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# It's the vibe

Anyone who appreciates art will know that it's not until you stand in front of a painting that you really understand it and some would say 'feel it'. Law is like art because law is a part of everyday transactions such as:

- a purchase at a shop
- a lease and a loan agreement
- a parking infringement and default notice and summons.

Being a legal practitioner is about being immersed in it—feeling it—it's the vibe.

Looking closely, really closely, at a painting you may see that it is made up of a collection of little brush strokes. I am of course excluding the Dutch realists, purely because my analogy sits better with the impressionists. Imagine yourself staring for a while. Now blink and the colours all change. Law is often described as 'black letter' or black and white. It isn't, it's a sea of off-white pastel dots overlapping and blending. Everywhere you look you will see fine brush strokes of the law.

Our system of justice is made up of lots of pieces that together underpin our daily lives and interactions. It is a system for deciding things. It's not just deciding easy things like 'was the light green or red' or 'was the car speeding' but also the more subtle divisions of assets and parenting orders, balancing probability and thinking like a 'reasonable man'.

But like art we take it for granted. It's only when something bad happens that we see the flaws in the work. Like when arriving at a hospital emergency room we often don't arrive in the best frame of mind. We're thrown together out of desperation with overworked staff and weary fellow travellers. Going to court is not like a visit to an art gallery—no-one wants to be there. It's expensive and it's hard work.

And you only see a corner of the painting. You don't see how a contract dispute competes for the attention of judges and court time with people on remand. The emergency room is just a corner of a healthcare system. Like healthcare, justice needs lots of resources to keep going efficiently and smoothly. We need to fund hospitals and schools as well as our justice system.

So when policy makers suggest being tough on crime, imposing mandatory sentencing and reducing funding to legal assistance services, they are tinkering with the whole system. Often this tinkering is done without consideration of the impact overall, no justice impact assessment and no appreciation of the impacts on other players. Business inevitably suffers from:

- increases to court fees
- clogging up the courts with new offences and 'tough on crime' measures
- under-funded legal assistance services.

And importantly by cutting funding for 'advocacy' you miss the opportunity to consider the impact on society's most marginalised. Fortunately business has a voice and needs to be concerned that the justice system works for everyone, so that it is not so overburdened and under-resourced that it is out of reach of civil claimants.

When artists such as Monet started painting the air, people didn't instantly rush to embrace their work. Monet didn't plan to disrupt the art world—he was inspired and committed. You can study an artistic movement for a long time and still be far from an expert. I've been looking on at justice for a long time and I am no expert but I know what I like.