



**Law Council**  
OF AUSTRALIA

# The Law Society of Western Australia Gala Dinner and Annual Awards Celebration for the Legal Profession

**Speech delivered by Law Council of Australia President, Mr Greg  
McInyre SC at Perth, Western Australia.**

**6 September 2024**

I acknowledge Country in words taught to me by Emeritus Professor Dr Len Collard:

*Kaia*

*Nyunh kaditj ngulluck nyinniny*

*Whadjuk Noongar boodjah*

*Nyuny burrunnyin quop kaditj kanya*

*Nitja baarl birrdiya baarl boodja*

*Koora yeye borrdahwan*

*Kaia*

It is a pleasure to be here with you tonight celebrating our profession and honouring some of our outstanding colleagues.

The Law Council and our Constituent Bodies, including those here in WA, having launched a campaign to restore funding for our legal assistance sector, welcome today's announcement by the Prime Minister and Attorney-General Dreyfus that a Heads of Agreement has been signed for a new National Access to Justice Partnership, and strongly support the focus on uplifting legal assistance services responding to gender-based violence and achieving pay parity across the legal assistance sector.

This is a sector that has been chronically under-resourced over many years, and we acknowledge the progress made towards a new agreement commencing in the next financial year, which will provide much-needed certainty to legal assistance services in the sector.

The Commonwealth's confirmed additional commitment of nearly \$800 million over five years represents a substantial increase on previous years and will go some way to addressing key recommendations arising from Dr Warren Mundy's recent independent review of the National Legal Assistance Partnership.

However, after years of stagnant Commonwealth funding in this area, more is needed.

We applaud this significant injection of funding, and the Attorney-General's ongoing commitment to the cause, but it is not enough and falls well short of the amounts recommended. We strongly encourage the Commonwealth to continue to work with its

State and Territory counterparts to build on this momentum and ensure that each of Dr Mundy's recommendations is implemented in full.

More is required beyond today's announcement to address key areas of identified unmet need within the legal assistance sector. This includes, for example, increased resourcing of legal aid commissions to expand current means testing arrangements and increased grants of legal aid to facilitate legal representation for some of our most marginalised members of society, especially in rural, regional and remote areas of the country.

Over 70 per cent of legal aid approved matters are assigned to private practitioners. However, it is becoming increasingly unviable for the private profession to offer support to legal aid clients under current conditions. This leaves many individuals without the legal help they require to navigate complex legal systems such as family law disputes.

These are issues that can only be addressed through continued financial investment from governments, building on the one we have seen today.

While we await the details on how additional funding will be allocated, there are currently critical unmet legal needs across multiple areas—including for example, employment law, consumer law, government decision-making, social security, elder abuse, and criminal law.

Today's announcement is certainly a positive step for access to justice in Australia. However, the job is far from done. Commonwealth, State and Territory governments must all work together to further recognise the critical role the legal assistance sector plays in Australia, and the significant benefits for all Australians, both financially and socially, from government investment in these services.

Youth justice is a topic that is receiving significant attention around the country and has long been a focus of Law Council advocacy.

On 23 August 2024 Professor Steve Robson, President of the Australian Medical Association and I, on behalf of the Law Council of Australia, in a joint statement, welcomed the report of the National Children's Commissioner into transforming child justice to improve safety and wellbeing. Professor Robson said prison should not be a rite of passage for any child. He said:

"The medical evidence is clear. Incarceration harms children mentally and impairs their physical development."

I added:

“Australia has one of the lowest ages of criminal responsibility in the world and the imprisonment rates of Aboriginal and Torres Strait Islander Children are a national shame. The arrest, detention or imprisonment of a child should be used only as a last resort.

The death by suicide of a 17 year old juvenile in Banksia Hill Detention Centre on 29 August is a reminder to us all that we have allowed our juvenile justice system to be driven by an ineffective *mantra* that, being ‘tough on crime’ by incarcerating more young people, increases public safety.

The ‘tough on crime’ stance in states and territories needs to be re-framed to a position that is:

- informed by the available evidence;
- based in human rights;
- focussed on child health and emotional well-being; and
- supportive of alternatives to custody.

The Law Council will continue to encourage evidence based decision-making and investment in solutions that –

- create positive change;
- protect all children through early intervention and support; and
- are more effective at keeping communities safe by reducing the chances of repeat offending.

Tonight is a night when we recognise the many positive contributions which the members of our profession make to the public good, driven by the responsibility we carry as a profession to be guardians of the rule of law.

I look forward to being back up here later tonight to present one of this evening’s Awards.

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