

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

Inquiry into the 2024–25 Budget Estimates

Melbourne – Friday 24 May 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

Jaclyn Symes MLC, Attorney-General;

Kate Houghton, Secretary,

Ryan Phillips, Associate Secretary,

Toby Hemming, Deputy Secretary, Integrity, Regulation and Legal Services,

Marian Chapman, Deputy Secretary, Courts, Civil and Criminal Law,

Nicola Brown, Deputy Secretary, People, Safety, Culture and Communications, and

Adrian Sculthorpe, Deputy Secretary, Aboriginal Justice, Department of Justice and Community Safety; and

Louise Anderson, Chief Executive Officer, Court Services Victoria.

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

I ask that mobile telephones please be turned to silent.

I begin by acknowledging the traditional owners of the land on which we are meeting, and we pay our respects to them, their elders past, present and emerging as well as any elders that may be with us here today.

On behalf of the Parliament, the committee is conducting this Inquiry into the 2024–25 Budget Estimates. The committee's aim is to scrutinise public administration and finance to improve outcomes for the Victorian community.

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

Witnesses will be provided with a proof version of the transcript to check, and 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 today and other committee members.

I welcome the Attorney-General of Victoria the Honourable Jaclyn Symes, as well as officers from DJCS. Attorney, I am going to invite you to make an opening statement or presentation, and this will be followed by questions from the committee. Your 10 minutes starts now.

Visual presentation.

Jaclyn SYMES: Thank you so much, Chair. Members, thanks for having me this morning, and also I commend you on your efforts once again. I know that it is an impost on your time but an important role that you play.

Like you, Chair, I would like to begin by acknowledging the traditional owners and paying my deep personal respect to those elders past, present and emerging and extend that to any Aboriginal Victorians who may be joining us today or indeed watching online.

I will take you through a presentation which gives an overview of this year's budget and policy priorities and legislation that we have been focused on.

This year's budget invests over \$250 million in the Attorney-General portfolio, supporting a trusted, safe and sustainable justice and community safety system; improving access to justice and inclusion by supporting our amazing legal assistance sector; supporting the Office of Public Prosecutions; supporting victim-survivors of family violence and strengthening women's safety; reducing First Nations peoples' interactions with and over-

representation in the justice system; and delivering positive outcomes for individuals and supporting community safety through continuing our therapeutic courts programs.

In relation to supporting the legal assistance sector we are continuing to help vulnerable Victorians and those experiencing hardship, particularly those that find it difficult to access legal assistance, by investing \$28.8 million to continue legal assistance initiatives. I have always been a big supporter of our community legal sector. They do a fantastic job on the ground. They are there for Victorians who find it difficult to access legal and justice services, regardless of their situation. I know many members would be familiar with their local CLCs. Funding is provided to VLA and CLCs to particularly focus their attention on vulnerable Victorians. They deal with a range of legal issues. They help people avoid homelessness, resolve financial matters, put in place safety plans and help with a lot of family violence issues, and they deal with many other legal issues and issues that people might have when they come into their service.

Some of the programs that I particularly just wanted to focus the committee's attention on are the integrated service projects such as South-East Monash's Sporting Change program, which empowers and educates diverse young people about the justice system, and health justice partnerships such as Inner Melbourne and the women's hospital, where patients access onsite legal services and frontline health professionals are trained to identify and respond to family violence.

Also on the slide you will see that the budget continues support of the Office of the Public Advocate. Their guardianship investigation and independent third-person programs are providing direct assistance to people who experience cognitive impairment and are also helping people in things such as participating in police interviews.

This slide takes you through the support of the Office of Public Prosecutions, which obviously is there to hold perpetrators accountable and assist victims of crime through the difficult criminal trial process. Funding is provided for frontline prosecution resources, including solicitors and briefing fees for barristers as well as the specialist prosecution and County Court team who facilitate triage case management and early resolution of matters. Funding is also provided for an important modern electronic file management system, which will really help the OPP and the work they do and increase their productivity.

There is a focus, as there is every year, on our government's commitment to improving and prioritising women's safety. We are building on a strong record of whole-of-government response to women's safety and prevention of gender-based violence as well as family violence. The 2024–25 budget provides \$16.9 million to strengthen and embed the justice system's response to family violence, including by continuing the family violence workforce training and implementation of the multi-agency assessment and management framework across the justice portfolio, which most people would be familiar with and is known as MARAM.

There is grant funding to Aboriginal organisations to continue culturally appropriate programs that support Aboriginal families experiencing or at risk of family violence, including a specialist out-of-hours service. And the budget continues investment in priority justice initiatives in women's safety, such as the specialist family violence courts and VIFIM's new clinical forensic medicine service model for victim-survivors of sexual and other assaults.

Reducing First Nations people's interactions with the justice system is an important focus for my office and for the department, and indeed across government, and this budget is no different to previous years in that regard, investing \$31.9 million for Aboriginal organisations to continue to deliver self-determination justice diversion programs and culturally appropriate supports. This investment will help reduce First Nations people's interaction with the justice system through diverting Aboriginal boys and young men aged 10 to 25 from the justice system through the Bramung Jaarn program, continuing the Ngarra Jarranounith Place – I just butchered that, didn't I; yes – residential diversion program for Aboriginal men, delivering Aboriginal youth diversion programs aimed at increasing participants' workforce capacity. As you can see, we are really targeting programs through using our amazing Aboriginal organisations, reflecting on language – which I am terrible at. But obviously it speaks to the people who are accessing the services, which is a really important component of these programs. The budget continues funding for the Balit Ngulu specialist youth legal service, provided by VALS to support young First Nations Victorians to receive culturally appropriate legal advice.

Slide 7 goes through the therapeutic courts programs. Victorian courts will continue to help the most vulnerable in our community access services in the safest and most accessible ways possible. The budget invests \$87.3 million for Court Services Victoria programs that target the causes of offending. The Drug Court programs in Shepparton and in Ballarat and in the County Court are great programs, and they help participants address substance abuses, which is very regularly the cause or a major contributor to their offending behaviour. In addition, the budget continues funding for the CISP stream for indictable offences, which supports people on bail access services, including housing, mental health support, drug and alcohol treatment and Koori-specific services. The budget also invests \$52.3 million to the department for VicPol, OPP, VLA and corrections and justice services, because their role in supporting the therapeutic courts is obviously very necessary and invaluable for good outcomes.

I wanted to touch on backlog recovery, because this continues in the courts and VCAT. We have made significant investment in courts over recent years, and they are continuing to do an excellent job to recover from the delays post the COVID period. Overall pending cases continue to reduce, and there has been an 11 per cent reduction in pending case loads in the past year. VCAT is on track to clear the backlog in the residential tenancy list by November this year. This list has seen a significant increase in finalisation as a direct result of government's investment in the backlog recovery program and the appointment of several new VCAT members, and under the leadership of the president there has been an enormous effort in addressing the outstanding cases at VCAT. An enormous number of bonds under dispute have been released by finalising cases. That is \$24.2 million of previous total value of bonds under dispute, of a previous total of \$25.9 million, so just an indication of the load and the quantum that they have managed to get through in recent times. I really thank them for their efforts, because Victorians that were waiting for those have certainly appreciated the attention and effort of addressing those outstanding matters.

Our courts continue to work together with the rest of the justice sector to embed and innovate practices like active case management and remote hearings to hear more cases. The clearance rates are looking really positive. The 2024 *Report on Government Services* highlighted the recovery of the system from the pandemic and has Victoria having the highest criminal case clearance rates in the nation now.

Slide 9 I think is my final slide, and you can see it is just a bit of a run-down of legislative reform priorities: anti-vilification reforms, youth justice, women's safety and a focus on modernising VIFM and working with that organisation.

I think I am out of time, but you can see from there that there is quite a bit that we are focused on this year in the Attorney-General portfolio. Thank you, Chair.

The CHAIR: Thank you, Attorney. We will go straight to Mr O'Brien.

Danny O'BRIEN: Thank you, Chair. Good morning, Attorney and team. Can I start with Ms Anderson, please? If we go to page 197 of budget paper 3, the Court Services Victoria output has been cut by \$19 million in this budget compared to the revised figure for this year. What service cuts will CSV have to make to implement those cuts?

Louise ANDERSON: The reduction in our appropriation is due partially to lapsing fundings, not lapsing programs not continuing funding, and a reduction focused on improving the approach to procurement and reducing the spend on contractors and consultants.

Sorry – Louise Anderson, Court Services Victoria. I should have introduced myself, Mr O'Brien. I was surprised I had the opening question.

Our focus will be on back office reform in its more general terms, reducing our corporate spend where we can, increasing shared services and supporting the courts to continue to deliver, as the Attorney has spoken to, the focus on backlog reduction and case finalisation.

Danny O'BRIEN: So the decisions on those savings you have to find – are they made by CSV alone?

Louise ANDERSON: No, they are made by Court Services Victoria in consultation with our governing body, Courts Council, which is made up of heads of jurisdiction and two independent members and chaired by the chief justice.

Danny O'BRIEN: Okay, so they have to agree on how it is implemented as well?

Louise ANDERSON: Yes.

Danny O'BRIEN: Could you perhaps go into a bit more detail as to what back-end services and activities you will have to cut, and when you say contractors, what sorts of contractors will you be cutting down on?

Louise ANDERSON: Thank you. We have just moved to form what we call shared services, and that is understood by the committee where historically there were, for example, people and culture services, finance and IT both in the courts and in Court Services Victoria. It is CSV's 10th anniversary this year, so while that might be in some terms suggesting a longevity, it is also quite new given how long the courts have been in existence and the infrastructure and administration that they had in each of those courts. We have worked in a highly collaborative way to focus on how we can reduce what we might call duplication but keep a focus on quality of service.

Louise ANDERSON: We have already moved to bring together the people and culture services, the finance, moving to IT and data analytics and facilities management.

Danny O'BRIEN: When you say bring together, I might have missed something. Where were they apart before – still within CSV?

Louise ANDERSON: Within CSV but located and operating within the jurisdictions –

Danny O'BRIEN: Okay.

Louise ANDERSON: So taking a more – I wish I could avoid the language of 'centralised approach', but it might be the most convenient for the purposes.

Danny O'BRIEN: So you previously might have had back office staff at the Supreme Court, County Court and Magistrates, and you are now going to basically have one?

Louise ANDERSON: That is right, Mr O'Brien.

Danny O'BRIEN: Has that been supported by the heads of jurisdictions? Because that potentially takes away a little of their independence.

Louise ANDERSON: It depends on how you look at independence. I mean, independence must be surely about the independence of decision-making without interference, and that has been the focus that Courts Council have taken. They are strongly of the view that if we can reduce our expenditure in areas that really minimise the impact on frontline service, that supports the independence of the courts. Having said that, it has been a high level of consultation to arrive at where we are because it must be by the consent of each jurisdiction. We cannot impose it.

Danny O'BRIEN: Even back-end reductions in resources must have an impact on the operation of the courts and their ability to get through the backlog.

Louise ANDERSON: At this stage I think we have no evidence of that, Mr O'Brien.

Danny O'BRIEN: It has not been implemented yet, I imagine, Ms Anderson.

Louise ANDERSON: Well, we implemented the first phase of it two weeks ago. It is very early days.

Danny O'BRIEN: I think that is probably a bit too early to say.

Louise ANDERSON: Perhaps next estimates you can ask me those questions and I will have a better answer.

Danny O'BRIEN: Yes. Are you concerned about that, though?

Louise ANDERSON: I am not concerned, because I know how much work has gone into the planning and the consultation. We have got very clear commitment on both performance standards and also a capacity to

evaluate both iteratively but also formally. My commitment of course as the CEO of CSV is to ensure the proper operations of the court, so if it is not working, we will have to revisit it.

Danny O'BRIEN: You mentioned – and BP5, page 152, also indicates – that the cut is primarily due to the impact of lapsing funding. What are the programs that have not been funded going forward?

Louise ANDERSON: There are two aspects. It is not primarily lapsing funding, Mr O'Brien. There is also the, as I said –

Danny O'BRIEN: Just for the record, Ms Anderson, that is what the budget paper says.

Louise ANDERSON: Okay, thank you. There are two aspects over the forward estimates. One is, as I said, focusing on improving efficiencies through what is called strategic procurement, so as I said, reducing spend on contractors and consultants or getting better value from our contracts. There are a number of contracts that the CSV holds across the courts, whether it is for facilities management, IT services, security or transcription. There are areas that we can drive greater value. In terms of the lapsing program, that is principally within the County Court for the active case management.

Danny O'BRIEN: What did that do?

Louise ANDERSON: In which way, sorry? What did the active case management do?

Danny O'BRIEN: That is the name of the program, I take it?

Louise ANDERSON: Yes.

Danny O'BRIEN: What was it about?

Louise ANDERSON: It is in-house lawyers supporting judges on identifying issues in cases, working with the parties and reducing what is in dispute to assist trials to run more smoothly.

Danny O'BRIEN: Okay. How much was that program?

Louise ANDERSON: From memory, it was \$11 million over the forward estimates, Mr O'Brien, but I can confirm that.

Danny O'BRIEN: That would have been – but it was a lapsing program?

Louise ANDERSON: Lapsing. Yes, sorry. Not the forward estimates, you are absolutely right, the previous estimate – four years.

Danny O'BRIEN: That in itself, Ms Anderson, would seem to suggest that that was a program designed to help reduce the backlog in the courts and that has now been cut, you were saying.

Louise ANDERSON: Case management is a really core part of most superior courts. It has been in practice for probably 20 or so years where judges are assisted to focus on the harder aspects of case, particularly the adjudication. So working very closely with the County Court, our focus is how we can ensure that that service continues as a core part of their offering.

Danny O'BRIEN: Okay. I would assume that CSV has not advised the government that you expect any reduction in court cases going forward – I mean actual cases coming to the courts.

Louise ANDERSON: In terms of initiations?

Danny O'BRIEN: Yes.

Louise ANDERSON: We do not have any analysis at this point that we expect lesser initiations. Indeed in some areas there has been an increase of initiations, particularly in common law and civil arising out of debt recovery, for example, taxation office winding ups.

Danny O'BRIEN: And you would assume through the usual increase in population that there will be an increase in court actions, which is why I ask: on budget paper 5, page 28, the 'expenses from transactions by portfolio' for courts shows a reduction in the final year of the forward estimates of \$58 million. Can you explain why the government would be forecasting a \$58 million reduction in the courts output in four years time?

Louise ANDERSON: I cannot explain the government's position, but I can certainly speak to that being reflective of efficiency dividends and the cumulative impact of the known savings. As you are stating, Mr O'Brien, it is a forward estimate. It would be anticipating court fee revenue and our general appropriation.

Danny O'BRIEN: Okay. Have you been told to expect that budget cut? Were you aware of it, Ms Anderson?

Louise ANDERSON: We are certainly aware of it. It is not a budget cut in the way that perhaps you are describing, Mr O'Brien.

Danny O'BRIEN: When a budget that is forecast is reduced on the previous year, it is generally considered a cut.

Jaclyn SYMES: If I may.

Danny O'BRIEN: You may jump in and rescue, because I am asking difficult questions, Attorney-General.

Jaclyn SYMES: No, this is not a rescue at all, and I thank Ms Anderson for –

Danny O'BRIEN: No, I think Ms Anderson is doing a fantastic job at answering the question.

Jaclyn SYMES: I think the way you have characterised the question as a cut – the reality is that we would like to see less cases end up in court, because it means they are being resolved before they end up in that level of disputation, and we have a lot of investment in relation to early intervention, investing in the VLAs and CLCs, to ensure that there are less matters leading to court.

Danny O'BRIEN: If you were listening, Attorney-General, you will have heard Ms Anderson say that there is no evidence that has been provided to government that the court case load is going to drop off.

Jaclyn SYMES: Well, the investments that we make have the purpose and the aspirations attached to them, and that includes ensuring that they do not end up at court and become costly for both the government, the taxpayer and indeed the parties.

Danny O'BRIEN: I wonder, Attorney-General, whether in fact this is not a forecast, anticipated reduction in court output but in fact just a little trim by the Treasurer to make the budget bottom line look better in the out years.

Jaclyn SYMES: I do not agree with that characterisation, Mr O'Brien.

Danny O'BRIEN: Okay. If I could move onto the backlog, Ms Anderson, with respect to VCAT, the Attorney's presentation indicated that you will clear the residential tenancy backlog at VCAT by November 2024. That is correct, I take it. How many cases are there as at today in VCAT?

Louise ANDERSON: In terms of residential tenancy there are 13,000 pending cases, so as the Attorney mentioned in her opening statement, that is reduction of around 45 per cent since this time last year, when there were around 23,000 cases.

Danny O'BRIEN: And how many are you clearing? I do not know what unit of measurement you might use – weekly or monthly. How many are you actually clearing or dealing with?

Louise ANDERSON: I would need to take that on notice, Mr O'Brien, but I know that there is certainly well over a 100 per cent clearance rate.

Danny O'BRIEN: Sorry, you might need to explain that to me: 100 per cent – what does that mean?

Louise ANDERSON: A clearance rate is finalising more matters than are coming in, and VCAT is now at well over a 100 per cent clearance rate within residential tenancies, so it is finalising significantly more matters than are being initiated.

Jaelyn SYMES: Because there has also been an increase in initiations.

The CHAIR: Thank you, Mr O'Brien. We are going to go to Mr Tak.

Meng Heang TAK: Thank you, Chair. Good morning, Attorney. Good morning, officials. I refer to budget paper 3, pages 66 and 70. Attorney, can you explain why such a significant investment was made into the OPP and what role the OPP plays in the criminal justice system?

Jaelyn SYMES: Thanks, Mr Tak, and thanks for your question about the OPP, a really integral institution for the justice system. They are an independent authority. They prepare and conduct criminal proceedings on behalf of the state. They focus on serious indictable offences, and they effectively step into the role of representing the community to ensure that they are taking those matters to court and holding perpetrators to account. They are independent from government, so they make their decisions about their cases without any involvement from me, for instance. The budget this year has \$31.4 million over three years for their prosecution services and also to modernise an electronic case management system. They have been doing a lot of work to identify initiatives in the IT space that make their work easier but also how it can integrate with how the courts are operating, again for general efficiencies across the system. The budget also includes \$6.7 million over four years as part of the justice system's costs associated with the court programs initiative, so predominantly around continuing their support of therapeutic courts, including Drug Courts.

The OPP, as I have said, is one side of the criminal justice system, effectively playing a really important role. They deal with matters that are obviously of concern to the community. They respond to things such as organised crime, major drug trafficking, serious sex offences and, unfortunately, instances of homicide – all in their remit. Once a criminal charge is filed by VicPol, the matter is referred to the OPP, and they then brief counsel to appear in court and prosecute criminal matters. Counsel can be Crown prosecutors, a private barrister with expertise in criminal law or sometimes specialist in-house OPP solicitor advocates.

The OPP have a range of various specialist teams, as you would appreciate. They also have complementary services to support the office and provide other important legal functions and services to interact with the justice system and the government, and they have an important role in communicating with members of the Victorian community, particularly victims and witnesses. Some of the units that they have are the proceeds of crime unit, which conducts major confiscation litigation, which is not something that a lot of people probably know but an important element of the work that they do, and the audiovisual unit, which is an expert team that uses specialist equipment to store, process, edit and prepare digital media for presentation in the courts, so a really important way of ensuring that the right evidence is presented and preserved. The digital media team now also has to deal with investments and innovations that have been supported by the government. One example of that is police body-worn camera footage. That is a reasonably recent addition to what police use, but obviously that flows into how courts deal with a range of matters in the criminal justice space. We are also seeing obviously more and more CCTV footage, taxi dash cams and the like, so you can imagine that the way courts operate in prosecuting crimes is a little different now than what it was, say, a decade ago just in relation to the various ways that evidence can be presented.

The frontline support to victims, witnesses and bereaved family members in cases that the OPP prosecutes is a really important and sensitive role that the OPP provides. Making sure that people know what is going on, how the courts operate and what is going to happen next is really important for people that are, unfortunately, very rarely there upon their own accord or wishes. It is quite traumatic, so ensuring that one element of support is through OPP provision of information. They also provide advice to VicPol on current investigations, and they also provide me and the government a range of feedback and information in relation to policy changes that we are considering or indeed identifying changes that they would like us to exercise.

It is a massive workload that the OPP have, so with that in mind it is important that we have provided investment in this year's budget. As I have said, their role is important; the criminal justice system just cannot function effectively without them. They have got no control over their workflow. You would like them to have little to do – that would be great, because that would indicate that there is less crime and there are less people

that have been subjected to that in the community – but obviously they have to be there to respond to the need. The numbers of the matters entering the criminal justice system obviously respond largely in relation to Victoria Police’s detection and investigation of crimes, and as Mr O’Brien indicated in relation to the courts and the numbers of matters that we see, general population growth and indeed legislative change, identifying new charges and the like can all lead to an increased workload for them. So thank you for your question Mr Tak; hopefully I gave you a bit of an overview of the important role of the OPP.

Meng Heang TAK: Thank you, Attorney. Also, how many staff will the 2024–25 budget support, and in which areas of the OPP?

Jaelyn SYMES: The OPP has about 500 people currently and 50 per cent of that workforce are solicitors. Their cases are managed and prepared internally, so that is why there are so many of those solicitors, and they include the prosecution of, as I said, criminal offending. They also deal with appeals against court outcomes, breaches of court orders, applications for pre-sentence detention and supervision orders, as well as that role of confiscation of assets that I referred to. The breakdown of who leads cases I guess sort of explains where some of the pressures for their workforce would be. Crown prosecutors were briefed in around 6 per cent of cases in the 2023 year. They are obviously supported by the in-house OPP solicitors. Private barristers were briefed in around 70 per cent of cases, but they are also supported by those OPP solicitors that I have referred to. The remaining 24 per cent of cases were undertaken internally by OPP’s solicitors and their advocates in there. Crown prosecutors make really important decisions based on the needs of the community and the strength of each case. They give advice on case conduct, form and direction and how it should proceed through the courts.

You asked about the investment into key areas, and I can identify that. First, \$21.8 million will go towards core prosecution services to meet the growth of volume and complexity of the matters. I think there are a range of reasons for the complexity, but some of those evidence matters I referred to earlier certainly play into that. There are 31 full-time front line prosecution staff, including the Crown prosecutors, solicitors and legal administrative officer roles. Some of that money will also go to briefing fees to external counsel – those barristers which play an important role in supporting the work on behalf of the state. The second component I could draw your attention to is the \$4.1 million for the specialist trial prosecution County Court team. That is 10 full-time frontline prosecution staff, and that follows a really successful pilot to enable case management and triage of matters, really responding to backlog and delay reduction. Also, as I have outlined, it is a really busy office. We are conscious of the workload of staff and the pressures in the trial division. So the investment responds to some of those needs as well.

Meng Heang TAK: Thank you, Attorney. You also mentioned that the budget invests in the OPP’s IT and management of data. Can you explain what this will be used for?

Jaelyn SYMES: I will do my best, Mr Tak. IT is not my expertise, but obviously I understand why it is very important for the operation of an organisation such as the OPP. We have invested \$5.482 million over three years for technology upgrades and digital efficiency projects, which are all about boosting the efficiency and productivity of prosecution services and really making the staff’s job easier in ensuring that they can rely on the support of those platforms. It includes funding to maintain the digital case management platform. It is a platform that has an interface for staff to manage their cases as well as reduce the administrative load which exists in some of the old systems, so relying less and less on paper for example. It is live, and the feedback that I get from – if you go down to the OPP and you ask the digital team and the IT team about this, they get very excited and they tell you how important and transformational it is for the work that they do and the interaction with the courts. But it is also ensuring that we have a platform that is usable, integrates well with the system and also has the appropriate safeguards to support the provision of the prosecution services and underpin the resourcing models for obviously Crown prosecutors’ legal practice, and there is also the victim services component that I referred to before.

Previous asset funding has gone to the operation and this is building on that, so ensuring that it can continue to update, deal with design, development and implement next-generation case and document management solutions. The OPP has engaged in extensive activities to roll out the program and they have procured the platform and built a proof of value for that next stage of their system. The current budget invests in output funding for the software and also, importantly, for the staff to make sure that the maintenance and development of the new system is maximised for the benefit of productivity and also the support of the staff there. Thank you, Mr Tak.

Meng Heang TAK: Thank you, Attorney.

The CHAIR: Thank you, Mr Tak. Back to Mr O'Brien.

Danny O'BRIEN: Thank you, Chair. Ms Anderson, can I just go back to the efficiencies at CSV. What number of job losses do you expect under that program?

Louise ANDERSON: At the moment, as most other public entities would do, we are looking to minimise job loss, so we are reducing the vacancy rate. That plus exit packages that are being provided to staff. In addition to reducing the number of vacancies, so therefore not filling positions as a preference to exiting staff. Our current number is in between 50 and 60. That is the first phase.

Danny O'BRIEN: Fifty and 60, as in FTE positions that will be lost?

Louise ANDERSON: Yes, that is it.

Danny O'BRIEN: And is that people who are losing their jobs, or is that some of the vacancies that will not be replaced?

Louise ANDERSON: That is about 50 per cent either way: some vacancies, some losing their jobs.

Danny O'BRIEN: Okay. In 'the first phase' – did you say there is more to come?

Louise ANDERSON: We are certainly working with staff and with the courts and of course with the CPSU. We will be looking, as I said, to consolidate services and ensure quality. Whether or not that reduces staff remains to be seen. It is a very open question.

Danny O'BRIEN: Okay. What is the CSV FTE staff as at last year, 2023–24?

Louise ANDERSON: 2900-plus.

Danny O'BRIEN: Yes. That includes judges and the like?

Louise ANDERSON: No, that is staff.

Danny O'BRIEN: That is just the staff.

Louise ANDERSON: Judges are 525, including VCAT members.

Danny O'BRIEN: Right – 2900, so you will be dropping to, whatever that is, 2840 or something? Yes. Okay. Budget paper 4, page 92, lists the VCAT digital service transformation. This was first announced in the 2021–22 budget with a completion date of quarter 3 this year, so roughly about now. Then in the following budget it got pushed back to quarter 4, 2024–25, and now I see again that it is pushed back even further to quarter 2, 2025–26. What is the hold-up with this project?

Jaelyn SYMES: I have had some information in relation to that, Mr O'Brien, so I can give you an update. As you have identified, there was budget provision in 2021–22 and 2022–23. The CMS is up and running for VCAT, the first release being the civil claims list, which was deployed on 6 December 2023. The project rollout delay for a second year, as you have indicated, has been a topic of conversation for me and the President in relation to giving me regular updates.

Danny O'BRIEN: I take it it was not a friendly conversation, Attorney, from the way you are phrasing it.

Jaelyn SYMES: No. Look, as I expressed to Mr Tak, I do not propose to be an expert in IT programs. I have been given confidence that focus on the delivery of this has received the appropriate attention. Implementing systems like this of course does take time. They have previously managed nine lists using paper files and case management software that was over 25 years old, so the project is not a small transformation project. They wanted to make sure that it is fit for purpose and that they get the right people in to do that. The timeframe for completion has been revised due to a delay in PwC's delivery of the project's first release and subsequently the cessation of the contract with PwC, so –

Danny O'BRIEN: Oh, okay. They did not deliver, so you dropped them?

Jaclyn SYMES: They have sought, looking at the scope and the project they wanted to deliver, to re-engage in relation to delivery of that project. It is now VCAT led to ensure the delivery will meet the expected scope and quality needed. The project team is working concurrently on the remaining VCAT lists, leveraging similarities in the builds so that they can ensure that those platforms integrate, and obviously it makes it more user-friendly for the staff. The estimated completion date was revised in last year's budget due to additional time for procurement on the systems integrations, as I just indicated, in relation to change of providers. It is once again being reviewed in this year's budget and now we are looking at quarter 2, 2025–26, which is reflected.

Danny O'BRIEN: Correct me if I misunderstood, but you cancelled the PwC contract?

Jaclyn SYMES: I did not.

Danny O'BRIEN: VCAT cancelled the PwC contract?

Jaclyn SYMES: Yes.

Danny O'BRIEN: Was any money sought back from them that had already been paid?

Jaclyn SYMES: I might take that on notice, because –

Danny O'BRIEN: Would Ms Anderson know? Do you know anything about this?

Louise ANDERSON: I think it is appropriate to take it on notice, because it is still a commercial discussion.

Jaclyn SYMES: Yes, that is why. I have asked the same questions, and there is certainly an answer that is available, but I just want to make sure that in the discussions with current providers and the like I do not misstep in relation to that, but certainly they are available.

Danny O'BRIEN: Is there any legal dispute underway over this contract?

Jaclyn SYMES: I understand that that has been resolved.

Danny O'BRIEN: It has been resolved? When you are looking on notice, could you take on notice any legal costs that were borne by VCAT or the government for the legal dispute?

Jaclyn SYMES: It was resolved prior to any legal dispute.

Danny O'BRIEN: Okay. Thank you. The Productivity Commission's annual ROGS report, the *Report on Government Services*, published the following data in relation to Victoria's court backlog, Attorney-General. The Magistrates' Court criminal case wait times of more than 12 months was the worst of any mainland state at 18.2 per cent. The County Court criminal case wait times of more than 12 months was the second worst of any state at 26.6 per cent, and the Supreme Court criminal case wait times of more than 12 months are the worst of any mainland state at 28.5 cent. How is it that you are going to get these figures better when we have just demonstrated a cut to not only CSV's back office but to a program that was actually trying to reduce the backlogs in the County Court in particular?

Jaclyn SYMES: You have outlined all of the courts, and I think as I demonstrated and went through in my presentation and the slides, as at 31 March 2024 there has been a decrease of 11 per cent in cases from the year before. There are now 130,726 pending cases – or hopefully a few less, because those figures are from about a month ago – so we are making good inroads in relation to the recovery of the court backlogs. The ROGS –

Danny O'BRIEN: That is understood, Minister, and you have said that in your presentation. This is compared to other states, and to be frank, I have heard us compared to other states multiple times by ministers in these hearings, and we are performing terribly badly. When are we going to get back to number one?

Jaclyn SYMES: Well, our clearance rates are demonstrating that we are on track to ensure that we will get to a position where we will be able to be positively reflected in relation to other jurisdictions.

Danny O'BRIEN: When do you think that will be?

Jaclyn SYMES: I cannot make predictions about the return to case loads for various reasons. We are seeing ongoing improvements, as I have demonstrated. Cases caused by the pandemic, as well as the backlog, have been challenging, I think as Ms Anderson indicated. Things like the ATO ticking up their enforcement that perhaps was not something that was a focus for them during COVID and shortly after in relation to post-pandemic work that they were doing. But we are working with our courts to continue to consider how we can best consolidate their capacity in the long term. I think, as I reflected on last year in particular, a lot of the lessons and experiences from adapting to restrictions due to the pandemic have meant that we have systems in place that are better than before COVID in relation to the ability to get through cases –

Danny O'BRIEN: Well, I hope so, Attorney, given those figures. Can I move on to law reform – budget paper 3, page 159. Will the government be taking any action in the coming year to close the loophole which currently allows people convicted of historical child sex offences to benefit from suspended sentencing?

Jaclyn SYMES: It is a challenging area of law reform, and it is interesting that you describe it as a loophole. Suspended sentence legislation reforms were brought in by the previous coalition government and specifically excluded historical sexual offence cases for – I do not know, you might have to ask the previous Attorney-General or the previous cabinet in relation to that.

Danny O'BRIEN: The issue is that it has since been used. Will you take any action?

Jaclyn SYMES: I am conscious that there is a private members Bill that has been introduced by the Shadow Attorney-General in relation to this matter, and I do want to use this opportunity to acknowledge the survivors of historical child sex abuse. It is abhorrent, that type of offence on people, and I know it takes a really long time for many victims to come forward.

Danny O'BRIEN: You know people like Stewart Carter have been campaigning on this. I am trying to get to the point of why you will not act to close loopholes. It is fairly straightforward, as I understand.

Jaclyn SYMES: You have mentioned Mr Carter, and I met with him for several hours last week. I am not sure that he would appreciate the fact that he continues to be used as an individual who continues to be named in relation to this, but I can confirm that I have met with him and we discussed a range of matters that he would like to see in relation to law reform. I explained that the private members Bill, on its face, can sound as though it has merit but you have to consider the unintended consequences, you have to consider how it would be implemented and you have to have consultation with the courts.

Danny O'BRIEN: All of those things are always the case with any private members Bill, Attorney. The question then is if you think there are some things that need to be addressed, why won't you act and bring in your own legislation?

Jaclyn SYMES: I have committed to that individual that I will look at this matter, but it is not as simple as bringing in a piece of legislation without consulting with anybody in relation to how that might play out.

Danny O'BRIEN: Would you expect legislation this year?

Jaclyn SYMES: I have given Mr Carter commitments that I will continue to talk to him about possible reforms, but the current private members Bill as it stands is pretty problematic.

Danny O'BRIEN: Thank you.

The CHAIR: Thank you, Attorney. We will go to Mr Galea.

Michael GALEA: Thank you, Chair. Good morning, Attorney, Secretary and officials. Thank you for your joining us today. Attorney, I would like to start by talking about VCAT. Page 165 of the Department Performance Statement outlines the mission statement for Court Services Victoria, which leads:

Victoria's courts and tribunals' mission is to safeguard and maintain the rule of law through the fair, timely and efficient administration of justice.

We know of course, as you referred you in your presentation as well, there was a significant backlog which arose through the COVID 19 pandemic, particularly in relation to VCAT and particularly in relation to the residential tenancies list as well. You referred to some considerable progress has already been made, in your presentation – that the government has been investing in addressing this and bringing those numbers down. Can you please talk to me a little bit about what has been done and how the government is going to ensure that the timely and efficient administration of justice is going to be applied?

Jaclyn SYMES: Yes. Thank you, Mr Galea. VCAT – I am really proud of their efforts. It has been a real success story in relation to overcoming some pretty enormous challenges that they faced. As you indicated in your question, the pandemic put significant strain on many organisations, but particularly the court systems and VCAT, who until tested in that way did not have a system that could adapt easily given their reliance on the in-person and paper-based way that they dealt with matters. But the backlog that you indicated, I have got some figures here which just sort of show the enormity of what we have been dealing with. There was an obvious backlog of matters – it peaked at 189,556 across all courts and VCAT in January 2022. Obviously that was something that we had to respond to, and it was the government investment of \$300 million in the 2022–23 budget that was responding to that demand, and that included \$41 million specifically to equip courts to work through case backlogs that were, as I said, attributed to the pandemic predominantly.

We are continuing to see strong improvements in the backlog recovery, as I indicated to Mr O’Brien – an 11 per cent decrease in pending cases as of 31 March, and the most notable decrease and impact has been in VCAT, which is particularly important. VCAT deals with average Victorians’ everyday issues, and they are those issues that keep people awake at night – they just want them resolved, they want them off their backs, and for many people it can be quite stressful in relation to waiting for the return of money and the like or just having a matter that they just want over. So it is really important to prioritise even some of the trivial matters that are just as important to resolve as some of the larger courts’ big cases, because they really have an impact on people’s quality of life.

The residential tenancies list, which is particularly one of those ones that I know keep people awake at night when they are waiting for a resolution, has had a really good effort in making sure that they are dealing with their matters, and so the list at 30 June 2023 had 23,545 pending cases – and just to clarify, ‘pending’ means ‘unfinalised’ – compared to a pre-2022 average of around 3000 cases. So there was a massive increase in relation to what VCAT had to deal with. The investment and VCAT’s strategic use of those resources – these are people that are dealing with these matters – they have really been able to get on top of that, and we now have an amazing clearance rate of over 100 per cent, or a 99 per cent clearance rate, at the end of 2023. That was even with an increase of initiations, so they were clearing more than what was coming in, which is how you get a decrease obviously in your pending numbers. We now have pending matters at VCAT at 13,161, so that figure is at 30 April this year. They have also been able to utilise specialist case management registrars to better triage matters so they will not need to proceed to hearing, and also that frees up member time so that they can spend attention on those that actually need to go to hearing. So 50 per cent of older cases have been resolved without a hearing, so just being able to be brought to the attention of a member or registrar to have conversations with parties – a lot of those matters are resolving on their own just by that intervention.

There has also been an improvement in the timeliness of resolution, which is really good to see, with the median duration of finalised cases dropping to six weeks, which is a one-week drop compared to 2021–22, so again just making sure that when people are making their applications, getting an outcome in a timely manner is really important for Victoria. We want more Victorians spending less time waiting for matters to finalise, but we also want to see people getting their money back as quickly as possible. If we look, for example, in bond disputes – and I touched on this in my presentation, but it is worth repeating – the total value of bonds under dispute in backlog cases was \$25.9 million, so that is Victorians’ money being tied up in relation to matters that needed to be dealt with. As of 30 April, 93 per cent of bonds under dispute were ordered to be released, so that saw \$24.32 million released back into the community, so those people that had obviously moved around in relation to their rental properties and the like. In a time when we have almost 700,000 rental households and more and more Victorians are in that cohort and moving between houses – making sure that they are able to have any of the disputes that may arise addressed in a timely manner but also in a user-friendly manner – you want to make sure that people have got the confidence to lodge a dispute. So I really want to commend VCAT and their leadership and a range of new members that they have got that are really passionate about ensuring that this important list, the residential tenancies list, is given appropriate attention, because it really means important outcomes for people that are relying on that system.

Michael GALEA: Thanks, Attorney. As you say, the issues of everyday Victorians are what VCAT in particular deals with, especially when it comes to housing, and we have had lots of discussions in previous hearings about cost of living, access to housing and also vulnerable people – people who might be, for instance, going through a family violence situation. I will not go into necessarily those areas, but insofar as it directly relates to VCAT’s role, what instruments, if any, and what considerations does VCAT apply to ensure equitable justice for people who might be in those vulnerable cohorts?

Jaclyn SYMES: I really have got to commend VCAT for their ability to identify and respond to urgent matters. As I said, all matters are important, but there is a general acceptance that there are people that need to be prioritised. VCAT do a great job, particularly in relation to how they deal with family violence and wanting to ensure that they have an appropriate response to ensure that people experiencing family violence are not also then subjected to issues that may cause them to be at risk of homelessness, for example. So they have a dedicated family violence support team; they have got some other specialist support teams that pick up other vulnerable groups, as you identified, so there is also a Koori support and a disability liaison team. What they do in relation to that triage work that I was referring to earlier is they prioritise tenancy matters that involve health and safety issues or family violence or recognised sensitivity or other risk factors in those types of matters to make sure that those vulnerable people are looked after.

The average time for finalising an urgent application involving family violence is between three and 15 days, so attention is really paid to ensuring that those individuals are supported. For a rental arrears dispute the average time for finalising an application for possession varies between three and five weeks, with the average time now at the pre-COVID level of around three weeks, so another area where they are ensuring that they are getting timely outcomes for people that are most in need.

Michael GALEA: That is good to see. Thank you. In your presentation as well as the ‘Department Performance Statement’ – it outlines the clearance rate, so I would like to move on to the backlogs in other courts. I note in particular the Magistrates’ Court clearance rate is expected to be 109 per cent for the 2023–24 financial year. Can you please talk to me about what is being done to get this backlog down in other courts?

Jaclyn SYMES: Yes. I can definitely do that. Mr O’Brien talked about the negativity of ROGS and comparisons with other states. I might turn it into a positive and talk about –

Danny O’BRIEN: Amazing!

Jaclyn SYMES: the 2024 ROGS report – not just me, Mr O’Brien. The ROGS report highlighted the positive system recovery from the pandemic and the impact of our government’s investment. It has given the justice system the highest criminal case clearance rates in the nation, and we also have the highest number of judicial officers per 100,000 people, ensuring that we have the capacity to deal with backlog recovery but also addressing those increases in demand that we touched on. As we have indicated, it is VCAT that have had the largest reduction, but we are also seeing continued improvements – you mentioned the Magistrates’ Court in particular, and they have had a 12 per cent reduction for the 2023–24 year to date. You would love people to have the quickest access to justice possible, and everyone is focused on that, but we are certainly headed in the right direction with the investments that we have made and the commitment from our judicial officers and the support staff that they have in the courts and the tribunal system.

Nobody wants people waiting for justice. It can be compounding for the issues that are already something they do not particularly want to have to face. So this is a concerted effort from the government to ensure that the right investments are made, but obviously it is a really important focus of the courts to make sure that people are in and out and getting back to their lives as quickly as possible.

Michael GALEA: Thanks, Attorney. That is my time. Thanks, Chair.

The CHAIR: Thank you very much, Mr Galea. We are going to go back to Mr O’Brien.

Danny O’BRIEN: Thank you, Chair. Attorney, can I ask: the Victorian Law Reform Commission presented its final report to the government in June 2022 on stalking. As you are aware, tragically since then we have seen increased violence against women, including through stalking. Why has the government not yet responded to it?

Jaclyn SYMES: Mr O'Brien, thank you for mentioning the VLRC report into stalking. It would be important for me to, at the outset, thank them for the work that they did but also for the victim's voices that were heard throughout that inquiry. There was, first of all, an interim report, which really focused on the police's response to stalking, and I am not sure if you have read that. It is actually something that when people ask me about the Victorian Law Reform Commission stalking report, a lot of people have not realised that there is a really important interim report that dealt with the police's response. Obviously for very many instances the first port of call for somebody that is experiencing stalking is to go to the police station. Following the recommendations of that interim report, we saw a nation-first introduction of a risk assessment tool that police are piloting in two areas of the state. I have recently had meetings with police to hear about how that is going, and the feedback is very positive.

Danny O'BRIEN: That is good, Attorney, but the question is about the full report – the full 45 recommendations that you have had for two years now. What is the reason the government has not responded formally?

Jaclyn SYMES: First of all, there is no requirement to formally respond to a VLRC report. That is not to say that there is no response, but it is not like a parliamentary inquiry report that has an obligation on government to respond in six months. So the question –

Danny O'BRIEN: That is not really the question.

Jaclyn SYMES: The question that you are asking is that there is not going to be a written response that goes through in that way. I prefer to actually produce actions as a response to –

Danny O'BRIEN: That would be good. That is part of the question. When are you going to produce actions?

Jaclyn SYMES: I have committed to advancing changes to the *Crimes Act* in relation to stalking to ensure that it is clarified to make sure that it is absolutely clear and it can be more utilised by police. Having said that, the experience from Victoria Police is that the current charge can be applied. It is also quite relevant, as you have indicated, that a lot of stalking offences happen in the context of a family violence situation. So there are a range of offences that are appropriate in those circumstances.

Danny O'BRIEN: When you say you are committed to changes to the *Crimes Act*, when will that occur?

Jaclyn SYMES: I do not have specific timing for you now, but it is part of my work program.

Danny O'BRIEN: To be frank, Attorney, it is not specifically your portfolio, but we are constantly told of all the action the government is doing on the issue of family violence. Whilst there might not be a statutory requirement for you to respond to the VLRC report, surely this is something that the government has been saying it is keen to act on, and we do not even know when you are going to do it.

Jaclyn SYMES: In terms of the –

Danny O'BRIEN: The changes you have just indicated – responding to the 45 recommendations of the report on stalking.

Jaclyn SYMES: Which recommendation would you particularly like to draw my attention to?

Danny O'BRIEN: Well, that is a matter for the government to decide – which ones it is going to act on. That is what I am asking.

Jaclyn SYMES: A lot of the recommendations in the stalking review are very much around how the system works together and communication, and a lot of them are already part of the work we are doing in relation to responding to women's safety. The specific recommendation around changes to the *Crimes Act* and the charge of stalking is something that I have given a public commitment to.

Danny O'BRIEN: That is not what I am asking, though. When? Is it going to be this year? Will it be in the forward estimates?

Jaclyn SYMES: The legislation will be next year, and just to be clear, the charge of stalking exists now. The changes that we will make are around clarification to the definitions, so we want to make sure that we have appropriate consultation to get that right, as you would appreciate. You do not want to have unintended consequences for law reform, so there is some important work to undertake, and that is certainly part of my work plan. Legislation, unfortunately, takes time to develop.

Danny O'BRIEN: Thank you. In your presentation you said you would be bringing forward legislation this year to raise the age of criminal responsibility to 12. What specific budget provision has been made for additional measures to deal with this very radical change?

Jaclyn SYMES: In my portfolio or a whole-of-government portfolio? And the reason I ask that is that –

Danny O'BRIEN: You are the senior law officer, and it is a major change to the law. That is one I would hope you would have carriage of.

Jaclyn SYMES: Ask your question again.

Danny O'BRIEN: Is there anything in the budget to actually implement this change?

Jaclyn SYMES: Raising the age will be in legislation that will be introduced this year. It is a well-known commitment that the government has made. We have previously allocated funding to the Department of Families, Fairness and Housing in relation to an alternative service model, because obviously if –

Danny O'BRIEN: When was that funding?

Jaclyn SYMES: In last year's budget – \$5 million in last year's budget.

Danny O'BRIEN: \$5 million, okay. Is there any funding to assist victims of crime from young people who will now no longer be charged to deal with the potential trauma that they might go through given that the perpetrator –

Jaclyn SYMES: Just to be clear: raising the age from 10 to 12 has a very small impact on individuals, because that cohort of offending is very small. There will be no –

Danny O'BRIEN: Can I respectfully correct you? It might have a small impact overall; it potentially has a very big impact on the individuals concerned.

Jaclyn SYMES: That is what I am getting to. But there is no change to support of victims, regardless of the age of the offender. If you are a victim of crime, you do not even have to identify the offender to be eligible for support.

Danny O'BRIEN: I do not want to split hairs here, but are you still a victim of crime if the perpetrator is not charged?

Jaclyn SYMES: Correct. Yes.

Danny O'BRIEN: Will that still qualify you for assistance?

Jaclyn SYMES: Yes. It does now.

Danny O'BRIEN: Right.

Jaclyn SYMES: Yes. You can currently apply – and you might want to speak to the Minister for Victim Support later on this afternoon – for compensation and support even if you do not know who the offender is. You do not have to wait for conviction in many instances as well. Victim support services are agnostic. They want to respond to the harm that you have indicated. I certainly want to be very clear about that. If you are assaulted by someone that is no longer held criminally responsible and dealt with through another mechanism, through support services, through health intervention – which is what we want to happen, right? For any particularly young person that is involving themselves in concerning behaviour, we want to respond to that behaviour, but we do not want to exclude a victim at all.

Danny O'BRIEN: Thank you. Can I go to BP3, pages 66 and 69, which have funding for the trial of electronic monitoring devices for youth offenders as a bail condition measure. What is the actual cost of the trial?

Jaelyn SYMES: We are allocating \$30 million over three years for the trial, which will not just implement the electronic monitoring but will include the really important component of increased case management support for young people. We will be recruiting specialist teams to staff and ensure that they are the appropriate people to install, monitor and remove devices. There will also be a –

Danny O'BRIEN: Okay. So I guess what I am looking for is the specific cost of the monitoring trial. But \$30 million for 50 offenders – I would have to do a quick calculation, but that is like \$600,000 per offender.

Jaelyn SYMES: That is not the correct way to break it up. That is why I specifically brought you –

Danny O'BRIEN: Yes. And that is why I am asking what specifically the cost of the trial for the monitoring devices is.

Jaelyn SYMES: Well, Mr O'Brien, what I have given you is the total amount, which is for the package. Most of that amount will go into the case management supports for young people. We are having a provision of up to 50 devices, but I do not know how many young people will be deemed suitable or appropriate or eligible. What is particularly important is the staff and the support.

Danny O'BRIEN: Yes. Can I clarify that, though? Is that staff and that case management still just for 50 offenders?

Jaelyn Symes interjected.

Danny O'BRIEN: No, that is the whole youth cohort? Righto.

Can I ask some data questions, possibly again to CSV or the Secretary? Are you able to advise on the number and category of how many net additional judicial officers and members have been funded in the 2024–25 budget in the following courts and tribunals: the Court of Appeal, Supreme Court, County Court, Magistrates' Court, Coroners Court and VCAT? I am happy for you if you want to take that on notice.

Kate HOUGHTON: Yes, we can take it on notice.

Danny O'BRIEN: Could I also ask on notice then if you could advise by number and category how many vacancies currently exist in judicial officer and member positions in those jurisdictions as of today?

Jaelyn SYMES: Current vacancies – I wanted to say none. There is one judicial registrar vacancy in the Supreme Court due to a resignation and no judicial vacancies in the County Court. We are looking to recruit four magistrates because there are retirements pending, and there is one judicial registrar vacancy in the Magistrates' Court.

Danny O'BRIEN: Okay. I had more, but we will ask them another way. Thank you, Attorney.

The CHAIR: Thank you, Mr O'Brien. We will go straight to Ms Kathage.

Lauren KATHAGE: Thank you, Chair, Attorney, officials. We have heard from multiple ministers about how their portfolios interact with and support our work around family violence. We can see on page 66 of BP3 there is an initiative there, 'Family violence risk assessment and information sharing schemes'. Can you explain a little bit about what this investment is but also more broadly how your portfolio is supporting action around family violence and women's safety?

Jaelyn SYMES: Yes. Thank you, Ms Kathage. It is obviously a really important focus for government, and you would be aware that there are many ministers involved in ensuring that we are continuing to respond appropriately to family violence issues, women's safety issues and, importantly, men's behaviour and perpetrator accountability issues. So it is a collaboration, and we are always coming together to build on a really strong base that we have. This budget continues the strong investment in family violence risk assessment and information sharing, in particular when you look at things through my justice lens.

There is \$600,000 for the next financial year to continue the family violence workforce training and implementation of the MARAM framework, which is the multi-agency risk assessment management framework. It is a tool that sets out key principles and elements of policy, procedures and practices of organisations that work particularly with victim-survivors and perpetrators. It is a way of ensuring that we have consistent and reliable information sharing between services about the needs of victims and about how to respond appropriately to perpetrators, particularly in relation to how you can turn their behaviour around. This year's funding will equip key justice workforces, including corrections and youth justice staff, with appropriate skills and knowledge to identify family violence and therefore effectively respond and manage that risk. This includes family violence practice lead positions in the justice workforce to oversee that training and to ensure that they are there to help those that can identify or come across these issues. Related to this initiative is the investment of \$24.3 million for the operation of the statewide central information point – that is the CIP; there are lots of acronyms in this space. That is a multi-agency service that collates and shares relevant information about risks posed by perpetrators of family violence, and that is also supported by a legislated family violence information-sharing scheme which authorises appropriate services and organisations to be able to provide the relevant information so that they are all on the same page and ensuring the best service, particularly for victims.

This is all part of the family violence system that leads the nation. It is not an opportunity to pat ourselves on the back. We know there is more to do, but other states always look to us, particularly following the royal commission, obviously. We have spent \$4 billion on this issue, and we know that there is more to go, but our base is a really strong foundation for supporting victims as best as we can. Of course we will continue to prioritise this work.

One of the other elements in my portfolio is the specialist family violence courts and continuing to respond with support for them but also relevant legislative reforms that keep pace with the community needs.

Lauren KATHAGE: Thank you, Minister, and we did hear from Minister Ward about how well received that information-sharing platform has been. You mentioned, and there has been talk this morning, about women's safety law reform, or legislative reform. Do you feel like the government has done enough in this space?

Jaelyn SYMES: I have been working in this space for a long time, and we continue to build on the efforts and support police, other responders and services as best as we can. A lot of the time that includes introducing new laws. You want to change behaviour so that you do not require new laws – that would be best – and that is a focus of prevention, but we also need to ensure that our police are able to appropriately charge and hold perpetrators to account.

We have had a variety of new reforms and measures that have responded to the needs of the community in recent times, and it is something that I will continue to focus on. The rates of family violence, the rates of sexual assaults, are unacceptable, and I meet with a lot of victims regularly. We want to reduce the incidence and respond as best as possible.

Some of the reforms that I have been particularly proud of include, in 2022, where we provided better support for and protections for victim-survivors of sexual offences. That was when we introduced the affirmative model of consent. We also made clear that stealthing was a crime. We strengthened pre-trial cross-examination protections for complainants, which was again responding particularly to individuals that had gone through the system and thought that it should be better for others that followed them. We also strengthened the law around image-based sexual offences and introduced new jury directions to address common misconceptions and bias about sexual violence – really important reforms that were, as I said, informed by many victims' voices.

Last year we made non-fatal strangulation a standalone offence, highlighting it is frankly the reddest of red flags of potential injury and murder for a woman. We have introduced that as a standalone offence, and it has a maximum prison term of 10 years. But what I particularly like, which is kind of the wrong word, is the benefit of creating some of these offences is sending the message that this is concerning behaviour, both for a victim being able to identify the risk that they are in but also to potential perpetrators that this is a serious offence that you can get charged with and you can suffer the consequences for, so they are important conversations to have as well as important laws to make.

Just last week we introduced more legislation in relation to rape and sexual assault, so we have given protection to any Victorian who makes a report to police in relation to those matters to ensure that they are not concerned that they will be hit with a defamation action by the alleged perpetrator. We have given an immunity for those that make complaints directly to police. What we have heard from victims is that they can feel it is a barrier – they call it a chilling effect – in relation to coming forward to make a complaint to police, because they are concerned about not only being sued but just even the threat of being sued for defamation. Those changes will remove a deterrence in relation to victim-survivors sharing and reporting their experiences of sexual harassment and assault.

This Bill also contains the extension of the use of body-worn camera footage. I indicated a little bit earlier in relation to how police now have cameras that they can activate. One of the components of that Bill will ensure that in matters of family violence offences or family violence intervention order breaches, that there can be the ability for victim-survivors to give a statement via that recorded camera, which means that they can avoid making a formal written statement, although the option remains open. It just means that you can have the option of not having to retell your story through those other processes. This was trialled following the royal commission, and it is proving to be a good option for certain people. It is also a really strong way of holding perpetrators to account.

There are a range of reforms. Mr O'Brien has asked me about stalking reforms. We will always look to ensure that our statute books are responding to the needs of community. Obviously women's safety is something that we take seriously, and we want to ensure that victims are supported through being able to come and report but also having a system responsive to their needs. As I said, the more and more we talk about these issues, the more it becomes a good community education and awareness piece to ensure that we are sending the strongest message to the community that these are behaviours that we will not tolerate. I know there is a big cultural shift in relation to these matters. We will continue to rely on not just laws, not just the efforts of government and various ministers – community are really behind this issue and wanting there to be no but particularly less violence against women in Victoria.

Lauren KATHAGE: Thank you. In your evidence so far this morning you talked about and we heard how there is a different family violence lens in different places, like VCAT et cetera, but you also mentioned a specialist family violence court. Is that an actual physical court? Where is it? What does it do?

Jaelyn SYMES: Specialist family violence courts are present at all of our headquarter courts in Victoria, and we continue to make investments. I think it was in the 2021–22 budget that we wanted to ensure that our specialist courts had safer and more supported court services. A specialist family violence court is about specialist integrated responses and making sure that the experience for victims is responsive to their needs. A really good example of that is having a separate entry for victims from the general public so that they are not having to confront their perpetrator at the front door or in the lift et cetera – separate waiting rooms and the ability to have private consultation rooms, so really victim-centred responses to this. It is a high amount of cases that our courts deal with, so having a particular response through the specialist family courts is something that is well received.

Lauren KATHAGE: Thank you, Attorney.

The CHAIR: Thank you, Attorney. We will go straight to Mr Puglielli.

Aiv PUGLIELLI: Thank you, Chair. Good morning.

Jaelyn SYMES: Hello, Mr Puglielli. Good to see you.

Aiv PUGLIELLI: You too. The budget overview includes that amount – to me, quite eye-watering – of \$34 million we have just been speaking about for the further trial of electronic monitoring of serious, high-risk young offenders on bail. It would be good to get clarification from you a bit in terms of how those funds are being placed, because if you were looking at per person of those 50 young people on bail, that is – quick maths – like \$680,000 per young person. In terms of the trial itself, when does that start and finish?

Jaelyn SYMES: Mr Puglielli, as I tried to explain to Mr O'Brien, this is not an investment that can be broken down to 50 individuals. The investment is going to be targeted to a really concerning cohort of young people. It is focused on serious offenders, repeat offenders, offenders that we know have particular needs, and

we want to respond to that. But we are also very conscious that they are committing crimes that are really impacting the community – the sense of fear about being a victim of home invasion, carjacking and the like. They are some of the offences that we are seeing. So what we want to do is make the investments to support those that are alleged to have committed these offences whilst they were on – it is the bail supervision that this is all about.

Aiv PUGLIELLI: Okay. Just the trial itself, though, when does it start and finish?

Jaelyn SYMES: Well, we need to pass the legislation first. So –

Aiv PUGLIELLI: Right. You do not have a view to that timeframe?

Jaelyn SYMES: The legislation will be introduced shortly, hopefully before the winter break. Obviously we have got a few cabinet processes to get through and are finalising a bit of consultation. But that is the youth justice Bill, which has electronic monitoring, has raised the age and obviously includes a number of initiatives that are more in the remit of the Minister for Youth Justice. But it is a really comprehensive piece of legislation that is designed to target the needs of young people who come into contact with the justice system.

Aiv PUGLIELLI: At this stage, is there an intent for the duration of the trial?

Jaelyn SYMES: Two years.

Aiv PUGLIELLI: Two years. Okay. Thank you.

Danny O'BRIEN: Didn't you tell me three? Or is it funding for three?

Kate HOUGHTON: Funding for three.

Aiv PUGLIELLI: Oh, okay. Thanks. Good to get that clarified, that is all good.

Jaelyn SYMES: Yes, we have got to set it up.

Aiv PUGLIELLI: In terms of the intent of the program, do you see this as a diversion program?

Jaelyn SYMES: Do you mean specifically the electronic monitoring?

Aiv PUGLIELLI: Yes, that is right.

Jaelyn SYMES: I have been hopefully pretty clear about this. One of the things that we are trying to address is young people who are committing serious crimes getting the opportunity to be on bail and have the support to be connecting into education, employment and the like. If young people are complying with their bail conditions, then they are not going to commit another crime. What we are seeing is that we are having offenders on bail continue to offend. We want to break that pattern of behaviour. The way to do that is to ensure that we are providing as much support as possible, as much oversight and intervention, to ensure that those bail conditions are being met. Many of the offences that are occurring are at night in breach of curfew arrangements, for example. So if we can apply an electric monitoring device to an appropriate young person, if it encourages them to do the right thing – stay home, not catch up with your mates that potentially are out doing things they should not be, you are less likely to continue in that type of behaviour. You are going to get sleep, you are going to be able to go to school and you are going to be able to engage with the youth justice workers, who are there to ensure that we can keep you out of prison. So your description of diversion –

Aiv PUGLIELLI: It sounds more like a bail compliance program, really.

Jaelyn SYMES: It is more a bail compliance program, but if it has the impact, if it has the effect of not leading a young person into custody or a future adult custody pathway, then it will have a similar benefit to diversion programs, yes.

Aiv PUGLIELLI: I might go forward to police oversight. I know you have been on the record both at Yoorrook and in Parliament saying that you are working on it, you have been doing so for some time, you want to reform it and there is currently a review being undertaken in the department. In terms of timeframes though, I cannot see an allocation for that reform work in the budget, either for next year or across the estimates. Is that

work being done within existing resources in the department, and when do you expect the review to be completed?

Jaelyn SYMES: Yes. Thank you, Mr Puglielli. As you know, we have publicly committed to progress police oversight reform. There has been a lot of work undertaken by a parliamentary inquiry. It was obviously relevant for the royal commission, and we have had feedback from IBAC in how they operate in relation to the current environment. So we are working through designing reforms that will pick up on a lot of the recommendations that people have made. As you have indicated, I was asked about this in Yoorrook as well. I can confirm that it is a piece of work that we are currently in the midst of completing.

Aiv PUGLIELLI: And the resourcing, though – is that departmental, where that is coming from, just because it is not in the budget. So it is from the department?

Jaelyn SYMES: Yes.

Aiv PUGLIELLI: Okay. From what you have just said then, do you have an expectation as to when that review is going to be complete?

Jaelyn SYMES: The review has been completed.

Aiv PUGLIELLI: Oh, it has, okay.

Jaelyn SYMES: Yes.

Aiv PUGLIELLI: I must have misheard you.

Jaelyn SYMES: Yes. We are now considering the recommendations of that review and considering legislative reform.

Aiv PUGLIELLI: Okay. And just from stakeholders that have sort of engaged with me and my colleagues – putting together clarification on departmental funding, we should not take it to mean that because it is not in the budget over the forward estimates it is not that it is not going to happen in the next four years. We should not take that from –

Jaelyn SYMES: No. I can appreciate that it is good for you to ask that question and get clarification, because this is a piece of work that has taken some time. I have been asked whether it is on track and whether it will be completed, and I can stand firm on my commitment that it is well advanced.

Aiv PUGLIELLI: Thank you. I understand the government is opening new specialist family violence courts across the state. The people who come to these buildings are going to need appropriate services and support. Taking into account increasing demand, as an example Djirra, an organisation providing culturally appropriate legal and other services to Aboriginal women, have had a 33 per cent in their demand for frontline services in 2023 and then just this last quarter another 22 per cent increase in their intake. I understand there is an incoming women's safety package. With respect to that package, will it fund community legal services for victims of family violence across the state?

Jaelyn SYMES: Mr Puglielli, I am very appreciative and grateful and recognise the work that Djirra and VALS do in support of Aboriginal Victorians. We have provided significant funding for a range of their programs. Your specific question is also connected up with the federal government's funding of organisations and the NLAP program, about which we will hopefully get some news out of the federal government soon. I have certainly been advocating for appropriate allocation from the federal government for family violence services, particularly for our Aboriginal organisations, but I also can point to the support of Djirra in this year's budget from our government for the family violence early intervention program. They were very pleased to get confirmation of continuation of funding for three years of nearly \$2 million.

Aiv PUGLIELLI: Just factoring in the comments you just made, the women's safety package as a whole, including the Commonwealth aspects that are in train, as you are saying – is that support going to be in place in time for the services across the community legal sector that are only funded until 30 June this year?

Jaelyn SYMES: I am sorry, Mr Puglielli. I just take issue with your question because there is ongoing funding.

Aiv PUGLIELLI: Oh, okay. They will be thrilled to hear that.

Jaelyn SYMES: Good.

Aiv PUGLIELLI: A question perhaps for the department – the scheme to expunge historical homosexual convictions has been operating for almost a decade now. Historically, homosexuality was a crime. People ended up with criminal records simply because of their sexuality. I understand that there are still affected individuals who would benefit from the scheme who are in the community. Stakeholders have told me the department is taking quite a conservative view of the confidentiality provisions and they are not releasing any information about the scheme, even progress data. I am not talking about personal identifying information here. Given the strong public interest in this data and the fact that Martin Foley, back in the day, would have provided public updates on the scheme, departmentally, will you publish updates on the progress of the scheme, including numbers of applications, both overall numbers and number of successful applications?

Kate HOUGHTON: I will take it on notice, but you are right, people are still benefiting from that scheme. I still have a number of letters and decisions each year for that. In terms of confidentiality, I will seek legal advice as to what we can publish.

Aiv PUGLIELLI: Sure.

Kate HOUGHTON: But I think it is an important piece to know that people are still benefiting from that scheme.

Aiv PUGLIELLI: Yes. I appreciate that. For the aspect taken on notice, could you also provide the current application data within that? Thank you.

The United Nations anti-torture protocol, the Optional Protocol to the Convention against Torture, OPCAT, was ratified by the Australian government in 2017. It places obligations on state and federal governments to designate independent bodies to inspect places of detention, and so far I understand the state government has failed in its obligation to do that. A range of stakeholders have called on this government to establish a well-resourced and independent OPCAT implementation in this budget. Am I right to think, looking at this budget, that there is no funding for OPCAT? Does the government have an intention to fulfil its obligations? If yes, when?

Jaelyn SYMES: I would start with a clarification that it is not the state government's obligation, it is the federal government's obligation. So there is no failure upon us to live up to an obligation because it is the Commonwealth's commitment. I have been consistent, alongside other Attorneys from other jurisdictions, that the federal government should support the funding of the commitment that they have given.

Aiv PUGLIELLI: So you would reject the assertion that there are obligations on the state government within this protocol that you would have to meet? You reject that assertion?

Jaelyn SYMES: We do not have any formal obligations. We have given our commitment and willingness to support the federal government's commitment if they fund us to do so.

Aiv PUGLIELLI: As you would know, the Adult Parole Board requires parole applicants to have access to suitable and stable accommodation before they consider application for parole. What engagement are you making with the housing minister to ensure that that is met?

Jaelyn SYMES: You might want to ask the Minister for Corrections about parole.

Aiv PUGLIELLI: Sure. Thank you. Thanks, Chair.

The CHAIR: Thank you, Mr Puglielli.

Aiv PUGLIELLI: Jeez, you got through a couple of topics there. It was like speed dating.

The CHAIR: You still had maybe 3 seconds left. We will go to Mr Hilakari.

Danny O'BRIEN: I demonstrated yesterday you can ask a question in 3 seconds and get an answer.

Mathew HILAKARI: Thank you, Attorney and officials, for your attendance today.

Jaelyn SYMES: Sorry.

Mathew HILAKARI: That is okay. We were all stuck on the speed dating comment, I think. Your speed dates must be terrible.

Now, I thought I might just take us to Victoria Legal Aid and those wonderful community legal centres, which do such a great job across the community in supporting those people in pretty difficult circumstances and times. I am taking you particularly to budget paper 3, pages 66 and 69. It goes through some of that funding that the government has provided through this budget more broadly. I am just hoping you can tell us a little bit about how that funding will support Victorians who need those services.

Jaelyn SYMES: Yes. Thank you, Mr Hilakari. I certainly know that you are a supporter of your local CLC and a good advocate in that regard. I would say at the outset that both VLA and CLCs do exceptional work in providing legal assistance across the state. Certainly it is something that I value, catching up with our CLC sector and just hearing about the good work that they do. It is really motivating to talk to the people that are so passionate in this regard and the good work that they do. Obviously it is a critical service because they are able to provide for and get to people regardless of their income and regardless of their postcode. VLA in this budget will receive \$14.73 million to continue some of the important programs they do, particularly the Help Before Court and the independent family advocacy and support programs.

But you were particularly interested in CLCs, so I might take you through some of that investment and the benefits that we are hoping to see. This budget has an allocation of \$28.78 million to continue 22 critical legal assistance programs that otherwise would have come to an end this financial year. The CLC sector has been making sure that their voices were heard in relation to the importance of the continuation of this.

Mathew HILAKARI: Absolutely right.

Jaelyn SYMES: I am very happy to be able to deliver that. That includes 22 early intervention services. Also in this budget is the continuation of Fitzroy Legal Service's Q+Law specialist integrated legal service that is run out of the Pride Centre. The continuation of that service that is relatively new is something that is also supported in this budget – again, doing really good work for people out of that centre. There is also VALS specialist legal service, providing legal service and assistance to Aboriginal and Torres Strait Islander young people who come into contact with the justice system. A range of CLC programs are supported in this budget, building on last year's budget as well. So it is really important to continue the work that they are doing in numerous budgets – very happy to be able to support that. All of the programs are a feature of – and the Treasurer might have talked to you about this in his presentation – the *Early Intervention Investment Framework*, so the EIIF.

Mathew HILAKARI: He loves that framework, and it is quite a point of pride, I think, for the state.

Jaelyn SYMES: Yes, and it is not rocket science, right? Investing early saves money in the long run and has a really good outcome or impact on the community and individuals, and so it is something that is particularly relevant to my portfolio, because the purpose of that funding is obviously to link government funding to quantifiable impacts that improve life outcomes and reduce the pressures on the acute services, and that includes courts and crisis services that are related to legal issues. So in my patch it is about providing legal services before crisis point, which is really true – regularly we hear on the ground from vulnerable people. Being able to assist people early ensures that their problems do not become larger and compound later on and involve basically expensive intervention, particularly for people that are unlikely to be able to afford a private lawyer. So delivery of these crucial early intervention programs is just an integral part of ensuring that we are reducing demand and alleviating pressures on the justice system statewide.

It is through our investment in CLCs that we have promoted early intervention through multidisciplinary and integrated service delivery within the sector, and I think many members would be familiar with some of these

programs. It is about using the intervention in people's lives and the access of other services to identify and respond to legal issues. It is pretty common that legal issues do not happen in isolation, generally – individuals are often experiencing other issues, whether it is tangled up in health, financial or social issues and obviously also family violence, mental health, drug and alcohol. Where people are accessing services, being able to insert services that look at legal need is something that our CLCs are really good at. The investment in the health justice partnership, for example, allows local health services to support clients to also resolve legal issues through the context of their social and health needs.

The MABELS program is one that has been running for some time now, and we continue to support it. That is the Eastern Community Legal Centre in a health justice partnership with Boorndawan Willam Aboriginal Healing Service, and it is also well supported by two local councils. MABELS stands for 'mother and baby engaging and living safely', and it is a program that is aimed at intervention and responding to family violence within the maternal and child health framework. It enables women to receive advice and assistance at a much earlier point than if they are seeking help for family violence in isolation, and often this is also a cohort for whom we know there is underreporting of family violence, so being able to support women when they are accessing those other vital services is a good way to get them so it ensures that they are supported, as I said, before reaching that crisis point. It is one of the critical legal assistance programs that the budget is funding – and we fund it every year, frankly, because it is so good – but we are seeing that more and more partnerships and identification of where you can intervene to support people's legal needs is something that the CLCs are particularly good at.

Importantly, CLCs are on track to exceed targets globally set for EEIF in 2023–24, including the delivery of legal advice, legal information, community legal education services and their important duty lawyer services as well. I cannot be more glowing of the work that CLCs do, and I am very proud that we have been able to support them financially. I would love to get them more, and I will keep trying, but we have certainly been able to respond to their priorities this budget.

Mathew HILAKARI: All strength to your arm on getting more funding, because that multidisciplinary approach really is effective, because people's lives are never just a legal issue in isolation, or rarely a legal issue in isolation –

Jaelyn SYMES: Exactly.

Mathew HILAKARI: and that recognition by CLCs on their way to navigating that has been great, and I have observed that many times.

I would like to bring us to Victoria Legal Aid's Help Before Court program. You mentioned it briefly, but I would like to know a little bit more about that and also the independent family advocacy and support program, and how these are supporting our community.

Jaelyn SYMES: Yes, a really good program, and again something that I am pleased to be able to continue supporting in this budget. The Help Before Court service provides clients with early support and legal assistance with their criminal law matters so that they can prepare ahead of their mention in the Magistrates' Court. As we know, the overwhelming majority of the VLA's client intake used to occur in person via the court duty lawyer service on the day that the matter was scheduled. What was identified and reported constantly was that it put a massive pressure on lawyers to have to come up to speed on an issue on their feet. There was a lot of high-volume demand, there were a lot of people having a variety of issues, and it led to clients experiencing long wait times, just adding to the stress of the court environment and experience for people. When clients are not able to prepare ahead of court, they might miss vital information, they might not have documents that support their situation – character references and things like that. Lawyers and police prosecutors often are not in a position to adequately deal with the case at the time or not in a position to negotiate charges in advance, and it results in unnecessary adjournments and people having to return to court, which is just a drain on everyone's time, including the client's. So the Help Before Court program ensures that there is better preparation for matters. It reduces VLA's at-court duty lawyer service pressures, and it improves outcomes for people because it increases their chances of receiving diversion and in some cases having charges dismissed. It enables people to be able to know what is going on and therefore better interact with the court.

The other program that VLA will receive funding for in this budget is the independent family advocacy and support service. It is an early intervention non-legal advocacy service that works with parents and primary carers in the early pre-court phase of child protection involvement. So again, just making sure that people have the relevant information and support so that they can engage appropriately with the court. There is obviously a lot of informed decision-making that is required, so making sure that DFFH is also brought into those conversations can have good outcomes. Its aim is to avoid escalation to court proceedings, so it diverts families away from the child protection system and increases access and referrals to, as you indicated, a range of – people often have not just one matter that they need dealing with – legal services and other supports. First Nations families, parents with intellectual disability and families from multicultural backgrounds are priority target groups for this particular program. My information from VLA is that they have assisted over 150 clients in the last year, and they currently operate in northern metro, Dandenong, Ballarat and Bendigo. It is really about the provision of rights and responsibilities and making sure people understand the complexity of the child protection system. They are helping to bring people on that journey and get good outcomes for families.

Mathew HILAKARI: Thank you.

The CHAIR: Thank you very much, Attorney.

Attorney and officials, our time together for this session has come to an end this morning. Thank you very much for taking the time to appear before the committee. The committee will follow up on any questions taken on notice in writing, and responses are required within five working days of the committee's request.

I do want to say for anyone here in the room today or listening or watching online: if you are experiencing family violence, help is available to you. Please phone 1800 RESPECT. Their helpline is 24/7 and can be reached on 1800 737 732. If it is unsafe to call, you can send a text message to 0458 737 732. If you are in immediate danger, please call 000.

The committee will take a short break before beginning its consideration of the emergency services portfolio at 10:30 am.

I declare this hearing adjourned.

Witnesses withdrew.