

VERIFIED VERSION

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

Inquiry into budget estimates 2014–15

Melbourne — 15 May 2014

Members

Mr N. Angus

Ms J. Garrett

Mr D. Morris

Mr D. R. J. O'Brien

Mr C. Ondarchie

Mr M. Pakula

Mr R. Scott

Chair: Mr D. Morris

Deputy Chair: Mr M. Pakula

Staff

Executive Officer: Ms V. Cheong

Witnesses

Mr R. Clark, Attorney-General,

Mr G. Wilson, Secretary,

Ms M. De Cicco, Deputy Secretary, Criminal Justice,

Mr D. Speagle, Deputy Secretary, Civil Justice, and

Ms G. Moody, Deputy Secretary, Corporate Governance and Infrastructure, Department of Justice.

**Necessary corrections to be notified to
executive officer of committee**

The CHAIR — I declare open estimates hearing no. 17 for 2014. The portfolio is that of the Attorney-General. I welcome the Honourable Robert Clark and, from the Department of Justice, the Secretary, Mr Greg Wilson; Deputy Secretary, Criminal Justice, Ms Marisa De Cicco; Deputy Secretary, Civil Justice, Mr Donald Speagle; and Deputy Secretary, Corporate Governance and Infrastructure, Ms Gail Moody.

In accordance with the usual practice for the estimates over the last few years, this hearing is being webcast on the Parliament's website. In accordance with the guidelines for public hearings, I remind members of the public gallery that they cannot participate in any way in the committee's proceedings. Departmental officers may approach the table during the hearing to provide information to the minister or other witnesses if requested, by my leave. Written communication to witnesses can only be provided via officers of the committee secretariat. Members of the media are requested to observe the guidelines for filming or recording proceedings in the Legislative Council Committee Room. That includes keeping the cameras focused only on the person speaking, not panning the public gallery, the committee or witnesses and ceasing filming at the completion of the hearing or indeed for any changes or other suspensions that may occur during the course of the hearing.

All evidence is taken by this committee under the provisions of the Parliamentary Committees Act, attracts parliamentary privilege and is protected from judicial review. Any comments made outside the hearing are not protected by parliamentary privilege, including any comments made on social media from the hearing itself. The committee does not require witnesses to be sworn, but I remind you all that questions must be answered in full and with accuracy and truthfulness. Any persons found to be giving false or misleading evidence may be in contempt of Parliament and subject to penalty. All evidence given today is being recorded by Hansard. You will be provided with proof versions of the transcript for fact verification within two working days. PowerPoint presentations will be placed on the committee's website as soon as they are available. Verified transcripts will be similarly placed on the website as they are available.

Following a presentation from the Attorney-General, committee members will ask questions relating to this inquiry. Generally the procedure followed will be that relating to questions in the Legislative Assembly. Sessional orders provide a time limit for answers to questions without notice of 4 minutes, while standing orders do not permit supplementary questions. It is my intention to exercise discretion in both matters; however, I do request that each question is answered as succinctly as is reasonable, recognising that sometimes these are complex issues. I ask that all mobile telephones be turned off or to silent. The Attorney-General now has an opportunity for a brief presentation of no more than 10 minutes on the budget estimates for the Attorney-General portfolio. Welcome, Attorney.

Mr CLARK — Thank you, Chair. I am pleased to be able to inform the committee that I believe my voice is in better condition this year than it was last year, and I hope not to need to ask for the committee's indulgence, as the committee kindly extended last year.

Overheads shown.

Mr CLARK — The presentation that I will make covers an overview of my portfolio. The first slide simply indicates the components of the Department of Justice funding for the respective ministers, including my own portfolio, which represents about 19.5 per cent of the total Department of Justice funding.

If we move to the next slide, that details the initiatives relating to my portfolio in this year's budget; \$12.1 million provides for the consolidation of the city offices of the Office of Public Prosecutions. This will be a valuable step forward in enabling a more effective and efficient provision of services by the very fine lawyers and support staff who are based in the Office of Public Prosecutions. The Shepparton law courts refurbishment is a mixture of asset funding and output funding to support that. That will provide for the needs of the courts in northern Victoria, with five additional courtrooms and a range of support staff there, replacing what has been a very congested and crowded court facility to date.

The final initiative listed there is funding to continue to support the diversion of appropriate personal safety intervention matters to mediation. That funding will provide for additional dispute assessment officers and registrars. When people make applications for personal safety intervention orders they can cover a wide range of circumstances, from those posing very serious threats which require active intervention by the court, if not by Victoria Police, to others that are disputes that can more appropriately be resolved through mediation. If disputes which are suitable for mediation can be referred to the Dispute Settlement Centre of Victoria, then that

can provide better outcomes for those concerned as well as avoid cases being before the court that could be better handled in other ways.

I move to the next slide. Court Services Victoria is one of the major initiatives on which I and the department have been working over the past year, and I would be happy to elaborate on that in questions if members would like further information. This establishes Court Services Victoria as an independent entity to support our courts, separate from departmental involvement. It removes it from the department, and that recognises the importance, both in terms of principle and in terms of practice, for court administration to be under the control of the courts themselves. That is set to take effect from 1 July this year.

Good progress has continued to be made in resolving native title claims, in particular the settlement of the Dja Dja Wurrung claim under the Victorian legislation. It is one that was very strongly supported by all concerned.

If we move to the next slide, another significant achievement during the course of the current year has been the establishment and launch of the Melbourne Commercial Arbitration and Mediation Centre, and this has been a project supported by the courts, by the Victorian Bar and by the Law Institute of Victoria. It provides the opportunity for Victoria's very able legal profession to provide arbitration and mediation services both within Australia and indeed in relation to overseas matters. The other initiative listed on that slide identifies further progress that we are making in other pieces of court infrastructure at the new Bendigo justice centre and courtroom there, very successful and important refurbishments at the Wangaratta court and continued progress on the establishment of the Broadmeadows Children's Court.

Other initiatives during the year in relation to sentencing include that community correction orders have now become established as an intermediate sentencing option between custodial sentences and fines and other, lesser sanctions, and a substantial number of those CCOs are now being used by the courts. We have legislation on foot for the establishment of statutory minimum sentences for gross violence offences, and that is designed to send a very strong message that people who engage in offences of gross violence can expect to go to jail for at least four years. The abolition of suspended sentences in the higher courts has been completed, and abolition in all courts will take effect in September this year. We have introduced new indictable offences for breaches of family violence intervention orders for persistent or serious breaches creating fear of harm in affected family members or others. That carries a sanction of up to five years in jail. We currently have legislation before the Parliament for the introduction of baseline sentences, which is a major sentencing reform.

The legislation that we have brought to the Parliament or brought into operation is listed there, and I am happy to go into details in relation to particular items of legislation. I will mention briefly that bail reforms allow the courts to attach tougher conditions and more protective conditions when bail is being granted. Members will be familiar with the Crimes Amendment (Grooming) Act, which responds to the *Betrayal of Trust* report. The investigation powers legislation gives police greater capacity to deal with DNA samples, and there is other legislation there that is set out.

The next slide identifies some of the bills that are currently before the house, or have not yet received royal assent in the case of the honorary justices legislation. Again those are important pieces of reform, and I am happy to go into further detail about those if members would like me to.

The final slide identifies our legislation that relates to civil matters. There is a range of substantial reforms there. I mention in particular some of the changes relating to judicial officers. The introduction of the reserve judicial officers regime, which now applies in all of our courts, provides for the appointment only of interstate or retired judicial officers, replacing the acting judges regime under the previous government. That is now being very actively used, in particular by the Supreme Court. It gives far greater flexibility to that court in the deployment of judicial officers. I also mention the Fences Act reform, which is one that does not necessarily grab immediate attention, but for those involved with fencing disputes it is a very important piece of legislation indeed.

I suppose in summary, what this presentation indicates is that I and the department have been continuing to bring forward what we believe is a very important range of legislative reforms, both in relation to criminal law matters and in relation to civil law matters, and that is work that will continue in the year ahead.

The CHAIR — Thank you, Attorney. We now have until approximately 10.30 for questions, and I will start. Attorney, can you outline to the committee the budget initiatives in the Attorney-General portfolio which will strengthen Victorian communities both in the coming year and over the forward estimates period?

Mr CLARK — As I touched on in my presentation, there have been a number of significant initiatives in this year's budget that will contribute to strengthening Victorian communities. I touched in my presentation on the funding, both capital and recurrent, for the Shepparton court complex, which will greatly strengthen the provision of court services in the northern central region of Victoria. It is a \$73 million project. It will be a multijurisdictional court building located in Shepparton, together with support staff to meet the expanding needs of the court. It will substantially enhance court capacity in the region and also continue to provide for important issues such as prisoner movement to and from the court.

It will address security issues that have been neglected up until this date. In particular, it will avoid what currently occurs, where many parties to matters are forced to assemble prior to hearings in a very confined space. That will in particular ensure that family violence victims and others are not forced to assemble in an area where they may come into contact with the alleged perpetrators while waiting for their matters. The complex will also provide a range of ancillary rooms for use by prosecutors, legal aid and support services. The recurrent funding will also provide additional staff to provide the court integrated services program support as well as a range of other support services.

I also touched in my presentation on the funding to bring the Office of Public Prosecutions city operations under a single roof, which will substantially enhance the capacity for prosecutors and support staff in that office to work together, to collaborate and to operate more efficiently and effectively. Currently the sexual offences component of the Office of Public Prosecutions has to be located away from the main building, and that has logistical impediments and makes it more difficult for the different prosecutors and staff to confer with one another, so that is a very substantial initiative.

In my presentation I also touched on the additional funding for dispute resolution and mediation services. I could also elaborate on the fact that a number of other matters that are provided for in this year's budget on an ongoing basis are continuing to progress well, in particular the construction of a new Children's Court facility at Broadmeadows and the new justice service centre at Bendigo, which will be not only a new courtroom and greatly improved prisoner movement facilities but will also provide a justice centre which will consolidate many of the activities of the Department of Justice in Bendigo.

As I also mentioned in my presentation a refurbishment at Wangaratta and a rectification of issues there is well-advanced, and in addition I am pleased to say that the mega-trials venue at the William Cooper Justice Centre is working very well for the conduct of major trials such as the bushfires litigation. That replaces very poorly designed and inadequate facilities that were put in place under the previous government. In short, both the initiatives in this current budget and the ongoing use of funds provided in previous budgets is enabling my portfolio to contribute substantially to strengthening Victorian communities through playing our part, along with the police, along with corrections, in keeping the community safer through deterring crime and incapacitating offenders through custodial sentences and through conditions attached to other sentencing orders.

Mr PAKULA — Attorney, you have just talked about keeping the community safer and the deterrence of crime. The crime rate has risen every year under your government. Your budget papers and the rhetoric of your ministers, however, would suggest that the driver of that increase in the crime rate is family violence-related crime. The table on budget paper 3 page 185 would indicate that is the view of the government, certainly as far as the preparation of the budget papers go. The Treasurer in his speech on page 9 talked about an additional \$4.5 million of funding to target family violence, or just over \$1 million a year of new funding.

The response from the family violence sector was immediate and ferocious. Fiona McCormack from Domestic Violence Victoria talked about asking the Premier to meet with the families of victims and explain to them why this figure is so little in the government's priorities, describing it as an absolute disgrace. Annette Gillespie, the chief executive of the Women's Domestic Violence Crisis Service, said that Dr Napthine and senior ministers such as yourself should hand back your white ribbons, described the funding as a pittance and described the government as now being an active contributor to the abuse of women and children.

The CHAIR — Could you now get to the question.

Mr PAKULA — Minister, you described the domestic violence and women's violence sector as wrong, in the Parliament in your contribution on the failure to protect laws. Are they wrong about this as well?

Mr ONDARCHIE — On a point of order, Chair, tragically Mr Pakula is just recycling yesterday's question he asked of Minister O'Donohue. I am wondering if that question was best placed with Mr O'Donohue yesterday and not the Attorney-General.

Member interjecting.

The CHAIR — Order! Points of order are heard in silence, whether it is in the committee or in the house.

Mr ONDARCHIE — My point, until I was interrupted, Chair, is that that question was best placed with Mr O'Donohue yesterday in his portfolio, as opposed to recycling that question again today.

Mr PAKULA — On the point of order, Chair, is it genuinely the member's contention that the Attorney-General of the state of Victoria is not capable or required to answer questions about family matters?

Members interjecting.

The CHAIR — Order! It is the second question of the day. It is not going to be a short day. Let us make it as easy as we can for everyone. I do not uphold the point of order. If the question does not relate to the Attorney-General's portfolio responsibilities, then he is certainly free to say so; but I believe it is a reasonable question to be addressed.

Mr CLARK — My particular role in relation to family violence is through both legislation and support for the courts to reinforce and uphold the fact that violence against the family in the home is just as much a crime as violence against a stranger on the street. It is a crime. It has criminal sanctions attached to it. There is also, as you would know, legislation in relation to the Family Violence Protection Act for intervention order availability. Through both of those mechanisms, the key message that needs to be conveyed to would-be perpetrators of violence against family members is that it is a crime and will be dealt with as such. That is a message that the statute book delivers, it is a message that the police deliver and it is a message that the courts deliver.

One of the matters I touched on in my presentation earlier is that under this government there has been a reinstatement of the indictable offence carrying up to five years imprisonment for those who engage in repeated breaches of family violence intervention orders or those who engage in breaches that cause fear to their victims. As you would know, Mr Pakula, the previous government axed that higher penalty, and that sent a very unfortunate message. It has now been reinstated under this government, and police have been charging substantial numbers of people under these more serious offences. They will come before the court, and I have every confidence and expectation they will be dealt with appropriately by the court.

So there is a lot that can be done in many different portfolios to respond to family violence, and you would be aware that across government there is an action plan to address violence against women and their children. It was put in place in 2012. I and my colleagues are each playing our respective roles in tackling family violence, and in my case, in particular, ensuring the message is delivered that violence against the family is a crime and will be treated as such.

Mr PAKULA — Attorney, you are the chief law officer of the state. I understand, given the ferocious response of the sector, why you might not want to go to the issue of the resourcing available to deal with family violence, in the same way that you have not wanted to meet with the domestic violence groups. I am wondering whether it is genuinely your evidence to this committee that this question of whether or not the pittance that has been provided by the government is adequate is actually something that you say you cannot make any contribution on before the Public Accounts and Estimates Committee.

Mr CLARK — Mr Pakula, what I am preferring to particularly is my own areas of portfolio responsibility and explaining to you what I am doing in relation to those portfolio areas. Across the board in multiple portfolios the government is responding to the challenges of family violence and the need to tackle the problems that have become increasingly apparent over recent years. Across the board around \$95 million a year is now being contributed by the government in many different areas.

I am referring in particular to those areas that come within my portfolio responsibility. Contrary to your reference, which I presume revisits the debate we had in the Assembly last week, Minister Wooldridge and I did

meet with a range of representative family violence organisations and child protection representatives after the legislation was introduced. We did go through with them our reasons for the legislation, how we believe it did strike the right balance in the very difficult circumstances of persons in a context of family violence and how we did believe that it made clear that a person who do not report because they had a reasonable fear for safety are not subject to the legislation. So contrary to your suggestion, Minister Wooldridge and I did meet with those groups and did go through those issues in considerable detail.

Mr ANGUS — Attorney, I refer you to budget paper 3, page 203, and the public sector integrity output group. Can you update the committee on the government's reforms to Victoria's integrity system and what further reforms are being considered?

Mr CLARK — Thank you, Mr Angus. As you would be aware, the current government has undertaken far-reaching reforms of Victoria's integrity system, repairing and making up for the neglect and damage of the previous government, and we now have a regime in place that provides oversight by an independent, broadbased anticorruption commission of the entire Victorian public sector — something the previous government did not do in its 11 years in office.

We have not only established IBAC; we have also established the Victorian Inspectorate and the Public Interest Monitor. Substantial funds are provided in the budget to support the ongoing operation of IBAC and the VI and PIM. We have also appointed Victoria's first independent freedom of information commissioner, who commenced operations in 2012. Again, that is in stark contrast to the previous government where there was —

Members interjecting.

Mr CLARK — The previous government, despite the string of damning reports by the Victorian Ombudsman, failed to act. We have established an independent freedom of information commissioner. The establishment of IBAC, as you would be aware, commenced and was brought into operation progressively. We now have the IBAC Commissioner in full operation, and he has now tabled four reports in Parliament: the annual report for 2012–13; a special report following IBAC's first year of being fully operational; a special report concerning allegations in relation to Sir Ken Jones; and a special report on various operations in 2013. Each of those reports appropriately accounted to Parliament on various aspects of what IBAC has been doing.

I mention in particular the most recent report, the report on IBAC's first full year of being operational, and that had reported on an extensive range of matters that the commissioner had dealt with. Twenty-four new cases were investigated, with 10 of those completed; 73 educational sessions for public sector and police employees; and of course the educational role of IBAC is a key part of IBAC's functions. IBAC had also completed 85 reviews of matters investigated by other entities such as Victoria Police and had completed 11 former OPI matters that were unable to be completed before the OPI was abolished.

In relation to freedom of information reforms, as I said, there has been the introduction of the FOI commissioner, one of the most far-reaching reforms since the FOI legislation was introduced more than 30 years ago. We have provided more than \$9.9 million over the forward estimates period for the FOI commissioner, which of course is a substantial increase in resourcing compared with the position under the previous government where, for example, reviews were generally undertaken by departmental or agency officers as a side role in addition to their main roles. We have now established a commissioner that is not only independent but is dedicated to carrying out that role. The commissioner has been busy establishing an office and putting in place systems and processes to deal with the reviews and inquiries that go to that office, and the commissioner is undertaking substantial work there.

I was pleased recently to announce that the government will be providing additional support to the FOI commissioner by providing two new assistant commissioners to assist the commissioner in handling reviews and complaints. There is also going to be a secondment of additional staff from the Department of Justice to assist the FOI commissioner in developing an educational program and materials, and that will further enhance and strengthen the role of FOI across the public sector.

Finally, I mention that I am currently in the process of developing professional standards in relation to freedom of information, and consultation in relation to those standards with the FOI commissioner is currently under way.

Mr PAKULA — I am tempted to ask the minister if he can find anyone who has found getting documents out of the government any easier because of the FOI commissioner. I would like him to introduce me to that person. Let me go — —

Members interjecting.

The CHAIR — The Deputy Chair has the call.

Mr PAKULA — Minister, during your presentation you went to outputs with regard to the court system. As you would be well aware, I think over the last three but certainly over the last two PAEC hearings we have talked to you about the work of the Coroners Court and the systemic review of family violence deaths. You stated to the committee last year that the government was very supportive of that work and that despite the lack of any dedicated funding commitment from the government, the work of the review would continue following a planned restructure of the court in August last year in response to a funding deficit of \$1.5 million. We know from the previous work of the review — the first report of 2012 — that there are somewhere in the vicinity of 27 family violence-related deaths each year. Since the restructure how many family violence-related inquests have there been?

Mr CLARK — Mr Pakula, in relation to your question, yes, as you say, this is a topic that has been raised in this committee on a number of previous occasions. It has also been raised in the Parliament and in the media. On each of those occasions the allegation has been made that the systemic review of family violence deaths is not being funded and is therefore under threat of ceasing. On each occasion I have provided an explanation in relation to that. I have pointed out that that was not in fact correct and that the initial start-up funding that was provided for the systemic review of family violence deaths under the previous government ceased as separate funding during the term of the previous government. I nonetheless made the point that as is usually the case with start-up initiatives when they then continue, the ongoing provision of that service then becomes part of the core budget of the entity concerned.

I am certainly not being critical of what happened under the previous government in that regard; the funding forms part of the overall budget provided to the Coroners Court. That is what happened under the previous government and that is what has continued under the current government. We remain committed to supporting the systemic review of family violence deaths, as does the court. If you look at the Coroners Court annual report, you will see that they update the figures each year in relation to family violence deaths as the coroners prevention unit continues to conduct the systemic review. Indeed the current state coroner has been looking at opportunities to further strengthen the way the systemic review is conducted through the establishment of a review panel.

I think your question perhaps confuses different aspects of what the coroner does. The coroner conducts inquests in relation to deaths where the coroner considers it is appropriate to do so, be they in family violence contexts or in other contexts. As you would be aware, inquests occur only in relation to a very small proportion of the total number of deaths that are reported to the coroner's office. The conduct of the inquest is something that is undertaken and is a case-by-case decision in relation to specific matters and is not linked to the issue of what work has been undertaken by the systemic review, because the systemic review, as its title indicates, is looking at systemic issues rather than individual issues in relation to particular deaths. It is seeking to draw on the data and information of what is ascertained in relation to specific deaths in order to identify those systemic issues.

My understanding is that since the systemic review was established in 2009 it has undertaken more than 50 in-depth reviews of family violence-related deaths, four of which have been completed since the restructuring of the Coroners Court around the middle of last year. It has also, as I said, continued to update its data each year to identify family violence-related deaths and non-family violence-related deaths and to publish those figures. Again, as I indicated, my understanding is the coroner is looking to further strengthen the work of the systemic review through the establishment of a review panel.

Mr PAKULA — It is my understanding that there has been no published family violence inquest findings since the Lynette Phillips inquest findings in December 2012. With regard to the coroners prevention unit to which you referred, I would make the point that it is very difficult to strengthen it without appropriate funding. Last year you gave the committee an assurance that the government is committing significant additional

resources to the Coroners Court to support its reforms. Can you confirm that as part of the restructure the coroners prevention unit, which supports coroners and looks at the systemic aspect of deaths, including family violence deaths, has undertaken or suffered a consequent reduction in staff working on the family violence deaths review from 2.5 positions to a part of the manager's position?

Mr CLARK — Mr Pakula, the deployment of staff within the Coroners Court is not something that is appropriate for the Attorney-General to direct. The deployment of staff for ongoing programs such as this is under the direction of the court. I mentioned earlier in my previous — —

Mr PAKULA — Subject to the funding.

Members interjecting.

The CHAIR — Order!

Mr CLARK — I mentioned in relation to my previous answer that the systemic review is undertaken by the coroners prevention unit, which has a number of staff members serving it. My understanding — and again, it is not something that I direct — is that each of those members is available to be deployed for various prevention projects, and amongst those is the systemic review. The exact deployment and configuration of staff is a matter for the court, but my understanding is that there is not a dedicated position in relation to the systemic review alone. Different staff working within the coroners prevention unit — and indeed, as far as I am aware, staff in other parts of the court in relation to their respective roles — will contribute to the way that the systemic review is undertaken.

I might add, Mr Pakula, in relation to your questions now, and indeed some of the public commentary in recent times, in effect it now accepts what I have to date been saying all along: that there is not a threat to the ongoing operation of the systemic review, as was suggested at this committee and has been raised in the house on other occasions in the past. The systemic review is continuing, is continuing to do good work and is fully supported by the court and by the government.

Mr O'BRIEN — I would like to take you, Attorney, to budget paper 3, page 82, which sets out for the first time Court Services Victoria and explains how Victorian courts are separated from the Department of Justice. Consistent with that, can you inform the committee about this reform and its implications, which will, I think, start from 1 July this year?

Mr CLARK — Thank you, Mr O'Brien. This is a very far-reaching reform. It is the first time in Victoria's history that this arrangement is being put in place, and it does reflect the importance, both in terms of principle and in terms of practice, of reinforcing and supporting the independence of Victoria's court system. You would be aware as a lawyer, but often members of the public are not aware, that while our judiciary is completely independent from the executive government, up until now the administrative support for our courts has been provided through administrative staff who ultimately report to the Secretary of the Department of Justice and therefore to executive government. That is unsatisfactory, as I say, in principle and in practice. This government committed to provide for the courts an independent administrative service, now entitled Court Services Victoria, that will provide administrative support for the courts independently of executive government and under a board that comprises the heads of jurisdiction — each of the six jurisdictions — with a capacity to coopt additional outside expertise as the board sees fit.

I am pleased to confirm that legislation of course has passed the Parliament and is set to come into operation from 1 July this year. That is one of the reasons, as you referred to, that there are references to that effect in the budget papers and separate provision for the courts in the budget papers. I am pleased to be able to say that the work for implementing Court Services Victoria is well advanced indeed. It is obviously very strongly supported by each of the heads of jurisdiction. As I mentioned to the committee last year, there has been an advisory council in place for some time in which, insofar as is possible until the legislation comes into full operation, the heads of jurisdiction have been overseeing and providing recommendations and guidance to the relevant court officers. As far as possible in advance of the legislation coming into full operation, we have been putting in place all the necessary mechanisms. We have got a transitional chief executive officer for Court Services Victoria, we have been recruiting key deputies to support that role and all is on track for the commencement of CSV from 1 July.

As I say, it is important not only in principle but also in practice. I can perhaps give you a very striking illustration of that. One of the problems with the regime that has existed to date is that much of court facilities are provided by staff within the Department of Justice who also provide prison services — that is, design the facilities — for prisons, for police stations and the like. Despite their commitment, their dedication and some of the very solid work that they have done, this extended chain of decision making can lead to very unsatisfactory results. For example, in the William Cooper Justice Centre, which was designed and commissioned under the previous government, when we came to office we found that the principal hearing room there had been designed in such a way that members of the judiciary or VCAT sitting on the bench were unable to see lawyers at the bar table, because the bench had been designed too high for that to happen. Furthermore, the screen for overhead projection, when that was lowered, risked descending on their honours' heads. These are the sorts of design details that I believe were the result of an extended chain of decision making and inadequate opportunity for the judiciary to have a say in the design of court facilities.

I am pleased to say that with the reforms that are being progressively put in place, the new mega-trials courtroom at the William Cooper Justice Centre was designed in collaboration and in conjunction with members of the court. It was delivered with superb work by all concerned, both the contractors and the Department of Justice staff, to a design that was supported and approved by the court. That is certainly one of the benefits we expect to see going forward from Court Services Victoria — that they will have far greater facilities capability within Court Services Victoria itself.

Already we are seeing greater involvement of the courts and the judiciary in the design of facilities such as the Magistrates Court at Bull Street in Bendigo and the configuration of the new Children's Court at Broadmeadows. The Shepparton court complex that I referred to will be the first large project which will be taken up by the new facilities team within Court Services Victoria, and that will provide an opportunity for the courts — the judiciary — to ensure that the facilities are properly designed and we get the best possible value and the best configurations at court facilities in future. In short, it is a landmark reform, and I am very much looking forward to its commencement on 1 July.

Mr PAKULA — Minister, I refer you to budget paper 3, page 190. That goes to the matter of grants for legal assistance provided by Victoria Legal Aid. The 2012–13 actual was 39 782, the target for this year was 40 500, but the expected outcome is only 33 000 and the target for next year is only 33 000. That is about 17 per cent lower than the target and the 2012–13 number, and the notes highlight that that is due to a decrease in grants of aid for family law matters as a result of changes to legal aid eligibility guidelines.

We know that some of those people who have been denied legal aid as a result of those changes are the victims of family violence, who now have to represent themselves in family law cases against their violent ex-partners, and there have been some well-publicised examples of that in the media over the last financial year. Imagine my surprise therefore, Minister, when you turn to budget paper 3, page 35, Department of Justice 'Output initiatives', and there is not one additional dollar for legal aid in this budget.

Given the well-understood crisis in legal aid and the very real impact it is having in family law matters and in particular in regard to victims of family violence, how can you justify not spending any extra money to fix the legal aid crisis?

Mr CLARK — Mr Pakula, let me first of all correct one matter in your question. Under Victorian law and under the family violence legislation that has been in place for some years, indeed introduced under your government, what you refer to in terms of family violence victims being questioned by alleged perpetrators does not occur.

Mr PAKULA — I did not say 'questioned'; I said 'represent themselves' in matters.

The CHAIR — Order! There is the opportunity for a supplementary, that is what it can be used for. You do not need to keep asking the question while the Attorney-General is seeking to answer it.

Mr CLARK — Chair, whether or not it was repeated in Mr Pakula's question, let me put to rest the concern that others have raised, including unfortunately the law institute in a media release yesterday in which they were unclear in how they referred to that. Under the Victorian regime that cannot occur. My understanding is that in relation to the commonwealth regime it can occur in some circumstances — not directly as a result of legal aid

funding from the commonwealth and issues in relation to that, but it is something that can occur under the rules of the Family Court.

To return to the main part of your question, the government is providing record levels of taxpayer funding to Victoria Legal Aid. Victoria Legal Aid continues to deploy the funding available to it, seeking to deploy it as effectively as possible. You will be aware that they made a range of changes to their guidelines in 2012–13, and in broad terms they have increased the number of duty lawyer assistance services that they are providing. There is also a reduction in the number of grants in aid that are being provided. So that is what gives rise to the figures that you are referring to, and that is part of a conscious decision by legal aid to seek to get the most effective deployment of the funds that are available to them.

I should say that legal aid is continuing to look at ways in which the deployment of taxpayers funds can be enhanced. They are currently undergoing an extensive process of consultation with the legal profession and with others in relation to the way support is provided for indictable trial matters. The courts and others have highlighted opportunities to improve how that is done. I have to say that legal aid, with managing director, Bevan Warner, who was appointed under the previous government and has the strong support of this government, is continuing to do a good job to ensure that taxpayer funds are deployed as effectively as possible, and he has been supported by this government.

We made permanent and ongoing the stopgap funding that had been provided under the previous government, and then in a subsequent budget we provided additional funding on top of that. As I said, we are providing record levels of taxpayer funding to Victoria Legal Aid, and Victoria Legal Aid is ensuring that the available funds are deployed as effectively as possible.

Mr PAKULA — Minister, my question was not about whether or not they are deploying effectively the inadequate funds that you provide. My question was about why the budget provides no additional funding, given the well-understood difficulties that legal aid is labouring under and given the reduction in services that they have had to endure as a consequence of that funding crisis. On Tuesday night, it is my understanding that your commonwealth friends further cut the commonwealth allocation to legal aid.

Notwithstanding that, it is also my understanding that the legal services commissioner made a surplus of something north of \$20 million last financial year. You have projected surpluses in the budget over the forward estimates of almost \$11 billion. How is it that in those circumstances, and given your own record level of funding for legal aid in regard to the reduction in matters dealt with by legal aid, your government could not find any additional money to support —

Mr ONDARCHIE — It is a second-reading speech, is it?

Mr PAKULA — It is a question. How is it your government could not provide any additional money to fix the funding crisis in legal aid?

Mr CLARK — As I said in my previous answer, we are providing record levels of taxpayer funding to Victoria Legal Aid. We ended the stopgap funding that was provided under the previous government and provided substantial ongoing additional funding to Victoria Legal Aid two budgets ago. In the last budget we provided further funding on top of that and we continue to support the work of Victoria Legal Aid to ensure that the taxpayers dollars that are contributed to legal aid are deployed as effectively as possible, and Victoria Legal Aid is doing very good work in that regard.

Mr ONDARCHIE — Attorney-General, I know Victorians thank you for being tough on crime. Can I refer you to budget paper 3, page 76, and to your slide 3 relating to the Shepparton law courts project, and further to the OPP accommodation project. I wonder if you could update the committee about these projects, their benefits and any other projects to upgrade facilities under your portfolio?

Mr CLARK — Thank you, Mr Ondarchie. As you say, these are very significant initiatives. In relation to the Shepparton law courts we are providing \$73 million both in asset and recurrent funding and that will provide a new modern, purpose-built, multijurisdictional court complex. It will also provide additional court staff and an additional magistrate for Shepparton and for the Hume region.

The facility is going to be constructed on existing land at the Shepparton court. For those of you who are familiar with the layout of the court at Shepparton, the two current court buildings there, one being the County Court building and the other being primarily the Magistrates Court building, are backed by an old what I believe was a warehouse but is now used as a car park. The main first stage of the new court complex will be built on that area at the back of the existing court buildings, which will enable those court buildings to continue to function while the main part of the new building is constructed and then the predominately Magistrates Court current building will be demolished. That will allow the remainder of that new court building to be completed. The construction will be staged so that the court will be able to continue to sit while the new building is being constructed.

There will be three Magistrates Court rooms, two further courtrooms for use by the Supreme and County courts, with potential for further expansion to up to six courts in the future. This, of course, is primarily designed to enhance court facilities in Shepparton and surrounds, but it will also deliver substantial opportunities for local employment and economic benefits during the course of its construction as it is anticipated around 150 jobs will be created.

As I touched on earlier, the new design will allow persons — affected family members in family violence situations, for example — to attend the court without needing to assemble in the same area as alleged perpetrators are assembling. It will provide a range of rooms and facilities and movement of persons to ensure that does not occur. There will also be, as I again touched on earlier, office space and meeting rooms for a variety of support services attending the courts, such as Victoria Legal Aid and, importantly, additional staff to support the expanded court operations, including a dedicated family violence registrar role and additional staff including CISP, court integrated services program, personnel. That also will strengthen the capacity of the court in Shepparton to deliver services to Shepparton and surrounds.

In relation to the Office of Public Prosecutions, the OPP, the Crown prosecutors and the Director of Public Prosecutions do an outstanding job on behalf of Victorians. They handle around 2500 prosecutions a year, many hundreds of appeals to the County Court, and on top of that attend to asset confiscation matters. They have an outstanding witness assistance service that provides support services to victims and witnesses each year — I understand over 400 a year. They have for many years been based in office accommodation in the CBD that does not well suit their current needs and has led to substantial inefficiencies and detracted from their ability to engage collaboratively on projects. By way of particulars, as I mentioned earlier the sexual offences unit is not located in the same building as the rest of the OPP. So we will be providing around \$11.2 million in asset funding as well as ongoing output funding in relation to this project.

The existing building was fitted out more than 25 years ago and things have changed a lot over those 25 years. We need more flexible workspaces to accommodate the digital era, ways of working and ways of collating and assembling evidence as well as for handling increasing case volumes and complexity. So this, as I said, will bring all the CBD operations of the OPP under the one roof and support the very fine work that the Office of Public Prosecutions is undertaking.

Mr PAKULA — Minister, I would ask you to turn to the Department of Justice questionnaire, pages 10 to 12, which outlines spending in the department. If you look at the spending, you have got the first table which goes to the department itself, and under ‘employee benefits’ it has got about \$175 million less this year because Courts Services Victoria has been separated. The sum total of that table shows \$13 million more being spent in 14–15 than 13–14 when you add up everything from outsourced contracts to rent to grants and the like, but then you need to factor in the expenses on CSV which used to be in the department. So when you combine the Courts Services Victoria table and the Department of Justice table, all in all it looks like, in a bureaucratic sense, the department is spending something like \$430 million more in 2014–15 than in 2013–14. It looks like the department that ate the budget! So my question is: how can you justify a \$430 million increase in expenditure when you combine CSV and DOJ core expenses in an environment where you cannot find any extra money for legal aid and family violence is up by only 4.5 million over four years?

Members interjecting.

The CHAIR — Order! When everyone is finished, the Attorney-General has the call.

Mr CLARK — As you say, Mr Pakula, this question relates to whole-of-Department of Justice figures, so I will ask the secretary if he is in a position to provide you with information in relation to your question.

Mr WILSON — Yes, I will just confer with Ms Moody for a second. There seems to be an issue with the way you have aggregated the numbers.

Members interjecting.

The CHAIR — Order!

Mr WILSON — I just want to make sure that you have got that right.

Mr PAKULA — I am aggregating the numbers you have provided me, secretary.

Mr WILSON — But some of them, Mr Pakula, are broken out, and I am not sure you can add them together. I just want to confirm what the exact figure is.

Members interjecting.

The CHAIR — Order! Mr Wilson has the call.

Mr WILSON — Perhaps I ought to get back to you with a more detailed breakdown. The explanation is what more grants and budget initiatives — —

Ms MOODY — The movement is a result of additional funding that gets received for budget initiatives, so it is reflected in different ways depending on which agencies are covered in the department proper versus this without numbers. It does not cover everything because the actual annual report numbers and the actual operating statement numbers contain different reporting entities, so we could give you a better answer.

Mr PAKULA — If you are going to take it on notice — —

The CHAIR — Order! We will take this as the supplementary.

Mr PAKULA — Thank you, Chair. If you are going to take it on notice, I just ask you to break this down, because my understanding is that the 13–14 numbers included the old courts unit which was within the department.

Ms MOODY — Correct.

Mr PAKULA — And the 14–15 numbers do not because it is now broken out as a separate organisation.

Ms MOODY — Correct.

Mr PAKULA — But the numbers for the core department are higher than they were in 13–14 on that table, by only \$13 million I concede — but \$13 million higher than the 13–14 numbers — and in addition to that there is the entire \$400-plus million that you have got in here as expenses for Court Services Victoria. It seems, on the face of the information you have provided, that the net is \$430 million higher than last year because you have got the entire Court Services Victoria budget as a separate item, and despite that being taken out of the department expenditure, the department's expenditure is still higher than last year's.

Mr WILSON — Yes, it is higher, and there will be things like investment in corrections and so on that were provided in the budget. You are right, in terms of adding court services, so the employee benefits — 774.3, you add 260.8 and you get 1.35 million. So that logic stacks up. I just want to make sure the way that you have got to the sum total is correct. But in terms of — —

Mr PAKULA — I have just aggregated everything in those two tables.

Mr WILSON — Whether you can do that, given the points that Ms Moody just raised in terms of other entities in or out, but I would not mind the opportunity to properly respond to that, what is the difference and why. I am happy to take that on notice.

Mr PAKULA — Thank you, secretary.

Mr ANGUS — Attorney, I refer you to budget paper 3, page 189, regarding the supporting legal processes and law reform output group. Can you update the committee regarding the work being done to reform sentencing laws?

Mr CLARK — Certainly; thanks, Mr Angus. This is one of the key responsibilities of the Attorney-General's portfolio, to ensure that our laws do operate effectively to protect the community, and sentencing laws are of course a crucial part of that. As you know, this government came to office with a commitment to ensure stronger and more effective sentencing. That is what we have been doing during our term in office, what we have been doing over the past year and what we intend to continue to do over the forthcoming year. We have, as you would notice — I touched on it in my presentation — moved to completely abolish suspended sentences in Victoria. We believe they send the wrong message; they send a very confusing message. On paper someone is sentenced to a term of imprisonment, but in reality they walk out of the court door completely free, back into the community. Unfortunately many offenders sentenced to a suspended sentence, instead of realising the gravity of their offending, think they have gotten away with it because they are back out on the streets. We have progressively legislated to abolish suspended sentences, first of all for specified offences in the higher courts, and then moving to all offences in the higher courts. From 1 September this year, I am pleased to say, suspended sentences will be totally abolished in Victoria for offences committed on and after that date, through the extension of the abolition through to the Magistrates Court.

That does not of course mean that every offender who was previously sentenced to a suspended sentence will be sentenced to a custodial sentence, but it will mean that jail will mean jail: if you are sentenced to jail, you will go to jail. But we have also been reforming community-based sentencing, and in particular introducing community correction orders, which are a single, integrated community-based sentence to replace the previous range of community-based sentences that were in place. We sought to strengthen both the sanctions and the protections that could be included under those orders for up to 600 hours of community-based service, a duration as long as the maximum custodial sentence that could have been imposed for the offence, and introduced a range of conditions, including judicial monitoring, curfews and no-go zones, designed to both protect the community and send a message to the offender. That is alongside therapeutic and preventative measures, such as drug and alcohol and anger management counselling courses. Those reforms have been deployed, and we are continuing to look at opportunities to improve them, but they are making a very substantial enhancement to the criminal justice system.

We have also, as I referred to earlier, introduced statutory minimum sentences for offences of gross violence. Those who inflict gross violence on persons in the community can expect to go to jail for at least four years, unless there are truly exceptional circumstances that are applicable. More recently, legislation has come onto the statute book to provide that those who engage in alcohol-fuelled violence will be banned from attending licensed premises for a period of two years. That is designed to be both a sanction and a protection. It sends to would-be offenders the message that if they engage in alcohol-fuelled violence then for at least two years they will not be able to go to the pub with their mates or take their girlfriend to a nightclub. It also means that those persons are not entering licensed venues where they can potentially reoffend.

I have also mentioned our legislation to reinstate stronger penalties for those who breach family violence intervention orders, so it is now an indictable offence, carrying up to five years in jail for those who engage in repeated or serious breaches of family violence intervention orders. Large numbers of people have been charged with this new offence by Victoria Police, as they should be, because, as I indicated earlier, violence against family members in the home is just as much a crime as violence against a stranger on the street. We need to reinforce that, not only through strong action by Victoria Police, which they are undertaking, but also by strong consequences on the statute book.

I mentioned also legislation before the house — I will not go into detail because it is before the house — to establish baseline sentences, which are one of most far-reaching reforms to sentencing practice in Victoria. It will give Parliament on behalf of the community a greater say, not only about the maximum sentences that are applicable to offences, but also about the median or average sentences that should be applicable to those offences.

I am pleased to say, Mr Angus, that although it is early days we are seeing encouraging signs, even within crime statistics, of the downturns in some of the particular categories of offending that we are targeting, albeit that there is still a lot more to be done. Certainly the experience in other jurisdictions shows that it sometimes does take a lag between tougher sentencing and offenders and would-be offenders in the community getting the message, but there is a lot of evidence in overseas jurisdictions to reinforce the fact that appropriately targeted, stronger, effective sentencing does deter crime. We are committed to ensuring that sentencing in Victoria plays its part in preventing and deterring crime.

Mr PAKULA — Minister, budget paper 3, page 193, contains performance measures relating to the Victorian Equal Opportunity and Human Rights Commission, the organisation that deals with matters of human rights' abuses and discrimination. Your government, through Minister Guy, has made a submission to the commonwealth opposing the removal of section 18C from the Racial Discrimination Act, and I commend Minister Guy for that. I am not sure what sort of battle he had to have, but I commend him for that. I want to ask you, though, because the commonwealth Attorney-General appears to be undeterred, should he persist with what I consider to be his disgraceful attempts to normalise bigotry in this country, will you undertake to introduce state-based legislation making it an offence to insult, offend or humiliate on the basis of race?

Mr ANGUS — On a point of order, Chair, is that in relation to the budget papers or is that some speculative, potential future matter?

Mr PAKULA — On the point of order, Chair, the minister has made it perfectly clear through the presentation that he made and in his answers to questions from government members that is more than happy to talk about legislation, none of which is directly relevant to the budget — legislation that has passed and legislation that is currently before the Parliament. Now, if legislation of the nature I asked about were to be introduced it would have a budgetary impact, so I think if the minister wants to open the door and walk through the door where he is prepared to talk about legislation, then I am equally entitled to ask him about legislation.

The CHAIR — Order! There have been numerous references to legislation, but not in any way have we referred to prospective legislation. We have referred to bills that are before the house or bills that have been considered by the Parliament and are now on the statute book. I do think it is beyond the remit of the estimates process to ask the Attorney-General to speculate on other legislation that he may at some future point, whether it be in this term or in another term, bring before the house. That is quite properly a policy discussion and we are not in the business of discussing election policies in this forum.

Mr PAKULA — Not election policies! I just asked him if he would — —

Mr ANGUS — We heard what you asked him, and it was ruled out of order.

Mr SCOTT — On the point of order, Chair — —

The CHAIR — On a further point of order. I have just ruled on that one.

Mr SCOTT — On a point of order, Chair, the creation of legislation, in fact, has been discussed on numerous occasions by implication through policies where there will be actions taken by government, which ministers have on numerous occasions brought before this committee. Also, the creation of legislation, of course, requires the expenditure of departmental funds. It requires staff within the department to take action. The actions of staff funded by the Parliament through appropriations is perfectly within order of this committee. So what actions departmental staff, whose job it is to provide advice to ministers and to work on legislation, undertake is funded by appropriations made by the Parliament, which relate to the actions of this committee. Any understanding to the contrary is ridiculous, frankly.

Members interjecting.

The CHAIR — I hope you are not reflecting on the Chair.

Mr O'BRIEN — Further on the point of order, Chair, firstly, it is a repeat of the first point of order. Secondly, the proposition that every single issue that could possibly be a part of legislation one day could be a matter for this committee would put this committee into an impossible position of speculating on all sorts of things. What the minister has done has is outline what the government has brought forward in the past and what

is before the house. As you have already ruled, speculative questions, as it was, for whatever intention, especially in relation to a federal matter, is not a matter for this committee.

Members interjecting.

The CHAIR — Order! Points of order should be heard in silence. I do not uphold the point of order. I think there is a world of difference between even seeking advice on announced government positions that may require legislation and asking the Attorney-General to speculate on something that may occur in the future and which in turn depends on a series of decisions at the commonwealth level. It is speculative, it is outside the ambit of the estimates hearings and I do not uphold the — —

Members interjecting.

The CHAIR — If you wish to ask the Minister for Multicultural Affairs and Citizenship about the submission by the state, that is an entirely different matter. You were asking the Attorney-General what he may do if the commonwealth makes a decision in a particular way. That is entirely different situation and it is outside the bounds of the hearing.

Mr O'BRIEN — I would like to ask a question in relation to budget paper 3, page 189, which follows Mr Angus's question in relation to the supporting legal processes and law reform output group, and you have answered a question in relation to sentencing laws. Can you update the committee on the work that is being done in relation to reforms for other criminal laws?

Mr CLARK — Thank you, Mr O'Brien. Obviously criminal law reform takes in many areas going beyond sentencing and the substantive law reinforces the sentencing law in ensuring that the rule of law is upheld. We have been delivering a range of reforms in that area. I am pleased to update you and touch on a number of them that have now come into operation. One of those is in relation to bail laws where we have brought through reforms. We appreciate support of the Parliament for legislation that now makes it clear that a breach of a protective condition imposed on someone granted bail is a criminal offence. Surprisingly, up until this legislation a breach of a bail condition was not an offence. All that could happen was that the person could be brought back before the court and there could be an application to change bail conditions. We have brought in this legislation that makes it clear that breach of a bail condition imposed to protect the community is in itself an offence and that is designed to reinforce the respect in which bail is held.

Similarly, committing a further serious offence — an indictable offence — while on bail is in itself an offence, because not only is the underlying offence committed but the trust reposed, the trust which the community has extended to the offender, has been breached through the offending while on bail. This is all part of reforms designed to restore respect for the law. It sits alongside reforms that my colleague Mr O'Donohue has made in relation to parole, because if the law is not taken seriously, if it is not treated with respect, then we see the consequences in terms of rising levels of crime.

We have also legislated to strengthen and extend the move on laws that were put in place under the previous government to extend in particular to those who are impeding lawful access to premises, committing offences in public places, causing others to have a reasonable fear of violence, or endangering safety or engaging in behaviour likely to cause damage to property. We believe, again, this is important in protecting the legitimate rights of all people upholding the right to peaceful protest, but for those who try to place themselves above the law through protest, through blockades or through other conduct on the streets, there is a response available to Victoria Police to ensure that that is dealt with.

I touched in my presentation on legislation that dramatically simplifies the processes and procedures to be followed by police in relation to the taking and processing of DNA evidence and also making it easier for police to interview a suspect already in custody over other matters. These will save a lot of police time, a lot of court time, reduce potential for appeals based on technical non-compliance issues and ensure that DNA evidence is available appropriately to be used by police as the valuable tool that it is in detecting and therefore preventing crime.

We have also had legislation on the statute books to enable criminal bikie and similar gangs to be banned in Victoria. That was something the previous government refused to do. We have legislated to do so and backed

that up with fortification removal legislation that also allows police to apply to the Magistrates Court for an order to have the fortifications removed from premises being used in connection with serious crime.

We have also, of course, had before the house and the Parliament a range of legislation to respond to the *Betrayal of Trust* report. I mentioned earlier the grooming legislation, which is one of the most far-reaching grooming laws introduced in Australia, extending not only to children who may be the victim of grooming but also to grooming behaviour directed towards parents and carers of children. There is another bill before Parliament, as members will be aware, that introduces two requirements for persons in positions of authority and organisations to protect children from the risk of sexual assaults by persons known to be a risk of carrying out those assaults, and also making it clear that the starting point is that all adults who know or believe that child sexual abuse has occurred need to report that information to police.

So plenty has been happening, and other legislative proposals have been foreshadowed in the public arena in relation to defensive homicide where very good work has been done by the Department of Justice as also in relation to reforming sexual offences laws. Likewise we have also indicated publicly that we are looking to introduce laws that will improve the operation of committal proceedings in the Magistrates Court so that they can be more focused and so that the trial process and the matters leading up to trial can therefore be more expeditious.

Mr PAKULA — Minister, in response to a question from a government member you talked about the FOI commissioner. Anyone who has attempted to get any information by FOI from the government would know in a practical sense that the FOI commissioner has not helped at all in terms of actually practically getting information, and it has, from all anecdotal evidence, made the delays even worse, and budget paper 3, page 205, bears that out. The 2012–13 actual in terms of statutory and other agreed time lines met was 89 per cent — and these are statutory time lines — and the expected outcome for 2013–14 is down to 65 per cent. Your response to that is to lower the target from 100 to 85 and to reduce the total output expenditure on the FOI commissioner from \$3.5 million to \$2.7 million. The performance measure outlines the drop-off, there have been media reports about statutory time lines not being met, it is clear that the FOI commissioner does not have sufficient resources to meet its statutory obligations and yet you are reducing the output funding and you are certainly not providing them with one additional dollar.

The CHAIR — We are now 2 minutes into the question.

Mr PAKULA — So my question is: how on earth is the FOI commissioner meant to meet its already modest time lines when you are reducing funding and not providing it with any additional funding in this year's budget?

Mr CLARK — As I indicated, Mr Pakula, in answer to the earlier question, this government has introduced an FOI commissioner for the first time. It is one of the most substantial changes to FOI practice in the 30-odd years of history of FOI. It is something that your government failed to do, despite repeated criticisms by the Ombudsman of how FOI matters were handled under the previous government. We committed to establish —

Members interjecting.

The CHAIR — Order! If the interjections continue, there will be no supplementary in this session, and there may well not be a supplementary in the next session.

Mr CLARK — We committed to establish an FOI commissioner. We have established an FOI commissioner, we have provided substantial additional funding for that FOI commissioner and this can be compared with the resources that were available for the conduct of reviews and like matters under the previous government. I mentioned earlier that reviews were by and large undertaken by departmental officers, as roles ancillary to their main work. So we have provided substantial resources to the FOI commissioner to establish that office and then for the ongoing work of that office, and the FOI commissioner is handling those complaints and conducting those reviews independently of government, and that is an invaluable reform.

As I also touched on in answer to the previous question, we are moving to strengthen the work of the FOI commissioner through providing for two new assistant commissioner positions to ensure that the commissioner has additional support for the handling both of complaints and of reviews. As I also mentioned in my answer to

the previous question, we are arranging for additional staff to be made available on secondment from the Department of Justice to assist the commissioner to develop an educational program and materials to further enhance training across the public sector.

These are additional resources that have been provided to the FOI commissioner, but I repeat that they are on top of what are already substantially greater resources being provided for the review and complaints processes than were available under the previous government, and they are resources that are being provided to an independent commission.

The CHAIR — We are out of time, but I will allow a very quick supplementary.

Mr PAKULA — Very simply, Minister, if the resources available to the FOI commissioner are sufficient, why can it not meet its statutory obligations?

Mr CLARK — As I have indicated, first of all we provided substantially increased resources upon the establishment of the commissioner, and, as I announced just recently, we are providing additional resources on top of that to ensure that the FOI commissioner receives additional support and, as I said, to reinforce what has been a very valuable initiative by this government and one that was not done under 11 years of the previous government.

The CHAIR — Thank you, Attorney. That concludes the hearings for the Attorney-General portfolio. I think there is one matter on notice — that of the justice and CSV funding numbers in reference to the comments of the Deputy Chair. We will follow up on that in writing, but if we can have a response to that within 21 days, it would assist. I thank the secretary and the deputy secretaries for their attendance. That concludes this hearing.

Witnesses withdrew.