

# VERIFIED VERSION

## PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

### Inquiry into Budget Estimates 2016–17

Melbourne — 17 May 2016

#### Members

Mr Danny Pearson — Chair

Ms Sue Pennicuik

Mr David Morris — Deputy Chair

Ms Harriet Shing

Dr Rachel Carling-Jenkins

Mr Tim Smith

Mr Steve Dimopoulos

Ms Vicki Ward

Mr Danny O'Brien

#### Staff

Acting Executive Officer: Leah Brohm

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#### Witnesses

Mr Martin Pakula, Attorney-General,

Mr Greg Wilson, Secretary,

Ms Marisa De Cicco, Deputy Secretary, Criminal Justice,

Mr Donald Speagle, Deputy Secretary, Civil Justice, and

Mr Shaun Condon, Chief Finance Officer, Department of Justice and Regulation; and

Mr Kerry Osborne, Chief Executive Officer, Court Services Victoria.

**The CHAIR** — Before I commence, I would like to acknowledge that today is the international day against homophobia and transphobia.

I declare open the public hearings for the Public Accounts and Estimates Committee inquiry into the 2016–17 budget estimates. All mobile telephones should now be turned to silent.

I would like to welcome the Attorney-General, the Honourable Martin Pakula; Mr Greg Wilson, Secretary, Department of Justice and Regulation; Ms Marisa De Cicco, Deputy Secretary, Criminal Justice; Mr Donald Speagle, Deputy Secretary, Civil Justice; and witnesses in the gallery, Shaun Condon, Chief Finance Officer; and Kerry Osborne, Chief Executive Officer, Court Services Victoria.

All evidence is taken by this committee under the provisions of the Parliamentary Committees Act, attracts parliamentary privilege and is protected from judicial review. Comments made outside the hearing, including on social media, are not afforded such privilege. Witnesses will not be sworn but are requested to answer all questions succinctly, accurately and truthfully. Witnesses found to be giving false or misleading evidence may be in contempt of Parliament and subject to penalty.

Questions from the committee will be asked on a group basis, meaning that specific time has been allocated to members of the government, opposition and crossbench to ask a series of questions in a set amount of time before moving onto the next group. I will advise witnesses who will be asking questions at each segment.

All evidence given today is being recorded by Hansard, and you will be provided with proof versions of the transcript for verification as soon as available. Verified transcripts, presentations and handouts will be placed on the committee's website as soon as possible.

All written communication to witnesses must be provided via officers of the PAEC secretariat. Members of the public gallery cannot participate in the committee's proceedings in any way. You cannot photograph, audio record or videorecord any part of these proceedings. Members of the media must remain focused only on the person speaking. Any filming and recording must cease immediately at the completion of the hearing.

I now invite the witness to make a very brief opening statement of no more than 10 minute. This will be followed by questions from the committee.

### **Visual presentation.**

**Mr PAKULA** — Thank you, Chair. And can I say what a pleasure it is to be before the committee.

**Ms SHING** — You are not the only one.

**Mr PAKULA** — This is my — I cannot believe I am saying this — 10th PAEC in a row, either as a witness or a member of this committee, so that must be some cause for celebration. I will be brief with the presentation.

You will see that the first slide talks about the published output costs by ministerial portfolio. The Attorney-General's portfolio has \$577.2 million in funding, made up of 434-odd million for Attorney-General and 142.8 for infringements and warrants. And the courts budget for 2016–17 is \$487 million.

Moving onto this year's initiatives. In the family violence area, Chair, there is \$23.9 million as a down payment effectively to strengthen the justice system's response to family violence; \$4.6 million for legal assistance to legal aid and the CLCs; \$4 million to begin delivering on the recommendations of the royal commission on court reform and to develop innovative justice approaches; \$11.3 million for perpetrator accountability — 8.3 of that to DHHS to lead a review of men's behaviour change programs, 3 million to Corrections Victoria; and another \$4 million in other portfolios within justice.

Onto other budget initiatives, importantly \$58 million to implement a statewide court safety and security model, and that comes out of the court safety review that we talked about in these hearings last year; just under \$10 million over three years to the Coroners Court to fund new contracts for the sustainable transport of deceased persons, and again that is going to be an important change for the Coroners Court; 4 million over four years for a sustainable delivery model for VCAT; and \$1 million to start planning for an integrated case management capability for some of our courts.

There is also more support for specialist Koori family violence interventions and diversion; \$32 million over four years for the expansion of the Drug Court of Victoria, as part of the *Ice Action Plan* — I think the Drug Court has been supported by governments across the political spectrum since it was implemented by the former Bracks government, and it has been a very successful model, and the expansion of the Drug Court to a metropolitan Melbourne location, I think, will be a great initiative; and more funding for JobWatch to continue its work over the next 12 months.

I will briefly just talk about some of the things that have occurred since we were last together. We have had the expungement of the historical homosexual convictions scheme actually come into effect, and a number of convictions have now been expunged. There has been further legislative reform in the *Betrayal of Trust* response as well as a consultation paper on redress, which has gone out and come back. There has been some frustration in that process due to the intervention of the commonwealth, which I am happy to talk about if anybody asks.

In terms of legal assistance, we have entered into a five-year national partnership agreement on legal assistance services. There have been grant funds rolled out. We have supported the online *Law Handbook*, as I say, supported JobWatch. There has been the Terrorism (Community Protection) Amendment Act, which has been introduced, and we have responded to the law reform commission report on medicinal cannabis. I know you have had both Ministers Hennessy and Pulford already. I am sure you have talked about that with them.

We have tabled the independent review of the Charter of Human Rights and Responsibilities, which had, as I recall, I think 52 recommendations. We have commenced the access to justice review, which will report in August. The Judicial Entitlements Act and the Judicial Commission of Victoria Act have passed. We have made amendments to the Relationships Act and repealed section 19A of the Crimes Act in regard to AIDS law reform. We have implemented the new government legal services panel, which, again, I am happy to expand on if I am asked — but a record pro bono commitment from those firms on the legal services panel.

We have commenced the rollout of videoconferencing facilities that we funded in last year's budget. The new Broadmeadows Children's Court was opened in October 2015. We committed to increasing diversity in judicial appointments without in any respect or at any time diluting the absolute quality of the bench. We have appointed the first Asian-Australian magistrate and the first woman Muslim magistrate quite recently — someone who I think will be a role model for her community — and we have appointed 50 per cent of women to the judiciary and VCAT since we have been in office.

We have started the redevelopment at Shepparton law courts. Again, credit where it is due, that is a project that received funding under the former government, but the work has now commenced. We have, as members know, commenced the implementation of the Royal Commission into Family Violence. We will soon respond to the Sentencing Advisory Council report on sentencing guidance, and we have indicated that we will legislate to ensure that the availability of community corrections orders is more consistent with community expectations. There is more to do on *Betrayal of Trust*; and there is obviously a great deal of work to do to implement fines reforms, particularly given some of the IT challenges that we have had.

As I said, the access to justice review will report in a few months from now, and I think, in terms of providing better access to justice for people right across the community, there will be, I hope, some important recommendations emanating from that. We will also be continuing to implement the equality agenda. We have had many, many issues raised with us about discrimination in regard to birth certificates for transgender people, but we also, as members would recall, went to the election with a commitment about the Equal Opportunity Act and the reinstatement of the inherent requirements test that was repealed by the former government before it even came into effect, so that commitment remains an extant one. As I have indicated, we need to respond to the report on the charter, and that will be happening in due course as well.

Finally, in regard to the slides, we have obviously got a degree of work to do in regard to implementing stage 2 of the *Ice Action Plan*, particularly the expansion of the Drug Court. We have got the initiatives to improve sustainability and access to justice, which we have funded, and in terms of the interests of this committee, the performance management framework is very important. You work to what you measure, and the International Framework for Court Excellence is being implemented and applied by Court Services Victoria, so that will be work that is ongoing over the coming year; and of course the court safety and security works, which are funded in this budget, both in terms of personnel and physical works, will be an ongoing area of focus throughout this

year but throughout the forward estimates period more generally. With those words, Chair, I will conclude the presentation and I am happy to take questions.

**The CHAIR** — Thank you. Ms Ward until 9.23 a.m.

**Ms WARD** — Good morning, everyone. It is lovely to see you on a nice Tuesday morning. Minister, we have got a few things to get through with you this morning, so I hope you persevere with us. The first thing I would like to do is to direct you to budget paper 3, page 114, and in particular 115, which refers to court safety and security, and the money that is allocated there. Could you please explore this with me and give us an update on how this is going to be used and what is being funded under this initiative?

**Mr PAKULA** — Thank you, Ms Ward. You will note that 114 is output and 115 is asset. So that is a demonstration of the fact that there is both physical infrastructure work, which is the asset initiative, but there is also quite a degree of output in regard to court safety and security. So the full allocation is \$58.1 million in the 16–17 budget. That will provide 70 new court security officers at 40 courts. At many of our courts, in particular the Magistrates Court, there is no formal security presence in place. So that is to ensure that there is appropriate incident response, de-escalation procedures, to maintain a safe and secure environment. There will be the installation of entry screening equipment at over 40 courts, so that is metal detectors, wands and the like, and that is obviously important in ensuring that illegal weaponry cannot be brought into the courts.

There will be upgrades in physical terms to 16 courts. That will include separate waiting areas, registry, counter upgrades, private interview rooms, and I have already announced upgrades at Kyneton, at Colac, at Seymour and at Echuca. So I think a very important part of this is that this investment is not Melbourne-centric; it is being spread right across the state, and I can say from the places I have been to, the investment is enormously appreciated. At Kyneton, I was there with Mary-Anne Thomas a few weeks ago, announcing \$1.2 million. The groups that use the court, particularly the women's domestic violence groups, were enormously appreciative and very, very happy that that work is finally being done. Likewise, at Echuca, where there have been significant problems, given that the council and the court occupy effectively the same building with a single entry area for both council matters and court matters, the physical works there are an example of, I think, something that will make a real difference to people who use that courthouse.

**Ms SHING** — How does that fit with implementation of the recommendations of the family violence royal commission? As you would be aware — and as everyone I think in this room is aware — one of the discussion points is the set of recommendations related to changes to physical environments in the administration of justice process.

**Mr PAKULA** — The Royal Commission into Family Violence made 227 recommendations. Recommendation 70 was specifically geared towards physical space, and it made recommendations in regard to safe waiting areas, interview rooms, appropriate security staff and equipment for victims of family violence. So, as you correctly point out, it is a budget initiative which is directly on point with that recommendation. Whilst we are not talking about physical infrastructure upgrades to every court in Victoria, we are talking about a substantial investment, which at a number of courthouses means that victims of family violence and perpetrators can be kept separate from one another. That is one initiative. Obviously the initiative that we announced last year in regard to increased use of videoconferencing will also lend itself to assisting with that recommendation. So in terms of creating a more secure environment — security guards, metal detectors, security wands, separate registries, separate interview spaces, separate waiting rooms — all of those things help acquit the government's response to that recommendation.

**Ms SHING** — So we have got those sorts of bricks and mortar initiatives that have been identified. You outlined in your opening remarks 70 new security officers at 40 courts with 16 courts to be upgraded, and you named a number of regional courts. As for the priority courts that have been chosen for upgrades, how were those particular courts identified?

**Mr PAKULA** — It is a good question. You might recall last year when we were here there was an investment in the 15–16 budget of \$80 000 to CSV for a court safety review, effectively. So that work was done. They did an audit, and as a consequence of that audit CSV set the priorities in regard to which courts were most in need of physical infrastructure upgrades. I think that was an important process to this extent: the former government set up CSV for this very purpose — for the purpose of having some autonomy in regard to the management of the court system and in regard to decisions about infrastructure and funding. So it is the

government's role to determine the envelope and to provide a funding envelope, but CSV have been absolutely at the forefront of determining what the actual priorities are in regard to physical infrastructure upgrades as a consequence of that audit that they carried out.

**Ms SHING** — And in relation to court security officers, which were one of the components of increasing an environment of security in and around court precincts, can you talk to us a little bit about the investment of court security officers at regional and rural courts and how they will interact with existing frontline police resources and when they are going to be deployed?

**Mr PAKULA** — Yes. At a number of existing regional court facilities, because there are no dedicated security officers in many circumstances, Victoria Police end up doing that job.

**Ms SHING** — And not other things.

**Mr PAKULA** — And not other things. So in some respects it is not dissimilar to the investment in custody officers about freeing police officers up. Currently police officers provide court security on sitting days. Obviously these Magistrates Courts do not sit every day, but on sitting days at Magistrates Courts around the state you will find Victoria Police providing security where there is no dedicated security presence. Whether Victoria Police as a consequence of the deployment of dedicated security officers then choose to deploy police for other purposes is obviously a matter for them, but what this investment will do in many circumstances is create the ability, at least, for station heads to deploy their officers to do other things rather than stand guard at courthouses when courts are in session.

So, as I indicated in my initial comments, we are talking about 70 new court security officers at 40 courts where there is currently no formal security presence in place. That is a substantial change and a substantial investment, and it will mean that Victoria Police are freed up to do other things.

**Ms SHING** — So is it fair then to conclude that police will be given a greater degree of operational discretion as to deployment as a result of this initiative?

**Mr PAKULA** — I think logically, Ms Shing, if they are not needed to stand in front of or inside a courthouse, then they are free to do other, and you might say, more — —

**Ms SHING** — Frontline activities.

**Mr PAKULA** — They are able to be deployed more efficiently, and they will be able to be either in the station or on the beat in many of these regional locations, because the security job is more appropriately done by dedicated security staff, and that is what they will be able to do.

**Ms WARD** — Attorney-General, I just want to delve a little bit into the Royal Commission into Family Violence. Last year I went to the law courts with the Minister for the Prevention of Family Violence and had a look at how the Magistrates Court is conducted, and while it was sympathetic I can understand why there were a number of recommendations around improving the experience for those who have experienced domestic violence within the courts. Recommendation 70 talks about courts providing safe waiting areas and interview rooms, and you referred to that in your presentation. Can you please expand on this a bit further and tell us exactly how you are going to be responding to recommendation 70?

**Mr PAKULA** — As I said, in many respects the design work is to be carried out. It is probably best described by giving you an example. So the best example at this point is probably Kyneton. I do not know how many members of the committee have been to the Kyneton courthouse, but it is an old bluestone heritage building with one entry. It is just a room. And then out the back you have got some old disused offices and a police station next door. It is close to being not fit for purpose.

What the money that is being provided by the government in regard to this will allow to be done will be the creation of separate interview spaces, separate waiting rooms and a secure registry counter, but also better access from the police station into the courthouse for the transportation of prisoners. In every respect, whether it is the work of Victoria Police, whether it is for the victims of domestic violence, those appearing as witnesses or the court security staff themselves, it will be a much better and a much more appropriate operating environment as a consequence of the physical works that are going to be carried out at the courthouse as a consequence of this money that is being provided.

**Ms WARD** — And what is the process around thinking through this? I understand you will be consulting with designers, but what other stakeholders have been consulted with in terms of making sure that the right fit-out is made?

**Mr PAKULA** — The users of the courthouse, Ms Ward. The people that are closest to this are the people that use the court every week, and so they have made it known — whether we are talking about Echuca or we are talking about Kyneton or we are talking about Colac — what their concerns are, what their requirements are in terms of rectification work, and CSV will be working closely with those organisations and individuals to ensure that the design is as sympathetic and as fit for purpose as can possibly be the case.

**Mr MORRIS** — If I can refer to budget paper 3, page 264, which is the output summary for the department, and in particular the output, ‘Enforcing and managing correctional orders’, I am just wondering if there has been any accounting in the budget, given that the changes that were made to legalise breaches of bail by under 18s, whether there will be an increase in the number of persons who breach bail and therefore are facing remand?

**Mr PAKULA** — Sorry, which is the output you are specifically referring to — ‘Community based offender supervision’?

**Mr MORRIS** — I am looking at ‘Enforcing and managing correctional orders’.

**Mr PAKULA** — Yes. Both of those.

**Mr MORRIS** — As you know, we are not privy to the details and that, so if that is not the right output, I would be obliged — —

**Mr PAKULA** — No, that is fine. So you are asking me whether those numbers have been influenced by — —

**Mr MORRIS** — Yes.

**Mr PAKULA** — No. Mr Morris, you made some contentions in your question which I think I should take issue with. We have been through this on a number of occasions, but let me go through it again. The president of the Children’s Court, as he then was, Mr Couzens, who is now the chairman of the adult parole board — and, by the way, he was your government’s appointment as president of the Children’s Court; this is not someone that you would normally deride as being a sort of leftie lovey or anything of that nature — wrote to our government back in March 2015 and again in May 2015, and all of this was countenanced in the debate before the Parliament. He raised some genuine concerns about the operation of the Bail Act as it was amended by the 2013 bill, and he indicated — and I will not take up a lot of your time, Mr Morris — a couple of things. One was that:

The Bail Act, in stark contrast to the Children, Youth and Families Act and the Sentencing Act 1991 does not distinguish between children and young people on the one hand and adults on the other. Thus, for example, a 12-year-old charged with a breach of a conduct condition is in the same position as a 52-year-old charged with the same offence. Both must show cause if they are to be re-bailed. In my view, this is a most undesirable situation and totally inconsistent with a fundamental aim of trying to avoid, as far as practicable, children and young people being detained whether on remand or by way of disposition.

He also went on in May to describe statistics about the Melbourne Youth Justice Centre as being:

... a damning indictment on the present situation and strongly support the need for reform.

So we made some changes, as you know, Mr Morris, but none of those changes prevent in any way a person who has breached a conduct condition or committed an indictable offence while on bail from being re-remanded in custody.

**Mr MORRIS** — That was actually my question: whether you expect an increase in numbers as a result.

**Mr PAKULA** — An increase in numbers of what?

**Mr MORRIS** — Breaches of bail and therefore increases in remand.

**Ms SHING** — Again you are being invited to speculate there, Attorney.

**Mr PAKULA** — It does not correlate that a change to the conditions would lead to an increased number of breaches. What it would lead to is potentially a different treatment of that. So, for instance, Victoria Police, as you indicated, may not charge a young person with a breach of conduct condition but could still detain an individual and bring them before the court and seek to have their bail revoked. So the change of the provision does not in any way necessitate a change in behaviour.

**Mr MORRIS** — Thanks, Minister. As you know, last week you indicated, I think in the Parliament, that the police had supported the changes, and then it is reported in the media that you indicated that you had heard a slightly different view and you would go back and speak to the police again. Are you actually going to genuinely consider the repeal of some of these provisions?

**Mr PAKULA** — It is a reasonable question. I think it is important. This was, as you say, canvassed in the house, and I think it is important to put some things on the record. When we introduce a bill of this nature, a bill that would affect Victoria Police in any way — a sentencing change, a bail change — of course we negotiate and consult with Victoria Police, and we did on this occasion. Victoria Police will often, and did in this case, ask for changes to be made, ask for things to be inserted, ask for things to be taken out, and we endeavour as far as we can to accommodate the views and the requests of Victoria Police. Now it is not always possible to accommodate every request of Victoria Police in every bill, and in a civil society that is the way it ought to be, but on this occasion can I say the bill that went before the house was a bill which was introduced with the agreement or — let me be absolutely accurate with language — with the acceptance of Victoria Police.

Now, I noted that Victoria Police issued a statement on 3 May, saying as follows:

Consistent with usual practice, there were a number of consultations between Victoria Police and the Department of Justice and Regulation on the proposed amendments to the Bail Act. A number of issues raised by Victoria Police were accepted by the Government and are now contained in, or were removed from, the amending legislation. Given the significance of this bill and the inclusion of new provisions for terrorism related offences and serious offences to better protect the community, Victoria Police accepted the bill in the form introduced into Parliament.

That was their statement. Having said that, I then, at the back door, indicated that of course, if the chief commissioner had some concerns, then I would be happy to meet with him and to discuss those concerns and see if there are ways that those concerns can be allayed. I have met with the chief commissioner. We met last Thursday. It was an exceptionally constructive conversation, and I would describe there as being a reasonably strong commonality of view between the chief commissioner and me about the way forward. Obviously Victoria Police — —

**Mr MORRIS** — So is that going to result in changes?

**Mr PAKULA** — I would not want to pre-empt those conversations, Mr Morris, but can I say there was a degree of commonality about providing Victoria Police with the powers that Victoria Police needs. You should not assume that what Victoria Police wants is necessarily an absolute reversion to the way things were before this bill was passed by the Parliament. And I do not say this to be parochial at all, but one of the issues with the act as it was was that it treated a 17-year-old Apex member, who might have breached a conduct condition, and a 12-year-old Indigenous kid in Mr O'Brien's electorate, who might have missed an appointment because their mum and dad did not bring them in, exactly the same way.

It is very important that we do not throw the baby out with the bathwater in order to avoid this situation that was becoming a rapidly growing problem of a large number of children on remand, because I think even the chief commissioner has said in public before that one of the problems with putting lots of kids on remand is that that is where they learn many of their skills. Right? I am confident that we will find a way forward which will give the specific powers to Victoria Police that they need to deal with this very real problem that they are confronting.

**Mr MORRIS** — One would certainly hope if you can talk to the police that you will accept their views. Can I move on? In the second-reading speech I understand you indicated that the purpose of the changes was to lower the number of accused persons under 18 on remand. I was just wondering if you have received advice on the reduction that is expected to be achieved in the number of under-18s on remand as a result of the bail changes, and if so, what do you expect those numbers to be in June 2017?

**Mr PAKULA** — I am not in a position to provide the committee with specific numbers. I would simply again refer to the correspondence from the former president of the Children’s Court, where he talked about the substantial increase — —

**Mr MORRIS** — With respect, Attorney, you indicated in the second-reading speech that you anticipate a reduction. I think it is a reasonable question for this committee to ask what that reduction is going to be, or what you anticipate it to be.

**Mr PAKULA** — I accept, Mr Morris, that it is a reasonable question for the committee to ask, and I have already indicated that I am not in a position to provide you with a specific number.

**Mr MORRIS** — Can you indicate why that is the case?

**Mr PAKULA** — What I am happy to indicate is that I am happy to see if there is any more information that I can provide the committee with, and if there is, I will do so.

**Mr MORRIS** — That would be helpful.

**Dr CARLING-JENKINS** — Welcome, Attorney-General. It is nice to see you again on your 10th PAEC.

**Mr PAKULA** — It is nice to see you too.

**Ms SHING** — You get a free 11th appearance.

**Dr CARLING-JENKINS** — There is no long service leave — just saying. I would like to turn our attention to legal aid, which is something we spoke about in the committee last year, specifically around budget paper 3, page 273. We discussed in the committee last year, Attorney, if you remember, around Victoria Legal Aid continuing to persevere with limited resources and high demand, and we spoke about the new triage process that was being put in place to improve that efficiency and to help best use the limited resources, and I welcome that. I just wanted to acknowledge that I do remember that we talked about that. I would like to refer to some statements made by Stuart Clark from the Law Council of Australia. These were said more in reference to the commonwealth cuts, but I think they are still relevant. He said:

... the simple fact is that not funding legal aid is actually not economically sensible.

We believe that something like a \$1 invested in legal aid represents up to a \$6 return, in terms of economic savings through savings on healthcare costs, savings on people losing their jobs, people losing their homes.

...

Every time a person goes to court without legal representation, they’re at a real disadvantage.

It could be in the Family Court, it could be in a criminal court, it could be in a civil court. We know the fact people are going to court unrepresented is an absolute tragedy. It is, quite simply destroying lives.

End of quote. So then when we look at the statistics in the budget papers around outputs, I sense that there is a stretching of resources.

**Mr PAKULA** — Can you refer me to the page again?

**Dr CARLING-JENKINS** — Yes. Looking at the grants of legal assistance provided, we see that demand is in excess of the 15–16 target, and yet there is only a marginal revision of the target being made. So I just wonder if you can respond to community concerns about the adequacy, or perhaps inadequacy, of legal aid services here in Victoria. Page 273 — we are looking at a couple of items — —

**Mr PAKULA** — ‘Grants of legal assistance provided’?

**Dr CARLING-JENKINS** — Yes.

**Mr PAKULA** — The 2015–16 target was 34 900 and the expected outcome was 38 500. The 16–17 target is 35 000. I will make a couple of points. First of all — —



**Dr CARLING-JENKINS** — So we are looking at also ‘Legal advice and minor assistance for clients (VLA)’.

**Mr PAKULA** — Legal aid and minor assistance?

**Dr CARLING-JENKINS** — Yes, that as well. There are a number of lines there.

**Mr PAKULA** — There are a number of legal aid outputs that are probably worth noticing, Ms Carling-Jenkins. For instance, ‘Duty lawyer services’, where the target was 80 000 and the expected outcome is 85 700, there has been a substantial increase in the number of duty lawyer services provided. For ‘Grants of legal assistance’, the 14–15 actual was 34 681 and the 15–16 expected outcome is 38 500. So there are some areas of legal aid’s work where there are substantial increases in what is being done, and legal aid does move its resources around depending on that.

It is worth just indicating that in terms of both Victorian funding to legal aid and overall funding to legal aid, we are talking about more money being provided to them than they have ever had before. So to put it in some context for you, Ms Carling-Jenkins, in 11–12 the subtotal Victoria funding to legal aid was 72.8 million. It rose in our first budget to 88.1. The 16–17 estimate is 92.8, and the total VLA income, which was 174 million last year, will this year be around 180. The only reason we cannot be more definite than that is that the Public Purpose Fund statutory allocation has not yet been determined, but it was 28 last year. It will be that or slightly higher this year would be our expectation, so it will be around \$180 million.

It is also important to recognise that we provided \$2.1 million last year for family violence assistance and we have renewed that funding for the next 12 months in this budget, and that is on top of whatever we are providing to CLCs. So I understand Mr Clark’s comments, and I am also mindful of the fact that legal aid made a submission to the Access to Justice review, and they would like many, many millions of dollars more than they have. Every organisation in that situation would say likewise.

You are also right to point out that the commonwealth’s share of legal aid funding has dropped over a period of years from a historic 50-50 to a much smaller percentage. In fact I understand there is a rally this morning.

**Dr CARLING-JENKINS** — There is a rally right now.

**Ms Pennicuik** — Right now, in the street.

**Dr CARLING-JENKINS** — Yes, it is.

**Mr PAKULA** — It is talking about the deep cuts from successive federal governments, so I think there is a recognition in the sector that the state government has been doing its part but we do need the commonwealth to play a better role than they have.

**Dr CARLING-JENKINS** — For sure. So when you say it used to be 50-50, what is the split now with the commonwealth, which has flagged — as you have pointed out, and the rally is against — further cuts. What is the split now?

**Mr PAKULA** — The commonwealth through the national partnership agreement is putting in about \$48 million in 16–17, and the state is contributing just under 93. That is before you consider the Public Purpose Fund allocation, so the commonwealth’s total contribution to an overall budget of 180 million is somewhere around 50.

**Dr CARLING-JENKINS** — Right. It is quite a difference, isn’t it?

**Mr PAKULA** — It is.

**Dr CARLING-JENKINS** — Considering — and this is something that you did mention — the increase in family violence reporting that we will have flowing out from the whole-of-government focus on family violence, which I commend, there is going to be further strain on this system.

**Mr PAKULA** — There is no doubt. Whichever party wins the election on 2 July, right now we are in a position where funds for the community legal sector from the commonwealth drop off a cliff in next year’s

budget. Now I understand that the federal opposition has committed to reinstating that funding, but right now we have no commitment from Senator Brandis. Myself and other state and territory attorneys — despite the signing of the national partnership agreement, which we had no choice but to do, otherwise we would have received no funding for legal assistance at all — and all state and territory governments, I believe, will continue to lobby the commonwealth to ensure that that funding to the tune of about 30 per cent to CLCs next year does not drop off a cliff.

**Dr CARLING-JENKINS** — So a further 30 per cent?

**Mr PAKULA** — A 30 per cent drop for CLC funding from the commonwealth, due to come into effect next year. We will be seeking to have Senator Brandis undo that decision.

**Dr CARLING-JENKINS** — Thank you, Attorney.

**Mr DIMOPOULOS** — Good morning, Attorney.

**Mr PAKULA** — Good morning, Mr Dimopoulos.

**Mr DIMOPOULOS** — Good morning, officers at the table and in the gallery. I just wanted to ask you two specific questions around the Drug Court and then ask you to contain your answers within 3 minutes so we can move it along, not that you have been unnecessarily expansive, Attorney — you have been fantastic. In your opening remarks you talked about the Drug Court, and you were generous enough to say it has bipartisan support. That is true, but I also note it was a Bracks government initiative that I am deeply proud of. In terms of the 32 million in budget paper 3, page 23, under ‘Whole of government — ice action plan’, can you detail what exactly the expansion of the Drug Court will include.

**Mr PAKULA** — Thanks, Mr Dimopoulos. Sometimes I am overly generous. It was bipartisan eventually. Initially the former Liberal opposition opposed the Drug Court, I think as people know, but they had a Damascus road conversion and they came around. I would like to think they came around because they saw the results, and they saw the fact that the Drug Court was a great success. It was a success because what you found was that those people that went through drug treatment orders at Dandenong had a substantially reduced likelihood of recidivism than those who went through a more conventional approach.

The problem, though, with Dandenong has been that we are only able to put about 70 people a year through the Drug Court at Dandenong, through the drug treatment order program. It is an excellent program. Tony Parsons, the magistrate there, deserves an enormous amount of credit. He is a great enthusiast for the program, and I understand why. But it has been limited to 70 people, and it has been limited to people in and around the Dandenong area. What the expansion of the Drug Court to Melbourne will mean is that the catchment becomes substantially larger, but it means that the total number of people that can go through drug treatment orders in any year will grow from about 70 to about 240, so that is a substantial increase. In the interests of brevity, I will simply say it will be good for those people who go through the drug treatment orders, it will be good for justice and it will be good for the community more generally, because if these people are able to be freed from their addiction and are less likely to reoffend in the future, then that creates a safer environment for everybody.

**Mr DIMOPOULOS** — Thank you. You answered two questions in one there about the effectiveness and the growth in the funding. But I also note that there was a study done about the cost saving. Obviously there is a very human element and a safer community, but there are cost savings in relation to incarceration. Is that right?

**Mr PAKULA** — KPMG conducted an evaluation of the Drug Court back in 2014. Their findings were as follows. In the first year — so it is a two-year program, the drug treatment order — at the end of a year an offender on a DTO was 23 per cent less likely to reoffend, and after two years 29 per cent less likely to reoffend. So the longer you stay in the program, the more likely you are to be free of your addiction and to not reoffend. The estimate was that over a two-year period the drug treatment order program had resulted in 4492 fewer days of imprisonment at a saving of over \$1.2 million.

**Ms SHING** — Attorney, I might pick up from where Mr Dimopoulos left off. I would like to go back to family violence, if I may, and I will take you to budget paper 3, page 8, in relation to the output initiatives for family violence as they relate to implementation of the royal commission initiatives and preventative work in communities. What work is being done while the 10-year plan for family violence services is being developed?

Can I ask you also to specifically address initiatives to tackle family violence in remote and rural Aboriginal communities around Victoria, as well as changes that you referred to earlier in some of your more general answers around courts and processes and legal assistance funding. Sorry, there is a lot in that. I apologise.

**Mr PAKULA** — Thank you, Ms Shing. How long have I got, Chair? Until when?

**The CHAIR** — 9.52 a.m., Minister.

**Mr PAKULA** — 9.52 a.m. I did go through some of this in the presentation, but it was a \$572 million package that was announced by the Premier and the Minister for the Prevention of Family Violence. I think it was described at the time as being a down payment because we do have an implementation process and a 10-year plan that we will need to roll out, but there were some changes that could not wait. There was \$23.9 million in regard to justice responses, 4.6 of that in legal assistance to continue and expand specialist family violence services.

You may recall in last year's budget there was \$2.1 million given to legal aid for 12 months, so that will be continued for another 12 months. There was \$1.2 million given to CLCs for duty lawyer services, and there were 23 CLCs that made applications and received funding for that. That will be rolled over again for another 12 months, those duty lawyer services. That leaves \$1.3 million and we will open a grants round by application for CLCs for further family violence-related approaches — —

**Ms SHING** — Will it effectively extend the funding arrangements that have been previously made available in the earlier budget?

**Mr PAKULA** — No, 3.3 of the 4.6 extends, and 1.3 is for new programs in the next 12 months. There is another \$4 million to begin delivering the royal commission's recommendations on court reform —

**Ms SHING** — On top of the 4.6?

**Mr PAKULA** — Yes — and to develop innovative justice responses. As I said earlier, there is \$8.3 million for men's behaviour change programs, as recommended by the royal commission, and there is a range of other funding as well.

You asked about more remote communities. There is \$2.6 million over two years to support early intervention in Aboriginal communities in regards to family violence, and \$1.6 million over two years to support a Koori women's diversion program. If you have gone to any of the Aboriginal justice forums, as I have, this is a significant problem in remote communities.

**Ms SHING** — Yes. Thanks, Attorney. In relation to the way in which family violence legal assistance is made available from the commonwealth to the states and territories, do you think that Victoria receives a fair or commensurate share of funding within the pool that is available at that federal level?

**Mr PAKULA** — I think the short answer to your question, Ms Shing, is: no. In terms of legal assistance funding, you would not normally compare it to infrastructure funding, but there are some areas of commonality between the two. The area of commonality in regards to that is that we receive the lowest per capita share in the country in regards to legal assistance funding. I am not sure why that is. I think it is not reasonable and I would hope that both sides of politics would be asking the commonwealth to provide Victoria with its fair share of funding. But as it is right now we do not receive our fair share and I think that is something that the federal government ought to rectify. As I have indicated before, we have a — —

**Ms WARD** — Do you know what the shortfall is, Attorney-General?

**Mr PAKULA** — It would depend on how you calculate it, Ms Ward, but I could get the committee, if it likes, the per capita funding for each state and territory to demonstrate the fact that Victoria's share of commonwealth funding is lower than the other states and territories.

**Ms SHING** — Which leads into the answer you gave to Dr Carling-Jenkins earlier on the way in which funding was allocated.

**Mr PAKULA** — That is right. As I said, the commonwealth contribution to CLCs is not enormous; it is in the vicinity of \$9 million or \$10 million per annum. You would think that at that very low level it could be maintained —

**Ms SHING** — At the very least.

**Mr PAKULA** — but even at that very low level the commonwealth is intending to chop something like \$3 million from CLCs in 12 months time. This is not a bash Canberra exercise from my perspective; it is just about ensuring that Victoria gets its fair share. These services that are provided through CLCs and legal aid are very important. It is not just about providing access to justice for those people who are before the courts; it is about ensuring that the system runs properly and every time you have a person who is unrepresented before the court system, the likelihood is that you will have delays — —

**Ms WARD** — Do we know how much these delays are costing Victoria?

**Mr PAKULA** — Ms Ward, every adjournment, every delay, every time a case has to be adjourned because there is an absence of legal assistance causes costs — —

**The CHAIR** — Order! Mr O'Brien until 10.02 a.m.

**Mr D. O'BRIEN** — Attorney, budget paper 3, page 269, lists the average daily offenders with supervised court orders, and it shows that the projected increase is going to be about 3000 for 2016. That is 3000 offenders. On page 99 there is a comment about community correctional services:

This initiative will respond to growth in the number of offenders on orders, and to the breadth and complex nature of court order requirements.

So my question is: do these dramatic increases in numbers of offenders on court orders not confirm that the number of offenders found guilty of serious crimes — who before the Boulton decision would have been sentenced to prison, who are now going on CCOs — has dramatically increased?

**Mr PAKULA** — Thank you for the question, Mr O'Brien. I do not mind the opposition having a view about this, but I think it is important — —

**Mr D. O'BRIEN** — Thank you.

**Mr T. SMITH** — That is a relief. Thanks for that. We appreciate that.

**Ms SHING** — Mr Smith, that is not helpful.

**The CHAIR** — Order! Mr Smith!

**Mr PAKULA** — Fine, Mr Smith. I think it is important that we do not rewrite history either, and it is important that more significance is not accorded to Boulton than is warranted.

The community correction order regime was introduced by the former government by way of legislation in 2012, but what is often missed by members of the opposition in their commentary on this is that the use of community correction orders was deliberately expanded by legislation that was passed by the former government in late 2014 with our support. It was quite an open-eyed and deliberate decision of the former government to expand the use of CCOs by way of legislative reform just before the last election.

If you remember, Mr O'Brien, one of the things that that legislation did was it increased from three months to two years the court sentence that could be combined with a CCO. So before that legislation the maximum combined prison-CCO sentence was three months in jail with a CCO. Your government then expanded that to two years, and that obviously was designed — it is inarguable — to increase the flexibility and the types of circumstances with which CCOs could be used. Then what happened was there was the Boulton case. I have made reference to this in the past, but as I say, it is important that we do not rewrite history. The former attorney — not me; Mr Clark, the former attorney — made submissions to the Court of Appeal in that case, which said as follows, that the CCO regime:

... is intended to be available in serious cases where an offender may be at risk of receiving an immediate custodial sentence, but the court considers that immediate custody is not necessary to fulfil the statutory purposes of sentencing given the range of options provided by a CCO.

He went on to say that CCOs had:

... the robustness and flexibility to be imposed in a wide variety of circumstances.

So, you ask about the framing — —

**Mr D. O'BRIEN** — Thank you for that, Attorney.

**Mr PAKULA** — I am coming back to your question. You asked me about the funding.

**Mr D. O'BRIEN** — No, no. I did not actually. I did not even mention funding.

**Mr PAKULA** — Sorry; you referred to the funding and asked whether that was indicative of something.

**Mr D. O'BRIEN** — No, no. I asked whether the Boulton decision has actually increased the number of violent offenders who are getting these CCOs. My follow-up question, I guess, Attorney, is: you have given that answer, and I understand that. But is this something that concerns you, and why has it taken 16 months for the government to respond to Boulton, or are you saying it is not a problem?

**Mr PAKULA** — I have already indicated, Mr O'Brien, outside of this place that the government is working on ways to tighten up and refine your CCO regime.

**Mr D. O'BRIEN** — My question is: you have had 16 months; why have you waited so long?

**Mr PAKULA** — Mr O'Brien, I already indicated to you that you did not legislate for this once; you legislated for it twice, and the second bit of legislation was after four years. We have been in power for less than 18 months.

**Mr D. O'BRIEN** — Boulton was — —

**The CHAIR** — Order! Mr O'Brien, the attorney is answering your question.

**Mr PAKULA** — Mr O'Brien, I am happy to answer your question, but I will answer it fulsomely, and I will create a full and correct impression rather than a false impression. The increase in the use of CCOs that you see reflected in the budget papers is a result of a number of things. It is a result of your first act of Parliament, the second act of Parliament, Boulton to an extent, although Boulton has subsequently been constrained by decisions in *Hutchinson v. The Queen* and *McGrath v. The Queen*, so it is important to not create some bogeyman. It has been constrained by Court of Appeal decisions in other cases. But it was your first bit of legislation, your second bit of legislation, the fact that suspended sentences ended and that they have been in many respects replaced by community correction orders, to an extent Boulton as constrained by other Court of Appeal decisions, and the fact that when you introduced CCOs you did not fund community corrections officers, so of course we have had to.

So there are a range of factors in play, but the government does not want to do what the former government did, which is to legislate in haste and then create a whole series of unintended consequences, so we are doing it carefully, and we will do it soon.

**Mr D. O'BRIEN** — So will that legislation fully reverse Boulton?

**Mr PAKULA** — Mr O'Brien, I am not sure how well you understand the interaction between the Parliament and the Court of Appeal, but if you needed any greater instruction on that, you might want to apprise yourself of the Court of Appeal's decision in regards to baseline sentencing.

**Mr D. O'BRIEN** — I am not asking about baseline sentencing.

**Mr PAKULA** — What the former government did was create a CCO regime which has broad application. Many people — obviously yourself included, and to some extent myself as well — believe that there have been examples where CCOs have been applied where most people would imagine a custodial sentence would have

been more appropriate, and the government is working on ways that that CCO regime can better reflect community expectations.

**Mr D. O'BRIEN** — So that does not answer my question, Attorney-General.

**Mr PAKULA** — Well, it might not be the answer that you want, Mr O'Brien — —

**Mr D. O'BRIEN** — When can we expect it, Attorney? That is perhaps a better question. Give us some certainty on when it is coming.

**Mr PAKULA** — As I say, it took the former government four — —

**Mr D. O'BRIEN** — No, no. I do not want to know about the former government. Just tell me when we are going to get it. Are we going to get it next month? Later in the year?

### **Members interjecting.**

**The CHAIR** — Order!

**Mr D. O'BRIEN** — We do not need a history of the former government again. We have had that.

**Mr PAKULA** — I am simply making the point, Mr O'Brien, that it took the former government four years to get this wrong, and we will endeavour to rectify the errors which you now say exist in your legislative regime. But we will do it carefully, and we will do it as quickly as we can. At the same time as trying to rectify your CCO regime, we also need to do work on replacing your baseline sentencing regime, which got thrown out by the Court of Appeal, so there is plenty to do, Mr O'Brien.

**Mr D. O'BRIEN** — Attorney, on page 270, 'Average daily prison utilisation' — —

**Mr PAKULA** — Of which budget paper?

**Mr D. O'BRIEN** — BP3, so it is the next page from the one I just referred to. It refers to a target lower than the 2015 target for daily prison utilisation rates due to a stabilisation of prisoner numbers in 2015. Doesn't this just show that the bulk of decisions have actually led to more people on CCOs and therefore less people in prison?

**Mr PAKULA** — I do not think you can draw that conclusion at all, Mr O'Brien. Let me make two points about that: one is that I would hope that you put these questions to the corrections minister when he was before this committee because — —

**Mr D. O'BRIEN** — This is a question about the causes of imprisonment.

**Mr PAKULA** — Mr O'Brien, you are asking me to speculate about a BP measure — —

**The CHAIR** — Order! The time has expired. Ms Pennicuik until 10.10.

**Ms PENNICUIK** — Thank you, Chair. Good morning, Minister. Good morning, Mr Wilson and everyone else here from the department — those in the gallery as well as those at the table. If I could follow on a little bit from issues raised by Dr Carling-Jenkins and also by Ms Shing with regard to the family violence legal assistance — \$4.6 million, which is in budget paper 3, page 8. It was also in your presentation, and we have been discussing it. You did do a little bit of a breakdown there — 2.1 million for VLA, 1.2 for CLCs, for duty lawyers, and 1.3 for further grants for family violence.

In our discussions with the CLCs, they made the point that they are doing a bit more than just supplying duty lawyers — that they are a holistic service and at the front line, and they are in fact receiving large increases in casework for family violence. You would expect that with the royal commission and in general more awareness in the community of the issues, so they are attending CLCs. They have said to us that while there is a continuation, it is not enough for them to cope with what they already have. We have heard a bit about VLA, but in terms of CLCs, I wonder if you could comment on that and whether there is an intention to increase that. They are saying that they need at least \$4 million just to cover the casework that they have got now, and the 2.1, in terms of duty lawyers, is not dealing with the other services they provide.

**Mr PAKULA** — Thanks for the question, Ms Pennicuik, and I did not miss some of the post-budget commentary from the CLC sector. I saw Ms Atmore's tweets and blog and the like. One thing about the community legal centre sector is that they are vigorous advocates for the work that they do, as is absolutely appropriate for them to be. They hold the feet of government to the fire. They run some very important educative programs, and they represent a lot of disadvantaged people. I would say that unlike the other side of politics, we do not take umbrage at the fact that sometimes CLCs may run campaigns and the like against government policy, and I think that is their entitlement if that is what they wish to do.

In regard to their funding, I do not doubt that regardless of the funding we have provided, if we provided the CLCs with more funding, they could do more things. But unfortunately you cannot in a budget give every stakeholder every dollar that they would like. Yes, it is true to say that despite the fact that CLCs are receiving more funding from this government — I think I am right in saying — than they have ever received before, they would like more. In terms of the next budget year, the funding augmentation that I have referenced is the funding augmentation that the CLCs will receive.

So there are three things that I should mention. There was the \$2 million CLC fund that we announced in last year's budget, which we are one year into, so there is a second year of funding there. There is the duty lawyer service — the \$1.2 million duty lawyer service — that we funded in last year's budget that we are rolling over to 23 CLCs. And there is an additional \$1.3 million in grants available as a consequence of announcements in this budget.

Now, would they like more? Clearly the answer is yes. They have said that they would like more, but remember, this is a one-year funding envelope in advance of a longer 10-year implementation plan, and there will be plenty of opportunity between now and the next budget for the CLC sector to meet with me, the implementation group working on the family violence response, the Treasurer and others to make their case for further funding over that 10-year cycle.

**Ms PENNICUIK** — Thank you, Attorney. I hear what you are saying. Your point is that you are giving them the same as what they had last year this year. There may be something — —

**Mr PAKULA** — No, no. What I have indicated — let me be clear — is that last year there was a two-year grant round, which was designed to compensate for the federal government funding cuts, which in the end did not occur for that two-year period. The CLC sector in total received a million dollars for 15–16 and a million for 16–17 as a grant. They received an additional \$1.2 million for family violence duty lawyers, which we have rolled over for another year. So that is the rollover effectively. And then in addition to that there will be a new one-year grants round of \$1.3 million, which we will open soon, which CLCs will be able to apply for. So in total over 16–17 — unless someone wants to tell me I am wrong — they will be \$1.3 million ahead of where they are in 15–16.

**Ms PENNICUIK** — Thank you for that. I am sure they will be looking at the transcript with great interest as to your response there, because my original point was that, given the rise in family violence presentations towards them, you are saying what you have said but they are saying they are not coping with the case load that has increased. Anyway, I am happy to move on to another topic.

The other topic I wanted to raise with you was that in your presentation you mentioned the review of the human rights charter that was tabled last year, and its 52 recommendations, and I am just wondering if there is anything in the budget. I just wrote down your words there 'in due course', but is there anything in this budget now that reflects implementation of any of those recommendations?

**Mr PAKULA** — The majority of the recommendations do not require budget funding —

**Ms PENNICUIK** — Some do though.

**Mr PAKULA** — so you should not take from my answer that there is a wholesale rejection of the recommendations or anything of that nature. There are a few recommendations which would, to be implemented, require funding, and if you are pointing out to me that those recommendations which would appear to require funding do not appear to have received funding in this year's budget, you are correct.

**Ms PENNICUIK** — So perhaps you can elucidate on your 'in due course' plans.

**Mr PAKULA** — Well, no, I cannot. We will respond to the human rights charter review within — —

**The CHAIR** — Order! Mr Dimopoulos until 10.20 a.m.

**Ms PENNICUIK** — It has been seven months already.

**Mr DIMOPOULOS** — Attorney, can I ask you about the bureaucratically named initiative ‘Sustainable transport of deceased persons’, which leaves you in no doubt what the actual initiative is about, but I just wanted to — —

**The CHAIR** — Budget paper reference, Mr Dimopoulos?

**Mr DIMOPOULOS** — Sorry, BP3, page 114, under ‘Courts — Output initiatives’. It has been around for years. I remember this when I was in the department. It is a welcome initiative, but what problem is it trying to fix?

**Mr PAKULA** — Okay. It is something that probably created some surprise for me as well when I became attorney. The funding is to make the transport of deceased persons a sustainable service. It provides the Coroners Court with additional resources to operate the removal and transport of deceased persons in both metropolitan Melbourne and regional Victoria, and what it is going to allow the Coroners Court to do is to enter into and manage a more cost-effective, three-year contract with a private service provider than they have been able to do in the past. The court really needs to focus on sudden and unexpected deaths. They need to focus on assisting families of the deceased. If they are unable to enter into long-term contracts, and up till now the court has been effectively rolling over year-by-year arrangements with a funeral director — —

**Mr DIMOPOULOS** — Attorney, is that because of a lack of budget certainty into the forward estimates?

**Mr PAKULA** — In part that is right — they have not had a sufficient degree of certainty to enable them to enter into a longer term contract. It has meant escalating costs, it has meant the potential for delay in investigations, and giving the court the ability to enter into a longer term contract will give them some certainty but will save them a fair amount of money as well.

**Mr DIMOPOULOS** — Thanks, Attorney.

**Ms SHING** — Attorney, I would like to take you to VCAT in relation to page 114 of budget paper 3, so not moving on from the page that Mr Dimopoulos had identified. There is an allocation there of \$4 million over the next four years to create:

A modern and sustainable delivery model for the Victorian Civil and Administrative Tribunal —

to —

... improve the quality and efficiency of its administrative services to litigants through a number of digital and other service enhancements.

Can you tell us how that is going to operate, given the large number of lists and divisions that operate within VCAT, and how those customer services improvements will be realised under this investment?

**Mr PAKULA** — Thanks, Ms Shing. You are right when you describe VCAT as having a range of different divisions and lists. The management of that has always been quite a challenge for VCAT, and it is important that we are able to maintain VCAT as the low-cost, user-friendly, accessible service that it was designed to be. So we really want to improve customer service effectively for people using VCAT. The funding is primarily to allow the ongoing rollout of more accessible online services for people that use VCAT for everyday disputes — the introduction of new online forms. I have been meeting with the president of VCAT, Justice Garde, and they are very committed to this process of rolling out more accessible online application processes.

**Ms SHING** — Including in relation to residential tenancies disputes and matters within those particular parts of the list?

**Mr PAKULA** — The online forms, Ms Shing, are for objectors in planning and environment divisions — new e-lodgement services in planning and environment review and regulation, and legal practice divisions.



Online forms are already available in civil claims, owners corporation review and regulation, human rights and residential tenancies divisions.

The other thing about this investment which I think is important — and this might sound like a no-brainer, but it has not been the case up to this point — is a single phone number to VCAT for the — —

**Ms SHING** — Irrespective of which list you are looking for?

**Mr PAKULA** — Yes. So when you are making inquiries or seeking advice, at the moment there is not a single phone number that you can call and then be put through to the relevant list or division, so the creation of that single number and the consequent service delivery improvements that come from that will be part of this investment.

**Ms SHING** — Okay, thank you. So in relation to online dispute resolution in small claims more generally, how will this \$4 million investment assist with an expeditious, I suppose, attention to claims and resolution wherever possible of those claims?

**Mr PAKULA** — I think, to answer that question, I want to go back to the access to justice review, which I mentioned in the presentation, which is being conducted by the department, by Crown Counsel Melinda Richards, SC, and by Rachel Hunter, the former chair of Legal Aid Queensland; she was also the director-general of the justice department in Queensland. One of the review mechanisms, one of the review terms of reference, is how alternative dispute resolution mechanisms ought to be expanded.

We have an ADR centre here in Victoria, but not just in terms of access to justice for litigants but in terms of taking pressure off the court system more generally, it is important that we use ADR to the greatest extent possible, and the practices and procedures of VCAT, the jurisdiction of VCAT, will be an essential element of the response, I think, to that review because we need to make small claims as simple, as affordable and as efficient as possible. You will see, if you want to have a look at the RIS, which is out at the moment in regard to fees, VCAT is very much trying to tailor that towards ensuring ongoing low-cost access to justice for those that can least afford it and putting the burden of any rises on those at the other end of the scale.

**Ms SHING** — Victoria is not alone in that trend toward ADR and toward making those processes more accessible, is it? There appear to be global trends developing around better access to dispute resolution through ADR.

**Mr PAKULA** — Yes, there are, and particularly you will see in the southern Asian region, in Singapore and places like that, they are actively trying to set themselves up as hubs of alternative dispute resolution, and in Victoria — and this is a conversation that I have had not just with the chief justice but with the bar — there is a strong desire, in Victoria, for us to become a centre of excellence in regard to alternative dispute resolution, not just in regard to small claims at this point but in regard to large commercial matters as well, because that is legal work which our courts and our justice system, which are highly regarded and trusted by litigants around the region, could do very well from.

**Ms WARD** — Attorney-General, can I ask you please to have a look at budget paper 3, page 272, and the ‘Public prosecutions and legal assistance’ section? We have spoken a bit about legal aid, and I am particularly interested to know how legal aid is working with asylum seekers and how it is helping them understand the legal process. I am also interested to know about the legacy case load and how this is working in Victoria and how many people there are. Could you also address the commonwealth government’s comments around it being strange that Victoria would want to invest money in this space, in supporting the legacy case load asylum seekers?

**Mr PAKULA** — What time have I got until, Mr Chair?

**Ms SHING** — You have got a minute or so left.

**Mr PAKULA** — A minute. Look, very briefly, this was a decision made by legal aid — they have independence in this regard, in regard to those funding decisions — but it was an announcement I was happy to launch because, since the cuts by the commonwealth to legal assistance for those that are trying to have matters dealt with in the court system, there is now a legacy case load of some 30 000 around Australia; 11 000 of those asylum seekers are here in Victoria. Legal aid, working in conjunction with Justice Connect, the old Public

Interest Law Clearing House, and Refugee Legal, are providing a couple of specialists — some full-time positions at Refugee Legal, two at VLA’s in-house migration team and one at Justice Connect — to help clear the backlog, the legacy case load backlog, which has been created. I saw some comments from the commonwealth trying to make some sport of that, and that is typical.

**Mr T. SMITH** — If I can continue, Attorney, on this legacy case load issue. You have already commented that on 17 April you made an official announcement, together with the endorsed Labor candidate for Melbourne. My question relates to the way the announcement was made, not necessarily the program itself. Why did you make the endorsed Labor candidate in the upcoming federal election a part of an official state government funding announcement, given you have just made comments with regard to the independence of legal aid?

**Members interjecting.**

**The CHAIR** — Order! Mr Smith, the budget paper reference was given by Ms Ward, so that is fine. This is about the estimates process going forward. Who the Attorney sought to bring with him to an event I do not think is within the scope of this inquiry.

**Mr T. SMITH** — Well, Chair, of course I disagree with you, and the question stays as put.

**Mr MORRIS** — Yes, the question related to the managing director of a state entity which is funded in this budget. There cannot be a clearer connection. There cannot be a clearer connection.

**Ms SHING** — Further to that explanation given by Mr Morris, I seek to raise a point of order in relation to the way in which this is relevant at all. We went through this same territory last year in relation to the review of the human rights charter, and that, as I recall, Chair, resulted in questions being ruled out of order, despite that an explanation was given by the Attorney in relation to the work being undertaken in that review. So perhaps if Mr Smith could rephrase his question so that it relates squarely to the budget papers, we could get somewhere with the remaining time available.

**Mr MORRIS** — Chair, this is an important point. We are talking about a public servant. In this context it is entirely appropriate to ask about the tasking of a public servant, the use of a public servant’s time, for political purposes, and that is the nub of the question.

**Members interjecting.**

**The CHAIR** — Order! Again, I am struggling to see how a media event that has happened in the past, where the Attorney made an announcement on this particular matter, is subject to this inquiry.

**Mr MORRIS** — The point is, Chair, he made it accompanied by a Labor candidate, and he made it also accompanied by a public servant, a photo of whom was used in a ministerial tweet. That is an entirely reasonable question.

**Mr PAKULA** — A “ministerial tweet”?

**Mr DIMOPOULOS** — How is that use of public service time?

**Ms SHING** — On a point of order, Chair, it does not actually relate to — —

**Mr T. SMITH** — Do you think this is an appropriate use of a public servant’s time and that we cannot ask that question?

**The CHAIR** — I do not know how this relates to — —

**Mr MORRIS** — I thought you would have learnt from the events at the last state election, but clearly you have not.

**Ms SHING** — Ditto, Mr Morris, in relation to the questions that were asked at last’s year’s PAEC.

**The CHAIR** — The attorney.

**Mr PAKULA** — Can I indicate first of all that, as I said at the outset, the funding announcement was organised by legal aid, Justice Connect and Refugee Legal. I was invited to come along to launch it and I was happy to do so. Secondly, the announcement occurred on the weekend, so in regard to the time of any public servant, Mr Morris, that you may be referring to — I am not sure who you are referring to — but in most circumstances people who are attending events on Saturdays and Sundays are doing so in their own time. In regard to candidates for public office, state or federal, Labor or Liberal or Green or DLP or otherwise, attending events which may occur in their electorate, that is entirely unremarkable and something that your side of politics, Mr Morris, engages in with great abandon.

**The CHAIR** — The minister has answered the question.

**Mr T. SMITH** — Minister, so you are suggesting that Mr Warner's presence at that launch on the weekend was his choice and he invited the Labor candidate; is that what you are suggesting?

**Ms WARD** — I hope you are not attempting to verbal the Attorney-General again, Mr Smith.

**Ms SHING** — Again, a point of order.

**The CHAIR** — Order! The minister has answered the question.

**Mr MORRIS** — No, he has not answered the question.

**The CHAIR** — The minister has answered the question.

**Mr T. SMITH** — With respect — —

**Ms SHING** — Again, a point of order. If this is a new substantive question, as Mr Smith seems to indicate that it is, it actually has no relevance to the budget papers yet again, and I would seek that you rule against that question being asked.

**The CHAIR** — The Chair has already ruled on that, Ms Shing.

**Ms SHING** — No, this is a subsequent question. Mr Smith just indicated he is asking another question.

**Mr MORRIS** — Here we go — semantics again.

**Mr T. Smith interjected.**

**The CHAIR** — The attorney has provided background and context in relation to an event that he attended. Again, the focus of these hearings relates to the estimates process. It relates to — —

**Mr MORRIS** — No, Chair. It was not an event he attended.

**The CHAIR** — It relates to — —

**Mr MORRIS** — It was an official announcement that he made. The announcement was titled 'Legacy Caseload' and the minister has talked about this issue extensively and most recently in response to the last government question. At that event a photo was tweeted, which included not only the endorsed Labor candidate for Melbourne but the managing director of Victoria Legal Aid.

**Ms WARD** — And we want censorship of Twitter.

**Mr MORRIS** — VLA, as we know, is an independent statutory authority. Is it appropriate to use the managing director of an independent statutory authority to promote a Labor candidate in the current federal election?

**Ms Shing interjected.**

**The CHAIR** — Order! Ms Shing. Deputy Chair, the attorney has indicated that it was not his event, that he was invited to attend the event, and he also indicated — —

**Mr MORRIS** — He made an announcement — —

**The CHAIR** — The attorney also indicated — —

**Mr MORRIS** — He made the announcement — —

**The CHAIR** — The attorney also indicated that it occurred on a weekend and what people choose to do in their own free time is a matter for them.

**Members interjecting.**

**The CHAIR** — Order!

**Mr Morris interjected.**

**The CHAIR** — Order! Mr Morris — —

**Mr MORRIS** — Come on. Do not tell me — —

**Members interjecting.**

**Mr MORRIS** — Do not give me that rubbish. We have got Ms Shing trying to — —

**Ms WARD** — Give us some real substantial issues.

**Mr T. SMITH** — Now we have got you trying to — —

**Ms WARD** — This shows that you guys are just in a policy-free zone —

**Mr MORRIS** — It is simply not appropriate.

**Ms WARD** — absolute policy-free zone.

**The CHAIR** — Order!

**Mr MORRIS** — I am asking the attorney if he can tell me whether it is appropriate.

**The CHAIR** — Order! I do not believe the question, as originally framed by Mr Smith, related to the budget estimates process. The attorney, very generously —

**Mr MORRIS** — Are you telling me that Victoria Legal Aid —

**The CHAIR** — sought to provide some background — —

**Mr MORRIS** — on the issue of the Legacy Caseload —

**The CHAIR** — Mr Morris! The attorney sought —

**Mr MORRIS** — which has been canvassed extensively by the minister — you are now trying to tell me — —

**Members interjecting.**

**The CHAIR** — The minister very generously provided some background and context in relation to an event that he attended and that he did not organise, and I was happy for him to put that on the record.

**Mr MORRIS** — But he attended and he made — —

**Members interjecting.**

**The CHAIR** — Order, Ms Ward!

**Mr T. SMITH** — So the question still stands, Chair. If he did not organise the event, who invited the Labor candidate for Melbourne along?

**Members interjecting.**

**The CHAIR** — Mr Smith, it is outside the scope of this hearing.

**Ms WARD** — Mr Smith, yelling does not make it easier to hear you.

**The CHAIR** — I am conscious of time. There are 2 minutes left.

**Mr MORRIS** — Oh, come on, Chair. Come on.

**Mr T. SMITH** — This is ridiculous, absolutely ridiculous.

**Members interjecting.**

**Mr MORRIS** — This issue is clearly in relation to Legacy Caseload.

**Mr T. SMITH** — Look at his introductory remarks, Chair.

**The CHAIR** — You are asking who invited a federal Labor candidate — —

**Members interjecting.**

**The CHAIR** — How would he know? It is not within his knowledge.

**Ms SHING** — On a point of order — —

**Mr MORRIS** — We are actually asking —

**Members interjecting.**

**The CHAIR** — Mr Morris — —

**Mr MORRIS** — if the Attorney-General engaged a public servant in partisan campaigning on behalf of the Labor Party. That is the point.

**The CHAIR** — Mr Morris, that is not the question that Mr Smith asked. Ms Shing, on a point of order.

**Mr MORRIS** — That is the point — —

**The CHAIR** — Mr Morris, there is a point of order from Ms Shing.

**Ms SHING** — Thank you, Chair. I now note that we have got a total of seven questions from the opposition which are on foot and have been delivered at various pitches throughout the last 4 minutes. In the event that anyone wants to get on with this hearing to actually ask a question that relates to the budget papers, I would invite you, Chair, to call the meeting to order so that we can actually proceed in the time that we have left.

**The CHAIR** — One minute, Mr Smith.

**Mr MORRIS** — Chair, if you want to use your position to try and block — —

**Ms SHING** — You used 43 minutes last week, Mr Morris — 43 minutes.

**Mr MORRIS** — then you are abusing the power of the chair. You are abusing the power of the chair.

**Ms WARD** — Mr Smith, your incessant interruptions of the Chair have actually slowed anyone's ability to answer any questions that may come from your side.

**Mr MORRIS** — The questions on the Legacy stuff came from the Labor Party.

**Members interjecting.**

**Mr MORRIS** — You do not like the fact that we want to talk about it, too.

**Ms WARD** — No, that is not it. What I do not like is that you have covered up this whole question time —

**The CHAIR** — I was very happy for a question to be asked —

**Ms WARD** — with arguments and yelling —

**The CHAIR** — in relation to something specific in relation to —

**Ms WARD** — and not actually asking a substantive question.

**The CHAIR** — Ms Ward! In relation to something substantive in relation to the budget estimates process. The focus was on an event that had happened in the past and that was answered by the attorney.

**Mr MORRIS** — That happened about three weeks ago — three or four weeks ago.

**Members interjecting.**

**The CHAIR** — Order! Time has expired.

**Mr MORRIS** — Oh, what a shame.

**The CHAIR** — I would like to thank the witnesses for their attendance: the Attorney-General, the Honourable Martin Pakula; and Mr Wilson, Ms De Cicco, Mr Speagle, Mr Condron and Mr Osborne.

The committee will follow up on any questions taken on notice in writing. A written response should be provided within 14 calendar days of that request.

**Witnesses withdrew.**