

County Court





Chapter 12 Justice

“ We can further reduce crime with more police and by tackling its causes. To be tough on crime, we also have to be smart and ensure that offenders are not drawn further into a cycle of crime.”

JOHN BRUMBY, PREMIER OF VICTORIA

Since 2000-01, Victoria's crime rate has dropped by 25 per cent. However, it is time to say enough is enough. More work needs to be done to further reduce crime, increase access to justice, keeping the legal system fair and accountable; protect consumers and keep our democracy strong.

That's why Labor will increase police numbers and resources while maintaining their operational independence. It will work with police, local councils and the broader community to prevent crime and address alcohol fuelled violence; promote measures which make offenders take responsibility and change their behaviour; increase justice services across Victoria and ensure fair and accountable processes.

KEEPING COMMUNITIES SAFE

POLICE POWERS

12.1 Labor will provide police with adequate powers to protect the community, while also ensuring that police are accountable for the use of all powers. Labor recognises that the state's Charter of Rights and Responsibilities is an important foundation for achieving this balance in the interests of all Victorians.

Labor will seek the right balance between the powers police need to tackle crime and the rights of ordinary citizens. We will promote a constructive relationship between the police and the community and promote understanding of the Charter to ensure that this balance is maintained and legitimate democratic protest is protected. The Office of Police Integrity and other mechanisms will be used to hold all police accountable for the use of these powers.

SMARTER POLICING

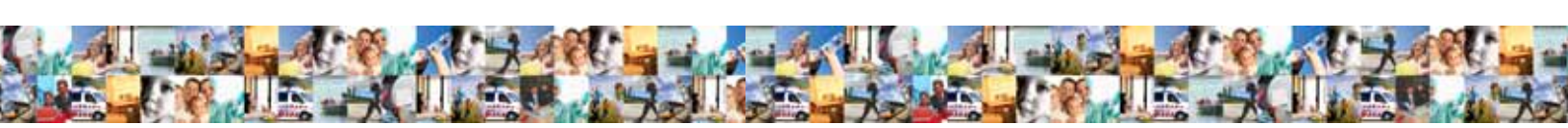
12.2 Labor will ensure that police have the technology, training, numbers and resources to respond to emergencies and sophisticated forms of criminal conduct.

Labor recognises that modern policing must respond to the changing crime environment, and complex issues such as terrorism, organised crime and technology based crime.

Labor will work to ensure that police have access to the best forensic and DNA resources including emerging technologies to tackle sophisticated forms of criminal conduct.

Labor strongly supports the principle that the Chief Commissioner should have operational independence to decide the way in which police are deployed and where they are located, free from political interference.

Labor will work with the Chief Commissioner on matching budgetary constraints to total numbers and ensuring that sworn officers are utilised effectively in operational roles and not non-operational duties.



POLICE NUMBERS & RESOURCES

12.3 Labor will further increase police numbers and increase funding for training so that resources are available to the Victoria Police for effective law enforcement.

The police force has grown by more than 1,870 since 1999 – a period during which crime rates have been cut by 25%. The police will be further expanded as the population grows to ensure a high standard service can be provided across the whole state.

Labor will ensure police receive special assistance and training to protect the community and themselves in dealing with complex issues such as family violence, child abuse, mental illness and sexual offences. High educational and personal standards for recruits will be maintained along with the focus on diversity of police officers in the force.

SUPPORT FOR VICTIMS OF CRIME

12.4 Labor will provide victims of crime with the best possible support, strengthen access to compensation and offer continuity of care for victims of violent crime who are witnesses in court proceedings.

Labor believes that an important measure of a fair community is the support and service that it gives victims of crime.

Labor will promote approaches that repair the harm done to victims of less serious crime by bringing the offender and the victim together, where appropriate, to discuss the impact of a crime and identify solutions. Labor will strengthen asset confiscation law - ensuring that proceeds are available for compensation and support of victims.

Labor will also provide police involved in crimes and major accidents with the support they need through counselling and welfare services.

YOUTH JUSTICE

12.5 Labor understands that some Victorian young people make bad decisions and commit offences which need the law's intervention to get their lives back on track and give them a chance to realise their potential.

Labor has raised the age for people to be heard in the Children's Court to 18 and will maintain the dual track system for detention of those over 18. Labor has also introduced group conferencing to help young people take responsibility for their actions.

Labor will:

- Use crime prevention strategies to keep communities safe and stop youth entering the cycle of crime;
- Expand the group conference program to reduce recidivism and involve parents in facing the consequences of their children's actions, and
- Support a supervised bail program for youth in the community including their families in supervision of young offenders who are waiting for a court hearing to stop them being drawn further into the cycle of crime.



COMMUNITY SAFETY PROGRAMS

12.6 Labor will re-invigorate community safety programs such as Neighbourhood Watch and local Council schemes because the most successful community programs have strong community support.

Labor will implement properly co-ordinated and resourced community safety programs to support crime reduction. Localised data will be generated for local groups to utilise and prepare “crime maps” to identify hot spots which can be targeted with additional resources

PROTECTING THE COMMUNITY

12.7 Labor believes the community expects that vulnerable people, particularly children, will be protected from people being employed in vocations where they may pose a risk and this can be done whilst respecting individual rights.

Labor will ensure there are independent review mechanisms that ensure fairness in relation to administrative decisions concluding that a prior conviction makes a person unfit to hold public employment or a vocational license or registration.

HIGH QUALITY EMERGENCY SERVICES

12.8 Labor is committed to a well resourced, trained and co-ordinated network of emergency services. Labor understands the important role that our career and volunteer emergency services workers play in keeping our state safe.

Public safety underpins the State’s economic and social well-being and is everyone’s responsibility. Labor believes that Victorians should be confident that their police, ambulance, fire and other emergency services will be there to meet their needs.

The tragedy of the February 2009 Bushfires, which saw 173 people lose their lives and the loss of over 2000 homes, will be remembered forever in Victoria. The unprecedented conditions experienced during these fires has changed many of the ways we approach emergency management. Labor is committed to ensuring that our emergency services, together with the community, are as well prepared as possible to meet the future challenges posed by increasingly extreme climatic conditions.

Labor recognises the imperative to increase the number of and resourcing of Victorian career and volunteer firefighters across the three fire services of CFA, DSE and MFB to maintain community safety in the face of climate change and a growing population.


Victoria’s emergency services must have the ability to respond to terrorist events and their aftermath. Labor is committed to building an improved capacity for our emergency services to deal with chemical, biological, radiological and other extreme or terrorist related events.

PROTECTING THE COMMUNITY – TERRORISM LAWS

12.9 Labor affirms the right of all people to live free from the threat of violent terrorist attack and will ensure that all reasonable and proportionate measures are put in place to protect against such threats.

This includes legislative measures, collaboration between all agencies, and community policing which promotes respect and develops trust.

Labor believes that, while Governments must have appropriate powers to prevent terrorist attacks, it is equally vital that those values we wish to protect from terrorism are not eroded. Labor will ensure that our open, democratic society is protected both from violence, and



from excessive restriction, and that social cohesion is prioritised as an effective foil to terrorism.

SENTENCING LAWS

12.10 Labor believes that sentencing laws must be smart as well as tough. This means giving young offenders caught in the cycle of crime a second chance to contribute; while properly punishing those serious or repeat offenders who long ago blew their second chance.

Labor recognises that the purposes of the *Sentencing Act* extend beyond punishment to prevention, deterrence, rehabilitation and denouncement by courts on the community's behalf. Labor believes that an independent judiciary should be equipped with to meet these purposes, and to tackle the causes that lead people to commit crime. Labor rejects mandatory sentencing because it does not improve community safety or reduce crime.

Victoria was first to introduce "truth in sentencing" to ensure prisoners serve their minimum term in jail or home detention.

Labor will seek advice from the broadly based Sentencing Advisory Council comprising legal experts and community representatives on the adequacy of maximum penalties for a range of offences and build on Labor's record of creating new offences in emerging areas of crime.

CORRECTIONS

PRISON MANAGEMENT

12.11 Labor will ensure proper and transparent management of prisons and will expand the system where it is needed, provide improved management of bail and parole arrangements, and deliver effective community corrections programs and programs to reduce re-offending.

The prison system must provide more than just punishment. It must provide offenders with opportunities and incentives to address offending behaviour while also providing drug treatment, life skills and employment focused programs.

Labor has built three new prisons and developed plans for future expansion to accommodate the trend towards longer sentences and more female offenders.

Labor will develop more community based options and offender rehabilitation programs and focus prison programs on reducing the rate of re-offending.

As over 80 per cent of offenders have substance abuse or mental health problems, mental health and drug treatment services will be improved. Prison operations will also be reviewed and updated to better manage people with intellectual disabilities.

COMMUNITY CORRECTIONS & POST RELEASE PROGRAMS

12.12 Labor will improve supervision and transitional support for offenders on release to the community and into employment, and expand programs aimed at reducing re-offending.

Labor will tailor skills programs in prison so that offenders are ready for the workplace on release. It will also assist offenders through Community Corrections programs that focus on skills and reducing re-offending.



WOMEN & CORRECTIONS

12.13 Labor will give particular attention to the need for improved legal and health services for women in prison as part of a comprehensive approach to women's correctional services with a focus on reducing re-offending.

Labor will:

- Ensure the provision of facilities to enable women with pre-school children to care for them on site, and to have contact visits with school age children and other dependents;
- Provide transitional housing in the community to prepare women for their release from prison in a supportive and constructive environment;
- Recognise that the post release period is very difficult and assist with women's post release needs, and
- Provide support services and advocacy for women in prisons and post-release through non government agencies.

ACCESS TO JUSTICE

ACCESS TO LEGAL AID

12.14 Labor believes in a properly funded legal aid system where professional legal advice is available to those who need it through public, private and community sector lawyers.

Labor has secured a sustainable funding base for Victoria Legal Aid and opened new regional offices and five new Community Legal Centres in growing areas of Victoria.

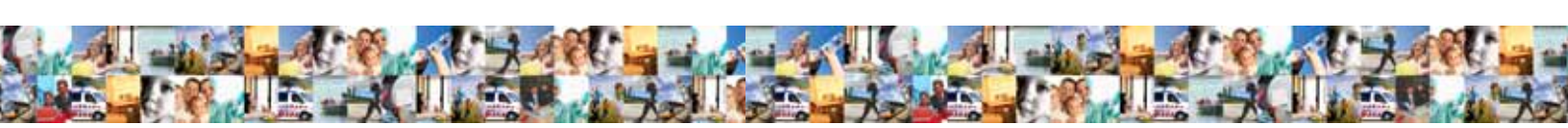
Labor will build on this by:

- Negotiating improved Commonwealth funding arrangements;
- Promoting the provision of Legal Aid to women and children at risk;
- Through Victoria Legal Aid, expanding the reach and expertise of Community Legal Centres;
- Promoting opportunities for recent law graduates to undertake traineeships in Community Legal Centres, particularly in regional areas, and
- Promoting specialisation in public legal defence work to reduce delay, and improve efficiency.

ACCESS TO AFFORDABLE JUSTICE

12.15 Labor believes a just society depends on access to affordable justice, including advice about basic legal rights, access to affordable representation in serious legal matters and access to justice facilities for Victoria's expanding population.

Labor has acted to improve access to justice with changes in our courts and laws that reduce cost and delay; significantly increased funding for Victoria Legal Aid and Community Legal Centres, and promotion of pro bono services by the legal profession.



Labor will:

- Reform court processes to further reduce delay and avoidable costs;
- Improve use of court resources, including flexible and extended hours to better suit working families;
- Extend access to day to day justice services, including VCAT, across the state;
- Strengthen Legal Aid and Community Legal Centre services throughout the state, and
- Expand dispute resolution services throughout communities across the state.

PUBLIC DEBATE ABOUT LAW REFORM

12.16 Labor believes in dialogue between the community and the law.

Labor re-established the Victorian Law Reform Commission and Sentencing Advisory Council to facilitate debate, and has taken a lead on national law reform. Labor will use transparent processes to reform laws affecting Victorians in daily life, including:

- Powers of Attorney,;
- Wills and Succession, including farm succession;
- Guardianship and Administration;
- Property Law, and
- Fences.

Labor will encourage ongoing reform that protects young people from risks associated with technology, strengthen the law's response to 'hate crimes', such as race-based or homophobic harassment and implement the final stages of an overhaul of criminal laws.

EDUCATION ABOUT LEGAL RIGHTS & RESPONSIBILITIES

12.17 Labor believes in making information regarding legal rights and responsibilities widely available to Victoria's diverse communities.

Labor will:

- Promote the Charter of Rights and Responsibilities as the basis on which Government services are delivered and decisions are made;
- Use technology to empower young people and rural and regional Victorians;
- Support the Victoria Law Foundation and Legal Services Board in promoting community legal education.

APPROPRIATE DISPUTE RESOLUTION

12.18 Labor believes that fair and liveable communities reduce demand on courts, instead providing opportunities to resolve disputes before they escalate.

Labor has promoted a range of appropriate dispute resolution options and will:

- Implement changes to court procedure to reduce delay;



- Give judges more control to speed up cases;
- Direct parties to attempt to resolve disputes before resorting to litigation;
- Promote mediation in more neighbourhood disputes and in all court jurisdictions;
- Help make processes at VCAT more user friendly;
- Increase the appointment of local mediators linked to local communities

JUDICIAL INDEPENDENCE & APPOINTMENT

12.19 Labor believes that an independent judiciary is a foundation of any fair and democratic society, and that policies that limit judicial discretion, such as mandatory sentencing, should be fiercely resisted.

Labor will promote judicial independence by ensuring judicial tenure and discretion and by cementing community confidence in Victoria's courts.

Labor will:

- Further connect the courts and community and increase understanding of the legal process;
- Implement a transparent process for addressing minor complaints against judges;
- Ensure that the judicial selection process encourages the broadest range of candidates and includes specific training as a pre-requisite;
- Develop a Courts Governance model and consolidated legislation which respects judicial independence but ensures that our courts are accountable for expenditure of public money.

CONSUMER PROTECTION

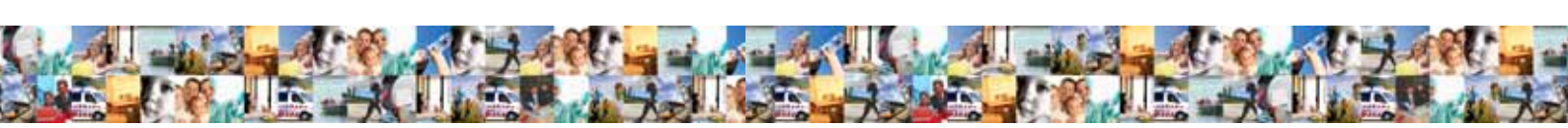
PROTECTING CONSUMERS

12.20 Labor will ensure vulnerable and disadvantaged consumers are well informed and protected and can participate effectively in transactions of goods and services.

Labor will work to eliminate discrimination against consumers on the basis of factors including gender, ethnicity and age.

To support this, Labor will:

- Implement a national Consumer Law framework that retains unique Victorian consumer protections such as unfair contract terms;
- Promote good consumer practices through community education;
- Strengthen formal and informal dispute resolution for consumers;
- Ensure ongoing monitoring and enforcement of Victoria's strict consumer laws, especially with respect to children's toys;
- Ensure effective consumer advice through regional offices, mobile offices, library-based information booths and online assistance as well as advocacy programs;



- Review government service provision to ensure equal access to basic and essential goods and services, particularly for those who sometimes have little market power, such as young people, the aged, and CALD communities;
- Ensure effective redress mechanisms for all consumers of government services, and
- Monitor non-discriminatory policies to ensure they are not undermined in practice.

PRODUCT QUALITY & SAFETY

12.21 Labor will ensure ongoing enforcement in Victoria of the new national consumer protection laws relating to safety and product quality.

State Governments will be responsible for enforcement including;

- Appropriate product quality standards and warnings developed with industry;
- Enforceable and fair warranties, conditions and guarantees;
- Awareness campaigns and consumer education about risks associated with online transactions, and
- Ongoing support for the Toy and Nursery Safety Hotline;

A FAIRER BUILDING INDUSTRY

12.22 Labor will seek improved consumer protection in the building industry.

Labor will support the further development of a professional building industry in Victoria by:

- Developing model building contracts for domestic building work to assist consumers and builders better understand their obligations;
- Introducing mandatory conciliation for domestic building disputes including the power to issue orders to rectify defective work and allow the Building Practitioners Board to take action if builders fail to comply;
- Ensuring domestic building insurance provides an adequate safety net for consumers through a compulsory last resort system, and
- Improving the information available to consumers about registered builders.

TENANCY RIGHTS

12.23 Labor will improve tenancy rights to ensure adequate protections for all tenants – including those in government accommodation and caravan parks.

Labor will:

- Review tenancy legislation to ensure it keeps pace with changes in industry practice and to encourage better practice from estate agents in dealing with tenants, and
- Identify, monitor and regulate new or emerging tenancy and accommodation types to ensure adequate protection for tenants;
- Implement national regulation of tenancy databases so tenants are treated fairly;
- Use complaints data to identify emerging issues that need to be addressed, and



- Extend appropriate tenancy rights to residents in Community Residential Units and similar government run facilities.

BETTER ESTATE AGENCY INDUSTRY

12.24 Labor will further reform practises in the estate agency industry.

Labor will promote a consumer orientated estate agency industry, & in particular:

- Establish a website for home buyers, including detailed auction advice;
- Improve the professional status of real estate workers, including auctioneers, through training based on agreed national standards;
- Independently monitor and investigate real estate practices and conduct of trust accounts;
- Pursue a national model for licensing of real estate agents including conduct provisions.