

LAW AND JUSTICE FOUNDATION 50th ANNIVERSARY

30 MARCH 2017

Your Excellency General the Honourable David Hurley and Mrs Linda Hurley

Members of the judiciary, Justice Margaret Beazley, Justice Terry Sheahan and Judge John Hatzistergos

My parliamentary colleague Paul Lynch, member for Liverpool and my shadow

Pauline Wright, President of the Law Society

Friends of the Law and Justice Foundation including chair Paul Stein:

ACCESS TO JUSTICE IS PARAMOUNT

On the land of the Gadigal people of the Eora nation, I'm honoured to address you for this celebration of the Foundation's extraordinary contribution to the justice system in NSW over the last 50 years, in particular so many people for whom access to justice is your daily work - your defining work.

Our justice system is a pillar of our civil society which:

- facilitates relationships:
- enables peaceful social interaction between people with different interests;
- enables disputes to be resolved peacefully or prevented;
- and

- protects the vulnerable in our community.

But as we know, thanks to the ground-breaking evidence provided by the LAW Survey, many in our community face big barriers when they need the justice system.

Barriers like time. And stress. And cost. And complexity.

The Foundation has been at the forefront of knocking down these barriers, especially for the socially and economically disadvantaged. For these tireless efforts, I thank everyone who's worked with the Foundation over the years, many of whom are here tonight.

DEPARTMENT OF JUSTICE SUPPORT

The Department of Justice has a close bond with the Law and Justice Foundation.

The department has sponsored the Aboriginal Justice Award for more than a decade.

This is an award for an Aboriginal person, or group of people, who've demonstrated outstanding commitment to improving access to justice for Aboriginal people. We still have long roads to travel in improving access for Aboriginal and Torres Strait Islander people and our commitment must grow ever stronger.

The department is a keen supporter of the annual Justice Awards, which recognise contributions to improving access to justice in NSW.

At this juncture we probably should be awarding the Foundation one of its very own awards! The potted history I'm about to share with you would certainly bolster such a nomination.

THE FOUNDATION'S ACHIEVEMENTS AND KEY PLAYERS

Creating the Law and Justice Foundation, which was called the 'Law Foundation' until 2000, was an astute and forward-thinking initiative of the Law Society, way back in the mid-1960s.

Many of the initiatives and reforms in which the Foundation has been instrumental over the last 50 years are now taken for granted.

This evening we're reminded of the Foundation's role in:

- Establishing the College of Law, and AustLII, and the Centre for Plain Language Law, as well as facilitating plain language law in the community more generally, including by establishing the Legal Information Access Centre at the State Library of NSW.
- Pioneering the provision of legal information online.
- And establishing the Public Interest Advocacy Centre in 1982, responding to the need for specialist legal skills, for litigation as well as campaigning, to protect the public interest.

I can't mention everyone by name, but skimming the eclectic list of Foundation staff and Board members over the last 50 years reveals something of a 'who's who' of the NSW justice sector.

Former Chairs of the Board include:

- the Honourable Helen Coonan, former federal minister and Chair of the Foundation at its 25th anniversary,
- the late Margaret Whitlam,
- the Honourable Tony Fitzgerald, who couldn't be here this evening, and
- key leaders from private practice, including Trevor Haines, Michael Gill and Danny Gilbert who are here this evening.

In days gone by Attorneys General would sit on the Board of the Foundation.

I also acknowledge those NSW Justice Medallists here this evening, recognised by the Foundation for their achievement in improving access to justice in NSW, Robert Mowbray, Janet Loughman, Peter Stapleton, Eileen Baldry, Theodora Ahilas and Richard Brading.

THE FOUNDATION'S STATUTORY PURPOSE

The statutory purpose of the Law and Justice Foundation is of course to:

“... contribute to the development of a fair and equitable justice system that addresses the legal needs of the community and to improve access to justice by the community.”

The *Law and Justice Foundation Act* empowers the Foundation to achieve its purpose in a number of ways, but the research function is the very heart and soul of the foundation's work today. For this I acknowledge the wisdom of our forebears.

According to the *Law Society Journal* in 1967, the society's council believed that:

"... the spheres of legal education and research have been badly neglected in this state – to the public detriment.

"The funds available for legal research are a mere trickle compared with those available for research in almost any given field of medicine."

Fast-forward 50 years. The need for legal research hasn't diminished one bit. And the Law and Justice Foundation's role in legal research is critical.

Back in 2000, when the Foundation was reconstituted, the Foundation's research function was made explicit in the legislation.

In his Second Reading speech, the parliamentary secretary, on behalf of then Attorney General Bob Debus, said that the Foundations' role was that of:

"... an independent body, having multidisciplinary expertise, not just in law, but in a range of social sciences as well, which can

undertake research at arm's length from government and commercial interests”.

And he said that the Foundation would:

“... fill the gap in the provision of applied research into the practical operation of the justice system and its impact on the community.”

And that is just what the Foundation has dedicated itself to doing over the last 17 years.

THE FOUNDATION'S CURRENT RESEARCH

The internationally-renowned LAW Survey from 2012 remains the largest and most comprehensive survey of legal needs, from the citizen's perspective, anywhere in the world.

That research provides insight into how we should plan, shape and deliver legal assistance services to help those in most need.

But many questions and challenges remain, and the Foundation's research is helping to answer these questions, and sometimes to identify the right questions in the first place!

RECENT CIVIL JUSTICE WORK

For example, the NSW Department of Justice recently engaged the Foundation to do a detailed examination of civil claims in NSW courts

and tribunals, helping the department to develop a Civil Justice Strategy for NSW.

Since 1969 we've had the Bureau of Crime Statistics and Research – BOCSAR - in NSW to record and analyse information about the criminal justice system, but we don't have anything like this for civil justice.

So we asked the Law and Justice Foundation to look at the who, what, why, when, where and how, of civil justice claims.

- What types of claims are people filing?
- Who are the parties?
- Do they have legal representation?
- How much are the claims worth?
- How many matters get to a hearing?
- How long does it take people to reach an outcome?

Reviews of the Local Court and the NSW Civil and Administrative Tribunal, which together deal with 90% of the civil justice workload, have already been released publicly.

The remaining three reviews, covering the District, Supreme and Land and Environment Courts, will be completed later this year.

This is the first time this work has been done in NSW or, as far as I'm aware, anywhere else in Australia. The analysis will help us ensure that the NSW civil justice system is as effective and efficient as

possible and to make informed, practical decisions about how we break down the barriers to justice.

THE FOUNDATION'S WIDER IMPACT

And the Foundation's impact improving access to justice has extended nationally and globally.

From Law Foundations or equivalents today across Canadian and United States jurisdictions, through to the reliance upon the Foundation's work by the federal Attorney-General's Department, Legal Aid Commissions in NSW, Victoria and other states, the Productivity Commission (see the recent Victorian Government Access to Justice Review), and the Organisation for Economic Cooperation and Development, the modestly-sized Foundation "punches above its weight" in its influence way outside of NSW.

CONCLUSION

The Law and Justice Foundation has demonstrated time and again the value of:

- An organisation independent, yet governed by statute and committed to achieving its statutory objects.
- An organisation committed to providing evidence-based research to ensure we understand the impact of the law and the justice system on the community.

- And an organisation committed to assisting governments and service providers to develop policy that has a real impact, is accessible and is cost effective.

Happy birthday, and may the next half-century be another proud one for the Foundation.