

Professor Bryan Horrigan BA, LLB (Qld), DPhil (Oxon)  
Dean  
Faculty of Law

25 February, 2016

Mr Donald Speagle  
Deputy Secretary, Civil Justice  
Department of Justice and Regulation  
GPO Box 4356  
MELBOURNE VIC 3000

Via Email: [Donald.Speagle@justice.vic.gov.au](mailto:Donald.Speagle@justice.vic.gov.au)

Dear Mr Speagle,

**Submission to Access to Justice Review, Victoria**

I am writing to you about the Access to Justice Review. I am happy for this to be treated as a brief formal submission.

I am aware of the submission to the Access to Justice Review by the Law Institute of Victoria, and in particular of the Institute's proposals for the government to consider developing a Social Impact Bond policy to support access to justice initiatives. I note that in particular, the Institute urges the government to investigate the viability of bond arrangements to reduce both recidivism and family violence.

Given the considerable pressures on all governments to improve access to justice and the reality that trials of many of the Institute's innovative proposals could be hampered if not discarded because of a lack of money, it seems incumbent on all stakeholders, including government, to first tackle greater access *to funds* for justice.

Social impact bonds have substantial potential to improve the funding base for these purposes. There are already examples in the Australian and overseas contexts. The Australian Government's new policy priorities for an innovation economy, its new interest in regulation of crowdsource funding, and the rise of the social responsible investing movement for social enterprises all point towards the need for innovative thinking about such possibilities of cross-sectoral funding support for important public priorities in an environment of scarce available public funding at all levels of government for access to justice. I and others in the faculty have expertise to assist the inquiry in this regard, if requested.

I support the Institute's emphasis on policy consideration of the application of social impact bonds to the whole justice sector and also support their recommendations to this effect.

In my role as an expert panel member for the Australian Government's review of parts of the Competition and Consumer Act and also the Franchising Code of Conduct, I became aware of the need for local/state mechanisms and support to deal with small business dispute resolution through a variety of regulatory measures. Given that small business is so critical to the Victorian and national economy, access to justice for small business (and consumers) in terms of early and cost-effective legal guidance on their rights and resolution of disputes remains a crying need.

More broadly, as a Faculty that has pioneered clinical legal education and university involvement in community legal centres, the Faculty of Law at Monash University also has relevant scholarly and 'on the ground' experience in helping to deliver justice for people who cannot afford legal advice and who do not qualify for legal aid. Our Faculty houses one of the leading centres on human rights law, the Castan Centre for Human Rights Law, with many academics who have written on multiple issues concerning social justice and access to justice more broadly. Our Faculty also houses the Australian Centre for Justice Innovation, which has interests and expertise in various forms of alternative dispute resolution, justice innovation, and related topics.

We are also at the forefront of working with other parts of the Victorian system of justice in providing real access to justice for Victorians, including our new involvement with VCAT in meeting the needs of self-represented litigants. Again, we are happy if requested or in any follow-up policy processes to provide our insights and the benefit of our experience with all of these initiatives in delivering access to justice on the ground.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Bryan H', with a long, sweeping horizontal stroke extending to the right.

**Professor Bryan Horrigan**  
Dean  
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