

Wednesday, 29 March 2017

Senate's powerful message on justice funding crisis should be heeded ahead of Budget

On the second last sitting day prior to the Federal Budget, the Senate has passed a [historic motion](#) calling for immediate action on the funding crisis affecting Australia's legal assistance sector and the Federal Courts.

The motion was co-sponsored by: Senator Kakoschke-Moore (NXT), Senator Lambie, Senator Hinch, Senator Hanson, and Senator McKim (Greens) – and supported by Labor.

The motion outlines the funding crisis in the justice sector and the consequences for everyday Australians. It calls on the Government to:

- Immediately reverse the imminent cuts to Community Legal Centres (CLCs) and Aboriginal and Torres Strait Islander Legal Services – that take effect from 1 July;
- Commit to adequate and sustainable longer-term funding contributions to the legal assistance sector;
- Release the 2014 KPMG report on the Federal Courts; and
- Review resourcing for the Federal Courts and identify what resources are required to address unacceptable delays in hearings and determinations.

Law Council of Australia President, Fiona McLeod SC, – speaking from Alice Springs where she is meeting with CLCs and Aboriginal and Torres Strait Islander Legal Services – said the Senate has sent a vital and timely message to Government that cannot be ignored.

"This historic motion, co-sponsored by a wide array of crossbench Senators, is a landmark Parliamentary recognition of the funding crisis in our justice sector and the consequences for all Australians," Ms McLeod said.

"It is a funding crisis that affects all parts of our justice system: advice (CLCs), representation (legal aid) and judicial hearings themselves (the Federal Courts)."

"Most urgently, the Government should reverse the imminent cuts to CLCs and Aboriginal and Torres Strait Islander Legal Services.

"CLCs are forced to turn away 160,000 people per year. Many of those people will now carry problems that have grown far worse because they couldn't obtain legal assistance.

"On legal aid, Government funding has fallen from \$11.22 per capita annually in 1997 to \$7.84 today. Just eight per cent now qualify for legal aid, despite 14 per cent living under the poverty line. Around 10,000 people per year are compelled to front the courts alone.

"Meanwhile, the underfunding of the Federal Courts means that families facing the most serious family law issues can wait up to three years before determination.

"Cutting legal assistance and court funding generates much greater costs down the track. To the Senate's great credit, this has now been formally acknowledged. On behalf of the legal profession, I strongly urge the Government to address this crisis as a matter of urgency."

The historic motion is attached, and is also [available here](#).

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