



# **PRIME MINISTER**

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**SPEECH BY THE PRIME MINISTER, THE HON P.J. KEATING, MP  
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Last October, the Government commissioned a major report on reform of our legal system.

We did that because the Australian public was losing confidence in our legal system.

We have in place a system of government that gives Australians access to universal health care, quality education, improved training opportunities, affordable child care, and a safety net of benefits and pensions.

But if we are to count ourselves as one of the world's truly great social democracies we need to ensure Australians have appropriate access to their legal system.

We asked the Access To Justice Committee, chaired by Ronald Sackville, how to enhance access to justice and make the legal system fairer, more efficient and more effective.

And that's just what the committee's done. It's an excellent report and for that our thanks go to Ronald and his fellow committee members.

This Justice Forum is a very important part of the consultative process arising out of the Access to Justice Report. And I very much see your attendance here today as evidence that, like the Government, you want to see Australians regain confidence in their legal system.

Later this year, we will take another important step down the reform path when I deliver the Government's Justice Statement.

We are committed to access to justice and equality before the law. The Statement will ensure that we put in place the sort of justice system Australians expect and deserve.

One area where we can make a start is with the criminal law.

Over the course of this Labor Government, Australia has led the world in designing laws to combat organised crime. But we have been let down by the provisions of our criminal laws, which are fragmented and vary between the States and Territories.

If we are to reduce the chances of criminals escaping justice by exploiting technicalities in the law, if we are to ensure fairness and consistency, if we are to reduce legal costs, we need a uniform, simplified and reformed criminal law - a Model Criminal Code that all Australians can understand.

I want to see the Commonwealth implement the Model Criminal Code well before 2001 so that the States can have ample opportunity to have the Code up and running on a national basis by the target date of 2001.

I think it's also time to supplement traditional, reactive enforcement strategies with a more sophisticated emphasis on prevention, and to deal more effectively with the underlying causes of criminal behaviour.

And I applaud the recently announced intention of Premiers and Chief Ministers to meet later this year to discuss a concerted approach to combating crime.

Clearly, the Commonwealth is ideally placed to accept a leadership and coordinating role in issues of such importance for all Australians.

That's why we have been directly involved with the States and Territories in developing new policies on issues such as firearms and domestic violence, which deal with anti-social activity at the community level.

Co-operation between governments, law enforcement agencies and the community is the key to controlling crime.

The Commonwealth will continue to support consultative arrangements that lead to effective national crime prevention programs. We will sponsor research into the causes of crime and the development of appropriate preventive strategies.

The aim is to build a safer Australia.

We will work in partnership with the States and Territories, the profession and the judiciary to facilitate reform.

With my firm support, the Attorney-General and the Minister for Justice are identifying the barriers to accessible justice and developing a major legal reform package to make access to justice a reality for all Australians.

Let me say a few words about those areas where I think we can really make a difference.

A major barrier to justice is its cost.

The cost of justice excludes most Australians from using a lawyer or the courts to enforce or defend their rights.

That's not acceptable.

Freeing up the legal market is one way to reduce costs.

We are working with the States and Territories to reform the legal profession. We want it to become more competitive, more accountable, and geared to the needs of the people it serves.

Extending the Trade Practices Act to the professions under a national competition policy would ensure that consumers and competitors in the legal market enjoy the same protection available to people in other sectors.

Other reforms would make the legal services market more flexible.

Lifting restrictions on advertising would allow consumers the best possible information on the services they need.

Improving regulations for the disclosure of fees and for the independent assessment of costs would protect consumers.

The ability to opt for contingency fees would extend access to the legal system.

More difficult areas, such as opening up areas of work reserved to lawyers, also need further examination.

The Council of Australian Governments will consider in February 1995 reform proposals to make the profession more accountable and accessible than ever before.

We are not talking about leaving the cost of justice purely to market forces.

Legal aid is another important factor in the cost equation.

An effective national legal aid scheme remains central to the Government's social justice strategy.

As the major provider of legal aid funding, the Commonwealth has a clear leadership role to play. We can and should influence the way legal aid funding is directed.

Of course, it is vital that legal aid reform is achieved in a true partnership with the other key players – the States and the legal profession. Successful reform depends as much on their contribution as on ours.

Proposals for contingency fee arrangements with private lawyers could meet some of the need of middle Australia for legal assistance.

And litigation lending funds and legal expenses insurance also have a place in giving Australians a fair go when they need legal assistance.

How we spend our legal aid dollars must also reflect our commitment to equality before the law. We must ensure that, in practice, the legal system delivers justice evenhandedly and does not enshrine inequality.

This means making concrete commitments to fix the inherent biases in the system.

Aboriginal and Torres Strait Islander peoples and people from non-English speaking backgrounds face particular difficulties and fears when dealing with our legal system.

They should have access to interpreters and information in a language they understand and they should be dealt with in a culturally sensitive manner.

Cultural sensitivity also requires knowledge and training. The Government is supporting cross-cultural training initiatives by the Australian Institutes of Judicial Administration to promote this.

Women should have greater access to appropriate and affordable advice and support about the legal problems that affect them.

And the specific problems faced by Aboriginal and Torres Strait Islander women in gaining access to legal aid must also be addressed.

These reforms are fundamental if we are to ensure all Australians have access to justice.

Every day in our courts people test their rights under the law. Matters that have the potential to touch us all are often under dispute.

The establishment of important legal precedents, for example, in human rights, consumer protection and environmental law must be supported.

Improving access to justice must also include reforms to the means we have available for resolving disputes – in short, more choice is needed.

While access to our courts must, of course, remain available to all, it is clear that many cases would be better resolved without resort to expensive and adversarial court action.

In family law, for example, the Government has begun a fundamental shift away from litigation towards a simple and more affordable process of mediation and counselling in appropriate cases.

We must work to expand alternatives to litigation, while ensuring that dispute resolution remains just and fair.

Of course, reforms should also continue to be achieved in the courts. I am very interested in proposals for the development of court charters which would set out the courts' commitments to 'user-friendliness' and the delivery of accessible justice.

Clearly, we all support the need for reform. And I think I can safely say that we are all committed to rebuilding Australians' faith in their legal system.

I wish you well in your deliberations over the next two days and am pleased to declare the Justice Forum open.