

# Social Justice

## *Achieving a Just & Secure Society*

In pursuing its enduring purpose of achieving a just and secure society, the Attorney-General's Department works to an extensive social justice agenda. The implementation of this agenda involves most areas of the Department and accords with access and equity principles and the *Charter of Public Service in a Culturally Diverse Society*.

While the report on performance documents numerous initiatives which progress particular social justice objectives, the functions of many elements of the Department are closely aligned to promoting social justice generally.

A primary responsibility of the Department is the maintenance and development of a federal system of justice which serves individuals, families, business and the community.

The Federal Magistrates Service commenced hearing cases on 3 July 2000. The Department continued to provide support and assistance to the new service as it established itself as a functioning court. The new service will provide a quicker, cheaper and simpler option for litigants who need to access the federal justice system to resolve their disputes. This significant structural change to the justice system will provide an alternative and more accessible forum for many matters that previously had to be heard in the Federal or Family Courts.

Alternative dispute resolution is an important means of resolving disputes without necessarily using the judicial system. The Department plays an important role in the development of alternative dispute resolution policy in Australia, taking into account the diverse needs of the community, ranging from those involved in family law disputes to those dealing with expensive commercial disputes. The Department provides the secretariat for the National Alternative Dispute Advisory Council in its development of advice to the Attorney-General on means of resolving disputes without the need for a judicial decision.

Under the Business Partnership Agreement with the Department of Family and Community Services, funding is provided to around 66 community organisations for family and child counselling, family and child mediation, children's contact services and a contact orders pilot. An additional 39 projects in 33 high need regional areas have been established under this Agreement in the reporting period to address local primary dispute resolution service delivery needs. Also, seven community organisations were contracted to deliver conciliation services in the major metropolitan areas to replace the 'pre-filing counselling' previously provided by the Family Court in those locations.

The Family Relationships Services Program, which is partially funded by the Department, contributes to the development of safe, supportive, nurturing family relationships, and to the minimisation of the emotional and social costs associated with family separation.

Family law issues, especially those that relate to children, are a key priority area for Commonwealth legal aid funding. Protecting the safety of a child or spouse who is at risk is the highest priority when making grants of aid in family law.

Both the Family Law Pathways Advisory Group and the primary dispute resolution strategy will address issues of equity and access to appropriate services for separating families. The client group's requirements will be taken into account in research of relevant issues, along with exploration into the effectiveness of current service provision for these families.

One of the responsibilities of the Attorney-General, as First Law Officer, is to monitor the conduct of litigation that is carried on behalf of the Commonwealth. The Department ensures that litigation and the handling of claims occur in accordance with the Legal Services Directions. The Department can investigate representations from members of the public who are parties to disputes with Commonwealth agencies in which it may be alleged that the Commonwealth has failed to act in accordance with the model litigant policy. The Department will advise agencies to take remedial action if necessary. It can also become involved in the settlement of individual claims against the Commonwealth, to ensure that settlements occur in accordance with the Commonwealth's policy on handling monetary claims set out in the Directions.

The Department has responsibility for monitoring Aboriginal justice issues, primarily by providing secretariat support to the National Aboriginal Justice Advisory Committee (NAJAC) that meets several times a year. Indigenous involvement is through the local Aboriginal Justice Advisory Council that reports to NAJAC. NAJAC is committed to addressing the over-representation of indigenous people in the criminal justice system through the development of justice plans by State and Territory Governments and the indigenous community. In 2000–01 an Aboriginal Justice Plan was introduced in Queensland. Plans are in place in Western Australia and Victoria.

The Department is also responsible for the *Electronic Transactions Act 1999* which permits the use of electronic communications to satisfy certain legal requirements under Commonwealth laws. The availability of electronic communications may provide a more convenient and cost-effective option for clients of departments and agencies to comply with legal obligations imposed upon them by laws of the Commonwealth.

The successful development of native title policy and effective implementation of the *Native Title Act 1993* are important factors in ensuring that native title holders and others affected by native title issues are treated fairly under the law and achieve social justice.

By improving the standard of legislative instruments and the accessibility of legal materials, the Department will facilitate access to the justice system and further the achievement of social justice.