

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

Inquiry into 2020-21 Financial and Performance Outcomes

Melbourne—Tuesday, 9 November 2021

MEMBERS

Ms Lizzie Blandthorn—Chair

Mr Danny O'Brien—Deputy Chair

Mr Sam Hibbins

Mr David Limbrick

Mr Gary Maas

Mrs Beverley McArthur

Mr James Newbury

Ms Pauline Richards

Mr Tim Richardson

Ms Nina Taylor

WITNESSES

Ms Louise Anderson, Chief Executive Officer,

Ms Fiona Chamberlain, Chief Operating Officer, and

Mr Sam Costanzo, Chief Finance Officer, Court Services Victoria.

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

I would like to begin by acknowledging the traditional Aboriginal owners of the land on which we are meeting. We pay our respects to them, their culture, their elders past, present and future and elders from other communities who may be here today.

On behalf of the Parliament the committee is conducting this Inquiry into the 2020–21 Financial and Performance Outcomes. Its aim is to gauge what the government achieved in 2020–21 compared to what the government planned to achieve.

We note that witnesses and members may remove their masks when speaking to the committee but must replace them afterwards.

Mobile telephones should be turned to silent.

All evidence taken by this committee is protected by parliamentary privilege. Comments repeated outside this hearing may not be protected by this privilege.

Witnesses will be provided with a proof version of the transcript to check. Verified transcripts, presentations and handouts will be placed on the committee's website as soon as possible.

We welcome Court Services Victoria. We invite you to make a 10-minute presentation. This will be followed by questions from the committee. Thank you.

Visual presentation.

Ms ANDERSON: Thank you, Chair. And good afternoon, committee. Louise Anderson, Chief Executive Officer of Court Services Victoria, and thank you for the invitation. I think this is our inaugural appearance.

Mr NEWBURY: Welcome.

Ms ANDERSON: Thank you. Court Services Victoria was established under the *Court Services Victoria Act* on 1 July 2014. We are an independent statutory body with the function of providing the administrative services and facilities necessary for the Victorian courts and VCAT to operate independently from the executive branch of government, similar to the departments of the Parliament who were before you yesterday and I think provide you services similar to what we provide to the judiciary and others. Victorian courts and VCAT have a clear responsibility—an important one—to administer justice fairly, transparently, impartially and with integrity, and CSV, as an independent body, supports them to do so.

This diagram may look a little confusing. It is a snapshot into the governance model of CSV. CSV is the employer of all court administration staff; the holder and manager of all court and VCAT assets; the provider of administrative support to courts and VCAT, whether through staff or contracting those services externally; and is the body through which administrative policies are set and which carries out government reporting and compliance activities. Our governance arrangements are in that lighter blue. Courts Council is the governing body of CSV. It is chaired by Her Honour Anne Ferguson, Chief Justice of Victoria, and comprises each head of jurisdiction and two independent members. Its functions include directing the strategy of governance and risk management of CSV, and the support that we provide is to the Supreme Court, County Court, Magistrates' Court, Children's Court, coroners, Victorian Civil and Administrative Tribunal, judicial commission and judicial college.

For the last financial year our total operating budget was \$723 million. The shared corporate service part of that that was CSV's was around 12 per cent. The rest of the appropriation sits with the jurisdictions that you saw on

the slide just then. Our total capital budget for that year was \$117.3 million, and the total expenditure on COVID-related operations, including asset refits, ICT—that is, technology—and health and safety was just shy of \$50 million. We operate 75 separate buildings in 66 locations across Victoria, employ more than 2500 staff, and support 380—a little more—judicial officers and statutory appointees, who are tribunal members in the main.

As I mentioned, our primary function is to support the Victorian courts and the tribunals in the administration of justice, and for much of 2020 and 2021 we did this by supporting the changes necessary for the courts to operate safely and effectively throughout the pandemic. Against this backdrop we have also continued to deliver a number of key operational and strategic initiatives.

In September 2020 Courts Council endorsed our five-year strategic plan. It identifies five priorities, and together they will ensure that the Victorian courts and tribunals and the users of the courts and tribunals continue to be respected, heard and assisted. Courts Council also endorsed our 15-year strategic asset plan. The strategic asset plan provides an analysis of our statewide asset portfolio across the CBD, greater metropolitan Melbourne and regional Victoria. It took an evidence-based approach to this, looking at current state, the condition and functionality of each of those 75-odd buildings I spoke about and also forecast our asset demand over five, 10 and 15 years, getting a good sense of the assets and their capability to support the functions of the courts and tribunals.

Technology also had never been more important to our operations than it was in the past year. The commitment over many years to improving processes through technology really proved its value in enabling the continuity of access for the community. This commitment continues and Court Services Victoria's digital strategy, which was finalised this year, reflects that. We also strengthened our commitment to Aboriginal Victorians and the operations of the Koori Courts through Court Services Victoria's self-determination plan for 2021–25.

Finally, in July 2020 the then Attorney-General and the Chief Justice commissioned an independent review of sexual harassment in Victorian courts and VCAT. The final report was released in April of this year, and we have made significant progress on the number of recommendations made, committing to implementing all of those that fall within our responsibility over a two-year time frame and committing to our leadership to ensuring we foster and continue to foster a respectful, productive environment for all people.

Assets are a big part, as I mentioned, of our portfolio, and throughout the financial year we continued to do what we could to provide contemporary, safe and integrated venues. It is a priority in our strategic plan and a priority in our operations and business as usual as well. The Bendigo law courts development is a really great example of what is possible. The Wyndham law courts were also funded in the financial year, and work has started to prepare for the development of that in order to meet the current and future demand in Melbourne's west. The Sunshine law courts have been refurbished and expanded. The Drug Courts for the County Court and the Magistrates' Court are also being expanded. The Specialist Family Violence Courts are operational now in areas that were subject to previous funding, and additional funding was provided for more headquarter courts. We also supported VCAT in opening three community venues.

We took, as every public-facing entity did, very seriously the health and safety of all court users, staff and the judicial officers throughout the year, and we put in place many initiatives to mitigate risk through cleaning, personal protective equipment, QR codes, check-ins and the like. We delivered around \$7.5 million of critical works to enable jury trials to resume in COVID-safe ways, and we supported the County Court to increase the number of courtrooms there to be able to accommodate physically distanced jury trials. We are also in the process, but we started this in the year that we are speaking to you about, of making a number of asset improvements to William Cooper Justice Centre so it can be an operational court. We continued to do this because we needed to support the courts to reduce the number of physical appearances and also to reduce the need for prisoner transportation. We supported the courts to prioritise hearing those most urgent and important matters through technology or in person, and we also supported the need to put in place physical distancing measures, technology and procedural changes.

By way of a snapshot, as I mentioned, we supported measures to enable the resumption of jury trials and technology upgrades in more than 200 courtrooms but also significant technology upgrades to enable remote hearings from home, chambers and other offices. The Koori Court was expanded to Dandenong and Heidelberg. We put in place measures to facilitate electronic filing, electronic inspection of documents and

digital workflows, supporting the County Court to commence its first drug and alcohol treatment court, supporting the courts and VCAT to hold more than 470 000 remote hearings, the renewal of the Children's Court family drug treatment court and the expansion of that to Shepparton, and the case management system project, which is a significant project for the Children's Court and the Magistrates' Court. We launched the early release of its electronic filing portal, which has now seen 60 000 documents filed since it went live, and many measures we put in place to support the wellbeing, health and safety of staff, judiciary and importantly, although I have not mentioned it on the slide, court users. Thank you.

The CHAIR: Thank you very much. Deputy Chair.

Mr D O'BRIEN: Thank you, Chair, and good afternoon, Ms Anderson. Welcome along for the first time. Obviously we want to talk a little about court backlogs and delays given the COVID situation. I do not know whether you have this data or whether you might want to take it on notice, but I am just after the pending case numbers for each jurisdiction as at 30 June this year for the Supreme Court, County Court, Magistrates' Court, Children's Court and Coroners Court. There is probably a lot of data, so whether you—

Ms ANDERSON: Well, I think, Mr O'Brien—yes, I do have the data but perhaps it is more appropriate if I provide it on notice rather than go through the numbers.

Mr D O'BRIEN: Yes.

Ms ANDERSON: I think one point, if I may make on that, is, as you would know, the operations of the courts were really significantly impacted during COVID. What we have seen in the last six months is an acceleration of online hearings to the point that in most instances the backlog has been arrested—that is, the growth is not continuing at the rate it was last year. So there are some very good initiatives that have been in place, ensuring particularly that vulnerable people's hearings are priority matters, bringing forward matters where people are on remand. So again you may well know that the Supreme Court really does not have a COVID-related backlog. And if I may, as you would also know, I am sure that each court always has a pending case load—cases that have not reached hearing. What we have been tracking is where the pending case load has increased as the impact of the adjournments related to COVID.

Mr D O'BRIEN: Yes—if we can get that and also the clearance rates for the courts as at the same date, 30 June.

Ms ANDERSON: Sorry, what was that, Mr O'Brien?

Mr D O'BRIEN: The clearance rates—

Ms ANDERSON: Clearance rates.

Mr D O'BRIEN: which I note were below target in the previous year, so to compare would be useful. Just a brief question: what is the constraint to clearing backlogs? Is it physical court space, is it judges, is it staff or a combination of all the above?

Ms ANDERSON: Yes, it is probably a combination. So if I may, I will refer to the Magistrates' Court, led by of course the Chief Magistrate, Judge Hannan. They have moved to hearing a number of matters online. So we have set up there the technology to support the online hearings but also established e-courtrooms, which are smaller courtrooms where there can be a magistrate present in a building—so not having to hear a matter from their office or from their home. It makes connections to the police, the lawyers and the accused, who need to come in electronically. It has been supported by recent funding on the online Magistrates' Court. So the work that is involved and that has taken place there, as I said, has now seen the Magistrates' Court hearing for the last quarter around 32 000 matters, which was a 100 per cent increase on the same time last year.

Mr D O'BRIEN: Okay. Can I move on; I have got only a little bit of time. Page 4 of the questionnaire response details:

Increased resources to enable the ... Coroner and his team to undertake a large-scale investigation into aged care resident deaths.

What were the additional resources? I think the total funding for that investigation was \$10.4 million, but were there other resources involved?

Ms ANDERSON: It was not that much to the Coroners Court. That was money that came through the justice recovery plan, which was around \$10 million. It included initiatives in the Children's Court, Magistrates' Court and others. The State Coroner is the presiding coroner over the St Basil's inquiry, which has commenced, and as I understand it the resources were provided for the court to be able to engage experts, for a counsel to assist the court and for other incidental costs that were necessary to run a pretty significant hearing of that volume.

Mr D O'BRIEN: Can you tell me how much that was? Of that \$10.4 million, how much went to that particular inquiry?

Ms ANDERSON: I will take that on notice, but it is under \$1 million, Mr O'Brien.

Mr D O'BRIEN: Right. Okay. So that is underway but obviously not completed as yet. Will each of the 801 deaths of Victorians in residential aged care be investigated as part of that inquiry?

Ms ANDERSON: That would be something that you will need to refer to the Coroners Court.

Mr D O'BRIEN: Okay. There is also a reference to family liaison officers being provided to support families. Do you know if each family has been offered that, or is it only a limited cohort?

Ms ANDERSON: Again, Mr O'Brien, I am sorry, that would be a matter for the coroner. It has only just commenced and the logistics are underway. I am sure that there will be proper consideration given to supporting every family who appears before the inquiry.

Mr D O'BRIEN: If I can, with 14 seconds left, just throw in a quick local one given the backlog issues. The Sale County Court has been closed for a couple of years now. Is there any intention—and perhaps you could take it on notice—to refurbish and reopen that court at some stage?

Ms ANDERSON: I will come back to you on the specifics, but under our strategic asset plan, Mr O'Brien, we are looking to really enhance the operations of the courts where there is high volume, and it is not so much in Sale. But I will come back to you. If I may, the time has probably passed, Chair, but the contribution to the Coroners Court investigation into aged care was \$600 000.

Mr D O'BRIEN: Six hundred thousand dollars. Thank you.

The CHAIR: Mr Maas.

Mr MAAS: Thank you, Chair. And thank you all for your appearance this afternoon. If I could take you to the challenge of our court system with COVID-19, and I did note you went to that in your presentation. If we could just do a slightly deeper dive, I would just like to ask you to talk the committee through the key initiatives that were put in place to ensure that cases were able to continue throughout the pandemic in a COVID-safe way, especially in relation to criminal jury trials.

Ms ANDERSON: Thank you, Mr Maas. As you inferred, from the onset of the pandemic to now the courts and the tribunal rapidly put in place measures to move from in person to remote hearings. Before 2020 courthouses, again as you would know, were bustling places full of people and were really designed to accommodate in-person interactions with significant volumes. From March 2020 that changed. Jury trials were suspended at that point and did not resume until November 2020, and our focus really was on making the response focused on adhering to the public health directions, mitigating the risk of COVID in the courts and the workplace, continuing to hear all priority matters and engaging with court users.

In this context, technology was really the great enabler. We had over years been investing through either government contribution or internal reprioritisation to support the courts to digitise their process. The Supreme Court and the County Court were well advanced on that. Those courts were more ready than others to progress, to make the change from in person to remote. So in this context we rapidly expanded software, cloud-based audiovisual platforms, audio software to support particularly in VCAT telephone attendance, and we also, as I mentioned earlier, put in place electronic filing, electronic management and inspection of documents and digital internal workflows, because a hearing is one thing but you have still got to get the files there and ready to be online. The success of it was demonstrated through the large number of remote hearings. As I mentioned, more

than 470 000 were conducted across all courts and VCAT. Then in the first quarter of this year around 160 000 have been conducted, so the trend continues.

In respect of jury trials, as I mentioned, they were suspended in March and resumed in November, and then throughout this year there have been a number of circuits, so regional jury trials, not so many within the CBD because of the constraints with the physical accommodation that we have. So there were a number of changes put in place, but as you would know, juries in person have three stages: you summons jurors and then go through the pool and then the empanelment process. So a lot of that needed to be moved online. And when the empanelment process occurred we needed to make sure that each courtroom was physically distanced. For example, the County Court would ordinarily be running over 20 jury trials concurrently per day. Under the COVID-safe arrangements we were able, at its peak, to run around 14, because we needed to separate the jurors and ensure that we had all of the appropriate hygiene mechanisms in place—the PPE and the capacity for jurors to take safe adjournments, to not need to leave the building for very practical things like being able to have lunch on premises, being able to be supported so that they could continue hearing the matter and not be potentially at risk.

We also invested quite considerably in developing the assets. In the regions, as I mentioned, we made a number of physical changes to the courtrooms to allow that greater number of people to be able to be physically distanced, and in the County Court we supported a number of the rooms to extend to 12 jurors so that you could still continue the jury trial if indeed one person was not able to continue.

Mr MAAS: Terrific. Thank you very much. With 10 seconds to go, I might leave it there. Thank you.

The CHAIR: Thank you, Mr Maas. Mr Hibbins.

Mr HIBBINS: Thank you, Chair. Thank you for appearing here this evening. I want to ask about VCAT. Of the 18.2 per cent of cases that were not disposed of in the financial year, how many of those were in the residential tenancies list?

Ms ANDERSON: Thanks, Mr Hibbins. I noted that you asked the Secretary of the department that question this morning, and I endeavoured to find out the answer for you, but I will take it on notice.

Mr HIBBINS: Thank you. I guess, as part of that, that would then give the overall quick case clearance rate for the residential tenancies list.

Ms ANDERSON: Yes, I would need to take that on notice.

Mr HIBBINS: Thank you. The questionnaire refers to the high-volume residential tenancies list. Do you have the data in terms of how many cases were heard through that list?

Ms ANDERSON: Yes. There were around 20,000 matters for residential tenancy, particularly where there was the risk of eviction, that were heard. There are at the moment before VCAT around 16 000 matters, primarily compensation and bond, that are still requiring a hearing date, and there is a considerable amount of investment being made both in thinking through the case management strategy to address that backlog but also measures that CSV will be supporting VCAT to ensure that those matters can get heard.

Mr HIBBINS: Thank you. Do you know how many of the cases were initiated by renters and how many by landlords?

Ms ANDERSON: I understand that of those 16 000 I just mentioned the majority were initiated through landlords, in terms of bond and compensation. I will take on notice, Mr Hibbins, the remainder.

Mr HIBBINS: Okay. Thank you. Are you able to provide any data in terms of how many were initiated after the rental dispute resolution scheme ended at the end of March 2021?

Ms ANDERSON: I will take that on notice.

Mr HIBBINS: Okay. Thank you. Given the size of the backlog, is the \$9 million for the digital service transformation project going to be sufficient?

Ms ANDERSON: The investment that I think you are referring to was made to support the planning list, and that was developed. Software called Microsoft Dynamics was deployed to enable those matters to be initiated electronically and heard electronically. Over 4500 matters have now been heard through that system with, as I recall, a 97 per cent clearance rate sitting within the planning list.

The same has not been put in place for residential tenancies. What has been occurring, in terms of the many thousands of matters that have been heard, is that they have all been moved to be heard online. Again from what I know, those matters are now taking longer to hear, which for some may be a challenge but in this instance actually reflects access to justice because the renters and the landowner or the real estate agent are present and the outcome that has been achieved may well be a more enduring one.

Mr HIBBINS: Yes. Okay. Thank you. I want to ask now about the Drug Court expansion program. Judging by the questionnaire, it has been obviously delayed a fair bit due to the pandemic. Can I ask: in regard to the Drug Court expansion in Ballarat and Shepparton and the court trial, is everything in place to start these new Drug Courts in these locations and jurisdictions once restrictions lift in courts?

Ms ANDERSON: Yes. They are well underway to be commencing in early 2022. So yes, you are correct. There were some challenges with sourcing sites, appropriate sites, in both of those regional locations, but those sites have now been identified in terms of the physical, and the arrangements are being entered into.

Mr HIBBINS: Okay. Terrific. I think I might just leave it there, with 30 seconds to go.

The CHAIR: Thank you, Mr Hibbins. Mr Newbury.

Mr NEWBURY: Thank you. Thank you all. To follow on from the Deputy Chair's questioning in relation to the courts, I just want to touch on it briefly: I know that you are going to come back with some data on pending case numbers. Without going into too much detail, I suppose, just an observation: over previous years, and I know that is not the subject of this inquiry, but over the prior two years there had been growth in a number of courts—for example, the Children's Court. With the data that you have with you, just as an observation, you mentioned that the growth that was COVID-related had been arrested, but what about the non-COVID-related growth? I mean, year on year there has been quite a variance. Is that continuing?

Ms ANDERSON: Thanks, Mr Newbury. Each court has, as I mentioned to Mr O'Brien, a pending case load. Of course finalisations sometimes take a longer time. In terms of the initiations, they are as they have been. There is a predictability to those, so we have not seen a great drop in initiations nor an uptick. Finalisations are starting to move through, as I mentioned, at a higher rate, which is allowing us, as also I mentioned, to arrest the backlog. But there is, yes, in a number of the jurisdictions a pending case load that is still a high number, but there are a number of initiatives that would be put in place to address those.

Mr NEWBURY: I guess my point was just that, setting aside COVID, were there delays, and I think your answer was yes, that potentially you may need to look at other work to bring those down.

Ms ANDERSON: Whether it is delays, Mr Newbury, I am not sure insofar as I have not got the time to trial the formula—what would be the average disposition period. But certainly there are a number of cases, particularly in the high-volume jurisdictions like the Magistrates' Court, that were pending prior to March 2020, which is why the impact of COVID has added to that backlog.

Mr NEWBURY: Yes. Thank you. In terms of data, do you have anything with you in relation to the VCAT case loads?

Ms ANDERSON: Yes. Depending on what you are interested in.

Mr NEWBURY: Number one, it probably is easier to take on notice anything in relation to the list numbers if you are able to provide that, but just if you would not mind, without going through each data line, line by line, would you make an observation that in relation to growth there, is there a growth in some of the lists that has been ongoing that has not been COVID related—i.e., is there a similar—

Ms ANDERSON: Oh, I see what you are asking.

Mr NEWBURY: Do you know where I am going?

Ms ANDERSON: Yes, I do. I am not sure if I am in a position to answer it, though. In VCAT there is pressure on many of their lists. Having that historical sort of look at it would be I understand what you are asking because you would be wanting to see: has it been increasing pre COVID?

Mr NEWBURY: You know, the things that we need to do to fix it.

Ms ANDERSON: Yes. I will take that on notice because my data goes to the COVID period in the last financial year.

Mr NEWBURY: Thank you. I really appreciate that. Do you have anything on the length of waiting time in relation to VCAT?

Ms ANDERSON: VCAT is continuing to dispose of most of its matters within six months of the date of filing. Residential tenancy: there are pressures, and some of those are not getting heard within 12 months. Planning list: it is around a 25- to 35-month delay from the beginning to the finalisation.

Mr NEWBURY: And if there is any further data—I know you have just read that out, but if there is any other thing that is pertinent—would you mind providing it?

Ms ANDERSON: I can go back to the tribunal and see.

Mr NEWBURY: I know that there has been an issue in relation to VCAT relocation, and I just wonder where that is up to.

Ms ANDERSON: The VCAT long-term accommodation proposal is what we call it. VCAT are currently in a premises that we have just renewed an option for, so that will be a further three years located in their current place. And we are working with government colleagues and very much with VCAT on identifying options for a longer lease in the CBD and working very closely—

Mr NEWBURY: Is it a site question or a money question, or both?

Ms ANDERSON: Well, there are sites available, as you would expect, given the pressure in the CBD—I mean, all the opportunity that exists in the CBD now post the impact of COVID. So we will be looking for resources to support VCAT's relocation.

Mr NEWBURY: Thank you for your time.

The CHAIR: Thank you. Ms Richards.

Ms RICHARDS: Thanks for your time this afternoon and the work you have been doing in the last couple of years and in the period that we have been exploring here today. I would like to understand a little bit more about court infrastructure, and I note on page 21 of the Court Services Victoria questionnaire there is an update on the Bendigo law courts development. Of course it is extraordinarily exciting to see some developments that house a range of courts and specialist programs. I am hoping you can explore with the committee a bit more about how this project is coming along and what benefits it will deliver for the people of Bendigo.

Ms ANDERSON: The Bendigo law courts development is on track, which is a very exciting development and one that we are really proud of. It will be providing a contemporary, safe and integrated facility for all in Bendigo and the Loddon Mallee community. Construction is planned and still on track to be completed by December 2022, with the courts opening in 2023. It will be the first Victorian court to provide the full suite of specialist services. It comprises 11 courtrooms, two hearing rooms and two mediation suites, and it will provide facilities for a Drug Court, a Koori Court and a mental health assessment and referral court as well as a specialist Children's Court. It will also support on circuit the County Court, the Supreme Court and the Federal Circuit and Family Court of Australia. So it is quite a big undertaking.

The design itself is one again we are very excited about. It is strongly informed by court users, a strong person-centric design, and it will be supported by technology in a way that we have not done before, where that technology is embedded almost in the infrastructure itself so that people who come to court will be able to navigate and understand not only the building itself but the nature of their proceeding and what will be expected of them online before they enter the building. Once they are in the building we will be providing an operating

model that supports a user-centric approach in terms of triaging, supporting people in the process and ensuring that their needs are met in a way that we have not really been able to do in our current facilities.

We are also working very closely with the Dja Dja Wurrung, the traditional owners of the Bendigo and Loddon Mallee region. The building itself will reflect on the facade a really significantly sized Bunjil as a protector. Its wings will wrap around the Koori Court itself. But we are working with the Dja Dja Wurrung in a way to really build an integrated design and reflect the intersection of really a colonial court and cultural law. So from the landscaping through to the internal design through to, as I said, the artefact of Bunjil itself it will provide a very different justice experience for the people of Bendigo.

Ms RICHARDS: Yes, now we are all heading into regional Victoria all the time, I will add that to the list of places to pass by. I was interested in a discussion on page 9 of the Court Services Victoria questionnaire. It does discuss the new VCAT community-based venue at Bundoora and the Koori hearing room. I understand the Bundoora location is one of three community-based venues that were launched in 2020–21, in addition to Oakleigh and Frankston. Could you perhaps explain for the committee how these community-based venues help VCAT to better serve local communities, including Aboriginal members of the community?

Ms ANDERSON: As you note, there are now community venues in Oakleigh, Frankston and Bundoora, and they were built on the back of the specialist family violence funding that is supported in the Magistrates' Court. They have been open—but they have at the moment not been open to the public with COVID restrictions—for all types of matters but particularly residential tenancies, guardianship matters and matters involving Koori applicants. The purpose of them is to support that engagement and to be venues that have a less intimidating, more open feeling, so the design has been very deliberate from the architecture through to the artwork through to the courtrooms themselves. They are deliberately placed in shopping centres or community facilities so there is a sense of openness and normality about them, de-escalating any tensions when people enter.

Ms RICHARDS: Thank you.

The CHAIR: Thank you. Mr Hibbins, do you have any further questions?

Mr HIBBINS: I do. Thank you, Chair. I just want to ask now about the Court Integrated Services Program. Similarly with the Drug Court, can you provide an update in terms of when we can expect that to be rolled out and where it will be expanded into potentially regional areas, and the impact that that will have?

Ms ANDERSON: The CISP, as it is known, or the integrated services program, has been running within the Magistrates' Court for many years and is now at over 17 locations, and a number of those are regional. Through COVID it ran and supported vulnerable people often through online but some in-person attendance, and there were over 3000 referrals to CISP from the Magistrates' Court during the year. It has now been extended to the County Court of Victoria. The pilot is funded up to April 2022 but it commenced in this year. While the numbers have been small, they have proved to be a very high level of service both to the judiciary hearing those matters but also to the participants of CISP themselves. As you know, they enable people to really continue to meet their bail conditions, to support them to continue to operate their lives but nonetheless comply with a number of conditions. At the moment, as I mentioned, there are 44 active participants within the County Court's CISP, but given the maturity of the Magistrates' Court's CISP there are many, many more.

Mr HIBBINS: Yes, okay. Thank you. Now just on page 11 of the questionnaire in regard to the lower than 100 per cent case clearance rates for the various jurisdictions, is it possible to get the numbers of cases for all of those rather than just the percentages?

Ms ANDERSON: The actual—

Mr HIBBINS: Yes, the actual numbers.

Ms ANDERSON: I will take that on notice, Mr Hibbins, and I will see.

Mr HIBBINS: Okay. All right, thank you. I understand that there has been a number of new appointments across jurisdictions that will be pretty vital in helping to get through all the cases. Are you able to give the

committee a summary of just what appointments have been made in each jurisdiction in terms of the number of new appointments and the impact that that might have on helping clear the backlog?

Ms ANDERSON: Thank you. I will come back to you on notice on the numbers, but there have been, as you say, Magistrates' appointed. Six County Court judges were appointed and a number of Supreme Court judges in particular, as well as the tribunal members moving from sessional members to full-time members to support the workload of VCAT.

Mr HIBBINS: Okay. Thank you. And just finally, and forgive me if you have already spoken to this, just in terms of any further insight into when courts will be opening up and fully operational again and what sorts of plans are in place, whether it be staged reopening or what have you.

Ms ANDERSON: Sure. It is a really interesting question because I think most courts are now going to continue with technology. Of course in person is a priority, and for the remainder of this calendar year most courts will be opening their doors more to in person while they continue to hear matters online where that has proved to be beneficial in terms of increasing accessibility and supporting the throughput. The Magistrates' Court have just, as of the 8th of this month, opened their bail and remand court and are running their night court again in person. That had run, fairly smoothly, remotely throughout the last year. The Children's Court will be continuing where it can online as well as an in-person mix with that. So that is likely to be the way courts will continue to operate but of course never denying access to justice and ensuring that, whether a technology or in person, it is the best appropriate mechanism to hear the matter for the case.

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

The CHAIR: Thank you, Mr Hibbins. Ms Taylor.

Ms TAYLOR: Thank you for coming here today. I just want to explore court infrastructure further. In particular the Wyndham law courts, I understand, is a huge investment of \$272 million from our government, and there are plans to include a number of state-of-the-art features. So I think it would be helpful for the committee to understand, you know, what you are working on for Wyndham and why this complex is important—I mean, factoring in that the population out west is booming as well.

Ms ANDERSON: Thank you, Ms Taylor. The population growth is forecast to increase over 120 per cent. So the numbers I have are around an increase by 2041 of 285 000 people, so this is really a quite significant growth for the area of Werribee. As you mentioned, the 2020–21 budget provided \$271 million to Court Services Victoria to build the Wyndham law courts, and while I was just waxing lyrical about Bendigo, Wyndham will then become the biggest regional law court outside of the CBD. There will be 13 courtrooms and four hearing rooms. It will be primarily for the Magistrates' Court, the Children's Court and VCAT. It will be offering a full suite of specialist services—that is, the Koori Court; again, Drug Court; CISP, as I mentioned before; and specialist family violence amongst others. It will certainly have quite a strong focus on Koori Court and supporting Koori accused or others coming through that court.

One of the exciting things about it, or a challenge in a way for Court Services Victoria, is that it is co-located on a site, and that site has quite fabulous greenery around it but at this point we are also needing to put in place quite a bit of infrastructure to support access to the court, as we share it with the Werribee police station. So it has provided a really interesting architectural challenge but one that we are very pleased to take up. We are also working very closely with a number of the justice service providers in the Wyndham and Werribee location, ensuring that we are engaging with community and with court users to inform the design. We are at early stages. We have engaged the architects, and the design brief is being developed both with the courts and with VCAT themselves but also with the justice parties and the traditional owners, or First Nations people, of those regions.

Ms TAYLOR: Thank you. Wow. It is a huge project. Can I also refer you to page 384 of budget paper 3, and I understand one of the projects that CSV was involved in delivering in the last financial year was a \$26 million upgrade to Sunshine law courts. Could you please explain to the committee what this project involves and how it is progressing.

Ms ANDERSON: Of course. Thank you. The Sunshine law courts really needed a bit of work. It had been perhaps underdeveloped for a period of time and demand was outstripping, and as well it was not in a great

condition. So it currently has eight courtrooms, including three custody courtrooms, and it co-locates the Magistrates' Court, the Children's Court and again VCAT, and it is connected to the Sunshine police station. We have awarded the contract. We have started the work, and it will be opening in 2022. So it is constructing two new courtrooms; converting some of those courtrooms into custody courts so that they can be for secure courts; reconfiguring the public counter, including interview rooms; and creating a better environment for people to come into. It will be supporting the additional Magistrates' who will need to work there to deal with the demand, through a new chambers, and improving some of the staff amenities because they were fairly poor.

We are building a specialist family violence court in Sunshine as well. As you would know, they need separate entrances, secure waiting spaces and the ability to support remote attendance, so there is quite a bit of technology investment in it. As I mentioned, works are well underway and we will be planning to open that next year.

Ms TAYLOR: Excellent. That is good.

The CHAIR: Thank you, Ms Taylor. Mrs McArthur.

Mrs McARTHUR: Thank you, Chair, and good afternoon. What is being done, particularly in regional areas, to address the delay in criminal matters being heard in court? For example, criminal matters in the Warrnambool Magistrates' Court are being adjourned from October and November 2021 to, in some cases, April 2022.

Ms ANDERSON: Thank you, Mrs McArthur. I mentioned earlier in one of the responses the investment in technology, particularly in the Magistrates' Court, and I will speak primarily about that, although of course the Supreme Court and the County Court do hear regional jury trials in regional locations. So the online Magistrates' Court enables a matter to be heard from any place. Rather than it requiring an in-person attendance at the place of filing, it will mean that a matter might be filed in the Warrnambool court, but if a magistrate is available and may be resident in Melbourne or may be resident in Mildura they will be able to hear that matter online. So that has started to see a real increase in the capacity of matters to be listed and finalised.

For those that require in-person attendance—again subject to the ability to travel to regions and to open up in person—that will be something that the Magistrates' Court is most likely to do next year.

Mrs McARTHUR: So given the Bendigo court seems to be able to get through a lot more and they hear a lot more, have you given consideration to Magistrates' being appointed in rural areas actually remaining in rural areas?

Ms ANDERSON: The appointment of Magistrates', as you would know, is a matter for Governor in Council on the recommendation of the Attorney. The location or where a magistrate works from is a matter for the Chief Magistrate, Judge Hannan, and I cannot speak for Her Honour but am confident and know that she expects Magistrates' to sit and hear matters in regional areas for a number of years so they get to know and understand the location and the types of cases.

Mrs McARTHUR: Very good. Thank you. And just following on from Mr Hibbins's questions about Drug Courts, there is as you would know a large degree of drug-related crime in Colac and Geelong. Is there any consideration being given to a Drug Court in Geelong?

Ms ANDERSON: I am sure if there is the demand, Mrs McArthur, we would—

Mrs McARTHUR: There is the demand.

Ms ANDERSON: be open to contemplating that, but it might be a matter for consultation with government and the court. Thank you.

Mrs McARTHUR: Has there been any assessment done of the restrictive access of all parties to courts during the COVID period and the financial cost and effect on court priorities—for example, resolving domestic violence criminal matters?

Ms ANDERSON: There has been a very strong focus in the Magistrates' Court on hearing family violence matters, so an assurance that any interim matter would be heard is a matter of priority to ensure the safety of the

person seeking that protection, and the number of contested family violence matters is now starting to increase as the courts are opening up and being able to hear matters in person. But certainly in respect of interim family violence, they were prioritised to be heard online. There was investment in a pre-court protocol to endeavour to support matters to be agreed so they did not have to get to court, but the protection was still provided to those seeking the protection.

I am not able to answer the first part of your question, Mrs McArthur. It is a great one—thank you—and there is a lot of complexity to it, so I might just need to think about that one a little more.

Mrs McARTHUR: Okay. You can take it on notice if you prefer.

Ms ANDERSON: Yes, I will. I cannot guarantee what I—it was quite a complex question. You had a good research proposal in there, I think.

Mrs McARTHUR: I look forward to hearing your response. How many Magistrates' have been appointed in the last year, and out of those how many have been appointed to regional areas?

Ms ANDERSON: As I mentioned to Mr Hibbins, I will take that on notice because I do not have that at hand.

Mrs McARTHUR: So you have mentioned how good the online process has been. If it has been so good, why is there such a backlog?

Ms ANDERSON: The Magistrates' Court was primarily paper-based and in person, very much like the Victorian Civil and Administrative Tribunal, so in May last year we supported the Magistrates' Court to create both the technology to allow the online hearings but also the process you needed to go through to move from paper files to electronic files so that there was a capacity to hear those matters remotely. The court has in the last six months arrested the backlog. So it is not going backwards anymore, as it were, it is hearing as many matters as are being filed through the online Magistrates' Court.

Mrs McARTHUR: Thank you.

The CHAIR: Mr Richardson.

Mr RICHARDSON: Thank you, Chair. And thank you very much for joining us, Ms Anderson and team from Court Services Victoria. I want to take you to the culture within the courts and to page 55 of Court Services Victoria's questionnaire, 'Supporting the health, safety and wellbeing of court users, judiciary and staff in a COVID-19 operating environment'. Obviously the last two years have been unprecedented for all of us in many respects, including our court services. But I was wondering how the safety and wellbeing of your staff and court users were prioritised during this period.

Ms ANDERSON: Thank you, Mr Richardson. I will put to one side—because I think we are all so used to—masks, hand sanitisers and PPE, but please take that as a given. We invested and put in a lot of measures to address the health and safety, particularly mitigating the risk of COVID transmission. We also really took seriously the need to support staff and the judiciary in remote working. You have probably experienced it as well, where you are working outside away from colleagues, working often in isolation. And particularly for court staff and the judiciary hearing at times difficult cases—whether criminal or civil—we really needed to ensure that we were supporting the wellbeing and the productivity of our judiciary and the staff.

So that took many forms. We invested in a wellbeing hub—all those things that others have done, I know—ensuring that there is exercise; ensuring that people take breaks; endeavouring to really strengthen communication to reduce any adverse impact from, potentially, isolation; health webinars; we put in place a range of wellbeing webinars; increased the psychological support to judiciary staff and their families through the employee assistance program; and other initiatives. As we have always done, we ensured the annual health checks. We were looking at mental health and wellbeing training—we did not pull away from those things, even though we were working remotely—ensuring that we were creating a literacy, as it were, so that you could really have those conversations to see how people were travelling when they were dealing with high-volume work, at times in very isolated conditions. We did a lot of awareness around the R U OK? Day and

other significant days to make sure we were checking in, and we also strengthened our people and culture responses, people and culture capability, so that there was a strong focus on communication and engagement.

Every court and CSV itself held a number of what we would call town halls or different meetings, where you were either meeting with a division of a court or all of the staff, to share what was happening, what initiatives were in place, to again keep engendering a sense of engagement and purpose. We looked—as we always must because a number of the cases that come before the courts bring with them traumatic material—at ensuring that those who were exposed to any traumatic material had peer support and debriefing opportunities and that there were conversations around the nature of the material they might be viewing and how they might be best supported if they had been impacted by it. And the Courts Council also established a health, safety and culture committee, which comprises some independents—an independent person who brings a particular expertise in sexual harassment and other types of inappropriate workplace behaviours, and also an independent with an occupational health and safety perspective. They certainly give us very good advice about measures that we might be wanting to put in place that we may not have thought about.

Mr RICHARDSON: So there are some significant innovations there and learnings. What learnings will you continue on into the financial year that have been put in place, and do you see any of these measures staying in place into the next year and beyond?

Ms ANDERSON: Thank you. Well, technology, as I mentioned to Mr Hibbins, will stay in place. Courts always had an appetite for using technology appropriately, and that has now been realised and shown its effectiveness. We will also be continuing with a number of the initiatives around wellbeing, because we do see how closely related they are to supporting productivity. That goes from, as I said, enhanced communication but also through to training and development. Through the investment we are making in the sexual harassment review and the recommendations, as I mentioned, we made a commitment to turning around the many recommendations of that review in a period of two years, and to do that we have got to really deeply engage with cultural change. That change goes to people knowing how to have difficult conversations through to proper complaints processes that are easy and accessible and people feel safe and respected. So those matters will be continuing with us as well.

Mr RICHARDSON: Fantastic. Thank you very much for that.

The CHAIR: Thank you. And that concludes the time we have set aside for consideration with you today, so thank you very much for appearing before the committee. The committee will follow up on any questions taken on notice in writing, and responses will be required within five working days of the committee's requests. We also thank all secretaries and officers who have given evidence to the committee today as well as Hansard and the secretariat and the cleaning, catering and security staff who have supported us. The committee will resume consideration of the 2020–21 financial and performance outcomes tomorrow. I declare this hearing adjourned. Thank you for your time.

Committee adjourned.