



Law Council
OF AUSTRALIA

Opening remarks: Launch of the Justice Project Final Report

Speech delivered by Morry Bailes, President, Law Council of Australia, at Parliament House, Canberra.

23 August 2018

Good morning to everyone, and welcome.

I acknowledge the traditional owners of the land where we are gathered, and pay my deep respects to Elders, past, present and future.

I acknowledge their connection to land and sea in this country, as the world's oldest continuing culture.

The Attorney-General, the Hon. Christian Porter MP is a late apology.

I welcome:

- The Shadow Attorney-General, the Hon. Mark Dreyfus QC MP, who we especially thank not only for his attendance today, but at the launch of the Progress Report at the National Press Club as a sign of his commitment to access to justice.
- The former Chief Justice of the High Court, the Hon. Robert French AC
- Members and senators and their staff
- Presidents of our member law societies and bar associations and
- Distinguished guests

The Justice Project

Today we're here to launch the final report of the Justice Project, one of the most significant pieces of work ever undertaken by the Law Council of Australia.

Since early 2017, the Law Council has been conducting this national, comprehensive review into the state of access to justice in Australia for people experiencing significant disadvantage.

Overseen by an expert steering group of eminent lawyers, jurists and academics, led by the former Chief Justice of the High Court, the Hon. Robert French AC, the Justice Project is one of the most comprehensive reviews of its type in the past 40 years.

About 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 who experience poor justice outcomes.

This morning marks the culmination of that work with the release of the mammoth final report – featuring 22 chapters, totalling over 1400 pages, with nearly 60 recommendations.

And don't worry, there are summary chapters and materials available for those of you who do not have the time to read it cover to cover – although of course we recommend that you do.

Since its inception, the Justice Project team has gathered an extraordinary body of evidence from people all over Australia about what is really happening in our justice system.

Focussing particularly on 13 priority groups that were identified as facing significant social, geographic or economic disadvantage, the evidence that the Justice Project team have uncovered weighs heavily on us.

It paints a picture at times disturbingly at odds with our longstanding reputation in the world as a trusted advocate and fierce defender of the democratic principles of justice and the rule of law.

A picture contrary to how we may like to see ourselves.

The Law Council believes that the legal system should be fair, just and accessible to the people. It should be responsive to their needs, and properly resourced.

We should all expect and enjoy equality before the law.

And the evidence shows that unfortunately this is not always the case.

The diverse lived experience of Australians across many walks of life is documented in this report.

Case study after case study showing the sometimes devastating impact of not being able to access justice services, at crucial times in your life.

Impacts like eviction, homelessness, losing custody of children, elder abuse and family violence, poorer health, exploitation in the workplace, entrenched poverty, and incarceration.

This is affecting not only people at the margins of our society but is felt across the whole population – including impacting our fiscal budgets, and in our lost potential as a nation.

As the Productivity Commission has previously recognised, it is ‘false economy’ to fund access to justice insufficiently, because the cost is often simply shifted downstream – to things like health care, housing and child protection.

The project report outlines a litany of personal stories about the impact of a lack of access to justice. Some are harrowing; some are uplifting – all point to how important it is for our community to ensure access to justice.

And reminds us that access to justice is often not about lofty institutions, but sometimes everyday remedies to everyday problems we can all face.

Recommendations from the Justice Project are clear – change is needed and soon. They include:

- Justice impact tests, to ensure laws and policies always take account of downstream impacts on the justice system;
- A COAG access to justice framework, to underpin a whole-of-government commitment to justice access;
- Significant government investment in legal assistance services to address critical gaps and ensure future funding (at a minimum of \$390 million dollars per annum);
- A full review of the resourcing needs of the judicial system;

- Implementing a national justice interpreter scheme;
- Prioritising preventative and early intervention approaches – including housing, mental health and disability services, youth engagement, family support, and rehabilitation; and
- Prioritising the needs of rural, regional and remote Australia, and Indigenous Australians.

These are just some of nearly 60 recommendations, which provide a blueprint for reform, that build the case for new, whole-of-government justice strategies, underpinned by appropriate funding.

We're confident that we can work closely with the Attorney-General, the government, the opposition and the minor parties to progress the needed reforms.

Conclusion

The Law Council is extremely proud of this body of work.

A body of work that shines a bright, and often confronting light, on the state of access to justice in Australia.

We see it as a fundamental part of our responsibility as one of the most trusted advocates for justice and the law in this country.

As long as the justice system is not serving each Australian equally then the system is compromised, the values and principles that underpin our way of life are compromised, and our ability to represent those values and principles on the world stage is also compromised.

This puts at risk the fundamental nature of Australia as a stable, prosperous, cohesive, inclusive nation, our identity as an egalitarian and just nation, and it has the potential to diminish all of us.

We must remain the country of the fair go, and the Justice Project gives us the ammunition we need to take action.

On behalf of the Law Council of Australia, I sincerely thank the project team and steering committee for your immense efforts.

I would particularly like to thank the Hon. Robert French AC for his extraordinary commitment, leadership and wisdom throughout the project.

I also want to single out the dedicated Law Council project team – led by Deputy Director of Policy, the wonderful Leonie Campbell, and including Rebecca Preston, Sarah Sacher, John Farrell, Kristen Zornada and Rebecca Pickford.

I wish to thank my colleague and former President Fiona McLeod SC for imagining what this project might be.

I also wish to thank every single community lawyer, legal practitioner, community leader and individual Australian who shared their stories with us.

And I thank each one of you in advance of our combined efforts to implement the recommendations of the report in coming months and years.

You can access the full report at www.justiceproject.com.au.

I now hand over to the honourable Robert French AC.

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