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Law Department
Victoria

Consultation Report

102856

April, 1986
Courts Management Change Program

102856

**U.S. Department of Justice
National Institute of Justice**

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CONSULTATION REPORT

LAW DEPARTMENT - VICTORIA
COURTS MANAGEMENT CHANGE PROGRAM

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CONSULTATION REPORT

NCJRS

OCT 3 1986

ACQUISITIONS

FEBRUARY 1986

ISBN 0 7241 3980 X

Printed by: F.D. Atkinson, Government Printer, Melbourne

OVERVIEW

Overall, the consultation on the Courts Management Change Program drew a positive response. There was fundamental support for the thrust of the proposals designed to improve the efficiency and effectiveness of Magistrates' Courts. In supporting the Change Program, a number of responses identified issues and concerns which ought to be addressed in implementing certain of the proposals under the program.

The proposal to provide a statewide regional administrative structure was supported, as was the proposal to appoint regional managers, with delegated powers and managerial responsibility for the day to day operations of their regions. However, varying degrees of concern were voiced about the size of the regions which some respondents saw as being too large for administrative efficiency. Other comments, largely emanating from people working in the human services area, were concerned that the regionalisation proposals introduced another category of regions to those adopted by other government agencies. Public transport limitations (particularly where access to Mention Courts was an issue) were seen as a difficulty which could hinder the successful introduction of these initiatives.

The location of the Headquarters Court in each region produced lively debate, with representatives of a number of cities contending that the Headquarters Court should more appropriately be located in their municipalities rather than at the proposed

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locations. The provision of visiting services by Clerks of Courts was welcomed, though there was an element of concern in some quarters that this proposal might have the effect of detracting from the level of services at the principal Courts. A number of additional visited locations was suggested during the consultation. Many respondents urged the need to be sensitive to specific regional problems especially when making decisions concerning Court locations and visiting services.

Opinions were divided as to the future role of Clerks of Courts in the Court structure. The legal profession expressed reservations regarding an expanded legal advice role for Clerks of Courts. Other responses endorsed the idea of Clerks providing advice on a range of government services although some consideration would have to be given to what information was provided to avoid duplication of services. A lack of community knowledge on the role and function of the Clerk of Courts and Court processes was identified in many responses. A community education program regarding Court processes and services was seen as necessary, particularly with the introduction of the Court scheduling system.

The proposal to improve existing Courts administrative systems by the widespread adoption of computer and other appropriate technical aids was endorsed. There was strong support for this initiative which would significantly reduce the amount of clerical effort (and opportunity for error) implicit in the existing inflexible, manual systems.

(iii)

There was widespread agreement that Courts had not progressively adapted to meet changing community needs. A number of submissions supported the merger of tribunals into a modified Court system. Conversely, other responses indicated that Courts should be the last place for tribunals to be located.

The proposal that informal hearings be introduced into the Courts system received a mixed response. In some quarters it was welcomed as a measure to remove the intimidatory nature of Courts; others regarded the formality of Court hearings as necessary to convey the seriousness of the proceedings and to maintain the dignity of Courts.

There was general agreement that legal representation should be available for all persons appearing in Court, especially for those lacking understanding of the legal process. This was particularly so in view of the intimidating and confusing nature of Courts.

The idea of extending Court hours to evenings and Saturday mornings received a favourable response, though there was divergence in opinion as to whether this should only cover Court services, or be extended to include Court hearings.

The Mention System was a major topic for discussion during the consultation. It was widely accepted that the Mention System was a successful initiative, with ultimate benefits flowing to the community through cost savings (especially to the Police Department), reduced public inconvenience, and a reduction in the

(iv)

backlog of cases awaiting hearing at Courts. However, a number of regional responses, particularly those from the rural area, raised the problem of lack of public transport and the need to travel long distances to Mention Courts. Mention Court notices were seen as needing redrafting to clarify the operation of the system and to identify defendants' rights. Some felt the system could generate pressure on defendants to plead guilty at the Mention Court. This view arose largely because of the community's lack of knowledge of how the system worked and indicated the need to undertake a community education program on this and other Court procedures.

The administration of the Poor Box attracted considerable attention. Generally, most responses favoured the implementation of Option One, that is, continuation of the present arrangements but to better equip Clerks of Courts to handle applications for assistance in a more appropriate manner, to collaborate more closely with local welfare agencies, and to establish the necessary accountability mechanisms. However, a minority of responses argued strongly that the Poor Box should be removed from Administration of the Courts and administered by local committees, whose membership would include Clerks of Courts.

A number of responses indicated that there was a need to more closely integrate Court operations with Court support services provided by other departments and agencies. Such integration would have to be implemented on a statewide basis to avoid inconsistencies currently existing in Court support services. It was felt that Court-based services should include counselling,

(v)

child care and Court welfare workers.

All responses endorsed proposals for an improvement in Court buildings and physical facilities although there was some questioning of the estimates to upgrade existing Court Houses to minimum standards. A number of local government departments offered space in their offices for visiting services or, in some instances, Court sittings. The proposal that the community use Court Houses for alternative purposes also received a positive reaction.

The use of Regional Consultative Councils allowed for a wider range of established networks to be consulted than would have been possible had the Law Department relied on its own resources. This was complemented by circulating the report to government departments, local government and State federating agencies. The scheduling of public meetings throughout the State gave the Law Department an opportunity to explain the proposals directly to those communities likely to be affected by them. It also gave the Department an opportunity to hear concerns and comments on the practical application of the program.

As this was the first statewide consultation undertaken by the Law Department, some Regional Consultative Councils provided feedback on a number of other issues.

One suggested the need to clarify the relationship between the recommendations of the Child Welfare Practice and Legislation Review regarding the regionalisation of the Children's Court and

the Courts Management Change Program.

Two Regional Consultative Councils identified past Court closures as a major issue within their regions having a detrimental effect on the provision of Court services. Another Regional Consultative Council stated that the Courts Management Change Program over-emphasised administrative efficiency and cost reduction. Some responses indicated the distinction between the Court system and a justice system was not sufficiently highlighted during the consultation.

A few Regional Consultative Councils acknowledged the consultation to be valuable in contributing to a higher level of understanding on Court operations. The consultation was seen to have strengthened and broadened existing regional networks. Some Regional Consultative Councils felt the level of funding for the consultation restricted the type and degree of responses they were able to provide. There was strong support in a number of responses that now that communication and consultation between the Law Department and community groups had begun, it should be ongoing.

Many responses saw the initiative of consulting the community as an important step in broadening the information base of the Law Department. In their view the information gained during the consultation would be indispensable in assisting the Attorney-General and the Law Department in the further implementation of the Courts Management Change Program.

THE FUTURE ORGANISATION AND OPERATION
OF COURTS IN VICTORIA
CONSULTATION REPORT

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P A R T 1

CONSULTATION STRATEGY AND IMPLEMENTATION

i. INTRODUCTION

The Courts Management Change Program is a major initiative taken by the Victorian Government designed to increase the efficiency and effectiveness of the Victorian Court system.

Established in March 1984, the program has the aim of bringing about major improvement in service delivery, efficiency and cost effectiveness in the administration of Courts. The program contains eight major projects each of which is headed by a Steering Committee chaired by the Chief Justice and comprising representatives of interested organizations.

These studies resulted in the formulation of seven major goals for the organization and operation of Courts. These goals are:-

- the progressive introduction of changes to the jurisdiction and functions of Magistrates' Courts to make them more adaptable and responsive to community needs for inexpensive and accessible justice.
- the development of a regional structure for the better management of Courts to enable both a higher level of community participation in the planning and operation of Courts and the decentralization of decision-making.
- the progressive computerisation of administrative systems to make Court services more accessible and to enable them to be delivered to the community more flexibly and at a lower cost than at present.

- the development of appropriate visiting service networks to expand the range of services provided by Clerks of Courts.
- the implementation of a ten year works program incorporating the establishment of Court complexes designed to accommodate ancillary services and to meet modern Court needs.
- the development of improved hearing procedures to reduce Court waiting periods at Court Houses and to avoid unnecessary attendance costs incurred by police and witnesses.
- the re-organization of staff arrangements away from rote clerical activities towards tasks which will be more directly beneficial to the community in terms of improving the administration of justice and enhancing personal job satisfaction.

Given the level of public interest and the wide ranging effects the pursuit of these goals will have for the various elements involved in the justice system in Victoria, the Attorney-General decided to conduct a comprehensive consultation on the proposed changes. This consultation, to be regionally based, would enable the Courts Administration Division of the Law Department to explain the proposed options for change and provide the Attorney-General with community feedback and comment on the proposals.

This report contains a composite picture of the community's views on the proposals and of issues raised during the consultation. The report will be forwarded to the Attorney-General and the eight major project Steering Committees. The Courts Management Change Program may then be adapted and refined in light of the

comments received prior to the Attorney-General taking any final decisions.

Consultation Background and Organisation

The Attorney-General wrote to the Minister for Community Welfare Services* on the 5th February 1985 inviting Regional Consultative Councils (R.C.C.'s) of the Family and Community Services Program to undertake the consultation on behalf of the Courts Administration Division of the Law Department.

Regional Consultative Councils are advisory and consultative bodies to the Minister for Community Services and the Victorian Government. Since they are able to draw on a wide range of established networks across the State they frequently respond to requests from departments and agencies to undertake public consultations on the impact of Government policies and programs. There are eighteen R.C.C.'s in Victoria which are serviced by support staff employed by the Department of Community Services. R.C.C.'s meet on a regular basis. Their representation includes community members, local government, government departments and non-government organisations.

To facilitate the conduct of the consultation and to liaise with the R.C.C.'s, a Social Administration Officer (S.A.O.) was seconded in mid-May 1985 to work with the Law Department. This officer was responsible for liaison between R.C.C.'s and the Law Department, co-ordinating (public) meetings and generally servicing the consultation process. Speakers at regional

* Note - now the Minister for Community Services

meetings were drawn from up to 12 senior officers of the Law Department together with Clerks of Courts located in each region.

With the agreement of the State FACS Committee (comprised of the Chairperson of each R.C.C.), the timing for the consultation was set to be June to August 1985. A sum of \$1000 was provided by the Law Department to each R.C.C. to cover the costs of the consultation. In order to explain the consultation to R.C.C. support staff and Clerks of Courts, a series of pre-consultation briefings was held throughout the State in May. For the consultation proper the following reports were provided:

- The Future Organization and Operation of Courts in Victoria
 - . Summary Document
 - . Main Document
- Administration of Court Poor Box Funds
- Community Services and the Courts in Victoria
- Courts Needs Study
- Information Systems Planning Report
- Penalty Enforcement by Registration of Infringement Notice

The Courts Administration Division commissioned a fifteen minute video, produced by the Victorian Government Media Unit, in which the Attorney-General and the Deputy Secretary for Courts* summarised the proposals and the issues on which community responses were being sought. This video was made available for use by R.C.C.'s and served to introduce discussions at meetings.

* Note - now the Secretary to the Law Department

Due to a delay the printing of the main document, which was not available until mid-June, the time lines for the consultation were extended until 30 September, 1985.

The Attorney-General formally announced the consultation and the release of the report documents on 13 June, 1985. Advertisements placed in the major metropolitan newspapers announced the commencement of the consultation and the availability of the reports. Multiple copies of the reports were provided to R.C.C.'s and also distributed to the legal profession, government departments, key federating agencies, members of parliament, local government and other interested parties. Appendix A details the list of persons and organisations sent reports.

Some key federating agencies and government departments were consulted separately as they had no formal links to R.C.C.'s or preferred to respond directly to the Department. A summary of all meetings, including those organised through R.C.C.'s as well as those organised separately, is contained in Appendices B and C.

2. CONSULTATION PROCESS AND METHODOLOGY

Seventeen R.C.C.'s participated in the consultation across the State.* Some 4000 copies of the main report, "The Future Organization and Operation of Courts in Victoria" were distributed to the R.C.C.'S, government agencies and departments, local government and federating bodies to ensure that the widest possible circulation of the consultation proposals was achieved. The other reports were circulated to the R.C.C.'s, and to other organizations upon request.

The methodology adopted by each R.C.C. reflected its experience with past consultations and its assessment of the best means of involving the local community in the consultative process. Certain common elements can be identified in each approach to the consultation. R.C.C. task groups/sub-committees were used to organise the consultation, with mail-outs to major interest groups, use of local media, including newspapers, radio and T.V., questionnaires and public and special interest group forums. Some R.C.C.'s employed project officers to organise the consultation while others "sub-contracted" the consultation to local government or other appropriate local committees. A summary of the methodologies adopted by each R.C.C. follows.

R.C.C. Consultation Methodologies

Barwon - established an ad hoc task group to plan the

* Westernport R.C.C. withdrew from the consultation due to other commitments.

consultation comprising police, solicitors, Clerks of courts, S.A.O.'s and R.C.C. members. The most common strategy was to invite group and individual response via three alternatives - a questionnaire, small group discussion and/or a public meeting.

Central Gippsland - employed a project officer to organise the consultation. The mail-out of consultation material and three public meetings/workshops were organised on a sub-regional basis.

Central Highlands - an R.C.C. consultation sub-committee organised the consultation. One public meeting was held. Additionally, a questionnaire to local interest groups was used to elicit responses. The local media were employed to promote the consultation.

East Gippsland - a mail-out of consultation material with invitations to meetings was carried out. Five meetings were organised - three public and two special interest groups. A local panel, designed to assess the impact of the changes for East Gippsland, was used to stimulate discussion at the public meetings. It consisted of representatives of the legal profession, Clerks of Courts, police and the Office of Corrections. A project officer was employed to compile the consultation report.

Loddon-Campaspe - this R.C.C. decided to run the consultation in conjunction with local government. One municipality from each of the sub-regions was identified and asked to auspice a meeting for that sub-region. A mail-out and media promotion were completed

and R.C.C. support staff co-ordinated the exercise. A project officer was employed to write the final report from the views expressed at the six meetings.

Upper Murray - a mail-out of consultation material to local interest groups took place. The local media were used to promote the consultation. Two public meetings were scheduled. The responses from the meetings and other comments from local government and interested parties were collated into a final report.

Southern - the R.C.C. decided to divide the consultation into three streams - Children's Court Services, Court Welfare Services and the impact of the proposals contained in the report documents on the Southern Region. A final year social work student on placement was given the task of organising a series of special interest forums, public meetings, questionnaire distribution, radio talk back and interviews with senior management of key services which relate to Courts.

Western - the R.C.C. agreed that the Western Region Community Access to Justice Committee undertake the consultation. Membership of this committee included the legal profession, community service workers, local government personnel, community service workers and community legal centre workers. This group was serviced by a 4th year social work student. Four approaches were used to conduct the consultation :

- special interest forum
- public meeting

- small group discussion with selected groups
- questionnaire to people attending Broadmeadows Court House

A summary of the main discussion paper, including a list of questions to be addressed during the consultation, was compiled by the committee.

Wimmera - a mail-out of material with invitations to attend public meetings was used. The local media were used to promote the consultation. One special interest group forum and one public meeting were held. Use was made of a 1984 R.C.C. study on the impact of earlier Court closures and included in the final consultation report.

Goulburn - the R.C.C. formed a consultation task group with a co-ordinator and an assistant co-ordinator to organise the consultation. Use of a local Community Services Committee was employed to elicit responses. A major mail-out and six public meetings were conducted as well as an all day phone-in in Shepparton. There was wide promotion in the local media.

Glennelg - the R.C.C. established a task group to prepare a response and organise the consultation. Four public meetings, a mail-out and media promotion were organised.

North East/Outer East/Inner East - given that the Law Department proposals for its metropolitan Northern and Eastern Regions included these three R.C.C.'s, they combined and employed a project officer to organise the consultation and write a combined response. The main strategies pursued were :

- mail-out of consultation material
- use of local media
- use of questionnaire to local groups and Court users
- use of a small group discussion format with relevant community groups
- use of public meetings and special interest forums. Nine public meetings were held.

Mallee - a mail-out of consultation material was organised, as well as the use of local media to promote the consultation. Eight public meetings and special interest forums, e.g. Aboriginal and Ethnic Communities were held.

North West - used a working group to plan the consultation and prepare material. Three public meetings were conducted for the public and special interest groups. These were preceded by newspaper advertisements, posters and a mailout. Two questionnaires were prepared. One was completed by Court users attending Broadmeadows Court, where a table was manned in the foyer. The other was distributed for completion within the region.

Inner Urban - an R.C.C. task group was established to organise the consultation. The main emphasis was on getting Court users' opinions of the consultation proposals. Local community groups were used to gain opinions.

Westernport Consultation

The Westernport R.C.C. decided that it would not involve itself with the consultation. The Law Department decided to arrange the consultation using the resources from the Courts Management support staff. Co-operation was received from the Social Administration Officer at Westernport D.C.S. and the Clerk of Courts at Dandenong in identifying likely individuals and groups with whom to consult. A mailing list was compiled consisting of government and local government departments, the legal profession, community groups and interested individuals. A consultation planning meeting was held on Wednesday 24th July between the Social Administration Officer, Greg Nicholls, the Clerk of Courts at Dandenong, Lindsay Gould and Harvey Ballantyne, Courts Administration. Apart from the mail out, advertisements were placed in all local newspapers. A press release was organised for the local media, including radio stations.

Federating Agencies and Government Departments

The discussion papers were circulated widely to key federating agencies and government departments to ascertain their view of the proposed future organization of Courts. It was recognised that a direct discussion of the proposals would be required for some of these federating agencies and government departments and a series of specific briefing meetings was arranged to explain the proposals.

The regional meetings organised by the R.C.C.'s were frequently attended by staff from the Police Department, Department of Community Services and the Office of Corrections. A full list of

the federating agencies, government departments and local governments contacted is included in Appendix D. Some agencies such as the Probation Officers Association, Municipal Association of Victoria and the Financial Counsellors Association did not respond directly but individual affiliated members responded either through the R.C.C.'s or directly to the Law Department. Other federating agencies including the Victorian Council of Social Service and the Law Institute made submissions directly to the Law Department, while many of their affiliated members made individual submissions to the Law Department.

Consultation Steering Committee

A committee under the chairmanship of the Deputy Chief Stipendiary Magistrate* was established by the Attorney-General to oversee the whole consultation process. This committee comprised representatives from the following organisations -

- Law Department
- Ministry of Consumer Affairs
- Department of Community Services
- Police Department
- Representative of R.C.C. Chair
- Law Institute
- V.C.O.S.S.
- Federation of Community Legal Centres
- Municipal Association of Victoria

The terms of reference for the committee provided that it:

- oversee the consultation

* Now the Chief Stipendiary Magistrate

- ensure that appropriate means were used to contact relevant groups
- facilitate input and feedback on the information generated
- ensure the final report was an accurate reflection of the issues raised during the consultation

A small resource team was established within the Law Department to assist the Consultation Steering Committee in monitoring the consultation process and to provide details of progress.

The Committee met on a regular basis throughout the consultation and members attended a number of the public meetings and the briefings given to federating agencies and community groups.

P A R T 2

STATEWIDE RESPONSES

1. REGIONAL STRUCTURE

The proposal to regionalise the structure of the Court system received almost unanimous endorsement during the consultation. However, there was considerable confusion as to how regionalisation would operate in practice. A number of responses indicated there was an impression that regionalisation would result in Court services and hearings for the entire region being centred upon the headquarters Court, thus depriving members of surrounding communities of the use of local facilities. Other people felt the Regional Manager would be an additional member of staff at the headquarters Court, at the expense of other Courts and communities in the region. The report failed to sufficiently clarify that other Courts within the region would maintain the same level of services, and, in some cases, would increase their level of services.

A further misconception in some communities was that this arrangement would disadvantage them because they would have to travel to the headquarters Court to make contact with the Regional Manager. However, such contact would be possible either by telephone or by the Regional Manager visiting that community requiring assistance.

Four suggestions to improve the operation of regional management came out of the consultation:-

- (a) The regional headquarters Court and the Regional Manager should be located at a geographically more central Court;
- (b) Because of the size of the regions, they should be

subdivided to provide more regions and more Regional Managers;

- (c) Deputy Regional Managers should be appointed within each region to assist the Regional Manager; and
- (d) An assurance should be given that the Regional Managers will make regular visits to each community in the region.

Boundaries

A number of regions expressed concern that the proposed regional boundaries were not compatible with those of other State Agencies. The need for all State government departments to adopt common boundaries was frequently stated, as was the desirability of Courts having consistent boundaries with those of the Legal Aid Commission, in view of the nexus between both agencies. An assurance was also sought from Courts Administration that it would review the location of boundaries and regional headquarters Courts if practical experience indicated this was necessary.

Size of Regions

A number of R.C.C.'s, both metropolitan and rural, commented that the proposed regions were too large. The Police Department submission indicated that the regions were too large and would produce a repetition of the defects inherent in a centralised system. The aggregation of standard administrative regions into one Court region also drew criticism. It was asserted that the size of some regions, when coupled with the location of some

Regional Managers at the extremity of a number of regions, would make accessibility to those Regional Managers very difficult, and would possibly prevent the Regional Managers from effectively liaising with community organizations in the region.

Access to Regional Headquarters Courts

The problem of access to regional headquarters Courts was seen to be compounded by the fact that these Courts were also designated as Mention Courts. In the metropolitan area, where the transport network operated generally on a north-south axis, it was argued that public transport usage was expensive and time-consuming when the requirement existed to visit the headquarters Court.

In the rural area, access to headquarters Courts was seen as difficult because public transport was either non-existent or it was provided at inappropriate times for Court users.

The location of headquarters Courts at the periphery of a number of regions was regarded as another restricting factor.

Monitoring Regional Management

The issues of service standards and the need to introduce regional mechanisms to monitor regional administration and so ensure effectiveness of operation were raised in a number of responses. It was felt there might be a risk that the position of Regional Manager could become administrative rather than managerial.

Formal Community Links

A number of responses argued for the development of appropriate links to be established between regional Courts and community groups. Some responses acknowledged that Courts could be linked more formally to existing consultative structures, such as the R.C.C.'s, whilst others argued that separate and independent regional committees be set up. Ideally, these committees would be comprised of consumers and providers of legal services. Other submissions noted the need for community involvement in Court services and their development.

Implementation

A number of responses noted the absence of a detailed implementation plan for regionalisation. Others endorsed the need to effectively delegate powers to Regional Managers. One comment stated that the regionalisation proposals could be improved by a more detailed elaboration of proposals for the decentralisation of decision-making and administration.

2. UTILIZATION OF CLERKS OF COURTS

A key strategy in improving Court efficiency will be the computerisation of Courts administration. The introduction of this technology will result in a capacity to redeploy Clerks to new activities, and the consultation provided a forum for discussion of the future role of Clerks of Courts after computerization is introduced.

Quasi-Judicial Functions

A number of responses felt it was inappropriate for Clerks to be involved in quasi-judicial functions, such as pre-trial conferences, conciliation and mediation work. Other responses welcomed the involvement of Clerks in this field.

The Police Department submission considered that a higher priority should be given by Clerks of Courts to Court work, so as to maintain an efficient Court service to the community, as distinct from a welfare orientated role.

One submission stated that the greater the variety of matters which could be heard by Clerks rather than Magistrates, the more likely solicitors would be encouraged to appear in person rather than brief counsel (Legal Aid Commission - Staff Law Reform Group). This would not only reduce costs, it would keep solicitors more in tune with the Courts and their procedures. Unrepresented persons would find appearances before Clerks less daunting than an appearance in Court.

Two areas where the expertise of Clerks could be used were

identified by the Legal Aid Commission - Staff Law Reform Group. These were preliminary conferences conducted with parties where settlement was a possibility (eg. motor car damage disputes and personal injury claims). Such conferences could have the effect of producing an increased settlement rate at an earlier stage thereby reducing listing costs. Secondly, Clerks could be used to exercise more control over the progress of matters awaiting a hearing than is presently the case. This would ensure that cases are brought on quickly. This submission noted a gradual movement in other jurisdictions towards the Court or Tribunal exercising control over matters awaiting hearing (eg. Prothonotary's Summons in the Supreme Court, Preliminary Conferences in the State and Federal Appeals Tribunal). If the use of Clerks in this manner reduced the number of adjournments it would reduce the cost of proceedings, and also the waste of judicial time where matters listed for hearing did not proceed on the allotted day. The holding of a preliminary conference would also have the additional benefit of revealing to Clerks the types of difficulties which unexperienced practitioners or unrepresented parties were having in determining what steps should be taken to prepare a matter. The conference should also alert Clerks to those matters which should be listed before a Magistrate with a specialist knowledge. This proposal, which limited the functions of Clerks to procedural matters only, stipulated that Clerks be trained to ensure a professional approach.

The Law Institute of Victoria did not favour Clerks being involved in quasi-judicial functions, and urged that this proposal be treated with care and circumspection. However, the

Institute was prepared to consider a proposal for informal pre-trial conferences. It maintained that while a reduction of formalities could cut costs, such a reduction might be at the expense of quality of justice.

The Ministry of Consumer Affairs suggested that Clerks were in an excellent position to undertake mediation to assist both parties in reaching a mutually-satisfactory agreement, thus avoiding the need to go to Court. However, it stressed that Clerks should not attempt to provide services presently available through other agencies. The emphasis should be on an integrated regional service in order that Clerks might be aware of other regional services.

The National Council of Women in Victoria suggested that an alternative approach to the Federal Government's national maintenance collection proposal was to utilize the services of Clerks of Courts, especially with their wide accessibility across the State. The National Council believed it would not be difficult to link the Court computer to the Family Court administration. Furthermore, this would allow Clerks to take an oversighting role in those Family Court matters not registered for enforcement in the Magistrates' Court.

Staggered Work Hours

The Westernport Office of Corrections recommended the extension of Court hours as a means of providing greater accessibility to the public. It pointed out that other government departments, which work at evenings and at weekends, use time off in lieu or flexitime to compensate staff. It was generally agreed that

more flexible hours would benefit people having difficulty attending Court during normal work hours. The police submission suggested the possibility of Clerks being available on Saturday mornings for enquiries.

Clerks of Courts as Providers of Information

Traditionally, Clerks of Courts have provided information to the public on legal and Court procedures. Also, they have had specific legal administrative responsibilities egs. authorized marriage celebrants, preparing small estate applications, enforcing family law orders. However, the Law Institute of Victoria was concerned to make the distinction between Clerks rendering advice on legal process and Clerks giving advice on legal rights. It was strongly opposed to Clerks giving advice on legal rights.

Though Clerks frequently act in a referral capacity to community support agencies, some comments from the consultation pointed out that a number of Clerks were not aware of relevant community agencies nor were some involved in dialogue with them. One response suggested that a Clerk's training should include an introduction to the work of agencies whose work could be relevant for Court referral purposes. Other responses noted the absence of notice boards and information on community and government services, Court personnel, Court advisers, duty solicitors and support agencies. Magistrates frequently required information on the availability of positions in residential and non-residential alcohol and drug treatment centres. To provide such information the Victorian Court Information and Welfare Network proposed that a data bank of community service information be

installed in Court complexes. This data bank would include accommodation availability, financial counselling and emergency relief services. Additionally, it could assist members of the Judiciary with appropriate placement of offenders with drug or alcohol problems. This would have the potential of being updated daily.

Other community organisations acknowledged the important support given by Clerks of Courts. However, some submissions expressed reservation about an increased role for Clerks of Courts in providing community information (Victorian Association of Citizens Advice Bureaus Incorporated). A contrary view was expressed in other responses, regarding Clerks as a gateway to other government and non-government services with training to provide information and linkages to community services (Department of Community Services). Barwon R.C.C. qualified this, suggesting the role be restricted to senior Clerks of Courts at each Court. The possibility of gaining information on births, deaths, marriages, passport applications, company and title searches, probate and small estates was also suggested (Central Gippsland R.C.C.). If this work area was adopted in future Court operations, provision for avoiding duplication of services and overburdening workloads would be necessary. In enabling access to a wider range of government and community services the Regional Manager should co-ordinate to avoid this duplication of services (Central Gippsland R.C.C.).

Community Education Program

Most responses indicated that there was a need for community

education on the role and operation of the Courts, particularly with the introduction of initiatives such as the Mention System. However, there were differing opinions as to whose responsibility this should be. The Legal Aid Commission believed such programs should be conducted. However, it expressed reservations as to the ability of Clerks of Courts to become expert in every area within the jurisdiction of the Magistrates' Court. One option was for the Clerks to liaise with relevant groups to organize such programs. The Legal Aid Commission highlighted its statutory responsibility to provide education, information or advice on or about the law. It suggested there may be a case for liaison between its education unit and Courts Administration (Legal Aid Commission - Staff Law Reform Group).

The appointment of a Community Education Officer to each regional headquarters Court with responsibility to resource community groups and prepare material on Court procedure was recommended in one response, particularly since the current training of Clerks was considered too legalistic and narrow to be utilized in a community education role. To assist the objective of community education, clear explanatory information on Court procedure in leaflet form should go out with every summons (Western Suburbs R.C.C.). The difficulty of keeping Clerks fully informed of changes in current legislation was raised. This was seen as a priority for Courts Administration to tackle before Clerks were utilized in a community education role (Upper Murray R.C.C.). The Legal Aid Commission - Staff Law Reform Group recommended that Clerks of Courts be required to attend monthly workshops to keep abreast of developments in the law as a result of new legislation and Court decisions.

3. THE ROLE OF THE COURTS

One of the major problems identified under the Courts Management Change Program was the inability of the Courts to progressively adapt to meet changing community needs. A notable example, cited as evidence of this failure to adapt, has been the significant shift over the last decade away from Courts towards quasi-judicial tribunals as forums for settling civil disputes. Accordingly, comments were sought on opportunities for adapting the jurisdiction in order to improve the Courts' accessibility and relevance to community needs. Comments were also sought on issues such as informal hearing procedures and legal representation, factors which have frequently been described as barriers to change.

Dispute Resolution

In its response, the Department of Community Services pointed out that the addition of dispute resolution services to Magistrates' Courts might increase their attractiveness as an alternative to the adversarial Court system. In civil cases the Court system could also be more accessible to complainants if alternatives to the present adversarial procedures, such as conciliation, arbitration and adjudication requiring minimum legal representation, were available. The Barwon R.C.C. supported this idea of adapting the Court for dispute resolution rather than providing a new mechanism.

Other submissions supported the merger of existing tribunals into a modified Court system, with features being no automatic right of legal representation, wider powers to order remedies, and

less reliance on Courts as a putative measure (City of Hamilton and others). However, the Central Gippsland R.C.C., whilst conceding that the range of dispute resolution bodies was too fragmented, causing the general public confusion as to the appropriate forum to approach in resolving a specific problem, argued that the Courts were the last place for such tribunals to be based. It suggested that existing tribunals and dispute resolution forums be regionally based under the umbrella organisation. The Consumers' Law Reform Association perceived tribunals as being an outstanding success because they were not subject to the disadvantages of the Court System. It contended that before any action was taken to incorporate tribunals into the Magistrates' Court structure the matter should be argued far more rigorously. The police submission suggested that the tribunals be modified into the civil jurisdiction area of Magistrates' Courts, so long as there was no increase in the backlog of work.

The combined submission of the North East, Inner East and Outer East R.C.C.'s suggested the development of a community justice centre, which would include the traditional Court and another section which would deal with dispute resolution and informal procedures. It also suggested the possibility of a dispute resolution mechanism being available through local government offices. Another response stated that tribunals could be integrated into the Court system by a simple name change from Magistrates' Court to Justice Centres. This might dispose of feelings of uneasiness which people experienced on hearing the word "Court" (Loddon Campaspe R.C.C.). Another suggestion was that tribunals could use Court Houses for their sittings to

enable them to become decentralised (Western Suburbs R.C.C.).

Criminal Cases

The Police Department suggested a complete revision be undertaken to increase the number of indictable offences which may be heard by a Magistrates' Court.

Informal Hearings

Opinions were divided between those wishing to see a lessening of formality and those wanting to retain legal formalities. A number of submissions stated that decreased formality may be at the expense of protecting some basic rights (Department of Community Services). Some responses stressed the importance of formalities in conveying the seriousness of proceedings to all parties whilst other submissions saw formalities as decreasing comprehension and opportunities for participation by those unfamiliar with the Court. The Consumers' Law Reform Association welcomed the implementation of procedures in Courts designed to make the Court system more comprehensible to lay people. Another submission viewed the introduction of the Mention System as bringing about a less formal procedure for pleas of guilty (Loddon-Campaspe R.C.C.). The Central Gippsland R.C.C. suggested that the introduction of pre-trial negotiations would allow for informality.

Legal Representation

Magistrates' Courts were intimidating and confusing to people, according to a number of responses. Court procedures were so

structured that it was difficult for people to participate in the process of resolving their disputes without legal representation (Department of Community Services).

This being so, there was general agreement that legal representation should be available for all persons appearing in Court, especially for those lacking understanding of the legal process. Legal representation should be accessible to all members of the public, including low income and other disadvantaged persons, and it should be available at Courts. (V.C.O.S.S.). Another response stated the provision of universal legal representation involved the need to balance cost-efficiency considerations against ensuring that people involved in Court proceedings had full and appropriate access to the protection and entitlements of legal processes and structures (Department of Community Services). The Law Institute was strongly of the view that in all cases the parties ought to have the right to legal representation and legislation should never remove or limit that right. This was endorsed by the Police Department in respect to all criminal cases. Another response, though supporting legal representation, noted that the provision of legal aid services was unevenly distributed. For example, there were no Legal Aid Commission offices in the Eastern metropolitan area, whilst the Nunawading Community Legal Service was required to cover a huge area with limited resources (Outer East/North East/Inner East R.C.C.'s).

Staggered Hours

The idea of extending Court hours received a favourable response. Some evenings and Saturday mornings were suggested although there

was a divergence of opinion as to whether this should be restricted to Court services or include Court hearings. The example of night Courts in the United States was cited as a practical example which could be adopted by Magistrates' Courts (Legal Aid Commission - Staff Law Reform Group). Other responses suggested that the present Court attendance time of 10.00 a.m. be extended to provide for two starting times of 10.00 a.m. and 2.00 p.m. (V.C.O.S.S., Western Suburbs R.C.C.).

An option to be considered was the trial use of a regional headquarters Court as a night Court. Such an arrangement would permit after hours determination of matters such as remands, bail and search warrant applications, and applications under Section 460 of the Crimes Act. If successful night Courts could be introduced on a statewide basis (Police Department).

Computerisation

The proposal to computerise the administrative systems within Courts evoked little comment during the consultation. The majority of responses acknowledged that this was an important initiative, one which largely underpinned the Courts Management Change Program. Respondents viewed favourably the benefits to be achieved through computerisation, such as the payment of fines at any Court, irrespective of where imposed. Suggestions were made as to areas where Courts might expand the range of their services. These included company, firm and title searches, the issue of birth and death certificates, and the issue of passports.

4. COURT LOCATIONS AND SERVICES

Courts Need Study

Most responses agreed that the need existed to improve Court buildings and facilities both to accommodate the public's requirements and to enable a better level of services to be provided by Court personnel. The following suggestions for improvement of facilities and services were put forward during the consultation:

- more public telephones
- public toilets (where not provided)
- drink dispensing machines
- appropriate signs - multi-lingual and/or international symbols
- disabled access
- adequate seating
- clear P.A. systems
- desks in the front foyers of Court complexes and other busy Courts for people to obtain information
- Court staff to be readily identifiable to the public
- interview rooms
- parking space
- answering machines for unattended phones
- child-minding services

The police submission stressed that a high priority should be given to locating police prosecutors in Court complexes because a close interaction between police prosecutors and Court staff was beneficial to the efficient disposal of the massive caseload in Magistrates' Courts. Also new Court Houses should be built

adjacent to or near Police Stations. A contrasting view was put by the Aboriginal Legal Advice Service. It stated that the physical location should reflect the independence of the Judiciary.

Visiting Service by Clerks of Courts

The proposal to introduce a visiting service by Clerks of Courts was favourably received especially in the rural area. The need for some fine tuning in the implementation of the plan was recommended and a number of additional towns for visiting were suggested. Other responses, while endorsing the proposal, stated that its success would very much hinge on the amount of publicity given to the service. If people were ignorant of the service, it most probably would not be given an adequate opportunity to succeed. Accordingly it was recommended that it be given a lengthy trial, its impact and effectiveness be monitored, and it be supported by media promotion. A substantial number of local government authorities offered their facilities for use by Clerks when visits were made, indicating their eagerness that the plan should prove successful.

A number of metropolitan responses noted the absence of a visiting service in the metropolitan area. The Western Suburbs R.C.C. suggested that those municipalities in the Western R.C.C. region without Courts be provided with a visiting service.

A concern expressed by the National Council for Women was that with the rationalisation of Court services a deserted wife wishing to take Court proceedings was faced with the dilemma of either waiting until a Clerk of Courts was available at her local

Court, or travelling to the regional headquarters Court for more immediate assistance. The latter choice often involved great inconvenience and cost to herself. An assurance was sought that the visiting service would cater for such requests from deserted wives.

Another area of concern, raised by the Department of Premier and Cabinet, was access to Clerks' services by people in disadvantaged circumstances within the metropolitan area. Attention should be given to providing a service to housebound, elderly, handicapped persons, those without adequate transport and persons confined to institutions.

Alternative Court House Use

The proposal to use Court Houses for alternative community purposes received positive endorsement during the consultation. A small number of responses argued that Court Houses should only be available for public meetings in order to maintain the dignity of the Court (Barwon R.C.C.). Other responses suggested that other State/Federal government departments use Court Houses in providing their services to outlying users. Court Houses were also regarded as ideal for providing educational programs on the operation of our Courts and for legal advisory purposes. The decision on the best use of Court Houses for alternative community purposes should be left to the proposed Courts/Community Committees, according to some responses. Another response stressed the need to maintain security whilst allowing for alternate community use.

Court Complexes

There was a mixed response to the issue of whether central Court

complexes, which provide an efficient service, were preferable to scattered, poorly resourced Court Houses. The majority of people had had no contact with the Prahran and Broadmeadows Court complexes and were therefore unable to make a comparison. Even so, the response from the Police Department was typical of the feeling of most contributors on this question. It stated that, though complexes were administratively preferable, an efficiently serviced central complex may not be preferable to efficiently serviced scattered Court Houses. A number of people, particularly in the rural area, were alarmed that complexes might result in the closure of smaller local Courts.

5. THE MENTION SYSTEM

The Mention System formed a major part of the consultation, during which the proposals were explained and comments and feedback received.

A number of problems concerning the operation of the Mention System were raised. Five concerns were common to all responses: the impact on the public having to travel to Mention Courts, the geographical distribution of Mention Courts and Hearing Courts, the need to improve the Mention Notice, perceived pressure on the defendant to plead guilty at the Mention Court, and the need for community education on the operation of the Mention System.

Transport

A number of regional submissions expressed concern that under the Mention System people were required to travel considerable distances to attend the Mention Court, when the local Court was more accessible and convenient. In rural areas no public transport to the Mention Court existed. In other cases public transport was infrequent and often was available only at inappropriate times. (Goulburn R.C.C.) Though some police were required to travel longer distances and be away longer at Mention Courts, these disadvantages were outweighed by the benefits to the police of the Mention System.

Where defendants chose to use private transport in attending the Mention Court and an order cancelling their licences was made at the Court, there was often a strong temptation for them to drive home because there was no other means of getting there or because

they did not like to leave their cars so far from home.

In having to travel longer distances to Mention Courts the public was put to additional cost, and greater loss of time and inconvenience.

The problem was exacerbated where young children were taken to Court or left with child-minding establishments. Apart from the problem of security when transporting prisoners between Courts the Police Department was concerned that where cases were transferred from one Court to another because of the workload, witnesses often had to be transported in police vehicles. It felt that a taxi shuttle or increased transport expenses should be provided by the Court.

Distribution of Courts

The geographical distribution of Mention and Hearing Courts was also a concern, particularly in the rural area. It was argued that the number of Hearing Courts in some regions was too few. As a result some communities would be required to travel inordinate distances to gain access to the nearest Hearing Court. (Shire of Glenelg; East Gippsland R.C.C.) Other responses pointed out that there was sufficient work in some areas to warrant a Hearing Court being upgraded to a Mention Court. This concern was heightened when the distance to the nearest Mention Court was also taken into consideration (Shire of Alberton).

Mention Notices

A number of responses, and particularly the submission from the Legal Aid Commission - Staff Law Reform Group, requested that the Mention Notices be redesigned to clearly state that where a

defendant wishes to plead not guilty to a charge, he/she need not attend Court on the Mention Day. The Ethnic Affairs Commission submission also pointed out the desirability that the notices be multi-lingual.

Pressure to Plead Guilty

The North East/Outer East/Inner East combined R.C.C. submission pointed out that the Mention System could be seen as placing pressure on defendants to plead guilty.

Defendants who did not fully understand the implications of the Mention System attended Court intending to plead not guilty and expecting their cases to proceed on the Mention Day. When informed that their cases would have to be adjourned, many defendants chose to change their pleas so that their cases could be resolved that day.

These defendants felt coerced into pleading guilty because they wanted to have their cases "over and done with" that day. They were not prepared to face the added pressure of the adjournment, they could not afford further loss of earnings, or the system so intimidated them that they felt that the Court would treat them less favourably on the later date if they pleaded not guilty. It was claimed the wording on the Mention Notices was unclear and this added to their confusion.

Community Education

The Western Suburbs R.C.C. stressed the need to conduct a community education program on the operation of the Mention System. Since it was a recent initiative few people were aware of its existence or how it worked.

Few people were aware that they could obtain adjournments by telephone. Lack of this basic knowledge was preventing the system from operating as successfully as it might. A program of community education would bring a much better understanding of the system. (Police Department)

6. THE COURT POOR BOX

Under the auspices of the Courts Management Change Program, Project No. 7, "A Report on the Administration of Court Poor Box Funds", was commissioned to examine and make recommendations as to options for the future administration of the Court Poor Box Fund.

The need for this study arose as a result of the emergence of a growing community service and welfare role in Courts in addition to their traditional, long-standing judicial functions.

This report was made available during the consultation to facilitate discussion prior to any action being taken by the Attorney-General.

Administration of the Poor Box Fund

The Poor Box Study Report presented five options for the future administration of the Poor Box Fund. Of the responses received during the consultation, a significant majority favoured Option One, the preferred recommendation, whereby Magistrates' Courts would continue to administer the fund, with Clerks of Courts being better equipped to handle applications for assistance in a more appropriate manner.

Additionally, this option recommended that Clerks collaborate more closely with local welfare agencies, and that necessary accountability mechanisms be established.

Conversely, a small minority of responses argued for the administration of the Poor Box Funds to be transferred from

Courts to local regional committees.

The submission of the Victorian Association of Citizens Advice Bureaus concluded that very serious consideration needed to be given to ways of increasing the relationship of Court funds' distribution with other systems, which are linked into a range of community services.

Most responses recognised the difficulty that Clerks experienced in administering the Poor Box, particularly where they were hampered by limited resources and conflicting demands on time, and had had no formal training in welfare assessment. Consequently, a number of submissions recommended that training programs be developed to improve Clerks' interview skills, and to give them a greater awareness of the problems confronting persons seeking emergency relief. Clerks should also receive advice on the use of the telephone interpreter service to meet the needs of non-English speaking applicants so that Clerks might better make a proper assessment.

A number of responses, in recognition of the important part played by the Poor Box in the area of emergency relief, suggested that Clerks be represented on local and regional emergency relief committees. Whilst this happened in some areas at present, there was no uniform policy that this should occur. If encouraged it would allow for a better exchange of information and ideas amongst the main providers of relief (East Gippsland R.C.C.). This improved dialogue, when coupled with the introduction of specialised training, would prove most beneficial to all Clerks operating in the sensitive area of emergency relief, and would assist in correcting the attitude of some Clerks who were

described by the North East/Outer East/Inner East R.C.C. as extremely rude and judgmental.

A small number of responses suggested that a Court Welfare Worker should be appointed (particularly to larger Courts), with responsibilities including Poor Box assessment, referrals to other welfare agencies, and assistance to persons involved in Court proceedings. (Western Suburbs R.C.C.). The Victorian Court Information and Welfare Network pointed out that Clerks were neither selected nor trained for the purpose of welfare service delivery.

Concern was expressed that if the fund were transferred to community agencies, costs expended in administering the fund might be deducted out of the fund. This was regarded as totally unacceptable.

Guidelines for the Distribution of Poor Box Funds and Information Exchange

Of the significant majority favouring the continued administration of the Poor Box in Magistrates' Courts, there was near unanimous support for the development of appropriate guidelines for the better assessment of applicants and the determination of grants. Though a number of submissions acknowledged that the introduction of guidelines might result in access becoming more bureaucratic, many responses stressed that guidelines would assist in achieving consistency of operation across the State. It was suggested by V.C.O.S.S. that these guidelines be drawn up in consultation with V.E.R.C.

Suggested guidelines included:

- criteria by which assistance is given;

- frequency of assistance;
- documentary evidence required for applicants (if any);
- circumstances in which assistance cannot be given (V.C.O.S.S. submission);
- procedures to avoid double assessment.

Further, a number of responses stated that Clerks should provide information to V.C.O.S.S. under the WELSTAT emergency relief data collection program and that Courts Administration Division nominate a Clerk of Courts representative to attend further V.E.R.C. meetings (V.C.O.S.S., Western Suburbs R.C.C., North West, R.C.C.).

Accessibility to Poor Box Fund

A frequently stated concern related to inequities that may occur in distribution of funds across the State. It was argued in a number of submissions that larger Courts, and in particular Mention Courts, would dominate Poor Box funds to the disadvantage of smaller, more remote communities. This was stressed in relation to communities where Court closures have occurred in rural areas. However, it was acknowledged that a number of Courts provided Poor Box money on a regular basis to community agencies to enable wider access to applicants and to attempt to overcome the problem of after-hours relief. The introduction of a visiting service by Clerks of Courts was welcomed as one method of improving access to funds in rural areas.

Some submissions from the country indicated that particular townships may be disadvantaged because there is no resident Clerk of Courts, e.g. Numurkah, Kilmore, Euroa, Kyabram and Elmore (Goulburn R.C.C. and Loddon-Campaspe R.C.C.). It was suggested

that a resolution to the problem might be that either local government or a welfare organisation be given the responsibility for the Poor Box in those towns having limited Clerks of Courts services.

In a number of regions specific issues were raised. One example was the issue of border anomalies in Albury/Wodonga - Albury did not have a Court Poor Box and at times this resulted in people having to cross the border to use the Poor Box in Wodonga. It was felt that this may be at the expense of local usage.

A further problem related to access to funds after hours. Though some Courts attempted to overcome this concern by making grants to organisations providing funds on a 24 hour basis, it was suggested that Courts extend their hours, for example, on a couple of evenings a week or to Saturday mornings. Not only would this be of assistance generally, but specifically it would make the funds more accessible. However, some responses did acknowledge that 24 hour access was a problem common to most emergency relief agencies.

A number of submissions were concerned that the introduction of the Mention System would further centralise monies paid into the Poor Box in Mention Courts. As a result, the notion was expressed that funds should be distributed in those areas where local cases arose. Money paid into the Poor Box at the Mention Court should be returned to the local Court to bring about a more equitable distribution. Another method of achieving equity was the submission that all Poor Box funds be pooled on a regional basis. Other responses indicated that the new Regional Manager should have a major responsibility for liaison with welfare

agencies and community groups on Poor Box administration (Western Suburbs R.C.C.).

Title of the Poor Box

Nearly all submissions indicated they were in favour of a change of name. One suggested that "Poor Box" was a Dickensian title whilst others commented that the name had demeaning connotations ascribed to it. The following alternative names were suggested:

- Community Fund
- Community Support Fund
- Community Services Donation Box
- Community Assistance Fund
- Community Relief Fund
- Courts' Fund
- Courts' Welfare Fund
- Courts' Contingency Fund
- Courts' Assistance Fund
- Courts' Support Fund
- Magistrates' Community Fund
- Magistrates' Emergency Relief Fund
- Magistrates' Welfare Fund
- Magistrates' Court Fund
- Magistrates' Court Welfare Fund
- Magistrates' Court Emergency Fund
- Emergency Fund
- Emergency Relief Fund
- Emergency Assistance Fund
- Financial Support Fund

- Family Improvement Plan

Confidentiality

Most submissions stressed that lack of confidentiality was one of the biggest problems related to access to the Poor Box. In particular, many people found great difficulty in accepting that persons seeking financial assistance had to be interviewed in public. This was seen as unnecessary, humiliating and not respecting the rights and privacy of the applicants. However, it was acknowledged that this problem was caused, in the main, by the lack of physical facilities for conducting interviews. Most submissions stressed the need for separate interview facilities to be included in new Court facilities. One submission summed up the problem of confidentiality: "The lack of privacy for all applicants for funds was a major problem. In most areas it appears to be a case of waiting in a queue at the counter and going through the necessary processes while those waiting behind can hear every word". (North East, Outer East, Inner East R.C.C.).

Role of the Poor Box in the Emergency Relief System

A number of responses referred to the fact that the Poor Box had become an integral part of the State welfare system, even though Magistrates' Courts had no legislative role in relation to income security support. (D.C.S. submission). V.C.O.S.S., in arguing that the Poor Box was part of the State emergency relief system, recommended that monies should be transferred to suitable community welfare agencies, where possible through local co-ordinating committees. These committees would comprise representatives of local agencies recommended by the

Commonwealth/State Management Committee on Emergency Relief Funding, Clerks of Courts, and representatives of other appropriate community groups and organisations. However, V.C.O.S.S. acknowledged that a proportion of Court funds, sufficient to provide assistance in Court-related cases, should be retained in Courts for distribution by suitably trained personnel. Similarly, the Department of Community Services and the Aboriginal Legal Advice Service recommended that Magistrates' Courts should not continue to distribute the majority of Poor Box funds, and that funds be transferred to the most appropriate community-based human service agencies in the same location as the Courts.

Nonetheless it should be stressed that the majority of submissions saw advantages in retaining the Poor Box within the Court system, with improvements in its administration. A number of responses acknowledged that a good working relationship existed between Clerks and local emergency relief agencies, and this allowed for the frequent transfer of funds to those agencies (Upper Murray R.C.C.).

7. THE WELFARE ROLE OF COURTS

Community Services and the Courts

The Courts of Victoria have a dual role - they are responsible to ensure protection for the community from criminal and anti-social behaviour, and they provide the forums for the resolution of civil disputes so that people can receive legal justice without recourse to force. This is their traditional judicial function. However, the Courts in Victoria, particularly Magistrates' Courts, have increasingly found themselves fulfilling a community services role. The relationship that exists between the traditional role and this developing community services role was the subject of the paper "Community Services and the Courts in Victoria", which was made available during the consultation to elicit community views on the role to be played by Courts in the welfare area.

The paper made the distinction between the Court system, in its traditional role, and a justice system, which was perceived as a system of services responsive to a broader range of identified community needs. It asserted that the Court system should extend beyond the normal operation of the Courts to the provision of other services.

Community Responses

A number of responses raised issues concerning the integration of community services and the Courts but did not elaborate on models of integration. However, in general the comments favoured Courts being formally linked to community services networks for referral and information purposes. It was felt that Court-based

services should include counselling, child care and Court welfare workers. The police submission sought to have specialised assistance provided at Court Houses for victims of crime and other witnesses attending Courts. Other responses highlighted the need to include suitable interview space, which guaranteed confidentiality, and a suitable children's play area in future Court designs.

A detailed elaboration of the integration of the justice system was described in the Victorian Court Information and Welfare Network (NETWORK) submission. It proposed that a Total Court Care Team be established with Law Department auspice. The Team would comprise Magistrates, Clerks of Courts, Prosecutors, Court Advisory Personnel, Duty Lawyers and Network volunteers. The Law Department auspice would remove the present resistance by some Clerks and Magistrates to the presence of welfare services in Courts. The benefits included an increase in both the effectiveness of service delivery and in promoting a better understanding of the role played by workers operating outside the traditional Court structure. The team should become part of the Court administrative structure. It would not overlap with Community Corrections Committees since the focus of team participation would be on the immediate concern of each particular Court. Network suggested that each team be chaired alternatively by each team member on a rotating basis, and meet monthly to exchange information and to consult on service delivery in each Court.

On the question of referrals, a number of responses suggested that a better awareness and knowledge by Clerks of Courts of

available community services would assist them in making referrals. Network, in its submission, cited the lack of referrals by Clerks of Courts to the Counselling Unit at the Family Court as one example of their lack of knowledge of important community and support services. However, other responses considered that the relationship between voluntary community groups and the Courts was very good, (Loddon-Campaspe R.C.C., Goulburn R.C.C.) although there was endorsement for more comprehensive support services.

The use of Honorary Probation Officers to support Court operations was raised in a number of submissions. One suggestion made was that it may be appropriate to consider using Honorary Probation Officers to assist Clerks in some work areas, for example in Poor Box assessment. (Westernport Office of Corrections)

Ethnic Groups pointed to the relative lack of Court interpreters and multi-lingual signs in Courts. They were also disappointed by the relative absence of ethnic personnel working in Courts. The Ethnic Affairs Commission pointed out that if an affirmative action employment policy were adopted to attract persons from different ethnic backgrounds to work in the Courts it would have long-term benefits for the whole community.

Most responses linked the provision of comprehensive support services to the need for a community education program on the operation of Courts and also the need to involve the community in planning for future Court services. A number of responses raised the need for ongoing community consultation. The idea of having

regional committees established as either sub-committees of Regional Consultative Councils or as new committees was discussed earlier in the chapter on Regional Structure.

These committees or sub-committees could also have responsibility for monitoring and assisting the integration of community services and the Courts.

A concern of special significance was raised by the Sudden Infant Death Research Foundation. The Foundation sought to have established a statewide system whereby a family would be notified by the pathologist as soon as possible following the death of a child as to the apparent cause of death. It was stated that the introduction of such a practice would do much to eliminate the unwarranted guilt and anxiety felt by parents. It would also reduce the amount of misinformation given out by the helping professionals.

P A R T 3

REGIONAL RESPONSES

REGIONAL RESPONSES

Most of the submissions received on the location of headquarters Courts, Mention Courts, Hearing Courts, visiting services and on the regional boundaries and condition of Court buildings were directed to specific regions. This part discusses those submissions under Court region headings and also outlines issues identified which are peculiar to each region.

Melbourne Metropolitan Area

A separate community consultation on the trial Court closures of Carlton, Collingwood, Fitzroy, Coburg, Footscray, Brighton, Chelsea, Elsternwick and Eltham in this area was conducted during the year with various local agencies. Issues discussed included the continued need for hearing facilities at these locations and the need for visiting services. An Executive Summary of the Trial Court Closures Committee's deliberations and recommendations is found in Appendix E of this report.

Central Suburbs Region (Inner Urban)

There was little input from interested persons in this region as most issues were being canvassed through the auspices of the trial court closure consultation. Melbourne was supported as the headquarters Court for the region and Prahran was seen as a suitable Mention Court location. Boundaries were not an issue as the Court region corresponded to the Inner Urban State Administrative Region.

There was agreement that the Melbourne Magistrates' Court should either be replaced or substantially upgraded.

The Police Department felt that the Melbourne Magistrates' Court should be developed as a large Court complex in a central location and close to public transport.

Northern and Eastern Suburbs Region (North Eastern, Outer Eastern, and Inner Eastern)

Boundaries

The major response to the proposed regional boundaries was that the region was too large and should be divided into two or three distinct regions. This was generally because of concern over accessibility to services.

Headquarters Court

Heidelberg was criticised as the location of the headquarters Court due to its non-central position within the region. Although it was recognized that the present superior facility at that location was a pragmatic solution, there was support for a future headquarters Court at Ringwood.

Mention Courts

Preston and Box Hill, the only Mention Courts for the region, were seen as inadequate and there was concern that access to Heidelberg Court for Hearing Court matters was difficult for persons in the eastern suburbs.

Visiting Services

There was support for a visiting service at Eltham.

Buildings

The prevailing view was that there was only one adequate Court House in the Outer Eastern region and that a new Court complex should be built in the Ringwood or Lilydale area. The Lilydale

Court House had a National Trust classification and was therefore difficult to improve. The Warburton Court House was currently inadequate and extension might be difficult. A suggestion that space be found in the new Upper Yarra Shire Offices was made. The need for a complex in the Whittlesea area to meet the population spread was pointed out in a number of submissions.

Special Problems

It was pointed out that Upper Yarra and Healesville had rapidly increasing populations and this should be taken into account when deciding on future Court complex locations.

Western Suburbs Region (Western, North Western)

Boundaries

There was some support for the view that this region was too large and that outlying municipalities within the region would not be properly serviced. This support endorsed a suggestion for dividing the region into the two State Administrative Regions which the proposed region encompasses. Reasons given included the difficulty in establishing local community links in such a large region and in integrating and relating to two sets of regional networks and organizations.

It was also strongly felt that Werribee should be included in the Western Region and not in the Geelong region.

Headquarters Court

Broadmeadows Court was not supported as a headquarters Court due to the claim of its relative inaccessibility to other parts of the region. It was suggested that the Court should be renamed

the 'Western Region' Court to avoid negative perceptions of the area engendered in the past.

Mention Courts and Court Complexes

The designation of Broadmeadows as a Mention Court for the Western Suburbs drew some criticism due to difficult access by public transport.

Proposals to build Court complexes were not supported. The retention of smaller more local Courts was preferred as they were felt to be more accessible and less intimidating than large complexes. Each of these Courts should also operate as Mention Courts. However, if complexes were to be established then professional research should be undertaken to locate an appropriate site. This research should include a survey of user preferences, public and private transport access, and established social and service networks. Community groups should be involved in the research process.

However, Sunshine received some support as a likely location for a Court complex.

Visiting Services

Visiting services were seen as being required at Coburg and increased to a full-time basis at Footscray. Additionally, visiting services were sought for all municipalities where there was not an operating Court House.

Special Problems

There was major concern over the operation of the Mention System at Broadmeadows Court. It was claimed few people were aware that telephone adjournments to local Hearing Courts were available for

defendants scheduled to attend a Mention Court. It was also felt that the option of telephone adjournments should be extended to debt recovery matters. There was strong support for a community education program on the operation of the Mention System for members of the community within the region.

Southern Suburbs Region (Southern, Westernport)

Boundaries

There was some concern that government regional boundaries in the area should be standardized to increase efficiency of service to the community.

Headquarters Court

The proposal that Dandenong Court be the headquarters Court for the region was generally accepted.

Court Complexes and Mention Courts

There was support for the proposal to build Court complexes at Frankston, Dandenong and Cheltenham. The Mention System received strong endorsement. Whilst some solicitors had experienced a drop in business due to not having offices close to Mention Courts, it was generally felt that the reduced waiting times and efficiency of the system made it worthwhile.

Accessibility to the Mention Court at Dandenong from Cranbourne and Pakenham was seen as a problem in some instances and there was concern about the delay at Hastings Court between Mention Days and hearing dates.

Hearing Courts

Under the proposals Cranbourne would operate as a Hearing Court,

however, the existing venue needed to be confirmed and appropriate arrangements made with the Council.

Visiting Services

There was little comment on visiting services locations although under the Trial Court Closure Consultation there was a suggestion that services be provided at Chelsea and at Brighton. The new P.E.R.I.N. system, which will be located at Elsternwick Court, will be staffed with Clerks of Courts able to provide regular counter services.

Buildings

There was general agreement that Cheltenham was an inadequate facility and that a new complex was required. Other Courts in the region were generally deemed inadequate and suggestions were made as to what facilities should be provided to improve conditions. (See Part II).

The police also suggested that security cells should be available at the Courts in the region, and that adequate holding facilities for juveniles were also required.

Special Problems

An important regional issue, which was included in the consultation although not technically part of it, was the transfer of the Oakleigh Childrens' Court sittings to Springvale in early 1985.

This was strenuously opposed as it was seen as causing problems of access for persons in the Southern Region, resulting in cases previously heard at Oakleigh being transferred to Melbourne

depriving children and families in the area of an extremely efficient voluntary Court advisory service. The department was also criticised as completing the move without any consultation with any of the agencies involved.

Bendigo Region (Wimmera, Mallee, Loddon-Campaspe)

Boundaries

It was generally thought that the region was too large and that the separate homogeneous needs of the three State Administrative Regions it encompassed would not be adequately met by one Regional Manager. One commentator suggested that the confirmation of the present administration from Melbourne would be more successful. Apart from the travel problems involved it was pointed out that other relevant government agencies such as the Office of Corrections did not have similar boundaries.

Additionally Nhill, Horsham and Ararat were included in a separate region for the Department of Community Services with a headquarters at Ballarat and the Police Department had five separate districts included in and part of the proposed region.

Headquarters Court

Bendigo was seen as entirely inappropriate as a Headquarters Court for those areas in the west of the State. It was felt that some Wimmera areas especially would be disadvantaged or neglected by a Regional Manager who had to travel from Bendigo. In the Mallee area, Mildura was seen to be the natural centre and the area itself was seen to have no links or common concerns with Bendigo.

The comment was also made that focussing final decision-making in

Bendigo would be counter-productive to the Law Department's aim of increasing public familiarity with the processes of the law.

Court Complexes and Mention Courts

The major concern in the region was that Courts should not be upgraded with funds that might be more profitably spent in upgrading services and training additional staff.

There was general support for the location of Court complexes and Mention Courts. However, there was some concern that the proposed amounts to upgrade these Courts were 'astronomical and unrealistic'.

The proposal to locate a Mention Court at St. Arnaud was very strongly supported by residents of the area. It was stated that there should always be a resident Clerk of Courts in the area and even if the demand for his/her services was reduced in the future, that residency should not be altered. It was suggested that other surrounding centres in need of assistance might be visited, but that the Clerk of Courts should not be withdrawn.

Hearing Courts

Sealake, Wycheproof and Edenhope were proposed as additional Hearing Courts to cater for residents of the area between St. Arnaud and Ouyen and in the far west of the region. There was support for the proposal that a Hearing Court should be located at Rochester and concern expressed should hearing days at Kyneton and Castlemaine be reduced under the proposals.

Visiting Services

Visiting services proposals were endorsed. Under the proposals Sealake was to be visited from Ouyen. Residents in the area felt

that a visiting Clerk from Swan Hill would be more in tune with the needs of the local area. Elmore residents were similarly of the opinion that a visiting Clerk should come from Bendigo rather than Echuca.

Buildings

The sum of \$800,000 to upgrade St. Arnaud Court was seen as excessive. A sum of \$10,000 or \$20,000 was seen as being more appropriate.

Estimates to upgrade Kyneton were also seen as excessive. Some suggestions were made that Council Chambers in Rochester and Castlemaine might be used as Court venues and alternative community uses for Elmore Court were discussed.

Special Problems

The major problems in the region appeared to be a fundamental concern about access to Court services due to the size of the region and the large distances between major regional centres. Responses to the consultation showed a preference for services available in local communities rather than at centralised locations.

Moe Region (Central Gippsland, East Gippsland)

Boundaries

Comment was made on the anomalies between government department boundaries which were confusing to people using the different services. This was specifically noted between the Law Department, Office of Corrections and Department of Community Services. Wonthaggi, Cowes and Lang Lang were in the proposed Moe

Court region but were included in the Westernport D.C.S. region.

Some saw the region as being too large. It was suggested that a Regional Manager would need to travel extensively to effectively cover the region especially in the more remote eastern areas.

Headquarters Court

The proposal that Moe be the headquarters Court for the region was strenuously debated by a number of interested parties. Alternative locations suggested were Morwell and Sale. Strong local support for Moe relied on the fact that the Moe Court had superior physical facilities and a larger volume of Court business. Local Morwell views claimed that under the criteria set out in the main report that Morwell should have been designated as the headquarters Court as it had the necessary support services, sittings of the County Court, and was a major population centre. Moe by comparison was not a multi-jurisdictional Court and was not the headquarters for a majority of the ancillary services.

Responses drawn from the eastern areas of the State focussed more on the geographical position of Moe within the region. Their comment was that it was closer to Melbourne than to Bairnsdale. Their support was for Sale which was in a more central geographical position and in addition met the report criteria. It was also pointed out that the present \$1.2 m renovations to the Court should provide adequate office accommodation for a Regional Manager.

Court Complexes and Mention Courts

There was general support for improved Court facilities in each

of the towns where Court complexes were proposed. The location of the Mention Court at Moe, however, received major criticism. It was stated 'to fly in the face of logic'. Again, this was because the criteria set out in the report did not appear to have been complied with. Morwell was proposed as a better alternative.

Reasons given included the fact that Morwell had a greater population density than Moe, that there were more solicitors resident in Morwell, that the Legal Aid Commission had recently established its base in Morwell and that most of the relevant government agencies were located in Morwell. Equivalent support to retain Moe as the Mention Court was also given. Arguments included the smaller cost of updating Moe Court as against Morwell and the fact that Moe will serve 106,500 people within a 40 km radius compared with only 91,500 for the same radius from Morwell. There were also proposals for Mention Courts to be located at Warragul and Yarram to overcome access problems, similar to those experienced during the short period that Orbost was not a Mention Court. Warragul required sittings one morning per month and Yarram two hours per month.

Hearing Courts

Cann River was suggested as a location for a Hearing Court to increase access to persons in the south east of the State to Court hearings.

It was pointed out that residents in the far east of the State considered major towns in New South Wales as their local district centres so arguments that they would generally travel to Orbost

for business purposes anyway were irrelevant. It was suggested that compensation for travel expenses be given to residents required to travel to Orbost for Court matters.

Visiting Services

Additional location for visiting services suggested were Bunyip, Drouin, Cann River and Mallacoota. Residents in Warragul were concerned that a Clerk of Courts should be available on a full-time basis. This was not thought possible if the present Clerk of Courts was required to attend other centres. It was suggested that visits should be made from Moe instead.

Buildings

Major concern was expressed by Warragul participants as to the adequacy of the Warragul Court House in successfully meeting future Court requirements. As the present Court House had historical significance, building constraints were imposed upon it, thus preventing future upgrading.

The suggestion was put that the Warragul Shire Offices could serve as an alternative location for Court House personnel and procedures.

The presence of the new Court House in Moe was said to defy and ignore the criteria for headquarters Court facilities. However, all agreed that Moe Court was a very adequate Magistrates' Court.

The cost of upgrading Morwell Court to minimum standards was agreed at this time to be totally "illogical".

Agreement was reached that Morwell should be upgraded eventually to accommodate headquarters Court criteria.

Special Problems

The lack of public education about the new Mention System was cited as a continuing problem in the region after the introduction of the system in early 1985. The submission called for a program of workshops and courses conducted by Clerks of Courts and a simplified Mention Court Notice.

Geelong Region (Central Highlands, Barwon, Glenelg)

Boundaries

There was concern that the three State Administrative Regions had been grouped together. It was thought that a more appropriate amalgamation might have been Barwon and Glenelg, with the Central Highlands being excluded. This has been done by the Office of Corrections and the Health and Education Departments. It was emphasised that consistent boundaries between government agencies should be maintained.

It was also suggested that Werribee should be included in the Western Suburbs region.

Headquarters Court

Geelong was generally supported as the location for the headquarter Court by residents of the Barwon area whilst no comment was received from the Central Highlands area.

However, the Glenelg area submissions supported Warrnambool as the headquarters location. Geelong was not considered appropriate due to its position at the far eastern point of the region and due to its identity as a provincial city. It was thought that the rural issues of the western district would be more appropriately dealt with from Warrnambool.

Court Complexes and Mention Courts

There was general support for all proposed locations. An additional Mention Court location suggested was Camperdown. The Court currently catered for eight Police Stations and it was argued that there was sufficient need to warrant upgrading the Court classification from Hearing Court to Mention Court.

Hearing Courts

An issue highlighted during the consultation in this region was that although it had the largest population, it had the lowest number of Courts. Consequently there was strong support for additional Hearing Courts. Locations suggested included Casterton, Ballan, Terang and Timboon. A Hearing Court at Casterton was specifically needed due to the distance residents were required to travel.

Visiting Services

A large number of additional locations were put forward although it was agreed that a need should be firstly identified and services provided on a trial basis initially. Locations included Dartmoor, Cobden, Queenscliff, Drysdale, Ocean Grove, Newcombe Village, Corio Village, Lismore, Cressy, Timboon and Simpson.

It was also suggested that Terang and Mortlake be serviced from Warrnambool rather than Colac.

Buildings

The Court Houses at Portland, Camperdown and Warrnambool were stated to be in need of substantial works. Portland was claimed to be totally inadequate for the needs of the growing community, resulting from the Alcoa project. Police and local community

groups were concerned at the increase in police actions and civil litigation and predicted that this was not likely to decrease in the near future. There was strong support to reclassify Portland as an "A" category Court. Ultimately a new Court would be required as the present Court had an historical classification and would be difficult to redevelop. Alternative venues were suggested.

Camperdown also had an historical classification and had similar problems to Portland. People were required to stand outside in public view whilst waiting for cases to be called and no interview facilities were provided. There was support to upgrade Casterton's classification from "C" to "B".

The Warrnambool Court was seen as being basically too small and as having inadequate interview facilities and public waiting areas. The Court room also had major accoustical problems.

A specific complaint about the lack of car parking at Geelong was also made. There was a suggestion that a new facility outside the central business district might overcome this.

Special Problems

As outlined above, the major problems perceived hinged on accessibility to Court services especially after the introduction of the Mention System.

Shepparton Region (Goulburn, Upper Murray)

Boundaries

There was general acceptance that the proposed boundaries were appropriate. It was considered appropriate that the Law

Department's boundaries be consistent with those of other government departments.

Headquarters Court

Four cities - Shepparton, Wangaratta, Benalla and Wodonga - sought to be given the headquarters Court status. Shepparton considered the proposal that it be the headquarters Court was appropriate and in accordance with the stated criteria. The other three cities argued that Shepparton was not a good choice as it was not geographically central, and presented access difficulties because of the lack of public transport links. Wangaratta argued that there were historical and geographical reasons for making it the headquarters Court. Benalla and Alexandra contended that Benalla was geographically best placed to service the region. Wodonga stated that the Government was committed to maintain it as a national growth centre and when this factor was combined with its large catchment area and population there were sound reasons for it to be the headquarters Court.

Court Complexes and Mention Courts

Myrtleford argued strongly that it should be designated a Mention Court in preference to Beechworth. It was stated that Myrtleford had a larger population and catchment area, and had less geographical barriers than Beechworth. However, Beechworth was in total agreement with the proposal that it be a Mention Court and Myrtleford a Hearing Court. It asserted that it had the best Court House in the region, the largest town, and was closest to nearby legal advice in Wangaratta.

There was general concern that the Mention System would cause

excessive delays in bringing people to Court since contested cases would not be heard on the Mention day. The present system was felt to be operating quite well and there was no need to change it.

A further concern was that the poor public transport system in the rural area would create access problems once the Mention System was introduced into the region. There was general agreement that the system would have to be flexible to take account of poor public transport, the increased cost of travelling to Mention Courts, and the availability of solicitors to travel to Mention Courts.

Hearing Courts

A number of people were of the opinion that there might be a decrease in Court use time at Hearing Courts when the Mention System was implemented. They felt that in the long term this might result in the closure of a number of Courts. They were opposed to any further Court closures.

Visiting Services

This proposal received widespread endorsement. Suggestions were received that Violet Town and Stanhope be visited locations.

Buildings

It was argued strongly that Shepparton should be given a high priority for upgrading to minimum standards.

To ensure confidentiality for people using the Court, the need existed to provide at least two interview rooms. Adequate seating, counselling facilities and child-minding services were also felt to be essential.

Special Problems

Wodonga asserted that there was a need for a multi-jurisdictional Court in that city. It argued that a high percentage of cases heard in the multi-jurisdictional Courts at Shepparton and Wangaratta arose in the Wodonga area, and that there was great inconvenience in everyone having to travel to those two Courts for their cases.

Kyabram and Nathalia should be serviced from Shepparton and not out of the Bendigo region.

The Upper Murray R.C.C. submission sought to have a separate Children's Court facility to the Magistrates' Court so that both Courts could sit at distinctly separate times. Another concern was that the availability of Children's Court sittings in small rural towns might be affected by the Mention Court system. Since Magistrates would only sit at Hearing Courts when sufficient work was listed, there would possibly be less opportunity for the Children's Court to sit.

APPENDICES

APPENDIX A - COURTS MANAGEMENT CHANGE PROGRAM

LIST OF SUBMISSIONS RECEIVED

Regional Consultative Councils:

Upper Murray R.C.C.)	
Goulburn R.C.C.)	
East Gippsland R.C.C.)	
Central Gippsland R.C.C.)	
Loddon-Campaspe R.C.C.)	
Mallee R.C.C.)	
Wimmera R.C.C.)	
Glenelg R.C.C.)	
Central Highlands R.C.C.)	
Barwon R.C.C.)	
Western Suburbs R.C.C.)	
North Western R.C.C.)	
Southern Suburbs R.C.C.)	
Outer East/Inner East/North East R.C.C. (combined submission).)	Regional Consultative Councils' responses were compiled after external consultation with a variety of interest groups. Frequently groups such as the Financial Counsellors Association, and Emergency Relief Agencies chose to submit through R.C.C.'s rather than directly to the Law Department.

Federating Agencies:

Victorian Council for Social Service
 Victorian Court Information and Welfare Network
 National Council for Women

Government Departments:

Department of Community Services

Office of Corrections
 Ministry of Consumer Affairs
 Ethnic Affairs Commission
 Department of Premier and Cabinet
 Department of Health
 Department of Industry, Technology and Resources
 Latrobe Regional Commission
 Albury-Wodonga Development Corporation
 Police Department
 Department of Conservation, Forests and Lands
 Western Region Commission

Legal Associations:

Consumers' Law Reform Association
 Law Institute of Victoria
 Legal Aid Commission
 Legal Aid Commission - Staff Law Reform Group
 North West Law Association
 Goulburn Valley Law Association
 Victorian Aboriginal Legal Advice Service

Legal Firms:

D.A. McKenzie, McHarg & Bailey - Beechworth
 Ryan & Kee - Yarram
 Nevin, Lenne & Gross - Myrtleford
 F.X. O'Halloran, Davis & Co - Moe
 Morrison & Teare - Numurkah
 A.G. Moore & Associates - Box Hill

Ekrem Aujioglu - Brunswick
 W.B. Renfrey - Mulgrave
 Geoffrey W. Tomlinson - Kerang

Local Government:

City of Footscray	City of Echuca
City of Waverley	City of Mildura
City of Warrnambool	City of Moorabbin
Shire of Avoca	City of Altona
City of Brunswick	City of Hamilton
City of Oakleigh	City of Shepparton
City of Castlemaine	Shire of Cobram
Shire of Warrnambool	Shire of Kara Kara
Shire of Dimboola	Shire of Melton
Shire of Benalla	Shire of Glenelg
Shire of Whittlesea	Shire of Belfast
Shire of Ballan	Shire of Alberton
Shire of Morwell	Shire of Maffra
Shire of Flinders	Town of Kyabram
Shire of Warracknabeal	Shire of Deakin
Shire of Arapiles	Borough of Port Fairy
Shire of Wycheproof	Town of Camperdown
Shire of Lillydale	Rural City of Wodonga
City of Melbourne	City of South Melbourne
Shire of Bacchus Marsh	City of Williamstown
City of Portland	City of Sunshine
City of Sale	Shire of Cranbourne
Shire of Beechworth	Shire of Numurkah
Shire of Buln Buln	City of Moe

Shire of Mount Rouse	City of Horsham
Shire of Myrtleford	Shire of Mansfield
City of Sandringham	City of Essendon
Shire of Daylesford & Glenlyon	Shire of Buninyong
City of Maryborough	

Other Submissions

Members of Parliament:

The Honourable Joan Coxsedg,	Melbourne West Province
The Honourable Bernard P. Dunn,	North Western Province
The Honourable David M. Evans,	North Eastern Province
The Honourable Frederick S. Grimwade,	Central Highlands Province
The Honourable Barry A. Murphy,	Gippsland Province
The Honourable Kenneth I. Wright,	North Western Province
The Honourable John Cain, MLA,	Member for Bundoora
Mr. John E. Delzoppo, MLA,	Member for Narracan
Mrs. Elizabeth S. Gleeson, MLA,	Member for Thomastown
Mr. Edward J. Hann, MLA,	Member for Rodney
Mr. Louis J. Hill, MLA,	Member for Warrandyte
The Honourable Louis S Lieberman, MLA,	Member for Benambra
Mr. Max J. McDonald, MLA,	Member for Whittlesea
Mr. William D. McGrath, MLA,	Member for Lowan
Mr. Sidney James Plowman, MLA,	Member for Evelyn
Mr. Thomas C. Reynolds, MLA,	Member for Gisborne
Mr. Peter Ross-Edwards, MLA,	Member for Shepparton
Mr. Barry E. H. Steggall, MLA,	Member for Swan Hill
Mr. Thomas W. Wallace, MLA,	Member for Gippsland South

The Honourable Ronald W. Walsh, MLA, Member for Albert Park

General:

Australian Greek Welfare Society

Elmore Progress Association

Gleneig Community Corrections Committee

Loddon-Campaspe Regional Planning Authority

Probation Officers Association of Victoria

The Ethnic Communities Council of Victoria

The Greater Shepparton Development Committee Inc.

Ian A. Simmons, Clerk of Courts, Werribee

Society of St. Vincent de Paul, Kyneton

June A. Stewart, Terang

Sudden Infant Death Research Foundation

Victorian Association of Citizens Advice Bureaus Inc.

Victorian Ethnic Affairs Commission

APPENDIX B

COURTS MANAGEMENT CHANGE PROGRAM - PUBLIC MEETINGS

Goulburn:

Benalla	10th July
Kilmore	15th July
Cobram	17th July
Shepparton	23rd July (phone-in)
Tatura	24th July

Upper Murray:

Wodonga	23rd July
Wangaratta	24th July

Gleneig:

Warrnambool	28th July
Camperdown	30th July
Hamilton	31st July
Portland	1st August

East Gippsland:

Bairnsdale	6th August
Orbost	7th August
Sale	8th August

Central Highlands:

Ballarat	31st July
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Central Gippsland:

Warragul	12th August
Korrumburra	13th August
Moe	15th August

Loddon-Campaspe:

Kyneton	6th August
Rochester	7th August
St. Arnaud	8th August

Castlemaine	14th August
Maryborough	20th August
Huntly	21st August

Wimmera:

Horsham	8th August
Dimboola	8th August

Mallee:

Kerang	24th July
Swan Hill	12th August
Sea Lake	13th August
Robinvale	14th August
Mildura	14th August
Kerang	11th September

Barwon:

Geelong	28th August
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North West:

Broadmeadows	29th July
Sunbury	30th July
Broadmeadows	30th July
Broadmeadows	31st July

Western:

Footscray	14th August
Footscray	12th September

North East:

Heidelberg	21st August
Heidelberg	28th August

Inner East:

Box Hill	20th August
Camberwell	27th August

Outer East:

Ringwood	21st August
Upper Yarra	26th August
Lilydale	28th August

Southern:

Moorabbin	5th September
Caulfield	10th September

Westernport:

Dandenong	16th September
Mornington	17th September
Cranbourne	18th September

APPENDIX C
SPECIAL INTEREST FORUMS

These meetings were directed towards Government Departments, federating agencies, community groups and professionals with an interest in the Magistrates' Court System.

REGIONAL MEETING**Upper Murray:**

Wodonga	11th July	Special interest groups interested in Poor Box and Community Services.
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Goulburn:

Shepparton	17th July	Aboriginal community. Probation Officers Assoc.
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Gleneig:

Warrnambool	28th July	Aboriginal community.
Heywood	1st August	Aboriginal community.

East Gippsland:

Bairnsdale	6th August	Welfare/Youth/Aboriginal
Sale	8th August	Welfare/Youth/Aboriginal

Central Gippsland:

Moe	15th August	Aboriginal community.
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Wimmera:

Horsham	8th August	Special interest groups.
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Mallee:

Mildura	14th August	Ethnic Communities Council.
Robinvale	14th August	Aboriginal Community.

APPENDIX D

COURTS MANAGEMENT CHANGE PROGRAM

LIST OF ORGANISATIONS CIRCULATED WITH REPORTS

1. State Government Departments

Department of Community Services
Office of Corrections
Police Department
Ministry of Consumer Affairs
Health Department
Public Service Board
Department of Management and Budget
Department of Industry, Technology and Resources
Education Department
Ministry of Planning and Environment
Department of Conservation, Forest and Lands
Ministry of Housing
Office of Youth Affairs
Local Government Department
Department of Property and Services
Public Works Department
Ministry of Transport
Ethnic Affairs Commission

2. Commonwealth Departments

Department of Social Security
Attorney-General's Department

3. Federating Agencies

Victorian Council of Social Service
Victorian Emergency Relief Committee
National Council for Women
Ethnic Communities Council
Migrant Resource Centre
Ecumenical Migration Centre
Salvation Army
Prostitutes Union
Youth Affairs Council of Victoria
Victorian Court Information & Welfare Network
Victorian Association of Citizens Advice Bureaus Incorporated
Municipal Association of Victoria
Aboriginal Advancement League
Probation Officers Association
Disability Resource Centre
Financial Counsellors Association
Municipal Officers Association

4. Legal Organisations

Law Institute of Victoria
Aboriginal Legal Advice Centre
Federation of Community Legal Centres
Legal Aid Commission
Consumers' Law Reform Association
Local Law Associations

5. Local Government

210 Victorian Municipalities

6. Parliamentarians

All Government and Opposition MLC/MLA and Parliament House
Library

7. Regional Consultative Councils

R.C.C.'s received multiple copies of all reports, which were
distributed through their own networks.

8. Public Enquiries

Various enquiries from the public.

APPENDIX E - COURTS MANAGEMENT CHANGE PROGRAM

EXECUTIVE SUMMARYTRIAL COURTS CLOSURE

As from the first day of February 1985, it was decided that the following nine metropolitan Courts would close for six months on a trial basis - Brighton, Carlton, Chelsea, Coburg, Collingwood, Elsternwick, Eltham, Fitzroy and Footscray.

Following representations to the Attorney-General by interested community groups and V.C.O.S.S. the Minister agreed to extend the period of trial closure to facilitate evaluation of the effect of the closures.

In accordance with the agreement reached between V.C.O.S.S. representatives and a Departmental official, the "closed" Courts were grouped into 4 areas:

- Area 1 Brighton, Chelsea, Elsternwick
- Area 2 Carlton, Collingwood, Fitzroy
- Area 3 Coburg, Footscray
- Area 4 Eltham

Local community-based representative committees were formed to gather information relevant to each particular community and to nominate up to two representatives to represent the local interest on a centrally-based Co-ordinating Committee.

The Co-ordinating Committee was made up of:

- representatives from each Area
- a representative from V.C.O.S.S.
- a representative of the Clerk of Courts Group
- a Law Department representative,
- a representative from the Magistracy

Mr. John Ardlie acted in the capacity of Convenor and John Nevins of the Courts Administration Division acted as Secretary to the Committee.

After initial local meetings, the Co-ordinating Committee was formed and met on five occasions: 5 August 1985, 2 September 1985, 23 September 1985, 11 November 1985, and 18 December 1985. Meetings scheduled for 2 December 1985 and 9 December 1985 were cancelled as all submissions were not available for distribution on those dates.

After considerable discussion concerning indicators which would accurately reflect the impact of the closures, the Committee

unanimously adopted the suggestion that each Area submit a report as to the effects of the closure in the particular community with details of any requirements for Court and/or Court services in that community.

Submissions were received in respect to all Courts, with the exception of Brighton and Elsternwick.

Predominant points made in Area submissions were:

Area 1 Chelsea only.

- . Submitted that there was a need for the services of a visiting Clerk of Courts.

Area 2 Carlton, Collingwood, Fitzroy.

- . Submitted that there was a demonstrated need to re-open Fitzroy Court.

Area 3 Coburg.

- . Submitted that there was a need for the services of a full-time Clerk of Courts.

Court hearing facilities for Coburg residents should be provided at Heidelberg, Preston and Brunswick Courts rather than at Broadmeadows. (It should be noted, the Chief Stipendiary Magistrate has already agreed to this proposal).

Footscray.

- . Submitted that there was a demonstrated need to re-open Footscray Court.

Area 4 Eltham.

- . Suggested that the Minister should instruct the Department to plan the development of a Court Complex in that Eltham/Greensborough area to meet future needs.

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