

*Creating a Safe  
& Just Community*



DEPARTMENT OF JUSTICE

2000–2001 Annual Report

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# JUSTICE PORTFOLIO

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The Department of Justice is the central coordination agency for the Justice Portfolio, as well as for a number of statutory agencies and offices, and judicial and quasi-judicial bodies. The Department provides the organisational, policy and management focus to achieve the commitments made by the Labor Government towards its vision of building a safe and just society in Victoria.

The overall Ministerial responsibility for the Justice Department is shared by the three Ministers responsible for four Ministerial portfolios, namely:

- Attorney-General;
- Minister for Police and Emergency Services;
- Minister for Corrections; and
- Minister for Consumer Affairs.

Their powers and duties are primarily reflected in the legislation for which each Minister is responsible. A list of all relevant legislation is included as Appendices to this report. The agencies for which each Minister has responsibility are shown in the organisation chart in Appendix A.

In the exercise of their portfolio responsibilities, the Ministers are assisted by Mr Richard Wynne, MP as Parliamentary Secretary to the Department of Justice.

The Justice portfolio covers Government responsibilities in the justice system such as Courts and Tribunals, which perform distinct functions that are independent of each other, and are based upon the separation of powers, as upheld by our democratic system and the rule of law.

## JUSTICE PORTFOLIO MINISTERS

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*The Hon. Rob Hulls  
Attorney-General*



*The Hon. André Haermeyer  
Minister for Police  
and Emergency Services  
Minister for Corrections*



*The Hon. Marsha Thomson  
Minister for  
Consumer Affairs*



*Mr Richard Wynne  
Parliamentary Secretary*

# SECRETARY'S FOREWORD

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*Mr Peter Harmsworth*  
*Secretary*

During the past twelve months, the Government theme of modernising the justice system was the major influence on the Department's work. It was also a year of developing a more integrated and seamless approach to service delivery to the Victorian community.

The modernising process required a concerted program of review and the adoption of a more strategic long-term planning approach to justice issues. This was perhaps best characterised by an intensive research and development process to finalise the Corrections Long Term Management Strategy. The success of this work in achieving a strategic and well-argued case was reflected in the May Budget announcement of funding of \$334 million for the Strategy. This funding will set in train the pursuit of a correctional system to take us through to the next decade.

The initiative of seamless and integrated service delivery provides the framework for better aligning the diverse elements of the Justice portfolio. The operation of the portfolio as a system, rather than as disparate parts, is helping to tackle some important linkages between our activities and those of other Government agencies whose functions and responsibilities are intertwined with the justice system. This will provide a constant challenge to me and to my Executive Team as well as to staff of the Department.

The year 2001 was the International Year of the Volunteer. This is an opportunity to recognise that the achievements in the Justice portfolio are the result not only of the work of staff but also of the many who give their time freely. Often such people go unrecognised in our community and this year has been a good opportunity to say thank you. Volunteers are present throughout the Justice portfolio, in courts, prisons, emergency services, fire services, consumer and tenancy services. They are also present in the lesser known areas, where genealogy groups working out of Births, Deaths and Marriages are helping the community to track its past. While there have been many formal and official functions during the year for volunteers, I would also like to add my public thanks to them for their magnificent contribution to delivering high quality services to the Victorian community.

Finally, I need to emphasise that I am indebted to staff of the Department for the sheer amount of work undertaken in what has been a hectic year. Some of that work is reflected in the pages of this Report and especially in the summary pages immediately following. However, there are many other programs and activities which haven't been specifically identified. I am constantly impressed by the capacity of staff for ongoing effort, innovation and good humour. To the Justice team I offer my sincere thanks for their hard work and professional dedication.

A handwritten signature in black ink, which appears to read 'Peter Harmsworth'. The signature is fluid and cursive, with a large initial 'P' and a long, sweeping underline.

Peter Harmsworth  
Secretary

# THE DEPARTMENT IN PROFILE

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The Department is structured around the four portfolio groups comprising three core functional areas – Justice Operations, Legal, Consumer Affairs and Equity – and a corporate group which provides corporate services, planning, review, organisational improvement strategies, and Ministerial services and co-ordination functions.



*Standing, left to right, Mr Robert Eldridge, Mr Alan Clayton, Mr John Charleson. Seated, left to right: Ms Elizabeth Eldridge, Mr Peter Harmsworth, Ms Bernadette Steele.*

## **The Departmental Executive Committee**

### ***Mr Peter Harmsworth, Secretary***

Mr Harmsworth became Secretary of the Department of Justice in July 1998. His role as Secretary is to ensure the management of compliance with broad Government policies within the Justice portfolio, and to oversee the implementation of the Government's broad law and order policies within the State of Victoria.

### ***Mr John Charleson, Deputy Secretary, Corporate Services***

As Deputy Secretary, Corporate Services, Mr Charleson supports Departmental Business Units by providing essential corporate services such as human resource management, information technology, and business services for the Department, while co-ordinating key corporate activities such as budgets, industrial relations and capital planning across the wider portfolio.

### ***Ms Bernadette Steele, Deputy Secretary, Consumer and Equity Services***

The Deputy Secretary for the Consumer and Equity Services portfolio group manages Consumer and Business Affairs and the Registry of Births, Deaths and Marriages, advising both the Minister for Consumer Affairs and the Attorney-General. For the period under review, the Consumer Affairs and Equity portfolio

Group included an auspicing role to the Office of the Equal Opportunity Commissioner, the Office of the Public Advocate, the Business Licensing Authority, the Patriotic Funds Council, the Defence Reserves Re-employment Board, Estate Agents Council and the Prostitution Control Advisory Committee.

### ***Mr Alan Clayton, Deputy Secretary, Justice Operations***

The primary role of Deputy Secretary, Justice Operations is to assist and advise the Minister for Police and Emergency Services and the Minister for Corrections in his relationships with the statutory authorities and associated agencies that make up the Police and Fire Services portfolio. Mr Clayton is responsible for Crime Prevention, Corrections, Justice Policy and Emergency Services. He oversees the implementation of major Government policy initiatives and special projects and provides support in relation to the State's emergency management arrangements. Under the auspices of Justice Operations are Victoria Police, Police Appeals Board, Metropolitan Fire and Emergency Services Board, Country Fire Authority, Adult Parole Board, Victorian Emergency Management Council and the Victorian Community Council Against Violence.

### ***Ms Elizabeth Eldridge, Deputy Secretary, Legal***

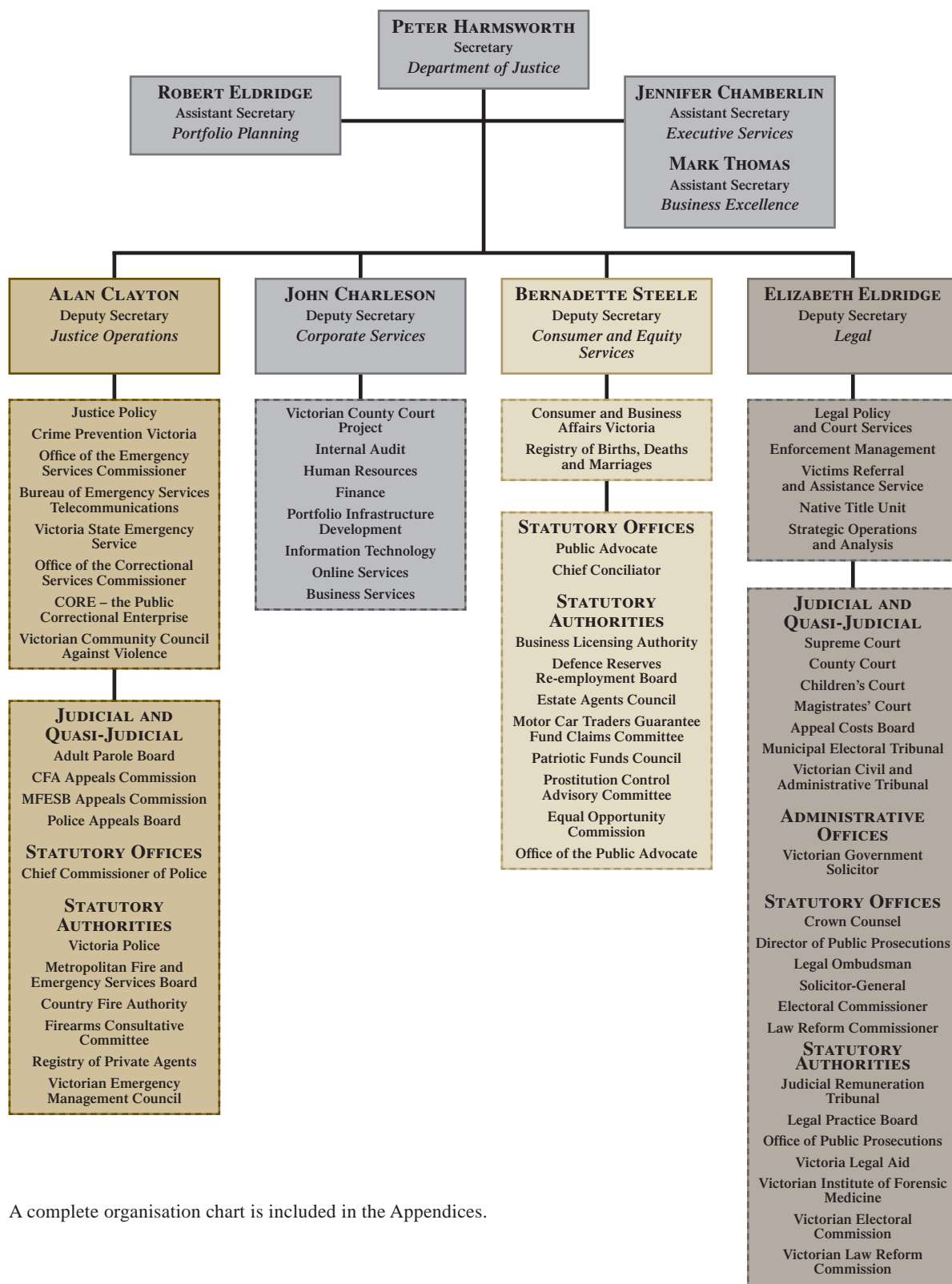
Ms Eldridge supports the Attorney-General and the Secretary to facilitate achievement of the Attorney-General's legal policy and law reform initiatives. This area of Justice has direct responsibility also, for the Victims Referral and Assistance Service, the Native Title Unit and the Civil Justice Review Project. The position of Deputy Secretary, Legal has an auspicing role for a number of boards, statutory bodies and administrative offices including the Office of Public Prosecutions, the Legal Ombudsman, the Legal Practice Board, Victoria Legal Aid, the Victorian Institute of Forensic Medicine, the Victorian Law Reform Commission and the Privacy Commission.

### ***Mr Robert Eldridge, Assistant Secretary, Portfolio Planning***

The role of Mr Eldridge is to provide leadership in strategic planning and research, to co-ordinate the portfolio's Expenditure Review Committee processes and to implement the Aboriginal Justice Agreement. The Assistant Secretary, Portfolio Planning, ensures that Ministers and executive management are able to monitor the operation and performance of the overall justice system.

# PORTFOLIO STRUCTURE ARRANGEMENTS

AS AT 30 JUNE 2001



A complete organisation chart is included in the Appendices.

# JUSTICE PORTFOLIO BUDGET OVERVIEW

The 2000–01 budget for the Justice Portfolio was \$1.649 billion divided between eleven output groups, listed here in numerical order next to the agencies responsible for achieving them.

1. **Legal Services:** Department of Justice, Office of Public Prosecutions, Victoria Legal Aid, Victorian Electoral Commission, Victorian Law Reform Commission.
2. **Court and Tribunal Services:** Department of Justice, Supreme Court, County Court, Magistrates' Court, Victorian Civil and Administrative Tribunal.
3. **Consumer and Equity Services:** Department of Justice, Equal Opportunity Commission, Office of the Public Advocate.
4. **Correctional Services:** Department of Justice.
5. **Community Safety:** Department of Justice, Metropolitan Fire and Emergency Services Board, Country Fire Authority.
6. **Crime Prevention and Community Support Programs:** Victoria Police.
7. **Incident and Event Management:** Victoria Police.
8. **Crime Investigations:** Victoria Police.
9. **Road Safety and Road Trauma Reduction:** Victoria Police.
10. **Supporting the Judicial Process:** Victoria Police.
11. **Information and Licensing Services:** Victoria Police.

The first five output groups are primarily performed by the Department of Justice and some statutory agencies or courts and tribunals. The other six cover programs and activities carried out by Victoria Police.

This report deals with those activities for which the Department has primary carriage. Other agencies and statutory bodies identified above prepare separate reports to Parliament.

Justice Portfolio Budget 2000–01	
<b>Department of Justice</b>	<b>\$633.4M</b>
■ Legal Services	(\$136.1 Million)
■ Court and Tribunal Services	(\$168.4 Million)
■ Consumer and Equity Services	(\$48.8 Million)
■ Community Safety	(\$70.1 Million)
■ Correctional Services	(\$210 Million)
<b>Victoria Police</b>	<b>\$1,015.6M</b>
■ Crime Prevention and Community Support Programs	(\$374.5 Million)
■ Incident and Event Management	(\$92.2 Million)
■ Crime Investigations	(\$220.3 Million)
■ Road Safety and Road Trauma Reduction	(\$98.7 Million)
■ Supporting the Judicial Process	(\$192.2 Million)
■ Information and Licensing Services	(\$37.7 Million)

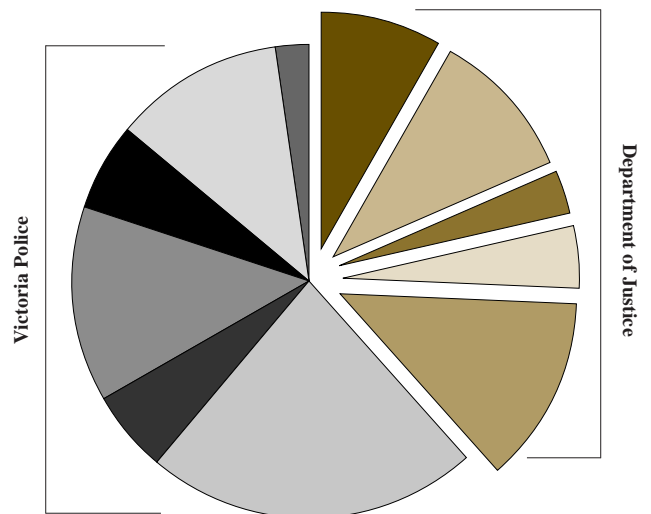
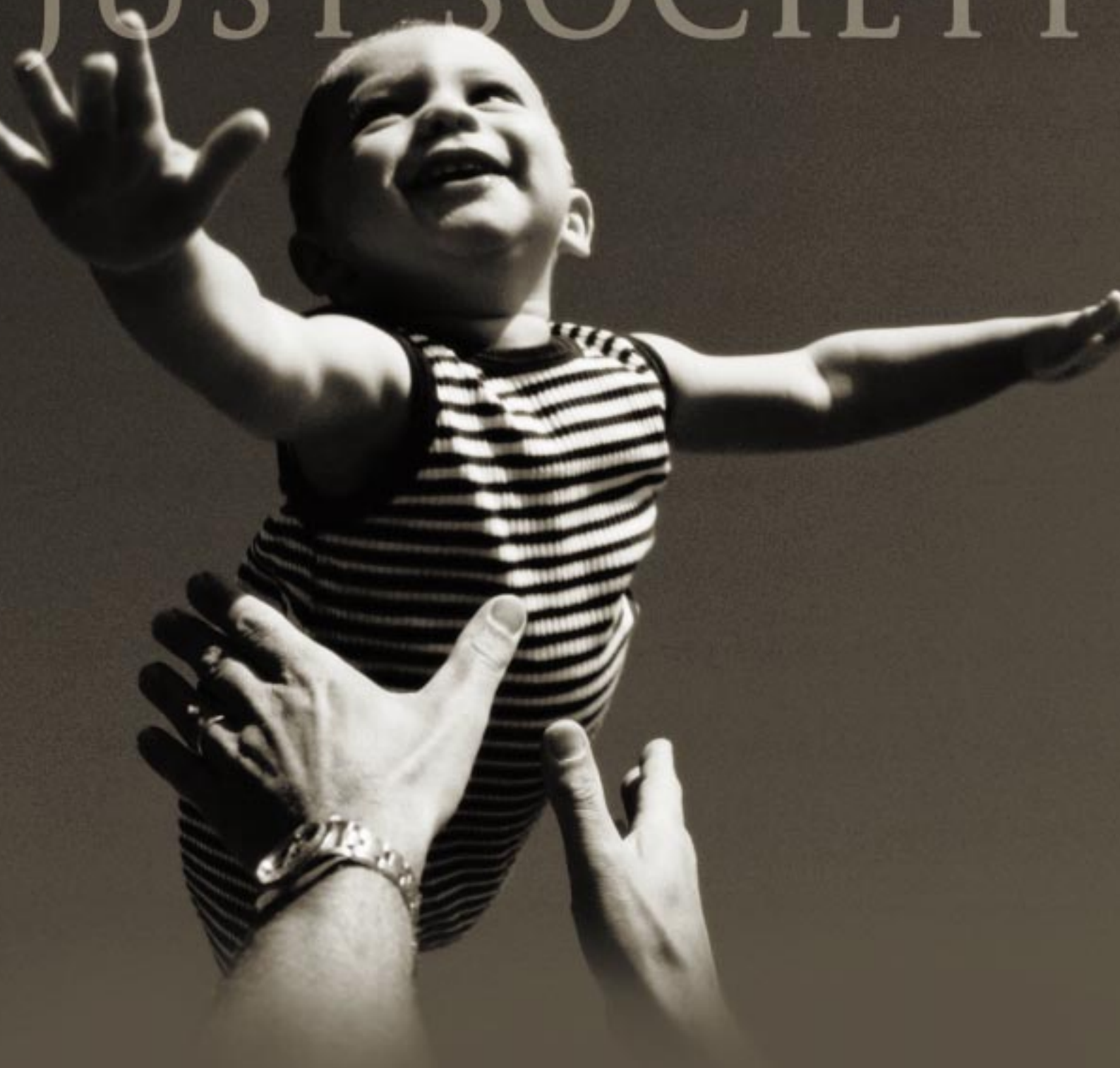


Figure 1: Justice portfolio funding by output groups (2000–01) as per 2000–01 Budget Paper No. 3.



# CREATING A SAFE AND JUST SOCIETY



## SIGNIFICANT RESULTS – A SNAPSHOT

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### Protection and recognition of individual citizens

- Whistleblowers protected and complaints to be investigated
- New law gives Victorians privacy rights
- Landmark anti-discrimination laws recognise rights of people in same sex relationships
- Laws to protect against discrimination on basis of a person's gender identity
- Pain and suffering claims reinstated for victims of crime and special financial assistance for childhood sexual assault victims
- [www.legalonline.vic.gov.au](http://www.legalonline.vic.gov.au) – discover your rights online
- Penalty increased for possession of child pornography – from two to five years imprisonment
- Courts given power to stop unfair or distressing cross-examination of child witnesses in committal proceedings
- Right to have guardianship orders reheard for people with disabilities

### Indigenous communities Re-establish their rights

#### Aboriginal Justice Agreement

- Aboriginal Justice Agreement – a partnership between the Victorian Government and Aboriginal Community
- Regional Aboriginal Justice Advisory Committee Network is established and participates in work of Justice agencies
- Aboriginal Justice Forum commenced operation
- Development of Indigenous Lawyers and Law Students Association initiated
- Eight scholarships for Koori students of law
- 'Know your rights' program for Koori women and youth in regional Victoria
- Kooris as Official Visitors to prisons
- Specialist staff and programs to meet needs of Koori prisoners

#### Native Title

- Native Title Protocol means negotiation instead of adversarial approach to native Title Agreements
- Government Bodies to be compliant with Native Title Act
- Indigenous Land Use Agreements – regional hospital goes ahead and application settled in Gippsland

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### **Responding to drugs in society and in prisons**

- Expansion of CREDIT and diversion – drug treatment programs now at Sunshine and Dandenong Magistrates’ Courts
- Tougher sentencing laws for drug trafficking offences
- Drug and alcohol research projects funded through Victorian Law Enforcement Drug Fund
- Werribee Legal Service receives \$72,330
- Funding for ‘Families Helping Families’ project in East Gippsland – victims of drug and alcohol abuse
- \$4M to reduce drug-related harm to prisoners and prison staff
- \$10.3M pilot helps prisoners with drug/alcohol issues, high risk of post release mortality, or risk of re-offending and return to drug abuse
- Report on ‘Transition from Custody to Community’ released
- Victorian Prison Drug Strategy based on harm minimisation being developed

### **Legal and judicial system reforms**

- Law Reform Commission re-established and Law Reform Commissioner appointed
- Lead taken to resolve street prostitution problem
- New Legal Aid deal – Victoria \$4M better off
- \$1.05M boost for community legal centres
- Judicial Training College to be established
- Increased number of women appointed to judicial and quasi-judicial office since October 1999
- Modernising of Victorian Bar – ‘Senior Counsel’ replaces ‘Queens Counsel’
- Review of Sentencing Laws
- Police questioning of suspects in custody – powers broadened but with significant safeguards against unlawful treatment and special protection for young people and those with impairments
- Review of legal services to Government to ensure better value for money
- ‘Profits from crime’ seizures – higher revenues than forecast
- More restraining orders stop crime profits being disposed of while trial in progress

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### **Fuel: a key issue for regional and metropolitan Victorians**

- Victoria's Fuel Price Monitoring Program forces Commonwealth to act. Fuel inquiry conducted by ACCC
- 'Hot fuel' problem addressed – should result in benefits to consumers

### **Protection of the individual consumer and improved government services for consumers**

- Record \$2.4M consumer publications distributed
- New magazine makes home buying safe as houses
- Renters magazine an outstanding success
- Consumer and product-safety warnings:
  - showbags
  - dangerous toy guns
  - gambling software
  - envelope stuffing
  - modelling agency scams
  - net surfing
  - car buying
  - unsafe use of scooters
  - camera sales sting
  - children's nightwear
  - sparkler misuse
  - dangerous Christmas toys
  - mind control scams
  - young people and senior Victorians as vulnerable consumers
  - pitfalls of fast cash
  - Payday lending
  - gift refunds
- Trader prosecutions
- 'Dob in a rogue car dealer' campaign
- Women and the motor vehicle industry initiative
- Rogue clothing bin operators advertising as charities forced to comply with law
- Lodging of business names fast tracked through Victorian Business Centre – renewals possible over internet

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### **Consumer legislation Creating a responsible consumer/trader environment**

- Review of travel agent regulation
- Loophole closed in Associations Incorporation Act
- Retail Tenancies review initiated
- Public consultation on pawnbroker legislation
- Discussion Paper on Fundraising Act released
- Public housing tenancy arrangements reviewed to update law and policy

### **A safe and just Victoria Providing the physical infrastructure**

- County Court under construction – a striking presence on William and Latrobe Streets
- Sites for new courts in Mildura and Warrnambool decided – work begins in 2001–02
- \$1.8M Police and Emergency Services complex at Lorne – first co-location of agencies
- \$11.9M Wodonga Police and Court complex well underway
- Police Stations opened – Avoca, Yarram, Briaralong
- Land purchased at Ocean Grove for new Bellarine Police Station
- New Forensic Medicine Centre opened
- New State Emergency Services offices in Melbourne and regional Victoria approved for construction
- Corrections 10 Year Facilities Master Plan prepared
- \$20M announced for cell and prison safety in response to Coroner’s findings
- \$166M committed to capital expenditure in Prison Infrastructure Program
- New Community Corrections offices opened in Ringwood, Heidelberg and Berwick
- Community Corrections Offices Relocation Program – to meet needs of changing offender population
- Security enhanced at Barwon, Bendigo, Loddon and Beechworth prisons

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## SIGNIFICANT RESULTS – A SNAPSHOT

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### **A safe Victoria – the place to be**

- \$12.3M Road Safety package announced – tackling drink driving and speed
- Victoria launches own Crime Prevention Agency to tackle crime and improve community safety
- Women’s Safety Strategy announced
- Success of campaign for police recruitment – extra 422 police and recruits since July 1999
- Thirty two metropolitan and regional Councils receive funding for safety and crime prevention strategies
- \$80,000 to investigate relationship between drugs/alcohol and possession of knives and syringes
- \$50,000 to research multicultural perspective on crime and safety
- Gippsland receives funding for programs under crime and safety umbrella
- 1,500 crime prevention kits distributed to schools, local government, and other key groups
- [www.crimeprevention.vic.gov.au](http://www.crimeprevention.vic.gov.au) now online
- 300 organisations across Victoria involved in Community Safety Week
- 11,418 residents across 78 local government areas have their say
- Violence prevention research project – young people and sexually abusive behaviours
- Livestock Theft Working Group deals with extent of problem and options for action
- New law cracks down on possession of knives and other weapons
- 18,000 surrendered firearms were destroyed in 2000
- Review of Private Security Industry
- Victoria contributes funds to ‘CrimTrac’ – state boundaries no longer a hindrance to tracking criminals
- New flood rescue boats for VICSES in Tallangatta, Cobram, Bairnsdale, Morwell, Stawell, Geelong and Kerang
- Model of fire cover for Victoria – areas of similar risk and hazard receive similar level of protection
- Emergency services communications – a smooth transition from private to public operator being developed
- Emergency vehicles and equipment upgrade
- Review ensures multipurpose emergency helicopters allocated to areas of most need
- Focus on volunteer training and skill development for VICSES and CFA
- Readiness for emergency events – stronger co-ordination across government and industry
- Whole of Government Communications Strategy – guides emergency telecommunications over next 10 years

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## **Establishing a correctional system for the future**

- Kirby Report *Management and Operation of Private Prisons* released
- Government takes control of Metropolitan Women's Correctional Centre (MWCC) – after operator fails to deliver fundamental services
- Ownership and management of MWCC transferred to Government on favourable terms – prolonged legal dispute avoided
- Corrections Long Term Management Strategy – most significant overhaul of corrections system to take place in Victoria
- Enhanced prison monitoring program implemented
- Program for women prisoners launched – improving re-integration into the community
- Review of strip searching procedures at MWCC following step-in
- Programs being developed for individual prisoners around harm-minimisation, self-help and dealing with drugs
- Police Cells Review Project considers options to deal with high numbers in police cells
- Strategic plan for prison industries developed
- Extensive DNA sampling of prisoners undertaken
- Sex Offender Program recognised nationally as part of Australian Violence Prevention Awards
- Correctional Health Program – first major study of prisoner health needs in Victoria being developed

## **Diversion and rehabilitation of prisoners**

- Home Detention Bill in Parliament – part of diversion and rehabilitation package
- Total Corrections package of \$334.5M over four years announced:
  - \$72.5M for rehabilitation programs
  - \$20.6M for programs to reduce re-offending
  - \$42.3M to redevelop Community Correctional Services
  - \$4M to reduce drug-related harm to prisoners and prison staff
  - \$4.8M for pilot Home Detention Program to be implemented once legislation passed
  - \$3.2M to evaluate the Corrections Longer Term Management Strategy
  - \$166M capital expenditure
- Broader role for Community Corrections in supervision, early intervention and rehabilitation programs
- 100 new specialist positions funded across Victoria for Community Correctional Services (CCS)
- Specialist court advice services for CCS clients at all major Magistrates' Courts across Victoria
- Improved prison-based pre-release and parole services through CCS
- Pilot program supports families of CCS offenders
- Special program developed for Indo-Chinese CCS offenders at Sunshine and Dandenong
- Suicide prevention training for Community Corrections Officers
- Programs to help offenders find employment or training, and target problems that led to their offence

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