

25 September 2017

The Hon Chief Justice Robert French AC  
Chair, The Justice Project  
Law Council of Australia  
[justiceproject@lawcouncil.asn.au](mailto:justiceproject@lawcouncil.asn.au)

Dear Chief Justice

### **The Justice Project**

Resolution Institute congratulates the Law Council of Australia and the Project Steering group on The Justice Project and its work on the important topic of identifying barriers to access to justice as well as identifying what is working to reduce those barriers, particularly for those who experience disadvantage in accessing justice.

Resolution Institute is the largest membership organisation of Alternative Dispute Resolution (ADR) professionals in Australia. ADR processes are currently the means sought by the majority of people, including the most vulnerable of people, to resolve disputes. Resolution Institute believes that ADR has, and will continue to have, a vital role in improving access to justice for all Australians including those living with significant social and economic disadvantage. We are therefore concerned that The Justice Project appears to focus almost exclusively on disputants' access to and barriers regarding justice as delivered by the court system.

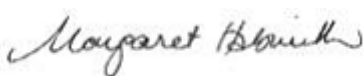
Resolution Institute believes it is vital that The Justice Project explicitly includes in its scope justice that is achieved through means in addition to the courts and criteria, in addition to their rights, that are meaningful to disputants. These means include most notably the range of ADR methodologies, such as mediation, conciliation, arbitration, adjudication and expert determination, which every day provide bespoke justice for Australian people, communities and societies.

Resolution Institute commends the Project for considering the perspectives of 'people experiencing disadvantage of services and institutions which deliver justice'. Resolution Institute notes further that while just outcomes achieved through the courts are reliant primarily on the exercise and determination by others of legal rights, just outcomes achieved through ADR result from the satisfaction of mutual interests and disputants' collective self-determination, in the context of their rights. In that sense, people's perspectives of their experience of ADR contribute significantly to their perspectives of justice.

We note that a literature review is a key part of The Justice Project. Resolution Institute commends to the Project Steering Group, the Australian Dispute Resolution Advisory Council (ADRAC) papers related to access to justice on its website [www.adrac.org.au](http://www.adrac.org.au).

Resolution Institute urges you to broaden the scope of The Justice Project to include justice from all methodologies provided by government, community agencies and private practitioners.

Yours sincerely

A handwritten signature in black ink that reads "Margaret Halsmith".

Margaret Halsmith  
Chair, Resolution Institute

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