



**ATTORNEY-GENERAL**

**HON ROBERT McCLELLAND MP**

**BENDIGO LAW ASSOCIATION**

*CHECK AGAINST DELIVERY*

**BENDIGO, VICTORIA**

**WEDNESDAY, 10 JUNE 2009**

First, may I acknowledge the traditional owners of the land we meet on – and pay my respects to their elders, both past and present.

It is good to be with you today in Bendigo and to meet with members of your law association.

I thought today would be a good opportunity to discuss my role as Attorney-General and the Government's agenda in the area of access to justice and how it relates to you, as lawyers, working in regional Australia.

As Attorney-General, I have responsibility for not only a broad range of areas including family law, administrative law, human rights, bankruptcy and native title but also responsibility for the structure of the federal civil justice system. This includes the federal courts, legal assistance programs, family relationship centres and other alternative dispute resolution mechanisms.

The variety in my portfolio is not dissimilar to the variety that many of you would experience as part of your work managing busy legal practices.

As lawyers practising in regional Australia, it is more likely that you retain a general legal practice rather than specialise in a particular area as you progress through your careers.

This reflects the varied needs of your community for legal advice and assistance and the integral role that the legal system plays as part of the framework of our society.

I think one of the benefits of a general practice is that it gives you a number of insights into the needs of your community and the broader operation of the justice system.

Being at the coalface of the justice system, you are in a better position than most to see how people from your community access or interact with the justice system and some of the barriers that they face in accessing the system.

### **Access to Justice**

One of my key priorities as Attorney-General is to ensure all the parts of the system work together to create an effective civil justice system that is accessible to the broader Australian community it serves.

This is particularly important in regional, rural and remote Australia.

As you would be aware, challenges for ensuring access to justice in regional areas not only includes the provision of adequate legal services and information but also the added challenges of attracting and retaining lawyers to work outside of our major cities.

That is why I asked my Department earlier this year to examine access to justice issues across the system and to report back to me about options to improve access to justice.

It's been useful to also hear your thoughts on these issues and also what you are doing in your local area to support and encourage lawyers to practice here in Bendigo.

One of the areas where I think there is room for improvement is the interaction between the different parts of the system so that people are directed to the most appropriate destination in order to solve their legal issues.

In a regional city such as Bendigo, one of the benefits of a close-knit legal community is that you already have a built-in network to ensure that people are referred to resources they need if they aren't already familiar with these services. You are also able to develop good working relationships with the local courts and other support and referral services.

A particularly good example of the legal community coming together is through the partnership formed between the Public Interest Law Clearing House's Homeless Persons Clinic, Stella Stuthridge & Associates, Arnold Dallas McPherson and the Loddon Campaspe Community Legal Centre to trial a six month Homeless Persons Legal Clinic here in Bendigo.

These types of relationships are just as important at the broader level and I have been working to promote greater collaboration and communication between sectors.

In particular, this collaboration is important in the area of family law where we need to ensure that we build a family law system in which all the elements work seamlessly together.

As you many of you would appreciate, families often end up in court because they face a range of complex problems.

We need to ensure that there are strong and appropriate services to help families. We also need to create links between all services and practitioners in the family law system to foster a better understanding of each other's roles and how they can better interact.

This will help families make parenting arrangements work and avoid the need for further court intervention.

The Government also funds a range of services to assist separating families. One example of a service set to operate here in Bendigo from July is the Post Separation Cooperative Parenting Service, which will support parents by providing them with the skills needed to manage their responsibilities in the best interest of children.

## **Legal Assistance Programs**

One of the key elements of access to justice is the provision of legal assistance programs, especially to disadvantaged and vulnerable people in our community.

Considerable funds are provided at both the Federal and State level for legal aid, community legal centres and Aboriginal and Torres Strait Islander Legal Services but I appreciate that there continues to be pressures on the system.

One area which has been of particular concern to the legal profession in Victoria, has been the levels of Commonwealth legal aid funding for family law matters.

In spite of the pressures the global economic downturn has placed on the Government's overall Budget position, the Government has maintained legal aid funding levels and in the last two years has provided additional one-off funding of \$47 million to address immediate pressures in the system, including legal aid.

I appreciate that there are longer term funding issues which need to be addressed and this is something that I am working with my State and Territory colleagues as part of the discussions to develop new legal aid agreements.

However, in the current fiscal climate, Governments will be keen to ensure that every dollar counts, and that taxpayer resources are used as efficiently and effectively as possible.

I am also keen to look at the availability and interaction of legal assistance services in regional, rural and remote Australia.

There has been some success with the Regional Innovations Program for Legal Services to encourage and retain the participation of the private profession undertaking legal aid work outside metropolitan areas.

To date, the projects have occurred in Queensland, New South Wales, Western Australia and Tasmania but I am keen to consider other projects.

### **Pro Bono**

I would also like to acknowledge that your connections to the Bendigo community highlight the important role lawyers can play in helping people in their community.

The tradition of our profession being one of service is very strong here in Bendigo – I have already heard from Peter about the lawyers who participate in free legal advice sessions on Wednesday evenings at the Campaspe Loddon Community Legal Centre.

Links have also been established with La Trobe University to provide practical legal training for students who also volunteer at the Centre.

It is clear that there is a healthy relationship between the local legal aid office and local solicitors in private practice.

I would like to acknowledge the contribution of the Clayton Utz Foundation which has extended sponsorship of a graduate position at Loddon Campaspe CLC as part of their program to build capacity in the community legal sector in regional and remote Australia.

Clayton Utz sponsors a similar position in Kununurra. I have been fortunate to meet the young lawyers working in both places and have been impressed by their enthusiasm and commitment to undertake community legal work.

The desire to provide assistance and contribute to your community was also demonstrated recently following the tragic events of Black Saturday.

Lawyers from Bendigo were part of a broader collaborative effort which quickly went to work to establish the Bushfire Legal Help. This was a collaborative initiative across the Victorian legal community which was there to provide assistance.

I was pleased that the Australian Government was able to contribute funds to help CLCs, including Loddon Campaspe, to provide advice and assistance to victims of these fires.

One area that I am also interested in exploring further follows on from the work being undertaken by the National Pro Bono Resource Centre, which has been looking at the capacity of retired and career break lawyers to become involved in pro bono legal work.

The Centre's research has identified that there are many talented retired or retiring lawyers who are interested in pro bono opportunities. The Government has provided \$40,000 towards a project to identify opportunities where their skills and experience can be utilized to support workplace and training and/or induction services.

## **Conclusion**

As you can see, there are a range of issues which intersect with building and maintaining an accessible civil justice system.

It has been a pleasure to meet with you and to hear first hand your concerns about the needs in your community and how we can improve our federal civil justice system.

Thank you.