

Wednesday, 14 March 2018

Law Council tells Press Club access to justice reform now urgent, releases new recommendations

The Law Council of Australia today told the National Press Club that some of Australia's most disadvantaged people cannot get access to justice and that urgent reform is needed.

During the address, Law Council President, Morry Bailes, released [a progress report](#) and **three early recommendations** from its national [Justice Project](#), a root-and-branch review into the state of access to justice for some of Australia's most vulnerable – overseen by former Chief Justice Robert French. Earlier discussion papers [identified thirteen disadvantaged](#) groups.

"It is the plight of all those excluded from justice in Australia, marginalised and disadvantaged Australians - that prompted the Law Council to initiate The Justice Project - one of the most important pieces of work we have ever undertaken," Mr Bailes said.

"Through the Justice Project, the need for urgent reform is abundantly clear. People are falling through the cracks. Today, we are able to release three early recommendations:

- **Need for a whole-of-government approach to reform:** reflecting what we have found is working in pockets on the ground. It's clear that we must move beyond thinking about justice issues within the silos of law enforcement, courts and legal services. We must embed access to justice within multi-disciplinary policy and funding frameworks - where the lawyer or solicitor is co-located with the doctor, the nurse, the community nurse, the social worker, the mental health professional, and together they provide advice and support to the people who come through the door.
- **Introduction of Justice Impact Tests for government policies:** Now in place in the UK, would mean that every government policy process must factor in how any new policy would impact on the justice system - from health to welfare, and education to housing.
- **Additional major funding for legal assistance and the courts:** The Law Council estimates that, as a minimum, an additional \$390 million per annum is required to get the legal assistance system back on its feet. We also need to adequately resource our overloaded courts, where waiting times in the Family Court stretch up to three years. We also need a National Justice Interpreter Scheme.

"We must recognise the preventative, everyday role of timely, effective legal assistance in stopping simple problems from escalating into more serious, often criminal matters, costing the taxpayer and the community," Mr Bailes said.

Immediate past-President of the Law Council, Fiona McLeod SC, who commenced the Justice Project during her tenure in 2017, said the consultation process was profoundly moving.

"During the Justice Project I heard stories that moved and stunned me," Ms McLeod said.

"A new mother in jail, whose child was removed within 24 hours of birth and placed into state care in 'the best interests of the child'. Women jailed after calling the police to report domestic violence because they had unpaid fines.

"Australia needs a plan. The Justice Project will provide us with a roadmap."

You can access the [Justice Project Progress Report here](#). The final report will be released later this year. Full text of today's speeches also [available here](#).

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The Law Council of Australia is the national voice of the legal profession, promoting justice and the rule of law.