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‘Lives are being destroyed’ – legal assistance funding needs urgent review, huge budget boost

The dire state of legal assistance funding in Australia has been highlighted as a matter of critical importance in the [Law Council of Australia's 2019-20 Pre-Budget Submission](#), with a boost of at least \$310 million a year required to address critical gaps in the system.

Additional funding should also be provided to introduce Justice Impact Tests, improve resourcing of federal courts, and establish a National Justice Interpreter Scheme, said Law Council President, Arthur Moses SC.

“Legal assistance funding in Australia is abysmal and in need of urgent review. Some of our most vulnerable people are slipping through the cracks, as the [Law Council's Justice Project](#) illustrates,” Mr Moses said.

“At least \$310 million a year is needed to provide adequate funding for Legal Aid Commissions, community legal centres, Aboriginal and Torres Strait Islander legal services and family violence prevention legal services. This would provide a much needed injection of funds for frontline legal services to increase civil legal assistance and will come close to restoring the Commonwealth's share of funding for Legal Aid Commissions to 50 per cent.

“Commonwealth legal aid funding is at its lowest in decades. In 1997 the Federal Government spent \$11.22 per capita. Today, it is spending less than \$8 per capita. Many living under the poverty line are ineligible.

“Disadvantaged Australians are not the only ones impacted by the shortfall. Many Australians simply can't afford legal representation and if required to attend court, are forced to appear alone. Lives are being destroyed because successive governments have failed to invest in critical social justice infrastructure.”

In the UK, Justice Impact Tests have proven to be a vital tool in facilitating the smoother development of laws and policies with downstream impacts on the justice system and ensuring adequate funding is provided for any repercussions. The Law Council believes such a system should be implemented in Australia.

The Law Council's submission also calls for urgent additional funding of the federal courts, especially the Family Court of Australia and Federal Circuit Court of Australia.

“Australia's family law system is chronically under-resourced, under-funded and overburdened. Families and children are having to wait up to three years, in many cases more, to have matters heard. As the federal courts' workloads continue to increase, more resourcing is desperately needed to keep up with demand. This must include appointing further judges and registrars, and additional legal assistance,” Mr Moses said.

“Law Council calls on the Australian Government to commission a review of the resourcing needs of federal courts and tribunals in consultation with the community and key stakeholders. There is also a need for a national interpreter scheme to assist those for whom English is not their first language to access justice.”

Other key funding priorities identified by the Law Council include the need to:

- Adopt and adequately resource a transparent judicial appointments process; and
- Establish and adequately resource a Federal Judicial Commission to provide training for federal judges as well as a fair mechanism to hear any complaints that may be made against the judiciary.

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