

**IN THE MATTER OF THE ROYAL COMMISSION  
INTO FAMILY VIOLENCE**

**STATEMENT OF GREGORY ROBERT WILSON**

Date of document: 12 October 2015  
Filed on behalf of: State of Victoria  
Prepared by:  
Victorian Government Solicitor's Office  
Level 33  
80 Collins Street  
Melbourne VIC 3000

I, GREGORY ROBERT WILSON, Secretary, Department of Justice and Regulation, SAY AS FOLLOWS:

1. I am the **Secretary** of the Department of Justice and Regulation (**Department**). I was appointed to this role on 15 April 2013.
2. From August 2009 until my appointment as Secretary to the Department, I was Secretary of the Department of Sustainability and Environment.
3. From July 2008, I was Deputy Secretary, Policy and Cabinet Group, Department of Premier and Cabinet. I was Chairperson of Victoria's Essential Services Commission from 2005.
4. In addition, I have held a number of senior leadership roles, including Deputy Secretary (Water Sector) in the Department of Sustainability and Environment, General Manager of Regulatory Policy at the Essential Services Commission and its predecessor body, the Office of the Regulator-General, Senior Economist, Department of Treasury and Finance, and in the water industry, at Melbourne Water and City West Water.
5. I hold a Bachelor of Commerce and Postgraduate Diploma in Economics from the University of Melbourne.
6. I have received a notice from the Royal Commission into Family Violence pursuant to s 17(1)(d) of the *Inquiries Act 2014* (Vic) requiring me to attend to give evidence at the Royal Commission and to provide a written witness statement.

## SCOPE OF STATEMENT

7. In this statement, I respond to a request by the Royal Commission for information regarding Modules 4 and 5 (What should the system look like and how should it be funded?). In particular, I seek to assist the Commission's exploration of possible system design by providing:
  - 7.1 an overview of existing family violence related governance arrangements in which the Department is involved;
  - 7.2 a discussion of the Department's activities and areas of responsibility in relation to family violence, current areas of improvement focus and the interplay with the non-government sector;
  - 7.3 a description of the emergency management system in Victoria, which is a multi-agency model of a systems approach to governance (a systems approach being relevant to the family violence context); and
  - 7.4 a description of the Victorian Responsible Gambling Foundation (VGRF) governance model, as an example of an independent statutory entity with a range of functions that seek to address a whole-of-community social issue.
8. This statement should be read in conjunction with other Victorian Government witness statements given to the Royal Commission into Family Violence, particularly those provided by officers of the Department.
9. The views contained in this statement are my views and not necessarily the views of the Victorian Government.

## FAMILY VIOLENCE GOVERNANCE ARRANGEMENTS

### *Current governance arrangements involving the Department*

10. The justice system is currently an active participant in a range of governance structures aimed at improving the Victorian response to family violence and sexual assault. This includes participation in whole-of-government collaborative arrangements and stakeholder engagement mechanisms, as well as those focussed on the justice system and its entities.
11. Listed below are some examples of these coordinating groups, attended by me or officers of my Department. These groups also include representatives of key justice entities as relevant, including Victoria Police, the Magistrates' Court, the Office of Public Prosecutions and Victoria Legal Aid.

12. Individual justice entities also convene their own coordinating groups for particular purposes, for example the Magistrates' Court of Victoria Family Violence Taskforce and the Victoria Police and Magistrates' Court Family Violence Committee.

FAMILY VIOLENCE GOVERNANCE		
WHOLE OF GOVERNMENT		
Committees/Groups	Department of Justice & Regulation attendee	Function
A Ministerial Taskforce chaired by the Premier	Secretary/Deputy Secretary, Criminal Justice (as observers)	Manage the government's engagement with the Royal Commission and set strategic directions for addressing family violence, as well as oversee the development, coordination, implementation and evaluation of initiatives to address family violence
Family Violence Royal Commission Interdepartmental Committee	Deputy Secretary, Criminal Justice and Director, Community Operations and Victim Support Agency	Ensure that the Government engages appropriately and constructively with the prevention and response to family violence, as well as the Royal Commission, to assist in achieving the objective of practically improving Victoria's response to family violence
Violence Against Women and Children Advisory Group	Deputy Secretary, Criminal Justice	Work to prevent and respond to violence against women and children, including family violence and sexual assault. This includes work in prevention, responding to those who have experienced violence and holding perpetrators to account
Violence Against Women and Children Working Group	Manager, Family Violence and Sexual Assault Unit	Work to prevent and respond to violence against women and children, including family

- 4 -

		violence and sexual assault, and policy work arising from the Royal Commission into Family Violence
Family Violence Regional Integration Committees	Committee membership may include representatives that work with family violence services from Courts, Police and the regional offices of the Department.	Identify issues and potential improvements in the system's response to women, children and men. The local Committees feed information to regional and state-wide committees who monitor and work to improve the system response across Victoria
<b>DEPARTMENT OF JUSTICE &amp; REGULATION</b>		
<b>Committees/Groups</b>	<b>Chair</b>	<b>Function</b>
DJR Family Violence Steering Committee	Deputy Secretary, Criminal Justice	Ensure strategic oversight of all family violence issues across the entire departmental portfolio and business units
DJR Family Violence Stakeholder Reference Group	Director, Community Operations and Victim Support Agency	Provide advice to government on current and emerging issues and trends in relation to family violence and the justice system in Victoria and current program and sector arrangements and approaches to improve justice responses to family violence
Sexual Assault Advisory Committee	Deputy Secretary, Criminal Justice	Advise on the development of the work plan to progress further sexual assault reforms in the criminal justice system

13. I note that improvements to the justice family violence response are also coordinated through my regular discussions regarding broader justice system issues with the Chief Magistrate and the Chief Commissioner of Police. I also have regular meetings with the Chief Justice regarding justice system matters.

- 5 -

14. I am also a member of the Victorian Secretaries Board (**VSB**). The VSB has three key functions – coordination, leadership and stewardship of the Victorian public service. I note that Mr Eccles, Secretary, Department of Premier and Cabinet, provides further detail in his witness statement on how the VSB can be a governance mechanism for whole-of-government issues.

#### **THE DEPARTMENT'S RESPONSIBILITIES AND PARTNERSHIPS IN RESPONDING TO FAMILY VIOLENCE**

15. Addressing the causes and impacts of family violence is a whole-of-government responsibility. Many victims and perpetrators of family violence are engaged with the justice system and thus my Department has clear responsibilities with respect to addressing family violence. It is identified as a strategic priority in the Department's Strategic Priorities 2015-16.
16. The role of the justice system in family violence is multi-faceted. While it is often summarised as 'perpetrator accountability' this is only one aspect of the work of my Department and other justice system entities. Justice system entities also make contributions to the prevention of violence, early intervention, victim protection and safety, victim advice and support, and the reduction of recidivism.
17. The justice system is interconnected – changes to one part of the system can have a direct impact on other parts of the system – and this has been particularly evident in the context of family violence-related demand in recent years. For example, changes to police practice have driven increased numbers of intervention order applications and breach proceedings in the Courts, increased demand for legal assistance services especially from Victoria Legal Aid and Community Legal Centres and contributed to increased demand pressure on the Corrections system.

#### ***Department's role within the broader justice system***

18. The Department supports the portfolios of the Attorney-General and Minister for Racing, the Minister for Police and Minister for Corrections, and the Minister for Emergency Services and Minister for Consumer Affairs, Gaming and Liquor Regulation.
19. The Department comprises nine divisions:
- 19.1 Civil Justice;
  - 19.2 Criminal Justice;

- 6 -

- 19.3 Police and Corrections;
  - 19.4 Emergency Management;
  - 19.5 Regulation;
  - 19.6 Liquor, Gaming and Racing;
  - 19.7 Service Strategy Reform;
  - 19.8 Corporate Governance and Infrastructure; and
  - 19.9 People and Stakeholders.
20. The Department's divisions are complemented by a Regional Service Network which divides the Department's eight operational service regions into four areas, each under the leadership of a Regional Executive Director. Through the network, local leadership in service delivery is strengthened and regions have a greater role in departmental governance and priority-setting. Regional staff represent the department in key regional and local governance arrangements such as the Regional Crime Prevention Committees, Children and Youth Area Partnerships, Regional Integration Committees, Risk Assessment Management Panels and regional family violence interagency forums.
21. The Department works with a range of justice entities, including for example:
- 21.1 Court Services Victoria – Court Services Victoria provides administrative facilities and services for the courts, the Victorian Civil and Administrative Tribunal and Judicial College of Victoria. Independent of departmental or ministerial control, its governing body is the Courts Council, chaired by the Chief Justice of the Supreme Court;
  - 21.2 Victoria Police – Victoria Police is a special body under the *Public Administration Act 2004* (Vic). The Chief Commissioner of Victoria Police, while subject to the Minister for Police's direction on policing priorities and policies, is responsible for control and management of day-to-day police work, organisational structure and training;
  - 21.3 statutory authorities such as the Office of Public Prosecutions, the Judicial College of Victoria, the Victorian Law Reform Commission, the Adult Parole Board and Victoria Legal Aid;

- 21.4 judicial bodies such as the Children's Court of Victoria, the Magistrates' Court of Victoria, the Coroners Court of Victoria, the County Court of Victoria, the Supreme Court of Victoria, the Court of Appeal, and quasi-judicial bodies such as the Victims of Crime Assistance Tribunal; and
  - 21.5 statutory offices such as the Chief Statistician (head of the Crime Statistics Agency (CSA)), the Public Advocate, the Solicitor-General and Crown Counsel.
22. Justice services for victims and perpetrators that are the responsibility of the Department include the following:
- 22.1 Corrections Victoria manages prisoners and offenders, including by assessing their risk of reoffending, recommending conditions to be attached to their orders to mitigate against these risks, and facilitating participation in perpetrator accountability programs such as men's behaviour change programs. It is currently developing a Family Violence Service Reform Strategy, the objectives of which include improved identification of perpetrators, delivery of targeted family violence programs and services to perpetrators, and supporting prisoners and offenders who are victims of family violence.
  - 22.2 The Community Crime Prevention Unit supports local crime prevention initiatives that can help increase community safety and improve community confidence in the safety of local areas. The Community Crime Prevention Program includes a Reducing Violence Against Women and their Children Grants program.
  - 22.3 The Victims Support Agency (VSA) funds the Victims Assistance Program, which delivers services from over 40 metropolitan and regional locations. It provides clients with case management services and practical support, such as referrals to counselling, assistance with the court process and the preparation of Victim Impact Statements and Victims of Crime Assistance Tribunal Applications. The VSA is the lead agency for receiving and coordinating service responses for male victims of family violence pursuant to Victoria Police "L17" reports (while women and children are referred to family violence providers funded by the Department of Health and Human Services); and
  - 22.4 The Koori Justice Unit is responsible for coordinating the development and delivery of Victoria's Aboriginal justice policies and programs, including

those related to family violence. Currently, the Unit partially funds the Aboriginal Family Violence Prevention and Legal Service, which provides legal services, information and referral to Aboriginal clients involved in family violence matters. The Koori Justice Unit also administers funding for the Koori Community Safety Grants Program, which supports a range of family violence related initiatives such as Sister's Day Out, Dilly Bags and the Dardi Munwurro men's behaviour change program.

23. Another aspect of the Department's role in family violence is its work to inform the development of family violence policy, legislation and operational response. This includes:
- 23.1 monitoring family violence prevalence and trends in Victoria (by, for example, establishing the Victorian Family Violence Database, an evidence-based, cross-sector trend analysis of statewide reported family violence incidents from 1999 to 2010, and supporting the continuation of this work by the CSA); and
  - 23.2 maintaining and strengthening relationships among justice entities, and coordinating justice system efforts with other government partners and the service sector.
24. The Family Violence and Sexual Assault Unit, along with Criminal Law Policy, in the Criminal Justice Division of the Department provide this support and advice to relevant Justice Ministers, as well as assisting with the coordination of justice system responses to family violence, and contributing to whole-of-government family violence and sexual assault policy development.
25. Other parts of the Department may not be explicitly charged with responsibility for family violence policy, but do play a role in our whole-of-government response, by incorporating awareness of family violence when dealing with contributing factors or impacts. These include, for example, areas that manage fines and penalties, or develop policy and legislation for alcohol and gambling regulation or residential tenancies and rooming houses.

***Ongoing work to strengthen the justice response to family violence***

26. Improvements to the justice response to family violence are an ongoing area of work. Recent developments include:



- 9 -

- 26.1 the introduction of new indictable offences for breaches of intervention orders;
- 26.2 the extension of family violence safety notices (which increased from 72 hours to five working days);
- 26.3 the expansion of Family Violence Specialist Services (Applicant and Respondent Support Workers and specialist family violence Registrar) to all headquarter Magistrates' Courts in Victoria;
- 26.4 the expansion of the Court Integrated Support Program (**CISP**), targeting family violence offenders with mental health and substance abuse issues;
- 26.5 an increased focus on family violence by Corrections Victoria, through the development of the Family Violence Service Reform Strategy and the expansion of men's behaviour change programs;
- 26.6 an increased focus in the justice regions to work with family violence services;
- 26.7 White Ribbon accreditation underway for the Department;
- 26.8 Common Risk Assessment Framework (**CRAF**) training for Sheriffs, Corrections Victoria officers and regional departmental staff;
- 26.9 crime prevention grants directed at addressing the causes of violence against women; and
- 26.10 the introduction of a 'fast-track' model at several Magistrates' Courts, prioritising the hearing and determination of criminal cases of family violence.

#### **RELATIONSHIP OF THE DEPARTMENT WITH THE NON-GOVERNMENT SECTOR**

- 27. There are two bases on which the Department engages with the non-government sector – contract management of direct service providers and stakeholder engagement.
- 28. Family violence specific funding of the non-government sector is limited in the justice system as the majority of functions have to be performed by the judiciary or justice entities such as Victoria Police and Corrections.

29. The small number of non-government agencies delivering 'frontline family violence services' in the justice system include:
- 29.1 court-mandated men's behaviour change program providers;
  - 29.2 corrections offender management program providers; and
  - 29.3 victims' assistance program providers.
30. The Department has a number of mechanisms for ensuring the quality of the services provided by these organisations including:
- 30.1 rigorous procurement assessment processes – to ensure only well credentialed quality providers are awarded funding in the first place;
  - 30.2 contract management that includes regular quantitative and qualitative performance reporting on both activities and outcomes; and
  - 30.3 regular communication with service providers to resolve performance issues.
31. In addition, there is a well-established process for the accreditation of programs delivered in Corrections settings by non-government organisations.
32. Although the Department does not have contractual relationships with the full range of family violence service providers in the non-government sector, the performance of the justice response to family violence complements and impacts the sector's work with victims and perpetrators. Engagement with the non-government sector has therefore been vital to informing justice measures addressing family violence, from the development of the first legislative response to family violence in Victoria in the mid-1980s.
33. The Department has well-established and enduring mechanisms for consulting with the non-government sector in relation to governance of the justice system's response to family violence, for example through the Department's Family Violence Stakeholder Reference Group.

#### ***Governance models – Emergency Management***

34. There are examples of successful models of governance for similar complex issues that engage multiple agencies with different objectives and statutory functions. The most comprehensive models can be described as a 'systems approach' and generally incorporate a combination of:

- 11 -

- 34.1 legislation that articulates strategic purpose, roles and responsibilities;
  - 34.2 joint strategic planning;
  - 34.3 policy and procedure being well documented and implemented;
  - 34.4 effective working relationships between Departments, statutory agencies and non-government organisations;
  - 34.5 community engagement and involvement;
  - 34.6 continuous improvement as part of core business through ongoing monitoring, review, and evaluation; and
  - 34.7 whole-of-system leadership capability.
35. One such model is that developed for emergency management.
36. Victoria's emergency management system grew out of an increasing need to reform the State's governing arrangements to improve Victoria's ability to prevent, respond to, and recover from, emergencies.
37. The *Victorian Emergency Management Reform White Paper* (2012), provided a road map for the government's reform program over the next 10 years. It set an all-hazards, all-agencies agenda for emergency management with a focus on community, collaboration and capability.
38. Notably, prior to the reforms, there had been a series of natural disasters and a variety of formal calls for governance reform. For example, in his *Final Report of the Review of the 2010-11 Flood Warnings and Response* (2011) (**the Floods Review**), Neil Comrie, former Chief Commissioner of Police, Bushfires Implementation Monitor and Metropolitan Fire Brigade President, noted a range of interoperability issues hampering joined-up efforts.
39. The Floods Review identified a strategic "void" (including system-level governance) as being at the heart of these interoperability issues, noting that individual agencies were focused on their own specific roles with a lack of 'peripheral vision' to consider whole-of-capability enhancement. (See *Final Report of the Review of the 2010-11 Flood Warnings and Response* (2011), at page 147)
40. Following the *Emergency Management Act 2013* (Vic) (**EM Act**), Victoria's emergency management model now incorporates a number of features of good governance:

- 12 -

- 40.1 legislation articulating governance arrangements and clarifying roles, recognising that the response is broader than the individual services and facilitating a greater emphasis on both prevention and mitigation and relief and recovery (see section 5 of the EM Act);
- 40.2 an Emergency Management Commissioner with overall responsibility for coordination before, during and after major emergencies;
- 40.3 a body corporate, Emergency Management Victoria (**EMV**), supporting the Commissioner and responsible for coordinating whole-of-Victorian-Government emergency management policy, providing advice to the Minister, implementing reform initiatives and liaising with the Commonwealth;
- 40.4 a peak advisory body, the State Crisis and Resilience Council (**SCRC**), responsible for providing emergency management policy and strategy and implementation advice to the Minister (including all relevant Secretaries, the Chief Executive Officer of Municipal Association of Victoria, the Emergency Management Commissioner, the EMV Chief Executive and the Chief Commissioner of Police);
- 40.5 a Strategic Action Plan, a three-year rolling plan developed by the SCRC as a vehicle to set the vision and priorities and guide investment across government, including work programs for each agency (see section 12 of the EM Act);
- 40.6 legislative requirements that agencies must implement their work programs, with Department Heads responsible for ensuring this and the SCRC monitoring implementation (see section 13 of the EM Act);
- 40.7 the Emergency Management Manual Victoria, a single source of guidance with policy and planning documents detailing the roles different organisations play in an emergency (the manual pre-dates the 2012 reforms, but has been used as a vehicle to embed a number of the changes);
- 40.8 a Volunteer Consultative Forum representing the volunteer sector, providing non-binding advice to the Minister (and a legislative requirement that the Strategic Action Plan is to include measures encouraging, strengthening and maintaining the capacity and capability of the sector); and

- 40.9 an Inspector-General for Emergency Management (**IGEM**), responsible for developing and maintaining a monitoring and assurance framework, and evaluating the performance of the sector by conducting outcome-focussed, system wide reviews for continuous improvement.
41. In addition, in the immediate period after the Bushfires Royal Commission, the Government established a Bushfires Royal Commission Implementation Monitor (as recommended by the Commission), who was responsible for monitoring and reviewing the progress of the State in implementing its response to the recommendations of the Bushfires Royal Commission's Final Report. This Implementation Monitor role was undertaken until the majority of the Royal Commission's recommendations were satisfactorily implemented. Ongoing monitoring transferred to the IGEM as of July 2015.
42. A number of observations can be made about Victoria's emergency management governance model that are instructive when considering potential reform of the governance framework for family violence:
- 42.1 The above arrangements demonstrate that the model includes a suite of institutional features, not limited to the functions of new and existing entities, but including strategy development and implementation, monitoring and standard-setting, and the establishment of multi-agency committees (such as the SCRC);
- 42.2 The EM Act provides for a strategic plan and requires that Department Heads implement their respective action plans – this provides for the integration of efforts and alignment of objectives and action in a more enduring way than arrangements that are implemented administratively from time to time;
- 42.3 The model reflects the importance of a whole-of-government, including local government, approach, with collective leadership established by the SCRC, chaired by the Secretary of the Department of Premier and Cabinet;
- 42.4 The model recognises that emergency services organisations, government departments and agencies each have a role to play in emergency management, and respects the independent statutory arrangements that govern these organisations;

- 14 -

- 42.5 The arrangements emerge from a ten-year road map recognising the need for progressive implementation, continuous improvement and capacity building over the long term;
  - 42.6 The model includes statutory recognition of the fundamental role of volunteers in emergency management; and
  - 42.7 The Emergency Management Commissioner role is directly related to service response and the coordination of efforts in respect of larger-scale events. Such a role may not be directly applicable to family violence service delivery.
43. In conclusion, while not suggesting that Victoria's emergency management model simply be replicated, there are some aspects of the model that may be useful to translate, in an appropriate form, to a family violence governance model.

***Governance models - Victorian Responsible Gambling Foundation***

44. I understand that the Royal Commission is also interested in the governance arrangements of another entity in the justice portfolio, the Victorian Responsible Gambling Foundation (**VRG Foundation**). I also understand that the Chief Executive Officer of the VRG Foundation will be providing evidence to the Royal Commission, and my observations below are therefore limited to providing a brief overview.
45. The VRG Foundation was established by section 4(1) of the *Victorian Responsible Gambling Foundation Act 2011* (Vic), and began operating on 1 July 2012. It has two legislated objectives:
- 45.1 to reduce the prevalence of problem gambling and the severity of harm related to gambling; and
  - 45.2 to foster responsible gambling.
46. In pursuit of these objectives, the VRG Foundation engages in a number of key activities, including:
- 46.1 delivering state-wide campaigns to raise awareness about the risks of gambling and promote responsible gambling;
  - 46.2 funding research to help improve the understanding of problem gambling and to develop effective prevention and intervention strategies;

- 46.3 providing information to community groups, local government and the public about gambling and its regulation in Victoria through the Gambling Information Resource Office;
  - 46.4 funding organisations to deliver treatment and support services to people with gambling problems, their families and communities at risk; and
  - 46.5 supporting the training and professional development of clinicians who provide problem gambling treatment services in Victoria.
47. The VRG Foundation's governance and organisational structure is modelled on the Victorian Health Promotion Foundation (**VicHealth**), which is established under the *Tobacco Act 1987 (Vic)*. A Board (comprising three Members of Parliament and four to eight other members appointed by Governor in Council) determines the VRG Foundation's strategic direction and ensures the VRG Foundation achieves its objectives and carries out its functions. The VRG Foundation's Chief Executive Officer is responsible to the Board for day to day management and administration.
48. In discharging its legislative objectives, the VRG Foundation undertakes a number of activities, including research, community education and prevention activities.
49. However, it is important to note that:
- 49.1 There are several organisations that already have research, community education and prevention functions at Commonwealth and state level. These include Australia's National Research Organisation for Women's Safety (**ANROWS**), OurWatch and VicHealth;
  - 49.2 Although both problems are likely to be under-reported, evidence suggests that the scale of the problem gambling issue in Victoria is smaller than the family violence issue, particularly in terms of the demand for the spectrum of justice and social support services.
  - 49.3 Prior to the establishment of the VRG Foundation, its functions were performed by the Office of Gaming and Racing in the Department. The VRG Foundation was established at arm's length from government in recognition of the government's different roles in relation to gambling activity (as regulator, collector of tax, and deliverer of problem gambling programs and services).
  - 49.4 The VRG Foundation is funded from the Responsible Gambling Fund, which is ultimately supported by the government revenue derived from

hotel gaming machines. This is a relatively stable revenue stream that is directly related to the activity which is predominantly responsible for the harm being addressed.

Signed by GREGORY ROBERT WILSON )



at Melbourne )

this 12<sup>th</sup> day of October 2015 )

Before me:



An Australian legal practitioner  
within the meaning of the  
Legal Profession Uniform Law (Victoria)