

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

Inquiry into budget estimates 2009–10

Melbourne — 14 May 2009

Members

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Witnesses

Mr R. Hulls, Attorney-General,
Ms P. Armytage, Secretary, and
Mr J. Griffin, Executive Director, Courts, Department of Justice.

The CHAIR — I declare open the Public Accounts and Estimates Committee hearing on the 2009-10 budget estimates for the portfolio of Attorney-General. On behalf of the committee I welcome the Honourable Rob Hulls, MP, Attorney-General; Ms Penny Armytage, Secretary of the Department of Justice, and Mr John Griffin, executive director, courts, departmental officers; members of the public and media are also welcome.

In accordance with the guidelines for public hearings I remind members of the public that they cannot participate in the committee proceedings. Only officers of the PAEC secretariat are to approach PAEC members. Departmental officers as requested by the minister or his chief of staff can approach the table during the hearing. Members of the media are also requested to observe the guidelines for filming or recording proceedings in the Legislative Council Committee room.

All evidence taken by this committee is taken under the provisions of the Parliamentary Committees Act and protected from judicial review. However, any comments made outside the precincts of the hearing are not protected by parliamentary privilege. There is no need for evidence to be sworn. All evidence given today is being recorded. Witnesses will be provided with proof versions of the transcript to be verified and returned within two working days of this hearing.

In accordance with past practice the transcripts and PowerPoint presentations will be placed on the committee's website. Following a presentation by the Attorney-General committee members will ask questions relating to the budget estimates. Generally the procedure followed is that relating to questions in the Legislative Assembly. I ask all mobile telephones be turned off. I now call on the Attorney-General to give a brief presentation of no more than 5 minutes on the more complex financial and performance information that relates to the budget estimates for the portfolio of Attorney-General.

Overheads shown.

Mr HULLS — Thanks very much, Chair I have got five or six slides only. I just want to outline some of the key initiatives over the last 12 months.

The first slide deals with justice statement 2, which is the vision for the justice system. It was released October 2008. It has a number of themes. It provides a particular focus on reducing the cost of justice, promoting appropriate dispute resolution, civil justice reform, creating an engaged and unified court system and outlines some 35 projects, from the overhaul of the Crimes Act to addressing systemic discrimination, exploring problem-solving approaches in the criminal justice system, improved family violence, a consolidated Courts Act, a new judicial complaints mechanism and the exploration of youth peer panels.

There are a number of reforms I could focus on, but I want to briefly touch on Alternative Dispute Resolution (ADR). We committed some \$17.8 million in 2008-09 to expand ADR services, in particular the extension of community mediation services, increased diversion of disputes away from magistrates courts, and we are supporting the development of judicial mediation through both funding and supporting legislation. I am also pleased that Justice Louise Otis, former justice of the Quebec Court of Appeal, who only retired some months ago, is out here at the moment conducting a number of master classes for judges in Victoria about judge-led mediation.

We have also committed funds to a whole range of programs including a financial counselling pilot in the County Court; also we will introduce later this year a judicial dispute resolution bill to ensure judicial immunity for judge-led mediation, and we are also expanding ADR services to regional and rural Victoria.

Also in relation to the human rights charter, in the second annual report on the charter, the Human Rights and Equal Opportunity Commission found that the charter is working effectively, and indeed Victoria is making steady progress towards building a culture of human rights right across the community; and there are a whole range of examples where the human rights charter has made a difference to peoples' lives. International experience suggests it does take a number of years to bed down a charter, but the feedback in relation to the first full year has been very positive.

The Criminal Procedure Act is the first of three major pieces of legislation reviewing the Crimes Act, and we think it is a very important piece of legislation in modernising our criminal justice system. A further piece of legislation will be introduced in due course.

In relation to reducing the cost of civil justice the Victorian Law Reform Commission made 150 recommendations in March of last year. An advisory group headed up by Chief Justice Marilyn Warren is now working through each and every one of those recommendations, and further announcements will be made shortly.

In relation to family violence, as we know family violence is the leading cause of death, disability and illness in women aged between 15 and 44, and we have the new Family Violence Act which has come into effect and is making a huge difference. But we are also embarking on an advertising campaign, which you have probably seen at bus stops and the like.

The next slide relates to the fact that with some of the reforms we have introduced, we also have to implement cultural change across the justice system in a whole range of areas — ADR is about that. But also we need to look at the billing practices of lawyers. I have to say that anyone who has come into contact with the legal system would be well aware of the tyranny of the billable hour. For clients, the billable hour is the basis upon which they are charged. They often receive hefty legal bills.

I think there is enormous capacity to change the way charging practices occur in the legal profession on the basis of the quality of the work rather than time spent; and with the way charges are made at the moment there is no incentive to settle matters, because you are getting paid by the hour or by the day, and therefore we need to look at that, and I will be doing that in the not-too-distant future.

The second-last slide deals with some of the initiatives in this year's budget. There is a huge increase to legal aid — an almost \$80 million package in the state budget — to provide ongoing support for key initiatives such as the Neighbourhood Justice Centre, the Sentencing Advisory Council, and family violence programs.

The last slide deals with some of those further initiatives including Sentencing Advisory Council, CISP (Court Integrated Services Program) and the new initiative of a mental health list, which we will be trialling in the Melbourne Magistrates Court.

It is all about trying to address the underlying causes of crime. A person goes to court because they have been charged with, let's say, a break and enter. Why have they broken and entered? Because they have drug and alcohol problems. Why do they have drug and alcohol problems? Because they are homeless. Why are they homeless? Because they are unemployed. Why are they unemployed? Because they come from a broken family. All of those matters need to be addressed in a holistic way, and that is what things such as CISP, the Neighbourhood Justice Centre and the mental health list are all about.

The CHAIR — Thank you very much for that, Attorney. As I have asked other ministers, I would like it if you could tell me about any federal grants and programs your portfolio, department and agencies receive in the budget, provide the committee with a detailed list and description of them, including what accountability mechanisms there are in respect of these grants and programs.

Mr HULLS — Sure. The situation with my portfolio is that the main federal grant comes in relation to legal aid. The commonwealth provides about \$30 million a year for legal aid, but that funding is tied. That is really the accountability. It can only be used by Victoria Legal Aid (VLA) in relation to commonwealth matters. It is principally used for family law matters but there are stringent accountability mechanisms that apply nationally, and that funding agreement with the commonwealth expired on 31 December. It has been rolled over for 12 months.

In the recent budget the Brumby government announced an additional \$24.7 million in recognition of the pressures that are faced by legal aid. In other words, we have given an almost 50 per cent increase in the base funding levels to VLA, which certainly provides a strong foundation for state funding into the future; and to achieve this I might say in the midst of a financial crisis and a very tough budgetary environment is very pleasing and an indication of the priority the government puts on legal aid.

However, I have to say that now that the federal budget has been delivered, it is clear that the federal government did fail to step up and deliver an appropriate commitment, in my view, to legal aid, and I think this has created an unsustainable state of affairs in relation to federal funding for legal aid, and it cannot continue.

Over 11 years to June 2009, the Victorian government has provided \$540 million to legal aid, including \$160 million out of the Public Purpose Fund, whereas the federal government has provided only \$330 million over the same period.

The view I take is that the federal government has for a long period of time — the previous federal government and this federal government — actually shirked its responsibility in terms of the national legal aid funding effort. The commonwealth has increasingly allocated its shrinking share of total national legal aid funding to other jurisdictions at the expense of Victoria.

There is a chart that shows exactly how Victoria has been duded by the federal government in relation to legal aid funding. It shows that Victoria now has by far the lowest of the eight Australian jurisdictions in relation to federal funding on a per capita basis for legal aid. This shows that we have really a three-way pincer movement: the tying of federal funding to federal matters only, a reduced share of national legal aid spending, and, can I say, a demonstrable bias against Victoria when it comes to legal aid funding, meaning that VLA has had to implement drastic restrictions to funding of matters arising under commonwealth laws, including family law matters in particular.

I have to say that the commonwealth's continued failure means that disadvantaged Victorians are enduring the toughest eligibility requirements in the nation for family law matters.

I think there is now even greater urgency for the federal government to bring forward its negotiations on the national legal agreement and put funding on a much fairer footing. We would get greatly increased federal funding if they funded it on a per capita basis but also if they untied the grants that they currently make so Victoria Legal Aid can use those funds as it deems appropriate, at its discretion.

Negotiations are continuing with the federal government. The state government stepped up to the mark in relation to legal aid, but the federal government has not. I notice, in conclusion, that the law institute put out a media release after the state budget, welcoming our substantial increase to legal aid funding. They put out a media release just yesterday in relation to the federal budget, and they make it quite clear that they believe it was very disappointing that the federal government had not followed the Victorian government's lead and prioritised legal aid funding as a critical access to justice issue. And I have to say I agree with the law institute.

The CHAIR — Attorney, does that also mean that some of the Victorian legal aid also covers commonwealth legal matters and cases?

Mr HULLS — How legal aid spends its untied funding and its state funding is entirely a matter for it. I do not have the power to direct.

The CHAIR — I am not asking that.

Mr HULLS — No, but because of the huge demand for funding state matters — that is, people have been charged with offences under state jurisdiction — all state funding is used for state-related matters. That is why there are very tight eligibility criteria for federal matters — because of the reduced funding. Every cent that legal aid gets from the state, it spends on assisting state recipients, but there will never be — and I have made this point before, I think — enough funds to meet the unmet legal demand that exists in the community.

As well as appropriately funding legal aid, we have to look at other ways of meeting that unmet demand. As you know, we outsource something like \$35 million to \$40 million worth of work to the private profession each year, as a government, and we have made it a condition for any firm that wants to do government legal work to commit to a certain percentage of pro bono work as well. That has proved to be not only a great scheme but it has been looked at by other jurisdictions, not just in Australia but overseas as well.

The CHAIR — And you are getting more pro bono work coming in?

Mr HULLS — We are — I think the latest reports shows that there was something like \$8 million of pro bono work that has been undertaken by those firms doing government work. It is something like that — I will stand corrected on that figure. That is increasing year in, year out.

The CHAIR — If you could provide that to us, give us some details, that would be good.

Mr HULLS — Yes, I can do that.

The CHAIR — Okay. Thank you very much. Mr Dalla-Riva?

Mr DALLA-RIVA — My question is obviously to the Attorney-General. Attorney, I want to ask you about the processes of appointments of JPs, which is one of the activities of your portfolio, supported by the Department of Justice and funded by the budget in budget paper 3.

As you know, the quality control of the process of appointments of JPs has been brought under scrutiny — certainly by the recent findings of the Victorian Ombudsman, who found that a person whom you appointed as a JP, Mr Hakki Suleyman, had been convicted in 1989 of intentionally causing injury, being found armed with an offensive weapon, and assault with a weapon. When you were asked about this in Parliament on 19 August last year you claimed that:

People who make an application to become a justice of the peace are screened by the organisation representing JPs, and I endorse the recommendations that come to me.

I ask: do you mean to tell me that you, as the Attorney-General, as the leading legal figure in this state, made one of the government's advisers a justice of the peace even though you knew he had a criminal record for violent assault and weapons offences?

Mr HULLS — I will tell you exactly how the process works.

The CHAIR — How the process works in particular — I am not sure; it is up to your discretion as to whether you go into past cases.

Mr HULLS — I am happy to answer the question.

Mr WELLS — It needs to be dealt with. I mean, it is a very important point.

The CHAIR — It is not necessarily the forum to do it, but anyway — —.

Mr HULLS — I am happy to answer the question, if you want me to.

Mr DALLA-RIVA — Yes, please. Can I ask you to bring up the slide because it is relevant to your presentation, Attorney?

Mr HULLS — If you want me to answer the question, I am happy to.

Mr DALLA-RIVA — Yes, just slide no. 5, I think it was 'Future of the justice system' — if there are some points of issue.

Mr HULLS — I am happy to answer the question. This is how the process works for the appointment of a JP. An application form is filled in, and it is sent to the Department of Justice, which makes a general assessment in relation to that application. Often, I might say, an application — a copy of the application is sent to me accompanied by a letter from an MP endorsing a prospective appointee. I have a standard response, and that standard response indicates that an independent assessment panel makes the ultimate recommendation.

The department receives the application. They then send the application to Victoria Police to conduct a criminal record check and also meet with the applicant for interview. So for each applicant for a JP a police record check is undertaken and an interview takes place with the police.

The department then convenes an assessment panel to assess the application and also to assess the information that is provided by the police. In making a decision to recommend individuals, the panel takes into account a whole range of matters, including an applicant's character, their standing in the community and also the availability of JPs in that area: whether or not there is a shortage of JPs or an over-abundance of JPs.

As Attorney-General I then receive a list of the recommended applicants from that panel for appointment as a JP, and I have to say I receive something like 100 per year, and they come in groups. Often I get letters from MPs saying, 'So-and-so has applied to become a JP. They have not heard for 12 months or 6 months; please advise me why it is taking so long to assess their application'. The reason it often take so long is that an

assessment is done once there is a sufficient number of applicants. They do not do them individually, they do them as a group. The recommendations are made to me, at least, as a group.

In relation to Mr Suleyman, the person to whom you referred, he was 1 of 41 applicants who were recommended to me for approval. I do not get a copy of criminal convictions, a criminal record check or the like; that is done before it gets to me. All I get is a recommendation that 'The following people be appointed as a JP because they have undergone the relevant checks'. I might say that I have received, as I said, something like 100 a year, and many of them are accompanied by letters from MPs. I do not know if anyone here has written to me — I suspect they have. I know that Louise Asher, for instance, has written to me previously endorsing her electorate — —

Mr WELLS — Did they have a criminal record?

Mr DALLA-RIVA — Did they have a criminal record?

Mr HULLS — I do not know the answer to that.

The CHAIR — The Attorney-General to answer, please, without assistance.

Mr HULLS — I got a letter from Louise Asher recommending that her electorate officer be appointed as a JP.

Mr DALLA-RIVA — But hang on, this is about — who was the MP who did the recommendation for Hakki Suleyman?

Mr HULLS — I don't — —

Mr DALLA-RIVA — You know who Louise has written about.

Mr HULLS — No, what happens is: people will send in their application, but some applicants — —

Mr DALLA-RIVA — Have you trawled through the files? Have you had the files trawled through?

The CHAIR (to Mr Dalla-Riva) — Without assistance!

Mr DALLA-RIVA — You seem to know about the Louise Asher check.

The CHAIR — Mr Dalla-Riva!

Mr DALLA-RIVA — I find it amazing that he knows about what Louise Asher has written.

Mr HULLS — No, this is a letter to me.

The CHAIR — Just a moment!

Members interjecting.

Mr HULLS — The point I am making is that often MPs will write to me — —

Mr WELLS — Which MP recommended Hakki Suleyman?

Mr DALLA-RIVA — Was it Justin Madden?

The CHAIR — Attorney-General, just a second. Can we have one person at a time? We have the Attorney. I must admit I have put them in myself, and in fact one of the — —

Mr WELLS — Why doesn't he answer the one about Hakki Suleyman? Which MP recommended Hakki Suleyman?

Mr HULLS — I don't know — —

Mr WELLS — But you remember about Louise Asher. Why didn't you know about Hakki Suleyman?

Mr DALLA-RIVA — Why are you picking out Louise Asher?

Mr HULLS — Because I asked my department what the process is, and the process is that MPs sometimes will write, either enclosing an application — —

Mr WELLS — So you are not going to tell us?

Mr HULLS — Or endorsing an application.

Mr DALLA-RIVA — You know!

Mr HULLS — Other times an applicant will send it directly to the department. In relation to Mr Suleyman — if you will just let me finish — I repeat: he was 1 of 41 who were recommended to me in the normal way by the department after a police check was undertaken, after an interview with the police was undertaken, after an assessment was made by the independent panel as to whether or not he was a suitable person to be a JP, taking into account all of those criteria. They then presented his name as 1 of 41 to me for endorsement, and it was endorsed.

Mr WELLS — You endorsed it?

The CHAIR — The Attorney, to answer. Repeat your answer, Attorney.

Mr HULLS — I repeat: he was 1 of 41 that came to me for endorsement, based on the recommendations of the panel and indeed the interview with the police, and I signed it off to go to the Governor in Council — absolutely.

However, as we all know, JPs have a duty to uphold the status and reputation of their office and to avoid conduct which diminishes public confidence in or respect for that office. I said, I think, at a press conference shortly after the appointment that I have asked my department to review the appointment of Mr Suleyman in light of the Ombudsman's report; I said that at the time.

Mr DALLA-RIVA — With the greatest respect, Mr Clark raised it last year.

Mr WELLS — In August last year Bob Clark asked you this question in Parliament, and you knew nothing about it. You waited for the Ombudsman's report.

Mr DALLA-RIVA — Have a look, Chair.

The CHAIR — I understand what is about. The Attorney-General is answering.

Mr WELLS — We want to know why he took no action in August last year.

The CHAIR — That is irrelevant to this hearing. This is about the estimates.

Members interjecting.

Mr HULLS — Do you want the full answer or not?

Mr WELLS — Yes. I feel like getting into it.

Mr HULLS — I asked my department to review the Ombudsman's report, and in light of the Ombudsman's report to advise whether the matters in that report warrant the revocation of Mr Suleyman's appointment as a JP. I do not intend to second-guess the independent panel's recommendation in the first place in relation to any JP, because I believe that the processes undertaken, including police searches, police interview, independent panel interview are appropriate — and then ultimate recommendation to me.

However, since the Ombudsman's report I made it clear the day after that I had asked my department to review that report and advise whether or not matters set out in that report warrant the revocation of Mr Suleyman's appointment as a JP. The department wrote to Mr Suleyman on Monday, 11 May, inviting him to show cause by 4.00 p.m. on Friday, 15 May — that is tomorrow — as to why his appointment should not be suspended,

pending a full investigation of his conduct. A panel, I am advised, will be convened in due course to consider the substantive issue of whether Mr Suleyman's office should be revoked.

Of course I know you would agree that, like every other citizen in Victoria, Mr Suleyman is entitled to a fair hearing, and I will await the outcome of this examination. It is not appropriate for me to make any further comment or actually pre-empt the decision of his future JP status. But he has been given until 4 o'clock tomorrow to show cause, based on the Ombudsman's report, as to whether or not he should be suspended as a JP following the full investigation of that report, and that will take place.

Mr DALLA-RIVA — Is it your intention — —

The CHAIR — Mr Noonan, please?

Mr DALLA-RIVA — Is it your intention, Chair — —

The CHAIR — No, we will move on.

Mr DALLA-RIVA — I just want to — —

The CHAIR — No, if you wish to ask another question — —

Mr DALLA-RIVA — No, it is the same one — —

The CHAIR — You have an answer; an answer has been given. Mr Noonan?

Mr WELLS — What about your conduct as Attorney-General in the way you conduct — —

Mr DALLA-RIVA — And getting access to documents?

The CHAIR — Please move on. The call has been given to Mr Noonan.

Mr DALLA-RIVA — You have been very selective, Attorney-General, and you accept people with criminal records — —

The CHAIR (to Mr Dalla-Riva) — Thank you, with no assistance.

Mr NOONAN — Attorney, I would like to ask a question about Victoria's bushfires and your area of responsibility. I refer to budget paper 3, pages 152 and 159 and the outputs and deliverables for the Coroners Court and the Victorian Institute of Forensic Medicine, and I ask whether you can, as the Attorney-General, advise of the impact of the Victorian bushfires on the ongoing work of the VIFM and the Coroners Court.

Mr HULLS — Sure. Black Saturday, as we know, will be forever remembered as a day of horror and a day of tragedy in this state's history. I am sure everyone's thoughts and sympathies will remain with every Victorian struggling with the aftermath of the 7 February fires, and for many years to come. There is so much work that is occurring, and has been occurring, to bring certainty to the bereaved and a new start for whole communities.

Victoria's courts and tribunals, I have to say, have been a critical part of this process, and I want to commend them for their response to the bushfires and the assistance that they have provided our community. I also want to, in particular, acknowledge the work of the state coroner and her office and also the Victorian Institute of Forensic Medicine. The Victorian bushfires have had a substantial impact on the ongoing work of VIFM and also the Coroners Court. The unique nature of this tragedy and its sheer scale, can I say, presented these organisations with a range of very complex scientific, logistical and emotional challenges. The deaths of those who perished during the bushfires fall within the jurisdiction of the state coroner, who has to establish the identity of a deceased person, how the death occurred, and the cause of the death.

Just for this committee's information, when identification of a deceased cannot occur by visual identification, the disaster victim identification process has to be undertaken to avoid any misidentification. The coroner, I might say, and all those working with her have faced what we can only imagine to be a very grim, harrowing and incredibly complex task. They have been working around the clock and in very difficult circumstances.

Prior to these tragic, unforeseen events the government had already invested very heavily in strengthening the Victorian coronial system, as well as the new Coroners Act. Funding of \$43 million was provided in 2007-08 to improve the delivery of coronial services, and a further \$61.8 million last year was provided to upgrade mortuary facilities, forensic services — including \$38 million to rebuild the mortuary services building — and also extend forensic services and additional pathologists.

Immediately after the bushfires the Brumby government moved very quickly to provide extra resources to the coroner's office to assist with the unprecedented increase in demand. Within a very short time two magistrates were reassigned from the Magistrates Court to the coroner's office to work as coroners, whilst two acting magistrates were then moved across into the Magistrates Court. A Treasurer's Advance of over \$2 million was provided to the coroner to cover unplanned costs, including additional body transport costs, funding for additional coronial hearings, security of facility and grief counselling services.

On 6 March the coroner conducted the first identification board meetings, which resulted in the formal identification of four victims and advice to families leading to the release of their loved ones. By Saturday, 9 May, which was just last Saturday, only three months after the tragedy of Black Saturday and after 19 identification board meetings, the state coroner announced that all 173 bushfire victims had been identified.

I understand it has been a very difficult time for the families of the deceased as they wait for news from the coroner. I acknowledge their extraordinary patience and forbearance, and I acknowledge the horrible trauma they have suffered. I also want to publicly acknowledge the tremendous efforts of Judge Jennifer Coate and her office and Professor Stephen Cordner and his team. They have worked tirelessly since the events, and I thank them for what they have done so far and for what I expect will be a similarly unflagging approach to what they will face as they prepare to move into the next phase of the response to this tragedy.

I conclude on this note: for its part, the Brumby government will continue to monitor the impact of the bushfires on our coronial services, and we certainly stand ready to step in with additional support whenever and wherever it is required to ensure that Victorian families continue to receive what has been a timely, effective and, can I say, compassionate response to an extraordinary tragedy.

The CHAIR — Thank you for that, Attorney-General. I note that it was \$6.5 million, I think, in additional money, as recorded on page 284 in budget paper 3.

Mr HULLS — Yes.

Mr WELLS — Attorney-General, I would like to go back to the issue of the future of the justice system and the appointments of JPs.

Mr HULLS — Yes.

Mr WELLS — Firstly, you might like to tell us how many justices of the peace out there actually have criminal records; that might be a start.

Mr HULLS — Yes.

Mr WELLS — Did Hakki Suleyman, when he was filling out his form, fill the form in correctly — and that is, that he declared that he had committed crime in the past? Did you recognise the name when you appointed him? And did he get special treatment because he was a Labor mate?

Ms MUNT — Excuse me, Chair, does this relate to the — —

Mr WELLS (to Ms Munt) — Hang on, I know you are very sensitive about this. The Attorney-General does not need any protection in relation to this question. He is capable of answering this. Is it because I said, 'Labor mate' that everyone has become very sensitive?

The CHAIR — No.

Ms MUNT — Which page of the budget papers does that — —

Mr WELLS — This is about the future of the justice system.

The CHAIR — Without assistance!

Ms MUNT — No, this is about the forward estimates.

The CHAIR — Without assistance! If you finish your question, I will then rule on whether or not it is appropriate to this inquiry.

Mr WELLS — Fair enough. In relation to the forward estimates, and the future of the justice system, and the credibility of the justice of the peace system, I wonder if you can answer those particular questions in relation to Hakki Suleyman and the credibility of justices of the peace, and the number of JPs out there who have a criminal record.

The CHAIR — I am happy to rule that most of that is actually relevant to this inquiry.

Mr HULLS — And I am happy to answer the question. In relation to the specifics of Mr Suleyman, he was treated like every other applicant for a JP in that he went through the appropriate process. He was assessed, he was interviewed by the police, and, as I said, he was one of 41 that came to me. I was not aware of his — or, might I say, any applicant for a JP's criminal history because that does not come to me. All that comes to me —

Mr WELLS — So the Attorney-General of this state is not aware of a JP's record — whether or not they have criminal record?

The CHAIR — The Attorney-General, to answer; we do not need the commentary.

Mr HULLS — First of all, if you have actually had a look at the material that goes out to applicants for JPs — —

Mr WELLS — I have got it here. It has got here 'criminal history'.

Mr HULLS — It actually says that criminal history will not necessarily preclude a person from becoming a JP. I think from memory it then — —

Did you say it should?

Mr WELLS — Pardon?

Mr HULLS — Did you say it should? It actually says on the form that a criminal history — —

Mr DALLA-RIVA — 'Intentionally causing injury'.

Mr WELLS — 'Intentionally causing injury'.

The CHAIR — Can we have the Attorney-General answer?.

Mr HULLS — I am talking about the form that goes out to people when they fill out a form, when they make an application for JP. The material that goes with that actually says that a person's criminal history will not necessarily preclude them from becoming a JP. All the circumstances will be taken into account.

In relation to your question about whether or not I know of people's criminal history, the answer is no, I do not get that material. What I get is a recommendation taking into account the police criminal history check, the interview with the police, the independent panel assessment — —

Mr DALLA-RIVA — A letter of recommendation?

Mr HULLS — What I get then is a recommendation, all those things. I then get — —

Mr WELLS — Which MP signed it?

Mr HULLS — Sorry? I then get a recommendation from the department in relation to whether or not people should be appointed — that is, a recommendation that 'the following people should be appointed'.

A simple way of answering your question is that Mr Suleyman's application was treated like any other application. However, I repeat: since the Ombudsman's report has been released, and certain observations were made by the Ombudsman and certain recommendations have been made by the Ombudsman, I immediately asked my department to assess — —

Mr DALLA-RIVA — You were told about this last year.

Mr WELLS — Robert Clark asked you in August last year, and you took no action.

The CHAIR — Without assistance!

Mr HULLS — — to assess whether the status of Mr Suleyman as a JP should remain. My department — —

Mr WELLS — In August last year Robert Clark asked you this question.

Mr HULLS — If you actually look at *Hansard* — —

Mr WELLS — I have it here.

Mr HULLS — I was asked — —

The CHAIR — Attorney-General, resist the temptation. Answer the original question as it relates to the estimates.

Mr HULLS — I will resist it.

Mr WELLS — He set out very clearly that he had a criminal record.

Mr HULLS — And I endorse the recommendations that come to me.

The CHAIR — I do not want it to be included in the transcript. Thank you very much. Attorney?

Mr HULLS — A review is taking place in relation to Mr Suleyman's appointment as a JP. I might say the review is based on not second-guessing the assessment that was made initially — —

Mr WELLS — But you are responsible.

Mr HULLS — Not second-guessing that, but because of information that has come to light as a result of the Ombudsman's — —

Mr WELLS — No, that is wrong. Robert Clark asked you this question in August last year, and you took no action.

Mr HULLS — A letter has been sent to Mr Suleyman, which I have no doubt he has now received — —

Mr WELLS — You are the leading lawmaker in this state.

Mr HULLS — He has until 4.00 p.m. tomorrow to show cause why he should not be suspended. A number of options are open to Mr Suleyman as to what he may do in response to that letter, but regardless of the response there is a full investigation that will take place in relation to whether or not he should remain as a JP. It would be totally inappropriate for me to pre-empt the outcome of that inquiry. It would also be inappropriate for me to attempt to undermine Mr Suleyman's right to be afforded due process, and that due process — —

Mr WELLS — But you were told in August that there was a problem with this person — —

Mr HULLS — That due process was set out in a letter to him — —

Mr WELLS — You waited for the Ombudsman's report to come in. I do not understand why you, as the leading lawmaker in this state, would wait for that.

The CHAIR — Thank you. Next question. Ms Huppert?

Ms HUPPERT — I have a question about one of the budget initiatives. I draw your attention to page 333 of budget paper 3, and the line entry relating to the four-year investment in a Neighbourhood Justice Centre. I wonder if you could outline the ongoing benefits to the Victorian justice system of this investment? I am particularly concerned about issues of access to justice and how this may impact on access.

Mr HULLS — I have to say the Neighbourhood Justice Centre is a great initiative. I do not know if all members sitting around this table have had an opportunity to have a look at the Neighbourhood Justice Centre, but I hope those who have will agree that it is a fantastic initiative. I hope it now has bipartisan support. I know when it was originally mooted and the legislation went through the house, a member of Parliament ridiculed it and branded it as an apartheid justice system. I hope they now recant those outrageous comments.

The CHAIR — Just stick to the facts.

Mr HULLS — The Neighbourhood Justice Centre celebrated two years of operation in March 2009. It is Australia's first community justice centre integrating court and client support services and community engagement projects in one location. It received a further \$26.2 million over four years in the recent budget, and I am very proud that it is actually leading the country in adopting a community-based approach to the delivery of justice.

An evaluation of the Neighbourhood Justice Centre will be completed in late 2009, but there are clear trends emerging of the benefits of the Neighbourhood Justice Centre to the justice system. These trends include the fact that breach rates for family violence intervention orders appear to be lower at the Neighbourhood Justice Centre than the statewide average; the rate of successful completions for community corrections orders appears to be higher at the Neighbourhood Justice Centre than the statewide average; and the proportion of guilty pleas at first hearing appears to be higher at the Neighbourhood Justice Centre than the statewide average, thereby leading to greater court efficiencies.

As at February 2009 about 11 000 community members had contacted the Neighbourhood Justice Centre for information, so word is out there that the Neighbourhood Justice Centre indeed is a community asset. The Neighbourhood Justice Centre is successful because it combines a multi-jurisdictional court with access to a whole range of social services and in doing so acknowledges the impact of disadvantage and crime on the lives of individuals in the community.

As I said before, it is about addressing the underlying causes of crime. A person will go before the Neighbourhood Justice Centre and, if you like, it is a one-stop shop. If they are going there because they have committed a burglary, for instance, yes, they will be dealt with for that, but the reason why they have committed that offence will also be addressed. If it is a drug and alcohol matter, they can get drug and alcohol counselling on the spot; if it is the fact that they are unemployed, they can actually get employment assistance on the spot; if it is because they are homeless, they can actually get accommodation assistance on the spot; and if they have been the victim of domestic violence, for instance, that can be addressed on the spot.

All those matters address the underlying causes of the criminal activity. It is about using the mechanisms available to any court to make sure that the law works. It is about harnessing a sense of accountability and ensuring that offenders feel that they actually belong to a local community. I think it has been widely accepted by the community in the city of Yarra. Not that this ought to be how you judge a place like the Neighbourhood Justice Centre, but I go past there regularly and I have been there regularly, and there is a lot of graffiti in the area but no graffiti on the Neighbourhood Justice Centre, which is really quite extraordinary.

Ms PENNICUIK — I refer you to page 10 of the budget overview paper.

The CHAIR — You will have your chance to ask a question in a second.

Mr HULLS — I have to say that the \$26.2 million over four years will ensure that the Neighbourhood Justice Centre continues. There has been interest from right around the world. There are only about four of them anywhere in the world. I know that New Zealand has a great interest and other parts of Australia have a great interest, and I think the model we have adopted in Collingwood is a model that other jurisdictions would do well to follow.

Ms PENNICUIK — Attorney-General, my two areas of interest — —

Mr WELLS — On a point of order, I thought Dr Sykes was next.

The CHAIR — Dr Sykes has now joined us. We welcome Dr Sykes for this portfolio.

Ms PENNICUIK — It is all right. He stole my question before.

Mr WELLS — Okay, but isn't Dr Sykes next?

The CHAIR — Ms Pennicuik has been here for a whole three-quarters of an hour, so since she has been here all that time, I give her the call.

Mr RICH-PHILLIPS — That is a new criterion.

The CHAIR — Dr Sykes will be able to have his turn in a minute.

Mr DALLA-RIVA — That is a new criterion. Unbelievable!

Ms PENNICUIK — Thank you, Chair. Attorney-General, my two areas of interest actually were in the legal aid issue — and you spent quite a bit of time on that at the start of your presentation — and the Neighbourhood Justice Centre. If I could just ask two follow-up questions. I presume that Victoria is going to maintain its funding of legal aid in terms of the ongoing issue with the commonwealth partnership. And with the Neighbourhood Justice Centre, you mentioned there was going to be an evaluation; would that be with a view to setting up more? Just one other thing, and that is about human rights and public education. Is there any plan to extend that public education or just keep it static, because it seems to have remained static?

Mr HULLS — First of all in relation to legal aid you will notice that the dramatic increase in funding for legal aid in the last budget was for one year. The reason for that is that we are awaiting the outcome of negotiations with the federal government in relation to the legal aid agreement. I have actually met personally and collectively with Robert McClelland, the federal Attorney-General, about legal aid funding, and everything I have said here today about my disappointment with the federal government about legal aid I have said to him personally.

He is aware of Victoria's concerns, and I expect that there will be some fairly vigorous negotiations to ensure that they do step up to the plate in relation to their contribution to legal aid. It is important that we maintain adequate funding for legal aid. I cannot pre-empt what is going to happen in relation to the federal funding agreement, but the reason for having only the one-year funding in the budget papers was to wait for the outcome of the negotiations with the federal government.

In relation to the issue of the Neighbourhood Justice Centre, you asked whether or not the review may lead to an expansion of neighbourhood justice centres throughout Victoria. Again, I cannot pre-empt the budget process or if it will work, but the Koori and domestic violence courts in this state have been rolled out and the Koori courts have been a huge success. From what was a very small acorn, if you like, a huge forest has developed, and the Koori courts are now a permanent fixture in this state and have been expanded to the children's and County Court jurisdictions, in Australian firsts.

The Neighbourhood Justice Centre will be evaluated, and without wanting to pre-empt either the evaluation or what might occur as a result of the evaluation, I make no secret of the fact that I am a passionate advocate for neighbourhood justice centres, particularly the Victorian model, and ultimately I would like to see more neighbourhood justice centres, not just in Victoria but right around Australia. Of course that is always subject to budgetary considerations.

In relation to the human rights charter and the educative program that has taken place across government, there have been substantial resources allocated to that, and we will continue to have education programs in relation to the implementation of the charter. I personally have addressed a number of senior bureaucrats in relation to the human rights charter but it is important that we do all we can to change the culture of human rights in this state.

It is not just education programs but it is also embedding the human rights charter in Victoria. I hope one day that there will not be any political disagreement in relation to the human rights charter. I think it is still opposition policy to repeal the legislation should they become government.

Mr WELLS — What will happen is that we will have a more credible JP system, I can tell you. We will be repealing your system, which allows criminals to become JPs. We will not be allowing that. We are talking about the integrity of the system.

The CHAIR (to Mr Wells) — Without assistance, thank you.

Mr WELLS — The integrity of the system is such that — —

Mr HULLS — I hope that they will come to their senses one day and realise that the human rights charter is something that we can all be proud of.

I will finish on this note: I hope that the federal government also — and I know they are consulting right across Australia at the moment in relation to whether or not there should be a national human rights instrument — through Fr Frank Brennan and his committee adopt the Victorian model on a national basis.

The CHAIR — Thank you.

Mr SCOTT — Attorney, I draw your attention to budget paper 3, page 333, and the line item ‘Supporting courts to address family violence’ and to your presentation as well. Can you advise how investment in this area is going to improve the safety of women and children, particularly those at greatest risk of experiencing family violence?

Mr HULLS — Yes, thanks for the question. I said during the presentation that shockingly family violence is the leading contributor to death, disability and illness in Victorian women aged 15 to 44, and over 40 per cent of homicides by partners or former partners involve a known history of family violence. The recent budget provides \$10.8 million over four years to support courts, to address family violence by continuing the family violence court divisions operating at Ballarat and Heidelberg; they have been operating since 2005. This funding builds upon the investment of over \$75 million that has been committed since 2005 to reform and integrate responses to family violence in Victoria, including the new family violence legislation.

These new funds that have been allocated in the budget mean that we can continue our multi-pronged approach to combating family violence, particularly in our approach to making the courts more responsive to victims of family violence. This includes a number of things: training magistrates and court staff on issues of family violence; new support services for victims and perpetrators in some courts; establishing, as I said, the family violence divisions that I have spoken about; specialist family violence services that commenced in 2006 at the Melbourne, Sunshine and Frankston courts; increased investment in community legal centres — \$3.8 million over four years to fund a network of 7.5 dedicated family violence community lawyer positions; and also the \$1.5 million Enough campaign which is an essential part of our reforms. You saw some of the confronting images. They have been used at bus stops, nightclubs, shopping centres, in newspapers and on Facebook.

Alarmingly, more than half a million Australian teenagers live with violence in the home, and evidence indicates that almost one in three boys believes it is not a big deal to hit a girl, which shows that we still have an enormous way to go. This type of attitude is totally unacceptable in the community. We have to play a role in tackling the issue of family violence in the home by speaking out for friends and family, and by helping to shape young attitudes.

I will be very pleased to be attending a number of information sessions and forums in the coming weeks at Benalla, Ballarat, Dandenong and Traralgon. I think it is important that we all play a part in sending out the message.

Mr SCOTT — I just seek some clarification on some matters. You mentioned that family violence is the leading cause of mortality and morbidity for women. What was the age group for that again?

Mr HULLS — Fifteen to forty-four. It is the leading contributor of death, disability and illness in Victorian women aged between 15 and 44. They are startling figures.

Mr SCOTT — Can I just seek, maybe on notice: is there any estimated cost to the rest because obviously there are other government services that would be impacted by that terrible statistic? And is it possible on notice at least to get some information on that?

Mr HULLS — I can get some estimates on that. There it is a family violence ministerial task force, where all ministers on that task force contribute to addressing the scourge of family violence. I am sure there are some estimates that I can give to the committee in relation to the cost to the community of the scourge of family violence.

Ms MUNT — Are you finding that women are coming forward?

Mr WELLS — We know what you are doing. You are trying to talk it out until 5 o'clock. Are you going to have the last question here?

Mr HULLS — The quick answer to the question is yes. As a result of the changes we have made, as a result of the police protocols, more and more women are prepared to come forward and report family violence, because they know it is being dealt with in a more holistic way.

The CHAIR — Thank you, Attorney-General.

Mr DALLA-RIVA — Attorney-General, just going back to your slide show, which seems to have been taken off again, and the future of the justice system in relation to the budget and forward estimates: in response to applications for JPs, I note that you are saying that you are looking to examine their practices, their professional culture and some inherent dogmas. Is part of the inherent dogmas that you have just to rubber stamp JP recommendations without examining them further?

I also note in relation to your earlier comment, on which we have sought some advice, it says here on the Justice of the Peace information sheet for applicants:

Persons found guilty of an indictable offence or fraud are unlikely to be recommended for appointment.

So surely in the case where Mr Hakki Suleyman had been convicted of intentionally causing injury, it would have automatically, or at least had a high level of rejection? Would it appear that perhaps there was some persuasion in his application that may have led to the recommendation being approved?

The CHAIR — Once again, I think this question is not appropriate for an estimates hearing.

Mr HULLS — I am happy to answer it.

The CHAIR — Okay, but quickly.

Mr HULLS — The process — I have just checked with the secretary, and it has been confirmed — in relation to JPs is a process that has been in place for quite some time, a long period of time, under previous governments and this government, whereby the Attorney-General acts on the advice he or she, previously, gets from a panel that assesses the applications based on the criteria — that includes police checks, police interview and a panel process — and those recommendations are then made to the Attorney of the day, whoever he or she may be, and the Attorney acts on those recommendations. That is the first thing.

The second point you make is in relation to the criteria, and it is true that the criteria make it clear that firstly, a person's criminal history will not necessarily preclude them from being appointed as a JP, and it also says that if one has a conviction for an indictable offence, I think it says something like 'unless there are exceptional circumstances' or 'it is unlikely that' — —

Mr DALLA-RIVA — 'Unlikely'.

The CHAIR — It says they are 'unlikely to be'.

Mr WELLS — 'Unlikely to be recommended'.

Mr HULLS — 'Unlikely'. But it does not preclude them.

Mr WELLS — But it is unlikely.

The CHAIR — No. The Attorney-General will finish.

Mr HULLS — I repeat that I was not involved in the process of interviewing any of the 41 applicants who came to me on that day. What I did do, though, is adhere to the independent recommendations that came to me — —

Mr DALLA-RIVA — So you rubber-stamp every recommendation that comes to you?

Mr HULLS — As I have done previously.

Mr DALLA-RIVA — You rubber-stamp every recommendation?

The CHAIR — Mr Dalla-Riva!

Mr DALLA-RIVA — He has not answered it.

Mr HULLS — But I repeat: there were certain revelations that came out as a result of the Ombudsman's report. Immediately I read that report I contacted the secretary of my department — —

Members interjecting.

The CHAIR — Mr Wells! Thank you!

Mr HULLS — The letter that I refer to has been sent to Mr Suleyman, and can I say that is absolutely the appropriate process to be undertaken as a result of this report.

Mr RICH-PHILLIPS — Have you ever rejected an application? Have you ever rejected a recommendation from the council?

The CHAIR — I think we will finish this hearing there. I thank Mr John Griffin for his attendance.