

30 April 2014

Attn: Pragya Giri

Administration Coordinator

Productivity Commission

GPO Box 1428

CANBERRA CITY ACT 2601

Email: access.justice@pc.gov.au

Dear Pragya,

WYNDHAM LEGAL SERVICE SUBMISSION ON THE PRODUCTIVITY COMMISSION DRAFT REPORT (APRIL 2014)

The Wyndham Legal Service Inc. (**WLS**) welcomes the opportunity to make a formal submission regarding the Productivity Commission Draft Report, released in April 2014 (**Draft Report**).

WLS is a non-profit, community managed incorporated association. WLS advocates for equitable justice by providing free legal advice and assistance, community education, law reform and advocacy to the people of the City of Wyndham and the greater western suburbs of Melbourne. WLS has extensive experience in delivering a range of legal services with a particular focus on the civil and administrative jurisdiction.

WLS' client base includes people facing multiple sources of disadvantage such as homelessness, mental illness, disability, financial hardship and language barriers or other diversity. The most recent Commonwealth Government review of the community legal sector noted that 58% of Community Legal Centre (CLC) clients receive some form of income support, 82% earn less than \$26,000 per annum and almost 9% have some form of disability.

INTRODUCTION

WLS congratulates the Productivity Commission on its Draft Report. WLS generally supports the content, principles and main proposals in the Draft Report, however, WLS aims to address a number of critical considerations relevant to the Scope of the Inquiry, as well as make a number of other recommendations for inclusions into the final report. Whilst WLS did not provide an earlier submission to the Inquiry, our submission takes into consideration a number of matters that have relevance and context to the objectives and main proposals identified in the Draft Report.

In 2012, WLS was funded through the Legal Services Board Grants Program to undertake a research project into the legal needs of people living in outer-metropolitan areas and their ability to access the current justice system, including the civil justice jurisdiction and dispute resolution services. The final report, *'Outer Sight Out Of Justice: Finding pathways to justice for Melbourne's outer-metropolitan areas* (February 2014) (***Outer Sight Out Of Justice Report***), was launched by Geoff Bowyer, President of the Law Institute of Victoria on 9 April 2014.

The report explores the provision of justice infrastructure in Victoria, including physical and social infrastructure, and its impact on residents in outer-metropolitan areas. The report makes several recommendations regarding justice infrastructure and services in outer-metropolitan areas, including innovative outreach models involving alternative dispute resolution services and digital innovation, to enhance and improve residents' access to justice.

WLS strongly encourages the Productivity Commission to consider the findings of the *Outer Sight Out Of Justice Report*, and as such, a copy of the report has been enclosed together with this submission.

SUMMARY OF RECOMMENDATIONS (Not all expanded upon when addressing the Scope of the Inquiry)

1. Government should commit to not only basic legal facilities and services but to the broader concept of a justice precinct. This will require sufficient capital works funding for the establishment or relocation of appropriate services to implement this policy to meet the needs of outer-metropolitan residents.
2. Government should develop and institutionalise a broader notion of community justice. A justice precinct must include the establishment of a community justice centre with pre and post court support services. It should encompass the facilities required to assist local residents to engage with the civil and administrative justice system.
3. VCAT civil jurisdiction should sit alongside every Magistrates' Court in outer-metropolitan areas.
4. Government statutory authorities and industry complaint schemes should devote the necessary resources to ensure local access for vulnerable consumers, especially where they lack the skills to complain online or on the telephone.
5. Governments should work with community legal centres to implement pilot programs addressing access to justice in libraries. That the WLS' 'How to Complain (Online) Manual' or a similar guide, together with appropriate training for librarians, be made available in libraries in outer-metropolitan and rural areas.

6. That community agencies, such as community legal centres, be resourced and trained to assist clients through the use of technological innovation.
7. Government should, where appropriate, offer technological solutions to overcome geographical barriers to access to justice. Specific purpose 'apps' should be developed to assist both targeted client groups (i.e. youth) and to address specific problems (i.e. family violence).
8. That community legal centres and community agencies be trained to use new technology to advise, assist and educate local residents in outer-metropolitan areas. Methodologies could include video and online conferencing.
9. That dispute settlement agencies, such as the Department of Justice Dispute Settlement Centre Victoria, should work with community legal centres and local government to set up neighbourhood dispute partnerships designed to reduce the number of neighbourhood disputes and to encourage alternatives to the Magistrates' Court.

IN CONCLUSION

WLS is confident that the above recommendations would result in fairer outcomes and improved access to justice for people living in outer-metropolitan areas. WLS would be pleased to discuss these issues in greater depth or provide further detail upon request.

Yours sincerely,

Shorna Moore
Senior Policy Lawyer