

Bond University — Bond Law Students' Association
Bond University
Friday, 2 June 2017 6:30pm

**The Hon Catherine Holmes
Chief Justice**

It was suggested that I might talk to you about access to justice and what you can do to help. I am very happy to do that.

When I was a youthful undergraduate, I think we regarded access to justice in a much narrower sense; as just involving whether, if you had legal rights to enforce, there was a legal forum, court or tribunal in which you could make your claim. And there was recognition that people charged with serious offences should be given legal representation. In the 1970s, Legal Aid Commissions started being established in the States, making representation more broadly available, although the range of matters in which it is available has waxed and waned.

But today our view of access to justice has broadened beyond ideas of simply being able to litigate in courts and tribunals to include access to advice, to assistance in resolving disputes outside of court, and to helping people in their dealings with decision makers who can affect their rights. And with that has come not greater government involvement but the rise of volunteer-based services.

Work done in the last 10 years has identified the particular vulnerability to legal problems of disadvantaged and socially excluded groups: people with chronic illness or disability; indigenous people; unemployed people; people



on government benefits. Young people and women are more likely to experience particular types of legal problem. The other developing realisation is that legal problems often come in clusters with one factor giving rise to another; for example, unfair dismissal resulting in tenancy issues. The other thing is this is not a one-way street: legal problems can cause disadvantage and disadvantage can cause legal problems.

So, increasingly, we have seen different strands developing in the volunteer services. Some community legal centres are taking a more holistic approach to people's problems, and at the same time some more specialist services have developed. To give you an example of the first, LawRight, which used to be known asQPILCH, runs a Homeless Persons Legal Clinic in a number of centres, which is available to people who are either homeless or at risk of homelessness. One of the tools they use is a legal health check in which a number of questions are asked in plain English about the client's position: whether they have outstanding fines, whether people are chasing them for debts, whether they have problems with Centrelink, whether they have tenancy problems. There are about 20 basic questions which help both the lawyer and client identify legal problems, which he or she may not even recognise as legal. That enables the service to address all the issues which have got the client into his or her wretched situation.

As to specialisation, you probably know that a number of community legal centres concentrate on particular areas of need, focussing on either particular areas of law or particular disadvantaged groups: for example, RAILS, which focuses on Refugee and Immigration Law, or Basic Rights Queensland, which used to be the Welfare Rights Centre, which specialises in social security and disability discrimination problems. The Prisoners Legal Service,



the Women's Legal Service and the Youth Advocacy Centre all have names which speak for themselves as to whom they support.

Legal services are also taking a broader role than offering legal help, in advocating for disadvantaged groups, in research and in campaigning for law reform.

Community Legal Centres Queensland is the peak body for the Queensland services. They represent 33 Community Legal Centres, which together assist an enormous number of people. The report of Community Legal Centres Queensland for 2015-16 says that almost 60,000 people were helped in that year with 120,000 pieces of information and advice provided and more than 12,000 new cases opened. You will be familiar with some of the 33 Community Legal Centres. I know that Bond University has a clinical legal placement subject with the Gold Coast Community Legal Centre and also operates a Community Law Clinic at which students can volunteer in conjunction with the Centre.

Helping promote access to justice is not confined to community legal centres. Court Network operates a service largely staffed by volunteers — not only law students or practitioners, although both are represented among them. The volunteers are in attendance at courthouses in Brisbane, Cairns and Townsville to help people with information about court procedures and where to go. They generally give support to people attending court as witnesses, parties, complainants or defendants. In addition, they run the Victim Support Unit which helps victims and witnesses by explaining the legal system to them before they have to go to Court; giving them any information they need



in advance; attending with them on the day; and supporting them generally through the Court process.

I would encourage you to consider volunteering in any way you can. There is a website www.clcvolunteers.net.au you can get on to book for volunteering. It will show you which community legal centres are presently seeking volunteers. Some of course just want lawyers, and I urge you once you are admitted to get involved, but many want students for administrative and paralegal roles.

You might think that it is not worth it and you will not make much of a difference but you may be surprised. In 1982 when I was doing my PLT (in those days a year long full-time diploma course), a friend of mine, Sheryl Cornack, who is now a Magistrate came up with the idea of setting up the Women's Legal Service. We were aware that a lot of women had nowhere to turn for legal advice and help. They did not have the means to go to solicitors and often did not know where to begin, particularly when they were trying to extricate themselves from a marriage or relationship.

We talked about it for quite a long time. Eventually she called a meeting and a group of interested women who were mostly junior practitioners got together and held a meeting in the kitchen of Women's House in West End to see what support there would be. I like to tell the story of how someone turned the light on and a sea of cockroaches scuttled away across the floor. That's how promising it all looked at the start. But that meeting gave rise to the setting up of a volunteer service one night a week giving legal advice to women who found their way to whatever premises we could afford to rent, which were a variety of different places in the dark streets of West End. It was



a hand to mouth existence. We tried to help with any legal problem which came through the door, but mostly, we gave advice on family law and domestic violence problems.

Nowadays, the Women's Legal Service owns its own premises subject to a mortgage. Where when we set the service up we would advise on any legal problems that came along, they are now specialised and work in family law and domestic violence only. They have eight employed solicitors and two employed social workers, with about 100 volunteers working in administrative, paralegal support and solicitors' positions. Women no longer turn up unscheduled on clinic nights: instead they can make appointments. The service also runs a Duty Lawyer Program at three Magistrates Courts, visits women in prison, gives advice at family relationship centres and has a pilot program for giving advice to women patients at Logan Hospital affected by domestic violence. Thirty years ago, I would not have believed that what started with a group of well-meaning but inexperienced volunteers could have evolved into this large and effective service.

Most Community Legal Centres nowadays are now highly professional and volunteers are likely to receive proper mentoring and training, rather than finding their own way as best they can, but they still run on good will. Funding is always an issue. You probably know that it looked for a while that Commonwealth funding would be reduced by 30%. Certainly the continued existence of the Robina Community Centre seemed to be on a knife edge. Even now while the Commonwealth has promised to reinstate the funding it is not at all clear where precisely it will go. So notwithstanding their increasing sophistication in service delivery, it seems to be a chronic state of affairs for



community legal services that their existence is precarious and they always need help.

There are two good reasons for helping. One is that you want to live in a society where being disadvantaged does not prevent people from getting legal help, thus further entrenching disadvantage. The other more pragmatic reason is that it is in all our economic interests to assist.

The National Association of Community Legal Centres a couple of years ago carried out an economic cost benefit analysis of community legal centres and found that they had a cost benefit ratio of 1 to 18. In other words for every dollar spent, the benefit to society was about 18 times that. Now I approach that analysis with some circumspection. It included what were called externalities, for example taking into account the benefit of avoiding lifelong institutional accommodation and support for a disabled person who might not without legal assistance be able to continue to live independently. It is necessarily a fairly speculative approach. But I have no doubt that the services produce a large net economic benefit to society, if only in resolving matters before they take up the time of the court, or, as occurs with LawRight's self-representation service, helping unrepresented people to define the issues so that the time taken up in court is considerably reduced.

And of course there are practical personal advantages to volunteering, apart from feeling as if you are actually contributing something to society. You improve your legal knowledge as you problem-solve or at least see other people problem-solving and you improve your ability to engage with other people, which is critical to being an effective lawyer. You may well find yourself doing some valuable networking. I do not think I ever had a notion of



networking when I volunteered at the Women's Legal Service, but those contacts probably did bring work my way in later years, and more importantly I made friends who remain to this day. So not much to lose, and a great deal to gain.

More than the personal advantages, this is an important aspect of becoming and being a lawyer. As a lawyer, you are not just engaged in business, you are not just a member of the public service, you are not just a member of academia, as the case may be. You are a member of a profession, and not just any profession, but one with ideals and with an ethos of giving back to the community. As law students you are in training to enter that profession. I hope you will take part in its altruistic aspects now, as newly admitted practitioners, and throughout your careers.

And can I tell you it is an excellent thing to be a member of a profession you can feel proud of. It has kept me motivated and feeling good about my career choice for the last three and a half decades.