

The JUSTICE PROJECT

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The Justice Project – making our justice system work for all Australians

Every Australian should expect and receive equality before the law but, as The Law Council of Australia's landmark body of work – The Justice Project – outlines, this is not now always the case. People are falling through the cracks of our justice system.

The final report of The Justice Project was released today/ this week and paints a picture at times disturbingly at odds with Australia's 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. But it also provides the roadmap to reform.

The Justice Project was begun in early 2017. It is the Law Council's national, comprehensive review into the state of access to justice in Australia for people experiencing significant disadvantage, one of the most extensive reviews of its type in 40 years.

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

Detailed research was conducted, 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. Focusing on 13 priority groups identified as facing significant social and economic disadvantage, the 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.

The Justice Project team has gathered an extraordinary body of research and evidence from people all over Australia about what is really happening in our justice system. Alongside the views of experts and practitioners in the field, the diverse lived experience of Australians across many walks of life is documented in the final report, with many personal stories illustrating the impact of a lack of access to justice.

Some are harrowing; some are uplifting – all point to how important it is to the community to ensure access to justice. Impacts include eviction, homelessness, losing custody of children, elder abuse and family violence, poorer health, exploitation in the workplace, entrenched poverty, and incarceration, some of which have lifelong implications, and ultimately make our communities more vulnerable, less cohesive, less able to thrive, prosper and contribute.

It often involved people who have worked hard but have been unlucky with circumstances in their lives beyond their control.

The Justice Project has also delivered 59 recommendations, designed collectively to restore justice access to every Australian, regardless of their means, background or postcode.

Justice Impact Tests are one of these recommendations. Justice Impact Tests will prompt a whole-of-government approach when dealing with the pressures on the justice

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system, avoiding unintended consequences and their often life-changing impacts on Australians. They would require all new law and policies to consider the downstream impact on the justice system, and the cost to it.

Being a central foundation of our democracy, there is little government policy that doesn't have some impact on the justice system. One of the key outcomes of The Justice Project is that it is clear this impact must be factored in at the very beginning of the process.

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.

The Justice Project has highlighted that a better appreciation of the relationship between policymaking and legal need is required, with respect to a broad range of policies across government, including: welfare, immigration, disability, older persons, crime, families and housing.

Already in action in the UK, Canada and a number of states in the US, Justice Impact Tests are equally needed in Australia.

Other recommendations in the final report's 22 chapters, totaling over 1000 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;
- 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 Justice Project recommendations are constructive and informed and provide a roadmap for future action. It builds a detailed case for new, evidence-based, whole-of-government justice strategies secured by appropriate funding.

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.

If this is not a reality, it 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 diminishes us all.

The Justice Project gives us the ammunition we need to take action, and make sure all of us are served equally by the law, and that we build a justice system for all.

You can access the Justice Project Final Report at www.justiceproject.com.au.