

KEY ORGANISATIONS

This fact sheet gives an overview of the key organisations that work with the County Court of Victoria. There are many organisations that work with the County Court in the hearing and deciding of criminal and civil cases in its **original jurisdiction** and **appellate jurisdiction** (see Fact Sheet 1), and to ensure that members of the community who are involved in cases before the County Court receive support and assistance. Some of the organisations discussed here contribute to the work of the County Court by providing information and training to County Court judges in the performance of their duty as judicial officers.

GOVERNMENT

Attorney-General: the government minister who is responsible for the legal system and advising the government about reforms to the law that the County Court must apply.

Court Services Victoria: a department in the public service that supports Victorian courts and tribunals. It is separate to the Department of Justice and Regulation. Court Services Victoria was established under the Court Services Victoria Act 2014 (Vic). Judicial services (for example, judges and magistrates) are independent of government departments. Victoria's courts and tribunals are directly answerable to the Victorian Parliament.

Department of Justice and Regulation: the department in the Victorian public service that supports and advises the Attorney-General in law reform work.

The Director of Public Prosecutions and the Office of Public Prosecutions: the Office of Public Prosecutions is an independent authority established by statute that is responsible for prosecuting Victorian criminal offences on behalf of the community. State prosecutors are responsible for preparing and conducting criminal prosecutions. The head of the Office of Public Prosecutions is the Director of Public Prosecutions. The Director is also independent from government and is responsible for prosecuting all indictable (more serious) offences in the County Court of Victoria (as well as the Supreme Court of Victoria). Examples of indictable offences prosecuted by the Director of Public Prosecutions in the County Court include rape, sexual offences involving children, offences causing serious injury, and armed robbery. Prosecutors have a duty to uphold the rule of law in the work that they do and have a duty to assist the court to avoid an error that may be grounds for an appeal.

Commonwealth Director of Public Prosecutions: the Office of the Commonwealth Director of Public Prosecutions (headed by the Commonwealth Director) prosecutes criminal offences against federal laws. It is independent of government and established by the Parliament of Australia. Federal offences are different to state offences and can include offences such as drug importation, tax and social security fraud, terrorism, people smuggling, some sexual offences against children, and human trafficking. Commonwealth prosecutors have similar duties to state prosecutors.

Victoria Police: responsible for investigating and enforcing breaches of criminal and traffic laws under Victorian and Commonwealth statute law. While indictable offences heard in the County Court are prosecuted by the Office of Public Prosecutions on behalf of the Director, members of Victoria Police are responsible for investigating the alleged offence and collecting evidence that may be used in a court proceeding if a person is charged with the offence.

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LEGAL PROFESSION

Solicitors and barristers: make up the legal profession that represents people who are involved in court proceedings in the County Court. Solicitors provide advice to clients and barristers represent clients in court and advocate for their interests in the particular case.

Victorian Bar: the professional association for barristers who practice in Victoria. This include barristers who appear in civil and criminal cases. The Victorian Bar provides a range of administrative and professional services to support barristers in their work and the administration of justice in accordance with the rule of law.

Law Institute of Victoria: a professional association and is the peak legal body for Victorian lawyers. It provides professional support and information to its member lawyers, as well as professional development to ensure that lawyers keep up to date with law reform and developments in practice. It provides leadership and works on ideas to improve the operation and profile of the legal profession in the community.

INDEPENDENT LEGAL SERVICES

There are a number of organisations that are established under statute or independent from government that provide free legal services, or low-cost legal services.

Victoria Legal Aid: an independent organisation that operates throughout the state of Victoria and provides assistance to people with legal problems who cannot afford to pay for private legal representation, or who are otherwise socially disadvantaged. Victoria Legal Aid provides advice and representation mainly in criminal law and family law matters, and in some civil matters. Victoria Legal Aid provides a range of services, including:

- free legal advice and information;
- information and referrals to help people find the right legal service for them, for example at a community legal centre;
- duty lawyers at courts and tribunals in Victoria (in-court lawyers for people who don't have access to legal representation);
- accessible information about the law.

Community Legal Centres: community organisations that are independent from government and operate on a not-for-profit basis. They provide free legal advice to members of the community, with a particular focus on people who are disadvantaged, have particular issues or needs that may prevent access to other legal services, or have problems in particular areas of the law. There are 50 community legal centres across Victoria. The peak body for community legal centres is the Federation of Community Legal Centres.

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OTHER ORGANISATIONS

Sentencing Advisory Council: an independent statutory body that provides independent advice to the Attorney-General on sentencing. It aims to ‘bridge the gap between the community, courts and government by informing, education and advising on sentencing issues’. It conducts research and consultation on sentencing policy, collects and analyses data on sentencing, and advises on the operation of sentencing laws in terms of effectiveness. It also provides information about current and past sentencing practices to government, the community, and the courts (including the County Court). For example, it provides information that County Court judges can use to see what sentences have been imposed in the past for certain offences, which informs their consideration of sentence in cases that come before the Court. It provides this information in the form of reports on specific aspects of the sentencing process and by its database of sentencing statistics called **SACStat**. This is a publicly available database of sentencing outcomes in the Magistrates’, County, and Supreme Courts in Victoria. You can use **SACstat** yourself to explore data on sentencing in graphs and tables for a range of sentences imposed in the County Court, as well as the Magistrates’ and Supreme Courts.

Victorian Law Reform Commission: an independent statutory body that provides law reform advice to the Attorney-General on all areas of Victorian law. It undertakes research and consultation with the community on existing Victorian laws and makes recommendations on how the law could be updated or improved. This ensures that the legal system and the laws that are applied by courts such as the County Court are developed in accordance with the principles of justice, are fair, and include all Victorians. The Victorian Law Reform Commission is often asked to examine laws that are applied by the County Court. Some examples of the Commission’s recent projects include reviews of adoption laws, laws governing the empanelment of juries, and medicinal cannabis.

Judicial College of Victoria: a statutory authority that operates under Court Services Victoria. The Judicial College of Victoria provides education and professional development to judicial officers in Victoria. It ensures that judges are kept up to date with changes in the law, technological developments, changing community concerns, and important social issues. Victorian judges, including County Court judges, are in charge of the education and resources that the College delivers. Resources include case notes, charge books, manuals, and bench books in different areas of the law and practice, which help judges when they are presiding over cases in the civil and criminal jurisdictions. Some examples of resources that are relevant to the work of the County Court are the Civil Procedure Bench Book and the Victorian Criminal Proceedings Manual which explains the law of civil and criminal procedure respectively.

CONNECTING COMMUNITY AND LAW

Victoria Law Foundation: a not-for-profit organisation that helps the Victorian community to understand the law and the legal system. It aims to give members of the public knowledge and confidence to deal with everyday legal issues and how to seek help with their legal problems when they need it. It does a lot of work in community legal education and involve organisations such as the County Court in many of its programs, such as the Schools Program for Victorian VCE Legal Studies Students.

Court Network: a court-based service that provides non-legal support and information to people who are coming to court, including the County Court. Court Network volunteers provide assistance regardless of the reason for them coming to court, for example as a victim or an accused. This service is intended to help people navigate their way through the complexities of the legal process and manage the stress of being involved in court processes.