

# **PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE**

## **Inquiry into the 2021–22 and 2022–23 Financial and Performance Outcomes**

Melbourne – Tuesday 21 November 2023

### **MEMBERS**

Sarah Connolly – Chair

Nicholas McGowan – Deputy Chair

Michael Galea

Mathew Hilakari

Lauren Kathage

Bev McArthur

Danny O’Brien

Ellen Sandell

Meng Heang Tak

**WITNESSES**

Louise Anderson, Chief Executive Officer, and

Matt Hall, Chief Operating Officer, Court Services Victoria.

**The CHAIR:** I declare open this hearing of the Public Accounts and Estimates Committee. I ask that mobile telephones now be turned to silent.

On behalf of the Parliament the committee is conducting this Inquiry into the 2021–22 and 2022–23 Financial and Performance Outcomes. Its aim is to gauge what the government achieved in both financial years compared to what the government planned to achieve.

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

As Chair I expect that committee members will be respectful towards witnesses, the Victorian community joining the live stream this afternoon and other committee members.

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

I welcome our CEO of Court Services Victoria, Ms Louise Anderson, and officers. Ms Anderson, I am going to invite you to make an opening statement or presentation of no more than 10 minutes, after which time the committee will ask you some questions. Your time starts now.

**Louise ANDERSON:** Thank you, Chair. Good afternoon to the committee. I am Louise Anderson, the Chief Executive of Court Services Victoria, and with me is my colleague Matt Hall, who is the Chief Operating Officer for CSV. And, as you have noted, we are a lean team, but I do hope we can assist the committee in its inquiries.

I also wish to just acknowledge and pay my respects to the traditional owners of the land where we meet and again thank the committee for the opportunity to speak with you about Court Services today.

**Visual presentation.**

**Louise ANDERSON:** I will move through the slides. I know that there are some new members of the committee since last we appeared. Court Services is an independent statutory body. It was established under the Court Services Act in 2014, and its primary purpose is to provide administrative services and facilities to support the operations of the courts and Victorian Civil and Administrative Tribunal, Judicial College and the Judicial Commission and to support their independence.

We are governed by a body called Courts Council, where the Chief Justice Her Honour Anne Ferguson is the chair, and there are six heads of jurisdiction which are members of that board and two independent members. Courts Council has six standing committees and ad hoc committees which support the strong governance and strategic direction. In addition, each jurisdiction is led by a judicial head, as you would of course know, who is supported in the administration of that jurisdiction by a chief executive officer. The CEOs of each jurisdiction and I along with CSV executives come together as the courts executive group to support Courts Council and CSV. That is the diagram that reflects that, and for some who are not aware of our federated model it may look complex, but we are finding a way to navigate through it. Thank you.

In terms of key operational highlights, we are subject of course to the committee's interest and questions. Our budget was for 2022–23 at \$816 million although actual revenue was \$793 million for the year. We operate over 80 courts and tribunal facilities, 30 in metropolitan Melbourne and 50 across the regions. We have a staff of over 2900 and over 500 judicial officers and VCAT members.

We implemented a strategic plan in 2020, and three years in we are continuing to deliver on the commitments that we made through that plan. The new Bendigo Law Courts was one that really embodies the aspiration of Court Services to deliver excellence in court and tribunal administration. We also have a strong commitment

led by the Courts Council and the Chief Justice to creating and ensuring a safe workplace, and so we implemented with the then Attorney-General our review into sexual harassment in the courts and the tribunal and continue to not only implement those recommendations but drive the cultural change necessary to ensure those safe places of work.

There are a number of other initiatives that we have in place around our case management system – a review into the efficacy of online courts and how to continue in those; diverse, collaborative, ethical and capable people; contemporary, safe and integrated venues; and initiatives to build trust and confidence with the public. Just in respect of Bendigo, it opened in February 2023 with the then Premier, the Attorney-General and the Chief Justice. It houses a number of specialist courts as well as mediation suites and a number of services very much focused on ensuring that vulnerable court users or people who are coming to court in a moment of crisis have a very up-to-date, modern environment that allows them to de-escalate and supports their wellbeing as much as dealing with the matters on hand. Bendigo has been lauded by the community which it serves, and that is really very much in part due to the project management model we had in place to work very closely with the community, including, and most importantly, the Dja Dja Wurrung.

Wyndham Law Courts is on track to open in early 2025. It is a much larger building with a number more courtrooms, and it is not necessarily a multijurisdictional court. Bendigo is the Supreme Court, County Court, Magistrates' Court, VCAT and the Federal Circuit and Family Court when they are on circuit, whereas Wyndham will be primarily the Magistrates' Court, Children's Court and VCAT.

The Dandenong Children's Court, which is a specialist court in a leased building but nonetheless very much fitted out for the purpose of the nature of the work of the Children's Court, opened in June 2023, and again, it has a number of very specifically designed accommodation spaces to support the vulnerable court users who attend there. We have also completed the upgrade of the Sunshine Law Courts, particularly focusing on the specialist family violence service that operates out of there.

We have a strong commitment to working with and supporting the Koori community, not just through the Koori Courts but also through our Self-Determination Plan and importantly through the Koori Employment Plan, which sees our number of Koori staff sitting at just less than 3 per cent, and we are aiming for a higher rate than that to reflect very much the commitment to self-determination. We are also very strongly supporting a cultural competency or Cultural Immersion Program, with almost now 200 staff having gone through that program and it being opened up to the judiciary through both the Judicial College but also with CSV.

In terms of some of the highlights from our perspective, of course this committee would be aware that the courts experienced quite a burgeoning backlog, which we are now calling pending case load, throughout the pandemic. That pending case load has now been reduced by 22 per cent, so it sits at only around 25 per cent higher than the pre-COVID levels. The pending County Court criminal trials – that is, jury trials – have been reduced by 23 per cent and are sitting relatively on par with pre-COVID, although pre-COVID now starts to become probably an unhelpful reference point, but subject to committee questions we can discuss that. The Supreme Court clearance rates for trials and pleas is at an extraordinary rate of 146 per cent. The VCAT clearance rate, which I know has been of interest to members of the committee in the past, is now sitting at 98 per cent, which includes a 34 per cent increase on the 2021–22 numbers.

Moving to the engagement with the public – and many of these are very much sitting as initiatives within the Magistrates' Court – the Magistrates' Court set up an online support service which has now responded to over 200,000 inquiries, which allows a different division of labour within the courts and the management of scarce resources to support those in most need. 170,000 or thereabouts have been individual inquiries to the Family Violence Contact Centre. And importantly, the online Magistrates' Court, which is an initiative that has received funding from government over the last three years and is set up to enable the Magistrates' Court to provide a really statewide service through their online courts, has had 450,000 audio or visual links offered just in 2022–23.

Focusing more now on therapeutic or vulnerable users: again, the Family Drug Treatment Court, primarily in the Children's Court, has seen an increase. It is a highly intensive program, but there have been 46 sittings of that in Shepparton over the last two years. The Children's Court also introduced, and were supported by government and CSV, the weekend online remand court, which just increases, importantly, the accessibility of the Children's Court and addresses the risk of young people being in remand unnecessarily. That was launched

in September 2022. The Supreme and County courts continue to collaborate on their self-represented litigants pilot, where individuals are supported through Justice Connect services to identify the merits of their case and form views about whether it is sensible to proceed or not, and they have supported 180 self-represented litigants in the 2022–23 financial year.

I am just mindful of time, and I thought I had timed myself, Chair, so I am just going to move to workplace culture to speak briefly about CSV's gender equality action plan, a very strong response to the review of sexual harassment in Victorian courts, and a number of initiatives in place to strengthen workplace safety. Thank you, Chair. Thank you, committee.

**The CHAIR:** Thank you, Ms Anderson. The first 6 minutes of questions are going to go to Mr O'Brien.

**Danny O'BRIEN:** Thank you, Chair. Good afternoon, Ms Anderson and Mr Hall. You mentioned the case backlog particularly for VCAT as of interest, so obviously you have seen my questions ahead of time. The CSV annual report on page 36 records that the on-time case processing for VCAT was at 84 per cent versus a target of 90 per cent. Also, the VCAT annual report records that VCAT members fell from 222 in 2019–20 to just 194 in 2022–23, a cut of 12 per cent. Is that one of the reasons for the inability to meet those targets for on-time processing?

**Louise ANDERSON:** Thank you, Mr O'Brien. Certainly member capacity is critical to being able to address any pending case loads, so there is a direct relationship. That has in the main been addressed. There have been 10 new members appointed to VCAT, and I understand that there is a process in place at the moment for a further appointment of a number of members, subject to government's decision of course. At the same time, VCAT have reviewed their approach to addressing the backlog, particularly in residential tenancy, but more broadly, and have noted the concerns that this committee has raised through you, Mr O'Brien, but also of course generally with the concerns they have around addressing the time it takes to hear matters. So they have designed an approach to address the backlog, or the pending case load, that identifies the older matters. They are starting to hear those as a matter of priority but also ensuring that new matters – it may sound quite sensible – do not get added to that list. Rather, they have put up a separate list so that new initiations get dealt with in the time that is appropriate. So we are seeing a real reduction in the time it is taking to hear matters that have just been filed. The matters that they are addressing in the backlog primarily relate, particularly in residential tenancies – I am not saying they are trivial; they are important – to bond and compensation that are no longer relating to a current tenancy. So, again, they have applied a very critical lens to thinking about risk and how best to advance the matters in a timely way where people's rights are immediately affected.

**Danny O'BRIEN:** You mentioned clearance rates, or you mentioned the timeliness. Is there a figure for the average –

**Louise ANDERSON:** It depends on the nature of the list. For some lists it is 85 per cent of matters resolved within 18 months or within two years. They apply it separately to each type of list, subject to the complexity and, ordinarily, how many matters are heard.

**Danny O'BRIEN:** But is there an average time now for a case from the time it is lodged with VCAT to when it is dealt with?

**Louise ANDERSON:** Yes, and I might just come back to you on that.

**Danny O'BRIEN:** I am happy for you to. If you have got it there, maybe we can come back to it during the hearing. I am going to have a couple more goes at this. Can I just clarify what is meant by 'clearance rate'? When you say VCAT has got a 98 per cent clearance rate, is that 98 per cent of cases in that year are dealt with in that year?

**Louise ANDERSON:** For that period of time, you have the number of matters that come in and then you compare those to the number of matters finalised, and if you are clearing more than 100 per cent, you are clearing more matters than are initiated.

**Danny O'BRIEN:** That are coming in – so you are actually getting into the backlog?

**Louise ANDERSON:** Yep.

**Danny O'BRIEN:** The annual report also highlights, though, on page 40, that VCAT actually ended up with \$3 million less than its published budget. How has that impacted on its ability to clear the backlog?

**Louise ANDERSON:** There are two matters that we have addressed with VCAT. One is that there have been the appropriation and the special appropriations, which is the warrant through the Consolidated Fund, and then general appropriations. General appropriations covers your operational expenses. Special appropriations are for VCAT members or judicial officers. For quite a time VCAT had been appointing sessional members that just pushed the special appropriations cap higher than was there, and they were not getting that increase in the warrant in the most timely way. That has been addressed. There were also a number of trust funds, one of them through the Department of Justice and Community Safety – Consumer Affairs Victoria – which now sits with the Department of Government Services, and there had really been a delay only, a phasing of funding. I understand that has been addressed, Mr O'Brien.

**Danny O'BRIEN:** So has that had an impact, though? As I said there was \$3 million less than what was expected for VCAT. Has that had an impact on actually clearing those cases?

**Louise ANDERSON:** Not that I am aware of.

**Danny O'BRIEN:** Okay. Is there a figure of how many cases there are currently on backlog at VCAT – when I say 'on backlog', currently before VCAT?

**Louise ANDERSON:** I have got aggregated numbers and I have got some particulars. I can take those on notice and send them through rather than talking through them.

**Danny O'BRIEN:** That would be great, yes. Continuing on the theme, the annual report highlights that VCAT is getting new premises by 2026. Firstly, can you tell me how much that is going to cost?

**Louise ANDERSON:** VCAT, as you would know, are in 55 King Street and have been there for a period of time. It is not fit for purpose for a number of reasons, and also there is a lot of construction going on around it, so it has been a matter of some concern to the former president.

**Danny O'BRIEN:** Sorry, I am going to run out of time.

**Louise ANDERSON:** I will be quick to the answer then. It is a leased premise – for around 20 years. The fit-out and the leasing costs over that 20 years will be around \$200 million, but I can, again, give specifics on that.

**Danny O'BRIEN:** That would be great. Look, I am going to run out of time, so maybe I will come back to it next time – but \$200 million over that 20 years?

**Louise ANDERSON:** Including fit-out and lease costs.

**Danny O'BRIEN:** Okay, thank you.

**The CHAIR:** Thank you, Mr O'Brien. We are going to go to Mr Galea.

**Michael GALEA:** Thank you, Chair, and thank you both for joining us today. I would like to start with last year's 2022–23 budget paper 3, page 280. It outlines various objectives for Court Services Victoria, of which in particular I would like to look at objective 5:

**A fair and accessible justice system that supports confidence in the Victorian community**

Specifically, there are a number of examples provided in here, including, and you did this mention this briefly in your presentation as well:

... supporting Kooris in the criminal justice system.

Can you please outline how, over the past two years which we are looking at in today's hearings, CSV has been able to support people in this space?

**Louise ANDERSON:** Sure. Thank you. Specifically, Koori or more broadly vulnerable court users – I can address both.

**Michael GALEA:** Perhaps if you can start with more vulnerable court users and then go into specific details for Kooris as well.

**Louise ANDERSON:** Thank you. Over certainly 2021–22 and 2022–23 the government has invested particularly in the Magistrates' Court and the Children's Court significantly to support those who have accessibility to access the Drug Courts. In respect of the Magistrates' Court, we have had two regional Drug Court trials – one in Ballarat and one in Shepparton – and they are now in their third year and presenting some very good data as to the number of users, the reduction of recidivisms and the financial offsets or gains to be made by reducing the demand for remand or correctional services. There is an evaluation which we have spoken about in the annual report, which was only received last week, which is certainly establishing some really great bona fides for the benefit of that. At the same time we initiated – the government and the County Court of Victoria – really the first initiative of a Drug Court in respect of indictable crime. So there a person's eligibility is determined by no less than four years of the sentence if they had not been eligible. Again, that is CBD-based, and it is showing some really great results.

In addition, there have been a number of initiatives in the Magistrates' Court, particularly in the expansion of the assessment and referral court, which generally is focusing on people with mental health issues. So there is a raft of concerns that they need to bring into court, with criminal behaviours potentially being only one aspect of that. So the ARC has been present in seven locations, and it is being expanded to eight more.

Of course there are the specialist family violence courts, which are now being fitted out across 13 of the courts, all of the headquarter courts. That is not only about trained and specialised magistrates, trained and specialised registry staff and online support to support people who do not feel safe or are unable to be present in person, but it also goes to the architecture of the courts and the way that they are set up so that vulnerable people can come in through separate entrances. There are protective waiting rooms. And all of that really culminated in the build of the Bendigo Law Courts, where we were incredibly privileged in some way to be able to build such an extraordinary court and support all types of court users to ensure that they have the most safe experience to the extent they can within the challenging environment.

In respect of the Children's Court there is – two years in, as I mentioned – the Family Drug Treatment Court but also the specialist Koori Court there. Again they are small in numbers, but they are having, as I understand, a really strong impact on families. They are looking at the delivery of justice through quite an integrated lens, understanding all the pressures that are brought to bear on individuals who have been accused of certain offences and enabling them to reach out to family and to reach out to other supports to really reduce that risk of recidivism but also supporting them to be able to change those behaviours.

Just in terms of Koori, I might just ask Mr Hall if there is anything in particular that I might not have mentioned that he thinks is relevant.

**Michael GALEA:** Perhaps specifically in relation to the Marram-Ngala Ganbu Koori Children's Court, if there is anything in particular over the past two years.

**Louise ANDERSON:** Sure.

**Matt HALL:** Do you want me to cover that?

**Louise ANDERSON:** Yes, please.

**Matt HALL:** Marram-Ngala Ganbu – thank you for the question – commenced in Shepparton in April 2021, and there was an average of 11 families heard at each sitting back then. That has increased to 25 families at each sitting in 2022–23. It has proven to be a really successful program. It is making a real impact, and I think that has been perhaps best recognised in what the Yoorrook Justice Commission had to say about encouraging the expansion of that program across the state. Do you want me to talk you through some of the features of it, or are you aware of it?

**Michael GALEA:** Yes. If you can, that would be great. Thank you.

**Matt HALL:** Yes. Sure. It significantly improved the identification of Aboriginal children, and the employment of a dedicated Children's Court coordinator has provided additional case management of those

matters in quite an effective way. A key feature of it is an adapted courtroom that is designed to – rather than the sort of environment you would expect in a mainstream children’s courtroom – use communication styles and a culturally safe environment for the families.

**The CHAIR:** I am just going to stop you there, Mr Hall. I apologise. I have got the wonderful job of being timekeeper. I am ruthless to the other side, and I have to be ruthless to this side.

**Danny O’BRIEN:** You were not very ruthless to them; you let him go for another 30 seconds there.

**The CHAIR:** Apologies, Mr O’Brien. Mr O’Brien.

**Danny O’BRIEN:** Thank you. Continuing on the VCAT questions, the annual report for VCAT, at page 51, states that the timeliness of finalised cases for the residential tenancies division blew out from nine weeks in 2019–20 to 26 weeks in 2022–23. Why is that the case, and when will that return to something more normal?

**Louise ANDERSON:** I think in response to that question, Mr O’Brien, I will just refer to the answer to the related question. There are a number of reasons: one, the initiations were increasing – I understand they were increasing over 10 per cent – so they had more matters coming in than had been year on year –

**Danny O’BRIEN:** Is that the result of the recent legislative changes on challenging rental increases and the like?

**Louise ANDERSON:** I want to be able to answer specifically, although I know that the former president has made some comments about that saying that, yes, that added some complexity and some confusion to the nature of the types of matters that were being raised. But I also understand particularly in residential tenancies, which you were referring to, that there has been, as I said, an increase in initiations. There was also, as you have identified, not the full contingent or cohort of members. So there were different pressures being applied, and they have been and are being addressed. As I mentioned, VCAT have got quite a particular strategy in place now to address the backlog, and are properly, as a court should, setting goals, and one goal is to return the backlog to pre-COVID levels by the end of 2024.

**Danny O’BRIEN:** Financial year – sorry, calendar year?

**Louise ANDERSON:** Calendar year, yes.

**Danny O’BRIEN:** Okay. I might move on just to a quick question, and we addressed this in the estimates process as well. The Dispute Settlement Centre of Victoria, I understand, was effectively coopted in to try and help with VCAT. The question is – well, does that just mean that fence disputes will end up in VCAT because they cannot be dealt with by DSCV? Is DSCV still providing those services, and if so, for how long will it have to be doing so?

**Louise ANDERSON:** I understand that they are still providing those services and that there is a strong focus on improving their efficacy and managing the time well, so the concern you have identified is not realised. At the same time, there is a focus on increasing mediation services within VCAT, whether that is member or particular registrar capability, and I know that is being considered so that the dispute resolution service can return to their primary focus. But I do not have any understanding of what the time frame for that is.

**Danny O’BRIEN:** Okay. So you would expect they will be but you do not know when. Are you able to find out for me on notice?

**Louise ANDERSON:** I can certainly take it on notice, of course.

**Danny O’BRIEN:** Thank you. Can I move to courts generally – can you tell me how many Magistrates’ Courts do not have safe waiting areas for victims?

**Louise ANDERSON:** Out of the 51 Magistrates’ Courts that we support across the state – specifically Magistrates’ Courts – there are only 13 that are at this point, and an additional seven, so that would take us up to 20. I think then rudimentary maths might suggest that 30 do not have the specific safe waiting areas. That does not mean that there are not certain workarounds that have been put in place or other responses that ensure

the safety in the best way we can within those waiting areas, but they have not been improved in the way that specialist family violence would require –

**Danny O'BRIEN:** Right. So 20 of the 51 have a specific safe waiting area. What about separate circulation pathways for people in custody?

**Louise ANDERSON:** I will take it on notice, if you wish, to identify how many of our 80 premises across the state, which include leased premises, have custody facilities, but where we have custody facilities it is around 70 per cent that have some circulation pathway that ensures that a person in custody is not brought through the front door or interacting with the public or witnesses. As you would know, many of our buildings are old – 50 per cent of them are heritage in one way or another – and we have over the last five years really put in place a strong program of capital works to address accessibility but also to address safety. I will not take your time.

**Danny O'BRIEN:** What about – how many Magistrates' Courts do not have remote witness facilities?

**Louise ANDERSON:** Remote witness in the formal sense, where the person is vulnerable and needs to give – I would not have the answer on that specifically. I can look into it, but my only other comment around that, Mr O'Brien, is a remote witness can, by virtue of the remoteness – all of our courts, every one across the state, have remote hearing facilities. Each courtroom is fitted out in one way with cameras, with video, with safe video links. So, for example, it may be that a remote witness could give evidence still from Melbourne in a safe and secure way, but it would be able to be heard in Horsham or Mildura if we do not have the facility there. Now, that may not be convenient to the witness – I am just doing a hypothetical – but it is not a prevention. The absence of those facilities does not mean that they are not able to give evidence in a safe and secure way.

**Danny O'BRIEN:** Could I perhaps ask if you could take those specifics on notice?

**Louise ANDERSON:** Sure.

**Danny O'BRIEN:** And if you are able to provide any information on how the department is trying to remedy these issues, that would be great.

**Louise ANDERSON:** Sure.

**The CHAIR:** Thank you, Mr O'Brien. We are going to go to Mr Tak.

**Meng Heang TAK:** Thank you, Chair. Thank you to you both. Bendigo Law Courts – I refer to 2022–23 budget paper 3 on page 130, table 1.24. I refer to the government's investment of \$19.73 million over four years to operationalise Bendigo Law Courts. Now, the Bendigo Law Courts have now been in operation since February of this year. Could you outline which jurisdictions host at the Bendigo Law Courts and how it is going?

**Louise ANDERSON:** Sure, of course. Thank you for the question, and I will endeavour not to take more than your 6 minutes with waxing a bit lyrical about Bendigo.

**Meng Heang TAK:** Thank you.

**Louise ANDERSON:** So Bendigo is, as I mentioned in my introduction, very genuinely a multijurisdictional facility. The Supreme Court Court of Appeal sits there on appeal, and indeed about four weeks after the opening held appeals there and will continue to sit there on circuit. The Supreme Court through its criminal division holds jury trials there, as does the County Court. The County Court almost has a permanent presence there now as it moves through its jury trial backlog and sits in the Bendigo Law Courts. The Magistrates' Court, clearly, is present every day as is the Children's Court, whether it is the specialist Children's Court or a magistrate exercising that jurisdiction. The Victorian Civil and Administrative Tribunal, VCAT, attends on a circuit or a needs basis.

Bendigo, as you mentioned, opened in February 2023, as we spoke about, and it really is a state-of-the-art building. Not only is the architecture powerful – it sits very referentially to the broader Bendigo architecture, particularly referencing a number of the historic buildings there – but it also really speaks to and works with the Dja Dja Wurrung and the Jaara language and traditional owner culture, from the landscaping through to the



building through to the artwork, and I can very much encourage any of the committee members to visit, because it is quite an extraordinary building and clearly one we are proud of.

So in 2023–24 government provided around \$13 million for what was more the security, the maintenance and increased costs arising out of transcription and interpreter services, and as you mentioned, in 2022–23 we also received around \$19.7 million for the Koori Court. The Koori Court is on the fourth floor. It is wrapped by this extraordinary, beautiful piece of art by Racquel Kerr of Bunjil; the wings envelop the full courtroom and the waiting area. The Koori Court has been operational since not long after the opening, actually.

There is also the specialist family violence court, and to Mr O'Brien's question, that is again I think our best practice at this point of safe waiting areas – circulation pathways that really acknowledge the risk and vulnerability of different people using the courts. And it has also been operational, as has the Assessment and Referral Court, which kicked off in around July 2023.

There is a great deal of community pride. There are a number of people who are walking through now just to sort of have a look at the court as a civic building as well as a highly functioning criminal and civil court. And, finally, we have won a nice award from the Victorian Architecture Awards on that one, so it is good to get a bit of external feedback sometimes. Thank you.

**Meng Heang TAK:** Thank you so much. I am certainly looking forward to a wander one day.

**Louise ANDERSON:** Yes, you would be very welcome.

**Meng Heang TAK:** Thank you. Since COVID I have noted that online hearings have become a more common thing. What technology infrastructure and facilities – you already said it in a smaller part – have been incorporated into the courts?

**Louise ANDERSON:** Yes, thank you. Again, I am sure the committee does not need reminding that in March 2020 the courts, notwithstanding the ability to hear urgent and priority matters in person, worked remotely. With the Supreme Court we had already had some investments that allowed that court to really flick the switch. That investment had been in the 2016–17 budget, and it supported the court to have the technology to allow a fully digitised end-to-end process. The County Court, in a sense through the virtue of the funding of the public-private partnership, had the same infrastructure, although we have upgraded both to really improve the technology, both in the courtroom but also in the chambers and the remote technology, so that the judiciary can hear matters in what we call a hybrid way, which is sometimes a person or two in the courtroom, or people potentially in their chambers or in their homes, subject to where appropriate.

In respect of the Magistrates' Court and the Children's Court, we rolled out hardware in video technology, whether it is Webex or Teams, as well as audio, and very much for VCAT because VCAT found that the audio through telephony was a better way to manage and address some of the online matters. We needed to acoustically render the hearing rooms and support officers et cetera so that a member or a judicial officer could manage a matter fully remotely in the courthouse and not be heard by their colleagues.

**Meng Heang TAK:** Thank you so much.

**The CHAIR:** Thank you, Mr Tak. We are going to go back to Mr O'Brien.

**Danny O'BRIEN:** O'Brien again. Here I am, one more time. Can I move now to the case management system for the Magistrates' and Children's courts that was originally budgeted at \$89.2 million as at the end of the 2022–23 financial year. What is the revised or the total amount spent on the development of this system?

**Louise ANDERSON:** Sure. Yes, you are correct. In the 2023–24 budget we received an additional \$24 million, about \$7 million of that for operating and the remainder for the asset. We were very pleased to receive that additional funding, because the program of works is taking an additional year. That additional year has been a very deliberate decision, although of course it had a cost to it, so we welcomed the support of government in that the case management system is for the Magistrates' Court and the Children's Court and presented some complexities, not the software itself but the nature of the requirements gathering, the nature of the build and delivery and ensuring that the software could be properly configured to support the requirements of that court. It has taken us longer than we had anticipated.

**Danny O'BRIEN:** Okay. On the length, what was the original date that it was scheduled to be operational, and when is it –

**Louise ANDERSON:** July 2023, we expected it would have been finalised. So it was funded in the 2017–18 budget and we signed the contract with the provider in July 2019. There was a lot of work done before that, but there was a lot of work to do post that as the requirements needed, as I said, to be really well articulated but also very much designed and owned by the judiciary.

**Danny O'BRIEN:** So, sorry, July 2023 was the original date. When will it be fully operational? July the –

**Louise ANDERSON:** July 2024.

**Danny O'BRIEN:** July 2024. Okay.

**Louise ANDERSON:** So in that, if I may say, Mr O'Brien – I know I am being rude and cutting you off, but just three things – we have delivered parts of it.

**Danny O'BRIEN:** Yes. It is partly operating?

**Louise ANDERSON:** Yes, for civil and for child protection. So in COVID we brought forward an aspect of it to allow parties to be able to electronically file into it. That was a general thing that we referred to as e-docs. Then we delivered an integrated suite of the case management system for the civil jurisdiction of the Magistrates' Court – that was last October. Then this October we have now delivered the release for child protection for the Children's Court.

**Danny O'BRIEN:** Okay. And just in terms of the total cost, was it literally \$89.2 million plus the \$24 million that you received this year?

**Louise ANDERSON:** Yes.

**Danny O'BRIEN:** Okay. Thank you. The budget paper for last year showed that less than half of the criminal matters in the Magistrates' Court were resolved in the appropriate time, 42 per cent. What is the number of criminal cases currently outside the established time frame that have not been finalised?

**Louise ANDERSON:** The on-time case processing with the Magistrates' Court is now sitting at 55 per cent, so that has been an uptick of around 10 per cent, and it is continuing to be a commitment to try and hear and resolve the older matters earlier and bring them forward because, as you would expect, when a matter is old it becomes even more complex to hear and resolve because evidence becomes a little –

**Danny O'BRIEN:** And justice delayed is justice denied, to coin a phrase.

**Louise ANDERSON:** Yes. I know that one.

**Danny O'BRIEN:** Can I ask what the total number of pending criminal cases in the Magistrates' Court is perhaps now and also at the end of 2022–23, if you have got that data?

**Louise ANDERSON:** I do. Just bear with me. It is sitting at around 70,000. Thank you. So it is now sitting at 72,500.

**Danny O'BRIEN:** That is as of today?

**Louise ANDERSON:** That is now, yes. So it is a 6 per cent uptick from the pre COVID. I think we have had questions before in the committee. The question is the pending case load before COVID was fairly high. The Magistrates' Court hear and deal with around 400,000 matters per year, and they sat before with around 60,000 to 70,000 matters at any one time needing to be resolved.

**Danny O'BRIEN:** What is the average wait time for a criminal matter to be finalised in the Magistrates' Court at the moment?

**Louise ANDERSON:** I do not have the answer to that again.

**Danny O'BRIEN:** Is that data you keep, though?

**Louise ANDERSON:** It is data that the Magistrates' Court may keep, and I could find out, but we do not keep it.

**Danny O'BRIEN:** If you could take that on notice, that would be good. Does CSV need additional resources to deal with all these issues that I have been prosecuting in terms of backlogs in the Magistrates' Court and VCAT and the like?

**Louise ANDERSON:** So over the last two years there has been a net increase of 20 judicial officers, including 10 VCAT members. There are nine vacancies that still remain to be addressed. They are, in the main, because of retirements. I think certainly the courts are working closely with government on the appointment of those judicial officers. In terms of resources, we are well aware of the very tight fiscal environment that the state is operating in, and indeed nationally. There is always an opportunity for additional resources to support performance. We would welcome it.

**Danny O'BRIEN:** Sorry, you said 19 additional judicial officers. So 10 were VCAT, nine were magistrates or above?

**Louise ANDERSON:** And above, yes.

**Danny O'BRIEN:** Okay. That is my time out. Thank you very much.

**The CHAIR:** Okay, Mr O'Brien. We will go straight to Mr Hilakari.

**Mathew HILAKARI:** Thank you, Ms Anderson. I hope you are going to talk just as well on the Wyndham Law Courts and their future as you have on Bendigo. The question I have got is: what have we learned out of Bendigo, that has been open for a little while now? And I know Dandenong and Sunshine are very, very new. What have we learned, and what is going to go in those Wyndham Law Courts that is going to improve that amenity for that area?

**Louise ANDERSON:** Thank you. In respect of Wyndham, it is a very different. I think one of the things we have learned – and we did, as you would expect, a very deep analysis of lessons learned from the build to ensure that we continue to build. Bendigo was on time and on budget, so we are really very strongly committed to that being the result for Wyndham. We also learned and focused a lot on what made Bendigo such a celebrated building within the community and have taken that across to Wyndham as well. So in respect of Wyndham, though, there were some different circumstances. One, it is Magistrates', Children's and VCAT. So that is different. It is going to have a stronger criminal case load because absent the higher courts. It is also being built in an area that does not have the strength of the community that Bendigo has. So it is really important that we understood the nature of the community in the Wyndham–Werribee area. There has been a lot of work with other justice entities but also driven with the Magistrates' Court, the Children's Court, VCAT and CSV meeting with hundreds of community users in that area and representatives of different demographics to understand the expectations of a court and to also understand the community need and the community problems and challenges. So we are looking to build in Wyndham a court that is responsive to and understands and reflects the community in which it serves. If you look at the Supreme Court building, the late 1800s, I do not think that sort of philosophy was in play in the earlier architecture, whereas now we are really understanding the importance of creating environments that still have their gravitas but importantly allow people to de-escalate – to feel like a community and that justice understands their needs. Wyndham is tracking on time and on budget. There are some challenges in that it is still in a precinct where we need to work very closely with other government entities to ensure that there is transport there, that we have the infrastructure necessary to facilitate it operating in a really high performing way.

**Mathew HILAKARI:** I know the area well. It is fields next door, and it is going to be a great place that grows up around the courts.

**Louise ANDERSON:** Yes, it will, absolutely.

**Mathew HILAKARI:** So I am really keen on that. I know we are limited in our time today, so I might just take us to some performance measures.

**Louise ANDERSON:** Sure.

**Mathew HILAKARI:** One of the things I am really keen to understand is the recovery investments and how they are being used to maximise the capacity to work through the backlogs. We have gone through a little bit of that previously, but there is a bit of a way to go, so I am just keen to understand how we are utilising those finances well.

**Louise ANDERSON:** Sure, of course. First of all I will focus on the Magistrates' Court, and again the Magistrates' Court have also been recognised through a public sector award for the initiative they have taken in respect of the online Magistrates' Court and also the service presented by the magistrates to support people who need to understand the process. Those initiatives were funded over the last three financial years. At the moment, as you would probably know, the Magistrates' Court has a proper place of filing – so, for example, if you file in Heidelberg you should hear in Heidelberg. But importantly technology allows us to really challenge that, so you might have filed in Heidelberg, but we can hear wherever. The online Magistrates' Court facilitates that and deals with hundreds of thousands of matters, which can come on quickly because they can see when a magistrate is available. It is not dependent on the physical availability in that one premise – subject to the matter being amenable to being heard online. That, coupled with a number of other online support services that the magistrates are running, is very successful, from what I understand.

The Children's Court have been utilising the judicial registrars. That came through a funding initiative in 2021–22 where they had not had judicial registrars before; they had principally been magistrates supported by case management through their registrars. The judicial registrars are now focusing on early hearings, on pre-trial or pre-hearing management, and are finding really great results in reducing the time to a final hearing but also resolving matters through agreement, which is new for that jurisdiction.

**Mathew HILAKARI:** Do you have a sense of the numbers that are using that and completing –

**Louise ANDERSON:** I do actually have that, and I could –

**Mathew HILAKARI:** Because that is really a great initiative to see people not enter the courtroom.

**Louise ANDERSON:** Thank you to my colleague. So there has been over 1000 in each year – 1200 of those readiness hearings. I have not got the data here, but I understand from the readiness hearings about a third of the matters do not proceed because they have been resolved at that early stage.

**Mathew HILAKARI:** That is fantastic. How long is that? There we go. Thank you so much.

**The CHAIR:** Apologies, Mr Hilakari. We will go straight to Ms Sandell.

**Ellen SANDELL:** Thank you. I also have a number of questions about VCAT.

**Louise ANDERSON:** Okay.

**Ellen SANDELL:** Firstly, regarding Victoria's public housing high-rise estates, do we have figures in the two years that are subject to this inquiry of how many VCAT applications were initiated by Homes Victoria, broken down by site?

**Louise ANDERSON:** I do not have those to hand, and I could take it on notice. I do not know if VCAT will hold that data, but of course we can make the inquiry.

**Ellen SANDELL:** Thank you. I appreciate that. In terms of VCAT wait times, just picking up after what Mr O'Brien was asking, do we know what proportion of uncleared cases are rental disputes under the RTA?

**Louise ANDERSON:** About a third of their cases waiting to be resolved are rental disputes. In that there are the bond and compensation matters, which are still taking around that 40-week resolution period; however, matters that involve any vulnerability – pet disputes, rent disputes, disputes about quality of housing raised by either the rental provider or the renter – are being resolved within a 12-week period. That is part of the strategy that VCAT are deploying. In other matters where there are some critical safety concerns, VCAT's commitment is to resolve those within four to six weeks of filing and that is occurring.

**Ellen SANDELL:** Thank you. I appreciate the new target. My understanding is that it is cases that are bond, compensation or pet matters lodged after 1 October 2023 that are now on this new 12-week fast track process, but we have had a number of tenants who have contacted us. They lodged their cases in the 2022–23 financial year. They are being told they will not be heard until the second half of next year, so the second half of 2024. That is a wait time of about 78 weeks which is pretty long, as you can imagine. Could you just explain the decision to prioritise new applications for fast track when we actually have so many applications that were made prior to that waiting such a long time?

**Louise ANDERSON:** I would be very happy to assist, but because of the role of Court Services Victoria I am not sitting here as a judicial officer or as someone – that would more properly be a question I think for VCAT itself. As CSV, we are about supporting the jurisdictions to be able to achieve what they need to achieve rather than setting the targets themselves.

**Ellen SANDELL:** So it is VCAT’s decision to determine that date for fast track.

**Louise ANDERSON:** Yes. I would imagine. VCAT, I know, have been focusing very understandably and very properly on how to reduce the time to resolution. They have done that by trying to, as you so well articulated, identify from a certain period how you can start fast-tracking matters, because otherwise it got lost in the really quite burdensome number of matters that were not. So you pull out what is critical, what is really important – where is the vulnerability and how do we hear those matters quickly? That is a general tenet of case management. They will be consulting with people that they would need to consult with, but they would be making that decision.

**Ellen SANDELL:** Yes. Because I guess I am just trying to understand how new cases are being prioritised over cases where we are seeing people wait, for example, 78 weeks and why they would not be a priority over newer cases, for example.

**Louise ANDERSON:** My only understanding there is decisions were made to separate the aged cases from the new so the new did not get burdened by the volume of the older. In a sense, if I may say, there is a common sense to that because otherwise you just keep adding to the list. It is important to try and apply different case management techniques to different types of cases.

**Ellen SANDELL:** But those older cases, are you saying that they are subject to a prioritisation where some of them might now be targeted at four to six weeks wait time if they represent a vulnerability, for example? Does that apply to those older cases?

**Louise ANDERSON:** I do not know.

**Ellen SANDELL:** Yes. Obviously, it is pretty unacceptable – 78 weeks. I am sure we could all agree. In terms of transitional arrangements for tenancy matters, I understand that there are transitional arrangements for tenancy matters to be dealt with by the government’s proposed new rental dispute resolution Victoria body. Is there an estimate of how many cases in that current backlog will actually end up being transferred to the new body and taken off the VCAT list?

**Louise ANDERSON:** All I can say on that, Ms Sandell, is that I know that VCAT is working with the department of justice on that initiative. I never like to be saying CSV cannot help you or cannot answer you on that –

**Ellen SANDELL:** I understand.

**Louise ANDERSON:** but I think it is a matter of policy and therefore with the department.

**Ellen SANDELL:** Yes. No problem. Is there any insight you can provide on the new body and how it is proposed to be set up?

**Louise ANDERSON:** I am sorry, no. That is very much one for the department.

**Ellen SANDELL:** No problem. I will take it up with them. Thank you, Chair.

**Louise ANDERSON:** Thank you.

**Ellen SANDELL:** Thank you.

**The CHAIR:** Thanks, Ms Sandell. We will now go to Ms Kathage.

**Lauren KATHAGE:** Thank you, Chair. Thank you very much for joining us this afternoon. I wanted to ask about initiatives that come under the ‘Continuing therapeutic court programs’ that is listed in the 2022–23 budget on page 130. There is \$5.4 million that was provided in 2022–23 for this, and I believe it has continued on into 2023–24. It is the court integrated services program indictable stream. Could you explain a bit about this program and why we have chosen to continue to invest? Has it converted from a pilot to a program?

**Louise ANDERSON:** We will be seeking government support for it to be converted from a pilot lapsing to a program; that will be something that we will be looking to. CISP, as you articulated – that is the initialism for it – very strongly aligns with the drug courts but also other therapeutic court interventions. So when someone is identified as either being – for the indictable crime it was sitting very much with the County Court, as I mentioned in response to an earlier question. The County Court had not had a specific Drug Court. That was funded as a pilot two years ago. As part of that, there needed to be support services put in place. I understand in the County Court there were around 50 eligible participants who have stayed; it is a four-year treatment program – four-year orders – and we are two years in. The work that needs to be wrapped around, as it were, that person goes to housing support and goes to health and wellbeing, ensuring that they meet the conditions, so there are some case management aspects of it. So in a sense it is a triaging, and that is what the CISP program does – it does what it can to support that person to be successful in the program. As I understand from the figures from the County Court, it has proven to be successful in that there are at this point only three or four participants who have not been able to complete the orders up to this two-year period, so integrated to that is the CISP program.

**Lauren KATHAGE:** Is that then contributing to the backlog recovery?

**Louise ANDERSON:** At this point it is more narrowly targeted to focus on what was a more highly resource intensive program, which we call therapeutic justice. When a person presents to court who is presenting with multiple behavioural issues – whether there is substance misuse, whether it might be violence or mental health issues – it becomes very difficult for them to navigate the court system. So, yes, indirectly it could contribute to backlog recovery, because absent that that person can take a lot of the court’s time. There may be a number of events where they are called back to court and called back to court where ultimately they may not be able to comply with orders, then they will go back into remand, so you can see a sort of cyclical nature. The CISP program directly challenges that – provides the right support for the person and ensures they are connected into the community so they can continue on that journey of recovery.

**Lauren KATHAGE:** It sounds then that this would also be quite a good cost saver. Do you have any reflections on that or any modelling on what we are saving?

**Louise ANDERSON:** We have done two reviews. One I understand we have just received actually – one on 17 November and one late in October. They are being considered, and then the intention will be to publicise those. Those reviews – interim findings – are very much calling out the cost saving to the justice system. It goes to the individual and the benefits to them but also the reduction in costs through a corrections facility and the reduction in costs through police, because one person who is potentially recidivist or carries out a number of crimes that have brought them before the County Court – they must be serious. There are many other justice agencies involved in that, so this was strongly arguing the economics and putting forward that for every dollar spent we save \$2.40.

**Lauren KATHAGE:** \$2.40? In your presentation you spoke about self-represented litigants. It seems it has gone up quite a lot. Are you able to explain why that is?

**Louise ANDERSON:** I might ask Mr Hall. I know you were one of the initiators of that self-represented litigant program, so I was just going to throw to you, if I may.

**Matt HALL:** Thank you. The question being the reason why the numbers have gone up. There are a few contributing factors. One is in fact a kind of increase in access to justice being available due to the program that the government has funded, Justice Connect, to support self-represented litigants, enabling quicker, easier access to legal information, legal advice, assessment of general merits and so on, so partly it is accessibility.

Also there is accessibility due to technology, so we are finding that people who may have required legal representation previously to bring a matter are now able to bring it themselves.

**Lauren KATHAGE:** Okay. Thank you.

**The CHAIR:** Thank you, Mr Hall. That is the end of questions for this afternoon. 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 five working days of the committee's request.

I thank all secretaries and officers who have given evidence the committee today, Hansard and the secretariat. The committee will resume consideration of the 2021–22 and 2022–23 financial and performance outcomes tomorrow, Wednesday 22 November. I declare this hearing adjourned.

**Committee adjourned.**