

Major Senate Report Re-Emphasises Legal Aid Crisis

The Law Council of Australia has strongly welcomed a third major senate Committee report into legal aid in Australia, adding that the report has re-emphasised the crisis which the Federal Government has brought upon the legal aid system.

The report, tabled by the Senate Legal and Constitutional References Committee in late June, criticised the Federal Government's lack of data collection regarding legal aid funding cut ramifications, and has again stated that the level of Commonwealth funding is not sufficient to meet need.

The Committee has stated that the Government's delay in responding to the first two legal aid reports of the Committee "is a very clear indication of the fact that the Attorney-General and the Government have failed to appreciate the very significant problems they have

caused in the legal aid system."

The Committee has recommended that the Government takes steps to collect, analyse and publish more meaningful data on the impact of the budget changes on the legal aid system, and on the continuing operation of the system.

The President-elect of the Law Council, Mr Fabian Dixon, says the Senate Committee's report should force the Federal Government to "take off its blinkers and recognise the crisis which the Government's funding cuts have wrought on the legal aid system."

"This is the third Senate Report which has been critical of the Federal Government's handling of legal aid. The report has been tabled after widespread consultation with organisations at the coalface of legal aid services and reflects the reality of a system breaking down and in decline."

"If the Federal Government is serious about providing sufficient access to justice for all Australians, and serious about the welfare of this country's citizens, then this report should prompt it to seriously reconsider the extent of its legal aid cuts."

"This report is an official reflection of the impact the Federal Government's budget cuts are having on Australia's justice system. There are so many examples of Australians who have been denied legal aid funding, and who are consequently finding it very difficult to obtain fair court hearings."

"The Law Council strongly agrees with the Senate Committee that the Federal Government should collect and analyse much more data regarding the impact its cuts are having on Australia's legal aid system."

Attorney Should Recognise Legal Profession's Push to Reform

The Federal Attorney-General is out of touch with the legal profession's momentum for reform of the criminal justice system, says the Law Council as it urges the Attorney-General to recognise the major push for reform in this regard.

The Council's comments have followed remarks in a speech delivered by the Federal Attorney-General, the Hon. Daryl Williams AM QC MP at the AIJA Conference *Reforming Court Processes for Law Enforcement - New Directions* in Brisbane, in which he indicated that many in the legal profession were not accepting an appropriate degree of urgency about the need for reform.

"The legal profession, the prosecut-

ing authorities and the legal aid commissions are unanimous in their call for criminal process reform," said Law Council President Bret Walker SC, speaking at the AIJA conference in response to the Attorney-General's remarks.

"With cutbacks to legal aid particularly in criminal law, all participants in the criminal justice system acknowledge that procedural reforms must be agreed upon to make criminal trials shorter and less costly."

"The Attorney-General appears unaware that the legal professional associations, the Directors of Public Prosecutions, and the Directors of the legal aid commissions have been meeting regularly this year, developing the basic prin-

ciples for criminal process reform - trying to balance the fairness of a trial to the accused with stretching the scarce legal aid dollar."

"The Attorney-General has repeated his call to limit the implications of the *Dietrich* decision. He says he is concerned '... that valuable taxpayers' funds are not wasted on spurious arguments which serve only to unnecessarily increase the length and cost of a trial.' Regrettably there are no data on the real extent of the so-called *Dietrich* 'problem'. The information that the Law Council has from the profession, the DPPs and the legal aid commissions is that *Dietrich* is not the problem the Attorney says it is."

