

TRANSCRIPT

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

Budget Estimates 2019–20 (Victim Support)

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

Mr Ben Carroll, Minister for Victim Support,

Ms Rebecca Falkingham, Secretary, and

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

The CHAIR: I declare open this hearing of the Public Accounts and Estimates Committee.

On behalf of the Parliament, the committee is conducting this inquiry into the 2019–20 Budget Estimates. Its aim is to scrutinise public administration and finance to improve outcomes for the Victorian community.

The committee will now begin consideration of the portfolio of victim support, and I welcome the Minister for Victim Support, the Honourable Ben Carroll, and officers from the department. I thank you all for appearing before us.

All evidence given is protected by the Parliamentary Committees Act. This means that 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.

Minister, I invite you to make a brief opening statement and presentation of no more than 5 minutes. This will be followed by questions from the committee. Minister, over to you.

Mr CARROLL: As Victoria's first Minister for Victim Support I am pleased to have this opportunity to outline the government's budget measures to support victims of crime. The Andrews Labor government is committed to improving victims' experiences and outcomes in the aftermath of crime. We are committed to a system that understands the needs of victims of crime, respects their rights and does not further compound the trauma that they have experienced.

In recent years we have come a long way in better understanding the needs of victims and ensuring that we have a victim-responsive system. Significant reform, backed by investments over our first term of government, has ensured there are greater levels of support for victims and that they have a stronger voice in our justice system. This is evident in the fact that the budgeted output spend in the 2019–20 financial year will be \$26.5 million. This represents a 79 per cent increase from the \$14.8 million that was spent on victim support when we came to office in 2014–15.

The 19–20 state budget provides \$3.297 million over three years to establish a team that can design a new financial assistance scheme for victims of crime. This is part of the government's commitment to significantly progress the recommendations of the Victorian Law Reform Commission's review into the Victims of Crime Assistance Act 1996 and the Victims of Crime Assistance Tribunal, otherwise known as VOCAT. The government asked the commission to focus on how to deliver outcomes for victims that are fair, timely and predictable, and that place their support and therapeutic needs at the centre to ensure that can be achieved. The central recommendation was to establish a new administrative tribunal that will be a financial assistance scheme that would focus on assisting victims in their recovery, in place of the current judicial scheme based in the Magistrates Court. The government accepted all recommendations in principle.

The government offers a suite of services for victims of crime that provide information and support to help manage the effects of crime and guide victims through the criminal justice system. For child victims and witnesses special measures are put in place to help them feel safe and supported throughout the process. We have substantially increased the resources available to support victims of crime since we came to government, particularly through a \$28.5 million investment in the 2017–18 budget and a \$17 million investment in the 2018–19 budget. This expenditure on victims of crime programs is expected to increase to \$26.5 million in 2019–20 from \$14.8 million in 2014–15.

Over the past few years the government has demonstrated its commitment to victims of crime through budget initiatives that support services. In the 2018 budget \$28.5 million was provided as part of a broader funding package to boost the number of frontline staff and support services for victims, witnesses and vulnerable children. We established an intermediary pilot program to ensure that vulnerable victims and witnesses can access skilled communications specialists to make sure that communication with police and at court is complete, coherent and accurate. In the 2018–19 budget \$17 million was provided over two years to enhance support for victims including through case management and recovery support, and providing additional capacity for the victims of crime helpline.

We established the intermediary program to ensure that more vulnerable victims and witnesses can access intermediaries. We enhanced the capacity of the Child Witness Service to deliver specialist support to child witnesses and their families under the additional court capacity initiative. The funding enabled the recruitment of new staff to meet the rising demand.

Our government has introduced new laws and programs and joined the national redress scheme for institutional child sexual abuse to ensure that victims receive the support they need. The Victims and Other Legislation Amendment Bill 2018 enhanced the role and protection of victims in criminal proceedings and strengthened the way victims' complaints are managed. These laws respond to a number of recommendations from the Victorian Law Reform Commission's 2016 report on the role of victims in the criminal trial process. The new laws will strengthen the victims charter that formally recognises the rights of victims as participants in criminal proceedings and requires that they be treated with courtesy and respect. The charter also now requires the Director of Public Prosecutions to consult victims on key milestones in criminal proceedings, including details of hearings, and inform them of the reasons for any significant decisions being made.

The Victims and Other Legislation Amendment Bill 2018 expanded the powers of the victims of crime commissioner to better support victims who have made a complaint. The commissioner will receive the outcome of a victim's complaint and make recommendations to improve practices of the relevant agency. The commissioner will also monitor and report to Parliament on criminal justice agencies' compliance and their obligations under the victims charter. Ongoing funding was provided to support the victims of crime commissioner as part of a broader funding package of \$28.5 million in the 2017–18 budget to support victims, witnesses and vulnerable children. We are delighted that the new Victims of Crime Commissioner, Ms Fiona McCormack, was recently announced. Ms McCormack will commence in this role in early July. Prior to the appointment, Ms McCormack was the CEO of Domestic Violence Victoria and brings to this role a wealth of experience in changing service systems to improve outcomes for victims.

The 2018–19 state budget provided \$2.9 million—\$2.5 million to the Department of Justice and Community Safety and \$0.4 million to Court Services Victoria—to extend the pilot program until June 2020 to ensure that more vulnerable victims or witnesses can access intermediaries. This investment builds on the \$2.6 million announced in the 2017–18 state budget to establish the intermediary program for two years. Both the Victorian Law Reform Commission and the Royal Commission into Institutional Responses to Child Sexual Abuse recommended the introduction of the intermediary scheme. Intermediaries are skilled specialists with professional qualifications in speech pathology, psychology, social work and/or occupational therapy. Their role is to ensure that communication with their witness is as complete, coherent and accurate as possible. An intermediary is an independent, impartial officer of the court.

The Victorian government's statewide intermediary pilot program commenced on 1 July 2018. The Andrews Labor government is committed to ensuring survivors of child sexual abuse have greater access to justice and the support they need. In 2014 we made an election commitment to implement all recommendations from the *Betrayal of Trust* report, which we delivered on. This includes introducing new criminal offences, measures to create child-safe organisations and civil law reforms to provide better access to justice for survivors of institutional child abuse. The 2018–19 state budget provided \$590.818 million over 10 years to cover the costs of victim redress payments, counselling and legal and commonwealth government administrative fees for the Victorian government, which will be liable. The 2018–19 state budget also provided \$8.74 million over 10 years to the departments of justice and community safety, health and human services, and education and training to administer the Victorian government's participation in the scheme, including staffing and support services.

The Victorian government has participated in the national redress scheme since its commencement on 1 July 2018. As many members would be aware, this scheme is administered by the commonwealth. All states and territories are now participating in the scheme.

The 2019–20 state budget provides \$3.297 million over three years to establish a team that can design a new financial assistance scheme for victims of crime. This is part of our overall commitment to significantly progress the recommendations of the Victorian Law Reform Commission's review of the Victims of Crime Assistance Act and the Victims of Crime Assistance Tribunal. The government asked the commission to focus on how to deliver outcomes for victims that are fair, timely and predictable and that place their support and therapeutic needs at the centre to be achieved. The central recommendation was to establish a new administrative financial assistance scheme that would focus on assisting victims in their recovery in place of the current judicial scheme based in the Magistrates Court. As I said previously, we have accepted all recommendations in principle.

In 2016 the Andrews Labor government asked the commission to review the operation and effectiveness of the act and VOCAT. We have asked the commission to focus on how to deliver outcomes to victims that are fair, timely and predictable and that support their therapeutic needs to be achieved. The commission's report was tabled in Parliament on 19 September 2018, where the commission outlined 100 detailed recommendations on how to improve the assistance for victims and put their needs first. Our government accepted all the commission's recommendations in principle. During this term of government we will undertake significant work to progress these reforms.

Ms STITT: Thank you, Minister. I wanted to ask you about the position of the crime commissioner. If I take you to budget paper 3, page 279 and the total output costs for criminal law support and reform, noting that this covers the funding for the victims of crime commissioner, what powers and functions will the new victims of crime commissioner have?

Mr CARROLL: Thanks, Ms Stitt, for that question. It was very important, I think, as Victoria's first victim support minister to secure the services of someone that is a change maker, that knows how to work with government and that also, though, has a background in the number one law and order issue in our state—family violence. I also want to publicly acknowledge the work of the former commissioner, Mr Davies, who I met with when I assumed this role, and I got some good feedback from him. Indeed I think he would be pleased knowing the issues of police and family violence and where we need to go.

When we came to office, essentially the previous government had appointed a commissioner, but the commissioner did not have any legislation or powers around them. The former Attorney-General, the member for Keysborough, passed a range of reforms and laws through the Parliament to give the commissioner some teeth but also set up the Victims of Crime Consultative Committee, which I sit on and participate in. Under the legislation, the Victims of Crime Commissioner Act—which passed the Assembly and Council in 2015—the commissioner's functions are to advocate for the recognition, inclusion, participation and respect of victims of crime by government departments, bodies responsible for conducting public prosecutions and Victoria Police; carry out inquiries on systemic issues relating to victims of crime; and identify and promote issues relevant to addressing the needs of victims of crime that can educate and improve public confidence in the system. The commissioner also reports to the Attorney-General on any systemic issues related to victims of crime and provides advice to the Attorney on government departments and agencies regarding improvements to the justice system that will better meet the needs of victims of crime.

In 2018, though, our government passed the Victims and Other Legislation Amendment Act 2018 to implement recommendations of the Victorian Law Reform Commission's 2016 report on the role of the victim in the criminal trial process. We know often the criminal trial process has been a traumatic experience for victims, and this was a groundbreaking report which effectively has seen the new commissioner given extended powers. But above and beyond that, it has seen some great significant reform at the Office of Public Prosecutions. Whether it be embedding social workers down there or therapy dogs, it is ensuring that we really do have a victim-centric criminal justice system to try and make sure victims feel very much part of the process. I think the Honourable Philip Cummins once said that essentially we have come to the stage where victims are essentially above and beyond witnesses; they are participants in the criminal process. This is an area the government is keen to address, and an area I am very keen to address as the victim support minister.

But most importantly, under the Victims' Charter Act the commissioner will have significant powers to also monitor and report to Parliament on criminal justice agencies' compliance with their obligations under the Victims' Charter Act. Ongoing funding is being provided to the victims of crime commissioner as part of the broader funding package, which I outlined earlier, over four years—some \$28.5 million over four years in the 2017–18 budget to respond to increasing demand in the criminal justice system and support victims, witnesses and vulnerable children. We are very keen to ensure that the new commissioner has every resource available and powers at her discretion to assist the government, to assist me and the Attorney as we endeavour to support victims in the criminal justice system, support victims in the court process, reform our financial assistance scheme, reform VOCAT and move forward.

Ms STITT: Minister, I notice that you recently announced the reinstatement of the Corrections Victoria sports program. How will you ensure that victims' needs are taken into account when perpetrators participate in the program?

Mr CARROLL: Thanks, Ms Stitt, for that question. This was an interesting program that has essentially been around in Victoria for 70 years. I will also acknowledge the Leader of the National Party, who I consulted on this program, because many of the communities affected come from his community, and the shadow minister, the member for Caulfield, also gave me some constructive advice too. Because essentially the sports program in prisons essentially helps prisoners, particularly medium-security prisoners, before they leave prison to participate in community football. The local clubs rely on it. It is above and beyond supplying footballers; it is also the people doing the oranges, the people doing the scoring, the volunteers. So the program has been around 70 years. Other jurisdictions internationally operate similar programs. We put in place a new ministerial advisory committee to ensure that you need to have completed—there are a couple of other safeguards—two-thirds of your sentence and essentially you need to have participated and been a model prisoner, and then you will essentially go up before that committee to get the tick of approval of, 'Do you meet the requirements to participate in the program?'.

But above and beyond that we have removed participants with category 1 offences. So with your most serious violent crimes, of rape, murder and some different categories of manslaughter, you will actually be excluded from the program. You need to essentially be a prisoner that has graduated down the line to a medium-security prison. You need to have essentially been ticked off on a ministerial advisory code. We think this program has enormous benefits. The inquiry into country football showed the uniqueness of country football clubs in local communities.

What is great about this program is that I received so much correspondence on it from locals in country regions asking for me to return it as soon as possible. I am happy we got it just in time, I think, for this football season, but I am also happy for the positive contribution that I received and constructive words from the Leader of the National Party and the shadow minister as well, because they were helpful.

Ms STITT: Minister, I am not sure if we are going to get to all of this, but you might want to take it on notice.

The CHAIR: I am not sure you are going to get to any of this, Ms Stitt. I apologise for interrupting, but we will move to Mr O'Brien.

Mr D O'BRIEN: Minister, the prison football program you were talking about—I do not think there are any currently from the Fulham prison at Sale, but I would just place on the record that Sale is two games clear at the top of the ladder at the moment in the Gippsland league.

Mr CARROLL: Thanks, Mr O'Brien.

Mr D O'BRIEN: Of course Leongatha, the other team in my electorate in the Gippsland league, has won the last two flags. I just thought I would put that on the record. It is important to know these things.

Secretary, the output summary by departmental objective states that the victim and community support services for this year will receive \$35.7 million. Can I please get a breakdown of how that is allocated within victim support? I do not know if you will have something as detailed as that right now.

Ms FALKINGHAM: We are happy to take that on notice, Mr O'Brien.

Mr D O'BRIEN: Okay. Under victim support there is 'Access to the victims of crime helpline'. Could you also please provide a breakdown of the number of calls that have been received from July 2018 to now?

Ms FALKINGHAM: I am just checking whether Mr Phillips has that with him.

Mr CARROLL: In 2018 the helpline received 8148 electronic referrals from Victoria Police. These referrals were received by the helpline. It has been a decrease of 10 per cent from 2016 to 18 as a result of Victoria Police refining their systems. I should point out: we have been world-leading in this area. In 2010 the then government introduced the victim support program at local police stations. It was evidence-based, it was researched, and from Werribee—that one—in 2010, it is now based at over 30 different police stations right throughout Victoria and our suburbs, embedding the victim support program with Victoria Police, which has seen essentially the triaging of services at the earliest response time possible to support victims, to ensure that the helpline referrals are received adequately and that the referrals progressively have been increased.

Mr D O'BRIEN: So just confirming, 8148 electronic referrals—is that calls and emails, website? Is that a combination of all of the above?

Mr CARROLL: Yes.

Mr D O'BRIEN: And that was per calendar year, was it?

Mr CARROLL: That was, yes, for the 2018 calendar year.

Mr D O'BRIEN: Could I get on notice an update of the figure for this year as well, if you do not have it there, so far?

Ms FALKINGHAM: Year to date?

Mr D O'BRIEN: Year to date, yes. Could I also ask how many of the calls or other contacts were longest unanswered?

Mr PHILLIPS: We do not have the details of that for you today, but we will take that on notice and then come back to you.

Mr D O'BRIEN: Sure. Likewise, how many of the calls were logged as ongoing—so whether they are continuing?

Mr PHILLIPS: Yes, sure.

Mr D O'BRIEN: You may be able to answer, Mr Phillips, what mechanisms are used to report and log these calls. Is it just a database?

Mr PHILLIPS: It is an internal database which we can provide you with more details on.

Mr D O'BRIEN: That would be great if you could do that. At the helpline, how many staff are actually employed?

Mr PHILLIPS: I will supply you with more details on that as well.

Mr D O'BRIEN: Okay. Minister, former Victoria Police senior chaplain Reverend Jim Pilmer has long called for the establishment of a victims of crime rapid response service to complement and build on the work already done by the Victorian Council of Churches. You will probably be aware that the Liberals and The Nationals took the rollout of such a policy to the election last year. Will you commit to meeting this Reverend Pilmer to explore the possibility of rolling out this program?

Mr CARROLL: Yes, I would commit to meet with him, certainly.

Mr D O'BRIEN: But you have not met with him as yet?

Mr CARROLL: No, I have not.

Mr D O'BRIEN: Okay. Minister, also, because of the failure that we regularly have in the corrections system of prisoners to actually appear in court in contravention of a court order, for many of the reasons that were just covered in terms of the numbers in the prison system, every day there are victims of crime turning up to court to see justice dispensed only to have the cases adjourned, which cause, obviously, significant distress, not to mention cost. Are there any specific victim services provided to assist this particular cohort of people?

Mr CARROLL: There are, Mr O'Brien. Through the victims assistance program and through the helpline we have a number of services that triage. So essentially once the call is logged, it then goes to one of our funded community health organisations' social workers to then work with the victim. Often then that does entail working with the broader family. Above and beyond that we have seen—and you are right to point out the court process—that that has over time improved, but that has been a very difficult period for victims. The reason that has been difficult is that most victims are not trained lawyers, they are just vulnerable people and they have been inadvertently brought into a criminal trial process, and to be honest, they do not really know who represents them at the court.

Mr D O'BRIEN: That was actually a follow-up question I was just about to ask. So they can obviously contact the helpline.

Mr CARROLL: Yes.

Mr D O'BRIEN: On the day, though, in the court, is there any assistance for them there?

Mr CARROLL: There is. So we are rolling out with the Office of Public Prosecutions a range of social workers to provide support not only in Melbourne but if needed in regional Victoria as well, and this has been a very important change. The Centre for Innovative Justice at RMIT have done a groundbreaking report. I know the Sentencing Advisory Council with Arie Freiberg at Monash University is looking at the role of victims in plea-bargaining. There is a lot more work to do in this area, but we are very committed to ensuring the court trial process does not retraumatise victims, that they are involved every step of the way, that they are consulted. One of the more unique things that has been rolled out more recently has been the use of therapy dogs. Therapy dogs have been shown to provide enormous benefit to victims of crime.

Mr D O'BRIEN: Could I just ask, sorry, Minister, in the short time I have got left, I am not sure what you call them—social workers?

Mr CARROLL: Yes.

Mr D O'BRIEN: How many of those are there dedicated to this task of supporting victims at courts?

Ms FALKINGHAM: We can take that on notice in terms of individual jurisdictions. What I can say, though, is the additional court capacity initiative in the 18–19 budget provides for significant new investment for recruitment of new staff to meet rising demand for increased numbers of hearings and, more importantly, more specialised support services to reduce trauma for victims and their families. As you might know, Mr O'Brien, we are also trialling a number of family violence-related Navigator services for people experiencing the court system. But to have a number of staff court-by-court, happy to take that on notice and come back to you.

Mr D O'BRIEN: That would be great. And just finally, Minister, again, the coalition had a policy at the election to introduce a victims of crime compatibility statement with all justice legislation. Is that a policy you will consider adopting?

The CHAIR: Minister, you will have to take that on notice—

Mr CARROLL: Sure.

The CHAIR: because unfortunately we have finished, and this is the end of the victim support portfolio. Thank you for appearing before the committee today—

Mr Hibbins interjected.

The CHAIR: Sorry, Mr Hibbins.

Mr HIBBINS: Have we gone over time?

The CHAIR: No.

Mr RICHARDSON: He has gone very pale. I know he is a bit hard to see.

The CHAIR: We have not gone over time. I do apologise, Mr Hibbins.

Mr HIBBINS: It may not take all of the time.

The CHAIR: I seek your forgiveness.

Mr HIBBINS: Oh, forgiven, Chair, of course.

The CHAIR: Thank you. May you continue for 3 minutes, Mr Hibbins. Use that time wisely.

Mr HIBBINS: Sure. Thanks, Chair. Thank you, Minister and team. It probably refers more back to your previous presentation in terms of the fact that the increase in women in prison, many of them, or most of them, are victims of crime themselves, victims of family violence. They are serving often smaller sentences for minor offences. What are you doing to ensure that victims of crime are not getting caught up in the justice system itself?

Mr CARROLL: To go to the heart of your question, Mr Hibbins, I think the appointment of Fiona McCormack, who has got over 20 years experience in dealing with women, vulnerable women, as a former head of Domestic Violence Victoria, someone who has presented at the United Nations on these particular issues with women in the criminal justice system and more broadly—she will be an important advocate for women in particular. She will be an important reformer.

We have a big agenda in victim support, whether it be reforming the financial assistance scheme, reforming the VOCAT. She will be integral to that. She also, I think, has a strong commitment to ensuring that victim support operates the way it should. I know not only in my victim support portfolio, but the sports program is a good example of where I am conscious of what comes up to me as the corrections minister or the youth justice minister, that I have a victim focus on it. So out of my own volition I took that program to the Victims of Crime Consultative Committee, which Ms McCormack will now be part of, and she will now have, through our reform of the victims charter—the legislation—not only the office but the legislative power and indeed will provide a report to Parliament on how we are going and how we are tracking the support of victim services, including supporting vulnerable women and children.

Mr HIBBINS: Terrific. Thanks, Minister. Thank you, Chair.

The CHAIR: Thank you, Mr Hibbins.

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.

Do not go anywhere—we will be back in 5 minutes and 50 seconds as we move on to the crime prevention portfolio. I declare this hearing adjourned.

Witnesses withdrew.