

# **PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE**

## **Inquiry into 2019-20 Financial and Performance Outcomes**

Melbourne—Tuesday, 23 February 2021

### **MEMBERS**

Ms Lizzie Blandthorn—Chair

Mr Richard Riordan—Deputy Chair

Mr Sam Hibbins

Mr David Limbrick

Mr Gary Maas

Mr Danny O’Brien

Ms Pauline Richards

Mr Tim Richardson

Ms Nina Taylor

Ms Bridget Vallence

**WITNESSES**

Ms Rebecca Falkingham, Secretary, Department of Justice and Community Safety;

Mr Shane Patton, Chief Commissioner, Victoria Police;

Mr Andrew Crisp, Emergency Management Commissioner, Emergency Management Victoria;

Ms Larissa Strong, Commissioner, Corrections Victoria,

Ms Anna Faithfull, Deputy Secretary, Justice Policy and Data Reform,

Mr Craig Howard, Acting Deputy Secretary, Fines, Registration and Crime Prevention,

Ms Jodi Henderson, Youth Justice Commissioner,

Ms Corinne Cadilhac, Deputy Secretary, Justice Infrastructure; and CEO, Community Safety Building Authority,

Mr Ryan Phillips, Deputy Secretary, Corrections and Justice Services,

Mr Samuel Porter, Deputy Secretary and Chief Counsel, Legal and Integrity,

Mr John Batho, Deputy Secretary, Consumer Affairs, Liquor, Gaming and Dispute Services,

Ms Peta McCammon, Deputy Secretary, Service Delivery Reform, Coordination and Workplace Safety,

Mr Bill Kyriakopoulos, Acting Deputy Secretary, Police, Community Safety and Communications,

Ms Lynda Rogers, Acting Deputy Secretary, Corporate Governance and Support,

Ms Sue Clifford, Deputy Secretary, Emergency Management and Chief Executive, Emergency Management Victoria,

Mr Josh Smith, Deputy Secretary, Aboriginal Justice,

Ms Jenni Rigby, Executive Director, Strategy and Policy, Emergency Management Victoria,

Ms Mariela Diaz, Executive Director, Fire Services (not Sector) Reform, Emergency Management Victoria,

Ms Dannii de Kretser, Deputy Secretary, Youth Justice, Department of Justice and Community Safety; and

Ms Susan Middleditch, Deputy Secretary, Corporate and Regulatory Services,

Mr Lincoln Tong, Director, Strategic Finance, and

Ms Jacinta Thomson, Acting Executive Director, Investment Management and Reporting, Victoria Police.

**The CHAIR:** I declare open this hearing of the Public Accounts and Estimates Committee. I would like to begin by acknowledging the traditional Aboriginal owners of the land on which we are meeting. We pay our respects to them, their culture, their elders past, present and future and elders from other communities who may be here today.

On behalf of the Parliament the committee is conducting this Inquiry into 2019–20 Financial and Performance Outcomes. Its aim is to gauge what the government achieved in 2019–20 compared to what the government planned to achieve. We note that witnesses and members may remove their masks when speaking to the committee but must replace them afterwards. We ask that mobile telephones be turned to silent. I note for the record that the Member for Mordialloc is an apology. He and his family have been celebrating the birth of their new baby in the last few days, so we congratulate them and record his apology.

All evidence taken by this committee is protected by parliamentary privilege. Comments repeated outside this hearing may not be protected by this privilege. Witnesses will be provided with a proof version of the transcript to check. Verified transcripts, presentations and handouts will be placed on the committee's website as soon as possible. I welcome you, Secretary, commissioners and your officials. We invite you to make a 10-minute presentation. This will be followed by questions from the committee.

**Ms FALKINGHAM:** Thank you, Chair, and thank you, committee. I would also like to begin by acknowledging the traditional owners of the land on which we are meeting today and pay my respects to elders past, present and emerging. I would also like to recognise witnesses with me today: Chief Commissioner of Police Shane Patton; Emergency Management Commissioner Andrew Crisp; acting corrections commissioner Larissa Strong; Youth Justice Commissioner Jodi Henderson; and Deputy Secretary, Justice Policy and Data Reform, Ms Anna Faithfull. I would also like to acknowledge we have two deputy secretaries who are imminently to have babies, so we have a range of additional witnesses with us today who I am sure, if it is appropriate with the committee, we will call upon from time to time.

### **Visual presentation.**

**Ms FALKINGHAM:** Our vision for the Department of Justice and Community Safety is a system that works together to build a safer, fairer and stronger Victoria. This year our department was presented with some pretty unprecedented challenges, most notably the 2019–20 bushfire season and the coronavirus pandemic. This year more than ever we have seen our people at their very, very best under very difficult circumstances.

The 2019–20 bushfire season and coronavirus pandemic have presented unique and significant challenges for Victorians and the department. Despite these challenges the department has implemented significant reforms and responded to the emerging issues. It has continued planning and delivery of key initiatives and increasing services across the state. The response of our people to both emergencies has been outstanding and is a clear reflection on the professionalism and commitment of our staff and our volunteers serving our community.

The department had an operating budget in 2019 of nearly \$8 billion to deliver critical services to the community. DJCS is working hard to deliver these essential services right across our state. During 2019–20 we also had a significant program with eight capital projects, which commenced in 2019–20, valued at \$1.05 billion. We completed 18 capital projects in 2019–20 valued at \$0.35 billion.

As I have mentioned, and as you will all recall, the 2019–20 summer bushfire season started early in Victoria, and conditions in many parts of the state were consistently severe or extreme. It was the most challenging bushfire emergency since the devastating 2009 bushfires, with a geographic scale not seen since 1939. The significant human and property losses and a range of consequential impacts are still being experienced across our state. In Victoria the Premier declared a state of disaster on 2 January 2020 for six local government areas, and later three alpine resorts. The 2019–20 bushfire season was the first time such a declaration had ever been made in Victoria. The declaration remained in force until 9 January. Between November 2019 and February 2020 more than 2963 grassfires and 545 forest fires impacted the state, with 1.5 million hectares of Victoria burned.

The Victorian emergency management sector response to this natural disaster was unprecedented. Our emergency services organisations and emergency management personnel right across the state worked tirelessly. Over 1500 firefighters were deployed to work on active fires, supported by more than 50 aircraft, and we are forever grateful to our interstate colleagues and international firefighters from the United States, Canada, Queensland and Tasmania. Sadly in Victoria we had five people pass away. More than 1000 properties were destroyed and more than 120 communities in East Gippsland and north-east Victoria were directly affected. Over 50 per cent of the likely statewide habitat of 244 species was impacted.

The department responded quickly to the coronavirus pandemic with the successful implementation of policies, technology and other measures to support office-based staff working from home. In frontline workplaces, such as prisons and youth justice centres, the department supplied staff with personal protective equipment and enacted policies and processes to continue safely delivering essential services to the community. You would imagine that with a department that had been predominantly paper based the move to technology has been a significant shift for us. In addition, for our frontline staff who were unable to work because they were required to self-isolate with coronavirus or were caring for family members, we ensured that they had the appropriate leave entitlements and support wrapped around them. Fixed-term staff had their contracts extended to

31 December to recognise the need for stability and security in unprecedented times. We rolled out IT support to ensure that the work of the justice system, including our colleagues in the courts, Corrections Victoria and youth justice could continue. All courts and VCAT have remained open and operational during COVID-19, and we thank our colleagues at Court Services Victoria for their tireless work to ensure that remained possible. A range of rapid responses and technology measures were implemented to ensure users are safe and that justice is still accessible to all people.

We also managed to pass a number of key pieces of legislation. We had the workplace safety legislation amendment, to introduce making workplace manslaughter a criminal offence in Victoria. Births, deaths and marriages was passed, enabling trans and gender-diverse people to nominate the sex registered on their birth registration. We had the *Wage Theft Act*, which introduced and established new offences for employers who withhold wages and other employee entitlements. We had the Victoria Police Amendment Regulations, which included a range of amendments to the *Victoria Police Act* to expand the designated places where PSOs can perform their community assurance role outside the public transport network. The *Road Safety and Other Legislation Amendment Act* also introduced new immediate licence suspension penalties for excessive speeding or in circumstances where a driver commits a serious offence, such as murder or attempted murder using a motor vehicle as a weapon. Finally, with the *Sentencing Amendment (Emergency Worker Harm) Act* the department implemented reforms to sentencing requirements for certain emergency workers harm offences to ensure our frontline workers are kept safe.

Moving into infrastructure, significant progress has been made on all of our key infrastructure projects across the state. At the end of June 2020, the Community Safety Building Authority within the department had 48 active projects under management, with a total operating budget of \$2.9 billion. In 2019 the design, development, procurement and construction of these projects progressed in line with COVID-19 restrictions. In 2019–20 we also delivered the new 10-bed Piper detention unit at Barwon Prison, the St John's health unit at Port Phillip Prison and a 35-bed management unit at Fulham Correctional Centre. Construction on the Chisholm Road prison project began in 2019 and is now well underway, with more than 650 workers currently engaged in onsite works and many more involved in the management, design and prefabrication off site.

To support the state's response to COVID-19, the Community Safety Building Authority also led the refurbishment of the former Maribyrnong Immigration Detention Centre, transforming the building into a community residential facility that provides short-term accommodation and support to vulnerable people leaving our prison system, which was a critical reform in the middle of the pandemic.

Significant progress is also being made on the new youth justice facility at Cherry Creek, which commenced construction in 2019–20, and construction of the new facility is expected to be completed by mid-2022 and commence operations later that year.

Just briefly, in the corrections system—to give you a sense of the scale of our system—across Victoria there are 11 publicly operated prisons; three privately operated prisons, Fulham, Port Phillip and Ravenhall; and one transition centre. On 30 June 2020 there were 7151 people in Victorian prisons and 10 679 offenders on community corrections orders. Corrections employs over 7000 people. Prisoner employment rates in Victoria are now the highest of any jurisdiction in the country, increasing to 93.1 per cent in 2019–20 from 91.6 per cent on the previous year, which is well above our target of 89 per cent.

So briefly on corrections' response to COVID-19, the corrections system adapted really quickly to ensuring we have a COVID-safe delivery. It is one of the things our department is particularly proud of over the last 12 months, that we have kept COVID out of our prison system, even through the second wave. We are the only jurisdiction in the world that has managed to complete that task. Our community correctional services continue to manage offenders in the community via a remote service delivery model. We have enhanced prisoner security to reduce contraband, including as you will see there on the graphic we have additional X-ray scanners, we have millimetre wave scanners and drone detection programs. And the proportion of random drug tests, which I know has always been an issue of importance to this committee, recorded as positive fell to 4.4 per cent in 2019–20 from 4.7 per cent in 2018–19 against our target of 5 per cent. We have obviously enhanced the use of technology right across our court system, particularly the use of audiovisual links for our courts—and again we thank the courts for their cooperation in those endeavours. We have also ensured that the physical and mental health needs of prisoners have remained a priority. We have introduced wellbeing and distress interventions for protective quarantine, which has been part of our corrections system over the last 12 months.

Just briefly on community correctional services, obviously measures were rapidly introduced to reduce the risk of COVID-19 transmission to ensure we continue to supervise people subject to supervision orders, parole orders and community correction orders. Anyone who is subject to an order of the court or adult parole board needed to continue to comply with the conditions in that order, and you can imagine the complexity that comes with the various stages of restrictions in making sure that was delivered. Offenders continue to access services and programs in the community, such as the alcohol and other drug programs and mental health services, which have been largely delivered remotely. CCS has been working closely with local police and specialist family violence service providers to assess, manage and monitor and escalate cases where there is a high risk of family violence.

In youth justice, we launched in the middle of the pandemic our *Youth Justice Strategic Plan*, which is a vision for a leading system that reduces offending by young people, improves community safety and provides genuine opportunities for young people to turn their lives around.

**The CHAIR:** Thank you. That concludes the 10 minutes. I will pass the call to the Deputy Chair, Mr Richard Riordan, MP.

**Mr RIORDAN:** Thanks, Chair. Thank you, Secretary Falkingham. That was an interesting overview. My first question is to you. Page 118 of the questionnaire supplied back to the committee details the department's full-time effective workforce. I note that the Victorian Commission for Gambling and Liquor Regulation is included in those numbers. Can you tell the committee, please, the number of FTE gaming inspectors employed by the VCGLR in 2020?

**Ms FALKINGHAM:** Thank you for the question. I will take that on notice and get that from the VCGLR for you.

**Mr RIORDAN:** Good, thank you. Can we also have, on notice presumably, what percentage or number of those gaming inspectors are based full-time at Crown Casino?

**Ms FALKINGHAM:** Most definitely.

**Mr RIORDAN:** Thank you. Can you also, again on notice, tell us how many FTE gaming inspectors have been employed each year between 2015 and 2020—so we can have that as sort of a lineal representation. And also of those inspectors over that period of time, how many have been based full-time at Crown Casino?

**Ms FALKINGHAM:** Absolutely. We will endeavour to get that. But obviously rosters change throughout the course of the year so we will get whatever information we can provide to the committee.

**Mr RIORDAN:** Okay. So that will be for that five-year period?

**Ms FALKINGHAM:** For that period.

**Mr RIORDAN:** Excellent. Can you tell the committee what were the VCGLR's costs in the 2019–20 year in oversighting compliance of Crown Casino?

**Ms FALKINGHAM:** Obviously within the budget papers we do not delineate those costs, but I will take that on notice and talk to the CEO of the VCGLR about whether they have those costs at hand.

**Mr RIORDAN:** Presumably the VCGLR would be able to identify who they have rostered on and the associated costs?

**Ms FALKINGHAM:** Absolutely. I just do not have that with me, Mr Riordan.

**Mr RIORDAN:** No. I understand that. As the Secretary of the department, are you aware in the provision of those oversight services to Crown Casino whether in this past year any of the issues that were picked up by the recent Bergin report were identified by your department or that commission?

**Ms FALKINGHAM:** I have to be a little bit careful, Mr Riordan, because obviously the VCGLR has issued Crown Casino with a show cause notice, and that process is important and must come to its conclusion. In regard to the question you are asking, obviously we meet with the board very regularly and have raised a whole

range of concerns that have come out of the Bergin inquiry. But as I said, given the current state of both the government's announcement around a royal commission and the show cause notice issued by the VCGLR, it would not be appropriate for me to comment any further on that.

**Mr RIORDAN:** Yes, I understand those considerations, but there has been a lot of state oversight and there have been a lot of regulators going through Crown Casino, as we have said, for the last five years. Are you aware of any of these types of issues being raised with you or the department generally?

**Ms FALKINGHAM:** Sorry, just—

**Mr RIORDAN:** The litany of issues being raised by another state who has managed to look into ours. Have we through the VCGLR had similar feedback? Have some of those things—

**Ms FALKINGHAM:** No.

**Mr RIORDAN:** No?

**Ms FALKINGHAM:** During my time as Secretary those issues have never been raised with me by the board chair or the CEO.

**Mr RIORDAN:** Would it be a reasonable assumption for Victorians to think that the VCGLR has not been doing its job as well as it could or should have been or as Victorians expect it to have done if you are saying that none of these issues have been raised even though we are obviously spending money on sending people there to look at it?

**Ms FALKINGHAM:** Mr Riordan, obviously the government also announced yesterday a performance review into the VCGLR, which will be led by Deb Cope from IPART in New South Wales and which will be supported by a team inside my department, because we are keen to make sure we understand the issues within the VCGLR and ensure that it is the most modern regulatory agency for the future. In regard to what further can be done, obviously the VCGLR are doing their best in very difficult circumstances, but we obviously are keen to understand what is happening in terms of their performance.

**Mr RIORDAN:** Do you think that Victorians or this committee—Victorians as well but certainly members of this committee—are concerned that we have got other states and other jurisdictions doing inquiries into our areas that we have had an organisation set up to investigate?

**The CHAIR:** Mr Riordan, could I just remind you that this is consideration of the performance outcomes for the 2019–20 financial year.

**Mr RIORDAN:** Absolutely, and we are talking very much about the last year.

**The CHAIR:** If you could please relate your questions to the 2019–20 financial year outcomes, please.

**Mr RIORDAN:** The 2019–20 outcomes—what have the VCGLR been doing in 2019–20 if they have not been able to pick up things that are so clearly obvious to other jurisdictions? That is I guess the question.

**Ms FALKINGHAM:** Mr Riordan, you would understand that they are an independent regulator, so in the 2019–20 year they had \$86.1 million in output costs. We are obviously acting on the findings of the ILGA report, which is why the government has announced not only a royal commission but a performance review into the VCGLR, and we look forward to the findings of both of those reports.

**Mr RIORDAN:** Okay, moving on. Secretary, I refer to your Court Services Victoria questionnaire concerning CSV's response to COVID-19. Can you advise what impact COVID-19 had on case throughput, pending case backlogs and case finalisations by the various jurisdictions as at the end of the period?

**Ms FALKINGHAM:** Sure, Mr Riordan. Obviously that covers the two financial years, but I have that information. Obviously you would be aware that Court Services Victoria is an independent agency and is distinct from the Department of Justice and Community Safety, but based on our recent data the following number of pending matters are before the courts. This is as of 5 February. We have 5186 matters in the Supreme Court, we have 10 145 in the County, 145 464 in the Magistrates Court, 14 249 in the Children's

Court, 5435 in the Coroners Court and 23 448 in the Victorian Civil and Administrative Tribunal. You would also be aware, just to go to the point of backlogs—which is a really critical point to go to the vision for our department and working with our agencies right across the justice system—it was important that the former Attorney-General announced on 15 December an investment of \$80 million for justice system recovery in 2020–21. We have been working really closely with all the heads of the jurisdictions to understand their backlogs and how they are going to manage those backlogs. We also had an additional \$57 million in the 2020–21 state budget as well as \$23 million in the support for the justice recovery system. You would also be aware that we have a number of expanded resources going to specialist family violence courts to deal with a lot of those backlogs.

We are also supporting the very important work under really difficult circumstances Victoria Legal Aid has done to help people before they reach court so we can try and smooth as much as humanly possible those backlogs. We have upgraded our AVL and other technologies in court rooms to increase remote hearing capacity. I know that the corrections commissioner has worked really closely to ensure that prisoners have access to AVL to ensure that we have as much contact with prisoners in the court system as possible. We have upgraded our court infrastructure. We have supported the digital transformation of courts and tribunals and better case management.

**Mr RIORDAN:** Okay. So I am getting the picture. We heard similar advice yesterday, but what I am really interested to know is you have got the backlog. You have given us the numbers. Can you identify that increase? Is it a 10 per cent, 20 per cent, 30 per cent increase in the backlog? And those funds you have talked about, what percentage of that backlog is it going to catch up on?

**Ms FALKINGHAM:** We absolutely can take that on notice, but obviously we are not comparing periods there because, as I said, the data I just gave you was covering for the period of the pandemic. I am happy to get you a year-on-year comparison.

**Mr RIORDAN:** What the committee needs to know is what capacity is even that extra funding going to have to catch up on the backlog, because you know—

**Ms FALKINGHAM:** Obviously we are in the process right now—

**Mr RIORDAN:** justice delayed is justice denied and all that.

**Ms FALKINGHAM:** Absolutely, and as you know, it is critical from our perspective that we have swift justice, from a perspective of supporting both victims and their families. Another important part of our department is in supporting the backlog we have made it a really critical feature that our victim services system makes sure that victims and their families are aware of kind of where their case is up to in relation to that backlog.

In regard to your question about the percentage change, we are obviously working closely with all of the jurisdictions right now for the forthcoming state budget around kind of what the additional investment needs to be around dealing with those backlogs. You would be aware that backlogs existed before the pandemic.

**Mr RIORDAN:** Yes. I mean, take, for example, specifically the Children's Court backlog—I understand it has increased over 105 per cent. What measures, for example, on that one—I mean, that is probably the most vulnerable section of the criminal justice system, so specifically can you identify anything that will see that—

**Ms FALKINGHAM:** I can most definitely. I will refer to our Youth Justice Commissioner, who has been working really closely with the Children's Court to make sure that we get access as quickly as possible.

**Ms HENDERSON:** Thank you, Mr Riordan. As the Secretary has advised, we have been working closely with Victoria Police and the Children's Court of Victoria to make sure that children who find themselves in the youth justice system have access to technology. We have implemented a full AVL program so children can access remand and bail hearings remotely and even as much as when they have been put into 14-day quarantine we still allow AVL tablets to be used so those bail hearings can be heard. For children in the community who were under a community disposition through supervised or intensive bail, we provided AVL tablets to children in their homes so they were able to access the Children's Court.

**Mr RIORDAN:** I understand the logic of providing these extra services. I am really just wanting to know: is it actually making a difference to the backlog?

**Ms HENDERSON:** Yes, it is.

**Mr RIORDAN:** Can you give us a ‘for example’—

**Ms HENDERSON:** Let me draw on this week’s example—not 2019–20, if you let me. We had 112 children on remand at opening up Monday. Of those 112, 88 children will be put before the Children’s Court over the course of the next two weeks, limited in person but through AVL. So that only leaves 22 children in custody in Victoria who have outstanding court matters that need to front the Children’s Court, so that is a real example of getting 88 children through the Children’s Court in two weeks out of a total of 112 on remand as of Monday. So we are throwing everything at this, Mr Riordan, to make sure children are not inadvertently held on remand.

**Mr RIORDAN:** Okay. Thank you. Secretary, in a similar vein, I refer to the court services questionnaire with respect to the completion of a \$4 million project to improve efficiency of VCAT through digital and other enhancements. Noting the significant disruption in the courts over the past year and the effect everyone has had in getting services done, what has been the specific impact of COVID-19 over the period we are talking about and recently on VCAT in terms of case throughput and hearing delays? What are some of the wait times that we are seeing there?

**Ms FALKINGHAM:** Mr Riordan, that would be a question best directed to Court Services Victoria, but what I can tell you is that obviously there have been significant projects that have been expedited as part of the government’s 2019–20 investment around the \$3 million that was provided to clear the backlog of 1400 projects, and that work is making a big impact. We have \$4 billion of shovel-ready development projects to create construction activity and generate employment, so absolutely VCAT has been working on the key pinch points right across their system. They have expanded their member-facilitated alternative dispute resolution system, they have utilised specialist registry resources, they have fast-tracked certain matters which were critically important to the state and they have targeted assistance during virtual hearings. The government also invested \$5.2 million in upgrades at VCAT in 2019 to broaden the types of matters that they can hear online, because that is quite restrictive, including its planning and environment jurisdiction, which has made a big difference to the VCAT backlog. We were on a particular trajectory, you would understand, before the pandemic did hit. You would also understand that VCAT has been a primarily paper-based system, so the investment in technology I referred to in my presentation has been critically important for VCAT. I know the president of VCAT has worked really closely with each of our members to ensure they have had a smooth transition to deal with that 1400 backlog.

**Mr RIORDAN:** Okay, so can you give us what the backlog was at 30 June—the VCAT backlog—on notice?

**Ms FALKINGHAM:** We can, absolutely.

**Mr RIORDAN:** Supply on notice?

**Ms FALKINGHAM:** Yes.

**Mr RIORDAN:** Okay. Despite recent additional funding, VCAT’s largely paper-based document management systems have been in place now for a very, very long time. When will VCAT deservedly receive appropriate—

Have you had funding arrangements in place to modernise the system across all lists to move it into a more modern framework that would, certainly at times of pandemic when we are trying to operate remotely work more efficiently? Where are we at with that?

**Ms FALKINGHAM:** We are well on our way. We have had \$5.2 million in the first investment in digitisation of VCAT. You would understand that VCAT is not only paper based, it is also very phone based, so we have had to do a lot of work investing in the workforce in regard to making sure that they are suitably trained and qualified to be able to respond to those calls. We are working closely with the president of VCAT to



look at her obviously longer term digitalisation plan, but the \$5.2 million has gone long way to assisting VCAT through the pandemic.

**Mr RIORDAN:** So that does not sort of give us an end point. Do we have an end point of when we can expect a modern VCAT?

**Ms FALKINGHAM:** I think that that, like with most organisations, is an ongoing process. What the pandemic has taught us is that we cannot rest on our laurels, we have to constantly think about new, different ways of introducing technology into our courts. For example, the VCAT online mediation platform has made a big impact in being able to deal with matters and not have matters actually come forward to VCAT at all, so some of the ingenuity we have seen come out of VCAT, particularly led by the president, Michelle Quigley, has been quite extraordinary. It has kind of leapfrogged VCAT's ability to move its culture and its workplace to more online platforms, but no doubt we will be talking to VCAT again as part of this year's state budget in relation to what the next stage of that digitisation looks like.

**Mr RIORDAN:** So speaking of that issue, we note that VCAT secures its funding from a variety of agencies and departments. We need to modernise VCAT's operations, but what about modernising its funding so that it is standalone, accountable funding? Where is that discussion at?

**Ms FALKINGHAM:** Yes, so that is a discussion obviously through Court Services Victoria, which has responsibility for VCAT, but we as a department, obviously in my own department we have a number of trust funds that are used to support and fund VCAT, particularly through the work in our regulation division, whether it be through residential tenancies and other like funds, but that conversation is ongoing. I know it is a question that is very important to the president of VCAT to ensure that they are sustainable for the future but obviously within the limitations of that capacity.

**Mr RIORDAN:** Are you able to supply us with where those sources of funding for VCAT came from?

**Ms FALKINGHAM:** I most certainly can.

**Mr RIORDAN:** Okay. Thank you. I refer to your department's 2019–20 annual report, which details a range of grants provided to various organisations, including community support groups. The Auditor-General has revealed that the Department of Premier and Cabinet grant funding provided to Victorian Trades Hall and the Migrant Workers Centre was misused for partisan political purposes in a previous period. Has the department of justice ever provided grant funding to the Migrant Workers Centre or Victorian Trades Hall?

**Ms FALKINGHAM:** No.

**The CHAIR:** Sorry to interrupt you there, Deputy Chair and Secretary, but the member's time has expired. I will pass the call to Mr Gary Maas, MP.

**Mr MAAS:** Thank you, Chair. Thank you, department secretaries, commissioners and officials, for your appearance today. I might just put the questions out there and whoever deems it appropriate, please jump in.

I will take you to the questionnaire at page 4, and there you state that \$2.5 million was allocated to a pilot for improving the WorkCover claim experience for injured emergency services workers by facilitating early treatment while a claim is being determined. Would you be able to provide the committee with more details about the groups that were involved and how it contributed to the design of the provisional payments legislation?

**Ms FALKINGHAM:** Thanks, Mr Maas. You might be aware that the pilot was initially set up for 12 months, but we extended it in July 2020 for a further year or until the full legislative scheme comes into effect, which is 1 July this year. The pilot provides eligible emergency workers and volunteers who have lodged a claim for work-related mental injury access to payments for reasonable medical and like expenses while their claim is being determined. If the claim is rejected, workers are eligible to receive up to 13 weeks of continuous payments to cover these costs, which has been a critical reform. The costs for rejected claims are reimbursed out of the emergency services workers and volunteer mental health support fund. If the claim is accepted, any provisional payments made by the employer or worker are reimbursed by the relevant insurer.

So cohorts eligible to participate in this pilot have included employees and volunteers of Victoria Police, employees and volunteers at Ambulance Victoria, employees and volunteers of the Country Fire Authority, employees and volunteers of the Victorian State Emergency Services, and both employees at the Metropolitan Fire Brigade. In addition, employees of the Emergency Services Telecommunications Authority; registered nurses, registered mental health nurses, enrolled nurses, nurse managers, nurse educators and researchers and registered development disability nurses, registered midwives, all medical, allied health and health services support staff, including catering, administration and cleaning staff, employed by a public health organisation; child protection employees, welfare and community workers, special care workers, registered development disability nurses, social workers, welfare associate professionals and childcare workers employed by the previous Department of Health and Human Services; social workers, welfare and community workers, and welfare associate professionals employed by the Department of Education and Training; Corrections Victoria employees and correctional and detention services youth justice employees, correctional and detention services; forest firefighters employed by the Department of Environment, Land, Water and Planning and partner agencies. So it is a fairly comprehensive list, but we have no end of people who also want to join the program. We look forward to the scheme coming into full operation later this year.

**Mr MAAS:** Absolutely. Well, thank you for that very comprehensive list. Also in the questionnaire you refer to funding of the early intervention and prevention fund for Victoria Police employees to access better mental health and wellbeing support services. Would you be able to provide the committee with further detail about the support that this fund provides? Perhaps Chief Commissioner Patton?

**Chief Comm. PATTON:** Yes, thank you. The early intervention fund is obviously very important for us in terms of the expansion of our Victoria Police injury management team. It improves the stay-at-home and return-to-work capacity, getting those injured members back as soon as we can. It is a continuation of the trauma recovery and resilience group, which is a 15-week program for employees who are at a subclinical level diagnosis for PTSD. There are a whole range of initiatives that sit under there, including the reflective practice group, which is a session which was delayed regionally following the bushfire response and restrictions—however, it has now recommenced—and a professional supervision pilot. We have got, in addition to that, a whole range of different matters such as our peer support programs, which are run not just for serving police officers but for veteran police officers through Police Veterans Support Victoria, a BlueHub network and a whole range of issues, including a mental health literacy uplift that we have done internally within the organisation, which has been mandatory training for supervisors and above. So there is a whole range of different things because there is no single matter that is going to be able to ensure mental health for police and other emergency services workers, but a whole raft of these issues together is really helping bring those employees back to work who are suffering from PTSD but in addition to that working towards how we can be a more resilient workforce and how we can try and get ahead of that so that we are not having to return for injured members but we can prevent them from becoming injured.

**Mr MAAS:** Thank you very much. On the topic of workplace mental health injuries, the department has stated in the questionnaire at page 201 that:

Mental injury remains a significant challenge for ... workplaces ... Claims for mental injury grew to 14.3 per cent of new claims in 2019–20, up from 14 per cent in 2018–19 and 12.6 per cent in 2017–18.

At this same place it is also highlighted that:

More than 6,000 businesses have registered to use the online toolkits to support mentally healthy workplaces ...

and that 14 projects were funded by the WorkWell Mental Health Improvement Fund. Would you be able to expand on some of those projects and how they aim to prevent mental injuries among workers?

**Ms FALKINGHAM:** Thanks, Mr Maas. So the five-year WorkWell program, which is delivered by our colleagues at WorkSafe, is also delivered in partnership with the Department of Health and promotes mental health and seeks to prevent mental injury in Victorian workplaces. The \$50 million program has been extended now until 23 December 2020, which is fantastic, in recognition of the impact that COVID-19 has had and the need to support a range of organisations and businesses with links to more than 134 000 workers through tailored initiatives. It will also be critically important to have a look at it in light of the mental health royal commission soon to be released, and as of January 2021 a key element of the program, the WorkWell toolkit which you referred to, has been registered for use by 8800 users, representing a significant uptake since 2018.

Most recently, employers in the manufacturing, construction and education sectors have been supported with new industry-specific mental health content. There are also planned campaigns for the retail, hospitality, agriculture, healthcare and social assistance industries, which will be particularly important given the challenges of 2020 and the impacts of COVID-19 on businesses. The program also includes significant investment through the WorkWell Mental Health Improvement Fund. Three funding rounds are delivering \$24.9 million to 25 projects, and 163 online and digital resources have been developed for Victorian workplaces.

We have got some really great recent examples of projects that have been funded. The Arts Wellbeing Collective, which is an Arts Centre Melbourne initiative, comprises a consortium of more than 100 arts and cultural organisations whose shared vision is for better mental health and wellbeing for performing arts workers, which you would imagine after the last 12 months is really, really critical. The project comprises a three-tier program of workshops, resources and sector initiatives utilising evidence-based tools and strategies from positive psychology, clinical psychology and organisational development and workplace health and safety research. All program elements are specifically tailored to the unique challenges presented in the creative industries.

We also have the Wellbeing on Call initiative, which is an innovative collaboration between SuperFriend and five organisations in the superannuation and insurance industry. The project used a co-design approach to develop a series of interventions focused on leadership, job design and mental health literacy, which has been a really creative way to bring these programs together through the pandemic. A range of positive outcomes has already been seen, including lower rates of unplanned leave and increased understanding of mental health in the workplace.

We also have a perinatal workplace wellbeing program. The teams at the Centre of Perinatal Excellence and Transitioning Well have come together to develop the program, which is specifically designed to support and make a difference to the mental health and wellbeing of expectant and new parents during the perinatal period in Victorian workplaces. The aim of program is to create organisational change to provide working environments that impact positively on the mental health and wellbeing of these workers. Working with key industries, this change will be achieved by a comprehensive workplace training assessment. I must say this is a program that we get a lot of questions about and people requesting to be part of, so we look forward to being able to roll that out over the next couple of years of the program. We also have the Wellbeing Track and Change program, which aims to improve the mental health and wellbeing of frontline workers in residential aged care. Prevention United and Federation University Australia are working with staff and management at Ballarat Health Services to design and evaluate digital monitoring and decision support systems to improve the work environment.

The final one—because I could go on for a long time, because we are really excited about each of these projects—is Ageing Workforce Ready, which is a project of innovation and collaboration between Australia's largest industry super fund, AustralianSuper, and organisational psychology partner Transitioning Well. The project aims to protect and promote the mental health and wellbeing of ageing workers in the public transport industry. This is being achieved through the delivery of resources and advice to a pilot group of Victorian workplaces and their employees. The learnings will be shared with over 100 000 Victorian businesses using the AustralianSuper network. I know from talking to my colleagues in other states and territories who are facing similar issues with the ageing of their public transport industry that they are keen to also understand this program and what it is doing to support our really critical workers.

**Mr MAAS:** Yes, absolutely. Thanks for that. I would like to take you to courts now, and I might start off with the Bendigo court's redevelopment. The 2019–20 budget detailed a \$152.4 million investment in that redevelopment. Would you be able to inform the committee how that redevelopment is going and what it will do to improve access to justice for regional Victorians?

**Ms FALKINGHAM:** Thanks, Mr Maas. It is a really critical project and will support the entire Bendigo region for a long time to come. It is built over five levels. It will have nine court rooms, two hearing rooms, two full mediation suites, full custody capability, remote witness facilities and meeting and interview rooms for support agencies and client services. One of the really great things about this project is we have actually also come with a family violence lens to the construction and development of this court to ensure that victim-survivors feel safe in accessing the court services in Bendigo.

The court will be fitted out with advanced technology and infrastructure to enable remote hearings, display of digital evidence, videoconferencing and live streaming. The future Bendigo court will service the Magistrates Court of Victoria, the Children's Court of Victoria and the Victorian Civil and Administrative Tribunal as well as the Supreme Court of Victoria, the County Court of Victoria and the Federal Circuit Court on a circuit basis.

And to go to Mr Riordan's earlier point, we want to have swift justice available to people in their community, and the Bendigo court redevelopment is a really important part of that. As I said, it will deliver really specialist family violence court services and meet the recommendations of the Royal Commission into Family Violence to provide specialist drug and mental health assessment and referral court services as well as culturally sensitive services for the Koori community.

We are obviously working closely with our colleagues in the commonwealth about the redevelopment of this site as well. CSV has also been working with Djandak, the business enterprise of the Dja Dja Wurrung Clans Aboriginal Corporation, to ensure that the future Bendigo law court actively reflects Dja Dja Wurrung culture and knowledge, is culturally safe and inclusive and operates in a way that improves access to justice for all Aboriginal people in Bendigo and the Loddon Mallee region. It has been really important that we have not only had a family violence lens but also an Aboriginal lens applied to the development of this court, and particularly in the Department of Justice and Community Safety we are keen to make sure we live and embody principles of self-determination, so we are working with the Aboriginal caucus to make sure that the court actually reflects the type of spaces that they would like to see. The blueprint we actually do hope for Bendigo will ensure a strong connection to the community and external service providers. We are really building this on the basis of how to work with external service providers, enable easy access to information and services to screen cases and clients to the right pathway and encourage early preparation so that every court event matters.

We provide certainty through the process so people know what to expect. One of the key pieces of feedback we get from people experiencing the court system is that they want to know what to expect when they are going into the court, how long it will take and what support services are available. So we really see this project as really critical to the future court needs of our state.

**Mr MAAS:** Terrific. Thank you. You touched upon the specialist family violence court that will be a part of that redevelopment. I was hoping you would be able to go a little bit deeper into how that will benefit Bendigo and the surrounding area.

**Ms FALKINGHAM:** Thanks, Mr Maas. It is a really important question, and it goes to the heart, obviously, of the Royal Commission into Family Violence in terms of the interface with the court system. For many victim-survivors and perpetrators of family violence, courts are central to their experience of the family violence system, and having worked closely for many, many years with many victim-survivors they do really see this as hope for the future in terms of how victim-survivors will experience the court. It is an opportunity to eliminate postcode justice, have consistency of services right across our state and deliver a specialist family violence response to Bendigo and surrounding communities.

The Bendigo court will form a headquarter specialist family violence court, supporting government's acquittal of outstanding family violence royal commission recommendations. I know, having spoken to former commissioner Marcia Neave recently, she is really pleased with the progress around this recommendation, given this is the core, I think, of some of the recommendations. The court's design will include separate entry and exit points for applicants and respondents, safe waiting areas and rooms for co-located services. It will provide accessibility for people with disability, security and private rooms for use by registrars and service providers, as well as remote witness facilities to allow witnesses to give evidence offsite and from court-based interview rooms. It will also provide really adequate facilities for children. Children are often overlooked in our court system when we are designing and creating our buildings so it was really critical, having worked with the family violence sector, to ensure we had safe places for children to be able to attend court as well, so the Bendigo court will be child friendly.

**Mr MAAS:** Excellent, thank you. In what I suspect will be my last question I would just like to pick up where Mr Riordan left off with court backlogs. I do note that budget 2019–20 had a \$9.8 million allocation over four years for essential resources for Victorian courts. Would you be able to explain what this relates to and how it has assisted the courts to hear matters and basically try and improve people's access to justice?

**Ms FALKINGHAM:** Thanks, Mr Maas. The Victorian government is committed to supporting the courts to provide safe, secure access to justice at all times. In the 2019–20 budget the government provided \$9.8 million over four years to ensure the courts were operating effectively and efficiently. That included expanding a pilot of active case management in the County Court to resolve more cases sooner and to reduce workload pressure on our judicial officers; supporting the court’s communication capability to give the community a better understanding of decisions made in the court, and I know that is critically important to Judge Kidd; and supporting the Court Network to assist people with language and other barriers to access Victorian court services.

The 2019–20 budget also provided \$3.8 million for additional audiovisual link technology at 28 Magistrates Courts to reduce further the need to transfer prisoners for appearances in courts, and I referred to that earlier in my presentation as one of the things that actually has stood us in good stead through the pandemic. The funding was provided to the Magistrates Court as part of the improving court access through additional audiovisual technology initiative, which also provided AVL technology for 26 police stations across the state.

In addition as part of the courts response to COVID-19 impacts, AVL was further expanded to 14 regional Magistrates Courts, including almost \$1.6 million funded through the depreciation equivalent funding, and of course throughout the pandemic the courts and VCAT have worked to remain accessible while taking necessary measures to prevent transmission and keep their workplaces safe. The government has also supported the justice sector’s recovery from the pandemic. So beyond the 2019–20 budget funding, as I mentioned earlier, the former Attorney announced the investment of \$80 million for the justice system’s recovery. This included \$57 million as well as an additional \$23 million to support the justice recovery.

**Mr MAAS:** Terrific. Thank you.

**The CHAIR:** Thank you. Mr Sam Hibbins, MP.

**Mr HIBBINS:** Thanks, Chair, and thank you, Secretary, commissioners and your teams, for appearing today. I would firstly just like to ask about the reduction in prisoner numbers that has occurred in 2019–20. I think at one point there were up to 1000 less prisoners than there were, and to my mind that would represent a cost saving to the department. Back of the envelope, that is potentially up to hundreds of thousands of dollars a day. Is that reflected in any way in any financial statements?

**Ms FALKINGHAM:** Mr Hibbins, I might ask the Acting Commissioner to speak to this point, but I think it is important to remember that through the pandemic we had to put special measures in place in terms of distancing the number of prison officers that were individually working with prisoners, so it might seem as though it might have had a big cost reduction, but by virtue of the pandemic and the need for appropriate restrictions and social distancing, and also our protective quarantine system, which has needed additional resources—but I will ask Commissioner Strong to respond to that.

**Ms STRONG:** Thank you, Secretary. I think that is correct. We have had a reduction in prisoner numbers directly related to COVID and the associated lockdown, but we have also found that our response to COVID and to keeping the prison system safe in terms of COVID not getting into the prison system and, should it get in, not having widespread transmission has actually been quite intensive. So we set up protective quarantine at all of our front-end prisons—so at MAP, Dame Phyllis Frost Centre, Port Phillip Prison and Metropolitan Remand Centre—for 14 days when people first come into reception in prison. That requires single-cell accommodation, and throughout the pandemic we have tried to use single-cell accommodation to also reduce the risk of transmission through that process. I think that is really important.

Protective quarantine and when people are spending most of their time in the cell actually requires more staffing, because prisoners cannot go and, you know, get their own food, so the officers have to bring everything to the prisoners. It is almost counterintuitive, but it actually does require more staffing. We also decided to staff those units overnight, given that people were spending significant amounts of time in their cell, to make sure that we had oversight of the protective quarantine unit.

The other component is we always had to set up the ability for an isolation unit for positive COVID cases, quarantine for suspected COVID cases, and when we got into wave 2 we also set up transfer quarantine to reduce the chance of transmission if we had undetected COVID in a prisoner transferring to another prison site, and then you have a problem from one prison maybe going to multiple prisons. So at the heart of wave 2 we

also had transfer quarantine in all of our prisons. So what we have found, I guess, during the pandemic is we have had to really change our operations. It has been quite intensive. Even the AVL—I think by the time we got to November 2020 we were doing 98 per cent of court matters by AVL. That does require us to have staff to staff the AVL and to ensure it is all set up et cetera appropriately for the court process. So in one way the reduction in the numbers was very fortunate because it did allow us to do single cell and to support physical distancing. We would have been in a lot of pain if we had not had that reduction in the numbers during that time frame.

**Mr HIBBINS:** Okay. Thank you. My next question is: in terms of the financial arrangements for private prisons and either the reduction in prisoner numbers or the changes to operations, did it change in any way the payments to private prisons or how the financial arrangements worked?

**Ms STRONG:** No. We pay the private prisons based on a certain bed capacity component to that. We did not reduce that number because we needed the capacity for single-cell accommodation, that component. Certainly we operated the system as one system—a public and a private system, one system. You are only as strong as your weakest link, so the private prisons were required to adopt all of our processes in terms of protective quarantine and AVL and all those things I have just talked about.

**Mr HIBBINS:** Yes, okay. Thank you. I think it is on page 130 of the annual report, the proportion of benchmark measures target, which was not met. What actually are the benchmark measures?

**Ms STRONG:** If you are referring to this, each prison has a series of SDOs, so there are common SDOs across the public and the private system. There are many of them; there must be over 20 of 30 of them. They are things like out-of-cell hours, they are things like assault rates, at-risk assessments done within 2 hours of identification of a concern about self-harm, so there is a whole range of them that apply to each prison. Each prison has a different benchmark. That particular one is the aggregated outcome of how many of those particular SDOs were met, that being the 70 per cent figure.

**Mr HIBBINS:** Okay. Thank you. Are you able to provide the committee on notice what the service delivery outcomes are for each prison and then how each prison measures against that outcome?

**Ms STRONG:** I can certainly provide you the SDOs and what they are.

**Mr HIBBINS:** Okay. Thank you.

**Ms FALKINGHAM:** Sorry, can I just confirm, Mr Hibbins, you mean for the 2019–20 financial year—

**Mr HIBBINS:** Yes. Thank you.

**Ms FALKINGHAM:** because we are crossing over obviously with the pandemic as well.

**Mr HIBBINS:** Okay. Thank you. Just finally, on page 128 of the annual report it referred to the issue of the rate of prisoner return to prison within two years, which has increased. The reason given is an increase in the number of prisoners returning to prison to serve short sentences. Could you elaborate on what is meant by short sentences?

**Ms STRONG:** The rate of return, that is a slightly methodological issue about how you measure the recidivism and the impact I guess of bail reform and an increasing number of people in remand in our system. So the way that we measure rate of return is if you return to prison within two years on remand and are subsequently sentenced, that counts within that component. Some jurisdictions actually do not measure that. If you are sentenced subsequently but you did not come back in within two, they do not count it. So it is a slight methodological issue about the fact that we have had an increasing number of people on remand in some cases who are then sentenced. We count them towards the rate of return within two years. And it is not where we want it to be, the rate of return; it is an active priority for us in terms of both a safe and humane system as a foundation for rehabilitation outcomes, having the right prison beds in the right places with the right programs attached to them and the opportunity that we get to configure the prison system as we go forward as well as a real focus on programs and employment pathways for prisoners exiting prison and post-release support too.

**Mr HIBBINS:** Okay, thank you. Just in terms of was meant by a short prison sentence, is that what was meant: remand?

**Ms STRONG:** I suspect it is people who come in on remand, subsequently get sentenced and either get time served—so have a relatively sort sentence—or actually do get a short sentence. I would have to double-check that.

**Mr HIBBINS:** Okay, great. Thank you. Just on how it is measured as well, it includes all people that have come in on remand, so that would include people who have got a time served prison sentence while they are on remand?

**Ms STRONG:** Yes—on remand if they were subsequently sentenced. Obviously if they were not guilty, they would not be.

**Mr HIBBINS:** Yes. Okay, great. Thank you.

I just want to ask now about the liquor and gaming regulator. What now is the status of the existing reports and inquiries that were being undertaken into Crown? Just thinking, for example, of the one that was announced back in late 2019—has that been completed and finalised?

**Ms FALKINGHAM:** Sorry, Mr Hibbins, I am trying to remember which one you are referring to.

**Mr HIBBINS:** This was after the media revelations into Crown in late 2019. They indicated that they would be getting back to the minister within two to three weeks of the report. I think it is actually referred to in their annual report as well.

**Ms FALKINGHAM:** I will take that on notice. I understand that that was completed and will obviously now form part of the information handed over to the royal commission.

**Mr HIBBINS:** Okay, great. If you could get the date when that one was completed, that would be great as well. Thank you.

Now, there were some statements made in terms of the staff employed at the VCGLR. There is a statement saying that they had at any time two staff members, or effectively two staff members, on the casino team. Is that an accurate statement? Is that an accurate reflection?

**Ms FALKINGHAM:** That is not my understanding, Mr Hibbins, but I think I will take it on notice for Mr Riordan to provide the breakdown of the number of staff working at Crown Casino at any time.

**Mr HIBBINS:** Great. Thank you. I would now just like to ask in terms of the publication now of specific drug alerts, which is now occurring on, I think it is, the Department of Health website and just in terms of from a police perspective how that arrangement is actually working and how the police are cooperating with the Department of Health to allow those alerts to take place.

**Chief Comm. PATTON:** Sorry, Mr Hibbins. You will have to give me more detail in respect to that. What are you particularly referring to in 2019–20?

**Mr HIBBINS:** Yes. So as of March 2020 on the health.vic website, the health department is now alerting people to specifically dangerous pills and bad batches or dangerous batches of drugs. Is that occurring—I am asking now from a police side of things—with police assistance or police cooperation?

**Chief Comm. PATTON:** Look, I will have to take that on notice and come back to you. I do know that at one stage we were having, if you like, I will call it a bad batch or whatever that was in nightclubs, and we had been very cognisant and very mindful to get out there very early and say, ‘This is happening’, so that people are aware of it. I know we did have informal discussions with the Department of Health and other agencies so that everyone was working together, but in respect of whether there are any formal protocols or not and if we are involved in that, I will have to come back to you. I know that certainly our drug intelligence capability at our forensic science laboratory is actively looking at all of those things and the analysis in terms of matching batches of drugs from one area and seizures and the like. So we do have significant intelligence that is informing us of that. Now, whether what is being published by the Department of Health is informed by us, I would make the presumption it is, but for completeness I will come back to you with those details.

**Mr HIBBINS:** Great. Thank you. I appreciate that. I would now like to ask: in terms of employment within Victoria Police and minorities that might be under-represented in the existing employment with the police force, do you have any specific programs or pathways in which to reach out for employment from under-represented groups, and what is the current funding for those programs?

**Chief Comm. PATTON:** Just give me one moment please, Mr Hibbins. We have a range of programs. Obviously it is a focus for us to be representative and very reflective of the diversity that exists in the community, both in gender and all areas, so we have a 10-year gender equality strategy—Equal, Safe and Strong—that we recently launched that is focused in that regard. We have key performance indicators that are set to be representative of the CALD community, Aboriginal and Torres Strait Islanders and people with disability.

We have established a gender equality and inclusion command, and that was established on 1 January 2020 to support us in achieving that. That is very reflective in trying to get our recruitment right, if you like, and trying to make sure that we are getting those diverse communities that we are trying to have represented in Victoria Police as part of us. We have had specific and do have specific programs in relation to African Australians, so that we can assist them in getting in, and that is done through one of the universities out in the western area. We continue to target, if you like—and ‘target’ is not a word that we should use very often in policing, but in this respect it is one I am very happy to use—those groups that are under-represented, so we can get their diversity. It is an area of focus. It is in our inclusion strategy and action plan. It is what we will continue to build upon, as well as gender diversity in general. I think we are sitting at around 28 or 29 per cent in terms of female representation. Again, as I state, that is a significant area of focus for us.

**Mr HIBBINS:** Great. Okay. Thank you. I think I am running close to time, but I just have one final question for Corrections. In terms of catering contracts for prisons and justice facilities, are they contracted out, and if so, what is the overall cost for catering contracts?

**Ms STRONG:** Most prisons actually have their own kitchens. If it is cell accommodation, they will prepare meals. It is an opportunity for prisoner employment in the prison as well, and they supply the food to the prisoners in the cell. For a lot of prisoners who are in cottage accommodation it is self-catering. So they go to a canteen shop in the prison, they buy the food and they cook the food themselves. There will obviously be contracts to supply food either for the kitchens within prison industries or for the self-catering and the canteens. I would have to take on notice the value of those contracts.

**Mr HIBBINS:** Okay. That is all right. Thank you. And is it similar with cleaning services as well?

**Ms STRONG:** Correct. We have a combination of cleaning. We changed our approach in the middle of COVID. So we certainly have professional cleaners for each local prison who come in and clean the areas where prisoners cannot go. We have always had prisoner cleaners, prisoner billets, who clean the facilities. During COVID we upped their training and qualification to a cert III with special training in infection control and touch point cleaning, and they clean the prisoner areas as part of our response to having a clean and hygienic prison environment.

**Mr HIBBINS:** Yes. Okay. If I could get the overall funding for cleaning at prisons, that would be helpful.

**Ms STRONG:** For 2019–20?

**Mr HIBBINS:** Yes.

**Ms STRONG:** I just would like to correct one thing. I have just checked. We did actually turn off two tranches of 50 beds at Ravenhall in about May. Apologies.

**Mr HIBBINS:** Okay. All right. Thank you, Chair.

**The CHAIR:** The call is with Mr Danny O’Brien, MP.

**Mr D O’BRIEN:** Thank you, Chair. Secretary, could I just go back to some questions partly following up what Mr Hibbins was talking about? On 14 October 2019 the *Guardian* had a story with a leaked video of an Aldi bag of cash—bricks of \$50 and \$100 notes being handed over at Crown in one of the high roller rooms. The following day the minister, then Minister Kairouz, said that she had asked for a report on that issue, and



she highlighted issues of money laundering and other things as being of concern to the Parliament. What actually happened with that report?

**Ms FALKINGHAM:** Mr O'Brien, I understand that that is still under investigation, and obviously we are working closely with our colleagues in Victoria Police on that matter.

**Mr D O'BRIEN:** So a few months earlier, the *Age* and *60 Minutes* had highlighted similar issues of money laundering and links to organised crime. These have all been now canvassed in the Bergin report—in fact it was those stories I believe that prompted the Bergin inquiry—and most of the issues that were raised relate to the Melbourne casino. How is it that our regulators here in Victoria have not picked up any of these issues and action been taken?

**Ms FALKINGHAM:** Mr O'Brien, those matters are also part of the show cause notice to Crown from the VCGLR, and again I say that those matters are best directed to the regulator.

**Mr D O'BRIEN:** Well, who is the regulator accountable to, Secretary? Because as the Parliament, we are doing these inquiries into outcomes and trying to find out whether the public service has been doing its job. I think you said for 2019–20 VCGLR had \$86.1 million of taxpayers money to provide oversight. I am trying to get some sense of whether actually any oversight has been done.

**Ms FALKINGHAM:** The VCGLR is still following all of its own regulatory processes. Obviously, as I have said, they are independent of the Department of Justice and Community Safety, and those questions are best directed towards the chair of the VCGLR or the CEO.

**Mr D O'BRIEN:** So when do we get to talk to the VCGLR, if they are not part of the department?

**Ms FALKINGHAM:** I think that would be a matter for the committee.

**Mr D O'BRIEN:** There is a dep sec with responsibility for consumer affairs, liquor and gaming.

**Ms FALKINGHAM:** Yes.

**Mr D O'BRIEN:** Do they have responsibility?

**Ms FALKINGHAM:** No, not for the operations of the regulator, which is independent. Obviously we get regular assurances from the VCGLR to ensure that appropriate actions are being taken in regard to their regulatory processes.

**Mr D O'BRIEN:** Does the department do anything more than just accept assurances of the VCGLR when this evidence now has been presented in an interstate inquiry that raises serious concerns about the suitability of Crown to run the casino? What does the department do with that? Indeed, what do the police do with that?

**Ms FALKINGHAM:** I will let Commissioner Patton respond to that element, but obviously the government has now announced a royal commission into these matters, and it would be inappropriate for me to comment further on that.

**Mr D O'BRIEN:** Okay. Chief Commissioner, I might let it go. I am not sure I am going to get any answers on this today—perhaps the royal commission might. But I do have some questions for you, if I could?

**Chief Comm. PATTON:** Sure.

**Mr D O'BRIEN:** The 2019–20 *Community Safety Statement* confirmed 1900 of the promised 3135 new police had been delivered. Will the government meet its target from 2019–20 of having all 3135 new police officers trained and deployed by 2022?

**Chief Comm. PATTON:** Yes, we are absolutely on target to do that.

**Mr D O'BRIEN:** Okay. Likewise, the *Community Safety Statement* set a minimum service levels commitment, in particular in relation to two-up members at all 24-hour stations. Given COVID and the restrictions that started to occur in Victoria in March 2020, have those service levels been met at police stations?

**Chief Comm. PATTON:** Yes, the service levels have been met when those police stations have been operative. As you may or may not be aware, during COVID, given the demands on policing and resourcing, we have on occasion suspended counter reception at some police stations over that period of time. That has meant that, for instance, if you are in a proximity and there are four or five police stations in a particular area, we might have only one or two of those police stations that have customer reception availability for someone to walk into. The other stations in close proximity did not have customer service at the time. We have done that for obvious reasons, but where we have had those police stations open the minimum service levels have been adhered to, yes.

**Mr D O'BRIEN:** So in terms of station closures, were any stations actually operationally closed—not just the front door closed?

**Chief Comm. PATTON:** No, the police stations were not operationally closed. As I said, they still operated policing services out of there, but on occasion, where we could and could do so without any risk or detriment to service delivery to the public, we would suspend those counter operations.

**Mr D O'BRIEN:** That would have started, and in fact I think I got notified in my own electorate, in March, maybe April.

**Chief Comm. PATTON:** Yes, very early on—not too long after the state of emergency in the middle of March—and we did it with a range of different policing services to maximise our resource availability to fight the COVID issue.

**Mr D O'BRIEN:** Are you able to provide me with a list of how many stations had closed or reduced operating hours through the period?

**Chief Comm. PATTON:** Well, it has fluctuated at a range of different times. If you just give me a moment, I will be able to look and tell you where we are at at the moment, but it is something like 25, if you like—something like that.

**Mr D O'BRIEN:** 25 stations?

**Chief Comm. PATTON:** Yes.

**Mr D O'BRIEN:** And they actually just have their front door closed?

**Chief Comm. PATTON:** Yes. The reception counter access was not available, and that is out of the 331 across the state. Some of those of course will be one-officer stations that on occasion still have their doors closed anyway, and a range of different things, so it is just a pragmatic approach we took.

**Mr D O'BRIEN:** Were the 25 spread across the state, metro and rural as well?

**Chief Comm. PATTON:** Yes, they are a mix. There is certainly a mix.

**Mr D O'BRIEN:** If you are able to provide on notice, if you have got a list, where they were and when they were closed, that would be useful—if you are able to take that on notice, Chief Commissioner.

**Chief Comm. PATTON:** Yes, I will take that on notice, and certainly I will come back to you with that, but it depends what period of time you are talking about. Obviously, we have slipped into a discussion about the present time, but in 2019–20, the number of stations, the customer reception counters that we had closed back then, would have been very much smaller—it would have been one, two or a few of those. I am not sure how much benefit there is in going back and reviewing to see how many—few—stations we did not have reception counters at at that time versus now me telling you, 'Well, we've got around 20, 25 that we fluctuate across the state'.

**Mr D O'BRIEN:** Is that now—20–25?

**Chief Comm. PATTON:** Yes. So are you comfortable with that response, or do you want us to go back and look at 2019–20?

**Mr D O'BRIEN:** If you have got it. I do not want to unnecessarily burden you with—

**Chief Comm. PATTON:** Well, we will not have it in 2019–20. It would take analysis to come up with that—to say whether we had two, three, four or five closed.

**Mr D O'BRIEN:** Okay, so if we say there are 25 currently?

**Chief Comm. PATTON:** Yes.

**Mr D O'BRIEN:** And would you expect that is likely to continue for the period of the state of emergency, for example?

**Chief Comm. PATTON:** It will fluctuate subject to our resourcing demands and requirements when we are moving our resources across a range of different areas.

**Mr D O'BRIEN:** I just want to pick up on that issue—the resource demands—and starting from, again, probably March last year, we had a number of additional calls on police resources, whether it was Operation Sentinel, Soteria, Shielding, all of those, some of which were utilising existing resources, but I know there were periods where leave was cancelled, where staff were called back in off leave. Has that had an impact on the level of service you can deliver now? For example, given you had to cancel a whole lot of leave last year, did that have an impact on not being able to get the ring of steel up before the recent five-day lockdown that we had?

**Chief Comm. PATTON:** No.

**Mr D O'BRIEN:** No? So if you were asked to by the government, if it was for a longer period, you had the resources to be able to do that?

**Chief Comm. PATTON:** If we are requested to do something like that, we would assess the resource demand, obviously. If you are talking about the recent lockdown, which obviously was not in the 2019–20 period, but for a five-day lockdown it takes a couple of days at least to stand up infrastructure, recall and set, if you like, people in place and then change rosters and everything, so you are talking two or three days in before you have capacity to then start in effect locking down. So you have to weigh up the benefits and the pros and cons of doing so versus what was anticipated to be a five-day lockdown.

**The CHAIR:** I would remind the member that this is the financial performance outcomes for 2019–20.

**Mr D O'BRIEN:** Yes. Speaking of which, Chief Commissioner, on 6 April the Minister for Police and Emergency Services stated that PSOs would continue to operate at 83 stations, yet by 5 August a briefing note prepared for you confirmed this had fallen to only 52. Why was the public not told the true facts of how many stations were actually being manned by PSOs?

**Chief Comm. PATTON:** Well, I do not have a recollection of the briefing note you are referring to, if you are saying that existed. But I have at all times insisted that the protective services officers would staff the 83 premium stations and that they would conduct random patrols of those other stations to ensure that public safety existed, and that is still the case now.

**Mr D O'BRIEN:** And so how many are we manning now?

**Chief Comm. PATTON:** We are staffing all 83 premium stations, and we have roving patrols across a range of those so that we can have flexible coverage whilst we are also using the PSOs. We have I think about 300, off top of my head, that are tied up in quarantine, but at all times we have maintained coverage of those premium stations.

**The CHAIR:** Mr O'Brien, I will not remind you again before ruling your questions out of order that this is on financial and performance outcomes for 2019–20.

**Mr D O'BRIEN:** Chair, I am going to ask one. It is in the context of what happened in 2019–20. We are talking about outcomes. Now, the outcomes just did not stop on 30 June. They continue on. The decisions taken, the resources are allocated throughout 2019–20, and so I have another question which relates to, given the change in PSOs use at that time, when PSOs were put to—I cannot remember the name of the operation, but they assisted with—

**Chief Comm. PATTON:** Well, they are in the hotel quarantine but they were in shielding, initially, back in the day, which was taking them away to give that public assurance and protection for public safety, and they were actively patrolling around the state.

**Mr D O'BRIEN:** Patrolling the streets, that is right.

**Chief Comm. PATTON:** Yes.

**Mr D O'BRIEN:** So when will they all be returned to the 212 metro train stations for service from 6.00 pm to 12.00 pm?

**Chief Comm. PATTON:** Look, I believe the police minister has publicly stated the government policy was they will be returned when they are not required to be utilised in the community safety response to COVID-19.

**Mr D O'BRIEN:** Okay. Can I ask, with respect to fines, COVID-related fines, can you provide an update on the total number of COVID-related fines issued and how many were paid in full as at 30 June 2020?

**Chief Comm. PATTON:** As at 30 June 2020—just give me a moment and I will see whether they are broken down.

**Mr D O'BRIEN:** Well, if you have got calendar years, if that is easier—whatever data you have got. But I am mindful of staying in scope, Chief Commissioner, because as you know I get scolded if I get out of scope, so—

**Chief Comm. PATTON:** I am happy to provide you that as of 22 February 2021 we had issued 40 299 fines.

**Mr D O'BRIEN:** Okay.

**Chief Comm. PATTON:** And that is since we started the enforcement for COVID-19. 3140 of them have been paid in full, and there is a range of other statistics related to them that I am not sure—

**Mr D O'BRIEN:** Well, I have got a few more questions, so you may answer them if you would like to provide those statistics, if you may?

**Chief Comm. PATTON:** 5509 are included in a payment arrangement—

**Mr D O'BRIEN:** So that is in addition to the 3140 that have been paid in full?

**Chief Comm. PATTON:** Yes, that is right. This is a breakup, yes. 6003 have been withdrawn or cancelled.

**Mr D O'BRIEN:** 6003?

**Chief Comm. PATTON:** Yes.

**Mr D O'BRIEN:** Is that on the basis of—I know there was some discretion provided to, I think, deputy commissioner level or assistant commissioner level to review them?

**Chief Comm. PATTON:** No. That is certainly on the basis of a whole range of things. It will be under our internal assessment that we set up, as you rightly point out, under when I was the deputy commissioner and now under Deputy Commissioner Nugent, where we had our Operation Sentinel staff review those to make sure they are a common-sense approach and they are valid, and a range of different things, and there is a range of other checks and balances in place under the *Infringements Act* that people can then make an application for review, a formal application for review. They can be withdrawn there. They can elect to go court and so they are withdrawn then when they elect to go to court so that a summons is issued. In addition to that, it could be that they are withdrawn or cancelled due to personal circumstances that are listed in the *Infringements Act* under exceptional circumstances and a range of different criteria that are available. So they encompass all of those things.

**Mr D O'BRIEN:** Yes. So in those do you have a number for how many are in breach of the enforcement warrant stage?

**Chief Comm. PATTON:** No, I do not.

**Mr D O'BRIEN:** Okay. Is that something you are able to take on notice?

**Chief Comm. PATTON:** Well, it is not something I capture. Once they go into Fines Victoria, they are matters dealt with through the Fines Victoria process. They are followed up, if you are an adult, through the sheriff's office or, if you are a child, it is then registered, as I understand, in the Children's Court through the children and young persons infringement notice system. Children are obviously treated differently. They do not automatically revert to a warrant; they are listed for hearing at the Children's Court, as I understand, where their personal circumstances are considered by a magistrate or registrar. So there is a whole range of different things in what is a very big beast, but we do not control that. My focus is on making sure my staff appropriately and properly enforce the COVID rules, showing appropriate discretion but enforcing where there are deliberate, obvious and blatant breaches. What happens after that obviously goes out of our hands to a large degree.

**Mr D O'BRIEN:** Just on that very point, to clear a bit of media reporting a few weeks ago of confusion as to whether those \$40 000-odd fines would in fact be enforced: is that the intention as far as Victoria Police is concerned?

**Chief Comm. PATTON:** Absolutely. I understand what you are referring to recently. It was not in the 2019–20 year, but given that we are referencing that they are an on-flow from 2019–20 and an ongoing series—

**Mr D O'BRIEN:** Well, some of them would have been from 2019–20.

**Chief Comm. PATTON:** That is possible.

**Mr D O'BRIEN:** Yes.

**Chief Comm. PATTON:** That is possible, but the reality is it was a clumsily worded internal direction, and when it was represented to the media we have corrected it internally because it is our absolute intention that these will all go through the appropriate enforcement chain and be dealt with in the appropriate manner.

**Mr D O'BRIEN:** Okay. Secretary, I will just move on in the brief time I have got left to some youth offending issues. The recent Productivity Commission ROGS data confirmed that only 20 per cent of non-Indigenous young offenders received a youth diversion referral in 2019–20, compared to 66 per cent in New South Wales and over 50 per cent in both Queensland and WA. Why do only one in five youth offenders in Victoria receive a youth referral?

**Ms FALKINGHAM:** Thanks, Mr O'Brien, and I think it is important that those figures often are not comparing apples and apples, so I will ask the Youth Justice Commissioner to respond to your question.

**Ms HENDERSON:** Thank you. You are referring to the Children's Court youth diversion program?

**Mr D O'BRIEN:** Well, youth diversions as a proportion of offenders is what is listed in the ROGS report.

**Ms HENDERSON:** Yes.

**Mr D O'BRIEN:** Basically I guess we are talking about kids that are sent to detention versus kids that are sent into a referral program of some description to try and get them back on the straight and narrow.

**Ms HENDERSON:** Yes. What I might just give you is an overview of the Children's Court diversion program for 2019–20.

**Mr D O'BRIEN:** I have got 25 seconds left.

**Ms HENDERSON:** Oh.

**Mr D O'BRIEN:** Is there a simple answer? And if not, I am not happy to take on notice.

**Ms HENDERSON:** No, there is not a simple answer, but I guess the other jurisdictions have a much higher rate of Aboriginal children under the criminal justice jurisdiction.

**Mr D O'BRIEN:** Well, this question was specifically about non-Indigenous offenders, so that is the data. The specifically non-Indigenous—only one in five Victorians get diverted.

**Ms HENDERSON:** Yes. I will take that on notice and come back to you with a more fulsome explanation.

**Mr D O'BRIEN:** That would be great. Thank you.

**The CHAIR:** Thank you. Ms Pauline Richards, MP.

**Ms RICHARDS:** Thank you, Chair. Thank you, Secretary and commissioners and officials, for your appearance again. It was only, I think, late December that we had the pleasure of your company. I just wanted to explore a little bit more the court system and particularly drill down on the Family Drug Treatment Court, and in the 2019–20 budget there was an investment in court programs to promote the safety and wellbeing of children and families. Budget paper 3 lists \$8.1 million for the Family Drug Treatment Court—at pages 120 and 122, for those of you following along. I am interested in exploring what the benefits are of the court for young people and their parents or families who are seeking to help to get them back on their feet.

**Ms FALKINGHAM:** Thanks, Ms Richards, for your question. As the committee might be aware, the Family Drug Treatment Court is a judicially monitored, therapeutic, 12-month program conducted in a highly supportive and non-adversarial environment, which we think is critical to the long-term reform and support of members appearing before the drug treatment court. The program seeks to engage with parents whose children have been taken into care due to parental substance abuse or dependence and uses intensive care coordination and really holistic therapeutic interventions to address the issues of substance misuse with the aim of achieving safe and sustainable family reunification of parents and their children. So it is a really critical part of our court system and has been a program that has been built over many, many years.

The model of service delivery has been independently evaluated twice since it commenced at the Broadmeadows law court in 2014, first by Health Outcomes International in 2017 and second by Swinburne University Centre for Forensic Behavioural Science back in 2018. These evaluations found that the drug treatment court had significant advantages in efficacy, efficiency and sustainability when compared to traditional approaches within the court system. Notably the participants within the Family Drug Treatment Court were between 1.6 and 2.5 times more likely to achieve family reunification than a matched comparison sample in a mainstream court alone, and 72.2 per cent of participants who maintained engagement with the program for more than six months achieved family reunification compared to only 43.3 per cent in the mainstream courts, so that gives you a sense of just how powerful the intervention of the Family Drug Treatment Court can be. Even Family Drug Treatment Court participants who had exited from the program following a six-month engagement achieved reunification at a significantly higher proportion rate of 66.7 compared to the mainstream court interface's 43.3 per cent. For participants in the scheme the average length of time to a final court order—or reunification, as we call it—was 1.1 years compared to 3.5 years for mainstream court processes. Outcomes from the court were much more sustainable than those in mainstream courts, with participants 2.2 times more likely than the mainstream court users to have a substantiated report to child protection in the post-court period. Further recent analysis by the Children's Court indicates that in situations where engagement with the program is maintained for more than six months family reunification is now at 83 per cent, which would be the highest in the country, which is an extraordinary outcome.

The success of the program is increasingly recognised nationally and internationally. In 2019 the New South Wales special commission of inquiry into the drug ice recommended that the New South Wales pilot a family drug treatment court following the Victorian model. In the same year the Family Drug Treatment Court was awarded the Robin Clark Making a Difference Award at the Victorian Protecting Children Awards ceremony. This award recognises exceptional contributions directly involving the lives of non-Aboriginal and Aboriginal children, young people and families in Victoria.

**Ms RICHARDS:** Thank you, Secretary. I am now going to move onto a different topic and perhaps explore the impact of the bushfires and its interaction with corrections actually, so I just refer you to page 24 of the DJCS questionnaire. I am interested in exploring some of the impacts of the bushfires on Corrections Victoria. Could you or whomever you think is most appropriate outline the unique challenge with Beechworth Correctional Centre that the department faced in that context?

**Ms FALKINGHAM:** Thanks, Ms Richards, for your question. While obviously not under direct threat from the fire fronts, I might ask the Emergency Management Commissioner to respond to this as well and also the Acting Commissioner for corrections. The prison was actually situated between two significant fires—I remember the photos from the evening—and threats from hazardous air quality and fire danger over the coming days increased significantly. There was obviously significant planning that had gone in right across that correctional system to preparing for fire, but I will ask the Emergency Management Commissioner to add more detail.

**Mr CRISP:** Thanks very much, Secretary, for the opportunity to say a few words. No doubt the acting corrections commissioner might like to add to those. Again, for me it was actually going back to the fires the year before down in East Gippsland—the Rosedale fires where, again, a prison was likely to come under threat. I remember having conversations with the corrections commissioner at that time in terms of the excellent planning and the response. So in my mind leading into the 2019–20 season there was somewhat of an assurance in relation to the processes that they had in place. When it came to those fires my recollection was that the prison was fully evacuated on 3 January, and, again, we did have a number of fires in those particular areas. We had a number of fires that were contained or under control that were in fairly close proximity, so sort of within the 10 or 12 kilometres. On that particular day the closest going fire we had was about 50 kilometres away. However, there had been discussion over the days leading up to that, again with the corrections commissioner, about the thinking, the planning, in terms of evacuating that particular prison. So from my perspective it was a very strong working relationship and, again, a very good plan put in place.

**Ms STRONG:** I might just add to that. Certainly preparedness for bushfire season starts early in terms of fuel load reduction and making sure that all our contingency plans are in place. Each prison has a plan if they need to evacuate, where they will go to. The emergency services commissioner is right—it was on 3 January that we evacuated prisoners at Beechworth. Most of those prisoners went to Dhurringile. So we had 196 prisoners at Beechworth. Dhurringile went up to 405 prisoners the next day. All but seven of those prisoners at Beechworth went to Dhurringile. We did have to go through all sentence management to check placement was appropriate, and there were eight prisoners that we had to move to another facility because of just issues about mixing with other prisoner processes. Contingency plans were organised in terms of obviously the transportation. It is about a 160-kilometre distance between Beechworth and Dhurringile, so not a short journey by any means. They were escorted by corrections staff and also our SESG staff at the same time. They went with their medication obviously and with an amount of property, and Dhurringile was ready to receive them, really expanding its capacity—doubling its capacity—within one day. So it was the efforts both of Beechworth and of Dhurringile that I think we need to pay compliments to.

It was not just the prisoners, too. Beechworth is a farm, so we also had to evacuate livestock. We moved a lot of cows, calves, bulls and goats from Beechworth to Dhurringile, so that was another whole logistical exercise in getting the right animal transportation vehicles. We had pythons that went to DELWP. We had five dogs that went back to Wodonga Dog Rescue, and we also had eagles that went to WIRES wildlife service as well.

So it was a big logistical exercise. I think it was well supported by the planning that is done in the lead-up to bushfire season and also I guess a decision to leave early as well as concern about the air quality, which was a real concern for some people with some chronic illnesses at Beechworth.

**Ms RICHARDS:** Terrific. That is really comprehensive from you both.

**Ms STRONG:** Prisoners returned on 14 January from Dhurringile back to Beechworth, so we had to return them as well.

**Ms RICHARDS:** Okay. Terrific. Again, I am just going to move along to another area of interest for the committee and refer you to budget paper 3, page 81 and the investments in public safety initiatives. I am interested, Secretary or whoever is appropriate, if you can outline these investments that are made as they relate to community safety.

**Ms FALKINGHAM:** Thanks, Ms Richards, for the question, and I might ask Chief Commissioner Patton to supplement if he would like. What you are referring to in budget paper 3 is the investments obviously that we made in issues like the counterterrorism protective security training and infrastructure program, which received \$2.5 million in output funding for 2019–20. Since 2017–18, \$51.9 million has been committed to the Melbourne protective security enhancement program to deliver enhanced public safety across the Melbourne

CBD. In partnership with Victoria Police and the City of Melbourne, the department has worked to include in the program over 500 temporary concrete blocks and water-filled barriers; expansion and upgrade to the City of Melbourne's CCTV network; the new public address system to provide audible alerts in emergencies; long-term bollards, blocks and other measures to mitigate attacks at nine key sites in Melbourne's CBD. Our bollards program in particular protected the public at Bourke Street Mall during the recent incident involving the erratic driver on 28 January, by limiting the ability of that vehicle to enter the mall footpath and provide people safe spaces to shelter. A review of the effectiveness of those bollards is currently underway by Victoria Police. However, initial indications are, really importantly, that the bollards perform what they were designed to do.

So work on long-term protective measures is complete now in six of our nine sites: Bourke Street Mall, Flinders Street station, Princes Bridge, the state library, Olympic Boulevard and the Queen Victoria Market. Work is underway at the three remaining sites—so Southern Cross station, Southbank Promenade and Federation Square.

I might allow the Chief Commissioner to add to the Victoria Police training package and also the embedded youth outreach program.

**Chief Comm. PATTON:** Thanks very much. Yes, so our counterterrorism area is very well placed in terms of what they are doing to engage with private industry, or private enterprise I should say, as well as event managers. We have learned through the Australia-New Zealand counterterrorism committee and a whole range of processes and policies that have been put in place there to which we are integral, how we need to engage to make sure we are protecting crowded places and the importance of making sure that we are working with those event organisers who might have a pop-up event, if you like, or a singular event, working right through to, as we know, the City of Melbourne, where the infrastructure is vital, and we need to be involved in all of that. So we have now experts who are in our counterterrorism area who are actively engaged in working right across all of those different streams.

In addition to that, we have embraced what was or is known as the NYPD Shield program, which is one that is focused absolutely on engaging with all of those owners of critical infrastructure right across the state, working with the Emergency Management Commissioner as well, so that they are best placed to gain and leverage off our expertise, but also to make sure that they themselves have responsibility for maintaining their infrastructure and providing what is a secure environment for people where we have crowded places. There is a whole range of different things that are occurring, not just through police through our counterterrorism area, but working with all of the key partners. The networks we have, certainly in Victoria, are I think second to none in terms of the maturity levels they have and the engagement, and that extends so far as where we have an incident unfolding we have communication networks where we can send out alerts as well as engage with them. It is a very mature network and one that continues to develop through the funding that we have available, and we are continuing to work with, obviously, all of the key stakeholders.

**Ms FALKINGHAM:** I might just add, if I may, Ms Richards, that also as part of that funding package you referred to in BP3, we also had the allocation of \$5 million in 2019–20 to deliver pilot projects and establish partnerships to test innovative approaches to crime prevention and to build a new evidence base to improve community safety and contribute to the development of new crime prevention agenda. Specific strategic partnerships in the period that might be of interest to you were the African justice and community engagement pilot program, which was delivered by Youth Activating Youth and which is continuing to support African-Australian young people even until today, including recruiting young people to work as role models and run workshops. I know we have engaged with that group quite extensively through the pandemic, and they have really assisted us through different stages of restrictions to talk directly to our young people.

We have obviously got monitoring and engagement support for our young Pasifika people, including the Pasifika Thrive program, which is delivered by Charis Mentoring. Mentoring support has been delivered online by Charis to young people, and an online roadshow was recently launched to promote healing and spread the message of hope in the Pasifika community. What has been interesting throughout the pandemic is the online forum has enabled us to engage with young people on a forum that they are much more familiar with than often we are, and you know it has brought with it a range of kind of really interesting conversations with young people about what is affecting their lives and how we can work with them better to ensure they are either in ongoing education or employment.



We also have programs like sports projects to engage and support our young people, including programs delivered by the new sports alliance for crime prevention by Melbourne Storm Rugby League Club, Basketball Victoria, Football Victoria and the Australian Football League. Six projects have commenced and are providing support to our young people, with a further two projects to commence in early 2021, which will continue to help young people reconnect with communities in recovery from COVID-19.

Partnership programs with other departments and portfolios have been critical. Crime prevention is everyone's business in government, and it is really critical all portfolios work together, so we have done a lot of extensive work building our community connections through the former Department of Health and Human Services, the Department of Jobs, Precincts and Regions and the Department of Education, and these projects will continue throughout this year.

And just finally we have established an international research partnership with New York University to help Victoria be positioned as a leader in innovative, evidence-informed community crime prevention practice. Working really closely with our colleagues in Victoria Police, NYU have delivered a number of online learning sessions throughout the pandemic to community stakeholders on their better government approach and are helping the government to meaningfully engage with communities on crime prevention issues, and as always, working really closely with our partners in local government, we have delivered online forums focused in Brimbank and Hume through the new building safer communities program.

**Ms RICHARDS:** Thank you. That is terrific. Chair, is that less than a minute I have got left?

**The CHAIR:** You have 1 minute and 50 seconds.

**Ms RICHARDS:** Well, in the very short time I have got left, I just wanted to have some sort of understanding into the fixated threat assessment centre funding and how that leads to better outcomes.

**Ms FALKINGHAM:** I might throw to the Chief quickly.

**Chief Comm. PATTON:** Sure. That is what we think was a real game changer in terms of innovation for Victoria Police, but it is not just Victoria Police; obviously it is a joint mental health collaborative approach. It is responding to people who are spanning a line between pure criminality but with mental health issues, those who are fixated and those who have pathological fixations but also may have grievances and who then seek to escalate their radicalised beliefs and utilise violence with them, and that is where we are dealing with them. So the model is coordinated and delivered by Victoria Police and Forensicare, and it is under the auspices of the Department of Health. Funding allows us to utilise timely interventions and de-escalate risks of violence—threats to not only specific targets but generally speaking it could be someone who is espousing a whole range of different ideologies.

It is not someone's views that we are concerned with; it is when they are going to fixate or escalate to a point where they are going to use violence and break the law and commit acts of violence. So there are two main objectives, and I think it is important that I read what they are. That is:

To identify and assess individuals who may have a mental illness and who pose a threat to public safety due to their risk of engaging in potentially violent behaviours arising from pathological fixation or grievances ... where influenced by radicalised beliefs ...

and—

To facilitate effective interventions by police, mental health services and other relevant agencies and, through these measures—prevent—

... these individuals—

from—

progressing to violent action.

And that certainly has been successfully achieved on many occasions.

**Ms RICHARDS:** Thank you.

**The CHAIR:** Thank you, Ms Richards. We might take a short break for ten minutes and resume at 25 past. I declare the hearing adjourned. If everyone is ready, we will declare the hearing reopened, and the call is with Mr David Limbrick, MLC.

**Mr LIMBRICK:** Thank you, Chair, and thank you, everyone, for appearing today. Secretary, I was wondering if you could provide some detail on one of the items in the questionnaire. On page 37 is part of a table that outlines things that we have funded that were not initially accounted for through Treasurer's advances and things like these, and most of these make a lot of sense, things like emergencies or bringing forward IT expenditure. These sorts of things make sense considering the bushfires and the pandemic response. But there is one thing in there which I do not understand why it would not have been budgeted for, which is the funding supplementation for the Tattersalls duty payments to other jurisdictions. It looks to me like this is effectively paying tax to other states. Could you provide some insight into why that was not actually budgeted for?

**Ms FALKINGHAM:** Thanks, Mr Limbrick. So obviously the additional funding for that item was approved post the 2019–20 budget via the Treasurer's advance, which is not inconsistent with how we have historically done that, to ensure that we have got sufficient budget to make expected higher duty payments to other jurisdictions following an expected increase in the lotteries revenue and subsequent taxation revenue. Lottery draws are obviously operated by the Tatts Group, now combined with Tabcorp Holdings, and are subject to Victorian taxation in the turnover on each draw, including the sales and taxation figures received from the operator of the sales in other jurisdictions. The other jurisdictions covered are Tasmania, Christmas Island, Norfolk Island, Samoa, Nauru, Cook Islands and Fiji. The taxation is paid by Tabcorp to the Victorian Consolidated Fund by the VCGLR, and the GRA provides the payment of lottery tax to other states and territories, a payment on behalf of the states through the process to enable the payment of these taxes relating to the contributing jurisdictions, as per the revenue-share arrangements. Those payments are made by the VCGLR on behalf of the state government as an offset to consolidated revenue. They do not form part of the operating expenses of the VCGLR. The reimbursements from the Consolidated Fund enable the payment to be made from the VCGLR operating account. These payments are reflected as separate entity items within the administrative registered statement of the VCGLR. Until 2019–20 the authority was itemised and the appropriation Bill was limited to \$36 million. Any amount above that limit necessitates a request for budget supplementation outside the normal budget process for the difference from the Department of Treasury and Finance. As I said, historically that is how those payments have been managed. Lottery tax, as you would be aware, is driven by demand and revenue, which has increased over the last two years, and the VCGLR is unable to accurately predict the levels of funds required. As a result, historically there has always been a Treasurer's advance process.

**Mr LIMBRICK:** All right. That makes total sense. Thank you. Another thing, when I was looking through the budget papers for the emergency management capabilities—this was on page 295 of budget paper 3—there was a very large increase in the disaster impact costs. I think it jumped almost 40 per cent, and yet many of these metrics on that page—you know, number of staff, number of volunteers, all of this sort of thing—changed very little. I was wondering whether these metrics that you are using here are the best. It just strikes me as odd that there is such a massive increase in funding and yet these metrics are all fairly similar to last year. Do you think that they are a good representation of what is going on or maybe they need to be supplemented somehow to reflect extra activity that has happened due to that extra funding?

**Ms FALKINGHAM:** I might ask the Emergency Management Commissioner to comment on that, but you would also understand, Mr Limbrick, it is also how it relates to our commonwealth payments, which is why we often do see fluctuation from season to season, depending on where they choose to put their investment as well. I will ask the Emergency Management Commissioner to comment.

**Mr CRISP:** Actually, if it is all right, Secretary, I might ask Jenni Rigby, the Executive Director.

**Ms FALKINGHAM:** And obviously it is an unusual year because of the fires.

**Mr LIMBRICK:** Of course it is unusual.

**Ms RIGBY:** Hello. Thank you. I might just seek some clarification of the question.

**Mr LIMBRICK:** The performance metrics have been relatively unchanged from the 2019–20 financial year from the previous year, and yet there has been a massive increase in funding. So my question is: are these

metrics a good reflection or are they missing something? Because there must have been a great increase in activity, but it is not reflected in those metrics is what I am getting at.

**Ms RIGBY:** The change in funding—I think your question is: is this an anomalous—

**Mr LIMBRICK:** We know it is anomalous, but the metrics are not reflecting any anomaly is what I am getting at. The number of staff and everything is fairly consistent with the previous year.

**Ms RIGBY:** Yes, I think some of the increase there was due to the actual bushfire season in 2019–20 but also due to a back payment that was made to CFA that actually reflected a payment from 2015–16.

**Mr LIMBRICK:** A back payment? Right.

**Ms RIGBY:** That was reflected. So I do not believe the performance measures would need to be adjusted due to the anomalies that actually relate to this year.

**Mr LIMBRICK:** Okay, that makes total sense. Another question I have got is around infringements and one of the metrics for infringement notices—for a range of them but for speeding fines et cetera. Why are infringement notices a performance metric, and not reducing the number of people speeding? Having infringement notices as a target seems a bit odd to me. Like, why wouldn't we be looking at lowering the number of people actually speeding, for example, rather than having a target on the number of infringement notices?

**Ms FALKINGHAM:** That is a really good question, Mr Limbrick, and it is a conversation we have with our colleagues in the Department of Treasury and Finance all the time. We are looking at that output group for those very reasons as well at the moment. Obviously some of those metrics will change as a result of this year's budget.

**Mr LIMBRICK:** So what other types of metrics are you considering in lieu of infringement notices?

**Ms FALKINGHAM:** I might ask the Acting Deputy Secretary, Craig Howard, to come to the table to answer that question.

**Mr HOWARD:** Thank you. That is a historical measure and it counts the total number of infringements. That is all it does. It does not necessarily reflect the outcomes, I would not have thought, of the infringement system.

**Mr LIMBRICK:** Yes, that is sort of what I am getting at. So you are saying that you are going through a process of modifying that to make it better reflect what you are trying to do?

**Ms FALKINGHAM:** Yes, across all our metrics in the Department of Justice and Community Safety we are trying to move to more of an outcomes-based approach to measurement—to go to your very point in terms of what is important for us to measure, to capture—and to have conversations with the community about why we have set those targets. As I said, those discussions are still in progress with our colleagues in DTF.

**Mr LIMBRICK:** Okay, thank you. Another metric that I had some queries about was the proportion of clear drug driving test results. There is a performance target listed of 93 per cent, I think it is, of tests to come back clear. If we had a higher target, then that could mean that we have needless testing that is not focused and we are wasting money, but a lower target could mean increased offending. Is that another metric that you are looking at changing? Because it seems to me problematic having that as a target.

**Ms FALKINGHAM:** I might ask the Chief Commissioner of Police to comment on this, but absolutely, Mr Limbrick, your point is a point well made—across the board to actually start to focus our efforts on what the outcome is that we are trying to achieve rather than the widgets of, be it, how many infringements or how many tests are completed is a really important conversation to have with the community.

**Chief Comm. PATTON:** Could you just clarify what it is that you are querying about the targets set in the drug testing?

**Mr LIMBRICK:** Yes, because the target is to aim for 93 per cent of tests to come back clear. Now, if you wanted to increase that target, then you might have needless testing, but if you had a lower target, then you might have more offending. Therefore I am questioning whether having that as a target is a good thing that reflects what you are trying to achieve with the testing.

**Chief Comm. PATTON:** Yes, and without wanting to seem like I am following the lead from the Secretary and what she said a minute ago, we continually look at those outcomes because, as you say, it can result in a strange outcome. We are currently working through what is the best model for us as well in terms of general deterrence versus specific deterrence, because we can target test outside a range of different locations where we know we will get a much higher strike rate—

**Mr LIMBRICK:** Yes.

**Chief Comm. PATTON:** Exactly—versus a general deterrence where we randomise. So it is trying to get that balance right. Whether that target is set at 93 per cent—or whatever is the right target—we are still trying to work through because we are seeing a significant prevalence of drug driving, which is so concerning for us. So it is us trying to work through it because we know when we set targets that they can have perverse outcomes as well and dictate the community safety aspects. So I do not have an answer to your question other than that it is one we are grappling with at the moment, especially because it will signify in getting the balance right between general and specific deterrence.

**Mr LIMBRICK:** Thank you. And on a related issue to drug-driving tests, it is my understanding that you can do the lick test but in certain circumstances there can also be an impairment test. Do we know, during 2019–20, what proportion of those drug tests actually involved an impairment test as well as a saliva test?

**Chief Comm. PATTON:** No, I do not have those figures with me. We could provide those if you require them. The reality is the preliminary oral fluid test and then followed up if they test positive with an oral fluid test after that is what we are generally doing. But as you quite rightly point out, there is an impairment test that can be done. It takes a longer period of time. But we can provide those details. I do not have them with me.

**Mr LIMBRICK:** All right. Thank you. Another question with regard to resourcing, I might have missed this if it was identified in the budget papers. With the border checkpoints, that was a very large police operation. Do we have discrete costings of how much it has cost or how much it cost during that financial year and ongoing to man those border checkpoints?

**Chief Comm. PATTON:** When we are talking about border checkpoints, there are so many different operations that we are actually talking about—

**Mr LIMBRICK:** Yes.

**Chief Comm. PATTON:** and it depends at which point a time you are referring to. But in response, COVID operations for 2019–20, our COVID operations costing was I think \$5.9 million. That was only for a very small period of time though because we were clearly only talking from March through until June. We have significant costings post then, but it varies markedly given whatever the set-up we have, whether it is a regional checkpoint, whether it is a border checkpoint. But they certainly obviously, as you are aware, were not in the 2019–20 period.

**Mr LIMBRICK:** Thank you. Sorry, I am just going through my notes here. Similarly, with some of the other activities that have been happening due to the COVID restrictions, do we have costings on policing protest actions that have happened, because I know there were some in the 2019–20 financial year and post that there were more. Is that something that is separately identified?

**Chief Comm. PATTON:** No, the \$5.9 million, that was the total figure for our COVID response during that period.

**Mr LIMBRICK:** So that includes special patrols, borders, protesting activities?

**Chief Comm. PATTON:** No, that is what we were doing in that three- or four-month period from March until the end of that financial year, but it is not so much in terms of costings, if you like, for us. When I say ‘costings’, there is obviously a cost, but it is the resource deployment that is the most significant—obviously

PPE and all that range of things. But demonstrations for us—there were demonstrations during that period, and we have seen recent demonstrations, and subject to the extent of those, they can range from a resource deployment on a weekend of between 500 and 850 police on any given day. I mean, that is the cost. It comes at a cost to doing other things.

**Mr LIMBRICK:** Yes. So if I am understanding you right, it is not necessarily an extra cost, it is moving resources around for people that are already employed—

**Chief Comm. PATTON:** Yes, exactly, other than some overtime cost and things like that.

**Mr LIMBRICK:** PPE and overtime, yes.

**Chief Comm. PATTON:** But generally speaking, as you rightly pointed out, it is, ‘Okay, we’re using this amount of resources here; they have to come from somewhere’.

**Mr LIMBRICK:** I understand that there was a large redeployment of policing resources to manage these COVID costs, like COVID restrictions. So what sort of areas had less policing when this redeployment happened? If they were having more policing for the COVID responses, there must have been policing taken out of other areas, because I know some things were shut down because they were not able to run, like the booze buses and things like that.

**Chief Comm. PATTON:** I am trying to be as helpful as I can here, but it is a point in time. We start out on 16 March. Sorry, if you step back before then—and the Emergency Management Commissioner will correct me—I think 21 November the year prior is when we had a code red day when the fires started. And then that flows on through to 2 January where we have the state of disaster declared and we then, if you are talking police resources in this period, evacuate 65 000 to 70 000 people in north-east Victoria and Gippsland. And then that flows on through to 16 March where we have the state of emergency declared and then we stand up a whole range of different operations.

And talking about the 2019–20 year, that stands up initially Sentinel, which was our 500 police who were doing patrols and supporting checks at home and everything and enforcing the CHO restrictions. Then we have Operation Shielding as well, which we stood up a couple of weeks later, which was the PSOs and the flexible deployment of those to provide assurance in public arenas and shopping centres and the like, as well as Operation Ribbon, which was our family violence response to affected family violence members who are at risk and perpetrators who are high risk. So it is what point in time we are doing all of these different things, and as you know, post the 2019–20 period we then have a range of different checkpoints and everything in place.

Where do they come from generally? We used a lot of the PSOs. That has been a real benefit for us—they have done a great job—as well as our public order response teams rather than pull them out of the general duties police stations generally. They are our first sort of areas of call. I was going to say ‘port of call’, but it would not have been a good joke.

**Mr LIMBRICK:** Thank you very much. I think I am out of time.

**The CHAIR:** Thank you, Chief Commissioner. The member’s time has expired. I will pass the call to Ms Nina Taylor, MLC.

**Ms TAYLOR:** Secretary, Chief Commissioner, other commissioners and officials, good morning. I would like to explore the residential tenancies dispute resolution scheme. Specifically the questionnaire refers to \$2 million in funding to meet the cost of financial support and related admin for a commercial and residential tenancies hardship scheme. Could you please outline what this funding went towards?

**Ms FALKINGHAM:** Sure. Thank you for your question. The \$2 million allocated in the 2019–20 financial year funded the establishment of the new COVID-19 temporary residential tenancies dispute resolution scheme and its operations and service delivery from mid-April to 30 June. This scheme supports landlords and tenants to resolve disputes without resorting to an adversarial process in VCAT, and I know we have discussed this topic previously with the committee. But during the 2019–20 financial year Consumer Affairs Victoria had 136 000 visits to the relevant website content. They provided advice in response to over 22 900 contacts. Over 17 300 reduced rent agreements were registered, with an average of 27 per cent reduction in net weekly rents

payable, and obviously this is just for that period in the 2019–20 financial year. We have a lot more of our rent agreements now registered. But we had more than 6100 matters closed through informal and formal dispute resolution, and it is important to point out that during this period of time our own workforce was going through a fairly significant transition to working from home.

So to have gone from a really office-based environment, doing most of this mediation via telephone brought with it its own challenges. We are really proud of the outstanding job that that team did during that period, and in a lot of cases our staff were trying to resolve a whole range of other issues in people's lives to help support them through the pandemic and make sure the right referral pathways were made to police and other parts of government. We obviously worked closely with the Department of Jobs, Precincts and Regions to make sure particularly around commercial tenancy issues that they were triaged really smoothly. This funding was obviously further supplemented with an additional \$10.7 million in the 2020–21 financial year, and that is to enable a lot of that work to continue. As I said, the moratorium on evictions, the carving out really discrete circumstances where evictions could still occur, was really important to make sure we kept the balance right across the residential tenancies dispute resolution system. We had the ban on rent increases during the moratorium. Tenants were not forced to be listed on the residential tenancies database where the breaches related to their ability to pay their rent during COVID. We worked really closely with our colleagues in the former Department of Health and Human Services in relation to providing rent relief grants of up to \$3000, and it was really critical that those two workforces worked together.

Crucially, as I said, what changed throughout the pandemic was CAV's role was further expanded to be really a front door for eviction-related residential tenancy matters and a separate residential tenancies dispute resolution mechanism. I know in talking to the president of VCAT that she is really hopeful that a lot of these measures stay in place, because it has obviously helped to take a lot of the burden off VCAT. If we can try and sort issues out before they come before a court or a tribunal—because we are aware it has a big impact on people's lives and their ability to manage financially—it has been great. We have obviously had contacts into the broader regulation division in the Department of Justice and Community Safety to financial counselling to support people so that when moratoriums end we are able to have given people as much support around financial literacy to make sure that they do not go into arrears once moratoriums are lifted.

**Ms TAYLOR:** Thank you. Very comprehensive. I would now like to move along to emergency services local infrastructure. I refer to budget paper 4 and the initiative titled 'Emergency services local infrastructure'. Can you outline how these initiatives have been delivered and the outcomes they have achieved?

**Mr CRISP:** Thanks very much for the question, Ms Taylor. So the 2019–20 budget invested \$17 million in an emergency services local infrastructure package so that our hardworking firefighters and our hardworking lifesaving volunteers have the facilities they need to help keep Victorians safe. This package will also create safe work environments for the first responders who put their lives on the line for their fellow Victorians. The package included over \$14.7 million for the delivery of four new fire stations. The first of those was a new three-bay, eight-bedroom career firefighter station which will be constructed at Armstrong Creek on land already acquired by the CFA. That provides a base for 21 career firefighters. Project management for this station transitioned to FRV on 1 July 2020 as part of the fire services reforms. FRV anticipates the build will be completed in 2023.

A four-bay volunteer-only station will be constructed at Phillip Island on land already acquired by the CFA. Construction of the replacement fire station on Phillip Island should have commenced at the end of January 2021 with the building contractor appointed. A new three-bay volunteer-only station will be constructed at Riddells Creek. Site acquisition for the Riddells Creek station remains ongoing, with CFA reviewing mapping data to identify a preferred location for a new land search. A new three-bay volunteer-only station will be constructed at Junortoun. Land acquisition for Junortoun was completed in August 2020. Stakeholder consultation on concept plans is now taking place, with construction expected to commence in June 2021. So the CFA work is definitely progressing positively.

The emergency services package also included \$2.3 million to redevelop or upgrade Life Saving Victoria clubhouses at Jan Juc, Carrum and Barwon Heads. The Jan Juc lifesaving club was officially opened in December 2020 and is now operational. The project was delivered in partnership with Jan Juc Surf Life Saving Club, with the federal government also contributing funding for the patrol tower. Planning for the Carrum lifesaving club is currently underway. The extension will be delivered in partnership with Kingston City

Council and is expected to be delivered in late 2022. Construction on the Barwon Heads 13th Beach Surf Life Saving Club is expected to commence early this year. Designs for the facility upgrades have been finalised and received positive feedback from members and neighbours of the club.

So, again, a lot of positive work happening there, and it is interesting to sort of finish on Life Saving Victoria and reflect. I know we are talking about 2019–20, but it is an opportunity to actually just again highlight the drowning deaths that we have seen in this state since the start of this year. We are now at 45, with two in the last five days—a boating tragedy and someone else found in the water. So, again, it is important that we continue to support all our emergency services. Thank you very much for the question.

**Ms TAYLOR:** Yes, definitely.

**Mr CRISP:** I should also make the point that the drowning deaths are tragic, and our thoughts are certainly with families and friends, but also the impact it has on those lifesavers and Victoria Police and other frontline services and just community members that are there just trying to help and do the right thing. So this does have a broad community impact.

**Ms TAYLOR:** I can only imagine, yes. Thank you for raising that.

**Mr CRISP:** Thank you.

**Ms TAYLOR:** I was just wondering how the establishment of the community safety infrastructure authority has contributed to the efficiency of achieving these projects.

**Ms FALKINGHAM:** Thank you for the question. If it is okay with the Chair, I might invite the Deputy Secretary and CEO of the Community Safety Building Authority, Ms Corinne Cadilhac, to come and speak to the extraordinary work her authority has been doing.

**Mr CADILHAC:** Thank you. We were established on 1 July 2019, and we have been overseeing projects in this sector for both the SES and for Life Saving Victoria. With regard to the programs that were underway during this financial year, there were seven. There was the VICSES Wangaratta unit, which was successfully delivered in December 2020 but underway during that period, and we are also delivering presently Knox, Chelsea, Emerald, Northcote and Essendon units. With regard to the lifesaving clubs, we have got Portsea, Ocean Grove, South Melbourne, Edithvale, Cape Patterson, Jan Juc and the Anglesea Surf Life Saving Club all delivered, and construction is now underway for the Point Lonsdale, Bonbeach and Port Campbell programs.

**Ms TAYLOR:** Thanks very much. Good to hear about all these great projects going on. Now I am going to toggle a little bit here. That was sort of where I was going to end on that particular topic, just so you do not have to sit there as well.

I was just wanting to explore births, deaths and marriages outcomes as they relate to your department, Secretary. I note on page 207 of the PAEC questionnaire the difficulties that birth, deaths and marriages experienced in implementing their new IT system. Large IT projects can be difficult, but how did births, deaths and marriages deal with certificate turnaround times and other matters of core business?

**Ms FALKINGHAM:** Thanks, Ms Taylor. It is a good question and one that has a good story. Births, deaths and marriages instigated operational changes that did stabilise the certificate turnaround times and return them to normal levels in the second half of the calendar year in 2019. Those changes included increasing the call centre operating hours by introducing a late shift and weekend overtime for registrations, which did have a big impact on dealing with those issues. We had the additional staff resources, working with 50 additional temporary staff, to process the backlog of applications. We had business process efficiencies and improvements to system performance through stabilisation activities. As I said, the increase in the hours and the additional workforce really allowed BDM to reduce the backlog created by the introduction of the new IT system, and it is a really good whole-of-government lesson and learning that we have spoken to other departments about. When you introduce the new system, how do you make sure of the continual flow through the system and the need to make sure you have got additional staff capable and able to process those applications really quickly. So once that backlog was ameliorated and the process efficiencies were introduced, BDM was able to maintain the turnaround times at the expected level, but significant work did go into getting us back to normal caseload and application and processing services. So we are really grateful to that workforce for all the work they did.

**Ms TAYLOR:** Excellent. Births, deaths and marriages also implemented legislative reforms—I was thinking it did obviously come to the Parliament—around fairer birth certificates for trans and gender-diverse Victorians, and you did allude to this at the beginning I remember. What was the effect of this system changeover and the pandemic on this work?

**Ms FALKINGHAM:** Thank you. It is again a good question, and the department is really proud of our reforms in this area and working really closely with our LGBTIQ community. We obviously have a strong connection through Justice to engaging with community through all aspects of the justice system. The legislation, as you would be aware, removed barriers for people, including children for the first time, who wish to change the record of sex in their birth registration or birth certificate. These reforms obviously impacted on all areas of births, deaths and marriages and were successfully implemented within the wider context of the COVID-19 pandemic. Implementation work included the development of new paper forms; the updating of BDM's online systems and forms, as well as training, policies and practices; development of regulation; ongoing engagement and communications with key stakeholders impacted by the reforms—for example, doctors and psychologists; and engagement with the trans and gender-diverse community, which took place by an implementation advisory group comprised of key members from the trans and gender-diverse communities and other stakeholders. The advisory group provided guidance to BDM to ensure the reforms were implemented sensitively.

Applications for a change of record of sex was made through paper forms on 1 May 2020, with online forms made available in December 2020. From 1 May 2020 to 14 February 2021, BDM received 527 change-of-record-of-sex applications and issued for 450 new birth certificates and recognised details certificates from non-Victorian-born people with a changed record of sex. BDM continues to review and update its policies as required to ensure that birth certificate reforms are supported across all life events across the BDM registers. BDM continues to engage with the trans and gender-diverse community to receive ongoing feedback on its operations of the legislative reforms in practice.

I know that obviously this is a really critical reform for the former Attorney, who had met with many, many people who had been impacted by that barrier—to be able to change their record of birth or birth certificate—and to speak to those people about how empowering it has been in their own lives; to properly document who they are has been a really critical reform for births, deaths and marriages. And that is again one of those clear symbols that even in parts of the Department of Justice and Community Safety where they are very process driven, the ability to focus on outcomes, to go to Mr Limbrick's earlier point, as opposed to just constantly registering the certificates has been really important and a real cultural shift within the department.

**Ms TAYLOR:** It is really good to hear about that limb—as you say, not just the definitive outcome but what it means to people.

**Ms FALKINGHAM:** Yes, absolutely.

**Ms TAYLOR:** That is good. Good stuff. Okay. I would now like to refer you to page 282 of budget paper 3, which refers to the funding provided to, among other agencies, the Office of the Public Advocate. I understand the public advocate received a funding boost over two years from the previous financial year into 2019–20. How has this continued additional funding assisted the public advocate in doing her work?

**Ms FALKINGHAM:** Thank you for the question, Ms Taylor. I might ask Deputy Secretary Ms Anna Faithfull to respond to that.

**Ms FAITHFULL:** Thank you very much, ma'am, for the question. The Office of the Public Advocate, or OPA, perform a really critical role in promoting and safeguarding the rights and interests of people with disability. So the funding boost for OPA has enabled the office to continue its important work, and in particular allow it to respond to the growing numbers and complexity of guardianship matters. Through its advocate guardian program, OPA acts as a statutory guardian for individuals with a disability where VCAT has determined that there is no other appropriate person who can be appointed as a guardian. As guardian, OPA is responsible for making decisions about personal matters on behalf of individuals with a disability who are unable to make the decisions themselves.

In 2019–20 OPA managed 1792 guardianship applications, 950 of which were new matters. These matters, I think it is worth noting, are becoming increasingly complex—so clients with multiple complex disabilities. So



36.4 per cent had an intellectual disability. The number and complexity of decisions required to be made in each case—so how OPA assesses this is the number of decisions made per person and the number of contacts made per person as well. The other complicating element—a good complicating element—is the new *Guardianship and Administration Act*. This came into effect in March 2020, and it requires the entire system to take into account the will and preference of the person, so to really try and ascertain the will and preference of the client. OPA has managed a 27 per cent increase in investigations over the last two years, and it has used that funding to support it in managing that increasing demand. The other key service that OPA provides that that funding has gone to is the Independent Third Person program. So this funding supports OPA's Independent Third Person program, which is a critical program that supports suspects, victims and witnesses of all ages who have a cognitive impairment, such as an intellectual disability, mental illness or acquired brain injury, in police interviews. It operates 24/7. It is a volunteer service, with trained support and assistance. During the year 2019–20, 183 ITPs attended 3718 interviews, assisting 2689 clients with their interviews.

**The CHAIR:** Thank you. The member's time has expired, so I will pass the call to Ms Bridget Vallence, MP.

**Ms VALLENCE:** Thank you, Chair. Thank you, Secretary and team. Secretary, of the 194 performance measures outlined in DJCS's 2019–20 annual report, 74 of those were not met—or less than 40 per cent. Can you explain this underperformance?

**Ms FALKINGHAM:** Sure, Ms Vallence. I would not refer to it as 'underperformance'. I would refer to it in many cases as the impact that COVID-19 has had on the department right across the board. So against the department's reported 180 quality, quantity and timeliness performance measures, 88 performance measures actually achieved or exceeded targets; 25 performance measures did not meet the targets, but were within the 5 per cent variance; and 65 performance measures did not meet the targets, with a greater variance of 5 per cent. In 2019 the department reported also against 15 output costs, and of these seven output costs were under budgeted and eight output costs were over budgeted.

So obviously, as I said, the impact of COVID-19 has been felt right across the board. Of the 65 performance measures that did not meet the targets, 49 of these measures were negatively impacted as a result of COVID-19. In total, 53 performance measures were impacted by the COVID-19 pandemic as follows. So 49 were negatively impacted as a result of the COVID-19 pandemic; two performance measures were positively impacted due to a redirection of resources to increase digital information and advice to consumers and community stakeholders during the pandemic; two performance measures related to prisoner numbers were also impacted by the COVID-19 restrictions—

**Ms VALLENCE:** So those restrictions came in quite late in the financial year. So from March and for those last few months of the financial year, you are saying that that is the reason for such a vast underperformance of these measures?

**Ms FALKINGHAM:** Again, I would not refer to it as a 'vast underperformance', but also you would imagine that data collected often happens in that last period of time, and so we have had, for example, a number of performance measures in Victoria Legal Aid unable to actually be collected as a result of the pandemic. We also had the bushfires impacting on the BP3 measures. So there were four performance measures that were negatively impacted by the 2020 bushfires due to postponement of campaigns, work or reallocation of resources. These four performance measures were also impacted by COVID-19. As you would imagine, we had to make decisions in regard to what the priorities of the department were, and in fact across the whole of government, and so we do not apologise for the fact that COVID-19 was the priority of the entire department, and making sure we kept the Victorian community safe was absolutely critical.

**Ms VALLENCE:** So looking at the prior annual reports, expenditure on executives and headcounts under you as Secretary have doubled to \$34 million on executives and from 70 to nearly 130 executives. So in that context, how do you explain failing to achieve? You cannot put it all down to COVID. How do you explain that with such a huge uplift, a nearly doubling of the cost and number of executives?

**Ms FALKINGHAM:** I think it is important to put it in context, Ms Vallence. So the number of machinery-of-government changes that took place and executives coming into the department, that number needs to be contextualised in relation to the important work that came into the department during that period. Four months is a really critical part of a financial year, and as I said, when we were faced with the challenge of the 2019–20

bushfires and the COVID-19 pandemic we absolutely made it of critical importance to get those measures right and to ensure that we were well responding to COVID. As I said earlier, the fact that we have managed to keep COVID out of the entire correctional and youth justice system is testament to the skill and expertise right across my executive in making sure we work with the Department of Health to follow the latest IPC advice to make sure we are doing everything. It is a particular commitment of our department, the safety and wellbeing of our workforce, so absolutely I make no apologies for prioritising that.

**Ms VALLENCE:** Okay, for that uplift in executives.

**Ms FALKINGHAM:** As a result of the machinery of government.

**Ms VALLENCE:** Perhaps to you, Commissioner Crisp. Back on 9 June the former chair of the CFA board, Mr Greg Smith, sought a letter of comfort essentially from the government in the view of the current and significant level of financial uncertainty about the CFA's long-term financial sustainability, and that was a quote of Mr Smith's. Was a letter of comfort provided to Mr Smith to support the CFA financially if they fell short?

**Mr CRISP:** I am not aware in fact whether that letter was provided or not. I would have to take that one on notice.

**Ms VALLENCE:** Take it on notice. And in terms of that, are there any financial sustainability concerns that you have for the CFA, or did you have any financial sustainability concerns for the CFA in the 2019–20 year and going forward?

**Mr CRISP:** As you are aware, Ms Vallenge, there has been significant work in fire services with the establishment of Fire Rescue Victoria, and the CFA now being a purely volunteer-only organisation. So there has been considerable work done in terms of budget for both those organisations, again with a view and a commitment to undertaking and developing a financial sustainability model for both those organisations. So that is work that is ongoing and will be subject to review or oversight by the implementation monitor.

**Ms VALLENCE:** Okay. The CFA's board meeting on 18 May, and I am referring to the minutes of that board meeting, talk about additional costs from the secondment agreement, service level agreements, tools of trade and section 103 arrangements requiring supplementation. What is the dollar value of this supplementation, and what is the nature of these costs?

**Mr CRISP:** I have not been exposed to the document or the material you are referring to, so again I would have to take that one on notice.

**Ms VALLENCE:** So do you not review the minutes of the board meetings?

**Mr CRISP:** No, I do not, Ms Vallenge.

**The CHAIR:** Ms Vallenge, I suggest that people have come prepared to answer questions relating to the 2019–20 budget papers.

**Ms VALLENCE:** Yes, and this was raised in May 2020 by the board, and it is specifically related to requiring supplemental costs. So if you could take that on notice.

**Mr CRISP:** Yes. I am not aware.

**Ms VALLENCE:** Yes, and also perhaps if that supplementation is anticipated in the subsequent financial year.

**The CHAIR:** Ms Vallenge, this is about the 2019–20 budget papers.

**Ms VALLENCE:** Yes.

**The CHAIR:** You cannot just continue to ask questions that go beyond the 2019–20 budget papers and assume that people are either prepared to answer them here or should answer them at all.

**Ms VALLENCE:** Yes, that is expressly related to the 2019–20 year in terms of those issues raised—the supplemental costs in May 2020.

**Mr CRISP:** And sorry, just to be clear so we get the right information to you: is the reference coming out of the board papers on the—

**Ms VALLENCE:** Yes, I am sure it will be in the transcript.

**The CHAIR:** No, no. I am just trying to get a sense for myself.

**Ms VALLENCE:** Budget paper 3—

**Mr MAAS:** On a point of order, Chair, I appreciate Mr Crisp’s willingness to provide what has been asked for, but really it does go beyond the scope of what this inquiry is. This is about—

*Members interjecting.*

**The CHAIR:** Mr Riordan and Ms Vallenge, you do not have the call. Mr Maas does.

**Mr MAAS:** It may well fall within—

**Mr D O’BRIEN:** What is his point of order? You need to actually say what the point of order is. You cannot just make a point of debate. Read the standing orders.

*Members interjecting.*

**The CHAIR:** Mr O’Brien, that is inappropriate. Mr Maas has not actually had a chance to articulate his point of order because members of the opposition are being so rude as to not allow him to complete it. If he could be given the chance, please.

**Mr MAAS:** It may well fall within the scope of a date range, but in terms of the actual financial performance outcomes it does not. Something that comes out of a board meeting in May which has no reference to a financial outcome cannot be a part of that scope. So that is the point of order—that it falls out of the scope of this inquiry.

**Mr RIORDAN:** I would have thought—

**The CHAIR:** Mr Riordan, you do not have the call.

**Mr MAAS:** We have been giving you a pretty wide berth today as well.

**The CHAIR:** Mr Riordan, would you like to make a contribution on the point of order?

**Mr RIORDAN:** Yes, I would. The point of order needs to be ruled out, Chair, because clearly the CFA running out of money in this particular given year is very pertinent to this inquiry.

**The CHAIR:** Okay. I will uphold the point of order. The question is outside of scope. I will remind the opposition that while we have been extremely lenient with some of the questioning that has taken place, they continue to go well and above and beyond. I would ask Ms Vallenge that if she has a question relevant to the performance outcomes of the 2019–20 budget, she should ask it and hopefully those opposite will have the capacity to answer it. If it is outside of the scope, then it should not be asked and it will not be answered.

**Ms VALLENCE:** Secretary, in the 2019–20 financial report the Victorian Ombudsman was allocated a \$2.3 million funding supplementation from the Treasurer’s advance—that is, excluding COVID activities. Did the Ombudsman have insufficient funds to operate?

**Ms FALKINGHAM:** Ms Vallenge, that is a question best directed to the Victorian Ombudsman. Obviously we all have to work within our own financial constraints. The Victorian Ombudsman was one of those issues that came to us through machinery-of-government changes in that period of time. Obviously the integrity agencies now have budget independence, so these questions are now best directed to the Department of

Treasury and Finance. I would like to just put on the record though that the CFA actually had a significant surplus in the 2019–20 financial year. I just do not think it warranted to be said that they are underfunded.

**Ms VALLENCE:** Chief Commissioner, for the Gobbo-Lawyer X royal commission, how much did you spend on legal representation for current and former police members for the year 2019–20?

**Chief Comm. PATTON:** It was all up—it is not broken down into legal costs, salaries for police involved, the 122 police we had involved in providing services—

**Ms VALLENCE:** Just the cost of legal representation. You can take it on notice if you do not have it available.

**The CHAIR:** Ms Vallence, I am just a little confused here as well. Could you please refer us to which performance outcome you are looking at in asking this question?

**Ms VALLENCE:** Yes. Well, the reference is the 2019–20 financial report at page 164.

**Chief Comm. PATTON:** So all up for that year we spent, if you are including costs of police and all of those things, \$41 million. All salaries for police and the breakdown of the actual legal costs contained within there—there are several different areas that have different legal costs which we can provide you with later. I can step through—

**Ms VALLENCE:** Yes, thank you. I am not referring to the salaries, I am referring to the cost of legal representation.

**Chief Comm. PATTON:** I can tell you now, if you like. There were Taskforce Landow in 2019–20, which is our responsive task force, that spent \$26 510 164.29; our intelligence and covert support area, which is also—

**Ms VALLENCE:** Is this on legal representation?

**Chief Comm. PATTON:** Yes. Our intelligence and covert support area also spent \$177 111. Landow again in respect to a separate area of that spent \$31 110. So they are the legal costs in total that we spent, but the total amount, taking into account everything else, was \$41 million.

**Ms VALLENCE:** Right. In the financial report it has got an extra \$64 million required from the Treasurer's advance for this royal commission. What was that money used for?

**Chief Comm. PATTON:** It would have been used for all that range of things. It would incorporate legal costs, it would incorporate—

**Ms VALLENCE:** Can we get a breakdown of that?

**Chief Comm. PATTON:** Yes. I do not have an issue with that all.

**Ms VALLENCE:** On notice, thank you. Secretary, Mr Radford, who I notice is not on the witness list today, has previously told this committee that WorkSafe is investigating DHHS, DELWP and DJPR in relation to hotel quarantine. Before there is any concern from Labor MPs, just to work out where that fits, what date were each of these investigations started?

**Ms FALKINGHAM:** Ms Vallence, they are questions best directed to the independent WorkSafe agency and to Mr Radford.

**Ms VALLENCE:** So you are not aware on what date those investigations were commenced?

**Ms FALKINGHAM:** No, and it would be inappropriate for me to know because they are an independent regulator and I have no role in the process of any of their investigations.

**Ms VALLENCE:** Can you comment on how many WorkSafe investigators were allocated to those investigations?

**Ms FALKINGHAM:** No, because I do not know specifically how many were actually allocated to each of those investigations.

**Ms VALLENCE:** And why is Mr Radford not a witness today?

**Ms FALKINGHAM:** As I have written to the Chair to explain, WorkSafe is an independent regulator, and if this committee would like to have Mr Radford and WorkSafe appear before the committee, then that request has to be made of Mr Radford and WorkSafe.

**Ms VALLENCE:** Okay.

**Mr D O'BRIEN:** He was here every other time.

**Ms VALLENCE:** Yes, that is right. He has always been here and his absence is rather notable today. Budget paper 3, page 286, Chief Commissioner Crisp, in relation to emergency management capability, has a total output cost of \$1.2 billion. In the 2019–20 year there was a substantial supplementary uplift of expenditure required by DJCS for both CFA and MFB, resulting in a \$375 million increase—or over a 30 per cent increase—over what was budgeted. How much of this additional incremental funding went towards increased employee expenses for MFB and CFA?

**Mr CRISP:** That was definitely one of the areas in relation to employee costs. I am not sure if Executive Director Jenni Rigby has got that data or I will just take that one on notice. I will take it on notice.

**Ms VALLENCE:** Are you taking it on notice? Okay, I will move on.

**Mr CRISP:** Jenni, have you got it?

**Ms RIGBY:** So you are just asking about what percentage or component of the increase was due to employee costs?

**Ms VALLENCE:** That is right, so the total output was \$1.2 billion. DJCS had to increase that by a large figure—\$375 million. How much of that went to employee expenses for MFB and CFA?

**Ms RIGBY:** In terms of the exact amount of that increase, I might need to take that on notice but I do know that there was a back payment made to the CFA dating back from 2016–17 for cumulative employee costs, so that would be a component of that increase for that period.

In terms of MFB—

**Ms VALLENCE:** On notice is fine. In the 2019–20 financial report, \$29 million was allocated from the Treasurer's advance for resource funding for MFB and CFA, again exclusive of COVID activities. What is the breakdown allocated to MFB and to CFA and what did this supplementation fund?

**Ms RIGBY:** From the \$29 million Treasurer's advance?

**Ms VALLENCE:** Yes, the Treasurer's advance.

**Ms RIGBY:** In order to give you the breakdown I would need to take that on notice.

**Ms VALLENCE:** Sure, okay. Secretary, in terms of the department questionnaire on page 8 concerning the initiative of reducing reoffending, what measures are being taken to address, I think, a real problem in terms of recidivism? Because it is increasing; we can see there that it is vastly exceeding the 2019–20 figure of 41 per cent. What measures are being taken to address that?

**Ms FALKINGHAM:** A whole range of measures, Ms Vallenge, and I will ask Commissioner Strong to respond to that in the first instance.

**The CHAIR:** Sorry, the member's time has expired. Just for clarity and for the record, I just remind Ms Vallenge and other members that the Secretary's letter and those of others were received by all members of the committee on Thursday the 18th, I believe. I will now pass the call to Ms Nina Taylor, MLC.

**Ms TAYLOR:** I refer you to page 90 of budget paper 3, which refers to the establishment of the Victorian NDIS worker screening service—obviously very, very important for people with a disability. Are you able to speak about how the NDIS worker screen will work and what funding was provided to establish it?

**Ms FALKINGHAM:** Thanks, Ms Taylor, for the question. I will just take a moment to find my notes, if that is okay. The nationally consistent national disability insurance scheme worker screening process commenced in Victoria on 1 February 2021. The NDIS worker screening will ensure that people who provide NDIS supports and services for a registered NDIS provider undergo a screening process. As you would be aware, Victoria transitioned to the NDIS in 2019. In Victoria transitional and phasing-in arrangements commenced on 1 July 2019, ensuring workers providing supports and services under the NDIS were subject to a screening process until the new worker screening scheme commenced. The *Worker Screening Act 2020*, which establishes worker screening for the NDIS, was passed by Victorian Parliament in October 2020 and commenced on 1 February 2021. The reforms in the Act leverage the requirements of the previous *Working with Children Act 2005*, providing the legislative and operational foundations upon which a single framework for worker screening has actually been developed. The Act provides flexible mechanisms that allow for additional worker screening checks to be included into the future.

Following the completion of a very thorough regulatory impact statement, a fee for the NDIS check was established at cost recovery to be \$111.4 million in 2020 and 2021 and valid for five years. We have had obviously the funding implications of that. The 2019–20 state budget provided output funding for the establishment costs for the new NDIS worker screening function, including legislative and operational development costs, so we had \$4.7 million in 2018–19 and \$6.1 million in 2019–20 overall, but the \$0.2 million was obviously through internal reprioritisation in that financial year. An additional asset funding allocation of \$1.5 million was announced for 2018–19, which was rephased for 2019–20. Additional funding will obviously be invested into the future for the working with children check and the NDIS check.

There are also a number of initiatives across the department to help assist with the transition to the NDIS which you might be interested in. Obviously the pandemic has again disrupted our previous approach to service delivery for people with disability in the justice system and created difficulty for them to actually facilitate an integrated service system response from our people. The Victorian government is working collaboratively with the commonwealth to respond to these challenges and improve the coordination and integration of support. A good example is the four NDIS justice liaison officers, which are now known as JLOs, and they are operating across all of Victoria's prisons and corrections systems. And Victoria continues to advocate to improve the performance of the NDIS by working with the commonwealth and states and territories to address issues at the interface between the NDIS and the justice system that it is really critical we get right.

**Ms TAYLOR:** Absolutely. Thank you. I would now like to move to crime prevention. Specifically, page 23 of the DJCS questionnaire raises some crime prevention initiatives for addressing the causes of crime. I note that it states that the department seeks to partner 'with community, business and sporting groups'. Are councils ever a partner in crime prevention projects? I would have thought yes, but anyway.

**Ms FALKINGHAM:** They most definitely are, and I might actually refer back to some of the earlier initiatives that I was speaking to, in particular the number of youth outreach programs that we had available to us in that period.

I might actually, if it is okay, take that question on notice. I have just lost my page.

**Ms TAYLOR:** Sure, yes. Do not worry. All good. So I understand that there is often a demand for projects that contribute to crime prevention through environmental design. Were any projects funded that were oriented toward this aim? Could you give an example?

**Ms FALKINGHAM:** Sure. I might actually invite Acting Deputy Secretary Craig Howard, who has responsibility for the crime prevention portfolio, to the table.

**Mr HOWARD:** Thank you again. Nearly all of the crime prevention activities have a council relationship. In terms of local government crime prevention activities, in 2019–20 the community crime prevention program delivered \$2.7 million to 19 local government projects—and graffiti prevention grant programs of \$455 000. And the second question?

**Ms TAYLOR:** Oh. Well, it was sort of more broadly what they cover. But graffiti is a big one, so that is good.

**Mr HOWARD:** Yes.

**Ms TAYLOR:** I was also wanting to learn a bit more about building safer communities, a program which was alluded to earlier. What opportunities are there for Victorian councils to be partners in this program?

**Mr HOWARD:** Yes, the building safer communities program, announced in November 2020, extends on from the previous crime prevention programs, and two of the streams directly relate to councils: stream 1, creating safer places, and stream 2, the Crime Prevention Innovation Fund.

**Ms TAYLOR:** Okay. Great. Thank you very much.

**Ms FALKINGHAM:** If it is okay, Ms Taylor, I have found my page number.

**Ms TAYLOR:** Oh! Here we go.

**Ms FALKINGHAM:** Obviously, as Mr Howard has pointed out, local government is represented on the steering committees of the 15 youth crime prevention grants, which have been funded right across the state to coordinate activity and link vulnerable people to the range of youth and other services delivered by council. In 2019 the department established a municipal crime prevention network to bring together Victorian local government staff who work in the important area of crime prevention, and it has been really important over the last few years to really build that relationship with local government through our partners obviously at MAV and in individual councils themselves. The network had the inaugural meeting back in August 2019 and an online meeting was held in May 2020 where research on perceptions of safety and crime in Victoria was presented to the group, which is now published on the government's crime prevention website. It is a really valuable source for councils to be able to utilise themselves in their own planning and practices, and I know that they are keen for us to keep working with them to be able to share best practice in terms of what is working. We obviously work really closely with our colleagues in DELWP around how we design out crime through a number of these initiatives, and obviously local government are deeply embedded in understanding the best approach to a number of these issues. We will continue to update that with more and more intelligence, and that New York partnership I was talking about earlier will be a really important contribution to the work with local government.

**Ms TAYLOR:** Excellent. Good. Now, moving on to page 282 of budget paper 3, and the range of performance measures attributed to the Victorian Equal Opportunity and Human Rights Commission, are you able to speak to us about the work that the VEOHRC has done in promoting human rights here in Victoria, particularly through their education and advice functions?

**Ms FALKINGHAM:** Thank you for the question. I might invite Deputy Secretary Anna Faithful to respond to that.

**Ms FAITHFULL:** Thank you for the question. No doubt I recall Mr Limbrick asking about the impact that COVID had on VEOHRC's education advice functions, and certainly there was an impact in the first few months as they transitioned their staff to working from home and also in terms of the organisations that would normally access the education services that VEOHRC provides as they themselves also adapted to working from home. But VEOHRC went through a process of immediately adapting a lot of its education services to be provided remotely, so it adapted content and delivery for live sessions via MS Teams and Zoom and also developed up a range of e-learning modules on the charter of human rights and adapted content and delivered eight general enrolment education programs and five tailored education programs. It ultimately delivered 251 public education consultancy sessions during the 2019–2020 financial year. During the second lockdown, between July and October 2020, the commission delivered 75 education sessions. Twenty per cent of those sessions were for communities experiencing racism during COVID-19. More than 30 per cent were sessions for Victorian public authorities on how to apply the charter of human rights. Forty per cent of sessions related to equality in the workplace, which was another emerging issue as a result of COVID-19 and those changing workplace environments. Then sessions also included community education for rights holders, particularly advocates, such as union delegations and disability advocates, and then there were also public webinars held on laws and dispute resolution services.

**Ms TAYLOR:** Thank you. You mentioned racism, and I do not think anyone will be surprised here to know that there was a rise in racism towards Asian Australians. So when you were talking about education, is that what you were referring to in terms of how that has been addressed by the VEOHRC? I am just interested to know how they tackled that.

**Ms FAITHFULL:** Yes. They have certainly seen an increase in inquiries to their advice line around experiences of racism as a result of COVID-19. In terms of the public information and education functions, they have provided information and advice on 6650 occasions and a dedicated information hub on the website as a result of emerging issues from the pandemic, including experiences of racism and rights in the workplace but also charter obligations. They experienced a large range of inquiries, particularly around, for instance, the wearing of masks and so on. What I can do, though, is take on notice and get you a breakdown of exactly the nature of the subject matter of each of those inquiries and the level of response too, particularly around the experience of racism.

**Ms TAYLOR:** Thank you. I am going to move to the subject of Aboriginal justice. I note on page 280 of budget paper 3 the reference to Aboriginal justice initiatives. Can you tell me about recent reforms and policies the government has undertaken to improve Aboriginal justice outcomes?

**Ms FALKINGHAM:** Thanks, Ms Taylor, for your question. As you would be aware, a really strong objective of the department is our commitment to better outcomes for Aboriginal people across the justice system. We have had a clear message from the Victorian Aboriginal community, particularly as part of the Aboriginal justice agreement for the commitment to self-determination—and not self-determination in a tokenistic way, self-determination that really gets to the heart of decisions and processes in government and gives Aboriginal people a genuine voice and seat at the table. We are committed to self-determination right across the justice system, as I know our colleagues in Victoria Police and the Victorian courts are as well. We have been pursuing an Aboriginal self-determination policy that responds to the long-held aspiration that the Aboriginal community holds because we know that it actually makes a difference to outcomes. We know that when Aboriginal people are at the table and making decisions for their own community we get better outcomes in the justice system and outcomes that are sustainable as well—that communities feel strengthened by the empowerment and also that they have decision-making in regard to how to ensure that particularly, for example, young people are welcomed back into the community, are provided with stable, secure employment and have a connection to country and to culture.

Some of the actions we have completed so far out of the Aboriginal justice agreement—and I hate saying how we have completed them, because we do not complete anything on our own in this space in the Department of Justice and Community Safety; they are genuine partnerships—include the resumption of the Koori family violence and victim support program within the Magistrates Court, now known as Umalek Balit; legislation introduced to clarify that relevant historical care and protection orders made by the courts under historical children's welfare legislation are not to be treated as convictions or findings of guilt; a formal apology that acknowledges how historical reporting practices for children removed from their homes affected care leavers; and as we have obviously discussed previously, the 2018 budget also included \$40 million to implement Burra Lotjpa Dunguludja, the largest commitment to the Aboriginal justice agreement since 2006. As at the end of 2020 most of those actions are in progress—75 of those actions, or almost 78 per cent, have now been completed and just two actions are not yet started.

We obviously remain committed to a whole range of other justice reforms this year, most notably the passage through the Parliament of the public drunkenness legislation that we are now working towards implementing really strongly with the Day family, and we have a whole range of architecture in place to ensure that our pilot programs go really well this year. There is obviously the further work on the spent convictions scheme, which really has had long-term advocacy from the Aboriginal caucus, and we work really strongly with them on a whole range of other things. I know a priority for us has also been about the connection that Aboriginal young people have within our justice system, and the Commissioner might be able to speak to some of those initiatives underway within the youth justice system.

**Ms HENDERSON:** Thank you. What I would like to say is under the strong leadership of Ms Paula Murray, the director of our youth justice custodial services—I will just read this out, because it is a very important point for us all—between 2016–17 and 2019–20 the average daily number of Aboriginal children aged 10 to 17 in youth justice has reduced by 40 per cent. This includes a 25 per cent reduction in the year



2019–20 compared to the previous year from 108 children down to 81 children. We are ahead of our Aboriginal justice agreement target, which is to reduce the average daily number of Aboriginal young children from 10 to 17 under youth justice supervision by at least 43.

What that means is we are now tracking—there were 81 Aboriginal children aged 10 to 17 under youth justice supervision on an average day of 2019–20. The numbers are not large, but they are profoundly important, and we are doing that in collaboration with community, with elders, a raft of programs in relation to cultural strengthening, and employing a significant team of well-qualified and excellent Aboriginal staff to work with our Aboriginal children, including disability case planning. So the reforms in youth justice for Aboriginal children are significant, and they are led by a fantastic Aboriginal leader, Ms Paula Murray, and we should all be very proud of that.

**Ms TAYLOR:** That is good to hear. Thanks very much.

**The CHAIR:** Thank you, Ms Taylor. Just again for the record: I am sorry, Secretary, but I have just pulled up the letter—to be fair to Ms Vallence. The letter that you sent to us refers to CQV, BRB and CSV, not WorkSafe.

**Ms FALKINGHAM:** Sorry.

**The CHAIR:** That is okay. The fact remains that if the opposition were unhappy with the witness list, they had the opportunity on reviewing the agenda to make additional requests. On that note, that concludes the time we have available for—

**Ms VALLENCE:** The agenda comes out 24 hours before.

**The CHAIR:** Sorry, Ms Vallence, you do not have the call, but the agenda papers were circulated several days in advance of the meeting. They were certainly circulated last week.

I will declare this session adjourned. We will of course ask that you follow up on any questions taken on notice in writing, and responses are required within five working days of the committee's request. The committee will now take a break before resuming consideration at 1.30 pm. Thank you all for your time.

**Witnesses withdrew.**