

Notice given 28 March 2017

*286 **Senators Kakoschke-Moore, Lambie, Hinch, Hanson and McKim:** To move—
That the Senate—

- (a) notes, with respect to legal assistance services:
 - (i) legal aid commissions, community legal centres, Aboriginal and Torres Strait Islander Legal Services and Family Violence Prevention Legal Services (“legal assistance services”) are severely underfunded,
 - (ii) the Government plans to cut a further \$51 million from community legal centres and Aboriginal and Torres Strait Islander Legal Services from 1 July 2017, resulting in closures and affecting thousands of marginalised and disenfranchised Australians,
 - (iii) in 1997, the Government spent \$11.22 per capita each year on legal aid compared to \$7.84 per capita today – its share of funding (with the states and territories) has fallen from 55 per cent in 1997 to 35 per cent, and
 - (iv) the Productivity Commission has recommended that an additional \$200 million is needed for civil legal aid alone;
- (b) recognises that this legal assistance underfunding means:
 - (i) just 8 per cent of Australians qualify for legal aid under restrictive means tests, while 14 per cent of Australians are living beneath the poverty line,
 - (ii) around 10,000 Australians each year are forced to represent themselves in court,
 - (iii) community legal centres are forced to turn away over 160,000 people a year, and
 - (iv) the Productivity Commission found that investing in legal assistance services generates significant downstream savings;
- (c) acknowledges, with respect to the underfunding of the federal courts:
 - (i) the neglect of the Federal and Family Courts means that families facing the most serious family law issues can wait up to three years before a final trial,
 - (ii) that these unacceptably long delays in hearings and determinations are denying justice and fairness to Australians seeking protection and finality in their legal affairs, with detrimental impacts on vulnerable children, families, business, and entire communities, and
 - (iii) a 2014 KPMG report given to the Government, but not released, found the Federal, Family and Federal Circuit Courts were on track for a combined budget shortfall of \$75 million by 2017-18 which will result in further cuts to their services; and
- (d) calls on the Government to:
 - (i) immediately reverse the imminent cuts to community legal centres and Aboriginal and Torres Strait Islander Legal Services,
 - (ii) release the 2014 KPMG Report on the Federal Courts given to the Attorney-General,
 - (iii) commit to adequate and sustainable longer-term funding contributions to the legal assistance sector, and
 - (iv) review resourcing for the federal courts and identify what resources are required to address unacceptable delays in hearing and determinations.