



**Australian Government**  
**Attorney-General's Department**

Access to Justice Division

09/28089, AG-MC10/13474

15 December 2010

Mr Diarmuid Hannigan  
236 Smith St  
COLLINGWOOD VIC 3066

Dear Mr Hannigan

I refer to your emails to the Attorney-General and other Ministers, in which you expressed concerns about a culture of adversarialism in the Australian justice system, and the quality of the legal profession. I have been asked to reply on the Attorney-General's behalf.

The Government is concerned with improving access to justice for individuals and families who interact with the justice system. The 2009 report, *A Strategic Framework for Access to Justice in the Federal Civil Justice System* acknowledged many systemic issues such as the cost of adversarial action to families and communities and the benefits of a more collaborative approach to problem solving. The full report can be accessed on the Attorney-General's Department website at: <http://www.ag.gov.au/a2j>.

The Department is working on a range of measures to improve access to justice, including improving education and access to information about the law. Access to justice is not just about courts and lawyers, but is also about better and early access to information and services to help people prevent and resolve disputes. In May 2010 the Access to Justice Website was launched, providing an online hub directing users to information and services that will assist them with dispute resolution. The Website address is <http://www.accesstojustice.gov.au/>.

The Government's support for cultural change in civil dispute resolution away from adversarial litigation is demonstrated by the recent introduction of the *Civil Dispute Resolution Bill 2010*. The Bill encourages people to take 'genuine steps' to resolve a civil dispute before proceedings are commenced in court. The Government is also focused on increasing the use of dispute resolution in family law matters through mediation, conciliation and arbitration in children's and financial matters.

In addition, the Department is looking for ways to work with universities across Australia to ensure that legal education evolves in line with the needs of the justice system. This includes emphasising education and skills in alternative dispute resolution, as well as fostering an awareness of access to justice issues amongst law students. The Attorney-General has written to the Council of Australian

Law Deans and to Universities Australia to encourage consideration of the benefits of alternative dispute resolution education in both legal and other undergraduate degrees. The Attorney-General has also written to the Law Admissions Consultative Committee to seek their views on making alternative dispute resolution knowledge and skills a prerequisite for the admission to practice of new lawyers.

You may also be interested to know that the Council of Australian Governments is currently pursuing significant reform to the regulation of the legal profession. This reform aims to unify requirements across Australia to the regulation of the legal profession, and to enhance the protection of clients and the public generally.

The Government is taking steps to work better with the States and Territories on a more seamless and user-friendly justice system throughout Australia. However, any concerns you may have about the application of Victorian state law, and the Victorian Legal Services Commissioner, should be directed to the relevant state-based authority.

Yours sincerely

A handwritten signature in cursive script, appearing to read 'Serena Beresford-Wylie'.

Serena Beresford-Wylie  
A/g Assistant Secretary  
Justice Policy Branch