



## PRIME MINISTER

FOR MEDIA

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### LABOR'S FOURTH TERM - LAW AND JUSTICE INITIATIVES

My Government's commitment to law reform, law enforcement and the effective administration of justice is borne out by our record. We have made major reforms in areas as diverse as corporate regulation, human rights and privacy, the attack on organised crime, family law and services and the infrastructure and operation of the Federal court system.

Labor's fourth term initiatives will therefore build on the substantial steps we have already taken.

#### Criminal Asset Trust Fund

I am pleased to announce today that, in its fourth term, the Government will establish a statutory Criminal Asset Trust Fund to turn the proceeds of crime back against the criminal.

Labor's Proceeds of Crime Act of 1987 has denied criminals the benefit of \$1 million so far recovered by the Crown, and an additional \$1.7 million has been recovered under the drug trafficking provision of the Customs Act. A further \$30 million is currently frozen pending prosecution.

The new Criminal Asset Trust Fund will establish a pool into which will be paid all those funds which are forfeited under the Proceeds of Crime Act or the drug trafficking provisions of the Customs Act.

Forfeited property, vehicles and other assets will generally be sold and the proceeds placed in the Trust Fund. In some cases, however, seized equipment may be of direct use to law enforcement agencies.

The Government has decided that the monies held in the Trust Fund will be distributed fifty percent to law enforcement agencies and fifty percent to programs for the rehabilitation of drug users. Thus, the proceeds obtained by drug traffickers will be directly applied to programs to assist those who have suffered as a result of drug usage.

The use of criminals' assets in this way will provide a direct and substantial ~~increase~~ in funds available for law enforcement and drug rehabilitation. The existence of the Trust Fund, and payments made out of it, will not affect the regular funding, through the budget, of relevant bodies.

Because it is not possible to predict with certainty the timing of completion of legal proceedings and the success of prosecutions, precise sums available each year for disbursement from the Trust Fund cannot be set in advance. It is expected, however, that they will average several million dollars per annum and an initial estimate has been made in the costing of this initiative of \$9 million over 3 years.

#### Alternative Dispute Resolution

In its fourth term, the Government will also legislate to expand alternatives to court proceedings as a means of resolving disputes.

It is essential that the judicial system be as efficient as possible while maintaining the capacity properly to resolve disputes. The use of such processes as mediation and arbitration can help achieve this aim. The Government actively encourages commercial disputes to which it is a party being resolved in this way.

Within the Family Court we have already encouraged resolution of disputes without reference of cases to judges. The use of counsellors and court staff to assist parties to reach agreement has ensured that the vast majority of cases are resolved without the need for a formal hearing.

Within the Federal Court initiatives have also been taken using pre-trial conferences to resolve commercial disputes in a way which reduces the demand on court time and provides a faster result for the parties.

For the most part, however, these processes are informal.

The fourth term legislation will provide a statutory framework within which the Federal and Family Courts can, by the use of court rules, establish dispute resolution processes. If alternatives such as mediation and arbitration are to be used the Court rules need to deal with such issues as:

- . time limits to lodge documents
- . basic procedures
- . privilege for persons taking part in the proceedings
- . recognition and enforcement of orders
- . fees and costs.

The courts will be given flexibility to design procedures to best meet the needs of particular jurisdictions and to encourage the parties to opt for these alternatives and to accept the result of the process.

Parties who wish to have their dispute resolved by a Judge will not, however, be prevented from doing so.

Other Priorities

My Government has put in place a new Commonwealth law to govern the whole of corporate Australia under one law and one administration, the Australian Securities Commission. The next Labor Government will press ahead with implementing a truly national system of corporate law.

Other priorities for the next Government in the area of law and justice will flow from reviews underway into legal aid and the Family Court.

The National Legal Aid Advisory Committee will shortly be reporting to the Government on legal aid policies and services. This report, coupled with the continuing efforts of the Government to make sure that all Australians have fair and effective access to the legal system, will provide the blueprint for legal aid in the 1990s and beyond.

A major review of the Family Court is being undertaken by the Government to ensure that its structure is best suited to meeting the needs of the community and, in its fourth term, the Government will respond promptly to the recommendations of that review. This follows on the substantial reforms already made by the Government in the field of family law.