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The Hon Martin Pakula MP
Attorney-General
121 Exhibition Street
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Dear Attorney-General

Access to Justice Review

In accordance with the Terms of Reference set by you on 22 October 2015, I present to you the report of the Access to Justice Review.

There has been significant interest in the Review from a large number of people who are part of, or concerned with, Victoria's system of justice. Accordingly, it would be desirable for the Government to respond publicly to the Review's recommendations. A final response within six months would be appropriate given the range of policy issues to be considered.

The Review has benefited from the insights of many people, too numerous to mention, but I do wish to record particular thanks to Ms Melinda Richards SC, Crown Counsel, and Ms Rachel Hunter, formerly Director-General of the Queensland Department of Justice and Chair of Legal Aid Queensland.

Yours sincerely

DONALD SPEAGLE
Deputy Secretary
Civil Justice

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- Melinda Richards SC, Crown Counsel;
- Marisa De Cicco, Deputy Secretary, Criminal Justice, Department of Justice and Regulation;
- Simon Cohen, Deputy Secretary, Regulation and Director, Consumer Affairs Victoria, Department of Justice and Regulation;
- Chris Miller, A/g General Counsel, Department of Premier and Cabinet;
- Ryan Phillips, Executive Director, Education and Justice, Social Policy and Service Delivery Reform, Department of Premier and Cabinet/Stephanie Ng, Director, Innovative Justice, Housing and Roadmap for Reform Branch, Department of Premier and Cabinet; and
- Karen Spindler, Assistant Director, Social Policy, Department of Treasury and Finance.

Rachel Hunter, former Chair of Legal Aid Queensland and former Director-General of the Queensland Justice Department, provided invaluable independent advice and guidance on the legal assistance Terms of Reference.

I would also like to thank the directors in the department who helped to shape the Review's recommendations: Chris Humphreys, Jonathan Kaplan, and Allegra Walsh; and the staff who led the research and analysis for, and writing of, this report at various points during the Review: Jaina Cao, Nicola Caon, Sophie Halewood, Mia Hollick, Stephen Jones, Jessica Kujawski, Sarah McNicol, Warwick Mitchell, Cathryn Moore, Yasmin Neenan, and Eve Stagoll.

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Finally, I acknowledge the work and contributions of: the report's editors, Sam Horsfield and Andrew Macrae; staff reviewers, Bryn Davies and Jessica Symonds; and digital communications support from Susan Bond and Georgina Scambler.

Donald Speagle
Deputy Secretary
Civil Justice

Terms of Reference

The aim of the Access to Justice Review is to improve access to justice for Victorians with an everyday legal problem or dispute, and ensuring the most disadvantaged and vulnerable in our community receive the support they need when engaging with the law and the justice system.

The Review is asked to examine:

1. The availability of easily accessible information on legal assistance services and the Victorian justice system, including advice on resolving common legal problems.
2. Options for diverting people from civil litigation and into alternative services where appropriate, such as a 'triage' model.
3. Whether and how alternative dispute resolution mechanisms should be expanded so that more Victorians can make use of them.
4. Potential reform to the jurisdiction, practices and procedures of the Victorian Civil and Administrative Tribunal (VCAT) to make the resolution of small civil claims as simple, affordable and efficient as possible.
5. The provision and distribution of pro bono legal services by the private legal profession in Victoria, including:
 - ways to enhance the effective and equitable delivery of pro bono legal assistance;
 - opportunities to expand the availability of pro bono legal services in areas of unmet need; and
 - options for expanding existing incentives for law firms within the Victorian Government Legal Services Panel.
6. The availability and distribution of funding amongst legal assistance providers by the Victorian and Commonwealth Governments to best meet legal need.
7. Whether there is any duplication in services provided by legal assistance providers, and options for reducing that duplication, including the development of legal education material.
8. The resourcing of Victoria Legal Aid (VLA) to ensure that government funding is used as effectively and efficiently as possible and services are directed to Victorians most in need, including:
 - within the total funding envelope, the types of matters funded by VLA, eligibility criteria for legal assistance and the level of assistance provided; and
 - VLA's current service delivery model, including the use of panel arrangements and internal lawyers, and spending on allied support services.
9. Options for providing better support to self-represented litigants throughout the Victorian justice system.

In examining these matters, the Review should have regard to the Productivity Commission's Inquiry Report: *Access to Justice Arrangements*, No. 72, 5 September 2014, submissions to that inquiry, and other relevant reports on access to justice issues.

The Review should also have regard to the National Partnership Agreement on Legal Assistance Services and the needs of disadvantaged Victorians, including Victorians from an Aboriginal and Torres Strait Islander background.

The Review will be conducted by the Department of Justice and Regulation, assisted by Crown Counsel, Melinda Richards SC, and Rachel Hunter, former Chair of Legal Aid Queensland and Director-General of the Queensland Department of Justice.

The department is asked to conclude its review by 22 August 2016 and, in that time:

1. invite submissions from the public and relevant stakeholders
2. provide a final report to the Victorian Government.

Glossary

Terminology

ATLAS refers to Victoria Legal Aid's online system for practitioners to lodge and track applications for grants of legal assistance.

Attorney-General refers to the Victorian Attorney-General unless otherwise specified.

Case work refers to legal assistance where there is ongoing representation of a client, such as services provided under a grant of legal assistance.

Charter refers to the *Charter of Human Rights and Responsibilities Act 2006 (Vic)* unless otherwise specified.

Civil Claims List is one of three lists in the Victorian Civil and Administrative Tribunal's Civil Division.

Diverting people from civil litigation means referring or directing an individual to a more appropriate resource or service than the formal justice system to assist them to resolve their problems.

Easy English refers to communication that combines text and images to convey information simply and directly. It is designed to make sense to people who have difficulty reading and understanding English.

Family violence is the term used to refer to a wide range of behaviours, as defined in the *Family Violence Protection Act 2008 (Vic)*. The Review generally uses the terms 'victim' and 'perpetrator' of family violence throughout its report, since these are the terms used in the legislation and most commonly used in the community. In using this terminology, the Review recognises that family violence should not define victims or perpetrators for life. The Review recognises that some people consider the word 'victim' problematic because it suggests that people who have experienced family violence are helpless or lack the capacity to make rational choices about how to respond to the violence.

Government (where capitalised) refers to the Victorian Government unless otherwise specified.

Health-justice partnership is a model of providing legal services within a healthcare setting, or vice versa. Health-justice partnerships occur in many forms, such as co-location, outreach or multi-disciplinary teams and partnerships.

In-house is generally used in this report to describe work undertaken by the staff practice of Victoria Legal Aid, as distinct from legal assistance undertaken by private practitioners or community legal centres.

Koori is used to refer to both Aboriginal and Torres Strait Islander people. Use of the terms 'Aboriginal' and 'Indigenous' are retained in the names of some programs, titles and initiatives, and, unless noted otherwise, are inclusive of both Aboriginal and Torres Strait Islander peoples.

Legal aid covers the range of functions and duties of Victoria Legal Aid under the *Legal Aid Act 1978 (Vic)*.

Legal assistance as defined in section 2 of the *Legal Aid Act 1978 (Vic)* means 'legal services provided under this Act other than by way of duty lawyer services or legal advice'. 'Legal services' refer to 'grants' of legal assistance made by Victoria Legal Aid. A grant of legal assistance is the mechanism through which Victoria Legal Aid pays for a lawyer to provide a community member with a legal service, such as, legal advice, help to resolve a dispute, preparing legal documents and/or representing the person in court. However, 'legal assistance' is used in a more general sense by stakeholders and in the Terms of Reference. 'Legal assistance' is used in this report to refer to the provision of a range of legal services including legal information, duty lawyer services, legal advice or representation, through a variety of mechanisms and by various providers. Where grants of legal assistance are referred to, this is specified.

LGBTI refers to people who are lesbian, gay, bisexual, trans and gender diverse, or intersex. This terminology is used by the current Victorian Government Taskforce and associated working groups. The Review recognises that sexuality, gender identity and (non-binary) physical sex characteristics are, however, fundamentally different, and people in these communities should not be treated as though they form a homogenous group who all have the same experiences or legal needs.

Mixed model is used to refer to the provision of legal assistance services by Victoria Legal Aid staff, by private practitioners under procurement by Victoria Legal Aid, by community legal centres, and by community-controlled Aboriginal legal services.

National Partnership Agreement refers to the National Partnership Agreement on Legal Assistance Services. The most recent Agreement commenced in July 2015.

Private practitioners is a term generally used by Victoria Legal Aid to refer to lawyers who work for private firms or are sole practitioners (whether barristers or solicitors), and can be paid to undertake duty lawyer services or assist clients under a grant of legal assistance.

Pro bono is an abbreviated version of the Latin phrase '*pro bono publico*' which means 'for the public good'. For ease of reading, the Review has not used the italics in this report. Although the term 'pro bono' can mean different things to different people, it is generally used to describe work that is done for free, without the expectation of payment, or at a significantly reduced rate.

Public Purpose Fund is administered by the Victorian Legal Services Board under section 133 of the *Legal Profession Uniform Law Application Act 2014* (Vic) and includes funds from a number of sources, including the interest on funds that lawyers hold in trust for their clients, income from investments, and practising certificate fees. In addition to providing funds to Victoria Legal Aid, the Public Purpose Fund also provides funds to other organisations, such as the Victorian Law Reform Commission and the Victoria Law Foundation, and grants for the purposes of law reform, legal and judicial education, legal research or any other purpose relating to the legal profession or the law that the Legal Services Board considers appropriate.

Secondary consultation occurs when a service provider consults another professional, for example when a health worker consults a lawyer about their client's legal problems (with their client's permission).

Sector refers to the legal assistance sector unless otherwise specified.

Self-represented litigant is a person with a matter before a court or tribunal who is not represented by a lawyer or other professional.

Small civil claim is defined under the *Victorian Civil and Administrative Tribunal Act 1998* (Vic) as a claim where the value of the goods or services in dispute is an amount not exceeding \$10,000. The Review recommends that this amount be raised to \$15,000.

Triage in the civil justice context refers to assessing a person's problems and needs, and directing them to the most appropriate destination for support and resolution, irrespective of how the person makes contact with the justice system.

Victorian Government Legal Services Panel is a list of pre-approved law firms from which Victorian Government departments, and other statutory bodies that choose to participate, procure their legal services.

Warm referral refers to a service provider contacting another service that could be helpful to the client, on the client's behalf and with the client's permission. It could also involve a transfer of history and information about the client's circumstances.

Abbreviations

ABS	Australian Bureau of Statistics
ACT	Australian Capital Territory
ACAT	Australian Capital Territory Civil and Administrative Tribunal
ADR	Alternative dispute resolution
CALD	Culturally and linguistically diverse
CASO	Court Advice and Support Officer
CAV	Consumer Affairs Victoria
CLC	Community legal centre
CLE	Community legal education
CLEAR	Community Legal Education and Reform (database)
Cth	Commonwealth
CRT Act	<i>Civil Resolution Tribunal Act 2012</i> (British Columbia)
DSCV	Dispute Settlement Centre of Victoria
FPM	Financial Performance Model used by Victoria Legal Aid
HTML	Hypertext Markup Language
IT	Information technology
ODR	Online dispute resolution
QCAT	Queensland Civil and Administrative Tribunal
QLD	Queensland
QPILCH	Queensland Public Interest Law Clearing House
LAW Survey	<i>Legal Australia-Wide Survey: Legal Need in Australia</i>
LGBTI	Lesbian, gay, bisexual, trans and gender diverse, and intersex
NCAT	New South Wales Civil and Administrative Tribunal
NDIS	National Disability Insurance Scheme
NSW	New South Wales
NZ	New Zealand
PDF	Portable document format
PwC	PricewaterhouseCoopers
QC	Queen's Counsel
RMIT	Royal Melbourne Institute of Technology
SC	Senior Counsel
SMAH	Short mediation and hearing (at the Victorian Civil and Administrative Tribunal)
SRL	Self-represented litigant
TAFE	Technical and further education
UK	United Kingdom
US	United States of America
VCAT	Victorian Civil and Administrative Tribunal
Vic	Victoria
VLA	Victoria Legal Aid
WA	Western Australia

Executive summary

Access to justice is fundamental to ensuring that core values of our community are translated into practice. Those values include the rule of law, fairness, and equity. Access to justice works to ensure that citizens are treated fairly by government; it supports social cohesion and a common commitment to the life and institutions of the community; and it encourages economic prosperity by providing a reliable mechanism through which citizens can resolve their disputes.

Yet the practical capacity of many citizens to gain access to justice is diminishing, and the gap between the Victorian community's needs, and the justice system's ability to meet those needs, is growing.

The Review found a great deal of goodwill and dedication among institutions and service providers – people committed to doing their best to serve the growing needs and expectations of the Victorian community – despite the significant challenges in the justice system, including the legal assistance sector. Unfortunately, some important enablers of the system are weak: there is a lack of data, poor technology in many parts of the system, under-resourcing of legal assistance and related services, and services that are not sufficiently integrated.

The justice system is comprised of inter-connected components – users, the courts and tribunals, dispute resolution and complaints bodies, publicly-funded legal assistance providers, private practitioners, and administrators. This system is under stress. Stress in one part of the system has an influence on others.

It is with a keen sense of gratitude to the workers and volunteers who keep the system going, and an understanding of the seriousness of the needs of vulnerable and disadvantaged Victorians, that the Review makes recommendations to improve the services provided to meet Victorians' legal needs, and maximise the efficiency with which public resources are used.

The Review's task

The Access to Justice Review has been undertaken by staff of the Department of Justice and Regulation, at the request of the Attorney-General. Its aim is to inform improvements to access to justice for Victorians with an everyday legal problem and ensure that the most disadvantaged and vulnerable in our community, including Victorians from Aboriginal and Torres Strait Islander backgrounds, receive the support they need when engaging with the law and the justice system.

The Review was asked to examine:

- entry points into the legal system and increasing community members' understanding of how they can get help with everyday legal issues;
- options for diverting people from civil litigation where appropriate, and whether alternative dispute resolution should be expanded;
- potential reform to the small claims jurisdiction of the Victorian Civil and Administrative Tribunal;
- the availability and distribution of legal assistance funding from the Victorian and Commonwealth Governments, including how to get the most from funding for legal assistance providers;
- how to boost access to pro bono legal help (where lawyers to work for the community for free); and
- how to support self-represented litigants.

The Review was asked to have regard to the Productivity Commission's 2014 Inquiry Report into *Access to Justice Arrangements*, submissions to that inquiry, and other relevant reports on access to justice issues. The Review was also asked to have regard to the 2015 National Partnership Agreement on Legal Assistance Services.

The Review's recommendations are made by way of advice to the Attorney-General. Any action as a result of the Review is a matter for the Government and relevant independent agencies and institutions to consider.

Context

The Access to Justice Review seeks to build on the Productivity Commission's 2014 Inquiry Report on *Access to Justice Arrangements*, and to identify practical steps that could be taken by the Victorian Government to improve access to justice.

In 2013, the Commonwealth Government asked the Productivity Commission to undertake an inquiry into access to justice (particularly the civil justice system), noting that:

The cost of accessing justice services and securing legal representation can prevent many Australians from gaining effective access to the justice system. For a well-functioning justice system, access to the system should not be dependent on capacity to pay and vulnerable litigants should not be disadvantaged.

A well-functioning justice system should provide timely and affordable justice. This means delivering fair and equitable outcomes as efficiently as possible and resolving disputes early, expeditiously and at the most appropriate level. A justice system which effectively excludes a sizable portion of society from adequate redress risks considerable economic and social costs.¹

The Productivity Commission concluded that many people were deterred from seeking advice about civil legal problems because they thought that it would cost too much, or because they did not know what options were available to them. It also found that governments have a role in assisting disadvantaged Australians to deal with their legal problems.²

The Productivity Commission made a number of recommendations to the Commonwealth, and to State and Territory Governments, and estimated that additional funding from these governments of around \$200 million a year is needed for civil legal assistance services.³

The Victorian Review has also been informed by the recent Royal Commission into Family Violence. The Royal Commission's report was tabled in the Victorian Parliament in March 2016. The Victorian Government has committed to implementing all of the Royal Commission's recommendations.

Several of the Royal Commission's recommendations relate specifically to access to justice issues, including access to legal assistance services (recommendation 69), and access to legal information (recommendation 168). But more than that, the Royal Commission's analysis of relevant institutional and service provision arrangements, and improvements that could be made, resonates strongly with the findings of the Review. Common themes include the need for:

- better data and evidence to inform the system;
- more co-ordinated governance arrangements;
- appropriate resourcing;
- integrated services; and
- community-centred design.

¹ Productivity Commission, *Access to Justice Arrangements: Inquiry Report* (2014), iv.

² Productivity Commission, *Access to Justice Arrangements: Inquiry Report* (2014), 2.

³ Productivity Commission, *Access to Justice Arrangements: Inquiry Report* (2014), 30.

What is access to justice?

‘Access to justice’ refers to the ability of people to engage with the many formal and informal aspects of the justice system and to enjoy the benefits of living in a society governed by the rule of law. Professor Mary Anne Noone, a leading Australian academic in the field, observes that:

access to justice is not just about access to courts and tribunals and is much more than the resolution of disputes. It encompasses how people navigate and are treated in the many transactions (with legal consequences) that comprise everyday life particularly those that are administered [by] or involve government agencies. It is in these encounters that ‘equality before the law’ is experienced by most people.⁴

In practice, a variety of obstacles can prevent access to justice, from difficulties obtaining legal information and understanding the law, to the inability to afford private legal advice and assistance to navigate the formal justice system.

For the purposes of its inquiry, the Productivity Commission took the view that improving access to justice in the context of civil dispute resolution means:

making it easier for people to resolve their disputes according to law by improving the capacity and capability of the justice system, and overcoming barriers to accessing the system. The ‘system’ includes formal and informal institutions and processes, as well as information and advice.⁵

The Victorian Review has adopted a broader concept of ‘access to justice’, which includes considering fair and equitable access to legal information and legal assistance in both civil and criminal matters where they relate to the Terms of Reference.

Access to justice makes Victoria’s values real

Access to justice is fundamental to the rule of law. Societies founded on the rule of law are better placed to yield both equity and opportunity for those who live in them.⁶ A transparent and independent justice system, including clear laws that can be understood by all, is the cornerstone of a just society.

There is a strong connection between how confident individuals are that they will be treated fairly if they need to enforce their rights, and their willingness to respect and obey the law.⁷ Fair treatment promotes trust and encourages a positive relationship between individuals, organisations and government. In this way, an accessible justice system is fundamental to social cohesion and community safety: people have a greater commitment to the common interests and the laws of the broader community if they can resolve disputes and know they will be treated fairly in the justice system.⁸

Similarly, access to justice is vital to ensuring that human rights are respected. The Victorian *Charter of Human Rights and Responsibilities Act 2016* (Vic) enshrines in law the right of every person to recognition and equality before the law.⁹ In practice, some individuals require more support than others to enjoy this right. As Justice Bell said in *Tomasevic v Travaglini*,¹⁰ in the context of self-represented litigants:

⁴ Submission 14, Professor Mary Anne Noone, 2.

⁵ Productivity Commission, *Access to Justice Arrangements: Inquiry Report* (2014), 77.

⁶ Tom Bingham, *The Rule of Law* (Penguin Group, 2010), 38-9; World Justice Project, *The WJP Rule of Law Index* (2014), 1.

⁷ Tom Tyler, *Why people obey the law*, (Yale University Press, 1990).

⁸ Renee Zahnow, Rebecca Wickes, Michele Haynes and Lorraine Mazerolle ‘Change and stability in ethnic diversity across urban communities: Explicating the influence of social cohesion on perceptions of disorder’ (2013) 46(3) *Australian and New Zealand Journal of Criminology* 335-356; PricewaterhouseCoopers, *Legal aid funding: Current challenges and the opportunities of cooperative federalism – Final report* (2009), 17.

⁹ *Charter of Human Rights and Responsibilities Act 2006* (Vic) section 8.

¹⁰ (2007) 17 VR 100.

The principle of the fair trial and the human rights of equality before the law and access to justice, are not based on the purely formal idea, important though it is, that all people have an equal opportunity to appear before a court or tribunal. It was the French author Anatole France who captured the essential injustice of treating unequal people equally. He wrote that “the law, in its majestic equality, forbids rich and poor alike to sleep under bridges, to beg in the streets, and to steal bread”. In fact, the principle of the fair trial in its modern conception, and the human rights I have mentioned, recognise that people are not all equal in relevant respects, and that some suffer from particular disadvantages that impede their equal access to justice.¹¹

A well-functioning justice system also fosters economic prosperity, because it provides a stable foundation for conducting business. It assures businesses and investors that they will be able to resolve their disputes peacefully, effectively, predictably and with finality, according to the law.

The role of government in access to justice

Government has a central role in providing an accessible justice system to support the rule of law. Access to justice ensures that the benefits of living in a society governed by the rule of law are available to all members of the community, especially the most vulnerable.

Government also has a role in informing people about their rights and responsibilities under our laws, and doing so in ways that are accessible to the community.

Publicly funded legal assistance services are a crucial safety net for the most disadvantaged members of the community. These services provide legal advice and representation, and information about rights and responsibilities and how to exercise them. This assistance ranges from providing advice about a civil matter affecting a person’s family or housing, to ensuring a fair hearing in the criminal justice process.

Traditionally, and understandably, the highest priority in allocating legal assistance resources has usually been given to people facing criminal charges, in light of the prospect of deprivation of liberty or other serious penalties. Civil justice is treated as ‘the poor cousin’ in the legal assistance family. Increasingly though, unresolved civil legal problems, such as those related to a community member’s housing, mental health, employment or family, are recognised as having far reaching consequences for both the individuals involved and the state. For individuals, unresolved legal problems can lead to diminishing health and restrict social and economic participation, as well as triggering further legal problems, including possible criminal legal issues. These consequences for individuals often generate costs which must be borne by the state, whether in the justice system or in other publicly funded systems.

Just as government has a role in providing access to healthcare and education, it has a role in supporting all Victorians, especially the disadvantaged and vulnerable, to gain access to justice.

The Review’s processes

The Terms of Reference for this Review call for policy recommendations for improvements to services, and an assessment of the efficiency and effectiveness of the use of legal assistance resources. To explore the Terms of Reference, the Review undertook consultation and conducted its own research. The Review tried to make the process of conducting its inquiries as flexible as possible for those who wanted to provide input, including by going out to meet service providers and talk through issues.

The Review was aware that this approach placed demands on institutions and organisations that work hard to deliver frontline services. For many, writing submissions or attending additional meetings came on top of an already busy workload. The Review was also aware that many organisations have participated in a number of large inquiries in recent years which covered related issues, including the Productivity Commission’s *Access to Justice Arrangements* inquiry, and the Royal Commission into Family Violence.

¹¹ *Tomasevic v Travaglini* (2007) 17 VR 100 at [78]. Footnotes omitted.

The Review did not find the ‘consultation fatigue’ that could be expected in such circumstances. Instead, there was enthusiasm for improvements that could help the community. The energy that so many people bring to continuously improving access to justice for Victorians is a credit to the dedication of those working in the justice system. The Review appreciates the time people gave to participate in the Review and the thoughtfulness with which they approached the subject matter.

While the shared goal of access to justice for the community was apparent, there were many competing views on the nature and causes of problems in the justice system, and what would better support the system in the future. The Review thoroughly analysed competing views. It did so through stakeholder meetings, expert roundtables, and returning to many organisations multiple times during the Review to test ideas and early thinking.

The Review endeavoured to model the principle of transparency, which is one of the elements that the Review has found should be bolstered in parts of the legal assistance system. The Review published public submissions on a rolling basis. The Review’s report presents a detailed reflection of the discussion and research conducted for the purpose of the Review, and reasons for the findings made.

The consultation process for the Review is outlined below.

1. **Call for submissions:** The Review called for public submissions on 22 October 2015, with a closing date of 22 February 2016 (although submissions were accepted up until the end of the Review). The call for submissions was noted in the Attorney-General’s media release dated 22 October 2015, and was advertised in the *The Age* and *The Herald Sun* on 21 November 2015. The call for submissions was also promoted through the Department of Justice and Regulation’s social media accounts.

No format was prescribed for submissions. They could be lodged through the Review’s website or provided by email, post or hand delivered. The Review team also assisted a number of people to make submissions orally, either in a meeting or over the phone.

The Review received 90 submissions. Where these submissions could be made public, they were published on the Review’s website: www.myviews.justice.vic.gov.au/accesstojustice. Examples of submissions not made public include those that relate to an individual’s personal circumstances or where the submission included details of family violence services which, if made public, could pose a risk to service users.

Submissions played an important part in highlighting issues and potential improvements. Submissions are drawn on extensively in the sections of the report that set out the issues considered by the Review.

A list of people and organisations who made submissions is at **Appendix A**.

2. **Background papers:** On 21 December 2015, the Review released a series of background papers to explain the scope of many of the Terms of Reference, or otherwise to help people to engage with key issues when preparing submissions to the Review.

Background papers were released on the following topics:

- Accessible legal information;
- Diversion and triage;
- Alternative dispute resolution;
- VCAT small civil claims;
- Pro bono legal services; and
- Self-represented litigants.

3. **Surveys:** The Review released three surveys to provide a quick and easy way for individuals (who might not have been in a position to make a formal written submission) to provide input to the Review. The surveys were not intended to be conclusive or statistically representative. Surveys were conducted on the following topics:

- self-represented litigants: 57 responses;

- pro bono legal services: 126 responses; and
 - non-legal community workers and organisations: 156 responses.
- 4. Expert roundtables:** Expert roundtables were held on the following topics, to further explore ideas and options that had been raised in research and initial consultation:
- online dispute resolution;
 - self-represented litigants;
 - appropriate dispute resolution (including consideration of retirement village disputes as a case study); and
 - government dispute resolution.
- A list of participants at the roundtables is at **Appendix B**.
- 5. Stakeholder meetings:** The Review held over 150 meetings with stakeholders. A list of stakeholder meetings is at **Appendix C**.
- 6. Site visits:** The Review team had the benefit of visiting and carefully observing Magistrates' Courts in Melbourne, Dandenong, Sunshine, Latrobe Valley and Shepparton, and the Victorian Civil and Administrative Tribunal in Melbourne. The review team also observed the operation of the Self Representation Service in Queensland and in the Federal Court in Melbourne. These visits provided valuable insight into the positive services available to support community members, and the practical challenges that people face when engaging with formal aspects of the justice system.
- 7. Critical commentary:** The Review's report benefited from the comments of critical friends chosen for their expertise and insight. Comments were provided in the independent capacity of these individuals. Final content is solely the responsibility of the Review.

Strategic direction

Relevant to all the Terms of Reference, the Review proposes four key strategies to ensure that institutions and services in Victoria's justice system better match the legal needs of the Victorian community and maximise the efficiency with which public resources are used.

a. Better information

There is a lack of data and evidence across the justice system, particularly on issues of access to justice, legal assistance and civil justice. This lack of evidence makes it difficult to know what the community needs, what works well to meet those needs, and how these things change over time.

Improving data, research and evaluation capability across the system is fundamental to each of the recommendations that follow. A better evidence base would also provide a stronger foundation for improved resourcing, facilitate greater co-ordination, and support responses based on legal assistance priorities across Victoria.

The Review makes recommendations to improve the information available to support the justice system, including: making the Victoria Law Foundation a centre of excellence for data analysis, research, and evaluation on access to justice, legal assistance, and civil justice issues (chapter 1); and making legal assistance services more transparent (chapter 6) so that all relevant providers have better information to work with in shaping their services.

There is also a need to improve the provision of legal information to the public. Better sources and availability of legal information have great potential to assist the many Victorians who are not eligible for publicly funded legal assistance services, but who are unable to afford to engage a lawyer to appear in a court or tribunal, a group often referred to as the 'missing middle'. Access to justice for these members of the community can be improved by empowering people to help themselves through relevant, accessible legal information.

The Review makes recommendations for establishing Victoria Legal Aid as the primary entry point for information about legal issues for the Victorian community, and encouraging courts and tribunals to make their websites and legal information materials more accessible and consistent (chapter 2).

b. More flexible and integrated services

Supporting practical access to justice means providing the right services, in the right places, at the right time, and in the right way.

Many justice system processes and institutions have traditionally been designed by lawyers to work in ways that suit lawyers. The quest for greater access to justice challenges the justice system to put the community member, or the court or tribunal user, at the centre of its design. The Royal Commission into Family Violence outlined a framework to design vital services around the needs of community members. This approach would help the justice system to better meet the needs of vulnerable and disadvantaged members of the community.

Putting citizens at the centre of service design begins with recognising that the different needs of individual members of the community call for different responses, depending on whether the individual recognises that they have a legal problem, their capacity to engage with the justice system, and the type of legal problem that they face. The services provided for a particular type of problem or client should be proportionate to the significance, value, and complexity of the matter, and the needs of the particular client. Services should also facilitate intervention in legal problems at the earliest appropriate point to minimise the effect of these problems on a person's wellbeing, and minimise the costs that likely consequences can impose on other publicly funded services (such as housing, health, mental health, and child protection).

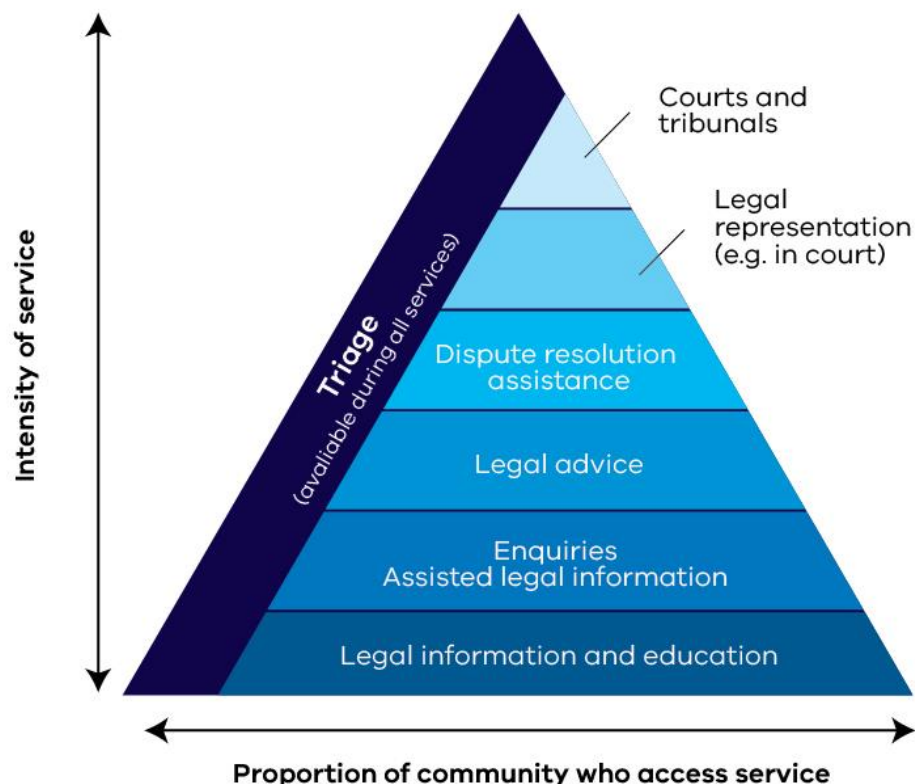
There are strong parallels between the legal assistance sector and the health sector. Like health services, which work to prevent ill health through education, provide day to day care through general practitioners and specialists, and manage acute health needs through hospitals, legal assistance services provide education to prevent legal problems, provide information, advice and other support through legal practitioners, and respond to acute legal problems through advocacy and representation in courts and tribunals. To be efficient and effective, each sector relies on a graduated model of service provision (the model in the justice sector is depicted in Figure 1) in which resources are focused where they would be most effective, and deployed in a proportionate way to the nature of the problem and the likely harm that they are trying to prevent or remedy.

There is a vast gap between the proportion of the Victorian population that is eligible for publicly funded legal assistance services, and those able to afford to engage a lawyer to appear in a court or tribunal. This gap is known as the 'missing middle'. Access to justice for these members of the community can be improved by empowering people to help themselves through relevant, accessible legal information, and through dispute resolution processes that are appropriate to their needs.

The Review makes recommendations to support people to help themselves, such as investing in a well known central entry point for information about legal issues (chapter 2), enhancing accessible dispute resolution processes (chapters 4 and 5), and providing better support for court and tribunal users, especially when they are not represented by a lawyer (chapters 3 and 8).

Vulnerable and disadvantaged members of the Victorian community can require more intensive services to help them to manage and resolve their legal problems. The safety net of publicly funded legal assistance is intended to provide this support. These services must be sufficiently flexible to respond to emerging needs in the community.

Figure 1: Graduated service provision pyramid



Source: Adapted from a diagram provided by Victoria Legal Aid to the Access to Justice Review, February 2016.

Legal problems can affect or be affected by a person’s health, interpersonal relationships, or ability to participate fully in the community. People often seek assistance for these symptoms without recognising that the underlying problem could have legal implications, and could be resolved through legal help. Early intervention to resolve those legal problems can minimise their effect on a person’s wellbeing, and minimise the costs that likely consequences can impose on other publicly funded services (such as housing, health, mental health, and child protection). Building the capacity of non-legal service providers to identify when their clients are experiencing legal problems and to make appropriate referrals, would improve access to justice. Likewise, improving the capacity of legal practitioners to refer clients to non-legal support services would be likely to result in better outcomes for members of the community. An holistic response to multifaceted personal problems requires various systems to work together to provide integrated services.

Regardless of what people’s needs are, their attempts to gain access to justice should not be undermined by unclear pathways into and out of the system. The Review makes recommendations to support triage and diversion so that there is ‘no wrong door’ for community members, and so that people can gain access to the right services for them (whether legal or non-legal) (chapter 3). The Review also makes recommendations to improve co-ordination amongst service providers to ensure that publicly funded legal assistance services are targeted to support those members of the community most in need (chapter 6).

c. Making better use of technology

Community expectations are changing as a result of the digital revolution. People can book into the doctor or hairdresser online, and outside of regular business hours. They can ask questions and resolve problems with their telecommunications provider, bank or airline online, sometimes instantly. They can have documents and reminders sent directly to their electronic devices. People are becoming more familiar with, and expect, mobile and flexible services, designed around the ways that they work and live. If government complaints bodies, dispute resolution services, and the justice system fail to adapt, there is a risk that the formal institutions of government could become a second-rate service or even irrelevant to meeting the community's needs.

The Review found examples of successful initiatives by service providers and other justice system institutions to use different technological platforms to reach members of the community. It has also identified further opportunities to make greater use of technology that would require investment by government in design, infrastructure, and implementation.

The Review makes recommendations to increase user focused services that meet the community's expectations of modern service provision, including the development of online dispute resolution for small civil claims (chapter 5). The Review also makes recommendations to develop an online tool or website to connect legal practitioners with the capacity to provide pro bono legal assistance to community legal centres or other organisations requiring pro bono assistance (chapter 7).

While greater use of contemporary technology can overcome some of the barriers that are currently preventing some people from resolving their everyday legal problems, the Review recognises that not all members of the Victorian community – for example, some people with disabilities or people without the means to obtain electronic devices – can use online technologies. The use of technology must therefore be accompanied by other strategies to overcome barriers that people face in accessing the justice system.

d. Stronger leadership, governance, and linkages

All governments must endeavour to ensure the provision of a fair, and accessible justice system. Equally, it is incumbent on government to maximise value for money in the use of public resources. The Victorian Government is accountable to the Victorian community for both of these things.

The Review found that despite a number of improvements, the legal assistance sector remains fragmented between different service providers. In this context, ensuring that appropriate governance arrangements are in place can be challenging.

Stronger governance mechanisms would help to support more co-ordinated, integrated and accountable legal assistance services to the Victorian community, and enhance overall efficiency. Stronger governance would help the sector to transition to a co-ordinated system of legal assistance. The Review makes recommendations for a 'system manager' to have a co-ordination and oversight role across publicly funded legal information (chapter 2) and legal assistance (chapter 6).

The Review also found that there could be stronger linkages between different institutions in the justice system. The Review identified that there could be better communication and sharing of experience and expertise, particularly about alternative dispute resolution (chapter 4) and supporting self-represented litigants in the system (chapter 8).

In addition, the Review found that there is a need to foster a stronger culture of transparency and continuous improvement in some parts of the justice system. The Review makes recommendations to improve mechanisms for quality review, feedback, and transparency of data and modelling, from VCAT (chapter 5), to dispute resolution services (chapter 4), to legal assistance services (chapter 6). In turn, these improvements would enhance public confidence in the justice system.

Finally, the Review found that maximising value for money in publicly funded services, especially those provided in the legal assistance sector, requires stronger relationships between government and service providers. Services must be informed by government priorities for the community, better evidence of the community's legal needs and what works best to meet those needs.

The Review also supports the recent recommendations of the Public Accounts and Estimates Committee of the Victoria Parliament, in calling for a more appropriate funding mechanism between the Commonwealth and the Victorian Government on legal assistance (chapter 6).

More accessible justice

The Access to Justice Review creates a platform for widespread change in the justice system. While the system is not broken, it is under considerable strain. The Review has identified ways to improve the system so that justice is more accessible for all Victorians. There are already many promising initiatives and significant opportunities to improve practice and service provision across the board. Equally, there are significant risks in not taking steps to increase the ability of Victorians, especially vulnerable and disadvantaged Victorians, to obtain effective legal advice and assistance. The gap between community needs and system capacity will continue to widen if action is not taken now.

The Review proposes strategic responses – better information, more integrated services, better use of technology and stronger governance – to enhance access to justice through a systemic approach. If the Review's recommendations are adopted, more Victorians will have greater access to better services. They will be able to get information about a legal problem quickly, use processes that resolve their disputes as fairly and quickly as possible, and, if they are disadvantaged or vulnerable, they will have better access to legal advice and assistance.

Each of the strategic responses discussed above, and the detailed recommendations that follow, would allow Victoria to take the next step forward in improving services for the community. These improvements would require resources and would take a number of years to realise.

The Review has also identified a number of areas where efficiencies could be gained, or the justice system made more effective. For example, the Review makes recommendations about ceasing the operation of the Victoria Law Foundation's *Everyday-Law* website, and recognising Victoria Legal Aid's website as the primary entry point for information about legal issues and services in Victoria (chapter 2). It also recommends exploring opportunities to ensure that Victoria Legal Aid is maximising value for public money in the application of the mixed model of legal assistance services. The Review also makes recommendations to streamline funding arrangements and administrative requirements on government and legal assistance service providers, which would free up capacity for frontline service provision (chapter 6).

Further recommendations are directed to developing more efficient processes for both government and community members, such as:

- online dispute resolution for civil claims (chapter 4), which could provide a model for a more flexible and proportionate way of dealing with small civil claims, and could provide a model for efficiencies in other areas of law in the future, including minor criminal matters such as traffic offences;
- helping people to resolve their disputes at earlier, less expensive points in the justice system, by expanding the role of the Dispute Settlement Centre of Victoria (chapter 4); and
- helping people who do not have legal representation to interact better with courts through a Self Representation Service, which would alleviate pressures on court resources (chapter 8).

There are also opportunities to gain efficiencies in the long run. In particular, the Review: makes recommendations to improve the evidence base to inform justice system design, and support assessments of the quality and effectiveness of justice system services (chapter 1); proposes stronger central co-ordination of both legal information for the community (chapter 2); and the legal assistance system (chapter 6); and encourages more systemic evaluation of alternative dispute resolution (chapter 4); the Victorian Civil and Administrative Tribunal (chapter 5); and publicly funded legal assistance services (chapter 6).

While the Review has identified opportunities to build greater efficiencies into the system, existing inefficiencies are relatively modest. Based on the Review's analysis, improved efficiency in and of itself could not be expected to achieve the level of change needed in the justice system. Additional resources are required.

Improvements also need to continue beyond this Review. The Review makes recommendations to institutionalise continuous improvement in the system through the central data, research, and evaluation role proposed for the Victoria Law Foundation, as a trusted and independent statutory authority (chapter 1). The Department of Justice and Regulation should work with the Victoria Law Foundation, institutions such as the courts and tribunals, and legal assistance service providers, to develop an outcomes framework against which progress on implementation and outcomes as a result of this Review could be tracked and reported to the Government.

Overview of the report

Each chapter in this report considers one or more of the Review's Terms of Reference, and is divided into sections which include: an introduction; background and context; issues considered by the Review (including issues raised in submissions); and a final section setting out the Review's findings and recommendations.

A complete list of the Review's recommendations is provided at the end of this Executive Summary (page 24).

The report is divided into two volumes: volume 1 contains chapters 1–5; volume 2 contains chapters 6–8.

Chapter 1 Understanding legal needs

Chapter 1 examines the preamble to the Terms of Reference for the Review, and the Review's overarching aims of: (1) improving access to justice for Victorians with an everyday legal problem or dispute; and (2) ensuring that the most disadvantaged and vulnerable in our community receive the support they need when engaging with the law and the justice system. Understanding the legal needs of the community, and what works to meet those needs, is vital to improving access to justice and better supporting people when they engage with the justice system.

The chapter identifies that there are significant gaps in data, research, and evaluation relevant to the justice system in Victoria, particularly in relation to legal needs. Current legal needs research in Victoria is often ad hoc and applied to limited samples of the population, which limits the extent to which findings can be meaningfully applied across the system.

These gaps hinder attempts by government and service providers to design services efficiently and effectively to support the Victorian community, especially the most vulnerable and disadvantaged members. The deficiency of information about legal needs and the extent to which services in the justice system meet those needs, is particularly stark when compared with the quality, frequency and system-wide co-ordination of data collection and research informing other vital services, such as health services.

The limited legal needs research available demonstrates that there are unmet legal needs amongst a number of vulnerable groups, including people experiencing family violence, people from culturally and linguistically diverse communities, Koori people, people with disabilities, older people, young people, people who are lesbian, gay, bisexual, trans and gender diverse, or intersex (LGBTI), people experiencing homelessness or insecure housing, and people residing in regional or remote Victoria. These groups can have unique needs, both in relation to the legal problems that they encounter, and the obstacles they face in resolving them. Solutions to legal problems for these groups require targeted approaches informed by a sound evidence base.

Population trends in Victoria indicate that the demand for legal assistance services will continue to grow, with accompanying demand for other support services, such as interpreter services.

Adopting a systemic approach to examining and reporting on legal needs, and to evaluating the provision of legal assistance services in Victoria, would provide the end-to-end evidence needed to support both government and providers to improve access to justice and ensure that services are both effective and efficient. The best assessment of legal needs would require a combination of approaches, drawing on institutional data about the population and systems from the centre of government, combined with direct experience from service providers about local community priorities and needs.

The capacity of key actors in Victoria's justice system, especially courts and tribunals, to collect and share appropriate, meaningful information about the services they offer and the needs of the people they serve, is underdeveloped, and in some cases limited by aged technology. The Victorian Government's provision of funding to a number of courts to scope appropriate case management systems is an important first step towards collecting valuable data.

The Review found that greater capacity for research and evaluation needs to be built into the justice system. That capacity would support Victoria to meet its commitments under the current National Partnership Agreement, support ongoing funding negotiations, and most importantly, provide an evidence bank to help service providers to identify and forecast legal needs so that services can be effectively and efficiently targeted.

The Review recommends that the Victorian Government support the Victoria Law Foundation to become a centre of excellence for data analysis, research, and evaluation on access to justice, legal assistance and civil justice issues. The Victoria Law Foundation has established a strong track record in civic engagement and community education, and valuable links with the legal profession, including the courts. This background means that it has the necessary independence and standing with the courts and the legal sector to fulfil the proposed role.

This new role would involve a refocusing of the Victoria Law Foundation's existing functions, primarily in relation to its current function as a principal provider of legal information about specific legal issues and problems to the community. The Victoria Law Foundation would also require a modest increase in funding to support its new functions.

Chapter 2 Accessible information about legal issues and services

Providing free, accessible information about common legal problems and legal assistance services can help people to identify that they have a legal issue, learn more about their rights and responsibilities, and take steps to prevent or if necessary resolve a legal problem, often without the need to involve lawyers, or courts or tribunals. Legal information can also help those who need legal assistance to find the right service for them.

Chapter 2 considers the availability of easily accessible information on legal assistance services and the Victorian justice system, including advice on resolving common legal problems (Term of Reference 1). The chapter also examines whether there is any duplication in information services provided by legal assistance providers, and considers options for reducing any duplication (Term of Reference 7).

For the purposes of the Review, 'legal information' is defined as information about the law, the justice system, common legal problems, legal assistance services, and mechanisms for resolving disputes.

The chapter provides an overview of the legal information currently available in Victoria, the main providers of that information, and the features of effective legal information. The Review notes that legal information is increasingly provided online and that an online format can improve accessibility and convenience for Victorians who have the capacity to deal with their legal problems independently. However, for others, such as those who have low levels of English literacy, limited access to the internet, an inability to identify that a problem has legal implications, or a lack of confidence to take action, different kinds of legal support are required. Such supports include legal information materials specific to their needs, and face-to-face legal assistance services.

While there is a commitment across the sector to providing legal information in Victoria, the accessibility of this information for Victorians could be improved. The Review found that there is some overlap and fragmentation in the information provided by different sources. In some cases, that is because similar information is tailored for different groups in the community. Community legal centres play an important role in identifying particular needs in their communities. To the extent that there is unnecessary duplication in the provision of legal information in Victoria, submissions to the Review agreed that co-ordination between the providers of that information is the solution.

The Review also heard that there remain some gaps in the legal information available on particular topics in Victoria. There is a lack of information about common legal problems provided in plain-language, Easy English, and languages other than English. The quality and consistency of legal information is also variable.

The current number of telephone helpline services and online legal information websites serves to fragment, rather than improve, access to legal information. An internet search for a common legal problem returns hundreds of results. The fragmentation in legal information provision makes it difficult for members of the community, even those with capacity to independently manage their legal problem, to distinguish between good and poor information, between Victorian information and information relevant to other jurisdictions, and between accurate and out-of-date information. The Review acknowledges the work already being done to co-ordinate and improve legal information, including through forums and databases such as the *Community Legal Education and Reform* database, and the considerable efforts to create central portals of legal information, including the Victoria Law Foundation's *Everyday-Law* website. However, further efficiencies could be achieved and more people could be reached.

Of concern is that there is no entity in Victoria that is currently responsible for central oversight of the quality and consistency of publicly funded legal information; nor is there a central agency whose task it is to review and track the available information, identify gaps and duplication, and facilitate further co-ordination of materials and information-sharing. The Review considers that a primary entry point for legal information and legal assistance services would benefit Victoria.

The characteristics of an effective primary entry point include that the entry point be well known and highly recognised by the public, and that it be embedded in the legal assistance sector.

A primary entry point for legal information and assistance services would:

- minimise duplication and gaps in legal information materials available in Victoria;
- co-ordinate the development and dissemination of legal information materials across Victoria, including specialised materials that are created by community legal centres to meet their communities' needs;
- work with providers of legal information to 'up-scale' existing resources, including tailoring them to particular parts of the community;
- ensure that legal information materials meet best practice and accessibility standards, including the provision of materials in plain-language, Easy English, and languages other than English; and
- track the quality, consistency, and currency of legal information materials, and develop strategies to promote standards.

A primary entry point would also need to have strong networks and connections to other legal assistance providers, in order to provide triage services and referrals.

Victoria Legal Aid is well placed to be the primary entry point for legal information and legal assistance services in Victoria. Victoria Legal Aid is highly visible to the Victorian community, and its role as a provider of legal services enables it to recognise gaps and duplication in legal information. Through its Legal Help telephone service, Victoria Legal Aid understands the needs of many people in the 'missing middle', in addition to those who are disadvantaged. Victoria Legal Aid is also embedded in the legal assistance sector. It therefore has the capacity to triage and refer clients to more intensive legal assistance services as required, and to co-ordinate the development and dissemination of legal information with information providers, including other government agencies and community legal centres.

It is not intended that Victoria Legal Aid should be the only entry point. A primary entry point should not detract from the capacity of community legal centres to recognise legal information needs and develop meaningful resources and face-to-face education targeted to their communities. Nor should it detract from the provision of targeted support for vulnerable and disadvantaged groups. Rather, a primary entry point would enable better harnessing of such resources for use across Victoria.

Courts and tribunals should also continue to be the main providers of information about their jurisdictions, processes, procedures, fees and forms. It is desirable to increase the accessibility of their legal information resources.

Chapter 3 Diversion from civil litigation and the triage model

Chapter 3 examines options for diverting people from civil litigation and into alternative services where appropriate, such as a 'triage' model (Term of Reference 2).

'Diverting people from civil litigation' refers to directing a person to a more appropriate resource or service than the formal justice system to assist them to resolve their legal problems. The related concept of 'triage' in the civil justice context refers to assessing a person's problems and needs, and directing them to the most appropriate destination for support and resolution, irrespective of where the person has made contact with the justice system. Effective triage can ensure that the needs of the community member are met at the earliest possible stage, before their problems become more serious. Triage can therefore reduce the need for more intensive and expensive intervention in the future.

The chapter provides an overview of triage models and current triage practice. Legal assistance service providers in Victoria employ a range of triage models. These include partnering with non-lawyers and secondary consultations to reach those who are unlikely to seek out legal assistance from stand-alone legal service providers. Many providers are also delivering integrated, tailored and holistic legal assistance services, which take a case management approach to resolving a client's multiple problems.

Evidence suggests that as well as diverting people from unnecessary civil litigation, integrated and collaborative forms of service provision, such as health-justice partnerships, foster service co-ordination, better target services for disadvantaged and vulnerable groups, and can have a positive impact on health. Integrated service provision also enables legal and non-legal workers to respond to a client's issues through a contextualised understanding of a client's problems, rather than responding to one issue in isolation from others.

This chapter also identifies some of the challenges in providing effective triage. These challenges include maintaining effective referral networks amongst different legal assistance providers, between legal and non-legal service providers, and across the justice sector, especially in the context of limited funding. The Review heard that many projects that employ secondary consultation and integrated service provision currently rely on short-term project funding, philanthropic donations or one-off grants from local, the Victorian or Commonwealth Governments. This uncertain funding foundation has the potential to undermine the effectiveness and outcomes of the services being delivered.

The chapter further considers a number of opportunities to improve the triage capacity of the system, including strengthening referral pathways between service providers, referrals by the courts and VCAT to services located at the courts and in the community, and improving the accessibility of services at court and VCAT venues.

The Review recommends that both the Victorian and Commonwealth Governments consider providing ongoing funding for the provision of integrated legal services where there is a demonstrated legal need for tailored or targeted services to reach particular client groups. In addition, the Review recommends that the Victorian and Commonwealth Governments provide ongoing funding to proven programs that employ secondary consultation by non-legal workers, in order to improve the capacity of non-legal workers to identify legal problems, strengthen referral pathways, and expand the reach of legal assistance to people who would not otherwise access it.

The Review also proposes that the design of new integrated services recommended by the Royal Commission into Family Violence includes legal professionals to perform legal triage in order to deliver legal information, education, and advice to people experiencing family violence, and to build the capacity of non-legal personnel working in the Support and Safety Hub to identify legal problems. The need for effective legal triage at other key sites should be considered in the future to support early intervention and community welfare outcomes.

The establishment of Victoria's Pride Centre presents an opportunity to provide targeted legal information, resources and referrals for members of LGBTI communities and to deliver LGBTI cultural competency training for legal service providers. The Review therefore recommends that the Victorian Government include a legal professional in the services offered by the Pride Centre.

Chapter 4 Alternative dispute resolution

Chapter 4 examines whether and how alternative dispute resolution mechanisms should be expanded so that more Victorians can make use of them (Term of Reference 3).

Court-based (and occasionally even tribunal-based) adjudication of disputes can be costly, complex, and slow. Adversarial court or tribunal proceedings, especially when prolonged, can have considerable emotional costs for the parties involved, and considerable financial implications for both the parties and the taxpayer. Alternative dispute resolution can increase access to justice by providing an alternative to formal court or tribunal proceedings that is quicker, cheaper, and more likely to result in an outcome that satisfies both parties and maintains their relationship.

In the last 30 years there has been an increased focus on providing alternative means of resolving disputes and an increase in the number of organisations supplying alternative dispute resolution services. Alternative dispute resolution is now a standard feature of civil proceedings in Victoria's courts and VCAT across a range of civil law areas, including commercial disputes, neighbourhood disputes and consumer disputes.

Alternative dispute resolution is provided by court and VCAT staff, as well as private providers, government bodies such as the Dispute Settlement Centre of Victoria, regulators such as Consumer Affairs Victoria, industry schemes, ombudsmen, and commissioners, such as the Victorian Small Business Commissioner.

This chapter considers the contexts in which alternative dispute resolution is working well and where there are opportunities for improvement. Experienced alternative dispute resolution practitioners, lawyers, judicial officers, academics and those in the community legal sector have expressed views about the benefits and limitations of alternative dispute resolution.

The observations of those who have participated in alternative dispute resolution, as well as statistics on settlement rates, also provide insight into the usefulness and appropriate application of alternative dispute resolution.

Alternative dispute resolution seems to work particularly well in certain circumstances: where preserving the relationship between the parties is important; in matters of small monetary value that are uneconomical for a court or VCAT to adjudicate; and in ombudsman, regulatory, and industry dispute resolution contexts, where there is a framework of expertise, experience and support, and a credible threat of enforcement or sanction if alternative dispute resolution is refused.

The Review is aware that alternative dispute resolution is not always an appropriate method for resolving disputes, either because of the nature of the dispute or the characteristics of the parties. Alternative dispute resolution's emphasis on confidentiality and compromise can obscure wrongdoing, power imbalances and systemic failure. Alternative dispute resolution has the potential to disempower the parties, add to legal costs and prematurely end disputes when public adjudication would have been beneficial to others. Vulnerable and disadvantaged people might also need special consideration in order to participate meaningfully in alternative dispute resolution.

However, the Review also notes that litigation has similar risks. For example, pressures to compromise and settle, often arising for financial reasons, are common in litigation. Alternative dispute resolution should be measured against the realities of the legal system, not against an unattainable ideal. Not all disputes can be resolved to everyone's satisfaction, whether through alternative dispute resolution, unassisted negotiation, or court or tribunal adjudication.

The Review acknowledges that accountability in relation to processes and outcomes is particularly important when alternative dispute resolution is funded by government or is a compulsory part of a court or tribunal process. Effective screening and referral procedures can help to ensure that alternative dispute resolution is used effectively and efficiently, and that the rights and needs of vulnerable and disadvantaged people are not overlooked. The Review recommends that relevant public bodies develop guidelines for screening the suitability of matters for alternative dispute resolution and making appropriate referrals.

Providing quality alternative dispute resolution services is essential. The quality and value of alternative dispute resolution is not currently measured by all organisations or individuals who use or provide dispute resolution. The evidence base about the fairness of alternative dispute resolution processes and outcomes needs further development to ensure that alternative dispute resolution approaches continue to improve. Robust evaluation is dependent on the collection and use of meaningful data about alternative dispute resolution processes and outcomes. The Review recommends that organisations that use alternative dispute resolution identify data gaps and consider how future systems can be designed to capture and share data more usefully.

There are opportunities to expand further the use of alternative dispute resolution. The civil justice system should offer alternative dispute resolution interventions at every stage of a dispute, from the point a complaint is made, to preparing for litigation, to the door of the court or tribunal. Even alternative dispute resolution that does not result in a complete settlement can still narrow the issues and clarify aspects of the dispute.

The Dispute Settlement Centre of Victoria is a major government provider of free alternative dispute resolution services to the public, and it is proposed that these services remain free of charge. The Review recommends that the Centre and VCAT form a partnership to offer alternative dispute resolution in suitable matters, commencing with claims in VCAT's Civil Division. Utilising the Dispute Settlement Centre of Victoria's regional presence would extend the availability of dispute resolution services through VCAT to more people across Victoria.

Government is also one of the biggest users of the civil justice system. Opportunities exist for government agencies to make greater use of alternative dispute resolution and to aim to resolve disputes as early as possible. A cultural shift is needed to encourage government agencies to take a less litigious approach to dispute resolution where appropriate. The Review recommends a range of strategies, with a focus on leadership within government agencies, to increase the use of different forms of alternative dispute resolution.

Chapter 5 Victorian Civil and Administrative Tribunal small civil claims

Chapter 5 responds to Term of Reference 4, which asks the Review to examine potential reform to the jurisdiction, practices and procedures of VCAT. In particular, the Review is asked how the resolution of small civil claims at VCAT can be as simple, affordable and efficient as possible.

VCAT can hear matters and make orders in a wide range of jurisdictions. Some disputes involve only two parties and have a low monetary value, whereas others involve multiple parties, complex facts and high monetary claims. VCAT therefore has a challenging mission – it must provide accessible dispute resolution across a range of jurisdictions of varying complexity, and ensure both efficiency and just legal outcomes. When considering this Term of Reference, the Review has been cognisant that any reforms proposed must both ensure that the resolution of small civil claims is as simple, affordable and efficient as possible, and that procedural fairness continues to be afforded to all parties.

A significant portion of VCAT's work is in the area of small civil claims. A 'small civil claim' is currently defined under the *Victorian Civil and Administrative Tribunal Act 1998* (Vic) as a claim where the value of the goods or services in dispute is an amount not exceeding \$10,000. VCAT has an important role in resolving small civil claims and enforcing consumer rights, providing a deterrent to and redress for violation of those rights. In 2014–15, VCAT determined approximately 5,700 small civil claims.

This chapter provides an overview of VCAT's current functions and powers, in particular in relation to small civil claims. The Review heard that the resolution of small civil claims at VCAT has become too complex, and that disadvantaged Victorians continue to experience barriers to accessing justice through VCAT. Issues considered by the Review include:

- the complexity of procedures and processes for resolving small civil claims;
- the affordability of application fees and costs incurred by parties relative to the value of the claim;

- the additional problems faced by applicants with a particular disadvantage, including people who reside outside metropolitan Melbourne;
- the difficulties consumers face in resolving disputes about defective motor vehicles at VCAT;
- measures to improve the quality and transparency of decisions, and to overcome the difficulties people face in enforcing VCAT orders; and
- better use of online technologies at VCAT to improve access to justice.

VCAT is currently implementing some technological improvements to its administrative practices that will benefit parties with small civil claims, and make it easier for all Victorians to access VCAT's services. The Review recommends that the Victorian Government provide financial support to VCAT to fully implement the recommendations of its recent customer service review and to better utilise online technology to deliver more accessible, user focused, and responsive administrative services.

Many other jurisdictions are taking up the opportunities offered by new technologies to improve access to justice. Using online technology as a platform for dispute resolution offers a number of advantages and has the potential to significantly improve access to justice. As online dispute resolution can be accessed at any time from any place, it provides a convenient and flexible avenue for seeking resolution of small civil claims. It can make resolving small civil claims more simple, affordable and efficient.

The Review recommends that the Victorian Government provide pilot funding, and, subject to evaluation, ongoing funding, for the development and implementation of a new online system for the resolution of small civil claims in Victoria. Further, the Review recommends that the Victorian Government establish an Online Dispute Resolution Advisory Panel with terms of reference to oversee the introduction and evaluation of an online dispute resolution system for small civil claims in Victoria and make recommendations about the possible future expansion of online dispute resolution to other jurisdictions in Victoria. The Victorian Government should also introduce legislation to facilitate the use of the new online system for the resolution of small civil claims.

The Review recognises that not everyone is able to access or confidently use online technologies. A range of strategies must accompany the introduction of online dispute resolution to ensure access to justice for people who experience particular disadvantage or require extra support.

The Review makes a number of further recommendations for targeted reforms to VCAT processes to reduce complexity, improve transparency and accountability, and remove procedural barriers. These proposals include lifting a barrier to requesting written reasons for a decision, and streamlining processes to enforce VCAT orders.

Chapter 6 Legal assistance for Victorians most in need

Chapter 6 responds to Terms of Reference 6, 7 and 8. Terms of Reference 6 and 7 require the Review to examine the availability and distribution of funding amongst legal assistance providers and whether there is any duplication in legal assistance services. Term of Reference 8 requires the Review to examine the resourcing of Victoria Legal Aid to ensure that government funding is used as effectively and efficiently as possible. From a policy perspective, these Terms of Reference raise questions about:

- how to direct resources and services to those most in need and how to change service provision as the needs of the community change over time, or evidence develops of what works best to meet those needs;
- ensuring the effective and efficient use of public resources and how government, as a representative of the community, can be satisfied that it is maximising value for money; and
- whether there are sufficient resources for legal assistance services to meet the priority needs of the most disadvantaged and vulnerable members of the community.

The first three substantive sections of this chapter provide background information, including an overview of current practice in the legal assistance sector, which has informed the Review's consideration of the relevant Terms of Reference.

Section 2 outlines the roles of the four key sources of publicly funded legal assistance in Victoria, namely Victoria Legal Aid, private practitioners, community legal centres and Aboriginal legal services. These providers deliver legal assistance through a 'mixed model' of service delivery, which provides clients a choice of provider, increases the pool of specialist practitioners and allows for the management of conflicts of interest (whereby if the legal service provider approached is already assisting the other party, a referral can be made to ensure that all parties receive legal help).

Section 3 of this chapter provides more detailed information about Victoria Legal Aid. With over 650 full-time equivalent staff, Victoria Legal Aid is the single largest provider of legal services in the State, with significant responsibility for the allocation of legal assistance services across the sector. Victoria Legal Aid is a statutory authority established under the Legal Aid Act, governed by a board, and accountable to the Attorney-General for its financial management and performance. It provides legal services across civil, family and criminal law jurisdictions. Community access to duty lawyer and case work services is subject to eligibility guidelines that require an assessment of the merits of a case and a person's financial circumstances. Victoria Legal Aid determines these guidelines in accordance with the Act and funding agreements. Victoria Legal Aid employs various internal mechanisms to support quality in the delivery of legal aid services, both by its employees and private practitioners, in particular in relation to accountability for services provided under a grant of legal assistance.

Section 4 of this chapter provides an overview of current legal assistance funding arrangements and costs. Funding of legal assistance services is complex, with service providers relying on dynamic funding from multiple sources through Victorian and Commonwealth Governments. The majority of funding to community legal centres in Victoria is provided through Victoria Legal Aid.

The remaining sections of this chapter consider the challenges confronting the legal assistance sector and articulate the Review's findings and recommendations in relation to these challenges.

Section 5 summarises issues relevant to Terms of Reference 6, 7 and 8, which were raised through submissions, consultations and the Review's research. The Review identified a number of barriers to the legal assistance system working as effectively and efficiently as possible. These included a lack of clarity about the basis on which Victoria Legal Aid makes decisions affecting the sector and issues of trust between service providers. The Review heard that changes made by Victoria Legal Aid to its guidelines for grants of legal assistance have flow-on effects to other parts of the justice system and that these effects have not always been well considered in advance of changes being made. The courts provided examples of increased pressure on their resources as a result of guideline restrictions, in particular an increase in the number of self-represented litigants. The Review also heard from Victoria Legal Aid that demand pressures, changes in funding, and policy decisions made across government, make guideline revisions both inevitable and difficult to forecast.

Private practitioners told the Review that compliance with Victoria Legal Aid's requirements in relation to the simplified grants process for grants of legal assistance are unduly onerous, and do not take into account the time and cost risks borne by private practitioners when assessing a person's eligibility for a grant. The Review heard from a number of stakeholders that the relative value of legally aided work makes it difficult to attract private practitioners in some areas of work. A number of related consequences of low fee levels were noted, including that private practitioners might 'load up' cases to make legally aided work more viable, undermining the quality of services to the community and contributing to delays in the courts. Concerns about the quality of advocacy across the legal assistance sector were consistently raised with the Review in consultations with the courts. The Review recognises that quality is not only a question of skill, but of time and capacity.

Research and consultation over the course of the Review showed that there is a lack of understanding about the scope of Victoria Legal Aid's role in the legal assistance sector and a perception that Victoria Legal Aid is not required to meet the standards of transparency expected of other legal assistance providers. Victoria Legal Aid does not currently report publicly at regular intervals throughout the year in relation to organisational or service level performance. Current public reporting on organisational performance is generally limited to its annual report. Some legal assistance providers told the Review that Victoria Legal Aid is not sufficiently accountable for its decisions about funding allocation. Issues were also raised about how Victoria Legal Aid compares the costs of in-house services to those it purchases externally, and the effectiveness and efficiency of the use of in-house advocates.

Demand for legal services and the sector's current and future capacity to meet that demand, was a common theme. Measuring demand is difficult. The volume of services provided by the sector is an inadequate proxy, as it does not consider how many members of the community are in need of a legal service but cannot access that service. As discussed in chapter 1, a common methodology for estimating and predicting demand has not been adopted by the sector, and data on legal need are limited. The Review nonetheless heard that demand for legal help far outweighs the supply of services in Victoria, and the demand is likely to continue to increase faster than the rate of population growth. Many of the submissions received by the Review highlighted the financial under-resourcing of legal assistance providers, with significant adverse consequences for clients, members of the community who need legal help, and the wellbeing of legal assistance staff. Community legal centres noted the difficulty of planning when funding arrangements are short term. Aboriginal legal services emphasised that inconsistency and uncertainty in funding can lead to ad hoc services and low staff retention rates, which undermines the trust between Aboriginal community members and government.

In section 6, the Review considers the information and issues before it and makes recommendations. The Review has found that the mixed model for providing legal services is sound. Nevertheless, the current design of the model could be made more effective. The mixed model has inherent tensions in that it relies on a collection of independent providers that are in a co-operative relationship, with a strong commitment to deliver services to the people of Victoria, but also a competitive relationship for funding and a purchaser/provider relationship with Victoria Legal Aid. Competition promotes efficiency and growth; however for it to be effective in these circumstances, rather than undermining trust between service providers, co-operation across the sector needs to be strengthened, and the functions and decisions of Victoria Legal Aid need to be more transparent. The Government has a key role to play in creating the conditions required to achieve the outcomes it seeks through its investment in legal assistance services for the community.

Currently there is no one entity with a full picture of funding flows or service offerings in the sector. This lack of oversight inhibits good planning and allocation of public funds. The legal assistance sector needs to start operating as a co-ordinated system, with a co-ordinating 'system manager' that:

- assesses the evidence of community legal needs and provides advice to government on them;
- undertakes strategic planning in collaboration with the sector to design and provide services to meet the needs of the most disadvantaged in the community;
- co-ordinates service provision, innovates to meet legal needs, and encourages and directs change in service provision as required; and
- maximises value for public money in the purchasing of services and monitors performance.

The Review has concluded that Victoria Legal Aid, as the central legal assistance service, with extensive existing administrative and frontline service expertise, is best placed to be the system manager. For Victoria Legal Aid to take up this role, mechanisms need to be in place to increase its accountability and transparency to government and other legal service providers. These mechanisms include: input into and ultimate approval by the Attorney-General of Victoria Legal Aid's corporate/strategic plan; strengthening the skills-base of the Victoria Legal Aid Board; and the regular publication of Victoria Legal Aid's expenditure and performance data against indicators approved by the Attorney-General, so that other service providers are better appraised of the basis on which Victoria Legal Aid is allocating its resources and circumstances that could affect service provision across the sector. The Review further recommends that the Attorney-General approve a minimum aggregate budget allocation to community legal centres, in recognition of their important role and to reduce the perception that Victoria Legal Aid might favour its in-house practice when making funding decisions.

The Review has found that Victoria Legal Aid also needs to examine more rigorously several aspects of its operating model to ensure that it is maximising value for money. These issues include:

- continuing to improve the grant application and associated compliance processes;
- independently reviewing its in-house chambers model;
- continuing to enhance the ways it monitors quality, particularly through peer review processes; and
- ensuring appropriate fee structures through regular reviews.

Even with full efficiency measures applied and accounted for, the Review has concluded that there is a significant gap between the legal needs of the most vulnerable and disadvantaged people in Victoria, and the resources available for legal assistance services to meet these needs. Demand for legal assistance services is increasing and government policies are one of the drivers of this demand. The Commonwealth and Victorian Governments should identify additional resources for legal assistance services, with immediate priority given to duty lawyer services, family violence-related legal services, Aboriginal and Torres Strait Islander legal services, interpreters, and effective integrated service provision models. The Victorian Government should also better support the ability of legal assistance services to plan services by providing four-year funding allocations and consolidating as many State funding streams to community legal centres as possible. The Review has found that the National Partnership Agreement is an unsuitable funding mechanism and increases inefficiencies in the legal assistance system. The Review recommends that the Victorian Government negotiate with the Commonwealth Government for sustainable funding contributions for legal assistance in the future, through recurrent appropriations in the form of a National Agreement.

Chapter 7 Pro bono legal assistance

Chapter 7 examines the provision and distribution of pro bono legal services by the private legal profession in Victoria, including: ways to enhance the effective and equitable distribution of pro bono legal assistance; opportunities to expand the availability of pro bono legal services in areas of unmet need; and options for expanding existing incentives for law firms on the Victorian Government Legal Services Panel (Term of Reference 5).

Victoria is fortunate to have a thriving pro bono culture, with lawyers from across the profession performing countless hours of pro bono work in a wide range of legal areas. A number of effective relationships have been built across the legal sector to deliver a range of pro bono programs. Justice Connect is at the centre of Victoria's pro bono network, which also includes committed community legal centres that have been founded to meet the needs of Victorians who cannot afford private legal assistance, or whose needs require specialist services not provided by private firms.

This chapter provides an overview of the pro bono work currently undertaken in Victoria. Under the Victorian Government Legal Services Panel, Victoria is the only State that includes pro bono requirements in its tender arrangements for the procurement of legal services.

The Review notes that in its Pro bono Policy Guidelines, the Government has clearly acknowledged that ‘pro bono is not a replacement for legal aid and does not diminish the Government’s responsibility for providing free and accessible legal services’. However, pro bono legal services will always be important because of the high demand relative to the available public funding for legal assistance. In acknowledging that pro bono resources are limited and subject to external factors including economic conditions, it is vital for all involved across the justice sector to periodically assess how pro bono contributions by the legal profession can be facilitated and provided more effectively.

This chapter identifies a number of obstacles to the more effective provision of pro bono legal assistance, including:

- confusion around the availability of costs orders in pro bono matters;
- the availability of public funding for disbursements in cases where a lawyer is acting on a ‘no win no fee’ basis, which can include pro bono assistance;
- the lack of certainty as to the matters that a court will consider in determining an application for a protective costs order in respect of public interest litigation;
- confusion as to when lawyers can offer ‘unbundled’ legal services or discrete task assistance on a pro bono basis; and
- a need for greater awareness of opportunities to offer pro bono assistance.

The Review makes a number of recommendations in response. These include that amendments, either to the *Civil Procedure Act 2010* (Vic) or to the relevant court rules, should be made to allow an order for costs to be made in favour of a party represented on a pro bono basis, and to clearly specify the criteria to be taken into account by the courts in determining protective costs order applications in public interest litigation. Amendments should also be made to professional conduct rules to better support the provision of ‘unbundled’ pro bono legal services.

The availability and operation of disbursements funding for pro bono matters (like Law Aid, which provides funding for disbursements in cases where a lawyer is acting on a ‘no win no fee’ basis), should be reviewed to ensure that disbursement funding is as accessible as possible to parties in public interest cases, particularly those that require expert reports.

The Victorian Government should amend the requirements of the Victorian Government Legal Services Panel contract in the future to place greater weight on pro bono contributions that assist community legal centres and their clients in areas of unmet legal needs. In addition, the Victorian Government, Justice Connect and the legal profession should work together to foster pro bono partnerships and the exchange of information between legal practitioners and community legal centres, with the aim of better matching pro bono legal assistance to areas of unmet legal needs.

Chapter 8 Self-represented litigants

Chapter 8 responds to Term of Reference 9, which requires the Review to examine options for providing better support to self-represented litigants throughout the Victorian justice system.

A self-represented litigant is a person with a matter before a court or tribunal who is not represented by a lawyer or other professional, although they might receive some legal help in the course of managing their legal problem. Some self-represented litigants choose to represent themselves, while others do so because they cannot afford a lawyer and are ineligible for legal assistance.

Self-represented litigants are present across the Victorian justice system, from VCAT, where it is assumed that many parties can and will be self-represented, to the Court of Appeal, where legal arguments are more complex and representation by senior counsel is the norm. Self-represented litigants are representing themselves in a great variety of matters, including personal injuries, commercial law, criminal law, family violence, and child protection matters, with varying degrees of success.

Self-represented litigants face a number of specific challenges. Legal practice and procedure is generally premised on an assumption that lawyers will be the main actors in court. A person unfamiliar with the law and the conventions of a court will be at a disadvantage compared to a party who has legal representation. The experience of self-representing in court can be daunting for many people, and the difficulties faced are compounded when these litigants also have limited English, low income, lack of education, a disability, or have experienced family violence.

While there is a shortage of data about self-represented litigants, all Victorian courts have noticed an increase in the number of self-represented litigants in recent years. This increase has resource implications for the justice system, especially the courts, which are often in the position of having to dedicate significant additional time to managing cases where one or both parties are self-represented.

This chapter provides an overview of how different jurisdictions are currently adapting to accommodate self-represented litigants. Although most Victorian courts and tribunals have some tools and processes in place to respond to self-represented litigants, some jurisdictions are better equipped than others. For example, VCAT members receive specialist training on working with self-represented litigants, and a number of supports are available to self-represented litigants appearing before the Tribunal. However, the response to self-represented litigants across the justice system as a whole has largely been ad hoc and reactive to date. A more strategic approach is required to ensure that justice is accessible to self-represented litigants.

The Queensland Public Interest Law Clearing House (QPILCH), a not-for-profit community legal centre, runs a Self Representation Service that provides help to self-represented litigants with discrete tasks throughout their proceedings, including assistance with drafting and amending pleadings, advice on discovery and evidence, settlement negotiations, preparation for mediation, preparation for trial, and assistance with enforcing judgments. The QPILCH Self Representation Service also advises self-represented litigants about the merits of their case and the potential financial consequences of pursuing an unmeritorious proceeding. In this way, the Self Representation Service acts as a 'gatekeeper', discouraging self-represented litigants with unmeritorious cases from instituting or continuing proceedings.

A Self Representation Service, based on the QPILCH model, should be introduced in Victoria for self-represented litigants with matters in the Supreme, County and Children's Courts of Victoria, and at VCAT. The model might need to be modified for the different jurisdictions.

While many people appearing in the Magistrates' Court are self-represented, it is a high volume jurisdiction that is not well suited to a Self Representation Service. To assist self-represented litigants in the Magistrates' Court, the Review recommends that the Magistrates' Court consider taking practical steps to improve the provision of information, listing practices, and court infrastructure (including signage, public announcement systems, waiting areas, and the availability of staff). Elsewhere, the Review also makes recommendations that would assist self-represented litigants in the Magistrates' Court, including: improved legal information (chapter 2); improved capacity for the courts to help to triage people (chapter 3); and additional resourcing for duty lawyer services (chapter 6).

The Review further recommends that the courts and VCAT develop holistic strategies in relation to self-represented litigants, which consider the following objectives:

- improving the exchange of information between the courts and VCAT;
- education of judicial and quasi-judicial officers;
- training of court staff;
- active case management;
- access to mediation;
- appropriate use of technology;
- appropriate use of interpreters and spaces that are more accessible for culturally and linguistically diverse litigants; and
- better recognising the role of 'support people'.

Recommendations

The Review makes the following recommendations for consideration by the Attorney-General.

Chapter 1 Understanding legal needs

Recommendation 1.1 Establish the Victoria Law Foundation as a centre of excellence for data analysis, research, and evaluation on access to justice

The Victorian Government should establish the Victoria Law Foundation as Victoria's centre of excellence for data analysis, research, and evaluation on access to justice, legal assistance, and civil justice issues. This role would require refocusing the Victoria Law Foundation's existing functions. The Foundation should be appropriately funded to fulfil its new role.

The Victorian Government should seek amendments to the *Victoria Law Foundation Act 2009* (Vic) to reflect the Victoria Law Foundation's primary focus on research, and the necessary skills and experience that should be considered in the appointment of its Board members.

Chapter 2 Accessible information about legal issues and services

Recommendation 2.1 Make Victoria Legal Aid the primary information entry point

Victoria Legal Aid should become the primary entry point for information about legal issues and services in Victoria. In this role, as well as creating legal information materials in-house, Victoria Legal Aid should become the central co-ordinator of legal information across Victoria to:

- minimise duplication and gaps in legal information materials available in Victoria;
- co-ordinate the development and dissemination of legal information materials across Victoria, including specialised materials that are created by community legal centres to meet their communities' needs;
- work with providers of legal information to 'up-scale' existing resources, including tailoring them to particular parts of the community;
- ensure that legal information materials meet best practice and accessibility standards, including the provision of materials in plain-language, Easy English, and languages other than English; and
- track the quality, consistency, and currency of legal information materials, and develop strategies to promote relevant standards.

Victoria Legal Aid and the Victoria Law Foundation should work together to fill gaps in the legal information that Victoria Legal Aid currently maintains, including by using legal resources developed by the Victoria Law Foundation. The Victoria Law Foundation's understanding of the legal information available in Victoria and expertise in plain-language should inform the co-ordination and development of legal information materials by Victoria Legal Aid. Victoria Legal Aid should build on the strengths that the Victoria Law Foundation has developed in digital marketing, plain-language and accessible legal information, and give this work a broader reach.

To ensure efficiency in the system and clarity for the public, the Victoria Law Foundation's *Everyday-Law* website should no longer operate in parallel with Victoria Legal Aid as an aggregator site for information about legal issues for the public. The Foundation might choose to continue to provide civics education about the justice system, such as through its school law program and Law Week, but it should no longer provide plain-language training or community legal education on specific legal issues.

Providers of specialist legal information should continue to produce legal information materials, which should be linked to from Victoria Legal Aid's website.

Recommendation 2.2 Expand Victoria Legal Aid's website and Legal Help service

Victoria Legal Aid should expand its website to become the primary entry point for online information about legal issues and services in Victoria. The website should feature a live web-chat service, a comprehensive service directory, other interactive diagnostic tools where appropriate, and information in a wide range of languages and in accessible formats. It should be integrated with Victoria Legal Aid's Legal Help telephone line.

Victoria Legal Aid should expand its Legal Help telephone line to support its website. The expansion should include extended hours of operation and greater integration with its website.

Victoria Legal Aid should continue to explore the ways in which technology can support its role.

Recommendation 2.3 Victoria Legal Aid's role in co-ordinating legal information

Community legal centres should continue to develop legal information materials in response to problems identified through service provision to their local communities, supported by and in collaboration with Victoria Legal Aid.

Victoria Legal Aid, as the primary entry point and co-ordinator of legal information, should work with other providers of legal information and peak bodies to develop legal information materials, and to determine the best ways to tailor and disseminate materials to hard-to-reach groups in the Victorian community. Victoria Legal Aid should monitor legal information materials and provide assistance to update those materials where to do so would assist legal information providers.

Victoria Legal Aid should provide leadership and assistance to legal information providers to ensure the provision of plain-language and accessible materials across Victoria.

Legal information materials that are produced by providers other than Victoria Legal Aid, such as community legal centres, should be linked from Victoria Legal Aid's website, and disseminated and 'up-scaled' by Victoria Legal Aid where appropriate.

Recommendation 2.4 Making information about courts and tribunals more accessible

Victorian courts and tribunals should continue to be the main providers of information about their jurisdictions, processes, procedures, fees, and forms.

Victorian courts and tribunals are encouraged to consider ways to make their websites and legal information materials more accessible. Such communication tools could include the provision of information in languages other than English, in plain-language, and in Easy English format.

Noting the varying accessibility to the general community of information in current court websites, the Victorian courts are encouraged to consider ways to make their websites more consistent in presentation and standards, including by exploring options for a more integrated approach.

Chapter 3 Diversion from civil litigation and the triage models

Recommendation 3.1 Improving the triage capacity of legal service providers and the courts

Victoria Legal Aid should lead work, in collaboration with other service providers, to improve referral pathways between service providers, courts, and tribunals. This work should include expanding access to online booking systems to community legal centres, improving the transparency of eligibility criteria across the legal assistance sector, and developing an online database of available services that can be accessed by service providers, courts, and tribunals.

Recommendation 3.2 Improving referral practices by the courts and VCAT

The courts, especially the Magistrate's Court, and the Victorian Civil and Administrative Tribunal (VCAT), consider implementing the following measures to improve triage capacity and accessibility for users:

- ensuring that all staff understand the important role that courts and VCAT play in performing triage and are equipped to assist users to connect with appropriate services within, and outside, the courts and VCAT;
- strengthening and formalising relationships and referral protocols with key external agencies, service providers, complaint-handling bodies, and alternative dispute resolution providers;
- developing an integrated and multi-jurisdiction service delivery model for registries at suburban and regional court locations to ensure that people accessing these venues, regardless of the type of matter, are adequately supported;
- utilising opportunities presented by information and communication technology to enable online referrals at an early stage, and improve the accessibility of services at court and VCAT venues; and
- consider future information technology requirements that would be needed to support improved referrals and integrated multi-jurisdiction service delivery when undertaking strategic planning.

Recommendation 3.3 Including information in court and tribunal documents to support referrals

The courts and the Victorian Civil and Administrative Tribunal consider measures to improve the accuracy, transparency and currency of information about available services and options for dispute resolution contained in court and tribunal documentation. It would be desirable to work with service providers and the Department of Justice and Regulation for this purpose.

Recommendation 3.4 Supporting integrated service delivery

The Victorian and Commonwealth Governments should seek to identify ongoing funding for integrated services where there are demonstrated legal needs for tailored or targeted services to reach particular client groups. Such services require cross-portfolio co-ordination between justice and human services areas. Certainty of funding would help legal service providers build long-term collaborative relationships with non-legal service providers, and provide more effective services to vulnerable and disadvantaged members of the community.

The Victorian and Commonwealth Governments should seek to identify ongoing funding to proven programs that employ secondary consultation by non-legal workers, in order to improve the capacity of non-legal workers to identify legal problems, strengthen referral pathways, and expand the reach of legal assistance to people who would not otherwise access it.

Recommendation 3.5 Including legal triage in the Support and Safety Hubs

The Victorian Government should ensure that the design of the Support and Safety Hubs recommended by the Royal Commission into Family Violence includes legal professionals to perform legal triage, to provide legal information, education, and referrals to people experiencing family violence, and to build the capacity of non-legal personnel working in the Hub to identify legal problems.

The Department of Justice and Regulation should facilitate further work between legal assistance service providers and other service delivery areas of the Victorian and Commonwealth Governments to identify other sites where effective legal triage would support community welfare outcomes.

Recommendation 3.6 Including legal triage in the design of the Pride Centre

The Victorian Government should include legal triage and services in the proposed Pride Centre, in order to provide tailored and specialist legal information, education, referrals, and legal advice to lesbian, gay, bisexual, trans and gender diverse, and intersex (LGBTI) people and to deliver LGBTI cultural competency training to legal service providers.

Chapter 4 Alternative dispute resolution**Recommendation 4.1 Referral and screening for alternative dispute resolution**

Public bodies, including the courts and the Victorian Civil and Administrative Tribunal (VCAT), that use alternative dispute resolution, consider developing written guidelines (if they have not already done so) to aid decision-making, and promote transparency and consistency, in relation to potential referrals to alternative dispute resolution. Guidelines would list matters to be considered when deciding whether to refer a matter, or class of matters, to alternative dispute resolution.

Organisations that provide alternative dispute resolution, including the Dispute Settlement Centre of Victoria, should consider developing written screening guidelines (if they have not already done so) to help them assess the suitability for alternative dispute resolution of the matters referred to them.

The courts and VCAT consider working with industry ombudsmen to explore whether methods could be developed to identify matters where a litigant might benefit from a referral to an industry scheme, and whether procedures could be implemented to prompt registry staff, judicial officers, or tribunal members to consider whether those disputes could be referred to the scheme as a form of alternative dispute resolution.

Recommendation 4.2 Courts and VCAT using alternative dispute resolution

The courts consider continuing to use judicial registrars to conduct mediation and judicial resolution conferences where resources permit.

The courts and the Victorian Civil and Administrative Tribunal (VCAT) consider developing a framework to facilitate communication regarding best practice in relation to alternative dispute resolution. Courts and VCAT consider whether there are legislative changes that they might suggest to the Victorian Government that would enhance the use of alternative dispute resolution in their jurisdictions.

The courts and VCAT consider inviting industry and government ombudsmen and regulators to exchange ideas about their use of alternative dispute resolution.

Recommendation 4.3 Expanding alternative dispute resolution at VCAT

The Victorian Civil and Administrative Tribunal (VCAT) consider partnering with the Dispute Settlement Centre of Victoria to provide expanded alternative dispute resolution services. In particular, the Review recommends that VCAT's Short Mediation and Hearing program be expanded, including into regional areas.

Recommendation 4.4 Government dispute resolution

Ministers should make a public commitment to alternative dispute resolution, and communicate an expectation to their departments that disputes should be prevented, and that alternative dispute resolution, when appropriate, should be used when disputes arise.

The Victorian Secretaries Board should lead the creation of a culture of good dispute resolution in the Victorian Public Service.

The Victorian Government should consider amending the *Model Litigant Guidelines* to create a stronger expectation that alternative dispute resolution processes will be attempted unless that would be unreasonable or inappropriate in a particular case. The Victorian Government should also consult with other jurisdictions that are bound by similar guidelines.

The Department of Justice and Regulation should establish a whole-of-government community of practice to encourage sharing of knowledge and ideas about good dispute resolution and complaint-handling practices. The group could be supported by the Victorian Ombudsman.

The Victorian Government should consider seeking amendments to the *Wrongs Act 1958* (Vic) to broaden the protection given to apologies by providing that an apology does not constitute an admission of liability, and is not admissible as evidence of fault or liability. The categories of dispute to which the protection applies should be broadened beyond those involving death or serious injury.

Public bodies should also develop policies on the making of apologies, with the aim of increasing their use in appropriate circumstances.

Those public bodies that believe they would benefit from doing so should develop their own dispute management plans, having regard to the guidance given by National Alternative Dispute Resolution Advisory Council.

Recommendation 4.5 Data and evaluation of alternative dispute resolution

Public bodies that use alternative dispute resolution, including courts and the Victorian Civil and Administrative Tribunal (VCAT) could develop strategies to identify gaps in data identification, collection, and analysis that affect the capacity to evaluate and report on the use of alternative dispute resolution.

All public bodies, including courts and VCAT, that offer alternative dispute resolution services that are not already regularly evaluated, consider commissioning regular independent evaluations of the service that is conducted either internally by those bodies or under their auspices.

The Dispute Settlement Centre of Victoria's services should be independently evaluated on a regular basis, and a program evaluation should also occur periodically. The aim of the evaluation would be to assess the accountability, accessibility, independence, fairness, efficiency, and effectiveness of the alternative dispute resolution program.

Evaluations of alternative dispute resolution conducted by or at the request of the courts and VCAT must be conducted having due regard to the independence of judicial officers and VCAT members.

Chapter 5 Victorian Civil and Administrative Tribunal small civil claims

Recommendation 5.1 Modernising user services at VCAT

The Victorian Government should provide financial support to the Victorian Civil and Administrative Tribunal (VCAT) to fully implement the recommendations of VCAT's customer service review and better utilise online technology to provide more accessible, user focused, and responsive administrative services.

To provide greater clarity, the Victorian Government should seek amendments to the *Victorian Civil and Administrative Tribunal Act 1998* (Vic) to provide that service of documents may occur by email.

The Victorian Civil and Administrative Tribunal consider developing improved processes for parties to receive documents by email.

Recommendation 5.2 Develop an online system for the resolution of small civil claims

The Victorian Government should:

- establish an Online Dispute Resolution Advisory Panel with terms of reference to oversee the introduction and evaluation of an online dispute resolution system for small civil claims in Victoria and make recommendations about the possible future expansion of online dispute resolution to other jurisdictions in Victoria;
- provide pilot funding, and, subject to evaluation, ongoing funding, for the development and the implementation of a new online system for the resolution of small civil claims in Victoria; and
- introduce legislation to facilitate the use of the new online system for the resolution of small civil claims.

Recommendation 5.3 Increase the threshold amount for small civil claims

The Victorian Government should seek amendments to the definition of small civil claims in the *Victorian Civil and Administrative Tribunal Act 1998* (Vic) to refer to a claim where the value of the goods or services in dispute is an amount not exceeding \$15,000, in order to take into account changes to the market value of goods and services, and align the definition with the current fee structure.

Recommendation 5.4 Simplifying service requirements at VCAT

The requirement for applicants to serve supporting documentation on respondents for small civil claims in the Civil Claims List of the Victorian Civil and Administrative Tribunal should be removed to reduce the complexity and difficulty of procedures for parties.

Recommendation 5.5 Allowing the standard amount of time to request reasons at VCAT

The Victorian Government should introduce legislation to seek to repeal the current requirement that a party must request written reasons before or at the hearing at which oral reasons are given (in item 4J of Schedule 1 of the *Victorian Civil and Administrative Act 1998* (Vic)), in order to ensure that parties to small civil claims in the Victorian Civil and Administrative Tribunal (VCAT) have a reasonable opportunity to request written reasons for a decision. This would mean that parties would be subject to the general rule applicable to decisions of VCAT, which requires written reasons to be requested within 14 days of the giving of oral reasons.

Recommendation 5.6 Improving transparency about complaints at VCAT

The Victorian Civil and Administrative Tribunal consider publishing information in its annual report about the number and nature of complaints made about mediators, staff, processes or procedures in the previous year, and the outcome of investigations in order to enhance user confidence in its ability to respond to complaints and to improve its operations.

Recommendation 5.7 Strengthening quality assurance at VCAT through peer review

The Victorian Civil and Administrative Tribunal consider strengthening its formal quality assurance processes by instituting a process whereby the conduct of hearings and decisions by non-judicial members are regularly peer reviewed, to improve the quality and consistency of decisions.

Recommendation 5.8 Facilitating earlier and cheaper resolution of motor vehicle disputes

The Victorian Government should make the following changes to reduce the difficulties faced by parties in resolving disputes about defective motor vehicles:

- propose legislation for compulsory conciliation of motor vehicle disputes by Consumer Affairs Victoria before a claim can be made to the Victorian Civil and Administrative Tribunal; and
- fund Consumer Affairs Victoria to provide a conciliation service for motor vehicle disputes, including to undertake a technical assessment to assist in dispute resolution.

Recommendation 5.9 Making the enforcement of VCAT orders simpler

The Victorian Government should seek amendments to the *Victorian Civil and Administrative Tribunal Act 1998* (Vic) to simplify the process for enforcing the Victorian Civil and Administrative Tribunal's (VCAT) orders by:

- deeming a monetary order of VCAT to be an order of the appropriate court, similar to section 71 of the *ACT Civil and Administrative Tribunal Act 2008* (ACT);
- enabling VCAT to reopen or renew a proceeding where there has been a problem with enforcement, similar to section 133 of the *Queensland Civil and Administrative Tribunal Act 2009* (Qld); and
- repealing section 122 of the Victorian Civil and Administrative Tribunal Act so that parties are not directed to the Supreme Court of Victoria to seek enforcement of a non-monetary order, but instead, in exceptional circumstances, seek enforcement using VCAT's existing contempt powers.

In addition, VCAT's processes and systems could be improved to allow orders to be registered digitally at the appropriate court, in order to eliminate some of the procedural steps that a successful party currently has to take to enforce a monetary order.

Chapter 6 Legal assistance for Victorians most in need

Recommendation 6.1 Establish Victoria Legal Aid as the co-ordinating system manager for the legal assistance sector

The Victorian Government should establish Victoria Legal Aid as the manager of Victoria's publicly funded legal assistance system, to ensure that legal assistance resources can be allocated, and services designed and provided in a co-ordinated way, based on government priorities, and evidence of community needs.

The Victorian Government should seek amendments to the *Legal Aid Act 1978* (Vic) to reflect Victoria Legal Aid's:

- co-ordination role as the State's legal assistance system manager; and
- graduated model of service provision for legal assistance, including its role as the primary entry point for the community to access information and help about legal issues.

Recommendation 6.2 Establishing links to government priorities for legal assistance

The Victorian Government should seek amendments to the *Legal Aid Act 1978* (Vic) to:

- require Victoria Legal Aid to submit its corporate/strategic plan, annual budget and forward estimates to the Attorney-General for approval to ensure that there is clarity and agreement on priorities and outcomes sought (the Plan should take into account any Commonwealth grant requirements); and
- require Victoria Legal Aid decisions about the allocation of resources to program areas to reflect the strategic plan approved by the Attorney-General.

Victoria Legal Aid should continue to set the guidelines for eligibility for grants of legal assistance and make decisions on individual grant applications independently.

Recommendation 6.3 The right skills and powers for the Victoria Legal Aid Board

The Victorian Government should ensure that the Victoria Legal Aid Board has the right skills mix to fulfil its statutory duties and the proposed role of Victoria Legal Aid as co-ordinating system manager, by requiring that at least:

- one Board member has legal practice experience in criminal defence matters;
- one Board member has legal practice experience in another area of law relevant to Victoria Legal Aid's practice; and
- at least one Board member has substantial executive experience in public management.

These requirements would be in addition to the current requirement for financial management skills.

In addition, the Victorian Government should seek amendments to the *Legal Aid Act 1978 (Vic)* to rename the Managing Director position as a Chief Executive Officer, and provide that this position should not be part of the Board, to ensure clarity of roles and reporting lines. An additional director position should be added to the Board so that it would continue to have seven members, following the commencement of amendments to the Legal Aid Act. These changes should not otherwise affect the employment of the incumbent in the Managing Director position.

In the future, the Board should have power to appoint the Chief Executive Officer, with the approval of the Attorney-General, to ensure that the Board has the authority to match its responsibility for the management of the affairs of the organisation. The Board would then have responsibility for the management of the Chief Executive Officer. This change would support strong operational accountability and would help to balance the greater authority proposed for Victoria Legal Aid as co-ordinating system manager.

Recommendation 6.4 Improving the transparency of Victoria Legal Aid's operations

The Victorian Government should seek amendments to the *Legal Aid Act 1978 (Vic)* to require Victoria Legal Aid to publicly report its expenditure and organisational performance against indicators approved by the Attorney-General (at least on a quarterly basis) to improve the transparency of its operations.

This information should be placed on the Victoria Legal Aid website. The publication of information would ensure that all legal assistance service providers have access to current financial and performance information, and prevent shocks to government and other legal assistance service providers if the financial or service provision position changes unexpectedly during the year.

Recommendation 6.5 Improving *Budget Paper No 3* measures

The Victorian Government should review the *Budget Paper No 3* measures for Victoria Legal Aid to ensure that the measures reflect the current and future role of the organisation and that they include some quality measures.

Recommendation 6.6 Making community legal centre funding more transparent

The Victorian Government should specify a minimum aggregate budget allocation to community legal centres when providing funding for Victoria Legal Aid to administer. This would support productive working relationships between Victoria Legal Aid and community legal centres by removing perceptions that Victoria Legal Aid might give preference to its in-house practice when making decisions about funding.

The Victorian Government should develop a provision for Victoria Legal Aid to seek approval to vary this in a situation of market failure where there is an area of acute need and no community legal centre capability or service. This should be done transparently, consultatively, and with the approval of the Department of Justice and Regulation.

Recommendation 6.7 Longer-term funding to facilitate service provision

The Victorian Government should provide four-year funding allocations for legal assistance to improve the ability of legal assistance services (including community legal centres) to plan service provision. Greater funding certainty would also produce efficiencies by reducing the resources required to participate in short-term funding cycles.

Where the necessary funding certainty can be provided by governments, Victoria Legal Aid should move to four-year funding agreements with the community legal centres it funds.

Recommendation 6.8 Consolidating funding arrangements as appropriate

The Victorian Government should require State departments and agencies that provide funding to community legal centres to report such funding to the Department of Justice and Regulation. The department should provide this information to Victoria Legal Aid. The Victorian Government should encourage Commonwealth Government departments and agencies to provide similar information to Victoria Legal Aid about their funding to community legal centres to facilitate whole-of-system co-ordination by Victoria Legal Aid.

The Victorian Government should work to consolidate as many State funding streams to community legal centres as possible, to reduce the burden on community legal centres of multiple application and reporting requirements. However, consolidation of funding streams should not discourage funding of the community legal sector to achieve outcomes across government.

Funding agreements with community legal centres should require them to provide Victoria Legal Aid with a copy of their annual operating statements (which they are already required to produce as incorporated bodies) to ensure that Victoria Legal Aid has a clear picture about resourcing.

Recommendation 6.9 Improving co-ordination across departments

The Victorian and Commonwealth Governments should improve co-ordination on policy and legislative initiatives that are likely to affect demand for legal assistance services by establishing relevant cross-portfolio committees involving, at a minimum, the justice and human services portfolios, and others as necessary. This co-ordination would also support integrated service design and provision to meet the needs of vulnerable and disadvantaged members of the community. The Victorian Department of Health and Human Services, and the Department of Justice and Regulation should commence these co-operative arrangements at the State level, even if agreement cannot be reached with the Commonwealth.

Recommendation 6.10 Maximising the value of legal assistance services through purchasing arrangements

Victoria Legal Aid should continue to explore innovative purchasing arrangements and, where appropriate, trial alternative arrangements to maximise the public value of legal assistance services and to meet (or better meet) legal needs in the community. New approaches might include bulk tendering or greater use of fixed fee arrangements.

Recommendation 6.11 Continuing to improve the simplified grants process

Victoria Legal Aid should continue to refine the process for lawyers to assess their client's eligibility for a grant of legal assistance by:

- reviewing compliance issues and restitution notices to identify any recurring problems in the application of the guidelines, and to determine whether the guidelines should be clarified or simplified, or if more education about the guidelines is required; and
- ensuring that there is a mechanism for lawyers to check their assessment with Victoria Legal Aid, and/or to have Victoria Legal Aid make the decision if the private practitioner is uncertain about the application of the guidelines, and promoting awareness of this mechanism with the private profession.

Having undertaken this work, where there are breaches of the guidelines, Victoria Legal Aid should pursue restitution to maintain the integrity of the guidelines.

Victoria Legal Aid should also review the efficiency and practicality of compliance mechanisms associated with the grants process.

Recommendation 6.12 Ensuring efficient and effective corporate services at Victoria Legal Aid

Victoria Legal Aid should review, and consider re-allocating resources between, its Strategic Communications, and its Performance, Evaluation and Project functions, to ensure that they are efficient and effective in meeting the current and future needs of the organisation.

Recommendation 6.13 Making distinctive contributions through policy work

Victoria Legal Aid should consider introducing a 'distinctive contribution' criterion to its internal guidance for policy and law reform work. This principle would help to guide the efficient use of resources by ensuring that there is consideration of whether Victoria Legal Aid would be making a distinctive contribution to the policy discussion before proceeding to allocate resources to policy or law reform work.

Recommendation 6.14 Ensuring Victoria Legal Aid Chambers provides maximum value for money

Victoria Legal Aid should commission an independent review of the model for Victoria Legal Aid Chambers and consider whether the model maximises value for money in advocacy services. The review should include consideration of an alternative model based on the Public Defenders in other Australasian jurisdictions, some of which have more institutional separation from the Legal Aid Commission and a number of more senior advocates.

Victoria Legal Aid should obtain agreement from the Department of Justice and Regulation to the terms of reference for the independent review, and consult with the Attorney-General about the implementation of its findings.

Recommendation 6.15 Making purchasing of advocacy services accountable

Victoria Legal Aid should take the following steps to support transparency and accountability of its purchasing decisions in relation to advocacy services:

- review its fees paid to barristers from the private Bar each quarter to monitor distribution and inform its briefing processes;
- scope options for producing more activity costing data in relation to in-house advocates to inform Victoria Legal Aid's value for money assessment and support the culture of accountability within the organisation; and
- ensure that its policy and fee structure for briefing counsel are publicly available.

Recommendation 6.16 Improving and demonstrating the quality of legal assistance

Victoria Legal Aid should continue to develop its mechanisms to assess the quality of legal assistance work carried out in-house, by private practitioners and by community legal centres. These mechanisms should include peer assessment of advocacy skills in-court, using sampling and a risk-based regulation approach.

The Victorian Government should request the Victorian Bar to allow Victoria Legal Aid's in-house counsel (at least those who have signed the Bar Roll), to participate in the Indictable Crime Certification process in recognition of the Bar's important contributions to raising advocacy standards in the legal profession.

Recommendation 6.17 Reviewing fee schedules for grants of legal assistance

Victoria Legal Aid should establish a mechanism for regular and transparent reviews of fee levels and structures for grants of legal assistance. Reviews should occur at intervals of no more than three years.

Recommendation 6.18 Supporting efficiency and accountability in legal assistance

Victoria Legal Aid should develop a purchasing model, taking into account price, quality, and broader elements of public value, to be approved by the Department of Justice and Regulation. Victoria Legal Aid would maintain discretion about the purchasing decisions it makes on the basis of this model. This model should take into account the need for Victoria Legal Aid to maintain a minimum of 15–20 per cent market share of grants of legal assistance to fulfil the broader government interest in competition and having a public provider of legal assistance services. It might be appropriate for the working market share to be greater than this range, when other policy and practical factors are taken into account.

Where Victoria Legal Aid relies on assumptions in its modelling, these assumptions should be rigorously tested at regular intervals, such as through an internal audit. Given the relevance of these assessments to the main purchasing choices of the organisation, the Victoria Legal Aid Board should approve a forward schedule for the audits.

Recommendation 6.19 Victoria Legal Aid and national benchmarking

Victoria Legal Aid should work with other Australian legal aid commissions to establish consistent definitions and methodology for the benchmarking of legal assistance services and administrative costs. The initial focus should be on comparisons with Legal Aid New South Wales and Legal Aid Queensland, and ensuring that benchmarking with those jurisdictions is in place within 12 months. This analysis would provide the Victoria Legal Aid Board and government with comparative measures over time to review Victoria Legal Aid's performance.

Recommendation 6.20 Appropriate proportion of Commonwealth funding required

The proportion of Commonwealth Government funding for legal assistance should be returned to a minimum of 40 per cent (noting that in 1999–2000 it provided 46.6 per cent and that it now provides only 31.2 per cent).

The Victorian Government should seek a formalised and transparent funding model with the Commonwealth Government with indexation that considers appropriate factors relevant to specific areas of service provision; and to develop a mechanism to take appropriate account of population growth, service demand and cost/price factors.

Recommendation 6.21 Increasing State funding for legal assistance

The Victorian Government should seek to identify additional funding for legal assistance, with priority for duty lawyers services, family violence-related legal services, Aboriginal legal services, and integrated service provision partnerships.

The Victorian Government should consult with the Legal Services Board and Victoria Legal Aid about the possibility of increasing the proportion of the Public Purpose Fund that can be distributed to Victoria Legal Aid from 35 per cent to 40 per cent, before seeking amendments to section 143 of the *Legal Profession Uniform Law Application Act 2014* (Vic) to achieve this.

The Victorian Government should also seek amendments to section 144 of the *Legal Profession Uniform Law Application Act* to ensure that the purposes for which the Victorian Legal Services Board may provide grants includes innovation in legal assistance services and the justice system, without limiting the Board's general discretion.

Recommendation 6.22 Appropriate Commonwealth-State funding arrangements

The Victorian Government should work with the Commonwealth, and other States and Territories to negotiate a National Agreement under the Intergovernmental Agreement on Federal Financial Relations to secure appropriate recurrent funding for ongoing community legal needs. Consideration should be given to including funding for Aboriginal and Torres Strait Islander legal services as part of the proposed Agreement. The new arrangements should replace the National Partnership Agreement at the conclusion of the term of the current Agreement.

Until a National Agreement can be negotiated, the Victorian Government should seek improved efficiency in the administrative, consultative, and reporting arrangements established by the Commonwealth Government, to ensure that key performance indicators and measures are practical, appropriate, and align with the objectives, principles and guidelines established under the Intergovernmental Agreement on Federal Financial Relations.

Chapter 7 Pro bono legal assistance

Recommendation 7.1 Costs orders in pro bono cases

Parties represented on a pro bono basis should be able to obtain an order for costs, as an exception to the indemnity principle.

The Victorian Government should seek amendments to the *Civil Procedure Act 2010 (Vic)* to allow an order for costs to be made in favour of a party represented on a pro bono basis, whether or not the party has a legal liability to pay its lawyers.

Alternatively, the courts consider amending their rules to allow an order for costs to be made in favour of a party represented on a pro bono basis, even if the party has no liability to pay legal costs.

The Victorian Government should consult with the courts about the implementation of one of these options.

Recommendation 7.2 Criteria for protective costs orders in pro bono cases

The Victorian Government should seek amendments to the *Civil Procedure Act 2010 (Vic)* to specify clearly the criteria to be taken into consideration by the courts in determining protective costs order applications in public interest litigation.

The Victorian Government should consider amending the *Model Litigant Guidelines* to provide guidance for government departments and agencies in responding to applications for protective costs orders.

Recommendation 7.3 Reviewing the availability of disbursements funding for pro bono cases

The Department of Justice and Regulation should undertake a review of the availability and operation of disbursements funding for pro bono cases to determine whether and how such mechanisms could be better utilised to assist pro bono work.

Recommendation 7.4 Clarity about unbundled pro bono legal services

The Standing Committee of the Legal Profession Uniform Law (comprising the Attorneys-General of Victoria and New South Wales) should seek an amendment to the Professional Conduct Rules to support the provision of unbundled pro bono legal services. Issues to have regard to include:

- practitioner liability;
- inclusion and removal of practitioners from the court record; and
- adequate disclosure and communication with clients and with opposing parties.

Recommendation 7.5 Priorities for pro bono work in the Government Legal Services Panel

The Victorian Government should amend the requirements of the Victorian Government Legal Services Panel contract in the future to place greater weight on contributions that deliver pro bono services in areas of unmet legal needs that assist community legal centres and their clients.

Recommendation 7.6 Promoting pro bono contributions

The Victorian Government, the Law Institute of Victoria, Victorian Bar, Justice Connect and the Federation of Community Legal Centres should work together to develop and implement strategies to recognise and promote the pro bono contributions made by the legal profession each year, including during Law Week.

The Attorney-General should work with professional associations to establish and sponsor a new pro bono contribution award or recognition scheme, which recognises innovative pro bono relationships between community legal centres and law firms.

Recommendation 7.7 Connecting pro bono capacity and legal needs

The Victorian Government, Justice Connect and the legal profession should work together to improve the exchange of information between, and awareness of the roles of, legal practitioners willing to perform pro bono work, and the community organisations and community legal centres requiring pro bono legal assistance.

Consideration should be given to:

- developing an online tool or website portal whereby community legal centres or other organisations requiring pro bono assistance can advertise their need and be matched with legal practitioners who have the capacity to assist them;
- refreshing the Attorney-General's Community Partnerships Scheme; and
- increasing the capacity of community legal centres to manage pro bono contributions.

Chapter 8 Self-represented litigants

Recommendation 8.1 Improving the way the courts work with self-represented litigants

The courts and the Victorian Civil and Administrative Tribunal (VCAT) consider establishing a regular consultative forum on self-represented litigants that would allow the jurisdictions to coordinate their approaches to self-represented litigants, and share ideas and information.

The courts and VCAT consider their strategies for:

- education of judicial and quasi-judicial officers;
- training of staff;
- active case management of self-represented litigants;
- access to mediation for self-represented litigants;
- appropriate use of technology to assist self-represented litigants;
- appropriate use of interpreters and spaces that are friendlier for culturally and linguistically diverse litigants;
- better use of 'support people' to assist self-represented litigants; and
- reviewing forms and information to make them more accessible for self-represented litigants.

Recommendation 8.2 Improving access to interpreters

The Victorian Government should work together with the courts and the Victorian Civil and Administrative Tribunal to ensure that there is adequate availability of interpreters and that registry staff and judicial and quasi-judicial officers are educated to identify when the services of an interpreter are required.

Legal information should be published in plain-language, languages other than English and Easy English. Court orders should be drafted in plain-language where possible.

Recommendation 8.3 Giving separate recognition to the role of support persons at VCAT

The Victorian Government should seek amendments to section 63 of the *Victorian Civil and Administrative Tribunal Act 1998 (Vic)* to more explicitly acknowledge the role of support persons, as a role distinct from that of an interpreter or an advocate. For example, acting under such a provision, a judicial officer could allow a Koori Elder to sit at the bar table with a Koori person who is a party to the proceeding. Similar clarifying provisions should be considered for each Victorian court.

Recommendation 8.4 Self Representation Service

The Victorian Government should work with the Supreme, County and Children's Courts, the Victorian Civil and Administrative Tribunal, and the community legal sector to establish a Self Representation Service, to be administered by a not-for-profit organisation. The model could be adapted for use in the different jurisdictions.

Recommendation 8.5 Making it easier to navigate the Magistrates' Court

The Victorian Government should work with the Magistrates' Court to develop materials, improve procedures and make increased use of technology to assist self-represented litigants in the Magistrates' Court.

The Magistrates' Court consider taking practical steps to improve the experience of court users by improving:

- listing practices;
- signage;
- public announcement systems;
- provision of information in plain-language and languages other than English; and
- waiting areas.

The Magistrates' Court should seek to ensure that there are sufficient staff members available to assist court users with their enquiries and make appropriate referrals, and that all court staff and magistrates have received appropriate cultural awareness training.

Recommendation 8.6 Legal support for bereaved families in the Coroners Court

The Coroners Court consider establishing a relationship with relevant pro bono schemes to provide it with an opportunity to make referrals in relation to contested autopsy applications.

In addition, the Victorian Government should work together with the Coroners Court to identify a suitable referral pathway for bereaved families at the Coroners Court. Once a suitable court support mechanism or services has been identified, the Government should assist to fund the service.

Appendix A: Submissions

1. Confidential
2. Confidential
3. Michael De Young
4. Richard Coverdale and Ian Parsons, Centre for Rural Regional Law and Justice, Deakin University
5. Confidential
6. Confidential
7. Confidential
8. Anonymous
9. Geoff Browne, Victorian Small Business Commissioner
10. Dr Liz Curran, Australian National University
11. Environmental Justice Australia
12. WEstjustice
13. Victorian Drug & Alcohol Association
14. Professor Mary Anne Noone, La Trobe University
15. Centre for Innovative Justice
16. Loddon Campaspe Community Legal Centre and Goulburn Valley Community Legal Centre
17. Commission for Children and Young People
18. Confidential
19. Children's Court of Victoria
20. cohealth
21. Fitzroy Legal Service
22. Law Aid
23. Anonymous
24. The Salvation Army State Social Command (Victoria)
25. St Kilda Legal Service Co-op Limited
26. Merri Community Health Services
27. Victoria Law Foundation
28. Australian Pro Bono Centre
29. Law Library of Victoria
30. Patrick Gordon
31. Telecommunications Industry Ombudsman
32. Siobhan O'Dwyer
33. DLA Piper
34. Victorian Civil and Administrative Tribunal
35. Court Network
36. Peninsula Community Legal Centre
37. Anonymous
38. Cathy Basterfield
39. Inner Melbourne Community Legal Centre
40. Council to Homeless Persons
41. Springvale Monash Community Legal Centre
42. Maurice Blackburn Lawyers
43. Public Transport Ombudsman
44. Residents for Retirement Villages
45. Professor Bryan Horrigan, Faculty of Law, Monash University
46. Good Shepherd Australia New Zealand
47. Youthlaw
48. Victorian Council of Social Service
49. Women's Legal Service Victoria
50. Julie Phillips
51. Anonymous
52. Tenants Union of Victoria
53. Consumer Action Law Centre
54. Aboriginal Family Violence Prevention and Legal Service
55. Victorian Ombudsman
56. G W Hitchen
57. Housing for the Aged Action Group
58. Hume Riverina Community Legal Service
59. Law Institute of Victoria
60. Victorian Bar
61. Confidential
62. Confidential

Access to Justice Review

63. Justice Connect
64. Women's Information and Referral Exchange
65. Eastern Community Legal Centre
66. Energy and Water Ombudsman
67. Victoria Legal Aid
68. Victorian Legal Assistance Forum
69. Federation of Community Legal Centres Inc (Vic)
70. Community Development and Community Legal Education Working Group of the Federation of Community Legal Centres and Victoria Legal Aid
71. IMF Bentham
72. Insurance Council of Australia
73. Communication Rights Australia
74. Resolution Institute
75. Victorian Multicultural Commission
76. Financial Ombudsman Service
77. Vixen Collective
78. Clayton Utz
79. Confidential
80. Confidential
81. Confidential
82. Confidential
83. Magistrates' Court of Victoria
84. Victorian Aboriginal Legal Service
85. Confidential
86. Commissioner for Senior Victorians
87. Confidential
88. Confidential
89. Confidential
90. Accident Compensation Conciliation Service

Appendix B: Stakeholder meetings

Aboriginal Family Violence Prevention and Legal Service

Association of Corporate Counsel

Australian Pro Bono Centre

Professor Mauritis Barendrecht, Research Director at HiiL, Innovating Justice (Netherlands)

Anita Bartfield, Victorian Bar

Peter Van Den Biggelaar, Executive Director, Dutch Legal Aid Board

Dr Tessa Boyd-Caine, Chief Executive Officer, National Centre for Health Justice Partnerships

Geoff Browne, Victorian Small Business Commissioner

Liana Buchanan, Principal Commissioner for Children and Young People, and former Executive Officer of the Federation of Community Legal Centres

Belinda Clark, Victorian Public Sector Commissioner, and former Secretary and Chief Executive of the Ministry of Justice, New Zealand

Children's Court of Victoria

Civil Resolution Tribunal, British Columbia (Canada)

Colleen Pearce, Public Advocate

Consumer Action Law Centre

Consumer Affairs Victoria

Coroners Court of Victoria

County Court of Victoria

Court Network

Court of Appeal

Court Services Victoria

Gabrielle Crafti, Victorian Bar

Criminal Law Bar Association

Criminal Law Section Committee, Law Institute of Victoria

Dr Liz Curran, Senior Lecturer, Australian National University

Dr Grant Davies, Health Services Commissioner

Department of Health and Human Services (Vic)

Department of Justice (NSW)

Department of Premier and Cabinet (Vic)

Department of Treasury and Finance (Vic)

Duty Barristers' Scheme, Victorian Bar

Eastern Community Legal Centre

Rebecca Edwards, PhD student, La Trobe University

Family Law Bar Association

Fair Work Commission

Federation of Community Legal Centres

First Step Legal

Fitzroy Legal Service

Flemington and Kensington Community Legal Centre
Simon Goodrich, Portable
Goulburn Valley Community Legal Centre
David Hillard, Pro bono Practice Group Leader, Clayton Utz
Steven Hynes, Legal Action Group, United Kingdom
JobWatch
Julian Burnside QC, Victorian Bar
Justice Connect
Law Aid
Law and Justice Foundation of New South Wales
Law Institute of Victoria
Legal Aid Queensland
Legal Services Board and Commissioner
LGBTI Working Group of the Victorian Government Taskforce
Loddon Campaspe Community Legal Centre
Magistrates' Court of Victoria
Mark Madden, Deputy Director, Centre for Innovative Justice, RMIT University
Gerard Mansour, Commissioner for Senior Victorians
Ministry of Justice, Province of British Columbia (Canada)
Dr Warren Mundy, Managing Director, Bluestone Consulting, and former Commissioner, Productivity Commission
National Children's and Youth Law Centre
David Neale SC, Victorian Bar
Neighbourhood Justice Centre
Emrys Nekvapil, Victorian Bar
Cathryn Nolan, Associate Director, Sir Zelman Cowen Centre, Victoria University
Office of Public Prosecutions
Office of Multicultural Affairs and Citizenship
Productivity Commission
Queensland Civil and Administrative Tribunal
Queensland Public Interest Law Clearing House
Salvation Army Legal Project
Peter Seidel, Partner, Arnold Bloch Liebler
Self Representation Service, Federal Court (Melbourne Registry)
Seniors Rights Victoria
Service Victoria
Professor Tania Sourdin, Foundation Chair and Director, Australian Centre for Justice Innovation, Monash University
Small Business Commissioner, New South Wales
Supreme Court of Queensland

Supreme Court of Victoria

Professor Richard Susskind, IT Adviser to the Lord Chief Justice of England and Wales and Chair of the Online Dispute Resolution Group of the United Kingdom's Civil Justice Council

Linda Rubinstein, Director, Pro bono, Holding Redlich

Debra Russell, Cameronralph Navigator

Tenants Union of Victoria

Victoria Civil and Administrative Tribunal

Victoria Law Foundation

Victoria Legal Aid

Victoria Police

Victorian Aboriginal Legal Service

Victorian Bar

Victorian Council of Social Service

Victorian Equal Opportunity and Human Rights Commission

Victorian Legal Assistance Forum

Victorian Ombudsman

Women's Community Legal Centre

WorkSafe

Note: The Review met with several institutions or organisations more than once.

Appendix C: Expert roundtables

Online dispute resolution: 24 March 2016

Participants

Deputy Chief Magistrate Barry Braun, Magistrate's Court of Victoria

Gerard Brody, Chief Executive Officer, Consumer Action Law Centre

Geoff Browne, Victorian Small Business Commissioner, Office of the Victorian Small Business Commissioner

John Cain, Solicitor for Public Prosecutions, Office of Public Prosecutions Victoria

Henry Chung Yan, Chief Information Officer, Victorian Ombudsman

Lachlan Edwards, Solicitor, Consumer Action Law Centre

Katie Fraser, Manager, Sector Strategy and Development, Federation of Community Legal Centres

Sarah Fregon, Chief Executive Officer, Victorian Bar

President Gregory Garde AO RFD, Victorian Civil and Administrative Tribunal

Elizabeta Galevska, Senior Manager, Mediation and Executive Services, Office of the Victorian Small Business Commissioner

Patrick Holt, Senior Conciliation Officer, Accident Compensation Conciliation Commission Service

Chris Humphreys, Director, Civil Law Policy, Department of Justice and Regulation

Vice President Pamela Jenkins, Victorian Civil and Administrative Tribunal

Judy Jones, Ombudsman, Telephone Industry Ombudsman

Jonathan Kaplan, Director, Dispute Resolution, Department of Justice and Regulation

Chief Magistrate Peter Lauritsen, Magistrates' Court of Victoria

Kerin Leonard, Project Manager, Access to Justice Review, Civil Law Policy, Department of Justice and Regulation

Deputy President Ian Lulham, Victorian Civil and Administrative Tribunal

Mark Madden, Deputy Director, Centre for Innovative Justice, RMIT University

Stephen Mumford, Assistant Ombudsman, Victorian Ombudsman

Keryn Negri, Chief Executive Officer, Victorian Civil and Administrative Tribunal

Emrys Nekvapil, Barrister, Victorian Bar

Gina Papas, Principal Policy Advisor, Consumer Affairs Victoria

Katarina Palmgren, Court Legal Advisor, Magistrates' Court of Victoria

Alison Paton, Performance Support Advisor, Magistrates' Court of Victoria

John Price, General Insurance Ombudsman, Financial Ombudsman Service Australia

Gina Ralston, Director, Dispute Settlement Centre of Victoria

Melinda Richards SC, Crown Counsel, Department of Justice and Regulation

Professor Tania Sourdin, Foundation Chair and Director, Australian Centre for Justice Innovation

Donald Speagle, Deputy Secretary, Civil Justice, Department of Justice and Regulation

Eve Stagoll, Principal Legal Policy Officer, Dispute Resolution, Department of Justice and Regulation

Nerida Wallace, Chief Executive Officer, Law Institute of Victoria

Angelina Yannuccelli, Senior Policy Advisor, Consumer Affairs Victoria

Government disputes roundtable: 11 April 2016

Participants

Sarah Bendall, Manager, Complaints and Statutory Compliance, Victoria Legal Aid

Jaina Cao, Legal Policy Officer, Dispute Resolution, Department of Justice and Regulation

Paul Eate, Director, Standards, Victorian Public Sector Commissioner

Debbie Feben, Senior Policy Officer, School Operations and Policy Unit, Department of Education and Training

Scott Fitzpatrick, Principal Legal Policy Adviser, Department of Premier and Cabinet

Cynthia Ganesharajah, Senior Legal Policy Adviser, Department of Premier and Cabinet

Tony Gaylard, Team Leader, Assessment and Review Unit, Independent Broad-based Anti-corruption Commission

Jed Gilbert, Project Manager, Department of Education and Training

Chris Humphreys, Director, Civil Law Policy, Department of Justice and Regulation

Louise Johnson, General Counsel, Department of Economic Development, Jobs, Transport and Resources

Jonathan Kaplan, Director, Dispute Resolution, Department of Justice and Regulation

Kerin Leonard, Project Manager, Access to Justice Review, Civil Law Policy, Department of Justice and Regulation

Antonio Mazzone, Managing Principal Solicitor, Litigation and Dispute Resolution, Victorian Government Solicitor's Office

Fin McCrae, Director, Legal Services, Victoria Police

Michelle Mead, Manager, Dispute Resolution Unit, Victorian Equal Opportunity and Human Rights Commission

Alanna Mitchell, Principal Solicitor, Legal, Department of Treasury and Finance

Sarah McNicol, Legal Policy Officer, Civil Law Policy, Department of Justice and Regulation

Carolyn McSporran, Project Officer, Access to Justice Review, Department of Justice and Regulation

Yasmin Neenan, Principal Legal Policy Officer, Dispute Resolution, Department of Justice and Regulation

Alison O'Brien, Assistant Victorian Government Solicitor, Victorian Government Solicitor's Office

Megan Philpot, Deputy Ombudsman, Ombudsman Victoria

Gina Ralston, Director, Dispute Settlement Centre of Victoria

Melinda Richards SC, Crown Counsel, Department of Justice and Regulation

Barbara Schade, Research and Policy Manager, Public Transport Ombudsman

Naomi Service, Investigations Coordinator, Complaints and Statutory Compliance, Victoria Legal Aid

Claire Smith, Senior Lawyer, Department of Education and Training

Donald Speagle, Deputy Secretary, Civil Justice Department of Justice and Regulation

Tanya Thomas, Legal Counsel, WorkSafe Victoria

Self-represented litigants roundtable: 14 April 2016

Participants

Mary Amiridis, Director, Registry Development, Supreme Court of Victoria

Paul Anastassiou QC, President, Victorian Bar Council

Amy Barry-Macaulay, Manager, Law Reform and Policy, County Court of Victoria

Elena Campbell, Manager, Policy and Research, Centre for Innovative Justice, RMIT University

Bridget Dixon, Manager, Courts Programs, Dispute Settlement Centre of Victoria

Shane Draper, Self-Represented Litigant Coordinator, Supreme Court of Victoria

Katie Fraser, Acting Executive Officer, Federation of Community Legal Centres

Elizabeth Gallagher, Solicitor and Coordinator, Queensland Public Interest Law Clearing House

Lauren Galvin, Program Manager, Family Law Parenting Disputes, Victoria Legal Aid

Julie Grainger, Member and Deputy Head of Civil Claims List, Victorian Civil and Administrative Tribunal

Mia Hollick, Legal Policy Officer, Civil Law Policy, Department of Justice and Regulation

Chris Humphreys, Director, Civil Law Policy, Department of Justice and Regulation

Jonathan Kaplan, Director, Dispute Resolution, Department of Justice and Regulation

Chief Magistrate Peter Lauritsen, Magistrates' Court of Victoria

Kerin Leonard, Project Manager, Access to Justice Review, Civil Law Policy, Department of Justice and Regulation

Sarah McNicol, Legal Policy Officer, Civil Law Policy, Department of Justice and Regulation

Warwick Mitchell, Assistant Director, Civil Law Policy, Department of Justice and Regulation

Keren Murray, Principal Lawyer, Legal Policy, Law Institute of Victoria

Gina Ralston, Director, Dispute Settlement Centre of Victoria

Melinda Richards SC, Crown Counsel, Department of Justice and Regulation

Courtney Ryrie, Self-Represented Litigant Coordinator, County Court of Victoria

Steven Sapountsis, President, Law Institute of Victoria

Jacqui Siebel, Paralegal, Justice Connect

Professor Tania Sourdin, Foundation Chair and Director, Australian Centre for Justice Innovation

Eve Stagoll, Principal Legal Policy Officer, Dispute Resolution, Department of Justice and Regulation

Andrew Tabone, Paralegal, Law Institute of Victoria

Joel Townsend, Program Manager, Social Inclusion, Victoria Legal Aid

Tina Turner, Director, Referral Service, Justice Connect

Stan Winford, Principal Coordinator, Legal Programs, Centre for Innovative Justice, RMIT University

Chris Winneke SC, Chair, Counsel Committee, Victorian Bar Council

Mark Woods, Chair, Access to Justice Committee, Law Institute of Victoria

Alternative Dispute Resolution: 20 April 2016

Participants

Lauren Adamson, Principal Solicitor and Manager, Seniors Law Justice Connect
Gerard Brody, Chief Executive Officer, Consumer Action Law Centre
Elizabeth Brophy, Barrister, and Mediator Member, Elder Law Committee, Victorian Bar
Jaina Cao, Legal Policy Officer, Dispute Resolution, Department of Justice and Regulation
Simon Cohen, Director, Consumer Affairs Victoria
Ross Donaldson, Executive Committee, Litigation Lawyers Section, Law Institute of Victoria
Shanny Gordon, Retirement Housing Information Worker, Housing for the Aged Action Group
Chris Humphreys, Director, Civil Law Policy, Department of Justice and Regulation
Elizabeth Lanyon, Director, Regulation and Policy, Consumer Affairs Victoria
Kerin Leonard, Project Manager, Access to Justice Review, Civil Law Policy, Department of Justice and Regulation
Patrick L'Estrange, Principal Policy Adviser, Consumer Affairs Victoria
Lesley Menzies, President, Residents of Retirement Villages Victoria
Warwick Mitchell, Assistant Director, Civil Law Policy, Department of Justice and Regulation
Yasmin Neenan, Principal Legal Policy Officer, Dispute Resolution, Department of Justice and Regulation
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