

Federal Attorney-General Phillip Ruddock

Putting in place better laws and security arrangements to protect the safety and security of Australians has been a priority since I became Attorney-General a little over a year ago. However, it has not prevented me from taking a hands-on approach to progressing key areas of legal reform.

The establishment of the Federal Magistrates Court, opposed by the Opposition, is undoubtedly a hallmark of the Coalition's success in providing for cheaper, simpler and faster resolution of less complex civil and family law matters. More than 60,000 family law matters, other than divorce, and 17,000 non-family law applications have been filed in the FMC taking pressure off the Family Court and Federal Court.

As noted recently by Ian Harrison, president of the Australian Bar Association, at the ceremonial sitting for the new Chief Magistrate:

"To the extent that it is possible, even to approach finding a solution to dissatisfaction with an often cumbersome legal system, this court stands in the front line of movement for change."

It is that 'movement for change', to borrow the expression, that drives the Coalition's reform agenda. A key priority of a re-elected Coalition Government will be implementing the most significant reforms to the family law system since the introduction of the Family Law Act in 1975.

Although it is often impossible in family breakdowns for parents to resolve their dispute reasonably and amicably, families should be able to access help when it is needed. Our reforms will encourage families to resolve disputes without the need to resort to adversarial court processes and before conflict becomes entrenched. Counselling, mediation and similar services will be greatly expanded. The law will be changed to promote the meaningful involvement of both parents in their children's lives. Shared parental responsibility will be the starting point in most

litigated disputes.

We will establish 65 new Family Relationship Centres nationally to help parents resolve disputes out of court and focus on the best interests of their children. The Family Law Act will be amended to direct the Court to consider shared parenting arrangements where appropriate and in the best interests of the child. The Act will refer to the right of the child to spend time on a regular basis with both parents.

These reforms are aimed at reducing the need for courts to intervene in family law disputes. However, there will always be disputes that need to be determined by a court and litigants in the family law system are entitled to a just outcome achieved as quickly and efficiently as possible. A new combined registry for the Family Court and the Federal Magistrates Court will assist those who need to navigate the system. The registry will interact with the Family Relationship Centres and other services to assist families and hopefully provide them with the best opportunity to resolve disputes outside the courts. The Act will be also be amended to reduce the adversarial nature of court processes.

Such far-reaching changes must be implemented carefully and in consultation with the community. Recognising this, we will release a discussion paper on the implementation of the reforms shortly and will be seeking input from the community.

There are many other issues of interest to the legal profession in the Northern Territory. Practitioners in the Territory, perhaps more than

anywhere else in the country, take a close interest in native title. The Coalition's focus in this area has been on encouraging certainty and agreement making. To date, some 135 Indigenous Land Use Agreements have been negotiated, consistent with our emphasis on achieving outcomes that are sustainable and workable for all parties involved in native title matters.

Recently the Labor Party released its indigenous policy flagging an intention to review the Native Title Act and cut legal assistance to non-native title parties, re-directing it to native title representative bodies. Labor's policy takes a simplistic view of the native title system. Discouraging litigation is entirely consistent with the Coalition's longstanding approach. However, a number of recent decisions of the High Court have provided significant clarification of the nature of native title and have confirmed the underlying principles upon which the Act is based. These outcomes are only possible when all parties have a seat at the table. In contrast to Labor which prefers the politics of division and favours backing one side, the Coalition will continue to support farmers, miners, fishers and those in regional Australia affected by native title claims.

I recently announced the request for tenders for legal aid services for indigenous Australians would begin in Victoria and Western Australia next month; and in Queensland in March 2005. The selected providers are expected to start delivering services on July 1 next year. Tenders for other States and the Northern Territory will be released in further stages.

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Shadow Attorney-General Nicola Roxon cont...

vilification in the areas of race, religion and sexuality;

- * to combat violence against women as a basic human rights issue;
- * to deliver a more humane approach to refugees and asylum seekers;
- * to reform laws to deliver equivalent de facto status to same sex couples; and
- * take a more active role in the international human rights arena, including signing the Optional Protocols to CEDAW and the Convention Against Torture.

Finally, while hacking into legal aid, the Government has been happily increasing its expenditure on its own legal advice to the point where it now spends twice as much on its own legal advice as it spends on the entire Commonwealth Legal Aid program.

In just one year the Federal Government spent \$268 million on its advice, but only around \$135 million on Commonwealth legal aid. That is, it made sure the Government got rolled-gold legal advice when ordinary mums and dads, perhaps only ever

needing legal support once in their lives, can't get legal aid for their family law dispute — or that the local community legal centre can't get a new photocopier. These skewed priorities have to stop.

It is also interesting to note that the amount spent on the Government's own legal advice is more than it spends on running the entire Federal Court system — the High Court, Family Court, Federal Court and Federal Magistrates Court.

Labor is committed to putting in place much tighter controls, including insisting on consistent and transparent reporting of legal services procurement and expenditure. Even a ten percent reduction in current expenditure would see an extra \$20-30 million made available for spending on community justice programs. This amount would, for example, double the national community legal centre program expenditure.

I hope I have the chance to bring about these changes as a Labor Attorney-General in the next Government.①

Attorney-General Phillip Ruddock cont...

This fair and transparent process is aimed at ensuring indigenous Australians receive the most professional, culturally appropriate legal services available, while also providing value for money. There is no reason why these two objectives need be mutually exclusive.

Unfortunately, some have sought to misrepresent these changes as being ideologically driven or a retrograde step because non-indigenous organisations can tender. There is nothing in the existing arrangements to preclude non-indigenous organisations from delivering indigenous legal services. One of the requirements for tenderers will be their capacity to provide accessible and culturally appropriate services. This will ensure indigenous organisations are well-placed in tendering for contracts.

A report in 2001 by the Office of Audit and Evaluation showed legal service providers in some States were delivering value for money and good outcomes for the community— others have not. Our process will address that problem.

A re-elected Coalition Government will continue to ensure Australia has the strong legal system it needs to compete in the modern global economy. You simply cannot run an \$800 billion economy without public confidence in the legal system. We have a world-class legal system and we will ensure it remains so.

On October 9 I hope Territorians return an experienced team that has delivered and will continue to deliver government that is responsive to their needs and protects their interests.①

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