

THIRD NATIONAL ACCESS TO JUSTICE PRO BONO CONFERENCE

Brisbane 28 August 2010

Closing Plenary: Access to justice and legal assistance – the road ahead
Presenters: Mr Alan Kirkland, Ms Michelle Hannon, Ms Liz O'Brien
Chair: Mr Mark Woods

Law Council's Access to Justice Committee Agenda (Mr Mark Woods)

Mr Woods noted that the following areas will be considered by the Access to Justice Committee:

1. Legal aid funding;
2. Improvements in access to justice;
3. Examination of the prospect of using paralegals for policy development and advocacy;
4. Examination of uses to which public funds are put.

National Association of Community Legal Centres (Ms Liz O'Brien)

Ms O'Brien noted the following areas of concern and/or interest:

1. The need to develop family law legislation that can be understood.
2. NACLC is pleased about the additional funding for the CLC sector announced in the last budget
3. The areas of focus for NACLC include an examination of:
 - a. how we view the legal system (plain English);
 - b. how we recast our resources;
 - c. causes of the disadvantage, such poverty;
 - d. how we persuade the state governments to redirect the money being invested into new prisons to building new housing;
 - e. collaboration with other stakeholders;
4. It is important that the best outcome for the people and community we represent.
5. It is essential that there are properly resourced and adequately provided Indigenous specific services across criminal, civil and family law areas

Pro Bono Services (Ms Michelle Hannon)

Ms Hannon noted the following areas of concern and/or interest:

1. The need to increase the hours put into pro bono as the amount of work is increasing.
2. Further development and support for agencies that are helping pro bono, mainly PILCHs.

3. Bigger firms are at capacity and growth is unlikely to be as great. More potential is expected from mid-tier firms.
4. Increasingly work is for organisations as opposed to a direct client base.
5. Focus is on the international work with some of the firms which is partly due to the Federal Government's International Pro Bono Advisory Group.

National Legal Aid (Mr Alan Kirkland)

Mr Kirkland noted the following areas of concern and/or interest:

1. The need to acknowledge the increase in legal assistance sector funding. This was a big step forward.
2. Consciousness of finite resource and the need for better collaboration.
3. The need to be able to convincingly show that legal assistance funds are used efficiently.
4. The need to link into a broader government reform agenda as regards funding such as through consumer credit community legal services.
5. The need to assist the Attorney-General's Department in persuading other government departments that increased funding is essential.
6. Access to justice by Indigenous Australians is a concern.

Questions

1. A suggestion was made that Australia should look at models employed by some of the Pacific Islands nations in relation to Indigenous cultures.

Liz O'Brien noted that the last place to look to as an example is the US. However, models employed by Canada might be of value. It is important to look at the cultures and ask what the cultures are.

2. Among other issues raised by the delegates were the upcoming anti-poverty week taking place between 17th and 23rd October, disappointment with the responses from the parties that all they could come up with is that there would be no further cuts and access to justice for people with disabilities and the need to have a more person-oriented approach in this area.
3. A further comment made by a delegate was that there has been an extraordinary systematisation of pro bono in the last 10 years. There will always exist a need for pro bono services. Pro bono service providers should also lobby government and we must not forget that governments have the responsibility to adequately fund the legal aid system.

Summary by T ea Paris
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