

# TRANSCRIPT

## PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

### Budget Estimates 2019–20 (Attorney-General)

Melbourne—Friday, 14 June 2019

#### Members

Mr Philip Dalidakis—Chair

Mr Richard Riordan—Deputy Chair

Mr Sam Hibbins

Mr Gary Maas

Mr Danny O'Brien

Ms Pauline Richards

Mr Tim Richardson

Ms Ingrid Stitt

Ms Bridget Vallence



**WITNESSES**

Ms Jill Hennessy, Attorney-General,

Ms Rebecca Falkingham, Secretary,

Ms Corri McKenzie, Deputy Secretary, Police, Fines and Crime Prevention,

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

Mr Ryan Phillips, Deputy Secretary, Victims Support, Innovation and Justice Operations, Department of Justice and Community Safety.

**The CHAIR:** Good morning everybody, and welcome to the last day—I know you are all very sad to hear that—of the 2019–20 PAEC hearings. I now declare open this hearing of the Public Accounts and Estimates Committee.

I would like to begin by acknowledging the traditional custodians on the land on which we meet and pay my respects to elders past, present and emerging.

On behalf of the Parliament, the committee is conducting, on this final day, an inquiry into the 2019–20 Budget Estimates. Its aim always has been and always will be to scrutinise public administration and finance to improve policy outcomes for the Victorian community today, tomorrow and into the future. The committee will begin with the consideration of the portfolio of the Attorney-General. The hearings will then follow the order as set out in the published program.

I welcome the Attorney-General, the Honourable Jill Hennessy, and officers from the department. I thank you for appearing before the committee today but, as the Attorney-General knows only too well, they had no say in the matter.

All evidence given is protected by the Parliamentary Committees Act. For those of you that have been following proceedings, you will know that I always like to add a little bit at this point. It means it attracts parliamentary privilege and is protected from judicial review. Witnesses found to be giving false or misleading evidence may be in contempt of Parliament and subject to penalty, which includes on this particular occasion doing the 40-hour famine while watching a complete retake of all of the Attorney-General's food on her Instagram page, which is mouth-watering to say the least.

All evidence given is being recorded by Hansard, including what I just said, and broadcast live on the Parliament's website to millions of people right around the world, not just Victoria. Any rebroadcast of this footage must be in compliance with the conditions set out in standing order 234—I must admit I have never read standing order 234, but I remain fearful of it. I would ask photographers and camerapersons to follow the established media guidelines and the instructions of the secretariat, which means only taking photos of my good side—unfortunately there is none.

Minister, I invite you to make a very brief presentation of no more than 10 minutes. This will be followed by the most amazing questions you have ever had at any PAEC meeting you have ever attended. Minister, over to you.

**Visual presentation.**

**Ms HENNESSY:** Thank you very much, Chair, and can I commend your very quirky introduction and thank you for the culinary feedback. To committee members, congratulations on reaching your last day of PAEC, and I wish you godspeed to the end, particularly in respect of my section.

It is a pleasure to be here to provide the committee with a brief presentation of the Attorney's portfolio with respect to the Victorian budget 2019–20 and the forward estimates. I am very pleased to advise the committee that the government has delivered in this budget, in full, funding to deliver Labor's key election commitment requiring funding in the Attorney-General's portfolio, particularly the Bendigo law courts redevelopment. In

addition to the funding required to build the new courts facility in Bendigo, I am equally pleased that the output funding of \$13.8 million over the next four years and ongoing output funding has also been provided to support the delivery of the project, including to have in place key personnel and staff to deliver court services in Bendigo and for the wider Loddon Mallee region upon completion of the build.

In addition to the Bendigo law courts redevelopment, the Victorian budget 2019–20 provides significant funding for the delivery of a wide variety of programs and initiatives, and this has occurred in the context of a very large investment right across the justice system, most notably in the corrections portfolio, about which my colleague the Minister for Corrections will present to you later today. But I am pleased to advise the committee that in addition to ongoing support for a number of very important programs that without renewed investment would have lapsed this year, the budget is supporting new programs and new initiatives to deliver a modern justice system that puts the interests of victims, the justice system's workforce and innovation at its forefront.

In terms of some of those initiatives to support justice in our courts, if I could just talk through some of the things that are of particular interest: \$9.8 million will be provided to ensure the court system is operating effectively and efficiently for the Victorian community. A pilot of active case management at the County Court will be expanded to resolve more cases sooner, and that will also have the added benefit of reducing workload pressures on our judges. There is \$12.3 million that will be provided for new security equipment, including CCTV upgrades and duress alarms, and that will ensure the safety of our court staff and the users of our courts, including at regional locations. There is \$4.8 million that will be provided to appoint three additional reserve coroners at the Coroners Court to respond to the increasing and very demanding workload of this court. In addition, to further support the work of the Coroners Court, there is also \$17.2 million that will be provided to the Coroners Court to assist with the efficient and timely transportation of deceased persons to and from the coronial mortuaries across Victoria.

Five million dollars for the Department of Justice and Community Safety and \$3.8 million for Court Services Victoria will be provided to continue the fast-track remand court in the Children's Court as an ongoing program to reduce the amount of time that young people spend on remand awaiting trial. Funding will also be provided for legal assistance and police prosecutions to support the fast-track remand court in the Children's Court. There is \$8.1 million that will be provided to the Family Drug Treatment Court in Broadmeadows to continue to help parents to reduce their alcohol and drug dependence and regain custody of their children from out-of-home care. There is \$6 million that is provided to extend the court integrated services program to the County Court via an 18-month pilot, and that investment will address criminal justice and prison system pressures by improving the ability of eligible accused persons to obtain bail and access services that reduce recidivism rates. There is \$12.4 million that will be provided to invest in additional audiovisual link technology in 28 magistrates courts and 26 police stations to further reduce the need to transfer prisoners for appearances in court.

Beyond support for our courts, and programs and initiatives in supporting users of the court, some other budget measures include: \$23.3 million being provided for the Office of Public Prosecutions so it can continue to undertake its very important work on behalf of all Victorians; \$2.4 million will be provided to continue the Koori Women's Place, which provides culturally appropriate family violence services to Aboriginal women; and \$3.2 million will be provided to plan and progress the delivery of reforms to financial assistance for victims of crime in response to recommendations of the Victorian Law Reform Commission review. Again, I know my colleague the Minister for Victim Support will provide information about that important initiative later today.

There is \$9.4 million to support forensic medical capacity at the Victorian Institute of Forensic Medicine; \$8.5 million will be provided to continue the Family Violence Perpetrator Interventions Grants program to strengthen perpetrator accountability and to support the safety of family violence victims, and that will have a specific focus on cohorts from diverse communities and those with complex needs. There is \$12.5 million that will be provided to establish a national disability insurance scheme worker screening unit to check that existing or prospective national disability insurance scheme workers do not pose a risk to people with disabilities, and that funding will also support the working with children check unit as well.

If I could just take members of the committee to a slide which really does set out and demonstrate some of the investment history, and that slide demonstrates the very sustained additional investment that the Andrews Labor government has made over recent years across the Attorney-General's portfolio There has been some change to the output groups and their reporting in the budget papers, so ordinarily it would be difficult to pick up this

comparator to demonstrate for the committee using the current outputs in this year's budget papers. However, if you look across those outputs you will see the continued additional investment that has been and continues to be made across the entire justice system, and what those graphs show is that, across the board, funding in each of those outputs this year, compared to the first year they were organised in this manner, is significantly up.

By way of example, the public prosecutions and legal assistance output, funding is up 28 per cent since 16–17; in the protection of personal identity and individual/community rights, funding is up 15 per cent since 16–17; the criminal law reform and support output funding is up 23 per cent since 16–17; the dispute resolution and civil justice support services output funding group is up 17 per cent since 16–17, and I think this demonstrates a long commitment to continuing to invest in these important portfolio areas. But of course we are not resting on our laurels in respect of funding. Law reform is important, and there is a huge amount of reform that the government will embark upon in this coming financial year and of course in this term of the Parliament.

Our election commitments of course are given priority in terms of this agenda, and a new offence of workplace manslaughter and another offence around criminalising wage theft, protecting working Victorians—their rights, their dignity and their lives—are also a priority for us when it comes to law reform. There will be a second round of reform to support the openness and transparency of our courts that will be developed, and we are also currently seeking advice and reflecting upon the potential to introduce judge-alone trials in Victoria in some limited circumstances.

In line with our election commitments we will also be seeking to revisit the issue of reform of birth certificates to support the needs of transgender Victorians, and we have just introduced a bill to expand the national uniform law scheme dealing with the legal profession. Moreover, we are committed to undoing some of the injustice that victim survivors of institutional abuse have been subjected to over the previous decade. And finally, but certainly not least among other initiatives in relation to victim support, the government is committed to reforming the financial assistance scheme for victims of crime so that it is victim-centred, so that it is faster, fairer, more accessible, and will be moving from a scheme that has largely been an adversarial scheme administered by the courts to an administrative function where the eligibility criteria for victims of crime support will be broadened, the categories of assistance will be widened and we will be simplifying the application process.

Chair, that takes me to the end of my presentation, and I look forward to some engaging questions and discussions in the course of taking questions from this committee.

**The CHAIR:** Well, then you are in the right place if that is what you are after, Attorney-General, and with that I move straight to questions with Ms Stitt. You have the call until 8.52.

**Ms STITT:** Good morning, Attorney-General.

**Ms HENNESSY:** Good morning, Ms Stitt.

**Ms STITT:** I want to firstly take you to your important and ongoing efforts to reduce Aboriginal over-representation in our justice system and take you to budget paper 3, page 3, table 1.3, the 'Output initiatives', 'Whole of government—Aboriginal affairs'. Attorney-General, can you tell us how the Andrews Labor government investment in the Koori Women's Place will help Aboriginal women, and in particular what support does the service provide for Aboriginal women?

**Ms HENNESSY:** Thank you very much for your question, Ms Stitt. As you rightfully point out, Aboriginal women are significantly overrepresented in our criminal justice system, and as you will see at budget paper 3, page 3, the government has invested \$2.4 million over four years to support the Koori Women's Place, and that includes ongoing funding. This is largely an initiative of a wonderful organisation that many people on this committee might be aware of known as Djirra, and Djirra is an Aboriginal-controlled community organisation that does just extraordinary work with Aboriginal women who have experienced family violence, providing culturally safe, trauma-informed, holistic assistance to those women. Djirra is located in Abbotsford, and since commencing operations in 2018 more than 172 Aboriginal women have been assisted, and they have 40 ongoing clients that they have regular involvement with.

One of the great challenges of course is making sure that we are providing services in a way that is culturally appropriate and breaking down some of the barriers that Aboriginal women and Aboriginal children particularly face when it comes to reporting family violence and accessing services.

So the Koori Women's Place, it was initially funded as a pilot and provided some very important support that non-Aboriginal services were just not able to provide. The evidence really was demonstrating that in the absence of having proper culturally appropriate support for Aboriginal women that Aboriginal women were not engaging with services. And just to kind of take you through what the impact is, and what some of the lived experience is for some of the people that are now relying upon Djirra's service, there was a woman called Lucy who was incarcerated at the age of 26, and while she was in prison she took up some of the services that Djirra offer, including engaging a Djirra lawyer to assist her with some of the child protection issues that she was confronting. Upon her release from prison, Lucy was able to go to Djirra and actually engage a lawyer and get paralegal support. She was provided with a flexible support package for her immediate needs. And it is some of the very simple things, like having a Myki and a phone and food vouchers and things like that, that are so important in terms of when people are coming out of prison, in terms of trying to make sure that we are putting people and giving them the best chance possible to live a good life.

With Djirra's support Lucy was able to get her own rental place. She is now a very regular participant in Djirra's program. She is now living with her two children. And I think that really does kind of speak to the importance of having culturally appropriate services that can support those people, and so I am very proud that that we have been able to provide that ongoing funding to support that particular cohort of women that I think we have really let down in the past.

**Ms STITT:** Thank you, Attorney-General. In terms of that ongoing effort to reduce over-representation of Aboriginal people in the justice system, can I refer you to budget paper 3, page 263, which shows the output and funding for the Department of Justice and Community Safety. Can you give a little bit more detail about what the Andrews Labor government is doing to reduce that over-representation more broadly?

**Ms HENNESSY:** Yes, look, probably one of the most important things that has occurred occurred last year when the Aboriginal Justice Agreement, the fourth phase of that Aboriginal Justice Agreement, was entered into—Burra Lotjpa Dunguludja—and I apologise if I have not respectfully pronounced that at all, but that is effectively Yorta Yorta for 'senior leaders talking strong'. And through the Aboriginal Justice Agreement 4, there is a \$40.3 million investment as part of that five-year agreement. That is the largest ever investment that has been made in respect of Aboriginal justice services. And effectively the agreement is a partnership between the government and the Aboriginal community, very focused on trying to reduce the over-representation of Aboriginal people in the justice system, also trying to ensure that in doing so that we are honouring our commitment to self-determination on the way through. And so what that amount of funding effectively funds is there is \$15 million for a range of community-led, self-determination initiatives, including the expansion of the Aboriginal community justice panels across the state, and they do particularly important work with Victoria Police and local Aboriginal communities, particularly in rural and regional Victoria. There is \$12.3 million to expand the Koori Court to the County, Magistrates and Children's courts, funding that will also assist the Koori Victims of Crime Assistance Tribunal list. There is \$10.8 million that will fund Aboriginal youth justice initiatives, including boosting the number of Aboriginal liaison officers, and it establishes an elders in-reach program, and that effectively applies in some of our youth justice facilities. There is funding to expand some of the statewide Indigenous arts in prisons programs as well.

So those programs that have been funded through the Aboriginal Justice Agreement, they have delivered a range of benefits to Aboriginal people, particularly those that are involved in the justice system or particularly those that are at risk of being involved in the justice system. So things like the Koori women's diversion program, so women completing community corrections orders in the Mallee, for example, they were able to complete some of their orders involved in various programs where they did a range of things, but some of those things included, you know, developing particular arts programs that were then given to elders for placement on local and unmarked graves. There is the Koori night patrol program that operates in locations across Victoria. That provides safe after-hours transport options for local Aboriginal communities. That helps reduce contact with the criminal justice system; it helps reduce incidence of family violence. There is the local justice worker program that has been co-designed with Aboriginal communities, and that assists people to complete

community corrections orders. Things like having an Aboriginal caseworker for a community corrections order we know makes all of the difference. People are more likely to complete their community corrections orders if they have got culturally appropriate supports and supervision around that. The Baroona Youth Healing Service near Echuca was expanded, and the AJA agreement provides support for that. That also helps young people not just deal with some of the challenges in their life that have driven them perhaps to be involved with the justice system but it also helps put them in a position where they are far more connected with their own culture as well, and we know that that is significant. And there are many stories, Ms Stitt, that can be told and shared, and I am happy to provide more of those on notice about the impact that has had on particular individuals.

**Ms STITT:** Thank you, Attorney-General. So you told us about the Koori Women's Place, but I wondered if you could tell us what else the government is doing to support Aboriginal women in the justice system in the very short amount of time that I have left.

**Ms HENNESSY:** Yes—very short amount of time. I think it is important to emphasise this year's budget does provide \$42.7 million funding over four years that my colleague the Minister for Corrections will talk about—\$20 million over four years that is specifically committed to improving outcomes for women—and the Aboriginal Justice Agreement contains several commitments for reducing Aboriginal women's rates of contact with the justice system and the importance of understanding just how critical it is to address family violence and promoting self-determination.

I am noting the clock there as well, so perhaps I would be prepared to provide you with some further information on notice if we do not get a chance to talk about this issue further.

**Ms STITT:** I think my time is up, Chair.

**The CHAIR:** Okay. I am surprised at the honesty of our committee members, and I should not be because for the whole time we have been here the conduct has been exemplary, hasn't it, Mr O'Brien?

**Mr D O'BRIEN:** I could not possibly comment, Chair.

**Ms VALLENCE:** Thank you, Attorney and officers, for your attendance. Attorney, as the state's first law officer, what advice have you provided the government regarding how unacceptable it is for a person who has indicated they will plead guilty to family violence offences to be paid on a government board position, being a Labor Party member and union official, John Setka?

**Ms HENNESSY:** Ms Vallence, I suspect my answer is not going to satisfy you. You are aware that there is a matter before the court. On this and any other matter, irrespective of whether or not I like or agree with a person that is the subject of a matter before the courts, as the first law officer of the state I do not make comments about matters that are before the courts. In terms of any boards that are within the remit of any of my portfolios, that person is not on a board.

**Ms VALLENCE:** Now.

**Ms HENNESSY:** And I certainly take our commitment, certainly in the context of my portfolio of responsibilities for which I am responsible—there is no such person on any of the boards for which I am responsible.

**Ms VALLENCE:** Will you take this opportunity now to call out this abhorrent behaviour towards women?

**Ms HENNESSY:** Ms Vallence, I take every opportunity I can to call out all abhorrent behaviour towards women. What I do not do, however, is misuse my position to inappropriately interfere with any matter that is before the courts, and that is a position that I take consistently. I take family violence in all of its forms incredibly seriously. I am appalled and horrified at the rate of homicide that we have in this country. It is a matter that I take seriously. It is not a matter that I am going to play in any kind of political environment. It is something that is a reflection on all of us, and certainly our commitment to tackling family violence I think is demonstrated in the very, very large amount of money that we are committed to in terms of implementing the recommendations from the royal commission. But as frustrating as it may be for people that have views on certain matters—

**Ms VALLENCE:** So you will not call it out now?

**Ms HENNESSY:** I am very happy to put on the record my view and my position that any and all action that constitutes violence towards women is unacceptable. What I am not happy to do is to misuse my position to reflect upon anything that is the subject of a matter before the courts. That is inappropriate, and I simply will not do it.

**Ms VALLENCE:** Okay. All right. He has plead guilty. We will move on. Attorney, I refer you to budget paper 4, page 72, 'Fines Victoria infringement management and services reform project IT solution'. Much-publicised it has been, Fines Victoria's IT system and the debacle, with significant impact to taxpayers of course but many personal stories of distraught Victorians whose lives have been severely impacted by the loss of their drivers licence, vehicles impounded, lost jobs, family businesses and financial hardship. What is the total cost of the botched Fines Victoria new IT system? Not only the blown-out capital cost of the project but all identifiable output costs, so compensation paid to affected drivers, costs resulting from the blown out project time lines, downtime of sheriff's officers and the cost to government revenue from fines that have had to be abandoned because they were actioned without being in appropriate time lines.

**Ms HENNESSY:** Ms Vallence, can I just ask which budget paper reference you referred to at the opening? I heard the rest of your question.

**Ms VALLENCE:** Yes. Budget paper 4, page 72. So, in other words, what are the full and comprehensive total project capital and output costs related to this bungle?

**Ms HENNESSY:** Ms Vallence, I will make some opening comments, and then I will invite Ms McKenzie from the department to speak to some of the specifics of the questions that you have raised. But I would, by way of context, commence my comments by making a couple of points. First and foremost, infringements do not expire in the state of Victoria, so the source of revenue does not ever expire, so in terms of any potential lost revenue, that does not exist and that is not demonstrated in the budget papers. However—I will come to the substance of your question—it was my view upon becoming the Attorney-General that the state and the lack of functionality in some of the Fines Victoria ICT was not operating acceptably.

**Ms VALLENCE:** So what is the cost?

**Ms HENNESSY:** I am coming to the cost, and I am coming—

**Ms VALLENCE:** I think it is quite commonly known that there have been severe issues, so really what we want to know is the cost. With the greatest of respect, we do have limited time. We have lots of questions that we would like to ask on behalf of the Parliament and taxpayers.

**The CHAIR:** And you keep wasting a lot of time interrupting.

**Ms VALLENCE:** What is the cost? Knowing that with fines, as you say, have been written off also.

**Ms HENNESSY:** By way of context, before I invite Ms McKenzie to speak to some of the specifics in your question, the government has recently undertaken a piece of work, a review, in respect of the Fines Victoria ICT system. In my view, as I said, some of the lack of functionality is unacceptable, and some of the difficult circumstances that we are in today in terms of some of the limitations on being able to answer those specifics are that we are about to engage in some contractual discussions with the provider. So—

**Ms VALLENCE:** Right. So penalties? So invoking penalties within the contract? Are there contract penalties that can be invoked?

**Ms HENNESSY:** Ms Vallence, Victoria receives over \$3.1 million of fines income every single week. I am not trying to be cute about your question; I am simply trying to caution you around some of the limitations around how we can answer your questions.

**Ms VALLENCE:** What is the cost? There are many elements that we went through, and we can take those on notice, but I am sure there is some form of aggregate cost that is being made up for the botched fine system. So could you please provide that?

**Ms HENNESSY:** I am going to invite Ms McKenzie to address some of the issues in your question.

**Ms McKENZIE:** Thanks, Ms Vallence. The total cost of the VIEW system, which is the IT system that was procured to support the fines reform legislation in 2014—the total cost is \$63.335 million. So there was an original procurement of about \$43 million and then subsequent to that the 2017–18 budget included some additional investment; \$7.9 million of that was for IT enhancements, so additional IT capital costs and there was an additional \$8 million also provided for additional staff to continue to process backlogs and respond to calls particularly from Victorians.

**Ms VALLENCE:** And how many affected drivers from Fines Victoria, from the failures of the system, have been compensated, and to what extent have they been compensated on an individual basis?

**Ms HENNESSY:** None.

**Ms VALLENCE:** No compensation. Has, in your department, anyone lost their job as a result of this?

**Ms HENNESSY:** There certainly has been leadership change in the department, and I welcome new and fresh leadership in the department. As I said, we are now at a juncture whereby we are—and I am being very cautious with what I say because of some commercial-in-confidence and some commercial considerations that we have in terms of potential negotiations that are underway.

**Ms VALLENCE:** Yes, okay. But back to your comment there—sorry, I cannot remember your name.

**Ms HENNESSY:** Ms McKenzie.

**Ms VALLENCE:** Ms McKenzie. We know about the capital costs. What we are after is the blowout cost—the cost to recover from the problems with the system. That is what we are quite after—

**The CHAIR:** I am sorry to interrupt, Ms McKenzie. You will have to have the minister take that on notice, as we move to Mr Richardson.

**Mr RICHARDSON:** Thank you, Attorney-General and department representatives. Minister, I want to go back to the Aboriginal justice discussion you were having with Ms Stitt and ask you particularly about self-determination in the justice sector. How is the government supporting self-determination through the Aboriginal Justice Agreement?

**Ms HENNESSY:** Thank you, and it is a very, very good question. Members of this committee are probably aware that the Aboriginal Justice Caucus self-determination is really such an extraordinary and important priority for them. Ensuring that we are held true to that goal in the justice sector is something that I am very personally committed to, and it is something that is not without challenge—are, I suppose, my opening comments. But we very proudly committed to the Victorian Aboriginal affairs framework of 2018 to 2023, and that essentially is the policy piece that commits us to self-determination. That agreement in and of itself is an agreement between the government and the Aboriginal community, and self-determination has been the guiding principle of that since its inception.

The fourth phase of the Aboriginal Justice Agreement that I spoke about a little before with Ms Stitt—the government and community recognise the importance of self-determination by making that the key driver in the agreement, with progressing self-determination as our core policy approach. What the Aboriginal Justice Agreement fourth phase does is essentially set out a range of outcomes that are focused on self-determination. As I said, there has been a \$40.3 million investment, and there are a bit over \$15 million worth of community-led initiatives that go to self-determination—things like, as I said, the Aboriginal community justice panels across the state. An example of where they might be used might be in a regional city. Victoria Police might pick up an Aboriginal person. The Aboriginal community justice panels then involve a person from the community coming to the police station, being involved, getting their family involved, ensuring that their health history is

understood, putting in place the proper supports and also ensuring that Victoria Police are able to work with local community leaders as well. So things like the Aboriginal community justice panels, I think, are a fantastic example.

A lot of that comes down to good leadership in local areas, but what government's policy and government's priorities are ensuring that we are working with Aboriginal-controlled organisations to enable them to help guide us on the funding required and the service delivery model—done by and with Aboriginal communities, because we know that is what works.

**Mr RICHARDSON:** Thank you, Attorney-General. I want to take a trip to Bendigo now, and I refer you to budget paper 4, page 87, and the table outlining Court Services Victoria's new projects, specifically the Bendigo law courts redevelopment. Can you please detail for the committee what will be included in that redevelopment and what it will deliver for Bendigo and the regions.

**Ms HENNESSY:** Thank you very much, Mr Richardson, for your question. As I outlined in my initial presentation, we are investing \$166.2 million to redevelop the Bendigo law courts and to help them meet the long-term needs of the community in Bendigo and the surrounding regions. There has been a long-term campaign from the community for the redevelopment of those courts—from local members of Parliament to judicial officers and lawyers. The state of the old courts, for anyone that is familiar with them, is pretty, pretty challenging.

The site of the new law courts, for those familiar—Mundy and Hargreaves streets, currently the Bendigo Kangan TAFE site. The Bendigo Kangan TAFE site—they are under cracking pressure because of the take-up of free TAFE, particularly around NDIS and aged care and the like, and so we are currently working with Kangan TAFE in terms of when that site will be made available. We do not want to kick those students out, but that presents a little bit of a challenge in terms of us getting access to the site. So commencing there will be a little later than what we were originally hoping for.

But the new Bendigo law courts redevelopment will really help contribute, I think, to the broader regeneration of what we have seen going on in central Bendigo. The court will be collocated with the new education precinct and bring learning and practice together. It will be the first court in Victoria to have the full suite of specialist courts, so it will have the Children's Court, the Drug Court, the specialist Family Violence Court, the Assessment and Referral Court—that is the court that deals with people that have illnesses and cognitive impairments, for example. There will be five levels. It will have eight courtrooms, two healing rooms, two mediation suites and custody holding cells. It will bring together the specialist services as well as local services.

The designs for this court are very, very impressive. The design is also, again, for those that are familiar with this part of Bendigo, in the historic centre. It is a particularly beautiful part of town. But it will be catering for many agencies. The model of how we deliver specialist courts has really significantly changed in recent years for the better. It is not just about a lawyer, a police prosecutor and a judge. It is about bringing all of the specialist services together and making sure that we are able to make the right interventions in people's lives during that period of time. That model is very much reflected in the design for the Bendigo court.

There will be dedicated entrances and waiting areas for vulnerable people, including witnesses. That means that the court will be far safer for victims and court staff, using the latest court security systems—secure paths as well. It will comply—there were a series of recommendations around court design that were made in the Royal Commission into Family Violence, so things like dedicated entrances for children and having proper children's foyers. When you go to courts that do not have that facility, whether that is around family violence or Children's Court or just children whose families are caught up in the criminal justice system, the impact of this on people, without having proper facilities, makes the experience even more traumatising for them. So this is a design that really does set a new benchmark, and we are very, very excited about that. Going to court is a very testing and stressful time for people. We should not underestimate the power and promise of well-designed facilities that are built not around the needs of the legal system but around the needs of the users of the legal system. That is essentially what the Bendigo law courts redevelopment project seeks to do.

**Mr RICHARDSON:** Attorney, can you talk to us a bit more about the issues with the current location? How has that impacted on people going to court?

**Ms HENNESSY:** Well, I think, really, to cut to the chase about the current location and the current infrastructure, it is just not fit for purpose. There are six courts and they are spread over three buildings, two of which are heritage-listed. With the greatest of respect to the importance of honouring heritage buildings, they are very, very difficult planning overlays to deal with in terms of upgrading and maintaining infrastructure. There are over 100 000 people that rely on and utilise the Bendigo court, that attend every year. Demand is projected to grow by about 1.5 per cent each and every single year in that region.

At the moment we cannot separate offenders from victims in that set of circumstances. We cannot separate juries from other people at court, and that brings a whole range of other attendant risks with it. So that is clearly not ideal. Having a specialist children's court in that region will be incredibly important, because that will mean people do not have to make the big trip to Melbourne, so that reduces the travel burden on families. And also, when you do not have enough courts available delayed justice clearly has a range of other consequences and impacts as well, so we are hoping to mitigate the effects of that.

**Mr RICHARDSON:** You mentioned in your answer that this building will also include a family violence specialist unit, but I am mindful that I have only got 15 seconds left so I might hand back to the Chair in that time and carry that on.

**Ms HENNESSY:** Sure.

**The CHAIR:** Well, thank you for, again, your generosity of spirit, Mr Richardson. It knows no bounds. Mr Hibbins, we will pass over to you. I hope you are feeling a little bit brighter today.

**Mr HIBBINS:** Thank you, Minister, and your team for appearing today.

**Ms HENNESSY:** My pleasure.

**Mr HIBBINS:** I would like to ask about women in prison. I noted in the budget papers an initiative to reduce incarceration of women, but also noting that under your government we have got more women in prison than ever before, and it has been noted that this is due to changes to your bail laws. So we are seeing a lot of women—I think 90 per cent of the women entering prison are on remand. I would just like to ask: what is the government's approach? You are introducing bail laws that have got more women in prison than ever on remand yet you are now spending to reduce the number of women in prison. What is the government's approach? Is it less women in prison or more women in prison?

**Ms HENNESSY:** Thank you, Mr Hibbins, for your question. I will in large part defer to the Minister for Corrections, for whom the matters that you referred to in your question fall into his line of responsibility, but I am happy to talk generally about the issue that you raised.

**The CHAIR:** And fortunately he is on later today so you still have time to ask that question.

**Ms HENNESSY:** The initiative that you referred to sits in the Minister for Crime Prevention and the Minister for Corrections portfolios, but you are right to point out that there is a \$20 million investment that goes to diversion and rehabilitation, so I am happy to talk to a couple of issues that sit in my portfolio to that end. We really do not make any apology for the law reform that we undertook in respect of ensuring that we have got the right presumptions in place to keep our community safe. However, we are also very, very mindful that for those offenders that are not violent, that are not a risk to the community, we need to continue to invest in and reflect upon potential law reform opportunities to divert them from the criminal justice system. Now, that is not just a responsibility—

**Mr HIBBINS:** Aren't you doing the opposite?

**Ms HENNESSY:** No.

**Mr HIBBINS:** Hasn't your law reform diverted many women into the criminal justice system—into the corrections system?

**Ms HENNESSY:** I would point to the \$20 million in this year's budget that is very much directed at diversion and rehabilitation, as well as the investment that sits in my portfolio—for the first time investment in CISP programs. They are programs that go to providing people with support around drugs and alcohol, mental health and housing. Never before have those been provided in the context of the County Court. There are a range of initiatives that we are providing, particularly in the Children's Court space as well, because we do want to try and break the nexus between those people that cross over from the juvenile youth justice system into the adult corrections system.

However, one of the great challenges—and Minister Carroll will speak about this more fulsomely of course—is that when people are at the nub of potentially becoming involved in the criminal justice system it is so critically important to ensure that people have access. Aboriginal women—if you were not here for the exposition of some of the initiatives that we are undertaking around, for example, the Koori Women's Place, ensuring that we are putting in place the sorts of services and diversions for those groups that we know are overrepresented in the criminal justice system. That of course has got to be a whole-of-government effort; it is not just a Justice effort. We know that things like living in chaotic home environments, intergenerational poverty, your status as an Aboriginal person, your parents' involvement in the criminal justice system, all of those things—

**Mr HIBBINS:** Entering prison on a minor offence when you are not a risk to community safety—that would be a key indicator in further involvement in the justice system, wouldn't it?

**Ms HENNESSY:** Well, the question is why you are engaged in the criminal justice system in the first place, Mr Hibbins, and I would say that the most important priority is for us to try and ensure that people are actually having things like drug and alcohol issues attended to, their mental health issues attended to. And there is no doubt in my mind that in the royal commission into mental health the intersection with the justice system will be a very big and important component. There is for the first time a very significant investment in this budget around diversion and rehabilitation to support people, but I do not kid myself about what some of the very, very endemic economic and social issues are in our community around those—and we know which postcodes are particularly overrepresented—

**Mr HIBBINS:** Sorry, it is just time is a factor. Can I ask: in the last term we saw a number of changes to the bail system over a number of pieces of legislation. Are you planning further changes in this term of Parliament?

**Ms HENNESSY:** We utilised the Coghlan review as the road map to bail reform, and so it is the Coghlan review that we have adopted that led to the bail changes that you outlined.

**Mr HIBBINS:** But you went further in some aspects of the Coghlan review.

**Ms HENNESSY:** As I said, if you are looking for me to make a commitment to you here today that we will be unravelling the Coghlan review, I am not going to give you that.

**Mr HIBBINS:** No, it was probably more of a note that we had the Coghlan review but then there were several changes made to bail laws over a period of time, whether you are looking to make a definitive change to bail laws or it is going to be a case of you will keep making changes as they—

**Ms HENNESSY:** We have utilised the Coghlan review as effectively the road map around these matters in respect of bail laws in Victoria.

**Mr HIBBINS:** Do you factor in the impact on the justice system of bail law changes? How do you take that into consideration?

**Ms HENNESSY:** Well, I think you will see in Minister Carroll's presentation the reality that a very significant investment in the corrections system has been made. Part of that is driven by changes in sentencing practice. I think that is simply a fact. In terms of how we model demand within the justice sector, that is a project that both the Department of Premier and Cabinet and the department of justice currently have underway in terms of understanding that when you make a significant investment in police, when you change sentencing laws, there is clearly a very, very significant impact on what that means in the corrections system. And I think the \$1.8 billion, I think it is, investment in Minister Carroll's portfolio demonstrates that. That does not necessarily bring people a great deal of joy. We very much would prefer to be able to ensure that people have

healthy and dignified lives from the get go, and I would point to our long history of investment and reform in education, in health and I hope mental health, which our government has rightfully conceded is a broken system because that is where we get the best chance and the best opportunity to circuit break some of the dysfunction that leads to criminogenic conditions that drive that sort of behaviour.

**Mr HIBBINS:** I would like to ask about the concerns raised by the Chief Magistrate in the court's last annual report about the effect of having so many people on remand and their ability to attend their court hearings. Can I ask about the number of court hearings that have been missed by people on remand?

**Ms HENNESSY:** I will have to take that on notice, Mr Hibbins, in terms of giving you an exact figure. There are some. I would also point in this budget to a very significant investment that is being made in audiovisual equipment, and I am happy to provide more detail for you.

**Mr HIBBINS:** Is that due to the amount of people on remand that you are having to—

**Ms HENNESSY:** Absolutely, and also the cost of transporting offenders—people on remand and prisoners—to and from court for hearings, to actually use technology as a way of being able to do that more efficiently and more effectively, to not have to transport offenders to court as well. That will go to I think about 26—

**Mr HIBBINS:** I have got a minute left. Can I ask just about—and correct me if I do not get the pronunciation right—the Balit Ngulu Aboriginal legal service. That has now run out of funding. Are you looking to provide further funding to that organisation?

**Ms HENNESSY:** That is a matter that is absolutely on my radar and agenda, and I will invite the secretary to update you as to where we are at in respect of the funding for that particular service.

**Ms FALKINGHAM:** Thanks, Mr Hibbins. I do not think it is fair that they have run out of funding. I think that they are in a tricky financial situation. We are meeting with them regularly to understand what more we can do to support them, including providing additional support to look at how they sustain their budget into the future and how we can partner with them around some of those auditing kind of responses and thinking through some of the programs that they deliver. They deliver some excellent programs. We are very supportive of those, but the department is doing everything it can to make sure it is a sustainable model for the future. But those conversations are ongoing, and hopefully we will have more to say as the year goes on.

**Mr MAAS:** Thank you, Attorney-General, for your appearance today. I would like to take you to the topic of spending in our court system, and if I could refer you to budget paper 3 and the table outlined at the top of page 120. Attorney-General, I note that there has been significant funding in this budget for the courts all around the state. In particular, I would like to know more about what is contained within the line item 'Essential resources for Victorian courts'. Would you be able to outline for the committee what sort of resources have funded through this budget cycle?

**Ms HENNESSY:** Sure. Thank you very much, Mr Maas, for your question. There is in the 19–20 budget a \$9.8 million investment to ensure our court system is operating efficiently and effectively for the Victorian community, and I will talk you through a couple of things that that will do that I think are very important. So that is \$9.8 million over four years. That funding will expand active case management in the County Court. It will expand the communications capabilities of the Supreme Court and the County Court, and it will also support the court network. I will just talk you through what each of those things are. There has been a pilot of active case management that has been done in the County Court, and that will effectively be expanded with this investment. The County Court has seen very large growth in the number of criminal prosecutions, particularly criminal prosecutions that are of increasing complexity. And so what that funding will do is it will enable 10 case management lawyers and it will establish a dedicated criminal registry in the County Court. What that will provide in terms of how we manage those cases—that will be able to help resolve cases sooner. That is good for victims, it is good for alleged offenders and it also reduces workloads on our judges as well. The Supreme Court has a very, very successful criminal case management model, and that has seen really significant reductions in the number of late pleas—the number of court attendances to finalise a matter as well. So that will bring greater efficiency with that investment.

When it comes to the communications capability, this money will also help the Supreme and County courts to strengthen their ability to communicate with the public and to give the public a greater understanding of their decisions and judgements, so improving the liaison between the courts and court reporters—the courts currently have about 50 media inquiries from journalists each day—being able to streamline the management and distribution of sentencing remarks and published judgements, deepening the community’s understanding of the criminal justice court system with new digital formats, better use of videography enables people to kind of log on and seek information. You might be aware the Supreme Court has recently been podcasting something called *Gertie’s Law*. So the courts are very committed to looking at how they can use modern formats to better communicate as well, but also to strengthen the courts’ online presence across their respective websites as well.

The funding also provides some support for the court network, and that assists people with language or other barriers to Victorian court services. The court network are incredible people. They assist about 130 000 Victorians every year. Many of those people are in circumstances where they have been experiencing family violence. They provide emotional support and practical support to people that are attending the Magistrate’s Court, the Children’s Court and the Supreme Court, and they do things like help refer people to legal services, to health providers, to language services as well. They are there just to help people fill in forms, so things that are incredibly overwhelming when people turn up to a court and are not quite sure what to do, so things like applications for intervention orders. They particularly assist people with disabilities, and they also provide an online telephone referral service as well. So many of these people are volunteers as well, I should also say, but that funding is in addition to the \$128.9 million over five years in last year’s budget that helped build the courts’ capacity by starting to allow a pipeline of appointment of more judges and magistrates.

**Mr MAAS:** I would like to take you to the Family Drug Treatment Court. That is something that I am quite interested in. I was wondering if you could tell me: what are the circumstances in which a person can be referred to the Family Drug Treatment Court, and how this differs from a normal, regular court?

**Ms HENNESSY:** Thank you. Look, it is just a really important model. I mean, I have had a little bit of thrust and parry with Mr Hibbins around: what are the interventions, how do you reduce crime, how do you produce people’s exposure in the criminal justice system? But I am very, very pleased. This is precisely the kind of initiative that really does help circuit-break some of the very challenging issues in people’s lives as they come into contact with the justice system, and I am very pleased to tell the committee about an \$8.9 million investment to continue the Family Drug Treatment Court in Broadmeadows. So it is a 12-month therapeutic court-based program for parents whose children are in out-of-home care due to parental alcohol or drug use. It started in 2014, and since then it has assisted over 140 parents and 199 children to date.

Essentially, what that model of therapeutic court does is it helps parents reduce their alcohol and drug dependence, which is often the most critical factor in them regaining custody of their children from out-of-home care. So after they have commenced the program they are assisted to develop a family recovery plan, and there is a 12-month ongoing relationship that they have with the Family Drug Treatment Court. And a core part of that is dealing with their addiction. A core part of that is participation in parenting programs designed for parents who do not have custody of their children but have substance use issues. That is provided by Kildonan Uniting Care and Odyssey House, and it can assist up to 30 participants a year and promotes family reunification. That of course helps at-risk children who are in out-of-home care, and there has been some independent evaluations that show just how successful this model is.

It saves a significant amount of money—nearly \$560 000 is the cost of out-of-home care for 30 parents at any one time, so there is a financial saving—but it is 2.5 times more likely to result in the reunification of parents with their children. Reunification occurs faster, so 1.1 years in this program versus 3.5 years reunification in other programs. You can imagine for a three-year-old what three and a half years away from your mum or your dad looks like in terms of development. Often children are the victims of people’s substance abuse issues, so being able to really get in and deal with the causes of their substance use and their parenting and getting children back into functional family settings is the aim. Importantly, in terms of sustenance, those parents are 2.2 times less likely than mainstream court users to have any kind of former ongoing child protection issues as well.

So they are eligible for that if you have got a child or children with the youngest under three that is currently residing out of their care, predominantly arising out of concerns around substance abuse as well. Parents have

obviously got to be prepared to sign up to be involved in that. The child protection matters are still managed by DHHS in an ongoing way, but it is I think a great testament to trying to find innovative ways that look at the fact that offending and the causes that drive offending, when you only deal with them through one lens or one arc of the justice system, you are sometimes not as effective as actually trying to look at how we get sustained wraparound services. But add the additional complexity here of how we ensure that kids are protected and also that their parents get their lives back on track and that families are able to be reunified but are not engaged with the criminal justice system anymore, that their substance use issues are addressed, that their parenting capabilities are lifted and that we do not have kids separated from their parents living in out-of-home care.

**Mr RIORDAN:** I wish to continue on from where Ms Vallence left off on the Fines Victoria fiasco and my question, Minister, is that there are many reports that the sheriff's office has been severely hampered in their ability to do their work because of the Fines Victoria balls-up. I was wondering: how many sheriff operations or roadblocks have there been this financial year compared to previous financial years?

**Ms HENNESSY:** Thank you very much for your question, Mr Riordan. I will invite Ms McKenzie to provide you with some detail about sheriff activity.

**Ms McKENZIE:** Mr Riordan, I do not have the number of the roadblocks, but sheriffs have been conducting roadblocks in the current financial year—

**Mr RIORDAN:** Could you provide us with it on notice, on this year compared to last year, please?

**Ms McKENZIE:** Happy to do that, yes. That is all right. Happy to do that, no problem at all.

**Mr RIORDAN:** And have you had formal—

**The CHAIR:** Do you also want to know what roads you should not drive down?

**Mr RIORDAN:** That would help, yes, particularly in the seat of Polwarth. But more seriously, can you also advise us: have you been issued correspondence from the sheriff's office detailing complaints of them having their work hampered because of incorrect notices and so on being sent to people?

**Ms McKENZIE:** I have not received any advice from the sheriffs, but we are working very closely with the sheriffs because, as you say, the implications of the VIEW implementation have had impacts for sheriffs work. So we have been working very closely with the sheriffs in building up enforcement activities over the course of the year. We have done a whole range of things around—

**Mr RIORDAN:** So you will provide us with the this year-last year comparison?

**Ms McKENZIE:** Yes, happy to do so of course.

**Mr RIORDAN:** Okay. Continuing the theme of your department's inability to get technology implementation, we have also had serious problems in Births, Deaths and Marriages Victoria. You will be well aware that the introduction of the new IT system has been botched, to say the least, with reports that many Victorians, including grieving relatives, are being left distressed by unacceptable delays in the processing of birth and death certificates and inadequate customer service response time. Some affected Victorians, some of whom are my constituents, have been waiting months to receive certificates and to resolve other really important and sometimes pressing family issues. There have been many reports of technical issues with the issuance of death certificates—that they do not print properly and are not sent accurately—which causes endless distress. Can you explain exactly why the new births, deaths and marriages IT system has been botched and is causing so much grief?

**Ms HENNESSY:** Without accepting some of the more pejorative terms in your question, Mr Riordan, I will speak to it—

**Mr RIORDAN:** Minister, I am just using the language of the people on the street, the people I represent. That is the language I am getting through my office. When you are waiting one and two months for simple paperwork I think 'botched' is about as good a description as you can get.

**The CHAIR:** How many times do you get stopped walking down the street?

**Mr RIORDAN:** I get stopped all the time, Chair.

**The CHAIR:** On this particular issue?

**Mr RIORDAN:** On all sorts of issues.

**The CHAIR:** I am amazed.

**Mr RIORDAN:** But on this particular one people are often in tears.

**The CHAIR:** You are a wonderful representative.

**Mr RIORDAN:** As a man of the long lunch only, it is something you would not understand, Chair, but for me, a man of the people, for the man on the street this is an issue.

**The CHAIR:** You are a wonderful representative for your electorate—either that or the people of South-West Coast are recidivists and repeat offenders.

**Ms HENNESSY:** Mr Riordan, the challenges—and I absolutely concede that births, deaths and marriages have had some challenges—are largely resolved, but if I can explain, the challenges that births, deaths and marriages had came from the introduction of the ICT project but were not because of it. There was no fundamental issue with the ICT. What occurred essentially was a new system was introduced. The ability of staff and important stakeholders—for example, funeral directors, marriage celebrants—those that are now in the position to be able to enter directly information, that contributed to some delays and some challenges. I have the data on what their benchmark and their turnaround is now, and they are now largely meeting targets except they are off target on change of names and two days off target on marriage certificates, but the issues to which you refer have largely now been resolved. Part of that—

**Mr RIORDAN:** So you can with great confidence say that the level of concern and the rate of complaints is going to fall away?

**Ms HENNESSY:** I believe that to be the case.

**Mr RIORDAN:** Right. So that is essentially problem solved.

**Ms HENNESSY:** As I said, there are still two outstanding areas where births, deaths and marriages are not meeting their targets, but in terms of—

**Mr RIORDAN:** So can the Victorian community have confidence? We have got two pretty significant areas of government, fines and births, deaths and marriages, run by the chief law officer, so you would think we would know how to put contracts together and hold people accountable. Have these problems arisen because the people you have contracted have failed to do their job properly, or is this internal—your department is not capable of working with new IT?

**Ms HENNESSY:** Look, I am happy to make a comment and I am happy to ask the secretary to share her observations. Births, deaths and marriages is conceptually and fundamentally different to what has occurred at Fines Victoria. Fines Victoria—there have been some significant issues, and I am not pretending that those issues are easily resolvable. I am confident that births, deaths and marriages are now on their way to ensuring that they are providing a proper service that the community can and should have confidence in and with, and I will invite the secretary to share her observations in respect of the other contract issues with the caveat that with Fines Victoria we are currently in some discussions and negotiations and so there is a slight limit on some of the things we can share with the committee.

**Mr D O'BRIEN:** Attorney-General, just before you do—sorry, Ms Falkingham—you said you are confident BDM issues have been sorted out. I can give you an example from my electorate, which I have now written to you about, of a transgender woman who applied over two months ago for a name change. The website indicates it is a 26-day turnaround. She had rung three times BDM and been told through the triage

process she would be called back the next day. It never happened. Finally, the triage operator suggested she go into births, deaths and marriages. Given she lives in South Gippsland that was not really an option. She has got to have her licence and her shooters licence changed—they are coming up soon—so she is under enormous stress because these things obviously have a different name. That does not sound like it has been fixed, Minister. That is very recent—the last few days.

**Ms HENNESSY:** Mr O'Brien, change of name—my advice is that we are now at 29 days. As I said, each day we are monitoring the improvement because of additional resources that have been put in. I am more than happy to ensure that we follow up in respect of the constituent. Her experience does not sound acceptable—well, it is not acceptable to me. And I also hope that we can look forward to your support on any law reform to transgender and births, deaths and marriages that I will hopefully be bringing into the Parliament before the end of the year. But with that cheeky side comment I will just invite the secretary to go to the substance of Mr Riordan's question.

**Ms FALKINGHAM:** Thanks, Attorney, and can I begin by apologising on behalf of the department to all Victorians that have been affected by the issues in BDM and in Fines Victoria. They are unacceptable. The department has let down the government and the taxpayers of Victoria. We make no excuses for that. We are rapidly trying to fix these issues. With births, deaths and marriages it is fair to say the system is actually working really well now. We are monitoring this daily and getting reports daily on how we are tracking. We have moved additional resources in to deal with the triage. Anyone who has been personally affected we are trying to deal with on a one-on-one case management process—

**Mr RIORDAN:** On that issue, are there current budget allocations for extra resources? Are you able to manage this transition with the resources you have, or are we having to put more resources again into this system?

**Ms FALKINGHAM:** Right now at births, deaths and marriages what we are doing is utilising the resources we already have in the department in our consumer affairs team, who are very experienced in being able to manage with these types of cert issues. If I was going to go to what one of the lessons should be for the public service in relation to transition to new IT systems, it is the support we provide to the users and the training we provide to the users of a new IT system. We need to do better about understanding the surge that occurs when a new IT system is introduced, which is a different set of issues for the fines reform. But with BDM it is really pleasing that we can now say the certificate turnaround times, because of the additional staff we have brought to bear on this issue, did obviously temporarily increase during transition, but as the Attorney has mentioned, death certificate turnarounds have now returned to five days and application for birth certificates has turned around now to 20 days. The functionality of the new IT system in births, deaths and marriages will actually support Victorians to get new types of services and the ability to really ensure that we are well supporting them into their key life points along their cycle.

**Mr RIORDAN:** Minister, I note that the secretary has apologised. Do you as minister apologise for the inconvenience caused to—

**Ms HENNESSY:** I am absolutely frustrated with the experience that people have, and I am not trying to be pejorative about this. As I said, upon becoming the Attorney-General I put in place a review for the purpose—

**Mr RIORDAN:** Is that an apology, Minister?

**Ms HENNESSY:** For anyone that experiences great challenge, that is an awful thing.

**Mr RIORDAN:** So that is an apology?

**Ms HENNESSY:** Well, Mr Riordan—

**Mr RIORDAN:** Sorry? The hardest word to say.

**Ms HENNESSY:** You know, for any person in Victoria that had a poor experience of government, I have no problem whatsoever of ever saying that we should have done better and it is not good enough.

**The CHAIR:** On that note, Minister, I appreciate your sensitivity to the issue and we pass to Ms Richards.

**Ms RICHARDS:** Thank you, Attorney, and officials as well, for your appearance this morning. You spoke in your presentation about victim survivors of sexual abuse, and you will know it is an area I am interested in. I would like to take you to budget paper 3, page 263, and specifically to the line item, ‘A fair and accessible civil justice system that supports a just society with increased confidence and equality in the Victorian community’. My question relates to what actions you are taking to ensure that survivors of institutional child abuse who signed deeds of release have fair access to the civil justice system.

**Ms HENNESSY:** Thank you very much, Ms Richards, for your question. We have seen great things done in this Parliament around institutional abuse, and for those that were not members—not in the last Parliament but the one before—of this Parliament who participated in the Betrayal of Trust inquiry have my great respect for the work that they did, and of course we have seen the national royal commission into institutional sexual abuse, which have reflected I think upon the great shame that we ought all feel about allowing such heinous degrees of sexual abuse of children to occur, to be covered up—to not believe victims when they told us and then to subject them to a range of retraumatising and damaging experiences as they sought compensation and acknowledgement. There are a lot of things that are said and done in this Parliament that I am not proud of, but one of the things I am proud of has been the very strong commitment that many people in this Parliament have brought to the fore on this issue, and that is right across the full political rainbow, if I can put it in those terms.

But there are and there have been some really significant barriers around access to justice for institutional survivors of child abuse for a range of reasons. We have lifted the statute of limitations, which took away that as a barrier for people seeking the ability to be able to go and pursue institutions legally. There was the Ellis defence that was commonly used against people seeking to hold institutions to account, and so we have legislated around that. But one of the many pieces of unfinished business, and an issue that victim survivors have been raising with me, is that we are now, thankfully, reaching culturally a period of time where what occurred is understood and accepted, but that was not always the case. I think in the early emergence of some of these issues there were people that went to institutions often with the fear around the statute of limitations running out, often very hesitant. The evidence that was led in the commonwealth royal commission was that there is usually about 22 years between the offending and when that offending is disclosed—the shame and the embarrassment and the horror of it all. But there were a group of people who went to institutions to seek compensation, often without legal advice and without lawyers, worried that their time was about to run out. Some threatened that if they did take legal action, they could potentially lose their house. They signed up to agreements with some institutions that essentially paid them insulting and undignifying amounts of compensation, and then they signed away their rights and their ability to pursue legally their right to hold those institutions to account.

That has been a very significant issue for a group of victim survivors, so I am very pleased that we are able to commit—that we will introduce amendments to the Limitation of Actions Act. That means that that group of people can go to the Supreme Court and can argue that their agreement was unjust and unreasonable and pursue those institutions once again. I have no problem removing legal protections from people that exploit victim survivors.

**Ms RICHARDS:** Is there strong stakeholder support for the inclusion of this cohort in the legislation?

**Ms HENNESSY:** Look, there is, for many victim survivors, but I do not want to paint an overly rosy picture for what the experience of victim survivors is. And there are really a couple of issues. With great fanfare a national redress scheme was developed—and that is an important scheme—but that scheme only compensates those people that were the victims of child sexual abuse. Of course we know that there are many people who were child abuse victims but some of that was not sexual, some of that was starving kids, beating kids, locking them in cupboards. Unfortunately that group of people are not eligible for any form of compensation under the national redress scheme, and that is, I think, a matter that victim survivors rightfully feel very, very frustrated about in terms of the horror of their experience. And it is always very difficult, this sense of having a hierarchy of victims. So what this change will do is also enable those victims that were victims of child abuse as opposed to child sexual abuse to also be able to pursue their legal rights in the event that they have been signed up to deeds of release that are unfair and unjust.

I think the other point, and a point of great frustration to me, Ms Richards, is for those that are signing up to the national redress scheme, it is very, very slow. Many of these victims, because of the nature and the consequences of the sexual abuse that they have been subjected to, live with a range of conditions—many of them are not alive because of the abuse that they were subjected to. And there are some institutions that say they are signing up—and they have got to sign up before a person can get access to constitution—but they seem to be taking their time. And there are some institutions that take a long period of time to look for documents to verify that person was at that institution. That is a great cause of great frustration. And there are some institutions that are being quite silent about whether or not they are going to sign up. So those are matters of concerns to me, and I know they are matters of concern to victim survivors and some of my colleagues in other states and territories as well. We want that scheme to work, but one of the lessons and one of the issues that causes me concern is how much we retraumatise people going through these processes, and I cannot say that I have an immediate fix for that yet.

**The CHAIR:** Thank you, Attorney-General. We now need to move to Mr O'Brien.

**Mr D O'BRIEN:** Secretary, I have a question about the Royal Commission into the Management of Police Informants. On 25 May the government agreed to extend the time line and added additional funds. I understand that Victoria Police has retained Corrs Chambers Westgarth as their legal counsel, a firm with extensive experience in royal commissions. Given the additional time and cost to the government, is VicPol also receiving additional funding assistance, or will budget supplementation be considered?

**Ms FALKINGHAM:** Right now we have not had a formal request from Victoria Police, but we are working with them to track their costs in relation to the royal commission, as we have with all previous royal commissions in the government. We work with our colleagues in the Department of Premier and Cabinet to make sure we are centrally tracking those costs, trying to minimise those costs as much as possible. Our general counsel in our department is working across all of our agencies to make sure we are coordinating our efforts as much as possible and particularly to minimise those costs. But right now we are just tracking those costs before we put forward some options for how we manage those costs.

**Mr D O'BRIEN:** Given that you are tracking those costs, can you tell the committee what the costs for VicPol have been so far?

**Ms FALKINGHAM:** I cannot tell you that right now; I am happy to take that on notice. I actually do not have that most up-to-date number from Victoria Police.

**Mr D O'BRIEN:** I think your colleague might be trying to assist. Is that a cost figure there?

**Ms FALKINGHAM:** No; there is actually no number. I can say that questions about other agencies are best directed to them, which is not very helpful, which is why I was not going to say that.

**Ms HENNESSY:** They will be here in a couple of hours, Mr O'Brien.

**Mr D O'BRIEN:** But you did say you are tracking them, so you would have them presumably.

**Ms FALKINGHAM:** I do not have them with me, no. But all we are doing is trying to manage, as I said, and track those costs on a month-by-month basis at the moment. So whatever information we have at hand, I am happy to take on notice and come back to you.

**Mr D O'BRIEN:** That would be appreciated if you could do that. Likewise—and these may be questions to also take on notice—as I mentioned, police have got Corrs Chambers Westgarth but the royal commission has retained the services of Holding Redlich, which I understand is not as experienced in royal commission work. So I am just wondering if you could advise the committee, again perhaps on notice—you may want to make some comments—on the process for the selection of legal support for the royal commission, which firms tendered, who made the decision regarding the appointment of Holding Redlich and why was Holding Redlich selected? If you can answer that now.

**Ms FALKINGHAM:** I will point out Holding Redlich has a lot of experience and agencies obviously selected their own legal firms. We obviously manage that under the existing contract, but I am happy to take that on notice. Obviously we have our own legal representation as well. But happy to provide that on notice.

**Mr D O'BRIEN:** So when you say agencies choose their own legal representation, who makes the decision then for the royal commission itself?

**Ms FALKINGHAM:** The royal commissioner.

**Mr D O'BRIEN:** The royal commissioner?

**Ms FALKINGHAM:** Yes.

**Mr D O'BRIEN:** Okay. Speaking of her, Attorney-General, you will be aware of some comments that Commissioner McMurdo has made in relation to Victoria Police, and I will quote one from the *Australian* on 21 May:

Historical suppression and non-publication orders and constant public interest immunity claims sometimes make my task in moving this Commission forward in public akin to a boxer in a fighting match with one hand tied behind his back and the other bruised and bleeding.

So, Attorney, are you concerned at the extent of suppression order applications being made throughout this royal commission?

**Ms HENNESSY:** Look, I note that it is frustrating for the commission on occasion as the commission issue notices to produce to various agencies. What I would say, however, is that the commission and Victoria Police have recently developed a new protocol in respect of potential public interest immunity claims. It is my expectation that everyone complies with the law, and an order of the court is in effect the law. Victoria Police—and I am sure you will be able to put these questions to the chief commissioner when he attends—part of the challenge that they have had has been obviously there is enormous amounts of documentation that they are required to go through. On the one hand, disclosure is absolutely important and critical for the work of the commission; on the other hand, the point that Victoria Police makes around protecting the potential safety of witnesses is something that they have probably got every right to argue needs to be taken very, very seriously. So in recent days, or last week I think it was—the secretary is handing a note over to me—I am aware that a protocol was developed with the commission in respect of that. Can I just also make a comment on the suppression orders. The suppression orders are historic suppression orders. They are not current suppression orders that have arisen from the commission. I just make that comment to the extent that it is relevant to the answer that I have just given you.

**Mr D O'BRIEN:** Well, maybe I am misunderstanding this then, but in light of that last bit of the response, are you able to advise how many suppression or non-publication orders have been issued by the royal commission to date, since commencement?

**Ms HENNESSY:** Look, I cannot, and I am sure we could go back and ask. The practice, and I say this not because I am advised about it because the royal commission is obviously independent from me, is often in the conduct of the royal commission hearing solicitors acting for various parties will say, 'Look, I don't know if we've got a PII—a public interest immunity—claim on that document; can we talk about that at lunchtime?', and the commissioner will then say, 'Okay, I'll put a non-publication order on it until we resolve that'. And I know what the commissioner is trying to do in terms of ensuring that the royal commission continues to operate as efficiently as it possibly can but at the same time not jeopardising the rights of anyone who wants to potentially argue about whether or not something should be suppressed. So sometimes there is a non-publication order but for half an hour and the matter is then resolved at the bar table.

**Mr D O'BRIEN:** On that point then, in the words of Commissioner McMurdo, certain parties have a 'resistance to disclosure'. Are you concerned at all, and have you got any guarantees for the committee that these issues will not further drag out the timing of the commission and add further to the cost?

**Ms HENNESSY:** Look, as I said, my expectation is that people comply with the law, and I have confidence in Commissioner McMurdo's commitment to ensure that people do so. One of the great challenges, Mr O'Brien, with royal commissions of course—

**Mr D O'BRIEN:** Not quite.

**Ms HENNESSY:** Pardon me?

**Mr D O'BRIEN:** It's all right. I thought you said 'minister'. It's all right; keep going.

**Ms HENNESSY:** Have you promoted yourself in your own mind? I am not going to mess with whatever delightful party is going on in your head.

**The CHAIR:** Maybe one day, if you're in Parliament in another 20 years, Mr O'Brien.

**Mr D O'BRIEN:** Something I have never heard and am unlikely to.

**Ms HENNESSY:** But Mr O'Brien, by their very nature they are inquiries. So you do not necessarily know what evidence that you are going to uncover, and obviously the production and disclosure of documents are critical to that, and the commission seeks to manage that in the most effective and efficient way possible.

That does not mean people do not have a right to make a claim on public interest immunity, but all parties are working very, very cooperatively to try to ensure that that is done as fairly and efficiently as possible, without jeopardising anyone's right to be able to make a legal claim, because people are entitled to do that.

**Mr D O'BRIEN:** Can I just very quickly ask: on the 25th you announced the extra \$20.5 million. The budget was on the 27th.

**Ms HENNESSY:** Yes.

**Mr D O'BRIEN:** So why wasn't that figure reflected in the budget papers?

**Ms HENNESSY:** The additional funding was agreed post the production of the budget papers, so that will be in the midyear budget update.

**Mr D O'BRIEN:** Okay, thank you.

**The CHAIR:** And thank you, Mr O'Brien. Time turns to myself, Minister, and I have the call until we finish up in 9 minutes or just a little bit less. Now, at risk of incurring a little bit more mirth from my colleagues and those in the gallery, I must admit I do love *CSI* and the lab technicians and forensic *NCIS* episodes as well, and so I do want to better understand the government's investment in Victoria's forensic medicine capabilities. So if I ask you to look at budget paper 3, page 81, and the table. Can you please explain that investment and how it will help to support both victims and of course families within the justice system.

**Ms HENNESSY:** Thank you for your question, Chair. *CSI* is a good show, and there are many others. I commend Scandi crime noir to you as well.

**The CHAIR:** All right.

**Ms HENNESSY:** But with that indulgence aside, this is a really significant investment for the Victorian Institute of Forensic Medicine. There is \$9.4 million over four years that will help support the institute maintaining its capacity, including additional pathologists. A part of that investment will also help with the mental health and wellbeing initiatives for staff. You can imagine it is very, very demanding work. It will also help support with the operation of the donor tissue bank as well. In last year's budget there was \$5 million for the Victorian Institute of Forensic Medicine to help prompt respectful treatment of deceased persons, to help maintain their capacity around providing evidentiary clinical and support services.

VIFM provides a whole range of important support services for victims and bereaved families and the justice system more generally as a whole. There are 6500 deceased persons that VIFM admits to its mortuaries around

the state. It identifies causes of death to assist the Coroners Court. It is also very important around helping to provide—‘closure’ is a pretty awful term for people that have been through horrific experiences—some insight or answers. It supports police investigations by providing expert advice to courts as well as specialised services around the identification of human remains as well. It has great expertise around multiple fatality events. So things like the Victorian bushfires, very sadly, meant that that level of expertise was developed and VIFM is now called upon often by the commonwealth to provide our services overseas and internationally when there are significant multiple fatality events. It provides a whole range of forensic medical services. So things like assessing and preserving the evidence when someone has been a victim of a sexual assault—a very important part of their work, and also absolutely critical if we have got to try to get convictions. So working with Victoria Police, working with emergency departments and CASA and those sorts of services are really central to the sorts of work that they do.

VIFM is also very revered internationally for its toxicology work. It provides all of the confirmation of roadside drug testing that is done. It does all of the toxicology tests that are undertaken after motor vehicle accidents, and so it is a really critical and important part of the work that is done. They have been doing this for 30 years, and often when we are talking about the justice system we think about the police and we think about the judges. We do not think about the people that are often involved in some of this work and I would also say that of the victims of crime support work that is done in the department, who do things like coordinate trauma cleaning and clean-ups for the families of people who have died by suicide as well. So the people that also support the justice system that are not necessarily front of mind when we think about the work that they do are also so incredibly critical to being humane and giving people dignified end-of-life care and responses, but also to maximise our chances of securing convictions where that has involved a crime.

**The CHAIR:** Can you then explain what the Victorian Institute of Forensic Medicine will actually need or use the funding for?

**Ms HENNESSY:** There has been a really significant increase in the number of investigations that VIFM has been involved in. Forensic pathologists—again, a bit of workforce change that occurs, and so using pathologists in the same way that we talk about using judicial registrars to help get effective management in our court system, a very similar challenge around forensic pathologists and pathologists. So part of that will enable us to get more pathologists to enable VIFM to take on greater caseloads of work. These are people that are working large amounts of unpaid overtime often, because what happens is when the police are looking for results that might go to a very important investigation or you have got a court case presenting, saying, ‘Oh well, it’s 5.30’ or ‘I’m clocking off now’ is really not an option. So part of that is about increasing the number of pathologists to make sure that we are able to support them in their caseload.

Post-mortem examinations as well, some of the delays and the pressures. Obviously Muslim and Jewish communities, being able to make sure that were able to get post-mortem examinations done quickly for those communities that are required by their faiths to bury bodies quickly. As I said, where the forensic and the pathology reports are critical to prosecution allegations, making sure that there are not significant delays in getting that work done. This funding will be key to that.

And, as I said, also there is a lot of work that is done where VIFM have expertise around things like dental identification, skin identification. The growth in kind of technology and understanding and our ability to be able to recreate what might have happened to a person is really quite exciting. You know, we should be very, very proud of the work that VIFM does. It is admired internationally and, as I said, relied upon internationally. And this will enable greater growth in the work that they are doing.

**The CHAIR:** Thank you, Attorney-General. If I could move just slightly, but ever so slightly, into the Donor Tissue Bank of Victoria.

**Ms HENNESSY:** Yes.

**The CHAIR:** Exactly what is the Donor Tissue Bank of Victoria, and how does it support the health system?

**Ms HENNESSY:** VIFM for about 30 years has been providing kind of ethically-sourced, life-saving human tissue, in essence. And they—

**The CHAIR:** I am an organ donor. Is that part of the same system?

**Ms HENNESSY:** It may be, but usually transplantation is for very gravely ill and disabled patients. If it is gifted by a person, it might be a donor. If you are an organ donor, there is a separate mechanism that the health system uses around—pardon my use of the phrase, but this is the phrase that is used—harvesting and then a transplant to a patient, and so things like DonateLife deal with those. What VIFM do with their tissue bank, with the support and consent of families, are things like skin to assist with life-saving burns, heart valves are very important, particularly for children that have congenital defects. Those are not things that you necessarily get from other forms of organ donation. They are also very important for women of childbearing age that cannot necessarily take the same pharmaceutical medicines as others.

Bone and tendons are one of the other important parts of the work of the donor tissue bank there. So that is really about trying to then support and restore mobility for people and for people with spinal conditions, cancers rely upon that. So in some cases they are life saving and in some cases they are life improving, but also they are crucial when there are kind of mass casualties. As I said, things like bushfires, things like Bourke Street, all of those items where you have a high level of casualty and you need skin and other forms of human tissue to be able to support and treat people. This tissue bank is a critical part of that.

**The CHAIR:** Attorney-General, do not take this the wrong way, but I do hope to support the tissue bank at some point but not for several decades. Can I say thank you very much for appearing before the committee today. The committee will follow up on any questions taken on notice in writing and responses will be required within 10 working days of the committee's request. I declare this hearing adjourned.

**Witnesses withdrew.**