



Andrew Wilkie
INDEPENDENT FEDERAL MP

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Mr Arthur Moses SC
President
Law Council of Australia
GPO Box 1989
CANBERRA ACT 2601

Dear Mr Moses

Thank you for the chance to respond to the Law Council of Australia's 2019 Federal Election Call to Parties. Please see below a snapshot of where I stand on these issues. I would of course be happy to elaborate or discuss any issue further.

Access to justice

Federal Government funding for legal assistance and community legal centres (CLCs) must be greatly increased because all Australians deserve access to justice. I support the Law Council of Australia's call to increase funding to \$310m per annum across criminal, civil and family law matters, and to ensure that funding is guaranteed into the future. I support the implementation of Justice Impact Tests to consider the effect of policy on the justice system, as well as other reforms such as the recommendations made by the Justice Project.

I have long called for a comprehensive root and branch review of the family law system and indeed the 43rd Parliament supported a motion I moved to this effect. I have also publicly called for action on the shortage of Federal Circuit Court judges which has led to excessive delays in hearing and resolving family law cases. I opposed the legislation to merge the Family Court and the Federal Circuit Court. More broadly I commit to advocating for the other reform measures the Law Council of Australia identifies including proper funding, amendments to the *Family Law Act* to make it simpler and more accessible, and improved training for family law professionals and judicial officers.

Strengthening integrity

I have long called for an effective national integrity commission. But the Coalition's proposal is half-baked because the public sector integrity division can only investigate a specific set of criminal offences and can't make findings of corruption, there's no method for public

referrals, there are no public hearings, and no whistleblower protection. I also support the Law Council of Australia's call for a federal judicial commission to examine complaints against judicial officers and an apolitical merits-based appointment process for judicial and Administrative Appeals Tribunal members.

I also support the Law Council's call to maintain independence and funding for the Australian Law Reform Commission, as well as the Commonwealth law reform priorities that have been identified. In particular legislation and legislative instruments must be subject to greater scrutiny, including more parliamentary committee consideration, more detailed explanatory memoranda and the avoidance of omnibus bills.

Aboriginal and Torres Strait Islander peoples

Addressing inequality and entrenched disadvantage for Aboriginal and Torres Strait Islander peoples should be one of the top priorities for the Federal Government. We need to see a justice reinvestment approach to reducing the high incarceration and recidivism rates among Aboriginal and Torres Strait Islander peoples. I support the call for increased funding for Aboriginal and Torres Strait Islander Legal Services and Family Violence Prevention Legal Services; the implementation of a number of recommendations from a number of reviews and reports including the Royal Commission into the Detention and Protection of Children in the Northern Territory; and a federal-led approach to justice system reforms such as bail and parole reform and police powers.

I also support the call for constitutional recognition of Aboriginal and Torres Strait Islander peoples and a constitutionally enshrined First Nations Voice to Parliament because for over 200 years non-Indigenous people have been writing policy and legislation, destroying the lives and culture of Aboriginal and Torres Strait Islander peoples and taking away their right to self-determination, health, land rights, justice and sovereignty.

Criminal justice

I support raising the federal minimum age of criminal responsibility. I oppose mandatory sentencing and have voted against several pieces of legislation that would have introduced mandatory sentences. I also support the call for the provision of flexible sentencing options for federal offenders.

The law and people experiencing disadvantage

All levels of government need to better respond to the scourge of domestic and family violence. I support adding ten days of paid family and domestic violence leave to the National Employment Standards as well as increased funding for court and legal assistance. I also support the Law Council of Australia's call for prioritising access to safe and secure housing, implementing behaviour change programs for perpetrators, an increased focus on addressing the needs of children and diverse communities, as well as more funding for early intervention initiatives. In addition to this I have championed legislative reform to help people experiencing family and domestic violence, such as allowing Centrelink debts incurred by family and domestic violence victims to be waived.

It is a disgrace that people with mental and cognitive impairments are so overrepresented in the criminal justice system. I support more funding to early intervention and prevention services for people with disability, measures that would ensure that detainees receive appropriate health care, and the swift and effective implementation of all reasonable recommendations from the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability.

I support more comprehensive and targeted measures to address elder abuse, including cracking down on abuse in residential aged care and the implementation of the Australian Law Reform Commission's *Elder Abuse – A National Legal Response Report* recommendations.

I support the introduction of an effective and comprehensive statutory compensation scheme for victims of human trafficking and slavery in Australia.

Human rights

I support the introduction of a national bill of rights. That's why I introduced the *Australian Bill of Rights Bill 2017* that would have enshrined a bill of rights in Australian law, giving effect to certain provisions of the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the Convention on the Rights of the Child. Sadly it did not receive support from Labor or the Coalition.

I also support moves towards a more consistent approach to anti-discrimination law that addresses gaps in protection, but will not support anything that waters down anti-discrimination protections.

Australia's approach to asylum seekers is abhorrent which is why I support moves to a fair, humane and ethical regional solution such as that contained in my *Refugee Protection Bill 2018* and *Refugee Protection Bill 2019*. Offshore processing and mandatory detention must be shut down. Merits and judicial review of adverse decisions must be reinstated.

The fact that other countries still think it's okay to execute people is a shocking abuse of the power of the state, deeply unethical and entirely fruitless as a deterrent to crime. Australia must be an international leader and put whatever public and private pressure it can on other countries to end the death penalty. We also must review current legislative arrangements for extradition as well as the National Guideline on International Police-to-Police Assistance in Death Penalty Situations.

I support the Law Council of Australia's call to provide businesses with a clear and comprehensive framework through which they can consider and protect human rights, and the specific measures identified in the 2019 federal election policy statement.

Business issues and consumer rights

I support proper consideration by the Australian Law Reform Commission of the recommendations from the Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry. I also support the Law Council of Australia's call for a review of the *Corporations Act 2001*, and greater resourcing for regulators such as the ACCC, ASIC and the Fair Work Ombudsman to allow them to better take action against breaches of the law.

In addition I support moves to harmonise data verification and reporting requirements for businesses and professions with verification obligations, and enhancing Comcare to ensure it provides the same outcomes for injured workers as many state and territory schemes. I am particularly interested in ensuring the not-for-profit sector has a seat at the table when it comes to developing legislation and policy, and I support the three measures the Law Council has outlined to ensure that charities and not-for-profit organisations can go about their work more effectively.

Professional regulation

I support many of the measures outlined by the Law Council of Australia including: consultation with the Council prior to extending the anti-money laundering regime to legal practitioners; a review of the recommendations of the National Inquiry into Sexual Harassment in Australian Workplaces; and changes to the current regulatory framework for National Electronic Conveyancing.

Other law reform

All sensible recommendations of recent and future Royal Commissions must be implemented swiftly and effectively, otherwise these Commissions are nothing more than a pointless political exercise. I also support a permanent constitutional reform process to examine pressing constitutional questions such as the reform of section 44 of the Constitution. In relation to privacy laws, I support measures that would harmonise laws and fill gaps but will not support measures that weaken privacy protections for any member of the community.

Yours sincerely



Andrew Wilkie

Independent Federal MP