

**GOVERNMENT RESPONSE TO THE
PARLIAMENTARY LAW REFORM COMMITTEE'S
*REVIEW OF LEGAL SERVICES IN RURAL AND
REGIONAL VICTORIA***

June 2002

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1. Introduction

The Victorian Government acknowledges the detailed consideration given by the Parliamentary Law Reform Committee to the many issues facing people living in rural and regional Victoria in using legal services. The Government is committed to ensuring that all Victorians, regardless of where they live, have access to a justice system that is fair, accessible and understandable. The Government also recognises the importance of identifying and meeting the particular justice needs of Indigenous Victorians, people from culturally and linguistically diverse backgrounds, people with a form of disability, and other Victorians who may experience disadvantage in accessing legal services.

The Government has implemented a range of initiatives which improve access to justice, including enhancing the provision of legal information through information technology, developing a modern court infrastructure through the creation of new court complexes, and providing additional funding to Victoria Legal Aid (VLA) and Community Legal Centres. Many of these initiatives address the concerns of the Law Reform Committee. Nevertheless, the Government recognises that many of the Committee's recommendations would further enhance the delivery of an accessible and affordable justice system to people living in rural and regional Victoria. The Government is therefore largely supportive of the Committee's recommendations. To the extent that the Committee's recommendations have resource implications, they will require further consideration by a number of Government agencies.

The Government consulted widely with key stakeholder groups, both within and external to government, in formulating its response. VLA, the Federation of Community Legal Centres, the Law Institute of Victoria, the Victorian Bar, Voluntas, the State Library of Victoria and many other providers of legal services were instrumental in providing the Government with advice about activities already being undertaken in rural and regional Victoria and identifying areas of unmet need. Where appropriate, the comments of these key stakeholders are represented in the Government's response.

2. Structure of the response

The Committee's recommendations were largely directed towards the major providers of legal services and the specific needs of particular user groups. The Committee's report structure reflected this approach. In developing its response, the Government was mindful of the need to emphasise connectivity and develop a coordinated and integrated approach to the recommendations that identify areas of common need. Accordingly, the Government has grouped the Committee's recommendations under six primary themes.

These are:

- establishing, expanding and maintaining videoconferencing facilities;

- improving the provision of legal information, education and training;
- improving delivery of legal advice and assistance;
- expanding and enhancing the network of courts and allied services;
- conducting reviews, inquiries and research projects;
- improving the provision of services to specific community groups, in addition to legal information, advice and representation.

Where possible, the Committee's recommendations have been grouped within these themes according to the affected service provider or client group.

The Government is committed to applying a 'joined-up' approach to the justice system, which it is pursuing through the development of a Justice Statement. The development of this Statement acts as an acknowledgement by the Government that justice outcomes can not be delivered for all Victorians, including those living in rural and regional areas, unless the justice system and its respective agencies work together as a cohesive whole. The six themes identified in the Government's response to the Law Reform Committee's *Review of Legal Services in Rural and Regional Victoria* are vital to ensuring that Victoria's justice system is fair, accessible and understandable. Accordingly, these themes will be further considered and developed through the Justice Statement process.

3. Theme One: Establishing, Expanding and Maintaining Videoconferencing Facilities

The Committee made a number of recommendations regarding the use of videoconferencing facilities in delivering legal services to rural and regional Victorians. The Government is of the view that videoconferencing facilities have the potential to complement face-to-face delivery of legal services, particularly in areas where the availability of public or private transport is limited. The Government's *Connecting Victoria* strategy recognises the important role of information and communication technologies, including videoconferencing, in maximising opportunities for all Victorians. The Government has already invested in the development of videoconferencing networks in a range of sectors, such as health, education and justice, and believes that these networks can be more effectively utilised to enhance access to justice by people living in rural Victoria. These are complemented by videoconferencing networks established through Community Enterprise Centres, an initiative of the Regional Connectivity Project.

The Victorian Government has also developed an innovative strategy to help reduce telecommunications costs and improve services in rural and regional Victoria. The preparation of *Regional Connections – A Better State of Telecommunications* is the first time a Victorian Government has developed a

comprehensive strategy to promote communications infrastructure development in regional and rural Victoria. The Strategy will deliver on the Government's commitment made in Connecting Victoria to improve access to ICT infrastructure for all Victorians. Telecommunications infrastructure improvements and cost reduction is crucial to the maintenance of good videoconferencing facilities in regional and rural Victoria.

GENERAL

Recommendation 100

That the Victorian Government gives priority to the installation, in consultation with local communities, of video-conferencing facilities in rural and regional locations.

The Government supports this recommendation. Multimedia Victoria's *Report on H.320 ISDN videoconferencing status in Victorian Government as at September 2001* details the quantity and location of Government videoconferencing facilities across Victoria. There are 420 videoconferencing systems across Government. Multimedia Victoria's website, www.mmv.vic.gov.au contains a link to a list of towns where Victorian Government videoconferencing facilities are located.

In addition, the Regional Connectivity Project, under the auspices of the University of Ballarat and funded by the State and Commonwealth Governments, is establishing a network of Community Enterprise Centres (CECs) across Western Victoria. The CECs, which are owned and managed by local residents, provide communities and businesses with training and access to computers with high-speed Internet connections, desktop video conferencing and online business tools. All CECs are equipped with video conferencing facilities and most have reported good use of these facilities. Evaluation of this project is ongoing.

A recent review of videoconferencing in Victoria's courts made a number of recommendations concerning videoconferencing technology and the need for a communications program to increase awareness of videoconferencing availability and use.

VICTORIA LEGAL AID

Recommendation 20

That the State Government funds Victoria Legal Aid to establish a pilot videoconferencing facility in each of the five Department of Human Services regions. The facility would be available for use by Victoria Legal Aid, Community Legal Centres (including specialist centres) and for a fee to private legal practitioners.

The Government supports this recommendation. The Government is encouraged to note that VLA has already established videoconference links between Melbourne and some regional offices and is currently utilising videoconferencing as a means to provide legal services to prisoners. Recently, the Government announced that VLA will receive \$850,000 to fund a videoconferencing network that links VLA's Melbourne office with Shepparton, Geelong, Bairnsdale, Morwell, Bendigo, Frankston, Sunshine, Broadmeadows, Dandenong, Ringwood and Preston offices, as well as with Department of Human Services regional offices in Ballarat, Wangaratta, Traralgon, Bendigo and Geelong. The development of this network will enable VLA to deliver more legal services to rural and regional communities.

Recommendation 81

That Victoria Legal Aid considers developing a written protocol for the use of video-conferencing technology for contact with prisoners.

Recommendation 82

That this protocol be made available to both in-house solicitors and private practitioners on the Victoria Legal Aid panel.

The Government supports these recommendations. The Government notes that VLA has already developed procedures for the use of videoconferencing facilities in prisons, which it advises are working effectively. As a result of introducing these procedures, VLA does not share the Committee's concerns about prisoners' privacy. VLA is currently working towards the development of a written protocol, which will be available to in-house solicitors and private practitioners. The Government also notes that VLA is represented on the Videoconferencing Coordinators Group, auspiced by the Victorian Government Reporting Service. The Government is currently considering recommendations contained in the *Review Of Videoconferencing In Victoria's Courts*, including those relating to the development of guidelines on the use of videoconferencing.

COMMUNITY LEGAL CENTRES

Recommendation 28

That the State Government provides funds to an existing community legal centre in a rural location, to undertake a one-year pilot project to provide outreach legal services to at least two locations by the use of video-conferencing.

The Government supports this recommendation in principle, subject to consideration of resourcing issues and current funding priorities. The Government acknowledges the work already being undertaken by Community Legal Centres regarding the use of videoconferencing facilities, such as the development of an outreach service in the Horsham/Edenhope/Ararat region

that utilises face-to-face and videoconferencing/internet technologies to provide legal advice and community legal education. The Government's response to recommendation 100 is also relevant to this recommendation.

Recommendation 29

That the State Government funds the Federation of Community Legal Centres to undertake a feasibility study of the provision of legal advice to clients of rural and regional Community Legal Centres by video-conferencing link to solicitors in the metropolitan area.

The Government will give consideration to this recommendation as part of its assessment of recommendation 20.

Recommendation 40

That the Victorian Aboriginal Legal Service makes greater use of existing video-conferencing technology.

The Government supports this recommendation. The Victorian Aboriginal Legal Service (VALS) has advised that it is aware of VLA's establishment of videoconferencing facilities in Mildura and Shepparton and, ultimately, in all its regional offices. These would be available to VALS as part of its statement of cooperation with VLA. The *Report on H.320 ISDN videoconferencing status in Victorian Government as at September 2001* also notes that DEET and DHS are willing to allow their videoconferencing facilities to be used on an ad hoc basis by justified community groups. The Government recognises, however, that existing videoconferencing facilities may not necessarily meet the needs of Indigenous users.

Recommendation 41

That, following consultation with the Aboriginal community in Robinvale and with the Victorian Aboriginal Legal Service, a pilot project be funded by the State Government to set up immediately a video-conferencing facility in Robinvale, possibly located at the Aboriginal Cooperative.

Recommendation 42

That, following a successful evaluation of the pilot project, undertaken within six months of its commencement, the Victorian Government financially supports VALS to establish video-conferencing links to all rural and regional areas where VALS represents Aboriginal communities.

The Government supports this recommendation in principle. However, as VALS is currently solely funded by the Commonwealth, further discussion is required on funding responsibilities and issues. The Government notes that the Aboriginal community at Robinvale may wish to develop such a project in partnership with the Loddon Mallee Regional Aboriginal Justice Advisory

Committee. The Government also notes the potential linkages between these recommendations and recommendation 40.

Recommendation 44

That consideration be given to a joint approach between the Women's Legal Service and other agencies, to the provision of legal advice and casework services to women in rural and regional areas using a combination of face-to-face and video-conferencing access. In particular, the Committee recommends that the Queensland Women's Justice Network be taken as a model for what is possible.

The Government supports this recommendation. The Women's Legal Service does not currently provide outreach services. The Government recognises the potential to develop a cross-agency approach to the delivery of legal services to women arising from the utilisation of existing videoconferencing networks. The Government's response to recommendations 20, 29 and 100 is relevant to this recommendation.

COURTS

Recommendation 118

That the Department of Justice prioritises the establishment of video-conferencing facilities in all Magistrates' Courts across rural and regional Victoria.

Recommendation 123

That the Department of Justice equips all courts with county court circuits in regional and rural Victoria with video-conferencing facilities.

The Government supports these recommendations, subject to consideration of resourcing issues and current funding priorities. The Department of Justice has introduced videoconferencing facilities at Ballarat, Bendigo, Geelong, Hamilton, Mildura, Sale, Shepparton, Wangaratta, Warrnambool and Wodonga. The *Review of Videoconferencing in Victoria's Courts* makes recommendations concerning the expansion of videoconferencing systems to regional Magistrates' Courts and to multi-jurisdictional courts in Horsham and Bairnsdale. The Government is currently considering these recommendations.

Recommendation 92

That the Magistrates' Court allows the Tenants Union solicitors access to its video-conferencing facilities for the purpose of representing tenants in rural and regional locations when Victorian Civil and Administrative Tribunal circuit sittings are held at local magistrates' courts that have video-conferencing

facilities.

The Government supports this recommendation. The Government notes that solicitors from the Tenants Union may currently access videoconferencing facilities in the Magistrates' Court, subject to agreement being entered into regarding the cost of network time. The Review of Videoconferencing in Victorian Courts recommends that external users should pay the actual cost for line use. The Government is currently considering this recommendation.

INTERPRETER SERVICES

Recommendation 65

In recognition of significant evidence of unmet demand, that video-conferencing be used as a primary way of addressing the need for interpreters in rural and regional Victoria.

Recommendation 66

That the Government encourages the uptake of the use of video-conferencing in the provision of interpreter services, by training interpreters in its use, making access points available in rural and regional areas and actively promoting the availability of these facilities to people of non-English speaking background including through the ethnic media.

This recommendation will inform a number of current Government projects, including the review of the effectiveness and efficiency of language (interpreting) services used by the Victorian Government and its agencies, and the Department of Justice's Women's Policy and Cultural Diversity Inventory Research Project. Under this project, research will be undertaken to enhance the capability of Department of Justice to respond to issues of concern across the Justice Portfolio area in relation to women and communities from culturally and linguistically diverse backgrounds (CALD). The project will employ participatory and consultative approaches to assess the impact of the Department's programs and policies on CALD communities and women, and to strengthen the capacity of CALD communities and women to access relevant programs and projects. The Government's response to recommendation 63 is also relevant to this recommendation.

PRIVATE PROFESSION

Recommendation 93

That the Victorian Bar promotes the use of videoconference technology by barristers for client conferences, particularly in rural and regional Victoria.

The Government supports this recommendation. The Victorian Bar sees the development of videoconferencing facilities and the general expansion of a

comprehensive IT network across Victoria as essential. The recently announced funding to expand VLA's videoconferencing network and the development of a website to link CLCs, will assist in achieving this objective.

4. Theme Two: Improving the provision of legal information, education and training

The Government is committed to ensuring that legal information, education and training is delivered through a range of mediums that enhances its accessibility by people living in rural and regional Victoria. The Government acknowledges the role of VLA, Community Legal Centres, the private legal profession and other organisations in providing affordable, accessible and relevant legal information, education and training in ways that meets the needs of all Victorians. Many of the Committee's recommendations create opportunities to examine current methods of providing legal information, education and training and encourage the use of innovation in service delivery. The Government also acknowledges the linkages between the recommendations in this section and those addressing the use of videoconferencing.

GENERAL

Recommendation 6

That the overall strategy for the delivery of legal information and services recognises the need for the provision of information in paper-based and electronic form.

The Government supports this recommendation. The Government currently provides legal information in a range of formats including brochures, fact sheets, posters, fax-back services and the internet, in addition to telephone information. It will continue to recognise the need to provide information services in paper based and electronic formats.

The Government recognises the importance of ensuring that people living in rural and regional Victoria have the necessary skills and tools to access electronic information available via the internet. The Government's Skills.net project provides free or affordable internet training and access to Victorians who wouldn't otherwise have such access. Skills.net targets people who are hardest to reach in terms of internet use, including people living in rural and regional Victoria and people from culturally and linguistically diverse backgrounds. By June 2003, 80,000 Victorians will have received free or affordable internet training and access.

Recommendation 5

That the Department of Justice coordinates the preparation and distribution of core information on courts and tribunals, general information on the legal

system and legal process, and information on support services across Victoria. This information should be produced to facilitate its distribution in both electronic and printed forms.

The Government supports this recommendation in principle. The Department of Justice already plays a significant role in coordinating and distributing legal information on a range of issues, in both paper-based and electronic formats. The Department's Legalonline initiative, which is a comprehensive internet-based legal information service, represents a significant advance in ensuring that legal information is easily accessible and readily understandable. Government funding has also been available for other projects that involve the innovative delivery of legal information and advice. One example of this is the funding provided by the Department of Human Services to the Villamanta Legal Service for a pilot project, whereby legal information and advice on disability issues is provided through a 'road show'.

Recommendation 54

That the Victorian Government provides funding to the Disability Discrimination Law Advocacy Service to support its community education programs on disability discrimination.

The Government supports this recommendation in principle. The Government recognises the importance of community education programs on a range of issues, including disability discrimination. The *Draft State DisAbility Plan* acknowledges the need to strengthen the disability support system. Strategy 1.2.3 of the Plan identifies the development of the role of statewide disability advocacy organisations in providing support to local disability advocacy organisations as a means to achieve this objective. The Government is also currently exploring options for the development of a statewide disability advocacy resource unit to undertake a range of functions to enhance the delivery of high quality support for people with a disability. As the Commonwealth funds the Disability Discrimination Law Service, further discussion is required on funding responsibilities and issues. The discussion of recommendation 5 is also relevant to this issue.

Recommendation 55

That the State Government provides adequate financial support to disability advocacy services, particularly those in rural and regional Victoria.

The Government supports this recommendation in principle. As discussed above, strategy 1.2.3 of the *Draft State DisAbility Plan* is concerned with developing effective statewide resourcing and support for local disability service providers and advocacy organisations. As local disability advocacy services are variously funded by the Victorian and/or Commonwealth governments, and work with Commonwealth and State matters, further

discussion is required on jurisdictional and funding issues.

Recommendation 13

That State and Federal call centres providing legal information and referrals be integrated.

The Government supports this recommendation in principle. The Federal Government provides funding for two telecentres under the Australian Law On-Line initiative. Part of this initiative includes a Family Law Hotline and an enhanced Regional Law Hotline. The Victorian Government is aware that the Commonwealth is currently developing a model in partnership with New South Wales which it hopes to use with other states to reduce duplication in service delivery. The Victorian Government welcomes the opportunity to explore this matter further with the Commonwealth.

Recommendation 90

That the State Government provides a funding input to existing youth-related law services provided through the internet.

The Government does not support this recommendation. The Government notes that this recommendation relates specifically to funding for Lawstuff and Lawmail, which are services established by the federally funded National Children's and Youth Law Centre. Additional funding for these services, if required, should come from the Commonwealth.

Recommendation 67

That other providers of legal information to the community actively consider the provision of this information in a range of community languages.

The Government supports this recommendation. The Government recognises that many providers of legal information currently make such information available in a range of community languages. For example, VLA offers telephone advice in 12 languages other than English and makes information available in 16 languages through its website. VLA, Community Legal Centres and other providers also make published information available in community languages. The Government also notes that the Victorian Multicultural Commission provided funding to Court Network during 2001 to improve access of people from culturally and linguistically diverse backgrounds to the court system.

Recommendation 68

That the Department of Justice expands the range of information available in languages other than English, in particular the information on intervention orders.

The Government supports this recommendation in principle, subject to consideration of resourcing issues and current funding priorities. The Department of Justice currently provides legal information in a range of community languages. For example, the Magistrates' Court produces information in 8-10 community languages, the Dispute Settlement Centre of Victoria has brochures available containing basic information about its service in 14 community languages and the Law Reform Commission has information available in 10 community languages. Recently, the Government announced a funding boost of \$117,000 to enable the translation of VLA publications into community languages.

The Government notes the Committee's concerns about information regarding intervention orders. Information on applying for and responding to intervention orders will shortly be available through Legalonline in 8 languages. The Victorian Community Council Against Violence's 'Violence Against Women: What Can I Do' booklet, which includes information on intervention orders, is available in printed form and through its website (www.vccav.vic.gov.au) in 19 languages. In August 2001, Court Network launched new pamphlets in five community languages to assist women from non-English speaking backgrounds experiencing domestic violence to access Court Network for information on their options in regard to court processes. One of the six key themes arising through the Department of Justice's Women's Policy and Cultural Diversity Inventory Research Project is women's safety, including family violence. This recommendation will be considered as part of the project.

Recommendation 4

That the State Library of Victoria examines the Legal Information Access Centre (LIAC) at the State Library of New South Wales and adopts a model based on LIAC's most useful features.

The Government supports this recommendation. In doing so, it notes that the State Library of Victoria currently provides free access to legal information through the Legal Information Service. The availability of this service to people living in rural and regional Victoria will be enhanced by the Rural Libraries Online project. The Government has been advised that the State Library of Victoria is considering a feasibility study to review and investigate options for expanding the Legal Information Service.

LEGALONLINE

Recommendation 7

That the Department of Justice ensures that Legalonline has in its database all relevant services in rural and regional Victoria, so that a person searching on services in their area can obtain a comprehensive listing of local contacts

The Government supports this recommendation in principle, subject to consideration of resourcing issues and current funding priorities. The Government notes that this recommendation is currently being appraised by the Legal Channel Committee, Online Services, Department of Justice.

Recommendation 8

That the Department of Justice ensures that Legalonline is continually updated and upgraded, especially in terms of its search capability, so that all information on its database is current and readily accessible.

The Government supports this recommendation. A built in reminder system ensures that content is continually updated and upgraded. An ISYS ("sounds like") search engine was rolled out in December 2001.

Recommendation 14

That core information available through Legalonline in English be translated into community languages and made available on the Legalonline site.

The Government supports this recommendation, subject to consideration of resourcing issues and current funding priorities. Materials on intervention orders, police powers and 'landing on your feet' will soon be available in community languages through Legalonline.

The Government notes that the discussion of the Skills.net project in recommendation 6 is also relevant to this recommendation. People from culturally and linguistically diverse backgrounds are also targeted under the Skills.net project. The *My Connected Community* program also provides community groups with training and support to set up a website and communicate on-line. Hard to reach Victorians, including those from culturally and linguistically diverse backgrounds, are specifically invited to apply for funding under the program. A second round of funding of \$3.5 million for the program was announced in February 2002.

Recommendation 104

That Legalonline includes a list of pro bono services available, and links to websites where appropriate.

The Government supports this recommendation. Voluntas is currently updating a directory of pro bono legal services in Victoria. This will be available electronically and in hard copy. A weblink to the directory will be provided through Legalonline.

Recommendation 89

That Legalonline expands its links to relevant youth sites including LawStuff.

The Government supports and is in the process of implementing this recommendation.

Recommendation 125

That the Dispute Settlement Centre of Victoria and other alternative dispute resolution services be more effectively promoted on the government website Legalonline.

The Government supports this recommendation. Legalonline presently contains links to Dispute Settlement Centre of Victoria. The Department of Justice is currently exploring ways of more effectively promoting alternative dispute resolution services, including through Legalonline. The Dispute Settlement Centre of Victoria has established a Rural Dispute Settlement Centre and funding has been provided for specialised training of mediators to assist in resolving rural disputes about agricultural practices. An information leaflet suggesting that alternative dispute resolution be used to settle land disputes in rural areas will be included in an information kit provided to first time rural property owners. There is potential to increase awareness of the Rural Dispute Settlement Service through this kit, as well as through on-line services. In the 2002/03 Victorian Budget, the Government announced funding of \$3.7million over four years to broaden the range of dispute resolution services available to Victorian consumers. An online pilot program, to be developed in partnership between the Dispute Settlement Centre of Victoria, Consumer Affairs and the Magistrates' Court, will alert people to different methods of avoiding and resolving disputes. This funding will increase access by rural and regional Victorians to dispute resolution services.

COURTS

Recommendation 61

That Magistrates and court staff receive training and cross-cultural awareness and working with interpreters as a priority.

The Government notes that Aboriginal and Vietnamese cross-cultural awareness training is currently available to Magistrates' Court staff through the Department of Justice corporate training program. Opportunities to provide training to Magistrates exists through the Magistrates' Court conference days, which occur three times a year. The Judicial College of Victoria has also been established to assist in the professional development and continuing education and training for judicial officers. The Government will refer this recommendation to the Magistrates' Court Education Committee and the Judicial College of Victoria for consideration. Through the Women's Policy and Cultural Diversity Inventory Project, the Department of Justice will work in partnership with the Judicial College of Victoria and the Magistrates'

Court Education Committee to develop intercultural training programs and resource materials.

Recommendation 111

That the Magistrates' Court revises its summons form to include words to the following effect: 'If you are pleading guilty and you wish to have your case heard at the court nearest your place of residence or employment, contact the court registrar'.

The Government supports this recommendation subject to consideration of resourcing issues and current funding priorities. The Magistrates' Court currently provides for cases to be moved upon application.

Recommendation 116

That the Magistrates' Court of Victoria undertakes a pilot program of the provision of outreach registrar services to rural and remote communities.

The Government notes that this issue is a matter for the Magistrates' Court but is aware that a previous trial of outreach registrar services in the Bendigo Court Region found a lack of demand for a visiting registrar service. The Government is concerned that visiting registrar services may not be able to meet the needs of people living in rural and regional Victoria who need to make an immediate application to the court.

Recommendation 117

That the Department of Justice and the Magistrates' Court investigate the expansion of the role of court registrars

The Government supports this recommendation subject to consideration of resourcing issues and current funding priorities. The Government has been advised that the Magistrates' Court has developed a paper that examines the role of court registrars. The Magistrates' Court advises that it is currently considering this recommendation.

Recommendation 119

That the Government provides extra resources to expand Court Network services in regional and rural Victoria.

The Government supports this recommendation in principle, subject to consideration of resourcing issues and current funding priorities. The Government notes the need to address potential issues involving confidentiality and conflict of interest, which may arise if Court Network's services are expanded to smaller rural townships.

Recommendation 124

That the Victorian Civil and Administrative Tribunal recognises the role of country registrars in providing information to the community and seeks to ensure that country registrars are fully trained in understanding VCAT procedures and have access to information about cases in their region.

The Government supports this recommendation subject to consideration of resourcing issues and current funding priorities. The Government is aware that VCAT is currently introducing computer technology in 19 regional courts which will link registrars to VCAT and allow access to the VCAT database.

CORRECTIONAL SERVICES

Recommendation 74

That prisoners in rural and regional areas be given access to the Victoria Legal Aid 1800 telephone information and advice number and the VLA Prison Advice Service telephone number.

The Government supports this recommendation subject to consideration of resourcing and security issues and current funding priorities.

Recommendation 75

That CORE and the private prison operators develop programs of legal education workshops for prisoners that focus on how the legal system works and where assistance can be gained both inside and outside prison. Introductory workshops should be run on a frequent and regular basis to ensure that all prisoners have access to them.

Recommendation 76

That, where a number of prisoners have similar legal issues, prison authorities undertake to arrange for workshops on these issues (for example, child residence/contact or debt-related matters). This could be done by requesting that a workshop be presented in the prison by Victoria Legal Aid or a local community legal centre.

The Government supports these recommendations in principle, subject to consideration of resourcing and privacy issues. It notes however that the Office of the Correctional Services Commissioner is conducting a Review of Prison Education and Training, which is anticipated to be completed by the end of July 2002. Consideration of appropriate educational requirements for prisoners will be made during that review. One of the TAFE institutes is interested in developing a curriculum for general legal education that could be offered within the Certificate of General Education for adults. The Office of the Correctional Services Commissioner is giving consideration to this

proposal. The Government further notes that Community Integration Programs also usually contain a legal component to assist prisoners in re-entering the community.

The ability to provide legal workshops is currently being factored into the functional plan for the new remand prison. The Office of the Correctional Services Commissioner envisages that a legal professional or para-legal will provide information to prisoners which may be unrelated to their incarceration. Under the proposal, prisoners will have an opportunity to identify issues in relation to which they are seeking advice during the reception process. The Government notes that Victoria Legal Aid has expressed interest in developing and providing workshops to prisoners about legal issues of shared interest. The assessment of this proposal will need to take account of any activity undertaken pursuant to recommendation 74.

Recommendation 77

That CORE considers the feasibility of allowing prisoners limited access to email subject to appropriate security restrictions

The Government does not support this recommendation. The Government believes that the need of prisoners to obtain legal information and/or advice can be accommodated within current systems, which allow written communication to and from prisoners, and through any implementation of recommendations 74-76. The Government is concerned that this proposal would create potentially serious security risks and expose victims of crime and their families to unwanted contact with offenders.

POLICE

Recommendation 32

That Victoria Police ensures that officers allocated to the position of Police Aboriginal Liaison Officer either have the appropriate cross-cultural training or are provided with such training, and that they have the necessary skills, experience and commitment to undertake the role effectively. Victoria Police should ensure that selection of the officer takes place in consultation with the relevant Aboriginal community.

The Government supports this recommendation. Victoria Police have prepared a resource package to be utilised for training of Police Aboriginal Liaison Officers across the State. The training package was formulated for Liaison Officers to assist them with their day to day activities and to provide them with information to assist with their day to day activities within the various Aboriginal communities. Upon completing the training course, participants are required to go back to their communities and prepare a 'Familiarisation Package' in partnership with local Aboriginal organisations. Once the local program has been prepared and is being implemented,

assessors will attend and assess the Aboriginal Liaison Officer as to his/her suitability to ensure the course addresses local need. To date, 27 Aboriginal Liaison Officers have completed the course and are awaiting assessment on Familiarisation delivery.

VICTORIA LEGAL AID

Recommendation 10

That Victoria Legal Aid provides access to information in community languages for rural Victorians through its 1800 number.

VLA currently provides access to legal information in a range of community languages through its 'language line' service, which is not accessible through a toll-free number. This recommendation will be further considered as part of the Women's Policy and Cultural Diversity Inventory Project (language services).

Recommendation 11

That Victoria Legal Aid streamlines existing delivery of phone services and advertises these services widely, especially in rural and regional Victoria.

The Government supports this recommendation. The Government has been advised that VLA is currently reviewing ways that telephone information and advice requests are handled and is developing protocols to streamline queries.

Recommendation 18

That Victoria Legal Aid does more to promote its telephone information services and telephone number particularly in those regions which have no Victoria Legal Aid office or community legal centre.

The Government supports this recommendation subject to consideration of resourcing issues and current funding priorities.

Recommendation 19

That the State Government funds Victoria Legal Aid to establish a phone advice service as a trial which is widely publicised in two rural locations. Access must be through a freecall or local rate number.

The Government supports this recommendation subject to consideration of resourcing issues and current funding priorities.

Recommendation 12

That the State Government funds Victoria Legal Aid to staffing levels

adequate to meet the increasing demand that more widely publicised services will produce.

The Government announced a funding increase of \$1.1 million for VLA in June 2001. The Government will give further consideration to this recommendation when the effect of increased promotional activity can be assessed, while noting the need for VLA to prioritise its services to meet demand pressures. The Government will also continue to lobby the Federal Government to free up its Legal Aid contribution for use as VLA sees fit.

Recommendation 70

That Victoria Legal Aid more actively promotes its services to prisoners and makes written information available at the prison in community languages.

The Government supports this recommendation.

Recommendation 79

That Victoria Legal Aid's promotion of its services to prisoners includes information about the advice that can be provided in relation to Parole Board and internal disciplinary hearings.

The Government supports this recommendation. The Office of the Correctional Services Commissioner suggests that such information be provided in prisoners' orientation packages.

COMMUNITY LEGAL CENTRES

Recommendation 9

That the Government provides to Fitzroy Legal Service, as a matter of priority, the additional funds necessary to develop The Law Handbook and associated products for online access through a Fitzroy Legal Centre website. The Legal Service must retain ownership and full editorial control of all products.

The Government recognises that The Law Handbook is a source of comprehensive and accessible legal information. The Government recently announced a funding boost of \$430,000 for Victorian CLCs, in addition to the \$1.05 million funding increase announced last year. The Government will give consideration to this recommendation in the context of current CLC funding levels and priorities.

Recommendation 27

That the Federation of Community Legal Centres establishes a formal program of professional support for solicitors in rural and regional Community Legal Centres through links with larger metropolitan centres.

The Government supports this recommendation. The Government has been advised that Villamanta Legal Service and the Disability Discrimination Legal Service have provided specialist training and secondary consultation to rural and regional community legal centres and private lawyers. The Women's Legal Service has also proposed that it provide specialist training and secondary consultation on family law and victims of crime matters. The Government recently announced \$130,000 in funding to enable a website to be built for CLCs. This will allow CLCs to share and disseminate information, and provide access to VLA's electronic resources library. This initiative will assist CLCs to share information and provide access to a larger range of information and professional resources.

LAW INSTITUTE OF VICTORIA/COUNTRY LAW ASSOCIATIONS

Recommendation 64

That the Law Institute of Victoria develops a continuing legal education program for legal practitioners on cross-cultural awareness, the use of interpreters and how to determine the adequacy of a client's level of English.

The Government supports this recommendation.

Recommendation 95

That the Law Institute of Victoria takes a leadership role in the application of information technology in best practice management and service delivery particularly in meeting the needs of rural and regional practitioners.

Recommendation 96

That the Law Institute trains legal practitioners in new technologies in best practice management and service delivery, including its members in rural and regional Victoria.

Recommendation 97

That the Law Institute works with Country Law Associations to develop a framework for providing continuing legal education online, by video-conferencing or by other distance education methods, to rural and regional legal practitioners.

The Government supports these recommendations. The Government has been informed that the Law Institute has been actively pursuing the application of information technology in rural and regional practices and that significant steps have been made in increasing the IT capacity of many regional and rural legal practices. The Law Institute's continuing legal education program provides practitioner training in new technologies and its Membership Services section is currently looking at on-line delivery of

community legal education which encompasses on-line training. The Government also notes that the Law Institute's library commenced 'roadshow' training in 2001, including visits to Ballarat and Bendigo.

Recommendation 101

That the Law Institute of Victoria and the Bar Council develop opportunities for rural and regional legal practitioners to access specialised advice to assist them in undertaking pro bono work.

The Government supports this recommendation in principle. However, the Government has been advised by the Law Institute of Victoria and Country Law Associations that there is already considerable opportunity for rural and regional practitioners to access specialist advice through existing informal pro bono networks. In addition, Voluntas manages a list of pro bono partners and coordinators who are willing to share their knowledge and expertise with firms who wish to develop pro bono programs or carry out pro bono work. Voluntas also makes a pro bono development kit available to firms interested in providing pro bono services. These issues need to be taken into account in considering possible implementation of the recommendation.

Recommendation 103

That the Law Institute of Victoria in consultation with the Country Law Associations develops an electronic bulletin board for legal practitioners to publicise pro bono work.

The Government supports this recommendation in principle. However, it recognises that there may be alternative or complementary approaches to publicising pro bono work, such as through the Law Institute of Victoria's advice and referral service, through Voluntas, or through Legalonline.

5. Theme Three: Improving delivery of Legal Advice and Assistance

The Government recognises the importance of ensuring that legal advice and assistance is readily available, affordable, and sensitive to the needs of the person requiring that assistance. The Government believes that living in rural Victoria should not be a barrier to accessing high quality legal services. Equally, the Government is committed to ensuring that, where possible, legal advice and assistance is provided by local practitioners, whether those services be for the benefit of individual community members or regional bodies, such as councils and government authorities.

GENERAL

Recommendation 1

That the Victorian Government establishes a litigant transport fund,

administered by the Department of Justice through courts and tribunals. Such a fund should be available for needy litigants required to travel to Melbourne or to other regional centres to resolve their legal issues.

The Government supports this recommendation in principle, subject to consideration of resourcing requirements and current funding priorities. The need for the proposed fund and associated administration costs are issues that will require careful consideration.

VICTORIA LEGAL AID

Recommendation 16

That Victoria Legal Aid provides grants of aid to young people who are first offenders.

The Government supports this recommendation, subject to consideration of resourcing issues and current funding priorities. The Government wishes to emphasise the distinction between grants of assistance to children (aged under 18 years when charged) and grants of assistance to young people aged between 18 and 25 years. VLA will grant assistance to a child charged with a criminal offence, unless the offence is trifling. The Government also notes that Youthlaw, the first specialist young person's legal centre in Victoria, is able to provide legal advice and casework services to young people up to the age of 25 years.

Recommendation 56

That the Victorian Government funds Victoria Legal Aid to employ a part-time coordinator to manage VLA's outreach casework services for people with a mental illness.

The Government supports this recommendation. The Government understands that VLA is intending to utilise additional funding received in the 2001/02 Budget to expand its delivery of mental health duty lawyer services. The scheme will provide VLA and private practice duty lawyers to advise and appear before the Mental Health Review Board when it sits in regional and rural areas.

Recommendation 71

That Victoria Legal Aid timetables regular visits to all rural prisons.

The Government supports this recommendation, subject to appropriate consultation between the prisons and VLA. The Government notes that there is already a degree of regularity in VLA's visits. For example, VLA visits Beechworth every week, Tarrengower every fortnight, and Won Wron every month. VLA's Prison Advice Service is working to ensure that, where possible, visiting services are regularised and properly promoted.

Recommendation 72

That Victoria Legal Aid and prison management work together to develop a system for booking appointments with VLA solicitors. The system must be widely known about by prisoners, and providing information about it should be part of prison reception activities.

The Government supports this recommendation. There are currently different processes for accessing VLA lawyers at different prisons. The Government believes this is appropriate, given the different needs of various prison populations. The Government supports the establishment of appropriate booking systems for VLA solicitors at all prisons.

Recommendation 17

That Victoria Legal Aid continues with its work to improve access to advice services in rural and regional locations, particularly in locations that currently have neither a Victoria Legal Aid office nor a Community Legal Centre.

The Government supports this recommendation. VLA continues to expand outreach services as a high priority, depending upon an assessment of needs and available resources. Recently, free legal advice clinics have commenced in Colac, Torquay and Cranbourne. VLA is also developing a duty lawyer scheme in Horsham, Ararat and Stawell. The recent announcement of funding for VLA to develop a videoconferencing network that links VLA's Melbourne office with regional offices and Department of Human Services regional offices will enable VLA to deliver more legal services to areas without a VLA office or CLC.

COMMUNITY LEGAL CENTRES

Recommendation 21

That all regional Community Legal Centres be funded at a level which allows for a minimum of 3 full-time staff and an operational level equivalent to that provided to new centres at Mildura, Albury/Wodonga and Morwell.

Recommendation 22

That funding for rural and regional Community Legal Centres includes a rural loading which acknowledges the additional costs involved in service delivery in rural areas.

As the Law Reform Committee's report states, the funding program for Community Legal Centres is administered by VLA, which receives Commonwealth and State grants. The proportion of Commonwealth/State funding received by individual community legal centres varies greatly. The issue of funding for Community Legal Centres is a matter of joint Commonwealth/State responsibility.

The previous Victorian Government, in collusion with the Commonwealth, participated in a review of community legal centres which would have had the effect of amalgamating and closing centres. This would have had a profound impact on access to justice services by people living in rural and regional Victoria. In June 2001, the Bracks Government secured the future of Victorian CLCs through the allocation of \$1.05 million in additional funding. This represented the most significant single funding boost for Community Legal Centres in the last fifteen years.

The Government is of the view that further work needs to be undertaken to quantify the additional costs involved in service delivery in rural areas, including identification of any cost offsets. The Government is currently considering this issue, while also noting that this recommendation must also be assessed in the context of current funding priorities and shared responsibility between Victoria and the Commonwealth for the CLC funding grants.

Recommendation 26

That there be greater recognition by funding bodies of the additional costs involved in operating Community Legal Centres in rural and regional areas and, in particular, recognition of the difficulty of attracting and retaining qualified staff and the consequent need to offer appropriate financial incentives to assist in recruitment.

The Government supports this recommendation in principle, subject to consideration of resourcing issues and current funding priorities.

Recommendation 23

That the Government ensures that sufficient data collection is undertaken by specialist centres so that usage levels can be accurately recorded by region.

The Government supports this recommendation. The Government notes that the current Commonwealth data collection model may require review to assess its application to specialist legal centres.

Recommendation 24

That specialist centres (that have not already done so) focus on developing policies that facilitate access to their services by rural and regional clients.

Recommendation 34

That the Victorian Aboriginal Legal Service reviews the workload, job descriptions and work practices of client service officers, with a view to ensuring they are readily contactable and available to clients within a reasonable time.

The Government supports this recommendation, while acknowledging the valuable role undertaken by client service officers. The Government also notes that there will be a review undertaken of Koori access to legal representation across the justice system as part of the Victorian Aboriginal Justice Agreement.

Recommendation 35

That the Victorian Aboriginal Legal Service considers re-establishing a solicitor's position at its Shepparton office for three days a week with the remaining two days each week spent undertaking circuit work in other regional towns.

The Government supports this recommendation, while noting that VALS is funded by the Commonwealth Government. The Victorian Government understands that VALS is currently exploring funding for a solicitor's position in Shepparton.

Recommendation 36

That the Victorian Aboriginal Legal Service gives urgent consideration to providing enhanced access to solicitors in rural and regional areas, particularly in areas of civil and family law. This may be possible by increasing the time spent by solicitors in country areas (for example, solicitors being available the day before Magistrates' Court mention days), by the use of video-conferencing links where appropriate and available, or by locating more solicitors in regional offices.

The Government supports this recommendation, subject to consideration of resourcing issues and current funding priorities. The Government notes that this links to recommendations 40-42.

Recommendation 38

That, in offering a legal service to the Aboriginal community, the Victorian Aboriginal Legal Service gives greater priority to the legal needs of Aboriginal women.

Recommendation 39

That the mainstream service providers, namely Victoria Legal Aid and Community Legal Centres, review their methods of service delivery so that they become more accessible to Indigenous women.

The Government supports these recommendations. The Government recognises that the current Review of Indigenous Access to Justice will provide an opportunity to examine current methods of service delivery to Indigenous clients of legal service providers, including Indigenous women. The Review is scheduled for completion during the latter half of 2002. Any

funding issues arising from the implementation of this recommendation will require further consideration. The discussion of recommendation 37 is also relevant to this recommendation.

Recommendation 43

That the Women's Legal Service extends its casework services to women in rural and regional areas.

The Government supports this recommendation, subject to consideration of resourcing issues and current funding priorities. This recommendation links with discussion of recommendations 37-39.

Recommendation 48

That the Rural Women's Program of the Warrnambool Legal Centre be taken as a useful model for other Community Legal Centres in rural and regional areas to adopt.

The Government supports this recommendation, subject to consideration of resourcing issues and current funding priorities. The Rural Women's Program complements strategies developed by the Victorian Government through the *Victorian Action Plan for Women in Agriculture and Resource Management* and the *Forward Plan for Women* to enhance women's participation in family farming. The Government also notes that the *Rural Domestic Violence Programme*, funded through the Commonwealth Department of Transport and Regional Services, is investigating the relationship between domestic violence in farming communities and negative outcomes for women regarding succession planning, family law property rights and inheritance issues.

Recommendation 53

That the Department of Human Services provides recurrent funding to Villamanta to enable it to increase its casework and expand its community education program.

Villamanta Legal Service advises that it is currently undertaking a twelve-month community legal education project funded by the Department of Human Services. The project is focussing on the Barwon, Gippsland and Grampians region. Apart from dedicated funding for projects provided by the Department of Human Services, Villamanta is funded by the Commonwealth Department of Family and Community Services. The Government will consider this recommendation after the pilot program has been completed and evaluated, while noting that funding issues and responsibilities require particular examination.

Recommendation 57

That the Victorian Government funds the project proposed by the Mental

Health Legal Centre which would train rural and regional legal practitioners in advising and representing people with a mental illness.

Recommendation 58

That the Department of Human Services funds the Mental Health Legal Centre to provide outreach casework services to Ballarat.

The Government supports these recommendations. The Department of Human Services has funded the Mental Health Legal Centre to conduct a project to evaluate service options to address the lack of mental health legal advice and representation experienced by consumers in rural and regional Victoria. An 1800 number to service rural callers has been installed at the Centre and the Centre's telephone advice line has been expanded to provide specific times for access by rural Victorian callers. The project also involves a six-month pilot project to expand legal representation to clients seeking to appeal against their Community Treatment Order at the Mental Health Review Board in Ballarat.

Upon the conclusion of the project the Department of Human Services will evaluate the outcome of the project and consider the most appropriate strategy for improving access to legal advice and representation by consumers with a mental illness in rural and regional Victoria.

PRIVATE PROFESSION

Recommendation 94

That the Victorian Bar works with the Law Institute of Victoria to develop protocols between solicitors and barristers in the use of technology with a view to minimising the cost of legal representation to rural and regional consumers.

The Government supports this recommendation.

Recommendation 102

That the Law Institute of Victoria and the Country Law Association consult with their members on the innovative use of volunteer legal practitioners, focussing on rural and regional areas.

The Government supports this recommendation in principle. The Government notes, however, that Community Legal Centres currently provide an avenue through which practitioners can participate in volunteer programs.

Recommendation 105

That the State Government, in conjunction with the Law Institute of Victoria and the country law associations, sets up a pilot scheme in one regional

location using innovative models of pro bono service delivery such as the utilisation of retired lawyers to provide pro bono legal service.

The Government is committed to encouraging the establishment of innovative models of pro-bono service delivery. The Government, in partnership with the private legal profession, Community Legal Centres and VLA, has developed the Pro Bono Secondments Scheme. Under the scheme, some private law firms agree to place solicitors in local legal aid offices and Community Legal Centres and others provide administrative and organisational support. Consideration of models of pro bono service delivery is also being undertaken as part of the new arrangements for the provision of legal services to Government. The Government believes that it is appropriate to implement and evaluate these schemes prior to giving consideration to the establishment of a further pilot scheme. The Government also notes that retired lawyers currently have the ability to provide pro-bono services through the volunteer roster maintained by Community Legal Centres.

Recommendation 106

That the Law Institute of Victoria, through its Country Law Associations, encourages the recording of pro bono activities carried out by rural practitioners and undertakes collation of findings and research to determine the nature of such work, with a view to establishing suggested guidelines for targeted pro bono work within rural communities.

The Government does not support this recommendation. The Government has received advice which suggests that rural practitioners may be discouraged from undertaking pro bono activities if required to record and report such work. The Government is aware that the Law Institute of Victoria and Voluntas are undertaking a survey during 2002 on pro bono work in private law firms. Voluntas is also currently looking at developing a range of guidelines to assist practitioners to better target their pro bono efforts and develop best practice.

Recommendation 98

That government authorities and local councils located in rural and regional areas develop strategies to ensure that their legal work is, where appropriate, carried out by local practitioners.

The Government supports this recommendation. The Government recently sought tenders for the provision of legal services to Government from the private sector. This includes the establishment of generalist and specialist panels to handle government work. Specialist panels are designed to be comprised primarily of small to medium law firms, including suburban and rural and regional legal firms.

6. Theme Four: Expanding and Enhancing the Network of Courts and Allied Services

The Government is committed to ensuring that Victoria's courts and tribunals, and allied services such as Community Legal Centres and legal aid offices, are accessible, modern and responsive to the needs of users. This not only includes the physical location of courts and allied services, but encompasses the need to ensure that such facilities are accessible by a wide range of users, including people with disabilities. The Government is concerned that people living in rural and regional Victoria have been affected by court closures and deterioration in local courts. The Government also recognises that justice is a dynamic concept and the justice system needs to be responsive to changes in the way that justice is administered. Alternatives to imprisonment and new forms of court are important ways of responding to the needs of the community, including those living in rural and regional Victoria.

Recommendation 108

That there be no delay in the construction of the new Warrnambool Court.

The Government supports this recommendation. The Government has committed \$8.8M to date to construct a new courthouse, comprising four courtrooms and a multi-purpose room suitable for Magistrates' Court, Children's Court and VCAT hearings, public spaces, interview rooms and facilities for the public, agencies and staff. An architect and project manager have been appointed. The court is scheduled for completion in December 2003.

Recommendation 112

That the Department of Justice investigates the construction of an easily accessible court complex in the Latrobe Valley that incorporates the Magistrates', County and Supreme Courts in the region.

The Government supports this recommendation. The Government has committed \$25 million to construct a court and police complex in Morwell, to service the Latrobe Valley. The Moe Magistrates' Court will also be upgraded as part of the project. The complex will be multi-jurisdictional, with facilities for the Magistrates', Children's, Coroner's, County and Supreme Courts, VCAT and a police district headquarters.

Recommendation 113

That the Department investigates the availability of appropriate court facilities in Lakes Entrance.

The Government has been advised that the Magistrates' Court of Victoria is giving consideration to this recommendation, including an assessment of effective use of judicial and related resources.

Recommendation 121

That the State Government establishes an Aboriginal court in a regional location as a matter of priority.

The Government supports this recommendation. The Aboriginal Justice Agreement states that consideration be given “to replicating with cultural adaptation, the Nunga Court of Port Adelaide, South Australia where Nunga Elders advise the sitting magistrate”. The Aboriginal Justice Working Panel developed the Victorian Koori Court model, which is designed to facilitate the participation of Koori people in key parts of the Justice process. The Government has introduced legislation into Parliament to establish a pilot Koori Court in Shepparton and Broadmeadows, designed to help address the over-representation of Kooris in the criminal justice system.

Recommendation 114

That, in designing and building new court houses, the Department of Justice examines the needs of the legal profession and court support services as well as investigates, in consultation with the local community, the multiple purposes that the complex could serve for the people of the area.

The Government supports this recommendation in principle, subject to consideration of resourcing, security and privacy issues. The Department of Justice’s Strategic Facilities Development Plan for courts and tribunals establishes the legal profile and support needs for a courts facility and the Courts Design Guide assists in the design and construction of the facility. The Government recognises the potential for court buildings to play a more vital role in local communities. A working party report into the best use for the Moonee Ponds Courthouse demonstrates that courthouses can be used by community groups with different needs, while retaining the security and other infrastructure required to operate as a court. Nevertheless, allowing after-hours access by the general public creates particular issues in relation to court security, weapons detection systems, file security and evidence handling.

Recommendation 115

That the Department of Justice reviews the adequacy of soundproofing in rural and regional courthouses, and upgrades sound-proofing in interview rooms on a prioritised basis where there is no likelihood of the immediate provision of a new court complex.

The Government supports the need to ensure that confidential areas are available to court users. Currently, all courtrooms are sound-proofed. Witness waiting rooms, which are in the court’s sound lock, can also be used for client interviews. The Government is giving consideration to this recommendation in the context of current priorities for the maintenance and

construction of court facilities. Part of the Government's recently announced \$640,000 upgrade of the Horsham court complex involves the construction of two interview rooms.

Recommendation 49

That the Department of Justice revisits the issue of disabled access and facilities in courts around Victoria and ensures that all existing as well as new courts have appropriate and adequate physical access and safety features.

The Government supports this recommendation in principle. The Government's *Draft DisAbility Action Plan* identifies enhanced access to public infrastructure by people with a disability as an important means of enabling people with a disability to pursue a lifestyle of their own choice and building inclusive communities.

All new courts allow for disabled access in public spaces, witness boxes and jury boxes. New courts also provide for access by staff and judicial officers with disabilities. The Government has ensured that people with disabilities can obtain access to older courts, with the exception of a few courts that are heritage listed. If a person with a disability needs to have access to a court that does not currently provide for such access, alternative arrangements are put in place. In the 2002/03 Budget, the Government announced funding of \$537,000 to upgrade the Wangaratta court complex to improve access by people with disabilities.

Recommendation 2

That technology throughout the court system be standardised and networked.

Recommendation 3

That an entity be formed to coordinate and implement the introduction and development of standardisation and networking throughout the court system.

The Government supports these recommendations in principle, subject to consideration of resourcing issues and current funding priorities. The Criminal Justice Enhancement Project has facilitated consideration of interactivity between the electronic systems of the courts.

CORRECTIONAL SERVICES

Recommendation 83

That access to a space that allows for privacy to conduct interviews with legal practitioners be a minimum requirement afforded to all people in custody.

Recommendation 84

That providing such access be accorded a high priority when resources within

prisons are being considered.

The Government supports these recommendations in principle, while noting that appropriate facilities are already available in Victorian prisons to enable private interviews between prisoners and legal practitioners. The Government accords the issue a high priority, particularly when developing new remand and prison facilities. For example, the new remand facility will have a number of rooms available for use by legal practitioners, and VLA practitioners working with prisoners will have a dedicated office for their use. The Correctional Services Commissioner will investigate reports of difficulties in accessing facilities to enable prisoners to speak privately with legal practitioners.

Recommendation 30

The Committee commends all those involved in the setting up and running of the Warrakoo Station initiative. The Committee recommends the development of similar innovative projects, designed and managed by the Aboriginal community as alternatives to imprisonment, to be developed in Victoria for both women and men, with the support of the Department of Justice.

The Government supports this recommendation. The Government has made \$1.75 million in capital available for the establishment of similar programs in Victoria. The Government is currently developing an adult residential facility in partnership with the Koori community.

COMMUNITY LEGAL CENTRES

Recommendation 15

The Committee recommends that either a Victoria Legal Aid regional office or a Community Legal Centre be established in Shepparton. If a Community Legal Centre is established it should be developed using a model of extended outreach services and video conference access to Victoria Legal Aid and specialist Community Legal Centres.

The Government supports this recommendation. VLA's Shepparton's office is scheduled to open in May 2002. A full range of legal aid services will be available. The Shepparton office will be a base from which VLA will service the surrounding region by way of outreach and duty lawyer services.

Recommendation 73

That the Department of Justice funds a Prisoners' Community Legal Service attached to, or in association with, an existing community legal centre.

The Government supports this recommendation in principle, subject to consideration of funding, coordination of services and other CLC priorities.

Recommendation 37

That the Victorian Government funds an Indigenous women's legal service.

As the Committee's report points out, the Commonwealth Government provided funding to the Indigenous Women's Legal Resource Group, which was subsequently handed back to the Government after a disagreement about what services should be provided. This funding is still available, and both VLA and VALS are believed to have made application for this funding. The Victorian Government is of the view that any decision about state funding for an Indigenous Women's Legal Service should be deferred pending allocation of existing funds by the Commonwealth.

7. Theme Five: Conducting reviews, inquiries and research projects

The Government recognises the importance of establishing a sound 'knowledge base' to ensure that the delivery of programs and services is appropriately targeted to the needs of users. The Government appreciates that there has already been considerable research conducted into the ability of people living in rural and regional areas to access legal services. A number of these inquiries and reports are referred to by the Law Reform Committee. Nevertheless, there are discrete areas where further research may be necessary to identify key issues and develop sustainable solutions, in consultation with rural and regional communities. Equally, it is vital that existing programs and services are subject to a rigorous evaluation and review process, in order to identify opportunities for improvement.

Recommendation 31

That the proposed review of the Aboriginal Community Justice Panel program be undertaken as a matter of priority.

The Government supports this recommendation. The Aboriginal Justice Agreement contained a commitment by Victoria Police and the Aboriginal Justice Working Group to review the Community Justice Panel and its future role in implementing the Aboriginal Justice Agreement to strengthen the operation of Community Justice Panels. The review is ongoing and further community consultation is being undertaken.

Recommendation 33

That senior and local police command give priority to an evaluation of the Police Aboriginal Liaison Officer program and to ensuring its future improved effectiveness.

The Government supports this recommendation. Victoria Police has given priority to an evaluation of the Police Aboriginal Liaison Officer program with the implementation of in-field service delivery assessment of Aboriginal Liaison Officers by trained assessors.

Recommendation 46

That the ambit of the operation of the Crimes (Family Violence) Act and section 21A of the Crimes Act be referred for review to the Victorian Parliament Law Reform Committee, or the Victorian Law Reform Commission.

The Government supports this recommendation in principle. The Government's *Key Directions In Women's Safety* strategy identifies a need to reform criminal law and procedure to ensure that women are able to obtain adequate protection from violence, and to ensure that offenders are appropriately dealt with. The Government has acknowledged the need to review and/or amend the *Crimes Family Violence Act* and the stalking provisions in the *Crimes Act*. The Government will be referring these matters to the Victorian Law Reform Commission.

Recommendation 47

That the Department of Justice investigates and reports to the Attorney-General on the feasibility of an early implementation of a program modelled on the coordinated inter-agency approach of the Australian Capital Territory's Family Violence Intervention Program. If such a program can be introduced on a pilot basis, one of the pilot areas should be in rural Victoria.

The Government will give consideration to this recommendation in the context of current initiatives. As part of the *Key Directions in Women's Safety*, the Government has committed itself to improving support and advocacy for women who have experienced family violence, including developing pathways between the criminal justice system and existing services. The Government's strategy also emphasises the importance of facilitating multi-agency cooperation and coordination to address violence against women living in rural communities. In addition, the Government has established a Women's Safety Coordinating Committee as part of the *Women's Safety Strategy* to ensure that all Government Departments work together in a coordinated way to address violence against women. This Government will give further consideration to this recommendation as part of the Women's Policy and Cultural Diversity Inventory Project (Women's Safety).

Recommendation 50

That the Victorian Government conducts a public inquiry into all forms of disability and the criminal justice system in Victoria.

The Government will give consideration to this recommendation in the context of current initiatives.. In December 2001 the Government asked the Law Reform Commission to examine, report and make recommendations on the development of an appropriate legislative framework for the compulsory treatment and care of persons with an intellectual disability who are a risk to themselves and the community. Further research into disability and the

criminal justice system will also occur in conjunction with other initiatives, such as those arising through the *Draft State DisAbility Plan*.

Recommendation 59

That the Department of Human Services and the Department of Justice lead a research project, involving all relevant agencies, into the existing delivery of legal services to people with a mental illness, with a view to developing a more appropriate, holistic and outcome-focussed approach.

The Government is giving consideration to this recommendation in the context of current initiatives. As outlined in the response to recommendation 57 and 58, the Department of Human Services has funded the Mental Health Legal Centre to conduct a project to evaluate service options to address the lack of mental health legal advice and representation experienced by consumers in rural and regional Victoria. As indicated previously, the Department of Human Services will evaluate the outcome of the project. The recommendation will be considered further when the evaluation has been completed.

Recommendation 63

That the Department of Justice undertakes a comprehensive study on the use of interpreters in the legal system, focussing on unmet need especially in rural and regional Victoria.

The Government is giving consideration to this recommendation in the context of current initiatives. As part of its pre-election commitments, the Victorian Office of Multicultural Affairs commissioned a needs analysis of language services. This analysis was undertaken as part of a review of the effectiveness and efficiency of language (interpreting) services used by the Victorian Government and its agencies, including the Department of Justice. The analysis encompasses issues associated with the availability of professional interpreters in rural and regional areas and the implications for the provision of interpreting services. The Government is currently considering its response to the needs analysis. The issue of the use of interpreters by women and people from culturally and linguistically diverse backgrounds will also be considered as part of the Department of Justice's Women's Policy and Cultural Diversity Inventory Research Project. This project is discussed in the response to recommendation 66.

Recommendation 78

That the issue of the procedures for Parole Board Hearing and Internal Disciplinary Hearings be considered as a topic for future reference to a Parliamentary Committee or the Victorian Law Reform Commission.

The Government supports this recommendation.

Recommendation 86

That a pilot project similar to the Wyndham Youth Justice project be investigated for establishment in a regional centre such as Shepparton.

The Government supports this recommendation in principle.

Recommendation 99

That the Victorian Government, in conjunction with the country law associations through LIV and universities, researches ways to promote working in regional and rural practices to law graduates, including education and placement at the undergraduate level and initiatives such as scholarships for rural students.

The Government supports this recommendation in principle. The Government has received advice that the Geelong Community Legal Service and the Murray Mallee Legal Service are developing projects which may encourage law students and graduates to seek work in rural and regional Victoria. The recently formed Regional Young Lawyers Committee of the Law Institute of Victoria is currently giving consideration to this issue. The Law Institute has also advised that Monash University is using its Gippsland campus to transfer people into law, thus providing undergraduate students with a 'real time country experience'.

Recommendation 110

That the Department of Justice examine the need to reopen the Kyabram Court and report to the Attorney-General within three months.

The Government recognises that local court closures may have impacted upon smaller rural communities. However, establishing and resourcing larger Magistrates' Courts enables a range of services to be provided to the local community, such as diversion services and access to a registrar to deal with Crimes (Family Violence) matters. The Magistrates' Courts at Shepparton and Echuca are equipped to provide these services currently to Kyabram residents. Nonetheless, the Government intends trialling a multi-use court facility at Moonee Ponds and will monitor the outcome of this trial. Moonee Ponds has the potential to become a model to develop under-utilised court facilities in rural and regional Victoria for use by local communities.

Recommendation 107

That the Law Institute of Victoria investigates the setting up of a scheme for institutional matching of law firms and public interest organisations in rural and regional Victoria.

The Government supports this recommendation in principle. It notes however that other organisations, such as Community Legal Centres, may need to be

involved in an investigation of the feasibility of establishing such a scheme.

Recommendation 87

That the Department of Justice reviews the current level of service delivery for Children's Court matters in rural and regional areas with a view to improving access to the ancillary support services and providing training for Magistrates in the range of issues that arise in dealing with Children's Court matters.

Issues concerning spacial separation between Children's Court and adult court are gradually being resolved through the construction of new court complexes in Victoria. New court complexes, such as those at Mildura, have designated children's areas that are separated from the adult areas by dividing doors. Through the Women's Policy and Cultural Diversity Inventory Project, the Department of Justice will work in partnership with the Judicial College of Victoria and the Magistrates' Court Education Committee to develop intercultural and gender related training programs and resource materials.

The Government believes that the issue of training for Magistrates could be considered by the Magistrates' Court Education Committee and the recently established Judicial College of Victoria. The tri-annual Magistrates' Court Conferences also provide an opportunity to raise issues associated with the conduct of Children's Court matters in rural and regional Victoria.

8. Theme Six: Improving the provision of services to specific community groups

The Government recognises that all people living in rural and regional Victoria may be affected by gaps in the delivery of legal services. However, some specific community members may experience particular difficulty in accessing the range of services and information available. The Law Reform Committee focussed on the needs of Indigenous Victorians, women, people with disabilities, people from culturally and linguistically diverse backgrounds, prisoners, and children and young people. The Government recognises that members of these specific community groups experience disadvantage regardless of where in Victoria they reside. This can only be remedied by the development of holistic, coordinated approaches to addressing disadvantage. In developing these approaches however, it is vital that consideration be given to particular issues that may arise for Indigenous Victorians, women, people with disabilities, people from culturally and linguistically diverse backgrounds, prisoners, and children and young people as a result of living in rural and regional Victoria, including those associated with access to legal services.

The needs of specific community members for legal information and advice services was discussed as part of theme three, 'improving delivery of legal advice and assistance'. The needs of Indigenous Victorians, women, people with disabilities, people from culturally and linguistically diverse backgrounds,

prisoners, and children and young people for other legal services are discussed in this section.

WOMEN

Recommendation 45

That the Magistrates' Court introduces a generic stamp for intervention order applications that does not identify the court at which the application is made.

The Law Reform Commission is currently conducting a community law reform project into Safeguarding the Whereabouts of Intervention Order Applicants. The Government believes that this recommendation could be considered as part of the Law Reform Commission's inquiry. The Government will give further consideration to this recommendation as part of the Women's Policy and Cultural Diversity Inventory Project.

PEOPLE WITH DISABILITIES

Recommendation 51

That the State Government provides adequate resources to ensure that at every court in Victoria, magistrates have the opportunity to refer people with a disability to appropriate support services such as those provided by the Disability Coordinator at Melbourne Magistrates' Court, with an extension of that service through a regular visiting program.

The Government supports this recommendation in principle, subject to consideration of resourcing issues and current funding priorities. The Government notes that one of the goals of the *Draft State DisAbility Plan* is to reorientate the disability support system to assist people with disabilities to pursue individual lifestyles. Strategies to achieve this goal include:

- working in partnership with the non-government sector to reorient the disability support system to ensure that it is underpinned by individualised planning and support delivery that is based on people's needs and linked with local generic services; and
- enhancing supports for people with a disability from marginalised communities.

Recommendation 52

That the State Government funds a position in the office of the Disability Coordinator at the Magistrates' Court, to enable the development of the policy, reform and educative functions of the Disability Service.

The Government believes that consideration of this recommendation should be deferred pending the implementation and evaluation of Strategy 1.2.3 of

the *Draft State DisAbility Plan*, “developing effective statewide resourcing and support for local disability service providers and advocacy organisations”.

NON-ENGLISH SPEAKING BACKGROUND COMMUNITIES

Recommendation 62

That ‘open days’ for migrant communities at Magistrates’ courts throughout Victoria be arranged on a regular basis.

The Government supports this recommendation. Representatives from migrant communities are able to make a request for an open day to the registrar of their local Magistrates' Court or to the Chief Executive Officer of the Magistrates' Court.

PRISONERS

Recommendation 80

That the Office of the Correctional Services Commissioner, as part of its role in developing and maintaining state-wide policy and standards, establishes a policy in relation to internal disciplinary hearings which provides for the basic principles of natural justice to be accorded to prisoners. This should include providing accurate and sufficiently detailed information about the nature of the allegations or charges against them; adequate notice of the hearing date; and information about the possibility of seeking advice from Victoria Legal Aid or other sources prior to the hearing.

The Government notes that section 53 of the *Corrections Act* requires prisoners to be given notice of the time, date and place of a disciplinary hearing at least 72 hours before the hearing, unless otherwise agreed, or in certain circumstances within such periods as determined by the Secretary. The Act also provides for the calling of relevant witnesses and cross-examination of a person conducting a case. A prisoner may also be represented at the hearing by another prisoner. The Government will give consideration to recommendation 80 in light of existing protections in the *Corrections Act*, the security needs associated with prison discipline, and the need to accord prisoners natural justice.

Recommendation 85

That the Office for the Correctional Services Commissioner takes up the issue of providing prisoners with access to a space that allows for privacy to conduct interviews with legal practitioners in their standards setting and monitoring activities.

The Office of the Correctional Services Commissioner currently monitors the adequacy of facilities available for confidential legal visits and will continue to do so as the need arises. The response to recommendations 83 and 84 is

also relevant to this recommendation.

CHILDREN AND YOUNG PEOPLE

Recommendation 88

That the Magistrates' Court considers placing a Juvenile Justice Liaison Officer in a large regional centre to improve services to young people in rural and regional areas.

This recommendation has already been implemented. The Government has provided funding for Adult Court Advice Officers for juvenile justice to be allocated to all regional courts. This service provides qualitative youth training centre suitability assessments, bail assistance by linking young people into appropriate services, detailed information to the court about the young person appearing before the court, and a bail counselling service for the young person at court and on bail.

Recommendation 91

That the Commonwealth Department of Family and Community Services considers a further expansion of child contact centres in regional areas of Victoria.

The Government supports this recommendation, while noting that implementation is the responsibility of the Commonwealth Government.

Recommendation 122

That the County Court develops a system of identifying cases that involve child victims of crimes as witnesses and expediting their hearings in rural and regional circuit locations.

The Government has been informed that the County Court has introduced new case management procedures for circuit criminal cases, the County Court Criminal Case and List Management System (CLMS), which has significantly improved the state of the criminal lists in the various circuit courts.

The County Court is providing the Government with a full analysis of the impact of CLMS on circuit Court sittings once it is fully implemented. The Government will give further consideration to recommendation 122 in light of this analysis.

9. Miscellaneous

Recommendation 120

That the Government enacts legislation to provide a framework for the diversion program and in particular to allow for diversion options such as further education, training, job-skilling and job placement.

The Government supports this recommendation. The Government has introduced legislation into Parliament to permit a magistrate, if he or she thinks it appropriate, to adjourn a criminal proceeding to enable the defendant to participate in a diversion program.

Recommendation 25

That Community Legal Centres ensure that the membership of their management committees reflects the range of skills available in the community to enhance each Centre's development.

The Government supports this recommendation.

Recommendation 60

That, in the design of community access points for information services, access for people with disabilities is a priority, including physical access to the building and provision of specialised technology appropriate for use by people with disabilities.

The Government supports this recommendation, subject to consideration of resourcing issues and current funding priorities. One of the goals of the *Draft State DisAbility Plan* is to enhance the accessibility of public services and supports to people with a disability. This includes developing strategies to enhance access to public infrastructure. The Government recently established an Interdepartmental Committee to oversee the development of implementation strategies arising through the Plan.

Recommendation 69

That the Attorney-General raises the issue of the adequacy and accessibility of immigration advice and legal assistance, including the lack of access to interpreting and translating services in rural and regional areas and the effect on justice issues, at the next meeting of the Standing Committee of Attorneys-General.

The Government supports this recommendation in principle. It will give consideration to whether the Standing Committee of Attorneys-General, or some other body, is the most appropriate forum to address the issues of immigration advice and assistance.

Recommendation 107

That the Magistrates' Court and Coronial Services investigate the causes of the delay in receiving autopsy reports consequent on the transfer of all Geelong's autopsies to Melbourne, and take the necessary steps to expedite the turnaround time.

The Government supports this recommendation in principle. The Victorian

Institute of Forensic Medicine has undertaken to investigate any concerns about delays in the provision of autopsy reports.