Dear Commissioners,

Re: ‘Part One - Submission to the Productivity Commission’s Inquiry into Access to Justice Arrangements’

Background

1. This submission, Part One, will identify and attach through email and links, research and commentary on the legal aid system in Australia including issues pertaining to clients, community, legal aid commissions, and community legal centres that are relevant to the Issues Paper and its Terms of Reference and the questions/issues it seeks comment on.

2. Part Two of the submission will follow later and will also address specific questions of the Productivity Commission.

3. The author has written extensively on access to justice issues since the mid-1990s in different professional capacities. In private practice and for community legal centres as a volunteer and in paid employment most recently being a Director of the West Heidelberg Community Legal Centre. She has worked for non-legal community agencies and held positions on their Boards, some of which service the most disadvantaged. She has also worked for a humanitarian organisation and run her own small business. She has also held academic positions which enabled her to combine client case work, policy and research as a clinical legal education supervising solicitor for seven and a half years and is now and academic at ANU also combining research, legal practice, education whilst she is still working directly with clients and community members in need of legal assistance. This experience enables her to write extensively on issues affecting access to justice both in her own right and in collaboration with others with an expertise in access to justice issues.
4. Rather than reinvent the wheel, Part One of this submission will identify existing material that will be of assistance in responding to the issues the Productivity Commission has identified and which are pertinent to the Terms of Reference. It contains the author’s own work and those of others that she identifies as useful for this inquiry and the issues raised.

5. Most recently, the author has conducted research evaluations into effectiveness, efficiency and quality in legal service provision and effective approaches to solving legal problems and this has received international and national attention with recent presentations and workshops in Oxford, The Hague and Canada and published referred articles and conference papers on the topic. Agencies keen to discuss the approaches to measuring effectiveness, efficiency and quality have included the World Bank and Legal Aid Ontario and Law Clinics Ontario, the former Legal Services Research centre in the United Kingdom and University College London to name a few.

6. Where articles appear more than twice they are relevant to more than one heading in the Productivity Commission’s Issues Paper. The symbol ‘*’ will denote articles that the author attaches to the submission’s covering email (some articles require subscription and so are difficult to access otherwise). Some URLs are provided. In some cases articles are available on line, are not attachable or are in hard copy only. In these instances, references are provided to assist the Productivity Commission in tracking these down. The reports, articles and papers mentioned and listed in the paragraphs below are intended to form part of this submission so as to assist the Productivity Commission in having relevant information before it. Many are already in the public realm.

7. Chapter Two-Avenues of ADR and Importance of Access to Justice –


*L Curran ‘Community Legal Centres: a legitimate part of the landscape, Dissent, No 25, Summer 2007/2—8, pp 19 -21.*
8. Chapter Three - Legal Needs


9. Chapter Four – Costs of Accessing Civil Justice –


10. Chapter Five - Exploring legal need, concern amongst particular groups –

*L Curran, ‘A Literature Review: examining the literature on how to measure the ‘successful outcomes’: quality, effectiveness and efficiency of Legal Assistance Services, Attorney General’s Department, 2012. This document explores literature on Legal Aid, Community Legal centres, Aboriginal and Torres Strait Islander Services and Family Violence services and the nature and issues for vulnerable and disadvantaged client groups.


S Forrell, E McCarron and L Schetzer, ‘No have, no justice? The legal needs of homeless people in NSW, Law and Justice Foundation of NSW, Sydney, 2005.

11. Chapter Six – Avenues for improving civil justice-


12. Chapter Seven – Preventing Issues from evolving into bigger problems –


*L Curran and A Vernon, Creating the Rights Spaces’ – a conflict resolution course for socially excluded community members of the community, West HCLS, 2010


13. Chapter Eight – effective matching of disputes and processes –

R Hunter, J Giddings and A Chrzanowski, Legal Aid and Self Representation in the Family Court of Australia, Griffith University, May 2003,


15. Chapter Twelve – effective and responsive legal services

16. Chapter Fourteen – Better measurement of performance and cost drivers


*I Can See Now there’s Light at the End of the Tunnel’ Legal Aid ACT: Demonstrating and Ensuring Quality Service to Clients, Legal Aid ACT, 2012 http://www.legalaidact.org.au/pdf/Light_at_the_end_of_the_Tunnel_Legal_Aid_Services_Quality_and_Outcomes.pdf.


17. I hope this is of assistance and helps the Productivity Commission on issue that is so important in ensuring the rule of law, equality before the law and people’s capacity to participate in a democratic society.

18. Please do not hesitate to contact me if you have any further queries. I look forward to meeting with the Commission as per discussions with your office and will aim to provide Part two of this submission shortly. Many thanks for the extension for Part Two.

Yours sincerely

Dr Liz Curran
Senior Lecturer
The following attachments were submitted by Dr Curran along with the submission.

**Attachment 1 - (contains topic 1-7)**
1. Literature Review for the Legal Assistance National Partnership Review Jan 2012
2. Solving problems - a strategic approach Mar 2013
3. Relieving legal burden of clients - use of co-location and multi-disciplinary approaches June 2008
5. A practical model for demonstrating and ensuring quality legal aid services 2013
6. Light at the end of the tunnel - ensuring quality service to clients 2012
7. Meaningful measurement and outcomes of legal aid services 2013

**Attachment 2 - (contains topic 8-14)**
8. Delivery of advice to marginalised and vulnerable groups - the need for innovative approaches 2009
9. Encouraging good practice in measuring effectiveness in the legal services sector 2013
10. Challenges of measuring outcomes - quality, responsiveness and legal professionalism 2012
11. Hurdles in accessing the legal system for the disadvantaged 2013
12. Legal review not all in the stats 2013

**Attachment 3 - (contains topic 15-21)**
15. Making connections - the benefits of working holistically to resolve people's legal problems 2005
16. Towards an integrated service response to the link between legal and health issues 2009
17. The transformative potential of an integrated service model - a study of the West Heidelberg Community Legal Service
18. Making the legal system more responsive to community 2009
19. Human rights - making them relevant to the vulnerable and marginalised in Australia
20. Creating the Rights Spaces - civil participation and social inclusion - West Heidelberg CLC July 2010
21. The challenge of defining unmet legal need 2006