



Justice

Policy Category: E. Human Rights and Democracy

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Principles

The Australian Greens believe that:

1. all Australians have a right to a safe, peaceful and ecologically sustainable existence, free from crime and fear of violence.
2. the rule of law and access to justice are fundamental to a democratic society.
3. the separation of powers between the executive, the parliament and the judiciary is crucial to the maintenance of freedom and justice.
4. judicial independence is necessary to ensure the separation of powers.
5. equality before the law can only be achieved when there is recognition of the way in which cultural, social and economic issues structure choices and influence decisions.
6. the fundamental principles of criminal law, such as the right to silence, innocence until guilt is proven, and open courts, should be preserved and upheld.
7. access to justice requires policies and resources that seek to overcome social, economic and cultural inequalities to ensure equality before the law.
8. Australian law must acknowledge the particular cultural and social needs of Aboriginal and Torres Strait Islander people.

Goals

The Australian Greens want:

9. courts and tribunals that are independent of the government of the day.
10. domestic laws that fully incorporate Australia's international legal obligations.
11. an end to inappropriate, politically motivated law and order campaigns and the threat of terrorism being used to undermine or discard basic principles of law.
12. adequate funding of community legal centres and legal aid in both criminal and civil jurisdictions to ensure access to justice for all Australians.
13. a criminal justice system based on principles of restorative justice and the rights of offenders and victims.
14. a family law system that is fair and is based on the best interests of the child.

Measures

The Australian Greens will:

15. ensure that judges, magistrates and tribunal members have tenure.
16. restore adequate funding to federal courts and tribunals to enable them to provide equitable access to the law.
17. implement the outstanding recommendations of the Royal Commission into Aboriginal Deaths in Custody.
18. uphold judicial discretion in sentencing, and repeal mandatory sentencing legislation.
19. allow customary law and other cultural or personal factors to be taken into account by judges in determining sentences.

AUSTRALIAN GREENS POLICY: Justice (cont'd)

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20. implement alternatives to imprisonment, where appropriate, including restorative justice and diversionary programs.
21. work with the legal community to identify the level of funding needed to ensure adequate levels of legal aid.
22. increase funding to community legal centres as an adjunct to legal aid and private legal practitioners.
23. end the criminalisation of consensual adult sex work.
24. oppose attempts to restrict litigants' capacity to seek compensation under the civil law.
25. strengthen citizens' privacy protection, including opposing a national identification card.
26. prohibit the use of racial profiling, and the arbitrary use of racial descriptors by police or other government agencies.
27. prohibit the use of electroshock weapons and Tasers.
28. progress gun law reform, including prohibition of the possession and use of automatic hand guns in the community.