

Public Accounts and Estimates Committee 2023-24 Financial Performance and Outcomes Hearing

Department:	Court Services Victoria
Witness:	Ms Louise Anderson
Committee Member:	Ms Bev McArthur
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Relevant text (from transcript):

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

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

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

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

Answer:

The President of the Children's Court directed the preparation of a paper to assist him with his responsibility to ensure the effective, orderly and expeditious discharge of the business of the Court pursuant to section 509A of the *Children, Youth and Families Act 2005*.

Nous Consulting were engaged to analyse the data of settlement rates in the Court. Their engagement did not extend to consultation with judicial officers or staff.

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Relevant text (from transcript):

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

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

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

Louise ANDERSON: I do not.

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

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

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

Answer:

VCAT is committed to continuously refining processes and identifying innovative solutions to effectively manage pending caseloads to ensure better outcomes for all stakeholders. Addressing the FOI pending caseload – which has been impacted by case complexities and specialist member availability – is a key priority, with targeted focus set to begin in early 2025.

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Relevant text (from transcript):

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

Louise ANDERSON: In the Magistrates' Court or in –

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

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

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

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

Aiv PUGLIELLI: On notice – that is okay. It would be good to get a sense in that question also of what proportion of court capacity that takes. Thank you.

Answer:

In the 2023-24 financial year, 23,524 cases were initiated by the Magistrates' Court of Victoria (MCV) where infringement charges were the major charge. Of these cases:

- 16,601 were initiated as charge and summons, and
- 6,923 were initiated pursuant to section 40 of the *Infringements Act 2006*.

In the 2023-24 financial year, 1,021 cases were initiated as Penalty Enforcement Warrants (PEW). The MCV can issue a PEW for unpaid infringement fines which are registered with the Director of Fines Victoria.

In the 2023-24 financial year, 135,927 criminal cases were initiated by the MCV. Cases where infringement charges were the major charge (23,524 cases), accounted for 17% of the total criminal caseload.

The Children's Court of Victoria may enforce infringement penalties under the 'Children and Young Person Infringement Notice System' (CAYPINS). When a young person is the subject of a proceeding generated by an infringements notice, such as a fine issued by Victoria Police or the Department of Transport, the matter is listed for a CAYPINS hearing.

CAYPINS hearings are conducted by registrars not judicial officers. When finalising a CAYPINS hearing the registrar may order the young person to pay all, part or none of the infringement amount. In the 2023-24 financial year, the Children's Court of Victoria finalised 4,385 CAYPINS hearings which constitutes 15% of all finalisations by the Court in this time period.