

Review of the Criminal and Civil Justice System in Western Australia

Terms of Reference

In 1997 the Commission was given a broad reference to:

- Examine and report on the criminal and civil justice systems in Western Australia including the role of the legal profession and other dispute resolution professionals and other mechanisms for the resolution of disputes.
- Seek to identify the reasons for and processes by which the increase on the demands upon resources comes about.
- Make recommendations as to what changes are necessary or desirable to provide a more accessible legal system, a less complex and more simplified criminal and civil justice system, more efficient and cost-effective methods for resolving civil and criminal cases, prompt and inexpensive dispute resolution, reductions in the cost of litigation and the removal of unnecessary delay in and abuse of the legal system.

In its review of the criminal justice system the Commission was further asked to consider:

- (a) the means of instituting criminal proceedings;
- (b) preliminary hearings, pre-trial procedures and conferences and criminal discovery;
- (c) the law, rules and practice governing the procedure in criminal cases and trials whether dealt with summarily or on indictment;
- (d) appellate court processes;
- (e) the desirability and feasibility of codifying the law and practice relating to criminal procedure;
- (f) the rights of suspects and the powers of police and other investigators in relation to suspects;
- (g) the law of evidence and the onus of proof; and
- (h) the taking of evidence via video link arrangements.

Furthermore, in its review of the civil justice system the Commission was asked to inquire as to:

- (a) the use of court-based or community alternative dispute resolution schemes;
- (b) alternative forums for adjudication;
- (c) the means of commencing civil proceedings;
- (d) pre-trial conferences, case management and other means of supervising the progress of proceedings and the making of interlocutory orders;
- (e) means of curtailing irrelevant or unduly protracted cross-examination and testimony;
- (f) the advantages and disadvantages of the present adversarial system of conducting civil proceedings;
- (g) the means of gathering, testing and examining evidence;
- (h) appeals in civil proceedings;
- (i) the desirability and feasibility of codifying the law and practice relating to civil procedure;
- (j) the law of evidence and the onus of proof; and
- (k) the taking of evidence on commission and via video link arrangements.¹

¹ In carrying out this reference, the Commission was required to have regard to the work undertaken by the Australian Law Reform Commission in its project review of the adversarial system of litigation. See Australian Law Reform Commission, *Review of the Adversarial System of Litigation – ADR – Its Role in Federal Dispute Resolution*, Issues Paper No 25 (1988) and Australian Law Reform Commission, *Review of the Federal Civil Justice System*, Discussion Paper No 62 (1999).

Background of Reference

The reference arose because of the increasing volume and complexity of demands on Western Australia's judicial system and, in particular, increases in the time and resources consumed by the litigation process. It was felt that the laws, procedures and practices relating to criminal trials and civil litigation ought to be examined and the standards of, and requirements for, a fair and equitable judicial system (including trials and related court proceedings) must be maintained. The Commission was required to make recommendations to provide for a more accessible, less complex, faster and less expensive justice system.

This vast and complex topic is the most far-reaching reference the Commission has received in its 30 year history. Because the Commission had a relatively short time to complete its comprehensive review it was necessary to transform both the operations of the Commission and its approach to law reform.

Nature and Extent of Consultation

In December 1997 the Commission began the consultation process by seeking submissions through press advertisements. Following a relatively poor response to these advertisements the Commission determined that a broad public outreach was required in contrast to its more traditional approach of issuing working or discussion papers to elicit comment. The Commission began by launching an internet website and publishing an issues paper. The issues paper was specifically written for the Western Australian public who were acknowledged as the users, consumers and owners of the justice system. The Commission attempted to demystify the system and welcomed submissions and suggestions for reform in the areas covered by the terms of reference.

The Commission received more than 650 submissions in response to the issues paper. These submissions were summarised by the Commission and published in a separate report.² The issues paper also announced a series of public meetings to be held by the Commission where the public was invited to express their views on the operation of the justice system. During the course of the review the Commission participated in ten 'Have Your Say' public meetings across Western Australia.³ These meetings brought the Commissioners face to face with a diverse range of Western Australians, many of whom were eager to speak about their experiences with the justice system. The Commission also held a live television conference on 19 August 1998. The programme, broadcast on the Westlink Satellite Network, offered viewers a toll-free phone number that they could call in order to speak to the three Commissioners. This was done with the objective of providing Western Australians living in more remote parts of the state the opportunity to express their views.

After the public consultation process the Commission determined that it would produce drafts with proposals to be circulated for comment. Between December 1998 and June 1999 the Commission released 30 consultation drafts and background information papers to the media and key stakeholders as well as interested members of the public. The consultation drafts proposed over 400 reforms for reducing delay and making the justice system simpler, fairer and less expensive. The Commission received more than 150 detailed submissions in response to the consultation drafts.

During this extensive consultation stage there were over 50,000 visits, to the Commission's website, Commission members and staff spoke to hundreds of Western Australians at public meetings and forums and the review featured in newspaper, radio, television and magazine reports. The Commission received

² See Law Reform Commission of Western Australia, *Review of the Criminal and Civil Justice System in Western Australia* Submissions Summary, Project No 92 (1999).

³ Public meetings were held in Perth, Karratha, Kalgoorlie, Bunbury, Geraldton and Albany.

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more submissions during the course of this review from the public than for any other previous reference. The Commission also made significant staffing and facility changes at the beginning of the review which enabled more people than ever before to participate in the law reform process. A total of 66 consultants, with diverse skills and experience, assisted in the production of the final report.

The Commission completed its review on 30 September 1999 with the delivery of the final report to the Attorney-General.⁴ In early 2000 the Commission released the report on two compact discs containing all publications associated with the review including video clips of people making submissions during the public meetings. This was the Commission's first totally electronic publication making it the most innovative and accessible report produced in its 30 year history.

Recommendations

The Commission made a total of 447 recommendations for reform of the criminal and civil justice system. In making its recommendations the Commission sought to reduce delay, cut costs and demystify the justice system by making it faster, simpler and easier to understand. The recommendations may conveniently be summarised and categorised under broad headings as follows:

The Justice System –

- The Commission proposed a number of broad recommendations to improve the effectiveness of the justice system as a whole. In particular, the Commission recommended that:
 - (a) to simplify the justice system and make it more easily understood there should be uniform rules in all courts;
 - (b) plain English drafting should be implemented when revising or drafting new legislation and procedural provisions;
 - (c) the proposed Magistrates' Court Act should be enacted to merge Courts of Petty Sessions and Local Courts to form a single court of general inferior jurisdiction⁵; and
 - (d) a Western Australian Civil and Administrative Tribunal (WACAT) should be established to amalgamate the adjudicative functions of existing boards and tribunals, except in industrial relations and Workcover areas.⁶

The Criminal System –

- Over 100 recommendations were made dealing specifically with criminal matters including 24 proposals to reform criminal process in the Courts of Petty Sessions and 21 recommendations to reform criminal process in the higher courts.
- It was further recommended that:
 - (a) a Summary Offences Act should be enacted to include, as far as possible, all summary offences;⁷ and

⁴ Law Reform Commission of Western Australia, *Review of the Criminal and Civil Justice System in Western Australia*, Project No 92 (1999).

⁵ The Commission reaffirmed its recommendations from earlier reports for a combined court of summary jurisdiction. See Law Reform Commission of Western Australia, *Courts of Petty Sessions: Constitution, Powers and Procedure*, Project No 55(II) (1986); *Local Courts: Jurisdiction, Procedures and Administration*, Project No 16(I) (1988).

⁶ The recommendations relating to WACAT prompted a further reference from the Attorney-General to the Commission on 6 September 2001. This reference, *Judicial Review of Administrative Decisions*, Project No 95, is aimed at reforming the law and procedures relevant to the review of administrative decisions on their merits. See also Law Reform Commission of Western Australia, *Review of Administrative Decisions: Appeals* Project No 26(I) (1982).

⁷ This recommendation reaffirms the recommendations made by the Commission in an earlier report where it was proposed that specified offences in the *Police Act 1892* (WA) be abolished and that the surviving offences be incorporated in a Summary Offences Act. See Law Reform Commission of Western Australia, *Police Act Offences*, Project No 85 (1992).

(b) the *Criminal Code 1913 (WA)* should be amended to include, as far as possible, all indictable offences, and all matters relating to criminal procedure should be removed.

- The Commission also recommended that a comprehensive code of criminal practice and procedure should be developed.
- It was recommended that preliminary hearings should be abolished.
- A total of 15 recommendations were made concerning alternative criminal charge resolution.
- In response to the concern that criminal trials take place promptly and at reasonable cost the Commission made a number of recommendations to expand the provisions relating to joinder.
- The Commission also made a number of recommendations regarding the availability and appropriate circumstances for trial by judge alone.
- Several recommendations were made with the objective of reducing costs in the criminal system. Specifically, that the:
 - (a) *Official Prosecutions (Defendants' Costs) Act 1973 (WA)* should be repealed;⁸ and
 - (b) provisions of the *Suitors' Fund Act 1964 (WA)* should be amended to enable any additional costs incurred by defendants through no fault of their own after an initial criminal trial to be fully met from the Fund.⁹

The Civil System –

- Generally, the Commission considered that the civil justice system should be managed in order to be expeditious, proportionate and both procedurally and substantively just. The Commission recommended that legislation should be enacted applying this principle to all legislation impacting upon civil justice, including the Rules of Court.
- In respect of the means of commencing civil proceedings and pleadings the Commission made a total of 28 recommendations for reform to simplify procedures and reduce time and expense.
- The Commission also made a number of recommendations concerning case management and the use of alternative dispute resolution mechanisms within the civil justice system. The recommendations were aimed at promoting case management as a means of supervising the progress of proceedings and creating a more efficient civil justice system and the use of alternative dispute resolution for resolving disputes without recourse to litigation.
- A number of recommendations were made regarding the legal process of discovery. The Commission specifically recommended a focused form of discovery, to be called disclosure and that this process should be limited to documents directly relevant to the matter in issue.
- More than 60 recommendations were made to minimise delay and reduce costs within the civil justice system. This included a number of specific procedural recommendations relating to summary judgments, interlocutory injunctions, trials of preliminary issues and oral and written submissions.
- The Commission made a number of recommendations relating to the Local Courts. Primarily, the

⁸ This Act was introduced in response to recommendations made by the Commission in an earlier report. See Law Reform Commission of Western Australia, *Payment of Costs in Criminal Cases*, Project No 12 (1972).

⁹ It should be noted that these recent recommendations contradict recommendations made by the Commission in an earlier report on the operation of the *Suitors' Fund Act 1964 (WA)*. See Law Reform Commission of Western Australia, *The Suitors' Fund Act Part B: Criminal Proceedings*, Project No 49 (1977) where the Commission recommended that the *Suitors' Fund Act 1964 (WA)* should no longer apply to criminal proceedings and instead legal costs of accused persons should be payable under the *Official Prosecutions (Defendants' Costs) Act 1973 (WA)*.

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Commission recommended that Local Court procedures be simplified, delays reduced and dispute resolution outside of the court encouraged.

- A number of administrative and procedural recommendations were made regarding self-represented litigants. Specifically, several recommendations were made to facilitate self-representation by providing for access to information, improving court facilities and providing for a more comfortable court environment.
- The Commission also made several recommendations for the enactment of legislation to deal with malicious, or vexatious, litigants who use the justice system to abuse others.

Evidence –

- The Commission recommended the adoption of the *Evidence Act 1995* (Cth) so that the rules of evidence are standard across the federal and state courts.
- A number of recommendations were made to limit examination and cross-examination as a means of curtailing unduly protracted proceedings.
- Several recommendations focused on expert evidence. In particular, that courts should encourage parties to agree to use a single expert and that this should be reinforced in civil matters by costs ordered against parties who refuse to cooperate.
- The Commission also made recommendations regarding the 'right to silence' in criminal trials. Specifically, the Commission recommended that the law on the right to silence at trial should be amended to permit the:
 - (a) jury to have regard to a defendant's silence as one of the circumstances or part of the evidence but not, in and of itself, permitting an inference of guilt, so long as the jury is first directed as to the defendant's right to be silent; and
 - (b) prosecution comment upon the silence of the defendant within the same limits as those applying to a permissible direction by the judge.¹⁰

Special Areas of Concern –

- The Commission made 26 recommendations focused on the right of appeal in criminal and civil matters. It was recommended that laws conferring a right of appeal should clearly specify the nature of the appeal, any limitations and the procedures to be followed. Generally, these recommendations were made with the objective of simplifying appellate procedure and reducing delay and costs.
- Several recommendations were made concerning the legal profession to provide for greater flexibility and accountability by proposing:
 - (a) limited contingency fee arrangements;
 - (b) mandatory continuing legal education;
 - (c) ethics education for law students and legal practitioners seeking to renew practice certificates;
 - (d) enforcement mechanisms for ethical obligations; and
 - (e) the development of best practice protocols and review of the existing professional conduct rules.
- A number of recommendations were made for the establishment of a pilot private civil courts project.

¹⁰ The New South Wales Law Reform Commission (NSWLRC) has recently issued a comprehensive report on the right to silence in that state. The NSWLRC considered the above recommendations made by the Commission. Importantly, the NSWLRC made a similar recommendation to the Commission: that the prohibition in the NSW legislation on prosecution comment on a defendant's silence should be removed and comment should be permitted subject to the restrictions which apply to comment by the trial judge, counsel for the defendant and any co-accused. See New South Wales Law Reform Commission, *The Right to Silence*, Project No 95 (2000) recommendations 14 and 15.

- The Commission also made 40 recommendations which focused on significant improvements to the court environment and facilities and the use of technology in the justice system.

A complete record of all the Commission's recommendations may be found in chapter seven of the project summary.¹¹

Legislative or Other Action Undertaken

The Attorney-General acknowledged completion of the review and tabled the final report during parliamentary proceedings on 27 October 1999.¹² Since then there has been action undertaken to implement or independently address some of the Commission's recommendations by the Ministry of Justice, the courts and the Law Society of Western Australia.

In March 2000 the Attorney-General announced the formation of a Steering Committee within the Ministry of Justice and a Reference Committee, composed of key stakeholders, to implement the Commission's recommendations as part of an overall Justice System Review. In its 1999–2000 Annual Report the Ministry of Justice indicated that several recommendations had already been progressed including:

- (a) improvements to court technology;
- (b) enhanced court design and facilities;
- (c) the commitment of funding towards a capital works programme for the establishment of modern justice complexes; and
- (d) the introduction of the Unrepresented Criminal Appellants Scheme, developed in conjunction with the University of Western Australia and the Law Society of Western Australia.

In October 2000 the Justice System Review began documenting the implementation process of specific reforms by publishing a bulletin.¹³ Also, in 2000 the Ministry of Justice introduced Genisys, an advanced computerised courts management system, which has facilitated many of the Commission's recommendations regarding access to justice and the achievement of a simpler, more efficient justice system.¹⁴ Detailed research and consultation with stakeholders also began on the Commission's recommendations to abolish the preliminary hearing and to reform the *Evidence Act 1906 (WA)*.¹⁵ The Ministry of Justice also began acting on the Commission's recommendations regarding court design and overall improvements to the court environment.¹⁶ It is also notable that, although the Family Court of Western Australia was outside of the scope of the review, the Perth Family Court has independently adopted a number of the Commission's recommendations.¹⁷ The Justice System Review also oversaw the development of the Vexatious Proceedings Restriction Bill 2000 aimed at simplifying procedures for declaring as 'vexatious' people who litigate abusively or abuse the system.¹⁸ This legislation adopted most

11 Law Reform Commission of Western Australia, *Review of the Criminal and Civil Justice System in Western Australia*, Project Summary, Project No 92 (1999) 45.

12 Western Australia, *Parliamentary Debates*, Legislative Council, 27 October 1999, 2642 (Mr P Foss, Attorney-General).

13 Ministry of Justice Policy and Legislation Division, *Justice System Review*, Implementation Bulletin No 1 (2000).

14 Specifically, Genisys will facilitate the implementation of recommendations 10, 198, 212, 417 and 434. See Ministry of Justice Policy and Legislation Division, *Justice System Review*, Implementation Bulletin No 1 (2000) 2.

15 *Ibid* 4.

16 Specifically, the Justice System Review began examining the viability of recommendations 401, 406, 409, 410, 412 and 420. See Ministry of Justice Policy and Legislation Division, *Justice System Review*, Implementation Bulletin No 1 (2000) 3.

17 In particular, recommendations relating to customer service and the court environment have been implemented. See Ministry of Justice Policy and Legislation Division, *Justice System Review*, Implementation Bulletin No 1 (2000) 5.

18 *Ibid* 3.

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of the recommendations proposed by the Commission in relation to this matter. The Commission had recommended the use of the term 'malicious' in place of 'vexatious', but this was not adopted in the legislation.¹⁹ The Attorney-General introduced this Bill to Parliament on 28 June 2000.²⁰ The Bill, however, did not progress past the second reading stage. Due to the interruption of the state election at the end of 2000 the Bill went on to the notice paper and is yet to be reintroduced to Parliament.

The Justice System Review was dissolved with the change of government following the election and the closure of the Policy and Legislation Division of the Ministry (now Department of Justice) in 2001. Implementation of the Commission's recommendations has, however, been continuing within the Court Services Division of the Department of Justice. The Department of Justice is currently in the process of preparing a formal bid for funding to accommodate the project management and implementation of the Commission's outstanding recommendations. One of the main initiatives forming part of this overall process of implementation is the plan to set up a database to keep track of the progress of the Commission's recommendations. The Department of Justice is planning to meet with representatives from the Commission in order to begin developing this database. In the meantime, the Department of Justice is continuing to progress a number of projects which have fallen out of the review. In particular, the introduction of new legislation to establish a Magistrates' Court which will combine the criminal jurisdiction of the Courts of Petty Sessions and the civil jurisdiction of the Local Courts and the establishment of WACAT. The Court Services Division of the Department of Justice is currently preparing a Cabinet submission to obtain approval to draft the Magistrates' Court Act with proclamation anticipated for 2003. This legislation will be drafted so as to incorporate as many of the Commission's recommendations as possible. Recently, the Department of Justice began the process of setting up a steering committee to oversee the development of this new legislation and to consider how best to incorporate the Commission's recommendations.

There has also been a commitment by government to establishing WACAT. Specifically, the recommendations concerning the establishment of this new tribunal resulted in a further reference ("Project No 95") to the Commission to consider the proposed reforms in greater detail.²¹ A Civil and Administrative Review Tribunal Taskforce has also been established to advise and assist the government and to liaise with the Commission on the conduct of this reference. It is expected that the Commission will deliver its final report on Project No 95 in early 2002.

There has also been some action taken within the courts system regarding the implementation of the Commission's recommendations. The Chief Justice of Western Australia welcomed the release of the Commission's final report on 27 October 1999²² and a number of the recommendations have since been acted on within the Supreme Court. Specifically, a complete review and overhaul of the *Criminal Practice Rules* has been undertaken as recommended by the Commission²³ and a lengthy and detailed review of the *Rules of the Supreme Court* is currently being addressed. Further, the Chief Justice of Western Australia has established committees to address the issue of self represented litigants in both civil and criminal matters. Recommendations regarding customer service and enhanced accessibility to court services have been, or are in the process of being, addressed by the restructuring of court services at all levels.

19 This recommendation was not adopted because it was considered that 'malicious' conveys evil intent whilst 'vexatious' refers more broadly to litigation designed to annoy. See Ministry of Justice Policy and Legislation Division, *Justice System Review, Implementation Bulletin No 1* (2000) 3.

20 Western Australia, *Parliamentary Debates*, Legislative Council, 28 June 2000, 8354 (Mr P Foss, Attorney-General).

21 This reference, *Judicial Review of Administrative Decisions*, Project No 95 was referred to the Commission on 6 September 2001.

22 Chief Justice of Western Australia, *Statement by the Hon David K Malcolm AC Chief Justice of Western Australia*, Press Release (27 October 1999).

23 See recommendation 16 of the Commission's final report. The drafting of the new *Criminal Procedure Rules 2000 (WA)* was overseen by the Hon Justice Murray of the Supreme Court of Western Australia with the assistance of the Hon Judge Healey of the District Court of Western Australia.

There has additionally been some activity relevant to the Commission's recommendations regarding the legal profession. The Law Society is in the process of independently conducting a review of a number of issues that relate to the Commission's recommendations in this area. The Law Society has several ongoing advisory committees, a number of which deal with matters relevant to the Commission's recommendations, including the Access to Justice Committee, Costs Committee, Ethics Committee and Professional Conduct Committee. In particular, the Law Society is planning to conduct an evaluation in 2002 regarding mandatory continuing legal education and is also planning to review the professional conduct rules.²⁴ The Law Society is also reviewing issues relating to costs and disclosure of costs.²⁵ The Legal Practice Board has now also established a compulsory ethics course as part of the pre-admission Articles Training Programme for new law graduates.

Recently, the Department of Justice indicated a number of broad future directions which would effectively develop implementation plans for the Commission's recommendations.²⁶ The 2001–2002 Department of Justice Annual Report has identified the restructuring of the lower courts including implementation of WACAT, the improvement of access to dispute resolution in both criminal and civil jurisdictions, the restructuring of existing criminal laws and procedures and the improvement of civil procedures as high priorities. As part of a commitment to maintaining service levels and open communication, a customer service strategy has been developed to build on the initiatives undertaken in previous years. Court Services have also started to develop plans to implement the Commission's recommendations including a range of processes and structure reviews to improve access to justice and to speed up procedures. Court Services has also begun implementing a strategy to ensure compliance with the Commission's recommendation relating to the use of plain language in all forms of publications.²⁷

Currency of Recommendations

The recommendations that are yet to be implemented remain current and are crucial to achieving significant reform of the Western Australian justice system. These recommendations represent the most comprehensive and recent pronouncement on the reform of the criminal and civil justice system in Western Australia. Furthermore, the recommendations have built on and reaffirmed some of the Commission's earlier references and recommendations.²⁸

Action Required

Since the Commission delivered its final report in 1999 the implementation of the recommendations has been somewhat fragmented and has occurred on a project by project basis. The Department of Justice has identified a need to progress the recommendations as part of a cohesive and ongoing programme of reform. Funding is therefore required to project manage the implementation of the reforms in a strategic and coordinated fashion. One important action required for the effective implementation of the recommendations is the development of a database to assist the management of the reform programme. This would allow an overall picture of the progress of implementation to be seen and would provide an extremely useful reporting mechanism.

24 The Law Council of Australia is also proposing a national model for professional conduct rules.

25 The Commission's recommendations regarding contingency fee arrangements were also examined in an article urging further review of the recommendations. See GiGi Visscher, 'Contingency Fees in Western Australia', (2000) 7 *E Law* <<http://www.murdoch.edu.au/elaw/issues/v7n1/visscher71nf.html>>.

26 Ministry of Justice, *Annual Report 2000–2001*.

27 *Ibid.*

28 See Law Reform Commission of Western Australia, *Review of Administrative Decisions: Appeals*, Project No 26(I) (1982); *Courts of Petty Sessions: Constitution, Powers and Procedure*, Project No 55(II) (1986); *Local Courts: Jurisdiction, Procedures and Administration*, Project No 16(I) (1988); Law Reform Commission of Western Australia, *Police Act Offences*, Project No 85 (1992) and *Enforcement of Judgments of Local Courts*, Project No 16(II) (1995).

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A number of the recommendations may be effectively implemented in the short term by the enactment of legislation. This is especially important in relation to the implementation of recommendations which reaffirmed recommendations made by the Commission in earlier reports. For instance, legislative action is required to establish the Magistrates' Court recommended in Project Nos 16 and 55 and again in 92. The introduction of this new legislation will also provide the opportunity for a complete overhaul of procedures so that they may be simplified and refined according to the Commission's recommendations. Any proposed action on the implementation of the Magistrates' Court should, however, be considered alongside the WACAT recommendations, in particular, the forthcoming and more detailed recommendations of the Commission in Project No 95. Further recommendations could be implemented by the reintroduction of the Vexatious Proceedings Restriction Bill into Parliament. If approved, this legislation would substantially adopt the Commission's recommendations on this issue. Enactment of this legislation would also allow the Supreme Court Rules Committee to adopt the Commission's recommendations proposing changes to court rules and procedures in this area.²⁹

Detailed consultations and review involving the participation of key stakeholders should continue in regard to the implementation of the Commission's more complex recommendations. Further consideration may need to be given to the implementation process as a whole and the interaction of the recommendations upon one another.

Priority – High

There is broad community support for these recommendations. The Western Australian public was more involved in this reference than it has ever been in any other project in the Commission's history. The community has expressed dissatisfaction and a sense of disenfranchisement with the current state of the criminal and civil justice system. This assessment is therefore influenced by the need to make the justice system more accessible, less costly and more efficient. The public support and interest in these reforms is evidenced by the thousands of hits to the Commission's website since completion of the review.

Furthermore, there is bipartisan political support for the introduction of the recommendations. Many of the recommendations are uncontroversial and could be fast-tracked through Parliament. The Government has indicated that implementation of the Commission's reforms should be given a high priority. In particular, the Government has indicated a commitment to:

- (a) establishing an independent administrative appeals tribunal and to undertaking further consultation and review on this issue;
- (b) speedy and fair criminal trials;
- (c) a just, efficient and independent court system which is accessible to the wider community and which delivers timely and fair results;
- (d) the widespread use of information technology to facilitate accessibility;
- (e) support initiatives to minimise cost and delay in civil and criminal matters;
- (f) making information available to consumers about the reasonable costs of legal services; and
- (g) involving the community in law reform by increasing its participation.³⁰

29 See recommendations 213–219 in Law Reform Commission of Western Australia, *Review of the Civil and Criminal Justice System in Western Australia* Project No 92 (1999).

30 See <<http://www.wa.alp.org.au/policy>>.

Further, the Government has recognised that a dynamic and effective programme of law reform is essential to ensure that the law reflects the values and aspirations of the community and meets the needs of our society.³¹

The Commission's recommendations are the result of the most extensive, comprehensive and expeditious review of its kind ever undertaken and completed by a law reform commission. If these recommendations continue to be implemented and adopted, the changes will establish Western Australia as a world leader in legal system reform.

³¹ Ibid.