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Access to justice requires major boost to legal assistance service funding

A new report released this week adds further impetus for the Commonwealth to increase funding for legal assistance services.

“The Impact Economics *Justice on the Brink* report commissioned by National Legal Aid (NLA) provides hard evidence of what the profession and community already knows – that our legal assistance services are under-resourced and unable to keep up with demand, creating a huge justice gap in Australia.

“Those hardest hit are Australians experiencing disadvantage,” Law Council of Australia President, Mr Luke Murphy said. “Whether it is being able to challenge an unfair social security decision, discrimination in the workplace, elder abuse or family violence, these services are fundamental to ensuring that Australians are back on their feet and thriving in the community.

“According to the *Justice on the Brink* report, an increase of \$484 million in Legal Aid funding per year is required to meet the identified demand for services. This amount would allow Legal Aid Commissions to address significant under-resourcing across civil and family law matters, expand the eligibility for receiving legal aid, and modestly increase private practitioner pay in line with the consumer price index.”

Under current income and assets tests, only 8 percent of households would be eligible for a grant of legal aid. With the report highlighting that approximately 13 percent of Australians are living in poverty, it is clear legal aid is only available for those in extremely disadvantaged circumstances, with a significant proportion of Australians simply not able to access the legal representation they require.

The report also highlights the falling rates of private practitioners willing to undertake legal aid work due to disproportionately low remuneration and the complexity of matters. The private profession remains integral to the ‘mixed model’ of service delivery offered by Legal Aid Commissions, with over 70 percent of approved legal aid cases assigned to external practitioners.

“An immediate funding injection is desperately needed to increase the availability of legal assistance, noting that it is becoming increasingly unviable for the private profession to offer support to legal aid clients - this is especially the case in regional and remote communities,” Mr Murphy said.

“Legal Aid Commissions, together with other complementary legal assistance bodies and pro bono efforts are desperately trying to meet access to justice demands in an increasingly dire resourcing landscape. The report reiterates the need for investment in our justice system to be a priority for all governments.

“An Independent Review of the National Legal Assistance Partnership (NLAP) is currently being conducted, and the findings of the *Justice on the Brink* report provides additional evidence in support of the Law Council’s calls for the Commonwealth to restore its share of funding for Legal Aid Commissions back to 50 per cent,” Mr Murphy said.

The Law Council’s submission to the Independent Review of the NLAP is available [here](#).

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The Law Council of Australia is the national voice of the legal profession, promoting justice and the rule of law.