

CHAPTER 1

Introduction

Background

1.1 On 5 February 2009, the Senate referred an inquiry into Australia's Judicial System, the Role of Judges and Access to Justice to the Senate Legal and Constitutional Affairs Committee for report by 17 August 2009.

1.2 This reference was withdrawn on 19 March 2009 and in its place, the Senate referred two separate inquiries: one into Australia's Judicial System and the Role of Judges; and one into Access to Justice. The reporting dates were later extended to 8 December 2009.

1.3 The terms of reference for the inquiry into Access to Justice require the committee to have particular reference to:

- (a) the ability of people to access legal representation;
- (b) the adequacy of legal aid;
- (c) the cost of delivering justice;
- (d) measures to reduce the length and complexity of litigation and improve efficiency;
- (e) alternative means of delivering justice;
- (f) the adequacy of funding and resource arrangements for community legal centres; and
- (g) the ability of Indigenous people to access justice.¹

Previous reports

1.4 The committee has previously conducted an inquiry into the Australian Legal Aid System, reporting in March & June 1997 and July 1998, and Legal Aid and Access to Justice, reporting in June 2004 (the 2004 Report).²

1 Journals of the Senate No. 66, 19 March 2009, pp 1783-1784.

2 Senate Legal and Constitutional References Committee, *Inquiry into Legal Aid and Access to Justice*, June 2004.

Conduct of the inquiry

1.5 The committee advertised the inquiry fortnightly in *The Australian* from 8 April 2009 to 17 June 2009. Submissions were invited by 30 April 2009 but submissions continued to be accepted after that date. Details of the inquiry and associated documents were placed on the committee's website. The committee also wrote to 74 organisations and individuals inviting their submissions.

1.6 The committee received 71 submissions from various individuals and organisations, and these are listed at Appendix 1. Submissions were placed on the committee's website for ease of access by the public.

1.7 Public hearings were held in Perth on 13 July 2009, Melbourne on 15 July 2009, Sydney on 11 September 2009, and Canberra on 27 October 2009. A list of witnesses who appeared at the hearings is at Appendix 2, and copies of the Hansard transcripts are available at <http://aph.gov.au/hansard>.

Acknowledgement

1.8 The committee thanks those organisations and individuals who made submissions and gave evidence at the public hearings.

Note on references

1.9 References in this report are to individual submissions as received by the committee, not to a bound volume. References to the Committee Hansard are to the proof Hansard: page numbers may vary between the proof and the official Hansard transcript.