

# **PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE**

## **Budget estimates 2020–21 (Hennessy)**

Melbourne—Tuesday, 15 December 2020

### **MEMBERS**

Ms Lizzie Blandthorn—Chair

Mr Richard Riordan—Deputy Chair

Mr Sam Hibbins

Mr David Limbrick

Mr Gary Maas

Mr Danny O’Brien

Ms Pauline Richards

Mr Tim Richardson

Ms Nina Taylor

Ms Bridget Vallence



**WITNESSES**

Ms Jill Hennessy, MP, Attorney-General,

Ms Rebecca Falkingham, Secretary,

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

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

Ms Louise Anderson, Chief Executive Officer, Court Services Victoria, and

Ms Lynda Rogers, Acting Deputy Secretary, Corporate Governance and Support, Department of Justice and Community Safety.

**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 Budget Estimates. Its aim is to scrutinise public administration and finance to improve outcomes for the Victorian community.

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

All mobile telephones should now 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 the Attorney-General and officers from her department. We invite you to make an opening statement of no more than 10 minutes, and this will be followed by questions from the committee. Thank you.

**Visual presentation.**

**Ms HENNESSY:** Thank you very much, Chair, and thank you very much for the welcome. I am joined here today by many representatives of the Department of Justice and Community Safety and Court Services Victoria, who will inevitably be introduced to you in due course. It is always a pleasure to be here and to join and present before this committee, and I am delighted to give you a very brief overview of the 2020–21 Victorian budget as it relates to the Attorney-General's portfolio before moving on to your questions. With that, I will move on to the right slide.

As you have heard the Treasurer outline before this committee, this has obviously been a year like none other, and it has demanded a budget like never before. The challenges, particularly those confronting the justice system, posed by the COVID-19 pandemic are profound, as has been discussed before this committee on a number of occasions. The need to stimulate the economy and generate jobs has provided really, really significant challenges but it has also provided some important opportunities, and many of those opportunities have been seized by this budget.

Alongside the everyday, business as usual needs to continue, and this budget responds to a number of existing programs and priorities as well, and I will turn to those matters shortly. The committee would be aware of the significant funding that has already been provided to supply the delivery of key election commitments, including the building of the Bendigo law courts—or the rebuilding, I should say. As you would be aware, the government provided \$152.4 million capital in last year's budget for purpose-built law courts on land currently

part of the Bendigo TAFE campus on the corner of Mundy and Hargreaves streets. This main construction of the new court is expected to commence mid 2021 and be completed by the end of 2022.

Members would also be aware that the new *Wage Theft Act 2020* received royal assent on 23 June and will commence on or before 1 July next year. The Act establishes a new authority, Wage Inspectorate Victoria, which is equipped with specialised expertise and resources to investigate and prosecute this kind of offending. Funding was provided in last year's budget to realise that reform. The government remains committed to developing further reforms to improve the processes for employees attempting to recover unpaid entitlements through the Magistrates Court, making it faster, easier and cheaper for them to do so.

Of course we introduced new workplace manslaughter offences—they received royal assent on 3 December; they came into effect on 1 July 2020—and new homicide by firearm offences when Parliament passed that, increasing the maximum penalty to 25 years, putting in place a standard sentence of 13 years as well. This year's budget allocation for the justice sector partners doubles down on our commitments and on those reforms on others, which I will move on to on the next slide.

This budget includes a number of important initiatives to challenge the issues confronting our justice system and to seize some of the opportunities posed by the current circumstances. We know that the impact of COVID-19 and related restrictions have posed unique challenges to our justice system and the courts in particular, and particularly given the nature of and the ways that we work. The result of the restrictions, despite the investments in innovations put in place to continue to try and provide justice services during the pandemic, has led to significant backlogs which require strategic resources and the further need to innovate and do things differently, and I am pleased to advise the committee that our government has built on those investments we have outlined in previous hearings to address those challenges posed by the pandemic on our courts and justice system, with \$43.6 million in output funding and \$2.5 million in asset funding to address COVID-19-related delays across the justice system. As I said, our investments are required to sit strategically across the system, so \$8.3 million is being provided in the budget for additional legal assistance and information and communications technology upgrades to address the demand for services and technological challenges posed by the pandemic.

Beyond responding to the pandemic, the budget also provides \$5.9 million for the important work of the Victorian Institute of Forensic Medicine, \$5.8 million for the Royal Commission into the Management of Police Informants and \$3.9 million for Victoria Legal Aid to continue to provide critical legal assistance and support programs for young Victorians. Keeping with the theme of a strong budget for legal assistance and the services that are required, \$3 million has been provided for community legal centres to continue to provide important funding in the justice health partnerships.

We have provided \$2.5 million in support for the important work of the Office of the Public Advocate and a further down payment on our government's unrivalled commitment to traditional owner settlements and support for investment in the important work of traditional owner groups. The 2020–21 budget provides \$11.3 million over two years for the Dja Dja Wurrung Clans Aboriginal Corporation to build a corporate and community hub in Golden Square, Bendigo, \$8.9 million over two years for traditional owner corporations to facilitate traditional owner input and consent into COVID economic stimulus projects and \$25.1 million in 2020–21 to support progress of agreements under the *Traditional Owner Settlement Act*. Funding is provided under the TOS Act to commence the Taungurung traditional owner settlement agreement and to support capacity building for traditional owner corporations ahead of agreements being reached. As members of the committee would be aware, agreements under the *Traditional Owner Settlement Act 2010* provide financial sustainability to traditional owner group authorities and advance Aboriginal self-determination.

Moving on to the next slide, this year's budget provides significant funding for our courts, building on sustained investments in swifter and smarter justice in modern facilities and the sorts of support services required. I am very pleased to advise the committee of our investment in a significant redevelopment of the Sunshine law courts. Funding is provided for both output and asset funding to deliver the project, which will expand the current complex. Eight point two million dollars is being provided to Court Services Victoria for court responses to the coronavirus, and this of course builds on the various initiatives I outlined in responding to the pandemic across the justice system. The budget provides further funding for implementing youth control orders and intensive bail orders, funding for online courts pilots and funding to expand the new locations for the successful specialist family violence remote hearing service pilots. One point two million dollars will be

provided to CSV to support the Shepparton drug treatment court under the whole-of-government regional and rural Victoria output. Funding will also support continuing the intermediaries program and the Victorian Civil and Administrative Tribunal remote hearing service, and—we will move to the next slide—the output funding will also support the development of the new Wyndham law courts. So this is a \$27.1 million investment. It will be the single largest investment in court infrastructure in Victoria's history. I of course am delighted that it is going to occur in Melbourne's west. I hope that this is a game-changing project, but I am thrilled that we are finally getting on to deliver this and the hundreds of thousands of jobs that it will deliver. I already mentioned \$16.3 million for the Sunshine law courts redevelopment, and there is \$12.5 million in asset support for courts to respond to coronavirus as well.

I am conscious of my time, Chair, but I also would like to touch on the \$36.5 million appropriation for integrity agencies. That is a huge growth in investment in anyone's language at any time. We are providing a significant boost to IBAC, significantly improving the funding profile that it asked for and providing it with a structural boost to its base so moving forward its funding will continue to grow. We have also boosted funding for both the Victorian Inspectorate and the Ombudsman, with additional ongoing funding indexed for the future. These investments are a significant boost in our integrity agencies and their ongoing important work.

With that, Chair, I look forward to discussing some of these issues and perhaps some others in the course of answering questions.

**The CHAIR:** Thank you very much, Attorney. I will pass the call to the Deputy Chair, Mr Richard Riordan.

**Mr RIORDAN:** Thank you, Chair. Welcome, Attorney and departmental staff.

**Ms HENNESSY:** Thank you, Mr Riordan.

**Mr RIORDAN:** For my first question this morning I refer to your last slide up there—funding around IBAC. On budget paper 3, page 384, the budget details the funding for the Independent Broad-based Anti-corruption Commission—IBAC. We have heard much public debate in recent weeks about IBAC funding, and despite claims by both the Premier and the Treasurer again last week, the IBAC Commissioner, Robert Redlich, QC, said:

For some time I have publicly called for IBAC to be adequately funded to do the work required of us now and into the future.  
... These increased service levels cannot be delivered, even with IBAC's recent allocation of funding.

We know IBAC's workload has never been greater due to multiple investigations that are ongoing at the moment, including ones before which some people on this committee have appeared, and Commissioner Redlich's ongoing pleas to the government for additional funding and resources. Minister, why has your government cut the funding to IBAC this financial year?

**Ms HENNESSY:** Thank you, Mr Riordan, for your question. I am aware of the debates that have occurred both at this committee and obviously from what I have observed in the Parliament. I think I perhaps will not surprise you by asserting that it is the government's position that IBAC's budget has not been cut; in fact it has been significantly increased. Whilst you make reference to an underspend that was rolled over in a particular financial year as the basis upon which you make your assertion, the government does not resile from its position that that was in fact an underspend that was rolled over. Further to that, we point to the significant increase that is also set out in the budget papers that demonstrates an additional \$27.2 million, plus indexation as well. So for the first time having indexation going forward is important, and, Mr Riordan, there is additional funding that will be made available to IBAC by way of access to the trust fund that was established in 2012 and as part of the machinery-of-government changes that additional funds will be made available. If I could invite Ms Rogers just to step you through how that works—

**Mr RIORDAN:** Just before Ms Rogers does that—

**Ms HENNESSY:** But the sum impact, I suppose, of what I say there is that there is a significant increase in funding for IBAC. We will continue to work with IBAC around their funding profile, but your opening assertion is just fundamentally incorrect.

**Mr RIORDAN:** Okay. Just before we go into the explanation, your Treasurer, Mr Pallas, presented to us the other week, and in his explanation of this line that the government continues to run that it has not cut funding he

tabled this document. I assume, as the responsible minister, you and your department would be very familiar with it. It could not be any clearer, in black and white: excluding amounts carried forward, carried backwards or juggled around, whatever accounting terms you want to use, your unphased funding, your baseline funding for last year was \$42.528 million and next year it is \$42.195 million. Under any mathematical calculation that is a decrease. You said in your presentation that over the forwards it is a \$27.1 million increase for IBAC. In the Treasurer's own document that he presented here, not through the most wildest calculations on earth does it show \$27.1 million. At absolute best guess, in two years time you may have added \$10 million to the bottom line of IBAC, not \$27 million. My question, Minister, is: in light of facts presented not only in the very extensive budget papers—budget paper 3—but documents tabled by the Treasurer himself, why do you continue this line telling the Victorian people that there is no cut to IBAC when quite simply there can be no more evidence presented to you and to your government that in fact you have done that?

**Ms HENNESSY:** Well, I do not accept the evidence that you put forward as evidence of those assertions. It is the government's position and assertion—

**Mr RIORDAN:** What would it take, Minister—

**The CHAIR:** Mr Riordan!

**Ms HENNESSY:** that the increase is as has been put forward plus the additional access to funds from the trust fund, which I would like the opportunity for Ms Rogers to set out. I do not know if that will go any way to assuaging Mr Riordan, but the assertions that he puts forward are not ones that the government agrees with or accepts. What the government does accept—

**Mr RIORDAN:** This was tabled by the Treasurer.

**The CHAIR:** Mr Riordan!

**Ms HENNESSY:** is if there are additional responsibilities for IBAC—and it is possible coming out of the royal commission that there will be, and in fact the government has an obligation to report within the first quarter of next year in respect of both the appointment of a special investigator and what roles and responsibilities will occur—and additional roles, then they will need to be funded and the government does not quibble with that at all. But if I could perhaps invite Ms Rogers to talk to the trust fund issue around the machinery-of-government change that I think is also an important part of the IBAC budget allocation.

**The CHAIR:** Thank you. Ms Rogers.

**Ms ROGERS:** Thank you. As the Attorney has pointed out, IBAC transferred to the Department of Parliamentary Services. There is a trust fund which they have entitlement to have access to, and I believe that the Treasurer is considering access to that trust fund to augment their resources in 2021. If that is approved, that would further increase IBAC's funding by up to 12 per cent—

**Mr RIORDAN:** Sorry, Ms Rogers, just to confirm that, you said, 'May have access to'.

**Ms HENNESSY:** Can I confirm that that has been approved. I am advised by the Assistant Treasurer and the Treasurer that that has been approved.

**Ms ROGERS:** So it is a trust fund that they are able to access is what I was trying to express, and that is being considered by the Treasurer, and that would increase IBAC's funding further by around 12 per cent in 2021.

**Mr RIORDAN:** Twelve per cent on top of the cut this year of 42. So you are talking about a \$4 million access perhaps.

**Ms ROGERS:** IBAC's funding actually increased by about 20 per cent from 2020–21 from its base funding. So there is basically \$27.1 million over four years, and there will be further funding in 20—

**Mr RIORDAN:** Sorry, just say that again for us. I am just looking at the Treasurer's spreadsheet. He says that 2020–21 was a decrease on the year before. What figures are you referring to?

**Ms ROGERS:** Their base funding allocation from 2020–21 that was there before there was any adjustment. This increase in funding that has been provided by government would result in about a 20 per cent increase from its base funding from 2020–21. It was originally there across the forward estimates.

**Mr RIORDAN:** Okay. So rather than percentages what are the actuals that you are referring to? We went to quite some effort with the Treasurer who presented this table. This is what PAEC is working off—

**The CHAIR:** Mr Riordan, that is what you are working off. Ms Rogers may, with all due respect, not have that table in front of her.

**Mr RIORDAN:** Well, that is what I am just trying to clarify. I am trying to understand why the Treasurer would tell us there has been a budget cut, and now you are saying there is a 12 per cent increase. It does not sort of add up.

**The CHAIR:** Mr Riordan, again, you cannot put propositions in people's mouths. The Treasurer did not tell us there was a budget cut.

**Mr RIORDAN:** Sorry, Chair, this is not a proposition. Your Treasurer tabled this last week to all of us. We all got a copy.

**The CHAIR:** Mr Riordan, the committee members got a copy; the witnesses may not have it—particularly Ms Rogers may not have it in front of her.

**Mr RIORDAN:** Well, I am asking Ms Rogers what she is referring to that says '12 per cent increase' and what that physical number is—the actual number.

**Ms ROGERS:** So once they have access to the trust fund, there would be a 12 per cent increase in IBAC's—

**Mr RIORDAN:** Oh, once you have access to the trust fund.

**Ms Vallence** interjected.

**The CHAIR:** Ms Vallence, it is very hard to hear when you are providing a running commentary from beside Mr Riordan. Could you please refrain.

**Mr RIORDAN:** So if you do not access the trust fund, there has been a cut?

**Ms ROGERS:** If you think about their original base budget before the funding was approved, that would have been actually about a 20 per cent increase on what was there previously.

**The CHAIR:** Thank you, Ms Rogers, and I am sorry to interrupt, but the time has expired, and I will pass the call to Mr Gary Maas, MP.

**Mr MAAS:** Thank you, Chair, and thank you, Attorney-General and departmental officials for your appearance this morning. Attorney-General, if I could take you to the topic of the Royal Commission into the Management of Police Informants, and specifically budget paper 3, page 104. Of course a report from the royal commission has been handed down. It took two years for that report to be completed, and I think it is probably fair to say that the events which led up to that royal commission occurring threatened the integrity of our justice system. My question to you, Attorney-General, is: has the final report got to the bottom of what has occurred, and can we make sure that this will not happen again?

**Ms HENNESSY:** Thank you, Mr Maas, for your question. I think that what we have seen traversed in the course of the evidence before the royal commission—there have been some pretty appalling, I think, examples of what has occurred in respect of where, fundamentally, miscarriages of justice—as the court has subsequently found in some cases—have occurred. And whilst I am really sympathetic to the argument that many make about the pressure that is on people to resolve crime—and particularly organised crime is such a difficult nut to crack—ultimately utilising systems and methods that result in convictions not being secure undermines the integrity and the fairness and the confidence that the justice system is held in. I think that has been one of the significant risks and is why the royal commission was so important. So the royal commission was obviously

established to try and bring these matters to light and to assure the community that this could not happen again. Obviously over two years there was \$39.5 million expended to that end. There were 130 days of hearings. There were more than 80 witnesses examined. They considered thousands and thousands and thousands of pages of documents and submissions, and I know that it has been painstaking and methodical and complex, not just for the commission but for many of the justice agencies involved. But I particularly want to thank and acknowledge Commissioner McMurdo and her team for the dedication to the task. Of course COVID-19 happening in the middle of all of this only added to the incredible challenge that that royal commission was faced with.

But I think there are a number of things from which we should take assurance about the work of the commission. Number one are the recommendations that the government have accepted—all in full—many of which will be very, very difficult and challenging to implement, but they are so critically important in terms of proofing our criminal justice system from something like this happening ever again. In the course of doing her work Commissioner McMurdo made a number of comments, and one that she made clear in her report was this. She said:

The deception of Ms Gobbo and Victoria Police meant that for many years, their improper conduct was hidden.

But the report says that:

With the future investigation of those responsible, and the appeals of those who failed to receive a fair trial because of this conduct, Victorians can now be assured that their criminal justice system is working as it should.

I take a great deal of reassurance. I believe Commissioner McMurdo has made that comment also in the context of the government accepting all of her recommendations. The recommendations I think provide us with a very strong blueprint to deliver reforms that not only make sure that our system is equal to community expectations but are ones that can be held up as a matter of great pride, where people have confidence in that system. And work has already commenced to implement all of the recommendations of that report. As I said, by accepting and agreeing to all of those recommendations, we have committed to rebuilding community confidence as well. And there are some things that we have done already. We have taken action to create the second and subsequent rights of appeal, which we have done in those courses. But there are a lot of things that we need to do and will continue to do as well. But I think the comments that Commissioner McMurdo has made in her report should provide Victorians with a degree of assurance about the state of play currently with a commitment to ensuring that we put in place reforms that will prevent any such thing happening again.

**Mr MAAS:** Thank you. You have touched upon some of the reform. I was hoping you would be able to take us through some of the more immediate actions that the government has taken to get the whole reform process moving along.

**Ms HENNESSY:** Sure. Look, as I said, there is the establishment of second and subsequent rights of appeal, and part of that is also about taking away the mystery and the lack of transparency around petitions of mercy. There are reforms that have been established in Tasmania, South Australia, Western Australia. They are difficult, and they are difficult because for every crime there is a victim, and for victims to have to endure a second and subsequent right of appeal where there are allegations or evidence of a miscarriage of justice it is painful. It is deeply painful for everyone involved. But doing that transparently and taking that away from the closed doors of politicians' offices was we think a policy change that was important, and I readily acknowledge the support that was provided by all sides of politics in respect of that reform.

The commission has recommended that an implementation task force be established, that an implementation monitor be appointed and that we ensure that as part of that oversight we are getting the right person to appoint as a special investigator for the purposes of conducting the ongoing investigation work that has been identified. Now, getting the right person for those sorts of jobs is challenging. I have seen a little bit of media commentary about some of the challenges that the commonwealth are having in securing a special investigator for the war crimes investigation in respect of ADF and Afghanistan. These are tricky and difficult jobs, and they are difficult jobs because with royal commissions, you know, you have got to go and prove your case again. You are limited by the derivative evidence rule. And so those are difficult jobs. But having in place a special investigator, an independent monitor, so government is constantly being assessed and held accountable for how we are progressing on the implementation of these recommendations and a task force that is looking at driving some of the other important work that needs to be done, I do know that this ongoing work takes a lot of time. And if you look at the periods of time that things like the Fitzgerald inquiry took, even things like the Wood



royal commission in New South Wales, you are looking at significant periods of time as people go and assess evidence for the purposes of identifying whether or not there need to be prosecutions or in fact more disclosures, for example.

So this is going to be a feature of our life for some time, but keeping institutions clean and clear and focused on their purpose and making sure that they are doing the job for which they were established is the really critical part, and whilst in politics we have a lot of debates that do not always cover us all in lots of glory, we do have a responsibility to try and uphold the institutions that we serve at a time where community confidence in those institutions is not what in my view it should be. So these are worthwhile investments. They are going to take time.

**The CHAIR:** Sorry to interrupt you, Attorney. I will pass the call to Mr Sam Hibbins, MP.

**Mr HIBBINS:** Thank you, Chair. Thank you, Attorney and your team, for appearing before the committee this morning. I want to ask about incarceration rates, and the rate of incarceration in Victoria is significant. It has increased significantly. A couple of stats, for example: the rate of Indigenous incarceration has increased by around 50 per cent since your government came to office; the rate of unsentenced children on remand has doubled. Why is that?

**Ms HENNESSY:** Look, thank you for your question, Mr Hibbins, and I might also invite some of my colleagues to talk to what we know are some of the trends, and some of these move into the portfolio responsibilities of my colleagues, particularly Minister Hutchins as Minister for Youth Justice and Minister for Corrections. First and foremost, though, I just want to make an observation around what we have observed during corona, and perhaps we can talk about this some more during the COVID discussion. We are in fact seeing the lowest rates of imprisonment and the lowest rates of remand during this period of time. You can speculate about why that might be. There are some really obvious things that you might speculate about why that might be. But certainly in terms of increasing rates of imprisonment, that is something that the government is very, very committed to addressing.

There are a range of diversionary activities that we have put in place, some of which are in this budget, but I would point to things like the establishment of the Drug Court in higher jurisdictions, trying to ensure that for those that are offending because things like addiction are the driving cause of their behaviour we are able to either (a) earlier intervene or (b) have greater diversionary processes or programs in place. And I think the success that we have seen in the Drug Court in the Magistrates Court, the success that we have seen in places like the Broadmeadows family and children's Drug Court, the success that we will see—I have every confidence around the expansion in Shepparton and into the County Court and the expansion of CISP programs that they will be successful. In respect of some of the other diversionary activities, there is—

**Mr HIBBINS:** But I guess my question goes to the why. I appreciate the diversionary activities. I mean, straight up, do you accept that it is bail laws that are actually driving the increase in incarceration rates, and particularly unsentenced people on remand?

**Ms HENNESSY:** Look, absolutely. I would not quibble with you or quibble with the assertion that bail laws have contributed to an increase in remand populations and an increase in sentence populations. Where you and I might disagree—and I do not want to be disrespectful as to where the conversation is going—is the where and when of bail laws, of which the overriding consideration must be keeping the community safe. Having assumptions and presumptions in the bail system is an important part of that feature. But to the extent that there may be unintended consequences or communities that are over-represented for reasons that do not predominantly go to or threaten community safety, they are the sorts of cohorts that we are looking at as a government in terms of reform and diversion.

If I could just invite Ms Falkingham to talk to what some of those reforms are. We acknowledge that there are some but we do not step back from some of the bail reforms that we have put in place that are fundamentally motivated by community safety.

**Ms FALKINGHAM:** Thanks, Mr Hibbins. So one of the things I am sure we will go to this afternoon with Minister Hutchins is the success we have had in youth justice. We have seen over the last 12 months a 25 per cent reduction in young people entering the youth justice system. That means that we have actually achieved our target in the Aboriginal justice framework. We work really closely, as you are aware, with the Aboriginal

Justice Caucus to work really intensively with young people to keep them out of our system. So there were significant investments in the 2019–20 budget that went to working really intensively to keep people out of the justice system.

As a department we are really committed to working on the prevention and the early intervention end of the justice system and what more we can do, working, as the Attorney said, with our most vulnerable cohorts to keep people out of the justice system. So we work really closely with our colleagues in the Department of Health and Human Services. We are working extensively on a program around common clients to make sure we are keeping people out of the justice system. As you know, it is a very expensive system to run. We have worked within the laws of the government of the day and the Parliament, but we are doing extensive work inside the department with our colleagues in community.

You would be aware of the significant work that went into the 2019–20 budget, the \$93.2 million. That work focused on vulnerable people at high risk of entering the justice system. That included \$20 million to reduce the incarceration of women, including the programs targeted at women in prison with a mental illness, intellectual disability or cognitive impairment. It also goes towards the overall incarceration rates of Aboriginal women. We are really aware as a department that we need to do better and we can do more, and that is why we work really closely with community to keep people out of the justice system. But I think it is a really good sign that we have had a 25 per cent reduction of young people entering the youth justice system—

**Mr HIBBINS:** That is the last 12 months; can that be read as related to COVID?

**Ms FALKINGHAM:** No, because this started in, obviously, the financial year. I give huge credit to my team in youth justice. As you are aware, we released a youth justice strategic plan that sets out where the government wants to take the youth justice policy and framework for the state. We work closely with the commissioner for children and young people and the Aboriginal commissioner for children and young people. You would be aware of a joint project we did with Justin Mohamed that really—

**Mr HIBBINS:** On the youth justice strategy, I understand one of the actions is to examine the reasons for remand. Would that relate to examining the bail laws?

**Ms FALKINGHAM:** Obviously the government have made clear that they are committed to the bail laws, but we are looking at all aspects or ‘What are the reasons people are obviously affected by those laws?’ as part of the strategic plan.

**Mr HIBBINS:** I guess one of the points I am trying to make is, you know, obviously corrections, as noted, is incredibly expensive and obviously it is good to see expenditure in terms of trying to keep people from reoffending and crime prevention and what have you, but isn’t that undermined by the bail laws themselves that are actually capturing minor offenders and actually having people held on remand who ultimately—I mean, for example, two-thirds of young people, children, held on remand are not actually getting a custodial sentence.

**Ms HENNESSY:** And they are precisely the sorts of things that the strategy that Minister Hutchins has initiated will examine. If your policy objective is opportunity for early intervention, community safety and diversion, what might be being caught up in that policy strategy where there are people that are not necessarily going to be any form of risk of violence towards the community, for example? So that is the work that Minister Hutchins is leading for that very reason. It is, as the Secretary said, heartening to see the trends are good. We have seen some trends around things like the female prison population. We do not know whether or not that is just COVID at this point in time, and that is why we are working with organisations like Djirra about what are some of the other interventions and earlier interventions or about people on remand because they cannot get access to housing. There are a whole range of things that we need to do. It is not just the bail laws. It is the inability to sometimes get the justice system and the social services system working together to deal with what is fundamentally driving the behaviour, and often that is addiction and a lack of housing, being a victim of violence or having been subjected to generations of poverty.

**The CHAIR:** Sorry to interrupt you there.

**Ms HENNESSY:** We have got to balance that off against the need to keep community safe, but therein lies the debate.

**The CHAIR:** Thank you, Attorney. Unfortunately the member's time has expired. I will pass the call to Mr Danny O'Brien, MP.

**Mr D O'BRIEN:** Thank you, Chair. Good morning, Attorney and officials. Can I go back to Ms Rogers, just the discussion we were having about IBAC: what is the name of the IBAC trust fund that you referred to?

**Ms ROGERS:** We can come back with further details on that, but it is a trust fund that they have access to and the Treasurer has approved. As part of the machinery-of-government change, it will be transferring to IBAC, and they will be able to draw down on that trust. I am happy to take on notice to provide further details.

**Mr D O'BRIEN:** How much money was going to be drawn from that trust this year, did you say?

**Ms ROGERS:** The Treasurer is approving access for IBAC to access that trust fund, and as I said, my understanding is that will increase IBAC's budget by about 12 per cent in 19—

**Mr D O'BRIEN:** Can you give me an actual figure though?

**Ms ROGERS:** My understanding is it is over \$7.364 million, but I am happy to take that—it is about \$7.364 million.

**Mr D O'BRIEN:** Okay. The IBAC annual report refers to it. It says:

... in 2020/21 IBAC plans to use an IBAC Trust fund ...

Are there other IBAC trust funds?

**Ms ROGERS:** That is the same trust fund that we are referring to.

**Mr D O'BRIEN:** Yes, but the fact that it says 'an IBAC trust fund', not 'the IBAC trust fund'—are there other IBAC trust funds, is the question.

**Ms FALKINGHAM:** No, there are not.

**Mr D O'BRIEN:** Okay. Can you tell me how much money is in the trust fund now—not what is being drawn down but the total fund?

**Ms ROGERS:** IBAC transferred to the Department of Parliamentary Services, so at the moment I do not have visibility of that full trust fund, but we are happy to take that on notice.

**Mr D O'BRIEN:** Okay. If you could, that would be great.

**Ms HENNESSY:** Mr O'Brien, it is my understanding—but again I will come back to the committee and clarify—the advice I have been given is that is the remaining balance. From that, I have deduced that that is all that is left, but if that is not correct I will indeed advise the committee.

**Mr D O'BRIEN:** That would appear to be correct, Attorney, because it does say 'both of which are expected to be exhausted by 30 June', so we are running down the trust fund completely.

When was the application made to the Treasurer, Ms Rogers?

**Ms ROGERS:** I will have to take that on notice and get you those details.

**Mr D O'BRIEN:** Okay. The second question was: when was the application made and when was it approved? So if you could come back to me on that, that would be good.

Minister, just while I am on IBAC, the government has not yet responded to the IBAC parliamentary committee report from 2018. Why is that?

**Ms HENNESSY:** The government—

**The CHAIR:** Sorry, Mr O'Brien. This is a committee scrutinising the budget estimates, not other reports. Would you like to rephrase your question?

**Mr D O'BRIEN:** Well, Chair, the committee made a number of recommendations with respect to IBAC's structure and to its role, including into investigating police complaints, which obviously would have a budgetary impact, and that is the context of the question I am asking.

**The CHAIR:** Thank you.

**Ms HENNESSY:** I am happy to respond to the question, Mr O'Brien. You would be aware that in the course of the Royal Commission into the Management of Police Informants the then minister so advised, and the commission was aware, that a response to those recommendations would be held in abeyance until the outcome of the Royal Commission into the Management of Police Informants was made, knowing that there were potential recommendations that would be made about internal oversight and perhaps external oversight. So in responding to the Royal Commission into the Management of Police Informants, there are two relevant recommendations that the government is on the record as having responded to. One is requiring us to have a plan around those matters published within the first quarter of 2021, so the response to those recommendations will be in that response. Secondly there is an independent recommendation 61 in the royal commission that says also within two years all forms of oversight in respect of police misconduct and corruption—and the two are separate for reasons that those that are familiar with these policy spaces will be aware—must have been reviewed as well. So the obligation on government is to respond to those, to have that reported within the first quarter of next year, which we have committed and intend to do, and also more generally as part of this work, the broader issue of oversight of police misconduct and corruption, the IBAC powers perhaps, what other models might be used—and you would be aware that there are models from the Northern Irish to other models traversed in the very report—

**Mr D O'BRIEN:** Yes, I was on the committee, so I remember.

**Ms HENNESSY:** All of that is in spec and has to be done within the next two years. But the specific answer to your question is: there will be a response within the first quarter of next year, as we have committed to the royal commission to do so.

**Mr D O'BRIEN:** Okay, thank you. Can I move on to the Ombudsman, budget paper 3, page 384, and also the Ombudsman's annual report tabled recently, which indicated the state budget allocation fell about \$2 million short of the \$21 million spent last year. Why has the government cut the Ombudsman's needed funding in a year when it has got huge investigations, including into the Labor Party branch stacking issue?

**Ms HENNESSY:** Well, let me first give short shrift to any suggestion around a correlation or a causation between those two propositions. That is just not correct, first and foremost. Secondly, again a little bit like IBAC, we probably have some differences of view about where we are starting to measure around what the budget is. I might ask the Secretary to talk through what the Ombudsman's budget was and what was in fact in the audited reports as well. There has been an increase. I recognise that that increase has not met the expectations of the Ombudsman, and we will continue to work with her. We have got another budget in less than six months. But we do not accept any characterisation that there has been a cut. There has been additional funding, but we also recognise that there is some more work to do with the Ombudsman for her to have greater confidence in the sustainability of the current allocation.

**Mr D O'BRIEN:** Attorney, when she spent \$21 million last year and she has got \$19 million this year, how is that not a cut?

**Ms HENNESSY:** Well, let me explain to you what the audited figures said. Ms Falkingham.

**Mr D O'BRIEN:** Very briefly please, Secretary.

**Ms FALKINGHAM:** Sure. Thanks, Attorney. So the Victorian Ombudsman will receive the \$2.8 million over four years, which will allow her to continue to investigate improper conduct and improve administration.

**Mr D O'BRIEN:** \$2.8 million extra, Secretary?

**Ms FALKINGHAM:** Over the next four years. So in relation to the discrepancy between the budget, obviously the Ombudsman spent over and above the budget that was allocated to her in the previous year. Like in any other budget process we obviously have budget capacity issues that we have to work our way through,

and we will continue to work with the Ombudsman to make sure that she has the resources and everything she needs to conduct her work.

**Mr D O'BRIEN:** Okay. Can I go to the same budget paper—page 384, budget paper 3. I am just wondering if you can clarify what appears to be a discrepancy. It refers to the actual financial result for 2019–20 as \$16.2 million, but the Ombudsman's annual report shows \$19.3 million. I am just wondering what the discrepancy is. Potentially the budget figure for 2019–20 was also \$16.2 million, and I wonder whether there has just been an error made and the wrong figure transposed.

**Ms FALKINGHAM:** I will take that on notice for you.

**Mr D O'BRIEN:** If you could, that would be great. Attorney, I am going to run out of time, so I will leave it there.

**The CHAIR:** Thank you, Mr O'Brien. I will pass to Ms Richards, MP.

**Ms RICHARDS:** Thank you, Attorney and officials, for appearing with us this morning. Attorney, I am going to take you to budget paper 3, page 148. There is an explanation of an asset funding for the new Wyndham law court, and further down the same page it is described as:

... a new western metropolitan headquarter court that will meet the long-term demand for justice services in Wyndham and the surrounding growth corridor.

I am interested in receiving some sort of update for the committee about this project.

**Ms HENNESSY:** Thank you, Ms Richards, for your question. I am very delighted to talk about this project, because for MPs from the west of Melbourne and all of those who work in the justice system this has been a long-held desire. Every year, again, budget bids are made and sometimes they are successful and sometimes they are not, but there has been a very, very long and passionate process in order to have this important project realised. The largest of these investments will be the new court complex in Wyndham, and I do want to place on the record my thanks to all of the advocates for this project—everyone from social service providers; community legal centres; a lot of the people that work in the crime prevention space, particularly in the outer west; and local police. They have spoken so powerfully of the benefits of this project, and it will change people's lives. We know that when we get much better wrapped around services in a justice model we are far more effective around diverting people from an ongoing engagement with the criminal justice system, we are much better at diverting and providing better protection and support for victims.

So that \$272 million, that is no shy kick in the pants. That is a very big lick of money that not only will deliver a fantastic building at the end of it but will be about the jobs. It will have the Wyndham law court. It will be adjacent to the Werribee police complex. There are going to be 13 courts, four hearing rooms, three mediation suites and 26 holding cells that will of course take some pressure off some of our other pressure points which are Sunshine courts and the Melbourne Custody Centre. It will include a new specialist family violence court as well, so we are very excited about that. It is going to have a whole range of specialist court programs, including Drug Court, Koori Court, the Assessment and Referral Court and a Children's Court as well for the growing Wyndham and western metropolitan communities. It is also going to enable VCAT to service six additional lists, so that will enable them to increase their civil justice capability in Melbourne's west. What that will mean in real terms is people will not have to travel to the city or to the King Street VCAT building in order to go and resolve things like a rental dispute; we have got other good mechanisms to do that now. But also being able to build a modern court, one that is state of the art, that has proper AVL facilities in it and one that kind of meets all of the users' demands.

AVL is important we have found—very important—when we have had to respond to some of the challenges of COVID-19, but also from a witness protection and intermediaries' perspective, being able to use AVL for remote witnesses, for people that do not necessarily want to come and give evidence in the court. It also reduces the need to transport prisoners to court as well, which takes away both cost and risk, and it will deliver really significant local economic benefits.

Wyndham council is also a really key partner as well, and both the local and regional communities will be involved in the court's design. We can never get enough jobs out in the outer west, so we are really, really delighted to have a project that will deliver significant jobs both in the design and construct but also from an

ongoing service perspective. It has been a long time coming, and people are absolutely thrilled that there is a line in the sand now and there is funding allocated.

**Ms RICHARDS:** Thank you, Attorney. On the same budget paper, budget paper 3, page 148 and further down, it talks about the new court providing a range of specialist court programs, including the specialist family court, and you just touched on that a moment ago. I am hoping that you can explain a little bit more for the committee what a specialist family court does and why that is so important for the western suburbs.

**Ms HENNESSY:** Thank you. The concept of the specialist family violence court—its genesis was in the recommendations of the Royal Commission into Family Violence. Having said that, there were pockets of really great practice occurring across the court system just because there were leaders and people worked with providers and came up with innovative models that did not compromise the quality of justice as well. I think it is always important to acknowledge that—that the world did not start and end around family violence innovation post the royal commission. It started to systematise it is my view.

But obviously we have been implementing new specialist family violence court initiatives. We are doing one up at Bendigo. Wyndham will have a new one. I was really delighted to visit the Heidelberg specialist family violence court. I opened one in Moorabbin just the other day. The model is fantastic. The pride that everyone feels from the way in which they run the registry to having child care built into the justice model, having separate entrances and a focus on safety and security around those models and just being sensible about having things like housing. Certainly I would just like to thank the staff, who do such an extraordinary job, from the magistrates to their entire team. They have been doing things like going out into car parks to sign orders and things like that for people who cannot be seen to be going into courts. They do just an extraordinary job, and there is relief that it brings everyone to be co-located and to have access to the sorts of services around housing and support and counselling, and also for perpetrators as well to be able to hold perpetrators accountable around their participation in some of the programs that they are ordered to go to.

So we are going to continue to invest in all of our new builds. We will obviously have family violence specialist courts and/or services in them. It is important to also acknowledge the Orange Door model as well. They are a kind of really core partner, and I think Minister Williams has appeared before your august committee, so no doubt she has spoken about that.

Having culturally friendly spaces, I suppose, is the other thing we are learning, in and around the design for people, and just the number of local services—whether it is in suburban or city or big regional cities, the amount of localised services that have for such a long time been trying to provide a wonderful service, not necessarily with the greatest of support from institutions or built into a model, so getting those connections right. So I think there has been some extraordinary work done, and I am delighted that we are being able to progress it, and I hope that they become a very fundamental part of our justice system going forward when we are thinking about the design and use of courts.

**Ms RICHARDS:** Thank you, Attorney. I think I am just about out of time.

**The CHAIR:** Exactly out of time. I will pass the call to Mr David Limbrick, MLC.

**Mr LIMBRICK:** Thank you, Chair, and thank you, Attorney-General and staff, for appearing today with your presentation. I would like to turn your attention please to budget paper 3, page 308. This contains some KPIs. If we look at the third KPI in this list, the information and advice provided by the Office of the Public Advocate, it appears during the pandemic they basically managed without a hitch, right? They had a slightly lower number of information and advice provided than last year, but pretty much within what they expected. However, if we compare that to the information and advice provided by the Victorian Equal Opportunity and Human Rights Commission, they had a significant drop—an approximately 25 per cent drop—and if we look at the explanation of that, it says:

The ... outcome is lower than the 2019–20 target primarily due to the Commission's enquiry telephone line service being unavailable to staff working remotely ...

from home. I went and checked their media releases, and it was reported—I think they announced that—back in March that their inquiry line would be shut down. What is the reason for this? It seems quite astonishing to me that in the middle of a pandemic, when we have seen some of the biggest human rights suppression in

Victorian history, the people charged with protecting and advocating for human rights have turned off the phones and gone home.

**Ms HENNESSY:** Well, I might invite Ms Faithfull, whose remit of responsibility sits under the—we have got too many acronyms in this world—the VEOHRC. I do not want to steal Ms Faithfull's thunder, but I think saying that 'turn off the phones and go home' is not correct in terms of their activity. And then perhaps talking about the important work that OPA did, the OPA was very critical during the COVID-19 era for a whole range of other reasons. But perhaps, Anna, you could address Mr Limbrick's concerns about how the commission was operating during that time?

**Ms FAITHFULL:** Thank you, Mr Limbrick, for your question. So certainly one of the issues that VEOHRC had to manage in moving very quickly to a work-from-home environment was that the technology that supports their phone line was not able to initially facilitate it. So if someone rang into VEOHRC, the technology was not able to transfer that phone call from VEOHRC's central location to the person being at home—so the staff member who would normally take the inquiry. We worked very closely, the department CIO, with VEOHRC to enable that technology to be put in place so that the phone calls could go directly to the person who was working from home.

So what I can do and take on notice is inquire further of VEOHRC about once that technology fix had been made, recognising that there were a range of technology fixes that had to be undertaken across the justice system for all justice partners. So I am conscious that it was one of many and did take a little time to get back online, but I can take on notice and inquire for you once it was online what they saw in terms of the continuation of inquiries. But I am certain that inquiries were then responded to and continued to be responded to throughout the rest of the COVID pandemic in 2020.

**Mr LIMBRICK:** So when did the inquiry line come back online?

**Ms FAITHFULL:** I would have to take that on notice. I can give you the accurate time.

**Mr LIMBRICK:** Because these figures are saying it was 8300-odd in the 2018–19 financial year, down to 6650 in the 2019–20 financial year, but the pandemic part of that is only a few months so that would be a very significant number. Do we know how many calls came in that were missed to that inquiry line? Is that tracked?

**Ms FAITHFULL:** I understand it is tracked, so hopefully I will be able to get that from VEOHRC for you.

**Mr LIMBRICK:** So you can take that on notice?

**Ms FAITHFULL:** Yes.

**Mr LIMBRICK:** All right. That would be good to know—how many calls were actually missed. Another related question as well: similarly, the 'Education and consultancy sessions'—so this is another KPI on the same page, page 308—that again was down significantly, and the explanation was given that face-to-face education delivery was ceased. Why couldn't they move to Zoom sessions like everyone else did? I do not get why that was down so much.

**Ms FAITHFULL:** Yes. Thank you for the question, Mr Limbrick. So, they did move to Zoom sessions once they were able to kind of transition all staff to home—so that included giving all staff the technology to be at home and ensuring that people had safe work environments in their home environment. And VEOHRC did move to doing more education sessions virtually, but I think they also went through a period where they had to—

For the organisations that would normally participate in those education sessions, there was a drop-off to some extent as those organisations were also dealing with their COVID response. So again I can take on notice much more detailed data on education sessions by month and particularly as to whom—and also essentially cancellations or deferrals, which might also better illustrate for you the impacts that COVID had on that service from VEOHRC.

**Mr LIMBRICK:** Thank you. Another related question, though: during that period where they were not doing any education sessions and they were not answering the phones—we do not know yet what sort of time frame that is—what were they doing instead of those activities that they would normally do?

**Ms FAITHFULL:** I do believe that in terms of inquiries, investigations and education sessions there was still a level of activity going on, but I think the other core role that they have played during the COVID pandemic is supporting agencies across government in monitoring and ensuring that human rights have been complied with. So they were, for instance, extensively involved in regular briefings and discussions—I know with our department particularly, my colleague the commissioner for corrections and youth justice—around the activities that were taking place in those facilities and institutions in response to COVID-19, so I can speak to certainly my own experience that they were very actively engaged and very busy on that work. But I can certainly again take that on notice and get further articulation from VEOHRC around how they were using that time in that sort of lee period where the technology was being ramped up.

**Mr LIMBRICK:** So the inquiries line is back online now?

**Ms FAITHFULL:** Yes, it is.

**Mr LIMBRICK:** All right. We will find out how long it was down for. In the short time I have got left, Attorney-General, if I can go to budget paper 3, page 113, there is table 1.18, which talks about asset initiatives, and one of them is around ‘Technology and resources to support Victoria’s fines system’. It does not actually have an amount in there; it just says ‘to be confirmed’. What is the purpose of this? Is this upgrading the fines system? Because I know there have been issues with the technology systems.

**Ms HENNESSY:** Look, in essence it is. There is a kind of commercial-in-confidence process currently underway to that end, and that is why there is not a figure disclosed there.

**Mr LIMBRICK:** Okay. I know that there have been some issues with IT projects in this space before, so what are we doing to make sure that we do not have those sorts of project issues that we have had in the past?

**Ms HENNESSY:** Well, I think very tough procurement processes with good independent assurance, and there are obviously a range of other objectives. Knowing your interest in the fines space as a consequence of other activities, it is also about having systems that are also able to link with I think what are some of the aspirations of fines reform, and that is for people to be able to work off fines, for there to be proper—

**The CHAIR:** Sorry to interrupt you, Attorney, but the member’s time has expired. I will pass the call to Mr Tim Richardson, MP.

**Mr RICHARDSON:** Thank you, Chair, and thank you, Attorney-General and department representatives, for joining us here today. Attorney, I want to take you to the topic of traditional owners, and I refer you to budget paper 3 at page 10, which shows that the government has provided just over \$20 million for initiatives titled ‘Enabling economic recovery and development through Traditional Owners’ Corporations’. As you know, Attorney-General, Victoria’s traditional owners undertake a variety of activities, such as cultural heritage protection, representing native title rights and providing policy advice to government. I am wondering, for the committee’s benefit, if you could tell us about how the government’s investment in traditional owner corporations will help them to support that cultural wellbeing of their communities and help to deliver better outcomes for our Aboriginal community.

**Ms HENNESSY:** Thank you, Mr Richardson, for that question and your interest in this issue. It is a very, very important one. I do not think people should underestimate the interest of many parliamentarians in empowering Victoria’s traditional owners to be able to uphold their members’ land rights and their cultural heritage and their role of leaders in local communities, and it is done really, really well, particularly in some rural and regional areas where relationships have been in place for a long period of time—matters in dispute get resolved quickly, people are able to work together really well. But we have still got a lot of work to do.

What the funding in the budget is—that is \$20.1 million. What that will do is that will help kind of enable economic recovery with traditional owner corporations through two initiatives it will fund. The first is an \$8.9 million initiative that is being invested to help traditional owner corps across Victoria to facilitate free prior or informed consent in a timely way, so to try and ensure that where there are issues around people wanting to engage with a matter that might require the consent or permission of traditional owners they are able to do that quickly, to make sure that there is capacity amongst those traditional owner corps to be able to do that quickly and to, you know, just mitigate any of the impacts of traditional owners’ rights when they are discharging their duties and roles and responsibilities, and this usually occurs in the context of development approvals as well.



The budget also invests \$11.2 million to develop the Dja Dja Wurrung multipurpose cultural hub in Bendigo. That has been something that their board has been advocating for a long period of time. And the issue I suppose is this: as traditional owner corps, they undertake a pretty wide variety of work around not just the protection of cultural heritage but also assessing whether activities on Crown land can proceed and doing the community engagement and the outreach about those matters; they provide policy advice to government about those matters. And it is not just land, it is the water management issues as well and facilitating their members' views on native title matters. But you have got to have some money to be able to build the capacity to be able to do that and engage and to be able to do that quickly, which is what the traditional owners absolutely are committed to. So using the traditional owner corporations both protects traditional owner corporation rights and helps them provide a public service by considering how you provide consent to third parties about requests to use the land and the water over which their members hold those rights and interests.

With developments that require traditional owner consents, as we see a strong desire for there to be more development activity for the purposes of economic activity coming out of COVID-19 and as part of general economic stimulus and recovery, we know that this is going to be an issue in regional Victoria. And traditional owner corps and the groups that they represent, you know, they are the primary guardians and the keepers and the holders of that Aboriginal cultural heritage, so it is about helping them resource to be able to engage with those processes and to be able to do it in a way that is accurate and timely and that also helps deliver better cultural justice for those communities as well, so helping to build that capacity, helping to be able to provide approvals more quickly and to make sure that there is informed consent for proponents who are looking to utilise that land or that water.

So speedy resolution around traditional owner matters is something, there is something for all of us in, and I say that having become the Attorney thinking you could go off and negotiate a few traditional owner settlements really quickly. You know, I think I am almost close to one but not there yet; these take enormous amounts of time. So making sure that we are building that capability for local people and local traditional owner corps to be able to engage with local proponents of projects and to get that kind of done quickly—it will genuinely help everything from modernising internal governance structures to getting IT to being able to build the knowledge about cultural heritage as well, and I think it is an example where people all come together with the noblest or the best of intentions but we have not kind of built any capability in order to try and achieve potentially mutually agreed outcomes in a timely way, just because we have never invested in putting the capability, the IT, the cultural heritage history and the right people in place in those corporations. So that is what we are hoping to do around that investment.

**Mr RICHARDSON:** Attorney, I want to take you to one part of your answer about the Dja Dja Wurrung cultural hub in Bendigo and the \$11.2 million investment. Are you able to elaborate a bit further for the committee's benefit about this project and how it will benefit traditional owners and the wider community?

**Ms HENNESSY:** Yes. Again, as I said, it has been a long—I think the Bendigo Addy had the headline as 'A step towards our dreams'. People in Bendigo and the broader Loddon area are very, very familiar with the power and possibility of this project. To get that kind of multipurpose hub up and running and to provide a permanent base for the Dja Dja Wurrung group again is another important outcome from this. But it is going to be a place for business, local community use around basketball and oval facilities, cultural arts and festivals but also to share that particular group's culture with the wider community.

There is office and laboratory space to enable some research. We have got some really significant cultural artefacts in that area around axes and grinding stones, and if we are not capturing any of that history, (a) we lose the cultural heritage history of it and (b) these things can often then end up in disputes about cultural significance as people are seeking use of that land. So it does really help build I think a greater portal of history around those matters. It also has a pretty hardline economic impact as well as a cultural heritage impact as well.

An independent review got done by Mick Dodson some time ago, and this was just one of his recommendations about, 'This is how we need to strengthen the economic opportunities around this traditional owner group'. I just want to acknowledge the work from Dja Dja Wurrung and Trent Nelson, who would be known to many people as the chair up there. They would see themselves as a small business natural resource management team as well as the storytellers around cultural heritage, so this hub is a really important mechanism to do all of those things at long last—

**The CHAIR:** Thank you, Attorney. Sorry to—

**Ms HENNESSY:** but with all sorts of benefits, I suppose is the point that I am perhaps verbosely making.

**The CHAIR:** Thank you. Sorry to interrupt you. I will pass the call to Ms Vallenge, MP.

**Ms VALLENCE:** Thank you, Chair. Thank you, Attorney. Just picking up on the line of questioning from my colleague Mr Limbrick, in budget paper 3, page 104, in relation to the infringement ICT or fines system, the budget details a new output initiative, ‘Technology and resources to support Victoria’s fines system’, there on page 104. It is currently listed there as ‘tbc’ across the lines, so can you clarify why that is listed as uncosted?

**Ms HENNESSY:** Sure, and I am happy to invite the Secretary to give you an update around the simple fact that we are in a commercial-in-confidence process and do not know the answer to that question yet. If I could just invite the Secretary to update you as to where that process is at.

**Ms FALKINGHAM:** Thanks, Ms Vallenge. As the Attorney outlined, we are in significant commercial negotiations at the moment, which is why, as is normal budget practice, ‘tbc’ is there until we confirm the contract.

**Ms VALLENCE:** Okay. I notice that on page 106 it refers to ‘Victoria’s fines system will be modernised’. Can you confirm then that this is a new ICT system that you are procuring?

**Ms HENNESSY:** I might invite Corri, who is responsible for it—

It is an expanded fines system, I suppose is probably the best way to describe it.

**Ms MCKENZIE:** Thanks, Attorney. Yes, that is exactly right, Ms Vallenge. It is CourtView, which is the existing system and remains our existing core system for the administration of fines. As I know you are aware, your longstanding interest in the fines system, there are a range of different features and functions around that, so we would always complement and adapt that with additional technologies. But View is our core system.

**Ms VALLENCE:** Right. So you are still persisting with the View system, not a totally new system. You are persisting with the View system that we have spoken about before. Attorney, you mentioned last time, in the last budget hearings when we met, that that View system as it stood, and if I refer back to what you said, you said, and I quote, ‘the lack of functionality is unacceptable’. At that time we knew that that budget had blown by \$20 million for that fines system. You are obviously negotiating, and I appreciate that, but you must have some sort of cost estimate as to what features and functionality you need to modernise this and to make it work. It is clearly not working still, after we discussed it at the last budget estimates. What sort of estimate or provisioning is there for this system?

**Ms HENNESSY:** I simply cannot provide you with an estimate as to what that will be because—

**Ms VALLENCE:** I think Victorians are entitled to know. We have seen from the last period where you conceded that the system was not working, which was why we needed to spend more on it then. Now it is still not working, and we are needing to spend more.

**The CHAIR:** Sorry, Ms Vallenge. What evidence is there that the system is not working? The fines system is working.

**Ms HENNESSY:** There is a million dollars a day coming in under the current fines system.

**Ms VALLENCE:** The functionality you mentioned—that the View system lacked functionality. That is clearly what we discussed when we met at the last budget estimates.

**Ms HENNESSY:** Yes, and those functionality shortcomings have been addressed.

**Ms VALLENCE:** So if that is the case, why do we need to spend more money? Why do we need to renegotiate the contract? Why do we need to further modernise the Fines Victoria system?

**Ms HENNESSY:** Because we have a fines reform review board that David Harper and Ken Lay chaired. That has made a series of recommendations around how we need to make the fines system fairer and more

effective. So things, for example, like working your fines off via permits, family violence, vulnerable groups—how those matters are built into the system—are not at the point that we perhaps would like them to be. I am not quite sure, Corri, if you have got any further things to remind us of around the Fines Reform Advisory Board and the recommendations that they are putting to—

**Ms VALLENCE:** We are really interested in the cost element. You have explained to me the key thing, which was: is it still the View system? So thank you very much.

**The CHAIR:** Sorry, Ms Vallence. You actually asked the question why it was not working properly, not just in relation to the cost, so if Ms McKenzie could have an opportunity to answer that question, that would be appreciated.

**Ms VALLENCE:** Chair, I think Ms Falkingham already answered that. So I was just clarifying what I understood to be the evidence provided by the Attorney last year, that there was a lack of functionality, and Ms Falkingham has updated the committee in relation to that. So I think it is satisfactory—

**The CHAIR:** Sorry, Ms Vallence. You actually put a proposition to the witnesses in relation to what needed to change about the system, not just how much the system cost. The Attorney and Ms Falkingham have indicated that Ms McKenzie is the appropriate person to add to that answer, so if you could please give her that opportunity, that would be respectful.

**Ms MCKENZIE:** Very briefly, Ms Vallence, there is additional functionality that might be useful since the previous PAEC hearing that discussed this. There has been a range of additional functionality that has now been introduced into the system—specifically the issue of court fine collection statements, disbursements through to enforcement agencies and the release of the legacy warrants. So a range of those things have now been introduced into the system that were not there, just to update you.

**Ms VALLENCE:** Thank you. Attorney, back to something that was discussed earlier, the Royal Commission into the Management of Police Informants. On budget paper 3, page 104, can you point to the resourcing allocated in this budget to provide for the special investigator to continue, as you described, that long, laborious, time-consuming follow-up and investigatory work of the royal commission?

**Ms HENNESSY:** I will hand over to Ms Falkingham to advise you as to how we are resourcing that. But of course you will note the royal commission handed down its recommendations on 30 November and the short period of time between that and the budget. So for a whole range of obvious reasons they are not specified in this budget paper. But can I invite Ms Falkingham to update you as to progress and the plan around this matter to date.

**Ms FALKINGHAM:** Thanks, Ms Vallence. The Attorney is right that the royal commission came down after the budget was handed down, so we are working feverishly to pull together the implementation plan so that we properly cost every one of the royal commission's recommendations. We are working with our colleagues in Victoria Police to understand the impact for them and all of our colleagues right across the justice system, because obviously there are a whole range of recommendations that are not just for government. On the special investigator recommendation, we have already worked with our colleagues in other states and territories who have had similar types of programs, so we will be in a good position, as the Attorney has outlined, when we announce the implementation plan at the start of next year.

**Ms VALLENCE:** And who would you anticipate the special investigator would report to? Would it be the DPP?

**Ms FALKINGHAM:** That is what we are working our way through now, Ms Vallence. We have got to go through extensive consultation to understand what is the best fit and who is best placed to deliver that service.

**Ms VALLENCE:** Would you anticipate that it would be established as an independent office?

**Ms FALKINGHAM:** Yes, we would.

**Ms VALLENCE:** And in what time frame do you anticipate you will appoint the special investigator, and when would they commence?

**Ms FALKINGHAM:** Absolutely it is a priority for us to have in place a special investigator so it is seamless from the royal commission's findings and the extensive work that it has done to the special investigator, so our anticipation is early next year.

**Ms HENNESSY:** One of the things we are very conscious of is that Ms Gobbo's conduct commenced in, depending on whose arguments you accept—

**Ms VALLENCE:** A decade ago.

**Ms HENNESSY:** 1995, perhaps 1993, as the evidence gets stale. So we are very focused on trying to recruit the right person to do that job. We are conscious that we are talking about evidence that spans a very significant period of time, noting the advice from the commonwealth government about the difficulty that they are encountering getting the right person for their ADF inquiry as well. There is not a pool of people that bring this kind of expertise as well, but we want it done as soon as possible, if I can give you and the committee that assurance.

**The CHAIR:** Thank you, Attorney. Thank you, Ms Vallence. I will pass the call to Ms Nina Taylor, MLC.

**Ms TAYLOR:** Good morning, Attorney-General and representatives from the department. I would love to go to budget paper 3, page 113, and take a bit of a deeper dive into investment in the courts. The committee understands that this government has invested in audiovisual technology for the courts, both in this budget and in the past budget. Could you provide the committee information on how the courts and Corrections are using audiovisual technology?

**Ms HENNESSY:** Well, thank you, Ms Taylor, for your question as well, and I am delighted that we have Louise Anderson here with us as well, who is the CEO of Court Services Victoria. But fundamentally COVID-19 has forced us, like all organisations, to focus on change that we may have taken a lot longer to embrace than perhaps had necessity not been imposed upon us. So investing in the additional audiovisual link capacity—that is now paying significant dividends, and there is almost \$30 million in this year's budget for IT and AVL upgrades across the court. Some of the initiatives funded that will improve access are things like video chaos—video kiosks—I am sure there is a bit of chaos there too, but—

**Mr RIORDAN:** Sounds like a song, Minister.

**Ms HENNESSY:** Exactly. No radio stars killed. But Victoria Legal Aid have video kiosks in rural and regional locations to help people to be able to access remote hearings. Again, having just recently spent some Zoom time with Horsham VLA, we have got to make sure as we invest in these things that we are keeping it real around some of the realities for people, that even getting yourself transported from some part of western Victoria to Horsham is a really significant ask. Assuming that all people have access to AVL is an assumption that should not be made, and then of course the quality of internet coverage is something that we have also got to be really mindful of. But using AVL for remote assistance to child witnesses and intermediaries—it is best practice, and now we have got ourselves into the position where we are going to be able to actually roll that out. That also supports and helps victim support officers as well, both before and after a hearing, so a person is not going off into a room and participating in a very, very stressful or perhaps traumatic case without the right kind of social supports around them.

There is also investment in AVL for justice service centres to promote early resolution of cases. So part of the justice recovery plan is about getting people to focus on early resolution as soon as possible. Increasing AVL capacity at our custody centres is just so important for the purposes of throughput and efficiency in those custody centres. If people cannot get onto their lawyers or cannot go and make their bail applications, you get logjams in places. So we are making those sorts of investments so that Victoria Police prosecutors are also able to access it and to match the capacity of the courts, and that will also really help getting Victoria Police's workflow to match the court's workflow through AVL, and that is very important there. Also some of the technology in courtrooms to help support the Office of Public Prosecutions to respond—if you give one part of the system AVL but you do not have other parts of the system having access to that kind of AVL, the benefits are not realised as significantly. So that has been a really important part of the investment that we have made.

**Ms TAYLOR:** Thank you. Could you provide an update on the number of matters involving prisoners which are now being heard remotely and what benefits of that there are for the community?

**Ms HENNESSY:** Yes, I can, and Louise might necessarily be able to help me there. But 12.4 million in the 2019–20 budget expanded some of our AVL. As part of that we were able to put AVL in 27 Magistrates Court rooms in Melbourne and a second AVL at Stawell court and upgrade Hamilton court between January and August 2020. So that does deliver a significant amount of benefit. There has been about 98 per cent, is the advice that I am provided, involving prisoners. There were 3765 hearings listed via video link. So that is a pretty significant increase when you compare it to November last year where it was about 55 per cent. So that is a pretty big turnaround, and I should acknowledge all of the staff that have worked hard during COVID—managing their own lives and managing their own families and all of the demands—that have been trying to find solutions to try and make these things work. And we know it saves time and money, but most importantly it means that we do not have to drive prisoners around to court rooms. And whilst we worked very, very hard to keep corona out of our prisons—and I know we will talk about this a bit more in our next session—the transportation is also a point of risk, so we have significantly reduced those risks as well via this investment.

**Ms TAYLOR:** Fantastic. So we know that courts, like all institutions in Victoria, have been impacted by COVID-19. You have just been discussing impacts on staff and otherwise. I am just wondering if I could refer you to budget paper 3, at pages 146 to 148: the list of output and asset initiatives for courts to respond to COVID-19. Can you inform the committee about some of the government’s budget investments to help the courts manage the pandemic?

**Ms HENNESSY:** Yes, I can. Obviously we have got a justice recovery plan, and that is backed up by \$80 million funding. That includes funding in the state budget. But also there has been a further \$23 million announced today in respect of some of that funding, and I will take you through a couple of those initiatives.

Physical distancing infrastructure—so there is \$12 million for physical distancing infrastructure across the courts and VCAT. People are working very, very hard to try and get trials running safely, and I am very pleased to say that criminal trials resumed from 16 November. We have obviously got a backlog of jury trials; that is well known. That funding will help address that.

We also have empanelment and deliberation spaces for juries. When you are trying to empanel a jury it can take up to 100 people, so being able to find mechanisms to be able to do that safely and then to empanel a jury has meant leasing large offsite spaces when needed—if you think of the design of a court, trying to get that amount of people and comply with social distancing requirements is nigh impossible—and things like PPE, sanitisers, the additional cleaning and other risk mitigations as well.

There has been some significant digitisation down at VCAT. Of course VCAT was pretty paper-based pre-COVID, so there is \$20 million for VCAT to hear planning and other matters remotely and to ensure that projects continue and Victorians can still have access to justice. There is \$9.3 million actually from DELWP to help VCAT’s planning and environmental case management, so in some cases going off and working with other sources of funding with those departments that have a vested interest in making sure that we start to kind of get the steam trains going again as well. And VCAT deals with about 80 000 matters a year, so they are a significant driver of work. Often people use VCAT’s name in vain when they are fairly frustrated about a planning matter, but they do so much other important work around equal opportunity, guardianship and administration, a whole range of consumer legal disputes—stuff that impacts upon ordinary lives all of the time.

**The CHAIR:** Thank you, Attorney. And that concludes our time for consideration of the budget estimates in relation to your portfolios today. We thank you and your officers for appearing before the committee. We will follow up on any questions taken on notice in writing, and responses are required within 10 working days of the committee’s request.

The committee will now take a 20-minute break before reconvening in its form to consider the COVID response inquiry with you at 10.30. Thank you very much, Attorney.

**Witnesses withdrew.**