

PRIME MINISTER'S WEEKLY BROADCAST

THE THREAT TO LEGAL AID

SUNDAY 12 OCTOBER 1975

You may have missed the news this week - all too often these things get scant attention in the press - that the Opposition has decided to delay the passage of the Legal Aid Bill through the Parliament. They are adopting the old obstructive technique of referring the bill to a Senate committee. What they are really trying to do is block the legal aid scheme by a backdoor method. They know the scheme is popular; they know the great public demand for it. But they haven't the courage to vote against it on the floor of the Senate.

I'll return to the legal aid scheme in a moment, but first, it's worth looking more closely at this Opposition tactic of referring bills to Senate committees. They do it all the time. It's a familiar and characteristic method of Liberal obstruction. They will neither vote for a bill nor vote against it. For example, our bill for a national compensation scheme was held up for eight months while a Senate committee made a report. An even worse example concerned our legislation to clamp down on lurks and fiddles in the share market and securities business. The origins of this go back five years - to 1970 - when the Senate set up an inquiry into share trading swindles during the mining boom. When their report finally appeared we promptly drafted legislation to deal with the problem. The Opposition majority in the Senate referred the bill to yet another Senate committee for a report. That was last April. Since then we've seen the crash of one share broking firm, Patrick Partners. How much more evidence is needed of instability in the stockbroker business - how many more shareholders must burn their fingers - before our legislation goes through?

In view of all this I suppose we shouldn't be too surprised by the Opposition's attitude to the Legal Aid Bill. After all, Mr Fraser himself promised in his Budget speech that if the Liberals got back into office they would abandon legal aid entirely. They would abolish it. Why the Opposition should want a Senate inquiry into something they want to abolish is difficult to understand. The fact is that despite Mr Fraser, quite a number of Liberal senators have expressed support for the Legal Aid Office and several Liberal members have actually asked for legal aid offices to be established in their own electorates. For my part, I regard legal aid as one of the most important achievements of the Labor Government. It was set up to give general advice and assistance to anyone who needs it, to anyone with a legal problem who may lack the means to go to a lawyer. We've been setting up these offices in cities, suburbs and towns all over

Australia. They operate in conjunction with local community and welfare organisations. The atmosphere is friendly and relaxed and discussions are absolutely confidential.

Just how badly the service was needed can be seen from the public's response during the past two years. It has been quite phenomenal. It's true that many of those who use the service are people suspicious or a little fearful of the law, poor people, inarticulate or poorly educated people, and migrants with language difficulties. Many offices have lawyers who speak the language of a local ethnic group. But generally speaking, clients represent a very wide cross-section of the people. All told, the Legal Aid Office has provided assistance to 130,000 Australians. That's a figure to remember when Mr Fraser talks of abolishing the scheme: 130,000 Australians have been helped in the past two years, and the office is still not fully established. Not long ago there was a national opinion poll on people's attitudes to the Legal Aid Office. Ninety-four percent of those questioned saw a need for a legal aid service, and 75 percent (including 71 percent of Liberal-Country Party voters) could see nothing wrong with the present scheme. If ever there was a service demanded and needed by the Australian people, it is the Australian Legal Aid Office.

I want to make it clear that despite the obstruction of the Opposition the legal aid service will continue. We introduced legislation this year to establish the office as an independent statutory authority. It is this legislation which the Opposition is now blocking, but their obstruction will not prevent the service from operating in its present form as a branch of the Attorney-General's Department. We prefer the idea of a statutory authority because we believe the office should be independent - and seen to be independent - of the Government. Don't get the idea that we're taking over all the work of lawyers and limiting their opportunities. With a very few exceptions we've had the warm support of the legal profession in setting up this scheme. In many cases we have found that legal aid services are best provided by utilizing the talents of the private legal profession.

During the past two years my Government has shown its determination to reform and modernise the law on a whole range of issues. I've mentioned the Corporations and Securities Bill. Last year we brought in our historic Trade Practices legislation, which is already protecting consumers and making business more competitive. And again, as you know, Parliament has passed the Family Law Bill, which establishes a single new ground for divorce and sets up a Family Court of Australia to handle all matrimonial matters. Those are just three of the things we have done in the field of law reform.

It's not much use reforming the law if ordinary people have no opportunity to resort to the law and take action through the courts where necessary. Perfect law and well-organised courts are of little use if the people who most need the protection of the law cannot afford access to the courts. We've always taken the view that citizens in a free society have an absolute right to equality before the law. For too long many Australians have been denied access to our system of justice because they could not afford the services of lawyers or were not aware of their rights under the law.

The Legal Aid Office puts and end to this injustice. Just as Medibank ensures that the services of the medical profession are available to all who need them. The Legal Aid Office ensures that legal services are available to all who need them. Just as the Liberals have threatened to demolish Medibank, they now promise to demolish legal aid. Their behaviour in the Senate makes it quite plain that they object to legal aid in principle. None of us knows when we may some time need legal aid. The Liberals have shown their contempt for the thousands upon thousands of Australians who have sought the help of the Legal Aid Office and for all of us who may some time stand in need of legal assistance or advice.

---