
OPINION

Raising the profile of access to justice

This issue covers a number of concerns related to access to justice, the practice of law and the criminal justice process. Rosemary Hunter and Helen McKelvie highlight the significance of gender to practice as a barrister while Simon Rice transports us to the Year 2525 and considers what access to justice might mean half a millennium away. Louis Schetzer raises serious concerns about the impact of a Goods and Services Tax on both legal aid and the work of community legal centres.

Carolyn Penfold outlines the range of difficulties faced by outworkers in the clothing industry while Sotirios Sarantakos reviews international developments in the recognition of gay marriage. James Rose looks at amendments to the *Native Title Act* and raises serious concerns with our public policy-making processes. Rose calls for a greater role for civil society in the development of policy. Claire Harris reviews the passage of human rights legislation, albeit with various qualifications, in the United Kingdom.

This issue also looks at criminal justice concerns. Gail Barnes considers the gendered nature of the criminal law, contrasting the conviction of Heather Osland and the acquittals of Said Morgan and David Albion in cases involving use of lethal force in defence of oneself or of others. There are also two articles dealing with issues of police accountability. Kerri Phillips and James Godfrey outline serious concerns about police use of Oleoresin Capsaicin while Kirsten Edwards questions Sydney police practices in relation to soliciting offences.

Legal Aid Forum

A major forum on legal aid held in Canberra in mid-April received very little publicity. While this was no doubt due in part to competing stories (such as the tragic Columbine High School shootings in Colorado, USA), this lack of media interest may also indicate the media are tired of hearing the

same groups argue over the same ground. There is not a strong research culture in relation to legal aid in Australia. Debate here on the purpose of our legal aid system is often represented in a superficial manner. Many legal aid advocates focus almost entirely on the need for government to increase legal aid funding. At the same time, governments have stated unequivocally that legal aid funds will not be increased and have called for increased efficiencies. Federal and State governments argue over who should fund what, focusing on the artificial distinction between matters arising under State and Federal laws.

Criticisms of legal aid made by the legal profession tend to be characterised by others as self-serving, given that they focus on increasing the funding available to pay private practitioners to run legal aid cases. Calls for legal aid funds to be directed away from criminal law towards family and civil law have often been made without being accompanied by suggestions how such funds should be used within the family and civil law 'fields'. Some community legal centres have directed their attention to promoting greater accessibility to legal aid for their specialist concerns rather than to suggesting how different legal aid demands should be prioritised.

A key legal aid priority should be to ensure the accountability of people in positions of power — be they bureaucrats, professionals, police or someone else. Legal aid should adopt a strategic focus. If legal priorities continue to be set by government with little input from others, the focus of legal aid is likely to remain on serving more immediate needs such as maintaining the operation of the criminal justice system. The important task of prioritising legal aid demands requires increased attention, and it may be that a return to the question 'what do we want our legal aid system to achieve?' is necessary if legal aid is to attract more of scarce government resources.

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