



Law Council
OF AUSTRALIA

Opening remarks: National Access to Justice and Pro Bono Conference

**Speech delivered by Mr Luke Murphy, Law Council of Australia
President at the 2023 National Access to Justice and Pro Bono
Conference in Brisbane.**

22 June 2023

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Good morning.

The Honourable Chief Justice Susan Kiefel AC, distinguished guests, ladies and gentlemen.

I would like to acknowledge the traditional owners of the land and waterways on which we gather this evening, the Jagera and the Turrbal peoples, and pay my respect to their elders past and present.

It is a great privilege for me to make the opening remarks at the 2023 National Access to Justice and Pro Bono Conference. This is the first time the Conference has been held since March 2019 and I would like to thank everyone from the Conference Organising Committee, the Queensland Law Society, Australian Pro Bono Centre and my team at the Law Council of Australia for organising this critically important event and reuniting us once again.

There is a quote from Archbishop Desmond Tutu that I would like to share with you. I think it succinctly explains the reason we have come together this week and why we cannot ever be deterred from the fight we take on everyday:

“If you are neutral in situations of injustice, you have chosen the side of the oppressor. If an elephant has its foot on the tail of a mouse, and you say that you are neutral, the mouse will not appreciate your neutrality.”

I think one of the greatest injustices we face as a nation centres around equal access to our legal system.

I believe the fact you have come together at this conference means that you agree that we can do better. That access to justice should not be reliant on economic status.

Inequality before the law harms us all. It hurts us as a fair and democratic nation, it diminishes us as a community, it impacts our economy, and of course has devastating effects for those individuals who cannot receive the support and assistance they need.

I'm sure we all agree the Australian legal profession has a responsibility NOT to be neutral when it comes to access to justice.

Speaking up in defence of rights and providing a voice to those who might otherwise not be heard is a critical part of the legal profession's role in ensuring the administration of justice and equality before the law.

In this regard, I recall the example of Victorian Legal Aid's successful challenge of the lawfulness of the Robodebt scheme and the broader campaign since that time that led to the removal of the scheme and the establishment of the ongoing Royal Commission which is shortly due to report. I understand you will hear more about this in the final session this afternoon.

This unlawful scheme caused significant stress and real harm for thousands of Australians. Without the support and advice provided by skilled and dedicated members of the legal assistance sector and other members of the profession, the impact could have been even worse.

It is clear from the breadth of topics and array of speakers across the Conference Program that access to justice means a great deal to a great many. Whether you are a First Nations person upholding your rights in the child protection system, a victim-survivor of family violence trying to navigate the family law system, an Australian whose home or livelihood is affected by natural disaster, an older Australian whose rights are under threat, or a concerned community member turning to the law to enforce environmental rights.

In short, access to justice matters to many, many Australians across many areas.

But access to justice is not possible without an adequately resourced legal assistance services sector. That is, the important and unique services provided by the four publicly funded legal assistance services—Legal Aid Commissions, Community Legal Centres, Aboriginal and Torres Strait Islander Legal Services and Family Violence Prevention Legal Services.

The sector does amazing things with the resources available. But current resourcing levels fall very far below what is required to ensure that everyone who needs help can access it.

The Law Council estimates that current funding levels under the National Legal Assistance Partnership and other funding sources are approximately half of what is required.

If you turn on the news at the moment, you will see the effect that current economic conditions are having on Australians. More and more of us are doing it tough.

It is in exactly these circumstances, when times are toughest, that the Australian Government must increase its investment in the vital services that the legal assistance sector provides.

However, in a number of cases, we have seen the opposite—with real funding for these services decreasing and vital services suspended as a result.

Investment in the legal assistance sector, should not be seen solely as an investment in the justice system. Investment in these services provides significant downstream savings in areas such as health, employment and housing.

The Law Council recently endorsed the findings of the 'Benefits of Providing Access' report commissioned by National Legal Aid. This report identifies that for every dollar invested in family and civil law legal aid services by the Australian Government an equivalent benefit of \$2.25 is delivered. When considering the \$267 million in annual Commonwealth funding for services, this indicates that Legal Aid Commissions alone are providing more than \$600 million in social and economic benefits.

The sector is fortunate to have the ability to make demands to government—the elephant with its foot on the tail of the mouse to return to the metaphor from earlier—and fight for better. We know the challenges we face but also the extraordinary value that we provide.

As I am sure you are all aware, there is a mid-cycle review of the National Legal Assistance Partnership taking place this year. This is an important opportunity to speak truth to power and put our case forward for lasting change.

At this point I also wish to acknowledge the important contribution of the profession in providing pro bono and low bono services. While not a substitute for a properly funded legal assistance sector, the sheer volume of the pro bono work our profession undertakes on behalf of individuals and community organisations is phenomenal and something that we should be immensely proud of.

Whether it is through pro bono support, involvement in frontline legal services, or policy and research, I want to take the opportunity to thank each of you in this room for your unwavering commitment to making the law accessible for every Australian.

I trust this conference provides an opportunity for you to share ideas, connect with your colleagues, and progress a dialogue on the critical role that each of you play in facilitating access to justice.

Thank you, and I hope you all enjoy the conference.

It is now my pleasure to introduce The Honourable Chief Justice Susan Kiefel AC, Chief Justice of the High Court of Australia to deliver our keynote address.

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