

Accessing justice after the reforms to higher education

The ability of all Australians to access justice through the law has been undermined by the recent 'reforms' to higher education. An element of the changes will have the result of exacerbating the funding crisis of the nation's law faculties. Under the new system, universities will receive a meagre \$1,442 of Commonwealth funding per law student, compared with \$3,995 per humanities student and \$15,667 per agriculture student. Out of ten bands of university funding, law stands alone in band ten. In the political world of cost-cutting, this is an easy deal to sell; public sympathy for lawyers is hardly extensive.

But behind the public lawyer jokes is a rather humorless reality. Many in our community now rely on the services provided by public law faculties in their dealings with the justice system – services unlikely to survive under the new funding system.

Legal Aid has become progressively more difficult to access for anyone except the most disadvantaged and it is largely limited to those facing criminal charges. This cuts access to legal representation for the many people that have too much to qualify for legal aid but too little to hire a private lawyer. Individuals are also left facing a complex legal system alone when issues as significant as the custody of their children or the survival of their family business are at stake.

Law faculties have been central to filling this gap. Many law faculties fund community legal centres, such as the Springvale-Monash Legal Centre in Melbourne and the University of New South Wales (UNSW) Kingsford Legal Centre in Sydney. These centres provide free legal advice and run cases in areas such as consumer and discrimination law. Law libraries also provide crucial legal information for the increasing number of self-represented litigants. Information about the law has traditionally been privately published and is prohibitively expensive, even for legal practitioners. Hence access to law libraries and AustLii are essential for public access to justice. AustLii is a scheme run by UNSW and University of Technology (Sydney) law schools which publishes legal information on the internet.

Law faculties have also been pivotal in the provision of legal assistance

to the most vulnerable in Australia. A number of faculties run pro-bono schemes that provide free legal representation. For example, Queensland University runs a program which involves students working on appeal cases for defendants likely to have been wrongly convicted.

Many faculties also support schemes which inform disadvantaged people about their legal rights. Queensland University of Technology runs a project aimed at giving relevant legal information to homeless people and UNSW has a scheme where students visit high schools and talk to students about their legal rights.

In addition to this individual assistance, law faculties play a vital role in legal policy debates. Some law faculties support special centers that focus on research and policy in a particular area of the law. For example, the University of Western Australia law school houses the 'Crime Research Centre', which brings together top policy makers in criminal justice in Western Australia.

Other law faculties fund centres examining Indigenous law, consumer law, agricultural intellectual property, cyberspace law and many other legal areas. These centres also play an important role in lobbying for law reform on behalf of groups too often ignored in the political process. An example is the UNSW Child Law Centre devoted to law affecting children and young people. In addition, legal academics are often involved in test cases and commissions which aim to develop the law and ensure its protection can be enjoyed by everyone.

The activities of law faculties are not

confined to Australia. Law faculties have developed initiatives that support the growth of human rights and the rule of law internationally. Under the directorship of Jose Ramos Horte, UNSW runs the Diplomacy Training Program which trains democratic activists from around the developing world in promoting their cause. AustLii, the internet based legal information network, is now the primary way many pacific nations disseminate their law to judges and citizens alike. The Queensland University of Technology supports a program which gives legal training to community owned eco-tourism initiatives in rural Fiji.

The importance of these law faculty sponsored services to a just legal system has been sadly neglected. The debate around higher education reform has focused on the impact on individual universities and students to the detriment of considering the impact on the community as a whole. Although the Federal Government talks of supporting access to justice, the effect of its higher education policy does precisely the opposite.

Throughout the debate on higher education Dr Brendan Nelson, the Minister responsible for implementing the changes to the higher education system, was fond of rhetorically asking why people that had never set foot in a university should have to pay to support them. Perhaps a more pertinent question is: who is going to pay for these essential legal services when law faculties can no longer afford to?

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