

GOVERNMENT RESPONSE TO THE VICTORIAN LAW REFORM COMMITTEE REPORT *TECHNOLOGY AND THE LAW*

The Government welcomes the Committee's report and thanks the Committee and those who made submissions to the Committee for their contribution to the review.

The Government supports the recommendations in general. The recommendations accord with the Government's published approach and directions for the use of technology in service delivery across all government departments and agencies, including those providing services to the justice system.

The Government's strategy for growing the information and communication technologies across the entire Victorian community is detailed in the Ministerial Statement titled *Connecting Victoria*, made in November 1999.

Connecting Victoria outlines the Government's policy objective to harness the potential of technology to develop the whole State and maximise the opportunity for all Victorians and to ensure that both rural and regional Victorians benefit from the developments. The implementation of strategies such as building a learning society, growing the industries of the future, boosting e-commerce, connecting communities, improving infrastructure and access and promoting new politics will position Victoria as the nations leader in information and communications technology.

'Leading edge' initiatives have delivered significantly improved services in the justice system through the successful partnership between the Department of Justice and courts and tribunals.

The Department and the Victorian courts and tribunals will continue to work together to implement the Government's strategy of harnessing the potential of the technology for all Victorians and improving access to justice for all Victorians.

CHAPTER 4: CULTURAL ISSUES

Overcoming the cultural barriers

Recommendation 1

The Committee recommends that an entity be formed to coordinate and implement a centralised approach to the introduction and development of new technologies on a whole of government basis. Such an entity should establish broad policy directions and strategic planning for the whole of government on IT issues and should require government departments and agencies to publicly report on the implementation of new technologies and Electronic Service Delivery.

Government response to recommendation 1:

Multimedia Victoria is co-ordinating and implementing a whole of government approach to the development and expansion of information and communication technologies. As part of the Department of State and Regional Development, Multimedia Victoria is responsible for overseeing the delivery of the policies outlined in *Connecting Victoria*, the Victorian Government's strategy for growing the State's information and communication technology industry and for sharing the benefits of these technologies across the entire Victorian community.

Whereas Multimedia Victoria co-ordinates a centralised approach with regard to some technologies and systems, in some cases it is appropriate to maintain a decentralised approach to implementation. For example, it is appropriate Small Business Victoria retain a co-ordination role in relation to Government policy on small business and e-commerce.

The Government has recently announced the creation of the State's first ever Information and Communication Technology Skills Taskforce which creates a think tank comprising industry and education leaders from a wide range of organisations. One of the key roles of the Taskforce is to bring together their expertise to advise on strategies to ensure a steady stream of skilled workers to match industry demand.

Recommendation 2

The Victorian Government should amalgamate the administration and registry functions of all courts and tribunals and establish by statute a unified Courts and Tribunals Administration Authority.

Recommendation 3

The Courts and Tribunals Administration Authority should be overseen by a State Courts and Tribunals Administration Council comprising:

- (a) The Chief Justice of the Supreme Court or his/her nominee;*
- (b) The Chief Judge of the County Court or his/her nominee;*
- (c) The Chief Magistrate or his/her nominee;*
- (d) The President of the Victorian Civil and Administrative Tribunal or their nominee;*
- (e) A representative of the private sector with modern management skills;*
- (f) A representative of the public sector with information technology skills;*

and

(g) *An academic with expertise in alternative dispute resolution.*

Recommendation 4

Although the judicial members of the State Courts and Tribunals Administration Council would be statutory office holders and not subject to the Public Service Management and Employment Act 1998, the Authority itself would be a public authority under the Act.

Recommendation 5

The State Courts and Tribunals Administration Authority should be headed by a State Courts and Tribunals Administrator appointed by the Governor in Council, who would serve as a 'department head' under the Public Service Management and Employment Act 1998. The State Courts and Tribunals Administrator should be an independent office-holder subject only to the direction of the State Courts and Tribunals Administration Council.

Recommendation 6

The statutory charter of the Courts and Tribunals Administration Authority should include the implementation of whole of government policy directions in relation to IT for the justice system. In doing so, the Authority should:

- (1) Establish ways in which the information technology can support the strategic policy directions and develop an overall IT strategy across the justice system including its interaction with the whole of government;*
- (2) Facilitate the integration of criminal and civil justice systems in Victoria;*
- (3) Consult widely with relevant public and private sector organisations, the judiciary, the legal profession and the public in the formation of policy and the use of information technology;*
- (4) Consider the future prospects for the development of information and communications technologies and consider their potential for innovation in the support of the justice system; and*
- (5) Facilitate the delivery of accessible and online justice to the community and in particular assess and evaluate existing guides to the law and encourage, facilitate and fund the online publication of suitable guides to the law.*

Government response to recommendation 2, 3, 4, 5 & 6

The Government intends to give consideration to the issue of courts governance during its current term. The responses to its recently released paper titled *Going to Court- A Discussion Paper on Civil Justice In Victoria* (P Sallmann and R Wright,

May 2000) which includes a discussion on aspects of courts structure and governance, will form an important part of the Government's examination of the issue.

The Government agrees with the underlying theme of the recommendations supporting a uniform approach to the adoption of technology by the Courts and the Victorian Civil and Administrative Tribunal (VCAT) centred on industry best practice, and this has been achieved within existing governance structures.

Joint Government and courts and tribunals direction and coordination for the present and future delivery of court and tribunal services is provided through ongoing legislative reform and justice-wide initiatives such as the *Criminal Justice Enhancement Project* (implementing key aspects of the *Pathfinder Project*), common technology systems, electronic service delivery strategies, strategic and business planning and business process re-engineering.

Current Victorian best practice examples in the use of information technology include remote witness facilities, remote recording and transcription services, video-conferencing facilities in the Supreme Court, County Court, Magistrates' Court and VCAT, the 'Cyber Court Book' project of the Supreme Court, and the electronic documents system of the Magistrates' Court and the Residential Tenancies List of VCAT.

Recommendation 7

The Committee recommends that the Department of Justice be given a mandate to deliver the best possible integrated justice IT systems.

Government response to recommendation 7

The Department of Justice has this mandate. It has established a high level Knowledge Management Steering Committee to give strategic direction and oversight to Knowledge Management, Online Service Delivery and Information Technology across the Department. The objective of the Committee is to improve performance by providing strategic guidance for the capture, transformation, dissemination and use of information.

Within courts and tribunals, the Department is developing and delivering the most appropriate justice information systems in co-operation with the courts and VCAT, other government agencies and the legal profession.

The major initiatives in the justice area, the *Criminal Justice Enhancement Project* and the *Civil Justice Review Project* are providing the conceptual and practical framework for the delivery of justice services, including the best utilisation of technology.

The development of information technology systems within courts and tribunals occurs in a constitutional environment which respects the doctrine of judicial independence and the separation of powers between the judiciary and the executive and all projects must therefore pay due regard to these principles.

Recommendation 8

That comprehensive and continuous training be offered to judges and administrators of courts on the use of new technologies.

Government response to recommendation 8

Timely and targeted training is currently provided to the judiciary and administrators on the implementation of new technologies. For example, the introduction of video conferencing, audio and video recording and the creation of an electronic court in the Supreme Court were all accompanied by the provision of extensive relevant training. More generalised training and awareness of emerging technology is provided nationally through organisations such as the Australian Institute of Judicial Administration. The Government will continue to support this national approach.

Recommendation 9

Recognising the importance of the delivery of accessible justice of the uptake of new technologies by courts and tribunals, additional targeted funding should be available for the implementation of new technologies. Such funding should not be dependent upon the budgetary reductions in other areas.

Government response to recommendation 9

Funding requests for the uptake of new technologies by the Courts and VCAT will continue to be based on sound business cases and be drawn from a range of sources including micro-economic reform funding, specific project funding, retained fees revenue and the departmental budget.

The Need for a National Information Clearinghouse

Recommendation 10

The Victorian Government should establish an information clearinghouse on law and technology (with rights to commercialise its research) to support courts, tribunals and the profession in their use of technology and to improve efficiency. It should be modelled on the National Centre for State Courts and the Federal Judicial Centre in the United States of America.

Recommendation 11

The law and technology clearinghouse should collaborate nationally and internationally to determine best practice uses of technology in the justice system and identify a range of technologies that would be most advantageous for the legal system.

Government response to recommendation 10 & 11

The Government supports the recommendations in principle and will discuss with the Commonwealth and other State governments the feasibility of establishing a local or national clearinghouse on law and technology.

The government notes that the clearinghouses within the National Centre for State Courts and the Federal Judicial Centre are incorporated as part of a wider range of services. This and the size of the potential market within the United States for legal technologies indicate that the best inception for an Australian equivalent would be a national organisation that would collaborate nationally and internationally.

Knowledge Management's Relevance to the Justice System

Recommendation 12

The Victorian Government should develop a knowledge management policy across the whole of government to harness the knowledge of employees and the community and develop a culture of sharing information.

Government response to recommendation 12

The Government supports this recommendation.

The Information Technology and Telecommunications Policy Committee, a whole of government committee chaired by a senior staff member of Multimedia Victoria, is currently reviewing all whole of government technology policies, including those relating to knowledge management. The review will be completed by September 2000.

The review is intended to align all policies with the policy commitments contained in *Connecting Victoria*, particularly those strategies which ensure that all Victorians benefit from and participate in the information society.

As indicated in the response to recommendation 7, the Department of Justice has established a Knowledge Management Steering Committee to provide high level strategic direction for the capture, transformation, dissemination and use of information within the Department.

Federal Government Directions

Recommendation 13

The Victorian Government should develop protocols for justice information technology systems adopting world's best practice and should encourage other Australian Governments to adopt these protocols with a view to achieving compatibility and interaction between the various state and federal systems.

Government response to recommendations 13

The Government supports this recommendation in principle and it will be raised with Commonwealth and other State governments as part of the discussion about the feasibility establishing a National Clearinghouse.

Committee's vision

Recommendation 14

The Victorian Government should ensure greater integration of information technology systems and knowledge management between the Department of Justice and other departments. To this end, the Victorian Government intranet should be extended to all departments and agencies to facilitate the integration of information databases across Government and be supported by data warehousing and data mining tools.

Government response to recommendation 14

The Victorian Government supports the integration and interoperability of technology across all Departments. As the Committee notes there has already been considerable progress in this area.

The Victorian Government intranet is already available to all Departments, with more information being included every day in the form of collaborative databases and discussion groups covering an array of subject areas.

Recommendation 15

The Victorian Government should utilise integrated information databases to determine where resources need to be allocated in an effort to reduce crime and deliver criminal and civil justice services more efficiently and effectively and to indicate where improvements to service delivery are required.

Government response to recommendation 15

The Government supports this recommendation in principle.

The Department of Justice has given in principle support to the recommendations of the final report on *Forecast Modelling Capability*, prepared by consultants in April 2000. The Modelling project was commissioned to assist the Department in confirming the nature of strategic, portfolio wide questions that could be better investigated with the aid of modelling tools and determine a modelling approach that would support the structured analysis of these questions. Subject to the identification of an appropriate funding source, the implementation of the initial stages of the Final Report could occur with six months of the decision to proceed.

The integration of databases relating to the criminal justice system will also be one of the longer term outcomes of the Criminal Justice Enhancement Project (implementing key aspects of the *Pathfinder* project) and considered as part of the ongoing work of the *Civil Justice Review Project*.

The Government intends to establish a Crime Prevention Agency before June 30, 2000. The objective of the Agency is to develop new crime prevention interventions in partnership with others to reduce the number of people at risk of, or actually offending and to reduce the impact of crime on individuals, organisations and communities. The Agency will need to draw on a range of databases and proposes to conduct a pilot through a local government area to establish, amongst a number of matters, best practice in the sharing of sensitive and confidential data across government. The Agency will also work collaboratively with other experts to develop new ways to analyse data to assist in testing new approaches to crime prevention.

Implementing the Committee's Vision

Recommendation 16

The Department of Justice should prioritise the use of information technology in its internal operations with the aim of providing leadership by example.

Government response to recommendation 16

The Department of Justice places a high priority on the use of information technology in its internal operations as a tool to enable the provision of quality services to the justice system and will continue to do so.

Recommendation 17

As a matter of priority and in line with its electronic service delivery commitments, the Department of Justice should provide its employees with training and access to the Internet and intranets, the development of online services and integrate all its systems so as to enable greater communication across the Department.

Government response to recommendation 17

All Department of Justice employees (with the exception of Magistrates' Courts staff) have browser access to the Internet and Intranet. Training is available to all staff and is co-ordinated through Human Resources.

The concept of integration of all systems needs further exploration. It may be that emerging systems integration techniques, such as intelligence agents will obviate the need for systems integration in a structural sense.

Recommendation 18

The Department of Justice should coordinate the development of a 'legal Channel' connected to Maxi, which should be accessible to all Victorians.

Government response to recommendation 18

The Government supports this recommendation and notes that the establishment of a Legal Channel is underway.

The Channel will act as a central online access point for legal information from a range of sources. Access will be facilitated by searching based on a problem or a key word search. The information offered will include assistance for dealing with resolution of problems, and not be confined to an explanation of the law.

The Legal Channel is designed to empower the community through the provision of user friendly, online information.

A Steering Committee, made up of representatives from the relevant agencies has overseen the development of the web site and has paid particular attention to its structure, branding and content.

The site is expected to be tested in May 2000 and it is hoped to be available to the public in June 2000.

Integrated Criminal Justice

Recommendation 19

The Committee supports the vision and direction of Project Pathfinder and recommends its speedy implementation.

Government response to recommendation 19

The Government notes this recommendation.

The Department of Justice is strongly committed to the *Criminal Justice Enhancement Project*, which is implementing key *Pathfinder* (now known as CJEP) project recommendations. The Departments of Justice and Treasury and Finance have allocated a budget of some \$14.5 million for the next phase, which is expected to be completed by mid 2001.

Recommendation 20

In implementing integrated criminal justice, the Victorian Government should examine the model of the Baltimore Arrest Booking Facility established by the Maryland Public Safety Department in the United States of America.

Government response to recommendation 20

The Government notes this recommendation and will examine the model.

Recommendation 21

A similar project to Pathfinder should be initiated for the civil justice system to improve efficiency and integration.

Government response to recommendation 21

The Government notes this recommendation.

The Government will consider this issue as part of its consideration of the issues outlined and the responses received to its paper *Going to Court- A Discussion Paper on Civil Justice In Victoria* (P Sallmann and R Wright, May 2000) which is subject to consultation until August 2000.

Prosecutorial Functions

Recommendation 22

The Government should encourage the Office of Public Prosecutions, Victoria Legal Aid, the Victorian Bar and the Law Institute of Victoria to cooperate in the sharing of software and information so as to ensure the efficient use of new technologies in decision making.

Government response to recommendation 22

The Government supports this recommendation.

It is consistent with the long term strategic vision for Information Technology across government, in that departments and agencies are encouraged to share information where possible.

What is a digital signature?

Recommendation 23

The Victorian Government should investigate the possibility of establishing a fee for service secure electronic document registry and storage facility for use by private organisations worldwide.

Government response to recommendation 23

The Government will examine this recommendation further.

Further consideration will be given to whether function is better suited to private sector or Government development. Further investigations are necessary to determine whether there is a market for this type of service. The Government would need to conduct a full feasibility study and consider the business case before it could support the establishment of such a registry.

The Government's policy of preserving the electronic records of the state for the long term is contained in the *Victorian Electronic Records Strategy*, auspiced by the Public Record Office Victoria (PROV). The Strategy enables Victorian government agencies to put in place electronic records management and archiving systems and policies which will suit their existing business processes and records management structures and which also enable the PROV to fulfil its function of ensuring that government records are identified and preserved.

Further developments in the Strategy have recently occurred with the release by the PROV of the *Standards for the Management of Electronic Records in the Victorian Government* which mandate standards for records management within the Victorian government.

Draft Electronic Transactions Bill 1999

Recommendation 24

The Victorian Government should continue to support the establishment of an appropriate regulatory framework for electronic commerce at a national level by monitoring industry developments and encouraging acceptable federal initiatives.

Government response to recommendation 24

A national regulatory framework for electronic commerce will be implemented during 2000.

In December 1999, the Commonwealth Parliament enacted the *Electronics Transactions Act*. Victoria was the first State to introduce model legislation and it is anticipated that the *Electronic Transactions (Victoria) Act 2000* will be passed during the Autumn 2000 Parliamentary Session and implemented soon thereafter. It is understood that other States are well advanced in their plans to introduce compatible local legislation.

Commonwealth Government Public Key Authority

Recommendation 25

The Victorian Government should establish a whole of government body to facilitate and control public key technology within and between Victorian government agencies and between those agencies, their clients and their service providers.

Government response to recommendation 25

The Commonwealth has established the National Electronic Authentication Council (NEAC) which facilitates the exchange of information and the consideration of policy considerations regarding public key technology at a national level. The Commonwealth also has an Office of Government Online (OGO) that is responsible for Government public key technology.

In Victoria, the Information Technology and Telecommunications Committee chaired by Multimedia Victoria, is drawing on the OGO guidelines in its review of the whole technology framework and it has therefore not been necessary for Victoria to establish a similar body.

At an implementation level, the Victorian government has recently developed its policy in this area. In March 2000 the Government completed an *Identification and Authorisation For On-Line Transactions Policy*, which provides guidelines for access channels capable of deploying public key cryptography. The guidelines enable agencies to identify and authorise access privileges of external users prior to conducting on-line transactions by utilising public key technology. The policy maintains consistency with national standards.

A full feasibility and design study would need to be undertaken before the Government could support this recommendation.

Recent Commonwealth Government Initiatives

Recommendation 26

The Victorian Government should continue to encourage and support a national approach to privacy and data protection.

Government response to recommendation 26

The Commonwealth Government has been discussing national and state laws in this area for some considerable time.

The Commonwealth Government introduced the Privacy Amendment (Private Sector) Bill into the Federal Parliament on 12 April 2000. The Bill proposes to extend the current federal public sector regime to the private sector.

The Victorian Government intends to introduce a Bill to cover privacy and data protection in the public sector into the Autumn 2000 Parliamentary session. It is expected that the Bill will lie over until the next Parliamentary sittings. The state legislation is consistent, where practicable, with the principles contained in the Commonwealth Bill.

Victorian Civil and Administrative Tribunal

Recommendation 27

As a matter of priority in consultation with all courts and tribunals, the Department of Justice in the interim, and the State Courts and Tribunals Administrative Authority in the longer term, should implement a uniform case management system for all Victorian courts and tribunals. Such a system must be flexible enough to allow for modifications to cater for the specific needs of each court and tribunal.

Government response to recommendation 27

The Government supports this recommendation in principle.

Through the current phase of the *CJEP Project* (see response to recommendation 19) the County Court and the Magistrates' Court are working to implement a common case management system, tailored to meet their individual requirements. On the basis of the experience gained from implementing this new system, it would then be appropriate for the Department of Justice to consult with the other Victorian courts and tribunals to determine whether the common case management system could be extended further.

Victorian Electronic Filing Initiatives

Recommendation 28

As a matter of priority and in line with the whole of Government commitment to electronic service delivery by 2001, the Department of Justice in the interim, and the State Courts and Tribunals Administration Authority in the longer term, should collaborate with all courts and tribunals to encourage and ultimately require the electronic lodgement of documents over the Internet.

Government response to recommendation 28

The Government supports this recommendation.

By June 2000, the Victorian Civil and Administrative Tribunal will introduce an Internet based electronic lodgement facility, initially for use in the high volume Residential Tenancies List. The facility will be tested by users from the Department of Housing, and members of the Real Estate Institute and selected tenancy services. Subject to successful testing, it is proposed to extend the facility statewide and to all users. The facility has great potential as a model for use within other jurisdictions.

Courtlink, the case management system for the Magistrates' Court will be extensively reviewed (subject to financial considerations) over a six month period commencing July 2000 and a potential replacement system will be identified. As the current case management system already services electronic lodgment, assessment of all electronic lodgement options will be an important part of the proposed review.

Judicial Support Systems in Victoria

Recommendation 29

The Department of Justice in the interim, and the State Courts and Tribunals Administration Authority in the longer term, should develop a judicial support system that provides up-to-date legal information, directories of social service facilities, sentencing information and standardised judgement production capabilities. The Department should look to the Western Australian and New South Wales judicial support systems as models.

Government response to recommendation 29

The Government supports this recommendation.

A project undertaken during 1998 established a centrally located CDROM server to provide access to judicial support systems to judges and magistrates at both city and country locations. The service is located within the Supreme Court library and provides access to 600 pieces of Victorian legislation as well as case histories, case citations, legal dictionaries, encyclopaedias and other legal publications. Further technology is being piloted within the Magistrates' Court that will enable access to these resources from the bench. Standardised judgement production is being undertaken with the Supreme and County Courts and the Supreme Court has introduced paragraph numbering to ensure consistency of citation across all mediums.

The Government notes that Sentencing Information System described in the report is custom designed to support the operations of the Judicial Commission of New South Wales that currently has no equivalent in Victoria. One of the principal functions of the Commission is to assist the courts in achieving consistency in sentencing, with overall objectives to improve sentencing efficiency and to reduce the number of appeals against sentences, thereby releasing valuable resources which can be redeployed to reduce court delays.

The desirability of developing a similar application will be further investigated with Victorian courts and tribunals. A review of the Western Australia Judicial Support System will also be undertaken.

Committee's Assessment of Courtroom Technology in Victoria

Recommendation 30

The Committee recommends that the County Court of Victoria, Magistrates' Court of Victoria and the Victorian Civil and Administrative Tribunal introduce similar practice notes (to Practice Note 3 of 1999, which establishes guidelines for the use of technology in any civil litigation) to facilitate the use of technology in courts and tribunals.

Government response to recommendation 30

The Government notes this recommendation.

Although the Supreme Court Practice Direction No 3 has been considered by the nominated jurisdictions, it has not been found appropriate for adoption by them, as it relates to the use of technology to facilitate the hearing of lengthy trials involving considerable documentation and these matters are not commonly heard in jurisdictions other than the Supreme Court.

However, the courts and VCAT are conscious of the role of Practice Directions in facilitating the smooth hearing of cases and will monitor their individual situations and if necessary issue a Practice Direction regarding the use of technology, tailored to their own jurisdictional requirements.

Recommendation 31

The Attorney-General should refer a review of changes that may be necessary to the rules of evidence in order to facilitate the technological development of the law and the electronic presentation of evidence in court to a parliamentary committee for inquiry.

Government response to recommendation 31

The Department of Justice is undertaking an extensive review of this area of the law, including consideration of the 1996 report of the Scrutiny of Acts and Regulations Committee (SARC) titled *Review of the Evidence Act 1958*, with a view to the preparation of amending legislation.

In particular, SARC and the Department have examined the approach utilised in the Commonwealth *Evidence Act 1995* and commend the Commonwealth Act for the manner in which it deals with documentary evidence in that the definitions are wide and technologically neutral.

In addition, issues concerning the presentation of evidence are being considered by the *Criminal Justice Enhancement Project* (implementing key aspects of the *Pathfinder Project*).

Court Reporting in Victoria

Recommendation 32

The Victorian Government should allocate funding for the Victorian Government Reporting Service and the Department of Victorian Parliamentary Debates to collaborate on the development and monitoring of voice recognition software that translates Australian English in the legal and political context. All information gathered on voice recognition software should be distributed to the legal profession through the law and technology clearinghouse.

Government response to recommendation 32

This recommendation is not supported at this stage.

The Victorian Government Reporting Service (VGRS) and the Department of Victorian Parliamentary Debates (Hansard) have conducted evaluations of the currently available software and have concluded that they are not fully effective for court reporting purposes.

Technology known as ‘stenomasking’ potentially offers a solution to current limitations. VGRS and Hansard will continue to monitor developments in the area.

Recommendation 33

The Department of Justice should aim to integrate the technology used within the courtroom with case management and judicial support systems to provide a complete system that represents world’s best practice in all areas of court administration and service delivery.

Government’s response to recommendation 33

The Government supports this recommendation in principle.

The Criminal Justice Enhancement Project is currently working to implement a common case management system for the Magistrates’ Court and the County Court, and are examining the integration of case management and judicial support systems. This project will be at the forefront of any such system in the world and therefore represents best practice. It will be the precursor to the next generation of even more tightly integrated systems of court-room technology, case management and judicial support systems.

Although the vision of full integration of these systems is compelling, full integration of these systems and technologies pose considerable technical problems, would

require extensive funding and have considerable implementation risks associated with them. CJEP is providing a key component of the platform required for this next stage of systems integration.

Recommendation 34

The Victorian Government should provide modest ongoing funding for AustLII to publish and enhance the quality of Victorian legal information on the site. The Government should encourage other Australian governments to similarly contribute to the funding of AustLII as the national online resource of primary legal information.

Government response to recommendation 34

The Victorian Government will carefully consider any submissions for funding from AustLII.

Publication of Legislation on the Internet

Recommendation 35

The Victorian Government should obtain and utilise a simple domain name for its Internet legislation site.

Government response to recommendation 35

The Government does not support this recommendation.

It is Government policy that, in order to avoid confusion, a site once established is not renamed. Although a second web address could be established, it is considered preferable to have only one name. This avoids the expense of establishing and maintaining two sites. Sophisticated search engines are available to enable those using the Internet to locate sites and once located, users of the Internet can return to a web site with ease.

Technology and the Suburban, Provincial and Rural Practice

Recommendation 36

The Law Institute of Victoria and the Victorian Bar Council should provide support, information and training for their members on new technologies. These professional bodies should collaborate with the law and technology clearinghouse to ensure that all members of the legal profession have access to training and information on the best use of new technologies.

Government response to recommendation 36

The Government supports this recommendation, which is consistent with its vision of encouraging a high degree of learning about new uses of technology and promoting the ease and benefits of using technology.

These bodies will be consulted regarding the national clearinghouse described in Recommendations 10 and 11.

Information kiosks

Recommendation 37

The Department of Justice in the interim, and the State Courts and Tribunals Administrative Authority in the longer term, should ensure that electronic information is available in all Victorian court and tribunal foyers.

Government response to recommendation 37

The Government notes this recommendation, which is consistent with the policy of ensuring more information and services are electronically available to more Victorians, as outlined in *Connecting Victoria*.

The Government will examine the feasibility and implications of this recommendation further, in line with each individual jurisdiction's requirements.

The Internet

Recommendation 38

The Victorian Government, through the law and technology clearinghouse, should evaluate legal guides, consider the viability of placing them on the Internet and fund and facilitate the publication of such guides where appropriate.

Government response to recommendation 38

The Government will give further consideration to this recommendation.

Victorian courts and tribunals will continue to improve their web sites so as to provide the most comprehensive information possible for Victorians. However, the Government is mindful of the undesirability of it facilitating access to guides which move beyond the provision of information and purport to provide legal advice.

Translation Software

Recommendation 39

The Victorian Government should continue to develop and prioritise a range of initiatives so as to ensure that traditionally marginalised groups including indigenous people, persons from non-English speaking background, the disabled, the aged and women enjoy equal access to new technology.

Government response to recommendation 39

The Government supports this recommendation, as it strongly supports the principle of equal access to technology for all social and economic groups.

Recent approaches to the development of government channels illustrate the government's awareness of and commitment to equal access. For example, the Health Channel has a selection of nine languages which users can access to navigate the information on the Channel.

Recommendation 40

The Victorian Government through programs such as Skills.net should develop training programs on the Internet and new technologies that target and cater for ethnic communities.

Government response to recommendation 40

Through a \$7.5 million dollar funding commitment, and as part of the *Connecting Victoria* Strategy, the Government will continue and improve the **Skills.net** program for a further three years.

The expansion of the program will provide training and access to a further 40,000 more Victorians through **Skills.net** projects before June 2003.

Skills.net will focus more specifically on the needs of those who are technologically disadvantaged, such as rural and remote Victorians, those with a disability, women, senior Victorians, indigenous people, the unemployed and low income earners and those from a non-english speaking background.

The Strategy provides for the establishment and operation of some 140 project grants and for the operation of a second **Skills.net** roadshow to raise awareness and provide for a mobile on line classroom for Internet training in rural and remote Victoria.

It is also proposed to establish a **Skills.net** Association Co-operative to ensure continued support and sustainability for the projects beyond the completion of government funding.

Finally it is proposed to pilot the Skills.net for Community groups program which aims to provide training and resources to enable the development of online communities of interest.

Recommendation 41

The Victorian Government and all courts and tribunals should provide existing multilingual legal information for the public on the Internet. The Victorian Government and courts and tribunals should aim to publish all future legal information for the public in community languages.

Government response to recommendation 41

The Government supports this recommendation, which is consistent with the government's policy of assisting those who are technologically disadvantaged, including those from non-English speaking backgrounds.

Recommendation 42

Multimedia Victoria, in conjunction with the Victorian Multicultural Affairs Commission should identify, evaluate and obtain for implementation software that can automatically translate information into community languages.

Government response to recommendation 42

The Government will give further consideration to this recommendation.

It is committed to multiple language functions when introducing new technologies and has used such functions in the navigational portions of its Better Health Channel. The Government is also investigating the greater use of internationally recognised navigational tools for inclusion in government websites.

However, the question of software which performs automatic translation requires further investigation to determine its effectiveness.

Committee's Vision for AI and Law

Recommendation 43

The Victorian Government in conjunction with the law and technology information clearinghouse once established should encourage further research and applications of artificial intelligence including expert systems and natural language systems in law.

Recommendation 44

The law and technology clearinghouse once established should perform a monitoring and evaluating role in relation to new and emerging projects on artificial intelligence, including expert systems and natural language systems. The clearinghouse should coordinate trials of artificial intelligence systems (including expert systems and natural language systems) with various participants in the legal system.

Government response to recommendation 43 & 44

The Government will monitor developments in artificial intelligence as part of its ongoing focus on improving service delivery for all citizens of Victoria.

Recommendation 45

The Attorney-General should refer the legal issues raised by new and emerging technologies and their implication for the State of Victoria to a parliamentary committee for inquiry. Such Inquiry should focus on

- (a) intellectual property and the Internet as it impacts on Victoria and its citizens;*
- (b) legal liability for negligent information and advice provided by an artificially intelligent system*
- (c) legal liability in relation to negligent and/or criminal conduct arising out of the application of expert and artificial intelligence systems; and*
- (d) legal issues in relation to cloning and other bio-medical applications of modern technologies.*

Government response to recommendation 45

The Government will examine this recommendation when considering referring matters to the Victorian Law Reform Committee, taking into account priorities as they arise from time to time and the workload of the Committee.