

## Social Justice

The Attorney-General's Department works to an extensive social justice agenda founded on principles of equality, universal access, civil liberty and the right of all citizens to protection from crime. These reflect the principles of best practice as set out in the *Charter of Public Service in a Culturally Diverse Society*. Virtually all areas of the Department are involved in implementing this social justice agenda.

The **Civil Law Division** is concerned with policy initiatives that are fair and responsive to changing circumstances in the areas of family law and marriage law, administrative law, human rights and humanitarian law, legal procedures and judicial administration. The Division was responsible for a range of initiatives in 1997-98 which have social justice implications.

The Division continued to be involved, in conjunction with a number of other agencies, to develop disability standards under the *Disability Discrimination Act 1992* (DDA). These standards are designed to make clearer the rights and obligations provided for by the DDA in the areas of public transport, employment, education and access to Commonwealth information.

The Division completed a report to the Australian National Council on AIDS and Related Diseases. Implementation in each Australian jurisdiction of the recommendations for law reform of the Legal Working Party of the Intergovernmental Committee on AIDS was included in the report.

Members of the Division participated in Australia's delegation to the UN Committee on the Rights of the Child in Geneva to consider Australia's first report under the UN Convention on the Rights of the Child in September 1997. The Division also participated in the drafting of an additional optional protocols on the Convention on the Rights of the Child and the Convention against Torture.

The **Criminal Law Division** examines and advises on all draft legislation which impacts upon Commonwealth criminal law to ensure that any proposals accord with Commonwealth criminal law policy and are in a form acceptable to the Parliament. The scrutiny process impacts on social justice by ensuring that different regulatory regimes do not apply different standards without justification, which is particularly important where personal liberty might be at stake.

The Division is responsible for the Crimes Amendment (Forensic Procedures) Bill 1997 which is currently being considered by the Parliament. The Bill tries to ensure that effective law enforcement is appropriately balanced with the need to protect the rights of the individual. The Bill provides comprehensive safeguards for suspects, including special provisions for the protection of vulnerable groups such as children, Aboriginal and Torres Strait Islander people, those incapable of managing their own affairs and those whose command of English is inadequate.

The Division has played a key role in Australia's participation in UN negotiations toward the establishment of an international criminal court. Officers of the Division were members of Australia's delegations for two meetings of the preparatory committee during the reporting period to prepare a draft statute.

In addition to its security and law enforcement role, the **Information and Security Law Division** monitors Aboriginal justice issues within the Department. The Aboriginal Justice Monitoring Unit within the Division contributes to the reporting of Aboriginal justice issues through Aboriginal justice networks within and outside the Department. The unit continues to develop strategies to aid the implementation and monitoring of the recommendations of the Royal Commission into Aboriginal Deaths in Custody.

The Division supported the Attorney-General in his role as co-host at the ministerial summit on indigenous deaths in custody. The summit was held in Canberra on 4 July 1997, and was co-hosted by the Minister for Aboriginal and Torres Strait Islander Affairs, Senator Herron. The summit was attended by 18 State and Territory ministers responsible for Aboriginal affairs, justice, policing and corrections, along with 10 indigenous representatives.

The summit agreed in a communique to develop strategies, in partnership with indigenous people, to reduce the incarceration rate and consequently the death in custody rate of indigenous Australians. The communique was signed by all but one minister and one indigenous representative. These strategies will attempt to address underlying social, economic and cultural issues, justice issues and customary law, law reform and funding. The strategies will also include jurisdictional targets for reducing the number of indigenous people coming to the attention of the criminal justice system, and will encompass planning mechanisms, methods of service delivery, and monitoring and evaluation.

The **Office of International Law** through its Public International Law Branch has responsibility for the preparation of Australia's reports under a number of human rights treaties, and for responding to complaints by individuals made to international committees established by those treaties. The UN Committee on the Rights of the Child complimented Australia on its report and its presentation.

The office is also involved in preparing drafts of the Third Report and the Fourth Report under the International Covenant on Civil and Political Rights (ICCPR) which have been approved by the Attorney-General. It is expected that the reports will be lodged with the UN Human Rights Centre in 1999. The office prepared submissions on admissibility and/or merits of communications from Australian citizens to the UN Human Rights Committee under the Optional Protocol to the ICCPR in six communications and the Government has been notified of final decisions in two communications.

The **Insolvency and Trustee Service, Australia** aims to increase public awareness resulting in more informed decisions by persons in financial difficulty. Throughout the year ITSA published a wide range of information pamphlets about bankruptcy and gave information sessions to creditors, in particular finance providers. In 1997-98 ITSA provided more than 50 000 people with information about bankruptcy and its alternatives.

**Legal Aid and Family Services** continues to make a significant contribution to social justice by providing access to assistance for the prevention and resolution of disputes through a range of mechanisms; access to justice through legal aid schemes and increased awareness of legal rights and responsibilities; and access to a range of high-quality family relationship services.

The Legal Aid Program aims to provide reasonable access to legal assistance, particularly for those who have needs arising under Commonwealth law. The Legal Aid Branch pursued the development of a comprehensive needs-based model for equitable distribution of legal aid funds to States and Territories.

Consultancies were developed during 1997-98 to enhance the quality of service being provided by community legal centres, in particular services provided by women's legal services, Disability Discrimination Act legal services and developing service delivery standards for community legal services.

In 1997-98 the Legal Aid Branch engaged in extensive consultation with State and Territory Legal Aid Commissions, community legal centres and the Family Court to revise the Commonwealth guidelines for legal aid. In addition the branch undertook consultation with pastoral bodies, mining interests, seafood industry representatives, the Native Title Tribunal and the Aboriginal and Torres Strait Islander Commission to revise the guidelines for provision of assistance in native title matters.

New service agreements for the provision of community legal services were implemented in 1997-98. Service providers are now required to submit strategic plans to ensure that they provide well-targeted and appropriate legal services to the disadvantaged in the community.

The Family Relationships Program assists families to achieve and maintain functional relationships by providing reasonable access to quality marriage celebrant and family relationship services, including alternative means of dispute resolution, where appropriate. The Family Relationships Program will administer an additional \$6 million over four years to ensure services achieve more effective outcomes for men and their families seeking assistance with managing relationships. The organisations who will deliver the program will be announced before the end of 1998.



Six community development officers continued to be funded within family relationships organisations to address the needs of clients from diverse linguistic and cultural backgrounds. The effectiveness of this project, which has been in place since 1996, will be evaluated in 1998-99.

Legal Aid and Family Services developed its own website, which is linked to the departmental homepage, to increase access to information for clients of family relationships services and the marriage celebrants' program.

**Auscript** continued to offer impecunious litigants the facilities to listen to the audio recording of hearings or to read the transcript in its premises during 1997-98. Provision of reading and listening facilities is an attempt to provide access to those who otherwise would have none.



