

Tuesday, 2 April 2019

\$20m funding increase, single national legal assistance mechanism do little to address huge ‘justice deficit’

The Law Council of Australia has slammed the Federal Government’s abysmal legal assistance funding increase of less than \$20 million in the 2019-20 Budget, which falls well short of the additional \$310 million per year needed to provide adequate access to justice to Australians at risk.

“The Budget may be in surplus but Australia will remain in a significant justice deficit so long as the government fails to deliver adequate funding for Legal Aid Commissions (LACs), Community Legal Centres (CLCs), Aboriginal and Torres Strait Islander Legal Services (ATSILS) and Family Violence Prevention Legal Services,” said Law Council of Australia President, Arthur Moses SC.

“Additional funding of \$20 million, while welcome, does not come close to addressing the minimum \$310 million a year shortfall identified by the Law Council, which is required to address decades of chronic underfunding of the legal assistance sector, and includes \$200 million recommended by the government’s own Productivity Commission for civil law alone.

“The provision of an additional \$10 million for the sector over three years starting in 2020-21 provides some funding certainty and, while welcome, does not address underfunding concerns.

“For too long, the community legal sector has been subject to a hand-to-mouth existence that has had a real impact on the ability of these centres to provide services to vulnerable members of our community.

“We should not have two classes of citizens in this country – those who can afford justice and those who cannot – yet this is the unfortunate reality for Australians.

“This Budget is disappointing for Australia’s justice system and represents a false economy. Australian courts and legal assistance are vital social infrastructure that have long been neglected.

“Vulnerable people in our community will continue to face significant barriers to justice until more legal assistance funding is allocated, as the Law Council’s [Justice Project](#) report illustrates.

“Tonight’s Budget represents a missed opportunity to make a direct difference to peoples’ lives.”

Though Mr Moses thanked the government for reversing proposed cuts and providing additional funding of \$16.7 million over three years for ATSILS, he noted the decision to dissolve the Indigenous Legal Assistance Program and roll funding for ATSILS into a single funding mechanism could threaten the independence of these services.

“ATSILS provide specialised and culturally appropriate legal services for some of the most marginalised people in our community. They need to maintain independence to effectively continue their vital work,” Mr Moses said.

A funding increase of almost \$7 million for the federal courts in 2019-20 was noted, but this also fails to address the chronic underfunding and under-resourcing of the federal courts. This is in addition to the \$35 million set aside support the expansion of the jurisdiction of the Federal Court of Australia to include corporate crime.

Media Release



“A thorough review of the resourcing needs of federal courts and tribunals is desperately needed,” Mr Moses said.

He also reiterated the Law Council’s staunch opposition to the government’s proposed merger of the Family Court and Federal Circuit Court.

“Without doubt Australia’s family law system is in need of reform but the proposed restructure currently before the Senate will hurt Australian families and compound the courts’ problems, not solve them,” Mr Moses said.

“Ramming through flawed legislation in the days before an election is inevitably called risks causing more harm, confusion and cost.”

Other Budget measures noted by the Law Council include:

- \$104.5 million over four years for the establishment of the Commonwealth Integrity Commission;
- \$404.8 million over four years from 2019-20 for ASIC to expand regulation and enforcement of financial services sector Banking Royal Commission;
- \$145 million over four years from 2019-20 in APRA funding to address key Banking Royal Commission concerns regarding its supervisory and enforcement activities;
- More than \$17 million over three years in funding for the provision of legal assistance services supporting the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability;
- \$18 million over four years for 12 frontline service trials (including legal services) to support elder abuse victims; and
- \$25.1 million over three years from 2019-20 for the Office of the Information Commissioner (including capital funding of \$2 million).

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