit there in all good consciousness, and the president himself makes these decisions that the eastern suburbs of Melbourne

shall not have any magistrate dealing with Children's Court matters. That includes Heidelberg, which I would have thought is equally important.

Louise ANDERSON: There are four locations –

Nick McGOWAN: Not one in the eastern suburbs, Ms Anderson.

Louise ANDERSON: I am hearing you on that.

Nick McGOWAN: I think that needs urgent review.

Louise ANDERSON: It will be important I think, if I may, to just reflect on some of the benefits from centralising the work.

Nick McGOWAN: I am more interested in the harm you are about to perpetrate on the people in Ringwood and surrounds and the so-called benefits which have yet to be proven.

Louise ANDERSON: You had mentioned –

The CHAIR: Deputy Chair, Ms Anderson is trying to talk directly to your question. You have made the statement that you are unhappy with the current situation. Ms Anderson is going to importantly provide context in relation to the question you have asked, which is important for the evidence going in the report. Do not talk over me, Deputy Chair.

Nick McGOWAN: It is a disservice to the people of the eastern suburbs, the fact that you are doing that.

The CHAIR: Ms Anderson is going to respond to the question that you have asked, providing context going to the heart of the question that you have asked, context that is very important to go on record so we can provide it in the report that will be tabled in coming months within Parliament. Ms Anderson, please continue.

Louise ANDERSON: Thank you, Chair, and thanks, Mr McGowan. So the proposal is to be effective from January 2025, and it is to consolidate Children's Court criminal and family violence intervention matters, which are currently heard, as you have mentioned, Mr McGowan, in Heidelberg, Ringwood, Collingwood, Werribee, Sunshine and Frankston, but they will be heard in Broadmeadows, Moorabbin, Dandenong and Melbourne.

Nick McGOWAN: Disgraceful.

Louise ANDERSON: And one of the really important benefits –

Nick McGOWAN: Absolutely disgraceful.

The CHAIR: Deputy Chair! Ms Anderson, if you can just pause there.

Nick McGOWAN: There are no benefits.

The CHAIR: Deputy Chair, I will remind you –

Nick McGOWAN: It is absolutely intolerable, and it is absolutely detrimental to the impact on the children and their welfare in my constituencies.

The CHAIR: I will remind you, Mr McGowan, about treating Ms Anderson with the respect that she deserves. You are being entirely disrespectful, Mr McGowan, and going ahead and grandstanding in front of this committee and Ms Anderson is entirely inappropriate. Your time is up. Ms Kathage.

Lauren KATHAGE: Thank you, Chair. Ms Anderson and Mr Benns, thank you so much for joining us. Thank you for sharing a bit about your presentation. I did not realise that you had only been in operation for 10 years. It is quite interesting, then, to think about what might have been learned along the way and the changes that have come. There was a fair bit of your presentation that seemed to, I guess, focus or circle around the idea of efficiencies. There are ways that the services you provide are being provided more efficiently. I wonder if you could go to some of those. I heard you talking about the corporate consolidation program, for example, as well as the case management system.

Louise ANDERSON: Sure. Thank you. There are a couple of things in that, and perhaps for another day a conversation about what we have learned from 10 years – I would be happy to have that. In terms of the corporate consolidation CSV set-up, as we have just recognised, from 10 years ago, part of its intention was clearly to provide services and facilities across the courts to enable their independent functioning, but also, when you look at the second-reading speech and the explanatory memorandum, there was an intention under the legislation to empower the Courts Council to make decisions about where money was best spent, particularly in respect of the back office, where we could come together as one in what we call a courts group.

It took a while for us to realise the benefit of that because it takes time for systems to mature and opportunities to arise. Over the last 12 months – although it has been in train for a number of years and was disrupted, in a sense, through the pandemic because we needed to focus very strongly then on supporting the remote hearings of courts – from October 2023 we have moved to develop what we call a quite sophisticated shared service arrangement, starting with people services. Because there were capabilities and functions in all of the jurisdictions as well as CSV, we have reduced the number of people doing that work. We have enabled the work to be more efficient through simple but good online forms, capacity to get data and capacity to fast-track people's requests, and we now deliver through a model that has what we call business partners services throughout all of the courts at a reduced cost and a reduced number. I am actually very pleased to say that feedback so far has been at a higher quality.

In doing that, we are also looking to identify and mitigate any risks that come out of our OH&S compliance or other workplace-related obligations. Because we now have a very broad view of all of the pressures that colleagues, whether it is staff, executives or judicial officers, are experiencing as they work in the courts, we can respond then with a stronger almost economy of scale to support them. We then did the same with the finance division. Mr Bennis is now the Chief Finance Officer. This is only his sixth week, so a lot of this is enjoying the learning from PAEC. We do not have the capacity to mandate these as ways of working. We do it as an opt-in. We will be taking the same approach through procurement and technology, and communication is almost finalised as well. There are a lot of benefits from this. While financially, yes, it was important to drive change and reduce the number of staff doing similar functions, we have also looked, very importantly, at how we strengthen the service we provide and how we actually work better so that everybody has access to the best capability. That is to date the experience, which, again, is a positive one, because often change of that nature can be resisted or not seen as beneficial. In saying that, we will continually review it to make sure we are providing the best we can.

Lauren KATHAGE: To the decision-making that needs to be made, and you spoke about the honours and the council that make those decisions, you have got a strategic plan driving your direction in terms of principles of decision-making. Balancing efficiency with quality or the principles. Can you talk a bit to the principles that decisions are based on?

Louise ANDERSON: Of course. When I speak about a reduction in staff, I also very much understand the impact on individuals and the impact on an organisation. Some of the principles that drive our decision-making are clearly about ensuring that we have a healthy, robust and safe workplace; that we have the right resources to deliver what the Victorian community needs; and that we are focusing our budget and our capability on supporting the judges and VCAT members and others in resolving matters according to law and doing that in the most respectful and accessible way we can. I know time moves very quickly, doesn't it, but I just –

Lauren KATHAGE: Sorry, did you say there was a new service opening in Broadmeadows as well?

Louise ANDERSON: There is work on a specialist family violence court in Broadmeadows, and there is also the moving of the Children's Court criminal work to Broadmeadows, where there is a specialist Children's Court.

Lauren KATHAGE: So there are some additional services coming?

Louise ANDERSON: Yes, and in terms of technology, I think we have very strongly relied on pre-pandemic and then post-pandemic technology to enable a far greater accessibility to our courts.

Lauren KATHAGE: I think the Member for Broadmeadows tells us about the very low online use in her community, and I think having a physical presence in the court there will be really important.

Louise ANDERSON: Yes, great. Thank you, Ms Kathage.

The CHAIR: Thank you, Ms Kathage. We are going to go straight to Mrs McArthur.

Bev McARTHUR: Thank you, Chair. Thank you, Ms Anderson. Just going back to a question Mr O'Brien asked about the Children's Court readiness resolution review, I think you could not confirm that the reviewers actually spoke with members of the Children's Court conciliation conference unit. Wouldn't it make the review extremely unfair if reviewers failed to even speak with those people who are being reviewed?

Louise ANDERSON: Mrs McArthur, what I said was I could not confirm, not so much to suggest that it did not happen but that I was not part of the review, and I do not have that information before me. But ordinarily a reviewer would speak with all of those impacted or where the relevant input is, but I was not part of it.

Bev McARTHUR: Are you able to confirm for the committee that they were asked?

Louise ANDERSON: I can certainly take that on notice, sure.

Bev McARTHUR: Take that on notice? That would be terrific, thank you very much. Also, is it true that funding to Court Services Victoria was cut by almost \$20 million in this year's budget?

Louise ANDERSON: There was a reduction of appropriation of \$20 million, principally to drive better outcomes in procurement. We do hold a number of large contracts, and I think this was seen as incentivising us to get better value from contracts, which we have embraced and are doing.

Bev McARTHUR: Okay. What is your projected increase in probate fee revenue under this newly announced death tax?

Louise ANDERSON: The Supreme Court, as the committee would know, has an exclusive jurisdiction for probate and has been managing wills and estates and people's probate probably since its inception. The matter of the setting of fees is a matter for government. The fee regulations came into operation yesterday and the Supreme Court is, as it did on the Friday before, receiving applications for probate and processing them.

Bev McARTHUR: How much does it actually cost to do the paperwork to process an estate?

Louise ANDERSON: In terms of the analysis as to the cost, that is a matter – I might just, if I may, and I am not avoiding your question, Mrs McArthur, but it might be helpful. The setting of fees is a government responsibility. The government determines whether the fees are relevant or not by looking at a number of matters, and I think the secretary for justice is appearing before the committee on Thursday, so it may be a matter that you would find useful to explore with Ms Houghton. But in terms of my response, the courts have input into that process by advising the current practice procedure, what number of staff are involved and what technology, but then it is very much a matter for government to determine. They then publish a regulatory impact statement, which has been published, and then move to the regulations. I do not have access to what the costs are. I know that in the regulatory impact statement – that was a public document – there is quite a bit of discussion about the costs.

Bev McARTHUR: I mean, it seems odd that there is a cost of \$16,000 to do the paperwork. In New South Wales the maximum is \$6652. Do we have to spend a lot more to process probate in Victoria than in New South Wales?

Louise ANDERSON: Again, I would not have those figures. What I can say is that it takes about nine days from the filing of a probate application to probate being granted through the Supreme Court of Victoria unless there is additional information that is sought.

Bev McARTHUR: Okay. Now, you talked about violence against women and children and how important it is, but you scrapped the Child and Family Services Ballarat domestic violence counselling program, which was aimed at redirecting offenders into a well-regarded program, because it was alleged that the program could not be used by LGBTIQ+ and Indigenous offenders. Was that seriously the reason?

Louise ANDERSON: I think you are referring there – well, I know you are – to the obligation under the *Family Violence Protection Act* for there to be a service which magistrates can refer offenders to. We call it

often the men's behavioural change program, and there were a number of providers that CSV had engaged for the Magistrates' Court to provide one in Ballarat and others across the state. There are a number of reasons why there was a change. Some of those went to the reach of the program. I do not think it was necessarily limited to LGBTQI+, but it also –

Bev McARTHUR: Well, it was a very good program. It was well regarded in Ballarat.

Louise ANDERSON: Just to assist, Mrs McArthur, on that, the Magistrates' Court with my support have moved to a grants program, so looking at grants over two years to really endeavour to develop a more innovative approach and for some a shorter timeframe, because they were also very long time frames that a perpetrator or offender needed to attend those programs and it was difficult to get people's commitment to it.

The CHAIR: Thank you, Ms Anderson. We will go straight to Mr Tak.

Meng Heang TAK: Thank you, Chair, Ms Anderson and Mr Benns. I refer to budget paper 3, page 88, which outlines the funding for therapeutic court programs. Can you please outline the details of what these programs are and what they seek to achieve?

Louise ANDERSON: Thank you, Mr Tak. Therapeutic courts principally are about preventing reoffending, supporting rehabilitation and supporting community safety. Generally, we refer in that to drug treatment courts, assessment and referral courts, Koori Courts and specialist family violence courts, and they are supported by what we call the court integrated services program, CISP.

The first Drug Court was within the Magistrates' Court in Dandenong in 2002, and more recently there has been funding to support the County Court establishing a drug treatment court for offenders who would ordinarily, if convicted, be sentenced for four or more years for indictable crime. The drug treatment court is now available to some particular offenders or accused in that jurisdiction as well as the Magistrates' Court extending to Ballarat and Shepparton. Those two are still in the pilot phase but have been going very well.

Participants in the County Court's Drug Court represent about 12 per cent of the total number of accused in the court's criminal division. For the Magistrates' Court, across the Drug Court as well as Koori Court and assessment and referral there are around 5000 participants each year, and the Children's Court Family Drugs Treatment Court is accessible by about 14 per cent of all family division applicants. Its Koori Court Marram-Ngala Ganbu is accessed by around 18 per cent of First Peoples in that family division. So it is a very targeted and important response to people who present as (1) being eligible and (2) having the characteristics that suggest they may be successful in those environments.

There have been a number of evaluations, a number of which are on the courts' websites – if not the full, the summary of them. For the Drug Court at this point the evaluation is saying that there is a ratio of \$2 of benefit for every \$1 invested. And there is evidence that suggests that for those who complete the four- or two-year drug treatment order, they reduce their likelihood of reoffending by almost 30 per cent. Even for those people who do not finalise the orders, they reduce their chance of reoffending by 15 per cent. It is a significant impact for the individual but also for the broader community in terms of community safety and trust and confidence.

In terms of the Assessment and Referral Court, that is again a presentence court where there are eligible people who are experiencing really significant mental health issues who at the same time are sufficiently able to engage with a high level of judicial supervision to reduce their chance of reoffending but also to, if appropriate, ensure that they are not on remand and costing further money for government. The analysis of that has shown, again, that same benefit–cost ratio of \$2 or thereabouts for every dollar invested but also a 35 per cent reduction in reoffending over the two-year completion and savings of around 3000 prison days.

We are looking across, in terms of the evaluations, a number of either the Family Drug Treatment Court or the Marram-Ngala Ganbu and are seeing very similar outcomes. First of all, there is a very high engagement from participants. Secondly, there is clear evidence of a reduction in reoffending, and for those who reoffend the evidence suggests that there is a reduction in the severity of the crime that they have committed. Certainly there is very strong engagement with therapeutic courts across County, Magistrates' and Children's courts, with value coming out of them for individuals and for the community.

Meng Heang TAK: These programs appear to operate services statewide. Has that always been the case? And how has demand changed?

Louise ANDERSON: I did not refer there to the Koori Court or the specialist family violence, because we tend to see them as discrete jurisdictions, but nonetheless they sit within the therapeutic concept.

It has not always been the case. As I mentioned, the first drug treatment court was Dandenong; it is now regional and in the County Court. In respect of the Assessment and Referral Court, in the last financial year there was funding provided for the expansion of that to seven more Magistrates' Courts, and that is well underway, with some, I think I mentioned in my opening, having already opened in three of the courts in metropolitan and regional Victoria.

In terms of the support that is provided through the CISP program, that is starting to reach out statewide, although it is still operating principally in headquarter courts, or courts where there is assessment and referral and drug treatment. That is a critical service to ensure that the people attending those courts have access to housing supports to ensure that they stay on the program.

Meng Heang TAK: Thank you. Thank you, Chair.

The CHAIR: Thanks, Ms Anderson. Thank you, Mr Tak. We are going to Mr Puglielli.

Aiv PUGLIELLI: Thank you, Chair. Good afternoon. Moving on to VCAT, the recent Integrity and Oversight Committee's inquiry into Victoria's freedom-of-information system found that FOI matters are taking too long to be heard at VCAT. So could I just ask what actions are being taken to reduce the wait time for FOI matters stuck in VCAT backlogs?

Louise ANDERSON: Thank you. You are probably aware of the decrease in pending matters in the residential tenancies. I am not going to labour that point here, but that was achieved through specialist and focused member allocations so that members of VCAT were only looking at that type of case, looking at older matters and then a different list to address newly filed matters so that newly filed matters did not become older matters and also through specialist registrars addressing it. I understand that a similar model will be applied from within the VCAT's resource profile as it is to FOI to address those concerns.

Aiv PUGLIELLI: Do you have a timeline for when that is due to occur?

Louise ANDERSON: I do not.

Aiv PUGLIELLI: Not even on notice, that you could provide?

Louise ANDERSON: I was going to say I do not, but I could take it on notice.

Aiv PUGLIELLI: Amazing. You read my mind. Thank you.

In that case I might move forward to fines reform, if I am able to. Am I right to think that fines are the most widely applied criminal sanction, dwarfing the number of court hearings for more serious criminal offences?

Louise ANDERSON: In the Magistrates' Court or in –

Aiv PUGLIELLI: Any courts that you able to speak to.

Louise ANDERSON: No. Fines reform I think would be probably more a matter for the department of justice. Certainly in the Magistrates' Court and Children's Court a fine is a remedy available to courts, whether through cost orders or through fines themselves, but it would not be the most used remedy or approach to a criminal matter, no.

Aiv PUGLIELLI: If you are able to respond, how many cases do you know are generated by infringements each year in Victoria?

Louise ANDERSON: I will take that on notice. Thank you.

Aiv PUGLIELLI: On notice – that is okay. It would be good to get a sense in that question also of what proportion of court capacity that takes. Thank you. And if it is possible – this might need to be on notice as well – could you look into how many people in hardship are being pursued for fines they will never pay due to their circumstances.

Louise ANDERSON: We would not have that information. In those matters, the court makes the order, imposes the fine, and it is referred to the sheriff, which sits within the department of justice.

Aiv PUGLIELLI: Just moving back to VCAT for the moment, in terms of VCAT data collection, with reference to orders of possession and warrants of possession granted by VCAT, why does VCAT not record the reasons given to the recipient of the possession order in its case management system?

Louise ANDERSON: It could be a matter that the case management system is being upgraded, as you probably are aware, so they are working with legacy systems and those legacy systems are not ones that we want to invest too much time in enhancing. There is work well underway for a new VCAT case management system, so it could be that reasons or the basis for orders will be articulated there, but I am surmising there. I am always reluctant to not have answers to things, Mr Puglielli.

Aiv PUGLIELLI: I appreciate that. In terms of the reform to the case management systems, is there a timeline for when that is due to be delivered?

Louise ANDERSON: Yes. It already has a civil release sort of baseline – civil release out and being used – and then it is intended to go live within a two-year period, but there will be tranches that will be delivered in that time so that the next might be residential tenancies and then follow so that there is building that capability and testing the system in a live environment.

Aiv PUGLIELLI: Thank you. I believe we have been told in the past that cases from the current backlog of residential tenancy matters at VCAT will not be transferred to RDRV. The backlog recovery program seeks to eliminate the residential tenancies list backlog by the end of 2024. How is that tracking?

Louise ANDERSON: It is tracking very well. There are 260 or thereabout matters that have been part heard and are to be finalised and four that have not got a listing date yet but will be before the end of 2024, and that will be the final matter that sits within the residential tenancy backlog.

Aiv PUGLIELLI: Thank you. Thank you, Chair.

Louise ANDERSON: Thank you.

The CHAIR: Thank you, Mr Puglielli. We are going to go straight to Mr Hilakari.

Mathew HILAKARI: Thank you, Ms Anderson. I really appreciate your time this afternoon, and welcome, Mr Benns. I will go to your presentation, where the overall pending case loads have been reduced by 14 per cent over 2023–24. Can you speak to some of the reasons why we have been able to reduce those case loads but also maybe then reference how we are tracking and looking going forward? Are we replicating some of those processes? I would be keen to understand.

Louise ANDERSON: Sure, thank you. Each jurisdiction has taken a slightly nuanced approach subject to the nature of the cases that come before it, and we have just briefly touched on VCAT. With your indulgence, I might just speak a little more to that, because it is really such a great case study of focused case management driving down what was quite an extraordinary number of cases that unfortunately had become pending during the pandemic. The backlog recovery program, as I said, has reduced by 54 per cent, our pending RT cases. That is down to just about 7800 and, as I mentioned, almost all of those will be finalised because they have been heard and there are orders to be made. In addition, they have identified an approach to recent initiations, so those matters do not get delayed. Again, for VCAT they are looking there at resolution – two weeks for repairs and maintenance in urgent cases, six weeks for unpaid rent or possession cases and seven weeks for bond and compensation that do not fall into the backlog. Your question went to how the jurisdictions and how VCAT are addressing this. In the 2021–22 financial year, there was funding for additional members. Those members have come on to VCAT in 2022–23 and 2023–24 and have been focused on the reduction of that backlog as well as specialist registrars assisting.

As I mentioned to the previous question, similar methodology, once the residential tenancy work has been managed well, will be applied to other lists within VCAT. Having said that, the VCAT general matters – there are matters of building and construction planning and others – are decreasing by at this point a 11 per cent since June 2024 and a reduction by about 11,915 cases from this time last year. Again, a similar method is being applied. The Supreme Court has applied case management to its general case load for a long period of time. It manages to in the main in the criminal division. But for some of the challenges with some of the legacy matters arising out of the royal commission into police informants, they are managing to keep their case loads stable, although in their civil jurisdiction, like the County Court, they are experiencing some pressure through institutional liability cases, through group proceedings, which were known as class actions, but also through an increase of winding up debt collection and other matters probably related to financial strain.

In the Magistrates' Court the pending case load has reduced significantly to almost a sort of prepandemic level, although we have got to potentially move away from that reference now given we are almost in 2025. But again the Magistrates' Court applied a very similar method to VCAT, so it was identify the case load, triage, what matters could be heard on the papers, what matters could be heard online, how many matters at any one time could you list before a magistrate or a member, and therefore focus on those matters where there was greater complexity, factual or legal, to ensure that you would set aside the time for those to be heard and resolved. Again, it is really to the absolute credit to the parties who attend, those who are before those courts, but also the judicial officers, who have been working extraordinarily hard to stay on top of what is a fairly extensive case load. The Children's Court have actually reduced their pending case load significantly. They, as we spoke about earlier in the committee, have an approach of readiness hearings where a magistrate presides. They were implemented in COVID but also –

Mathew HILAKARI: What do you mean by readiness hearings? I have not heard that phrase before.

Louise ANDERSON: It is a non-adversarial hearing. It was implemented during the pandemic to work online to bring the parties together with their legal representatives and to have a conference that focuses on what are the needs of the accused or the offender, what are the needs of the family, how can they best be supported when the matter is heard – is that about interpreters, is that about other measures to ensure safety and security – and then also identifying what the likely issues were, what evidence would be put, so really working through the logistics before the matter was listed. As I understand it – and I think the Children's Court has spoken about this in annual reports – the resolution rate was very high. It actually avoided matters needing to go to adversarial hearing.

Mathew HILAKARI: That is really great to hear. I might take us to some of those older cases, which I understand have been resolved. Out of time, sadly.

The CHAIR: Apologies, Mr Hilakari. Ms Anderson and Mr Benns, thank you so much for taking the time to appear before the committee this afternoon. The committee is going to follow up on any questions taken on notice in writing, and responses will be required within five working days of the committee's request.

I would also like to thank all secretaries and officials who have given evidence to the committee today, Hansard and the secretariat. The committee will resume its consideration of the 2023–24 Financial and Performance Outcomes on 20 November.

I declare this hearing adjourned.

Committee adjourned.