

Thursday, 23 August 2018

## ***Justice Project Final Report released: ‘Justice Impact Tests’ among landmark recommendations***

Justice Impact Tests, which would consider the downstream impact on the justice system of new laws and policies, are among the 59 recommendations in the Law Council’s [Justice Project Final Report](#) released today at Australian Parliament House.

[The Justice Project](#), which began in early 2017, is the Law Council’s national, comprehensive review into the state of access to justice in Australia for people experiencing significant disadvantage. It is one of the most extensive reviews of its type in 40 years.

The President of the Law Council of Australia, Morry Bailes, said that Justice Impact Tests will prompt a whole-of-government approach when dealing with the pressures on the justice system, avoiding unintended consequences and their often life-shattering impacts on Australians.

“Being a central foundation of our democracy, there is little government policy that doesn’t have some impact on the justice system. We must ensure this impact is factored in at the very beginning of the process,” Mr Bailes said.

“For example, changes in government policy will often increase demand for legal assistance, heaping extra pressure on already-stretched services.

“Changes to laws and policy can also impact courts and tribunals, contributing to strains on court resources, creating lengthy delays, and increasing the time people are held on remand.

“Other areas of the justice system can also be affected, such as overcrowding and expenditure blow-outs in prisons. Justice Project stakeholders have consistently reinforced that a better appreciation of the relationship between policymaking and legal need is required.

“We are not just referring to policies in the Attorney-Generals or Justice portfolios, but across government, including: welfare, immigration, disability, older persons, crime, families and housing.

“Justice Impact Tests are already in action in the UK, Canada and a number of states in the US. We have no doubt they are equally needed here,” Mr Bailes said.

Mr Bailes said the Justice Project – overseen by an expert steering group led by the former Chief Justice of the High Court, the Hon. Robert French AC – is one of the most important pieces of work the Law Council has ever undertaken.

“Around 150 consultations were held, and 129 submissions received, revealing often heartbreaking accounts from everyday Australians about the devastating consequences of not being able to access justice, or of receiving poor justice outcomes,” Mr Bailes said.

“Focusing on [13 priority groups](#) identified as facing significant social and economic disadvantage, today’s final report shines a light on justice issues for these groups by uncovering systemic flaws and identifying service gaps. It also highlights what is working well and why.”

**Other recommendations** in the final report’s 22 chapters, totalling over 1400 pages, include:

- a full review of the resourcing needs of the judicial system;
- significant government investment in legal assistance services required to address critical gaps (at a minimum \$390 million per annum) and ensuring future funding through an evidence-based, sustainable and stable funding model;

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- funding and supporting multi-disciplinary, holistic servicing models which address people's complex legal and non-legal problems;
- a COAG Access to Justice Framework to underpin a whole-of-government commitment to justice access;
- implementing a National Justice Interpreter Scheme;
- prioritising preventative and early intervention approaches as well as successful exit strategies – including safe and secure housing, mental health and disability services, youth engagement, family support, and rehabilitation;
- initiatives to ensure that all justice system actors are culturally responsive, informed, accessible and include needs of diverse groups;
- a stronger focus on the needs of Aboriginal and Torres Strait Islander people and people in rural, regional and remote Australia; and
- targeted measures, including within the Australian Curriculum: Civics and Citizenship, to build practical knowledge of everyday legal issues and how to address them effectively.

“The constructive, informed recommendations in the final report provide a roadmap for future action. It builds a detailed case for new, evidence-based, whole-of-government justice strategies secured by appropriate funding,” Mr Bailes said.

“The Justice Project’s vision is that no person who needs to access justice in Australia should ever have it denied. It stands for the simple proposition that every person should find equality before the law.

“The Law Council will continue to engage with government, parliament, the legal sector and the Justice Project’s many other stakeholders to advance its findings,” Mr Bailes said.

### **Web links**

The [full final report](#) (broken into 22 individual chapters)

A [two-page summary](#), including some of the key recommendations.

A list of [all recommendations and priorities](#).

A summary of the report’s [overarching themes](#).

[Justice Impacts Tests](#) detail available in the Governments and Policymakers chapter.

The full Justice Project website can be accessed at [www.justiceproject.com.au](http://www.justiceproject.com.au)

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