

6 November 2023

Access to justice for all should not be undervalued

For Australians experiencing disadvantage, access to justice can be lifechanging and the Commonwealth must adequately fund legal assistance services to ensure support is available when people need it the most.

“Underinvestment in the justice system comes at a huge cost to individuals and the community,” Law Council of Australia President, Mr Luke Murphy said.

“At a personal level, it might mean they cannot get help to resolve family law disputes, remove themselves from harm, enforce their financial or employment rights, or make sure they have a roof over their head.

“More broadly, investment in these services provides significant downstream savings in areas such as health, employment and housing.

“This makes every dollar targeted at the legal assistance sector an investment, not simply a cost.”

In its submission to the Independent Review of the National Legal Assistance Partnership, the Law Council of Australia called on the Commonwealth to restore its share of funding for Legal Aid Commissions back to 50 per cent and provide additional, ongoing and evidence-based resourcing for Community Legal Centres, Aboriginal and Torres Strait Islander Legal Services, and Family Violence Prevention Legal Services.

“We also want to emphasise the role of the private legal profession - both solicitors and barristers - in the delivery of publicly-funded legal services. The success of the publicly funded system’s delivery depends, to no small extent, on the continued commitment and efforts of the private profession – which occurs in addition to its substantial pro bono efforts. However, it must be viable for them to continue this work,” Mr Murphy said.

“Therefore, we would like the legal aid rates made available to the private legal profession to reflect a fair and reasonable valuation of these services, including having greater regard to existing benchmarks such as court-administered scales of costs.”

The Law Council also recommended a comprehensive analysis be undertaken to better understand the legal needs of Australians, and for Justice Impact Tests to accompany all new government proposals as a means of identifying and resourcing the downstream impacts of a policy initiative or reform measure on the justice system.

“Access to justice also requires lawyers to be physically based throughout our communities,” Mr Murphy said. “Consideration should be given to the establishment of a Higher Education Loan Program debt relief scheme for legal practitioners who reside and work in eligible rural, regional and remote areas, to incentivise the recruitment and retention of qualified lawyers in underserved areas.”

The Law Council’s submission is available [here](#).

Contact: Kristen Connell, P. 0400 054 227, E. kristen@talkforcemedialaw.com.au

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