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PRIME MINISTER

SPEECH BY THE PRIME MINISTER, THE HON P.J. KEATING, MP LAUNCH OF THE JUSTICE STATEMENT BRISBANE 18 MAY 1995

Today it is my privilege to launch the Commonwealth Government's Justice Statement, a \$160 million program of reforms to improve our justice system and make Australia a more equitable, democratic and just society.

It is another practical demonstration of the Commonwealth Government's belief that Australia will be stronger and a better place in which to live if all Australians are able to share in the benefits of this democracy and, equally, share a faith in the ideas and values on which that democracy is built.

The Justice Statement outlines action the Government will take right across the legal system: to reduce crime, protect consumers, reinforce human rights, simplify legislation, improve legal aid services and make the resolution of disputes outside the legal system a practical alternative to legal proceedings.

In launching this Statement today I will concentrate on some of the measures to achieve our three main objectives for reform.

The first objective is to bring justice to people, not people to lawyers.

We want to help people resolve their problems before they get caught up in legal action.

Many Australians first encounter the legal system in the difficult and stressful circumstances which almost invariably surround proceedings in Family Law.

We will substantially increase funding for those family support services that help families through difficult times and, wherever possible, stay together.

With the right support, many families are able to resolve their problems without legal intervention and its financial and emotional costs.

In doing this, we will also enable the courts to deal more promptly with those cases which cannot be resolved by other means.

In total, we will provide \$54 million over four years for the expansion of family services throughout Australia: services which have been shown to help couples enter relationships with a better understanding of the commitment they are making, and families to work through problems which may arise over the years.

We will double the number of marriage and relationship courses, provide a 50 per cent increase in family skills training, and create up to 20 new financial counselling services. The Family Court's counselling services will be increased by 25 per cent and more than 15,000 additional people each year will be assisted by family mediation.

We will specifically extend these programs to assist families in regional and rural areas.

The Government will also allocate an additional \$2.4 million over four years to improve the way family support services deal with family violence. We know from consultations with women in the community that violence and fear of violence are priority issues.

One of the aims of the new funding will be to find ways of preventing relationships becoming violent. But staff will also be trained in the best methods of responding to family violence, including the means by which they can help women who want to leave a violent relationship, or people living in violent circumstances who want the relationship to continue but the violence to stop.

Our strategy is also geared to provide families with the means to resolve disputes outside the formal processes of the courts.

Alternative processes, such as mediation, have increasingly proved to be effective means of dealing with family breakdowns.

Because mediation gives people a greater say in the decisions which affect their lives, the results are more likely to be accepted and more likely to endure.

We will encourage the shift from litigation to mediation by increasing the number of family mediators and funding the establishment of new community mediation services around Australia.

Alternative means, however, are sometimes inappropriate - for example, in disputes where there is inequality of bargaining between the parties or where there is a history of domestic violence. The Government will fund the Family Court to train mediators and counsellors in ways which will enable them to recognise situations which demand resort to the legal system.

As part of our objective to bring justice to the people we have developed 'Safer Australia', a national strategy to reduce crime and build safer communities.

Crime has debilitating, often devastating, effects on families and local communities. It carries significant social and economic costs.

Although the State and Territory governments have primary responsibility for law and order, the national government can play a role where it is appropriate to its functions in the task of providing a secure environment for Australians.

We will continue working with the States and Territories on issues such as gun control. We will tighten Australia's already stringent gun importation restrictions and ban the importation of handguns that can be adapted to duplicate machine guns.

We will also provide \$1.2 million over four years for community surveys to identify problem areas and develop responses to reduce crime. We will support local pilot projects which may make communities safer, such as improved lighting in public areas and better safety and surveillance in car parks and public transport centres. We will provide \$2.8 million over four years to test local crime reduction measures that will have application elsewhere in Australia.

The second main objective of the Government's justice strategy is to ensure that Australians have access to legal services which are affordable and responsive to their needs and circumstances.

As a first step, the legal aid system will be reformed.

It was the Whitlam Labor Government 20 years ago which first recognised the importance of comprehensive legal aid arrangements.

Through our funding of legal aid commissions and community legal centres, the Commonwealth remains the major source of funding for community legal assistance - and the initiatives in the Statement reinforce that position.

But despite its level of financial contribution, the Commonwealth has had little say in the distribution of the legal aid dollar.

This will change.

It is our view that the Commonwealth has an important role to play in ensuring national consistency in the delivery of legal aid services.

Uniform eligibility criteria, uniform performance measures and best practice principles will be developed to provide, as far as possible, equal access to legal aid, regardless of where people live.

An Australian Legal Assistance Board will be established to coordinate legal aid planning and policy and increase access and equity.

We will also provide a total of \$24 million over four years to increase legal aid services.

At present there is an imbalance in legal aid funding. Criminal law cases currently absorb the major proportion of the budget. While the Government agrees that anyone accused of a serious criminal matter needs legal representation, other legal problems can have different, but equally serious, consequences for the people concerned. For instance, women seeking protection from violence may be in grave danger, and unemployed workers may face eviction proceedings, and yet not have access to legal assistance.

Over the next four years, the Government will provide an additional \$16.8 million to legal aid commissions to provide more assistance in family law and civil law matters.

Traditionally, legal aid has provided assistance for the most needy in our society. But many other Australians cannot afford private legal advice and representation. Contingency fees offer one solution. Under these arrangements, in cases where there is a prospect of an award of money, lawyers provide their services with payment contingent on a successful outcome.

But even when lawyers offer their services on a contingency basis, other up-front fees often have to be met by the client in order to take legal action, such as those for expert witnesses and medical reports. These disbursement costs can be prohibitively expensive.

The Government will set up a \$10.5 million National Disbursements Assistance Fund to meet the up-front costs of litigation where lawyers are acting on a contingency or no fee basis. These disbursements will only have to be repaid if the client wins the case.

We know that community legal centres are a cost effective and well-accepted method of providing help to thousands of Australians.

The centres are in touch with the needs of the local communities in which they operate, and provide assistance on a variety of legal issues, including credit advice, family law, child support and social security matters.

This Statement provides a doubling of funding for community legal centres, with an additional \$30 million over four years.

Nine new community legal services will be established in high growth urban and regional locations.

In a major new initiative, the Government will establish the National Women's Justice Strategy to redress the inequities women face in obtaining access to justice.

The strategy will be part of the expanded community legal centres program. Its centrepiece will be a national network of women's legal centres.

At least one specialist women's legal centre will be established to serve the needs of women in every State and Territory.

The centres will provide advice through an Australia-wide toll free telephone service. The centres will also be given funding to cater for the needs of Aboriginal and Torres Strait Islander women, the least well-served by the justice system; and outreach services will be provided for women in rural and remote areas.

The third objective of the Government's justice strategy is to reform the legal profession, courts and tribunals to make them more accountable and accessible.

Reducing the costs of legal services and promoting a greater consumer focus will increase access to justice.

Competition reduces costs. And competition is coming to the legal profession.

Last month, the Commonwealth and the States reached an historic agreement on the implementation of a national competition policy. The policy will apply to all professions. It will ensure consumers in the legal market enjoy the same protection as people in other sectors. Unnecessary regulation will be removed and a more competitive and accountable legal profession created. Consumers will have greater choice and lawyers will have greater flexibility to meet consumer needs.

Lawyers will benefit from these reforms through the creation of a genuine national market in legal services so that qualified lawyers can practise freely anywhere in Australia.

But more needs to be done.

While the Commonwealth's constitutional power to regulate the legal profession is limited, the Government will take action in areas that are within its power to provide better services for consumers.

We will require lawyers acting in Federal matters to disclose to clients the likely costs of legal action, and canvass with them the possibility of alternative procedures.

We will overhaul the fee scales that apply in Federal courts with a view to developing a simpler structure and more accurate charging rates.

The Government will work with the States and the profession to accelerate reform, but we will not hesitate to act if reforms are delayed.

If the States do not do so, we will legislate to permit contingency fees in Federal matters, other than family and criminal law, and we will introduce legislation to permit advertising by lawyers.

The Government is also working to improve the operation of our courts and tribunals. Justice is not well served if people do not understand what happens in our courts or have difficulty using them.

At the Justice Forum held last year I expressed an interest in the creation of charters for courts which would set out the standards of access and service which people can expect in courts - and how they might be treated.

I am pleased that the courts are keen to take up this idea, and we will be supporting their initiative with funding.

We will also provide funds to develop facilities in our courts which cater for the needs of people with a disability and people caring for children.

The Justice Statement also addresses deficiencies which have been identified within our courts, particularly in the Family Court.

Extra staff will be provided to the Family Court to deal with its current backlog of cases and handle peak case loads. Additional funding will be provided to increase Family Court services for Aboriginal and Torres Strait Islander people.

And we will fund an expansion of court translating and interpreting services, to assist both indigenous peoples and people of non-English speaking backgrounds.

We will also provide funding for professional development courses for judges, focusing on issues such as gender and cross-cultural awareness.

This statement concerns Australian justice and the Australian people. It is a Justice statement and a comprehensive one - but it goes much further than that.

If we can create a justice system which is simpler, cheaper and more accessible we will extend our democracy and strengthen belief in it; we will increase respect for our laws and the ideas and principles on which they are based. This Justice Statement is an investment in Australian democracy.

It is also an investment in the quality of Australian life. If we can reduce crime, find solutions to domestic violence and family breakdowns, and mitigate the trauma which accompanies these tragedies, Australian communities will be better places in which to live and work and raise children.

That is the bottom line of this justice statement: in the end our legal system is much less about the traditions, symbols and institutions of the law - grand as they may be - than it is about providing a safe and secure environment for all Australians.

There can scarcely be a better means of encouraging trust in the law and faith in Australian democracy.