



Hon Nick Goiran MLC

Member for the South Metropolitan Region

Phone: 08 9398 3800

Fax: 08 9398 3822

Email: nick.goiran@mp.wa.gov.au

Office: Suite 2, 714 Ranford Road
SOUTHERN RIVER WA 6110

www.nickgoiran.com.au

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Mr Gary Mack

President

Law Society of WA

By email: president@lawsocietywa.asn.au

Dear Gary,

BETTER ACCESS TO JUSTICE FOR WESTERN AUSTRALIANS - LAW SOCIETY OF WESTERN AUSTRALIA 2025 ELECTION CAMPAIGN

I refer to the Law Society's State Election Campaign: 'Better Access to Justice for All Western Australians' and am authorised by Libby Mettam MLA, Leader of the State Parliamentary Liberal Party, to reply as Shadow Attorney General on behalf of the Liberal Party.

A Well-Functioning Legal System

Additional Legal Assistance Services Funding

The Liberal Party recognises the vital role that community legal centres, family violence prevention legal services, Aboriginal legal services, and private practitioners play in ensuring access to justice for all Western Australians. We also acknowledge the Law Society's advocacy for increased funding to the legal assistance sector.

Following consultations with representatives from the legal assistance sector, it is evident that greater funding is essential to retain staff and meet community needs.

Therefore, if elected, we are committed in our first term of government to prioritising increased, sustainable and predictable state funding for the legal assistance sector.

Court Facilities

The Liberal Party recognises the vital role of well-maintained court infrastructure in ensuring access to justice and enabling judicial officers and court staff to perform their duties efficiently and safely.

Therefore, if elected, we will in our first 100 days order a comprehensive audit of court facilities and infrastructure across Western Australia to ensure they meet the needs of both the legal profession and the wider community.

Establishment of State Judicial Commission

The Liberal Party acknowledges that the establishment of a Judicial Commission in Western Australia is long overdue and note that WA Labor has expressed its intention to establish one at least five times, yet delivered nothing notwithstanding having total control of two Houses of Parliament these past four years.

We believe that an independent judicial commission is essential to maintain the rule of law.

As previously announced, if elected, we will in our first 100 days give instructions to draft a Bill to establish a Judicial Commission which will be generally based on the Commission operating in New South Wales.

Review of Western Australia's Pro Bono Model Guidelines

The Liberal Party notes that notwithstanding that the Pro Bono Model implemented in 2020 expressly required that it be evaluated within 30 months, the WA Labor Government have failed to do so.

Therefore, if elected, we will in our first 100 days order that review to be finalised and thereafter published in the form of a report to be tabled in Parliament at the first practical opportunity following finalisation.

Freedom of Information System Improvements

The Liberal Party strongly supports the establishment of a well-functioning and comprehensive FOI system, recognising its vital role in upholding transparency and accountability within a healthy democracy.

We note that the *Freedom of Information Act 1992* (WA) required a review to be conducted three years after its commencement. As decades have now passed, we support undertaking a further review of the Act, with particular focus on access to third-party information, as [highlighted in the report released by Monash University](#).

Therefore, if elected, we will in our first 100 days move for a review to be undertaken by the relevant parliamentary standing committee, in this instance being the Standing Committee on Public Administration.

Digital Practice Issues

The Liberal Party recognises the benefits of enabling affidavits, statutory declarations and deeds to be witnessed electronically and by audio visual links, in line with our jurisdictions.

Therefore, if elected, we are committed in our first term of government to introducing amendments to the *Oaths, Affidavits and Statutory Declarations Act 2005* as well as the *Property Law Act 1969* to facilitate those benefits.

Youth Justice Reform

An independent review of the youth justice system

The Liberal Party respects the Law Society's call for an independent review of the youth justice system.

Therefore, if elected, we will in our first 100 days confer with the Law Society on an appropriate person or body who might be commissioned for such an independent review, for example a retired judicial officer or a parliamentary committee or other.

Early Intervention Strategies

The Liberal Party supports the call to build on and expand programmes to support early intervention for children and young people.

As previously announced, if elected, we will be providing an additional \$110 million over the next four years which will invest in early intervention programs.

Youth Detention Facilities

The Liberal Party has been at the forefront of calling for the closure of Unit 18 at Casuarina Prison which was originally established as a temporary measure in 2022.

As previously announced, if elected, we will in our first 100 days close Unit 18.

Criminal Justice Reform

Family and Domestic Violence (FDV)

The Liberal Party recognises the call from the Law Society for long term, sustainable and predictable funding for legal services in all areas of law related to FDV.

As mentioned above, if elected, we are committed in our first term of government to providing increased, sustainable and predictable funding for the legal assistance sector.

Mandatory Sentencing

The Liberal Party notes the Law Society's recommendation that all WA laws that impose minimum terms of imprisonment be repealed.

Respectfully, we disagree.

For example, if elected, we will not be repealing mandatory minimum two-year imprisonment terms for those committing their third separate home burglary.

Implementing Recommendations from the Royal Commission into Aboriginal Deaths in Custody

The Liberal Party notes the Law Society's call for the implementation of any remaining recommendations from the Royal Commission.

We take particular note of the Society's advocacy on eliminating or minimising ligature points in prison cells.

We further note that the 339 recommendations were made in April 1991.

Therefore, if elected, we are committed in our first term of government to reconciling in consultation with stakeholders the currency of any remaining recommendations and implementing them.

Civil Justice Reform

A Western Australian Human Rights Act

The Liberal Party agrees that fundamental, inalienable individual rights require more vigorous protection in Western Australia.

We firmly believe in the basic freedoms of thought, worship, speech, association and choice.

There is, however, debate about the extent to which these rights are to be protected, particularly when they conflict with each other. For this reason, any human rights bill introduced in the WA Parliament must first be subject to broad community consultation.

We are also mindful of the unfortunate example set by the WA Labor Government in the last four years who have more than once trampled on or expunged private property rights.

Therefore, as community consultation on this matter will take some time, if elected, we will commit to meeting with the Law Society to confer on the level of priority and the mode of any such consultation.

Equal Opportunity Act Reform

The Liberal Party is aware of the WA Labor Government's continuing stated intention "to reforming and narrowing the religious exemptions provided under the EO Act".

Respectfully, we disagree.

Faith-based schools play a crucial role in providing parents an education for their children grounded in values and beliefs that are consistent with those taught in their home.

Meanwhile, as found by the parliamentary inquiry chaired by Libby Mettam MLA into sexual harassment "there are inconsistent legal definitions of sexual harassment in different pieces of legislation applicable to addressing sexual harassment in WA workplaces."

Therefore, if elected, we will in our first term of government amend the definition of sexual harassment and strengthen protections against it.

Amendments to Elder Law Legislation

The Liberal Party acknowledges the Law Society's long advocacy for reforms to elder and succession law.

We support a review of the *Wills Act 1970* to consider allowing minors, with the approval of the Supreme Court, to create wills in specific circumstances, as well as to provide greater clarity on the conditions under which a third party may be granted access to a copy of a will.

In our view, any amendments regarding children should be done in consultation with the Commissioner for Children and Young People.

In any event, if elected, we are committed to taking action against elder abuse within our first 100 days by introducing amendments to the *Guardianship and Administration Act 1990* in line with the

recommendations from the statutory review that the WA Labor Government have been promising to “expedite” for the last eight years.

Relationships Register

The Liberal Party notes the Law Society’s call for the establishment of a WA Relationships Register.


We also note that under Part 5A of the Family Courts Act 1997, for the court to make an order there are further criteria that must be satisfied in respect to a de facto relationship over and above the eligibility criteria for registration under other relevant statutes.

In that context it is difficult to justify making this a priority area of law reform.

Nevertheless, if elected, we will confer with the Law Society and other stakeholders on the necessity or desirability of a register.

I, thank the Law Society for its continued advocacy and look forward to working together towards our mutual goal of better access to justice for all Western Australians.

Yours sincerely,

A handwritten signature in blue ink, consisting of a stylized 'N' and 'G' with a horizontal line extending to the right.

**Hon Nick Goiran MLC LLB BCom
Shadow Attorney General; Shadow Minister for Child Protection
Member for the South Metropolitan Region**

Cc: Libby.Mettam@mp.wa.gov.au