



17 June 2016

Senator the Hon George Brandis QC
Attorney-General
Parliament House
Canberra ACT 2600

Dear Attorney

Funding for the Legal Assistance Sector

We write to support the NACLC's submission requesting the Commonwealth:

- to reverse the \$12.1 million funding cut to Community Legal Centres nationally in 2017-2018, the \$11.6 million cut in 2018-2019 and the \$11.13 million cut in 2019-2020 (amounting to a \$34.83 million cut over the period 2017-18 to 2019-2020) under the National Partnership Agreement on Legal Assistance Services; and
- to implement the Productivity Commission's recommendation from its Access to Justice Arrangements Inquiry and provide an immediate injection of \$120 million per year additional funding into the legal assistance sector, including at a minimum an additional \$14.4 million per year to Community Legal Centres (CLCs).

The Productivity Commission observed that not providing legal assistance for unresolved civil problems for low-income and disadvantaged people is a false economy, as the costs of unresolved problems are shifted to other areas of government spending such as health care, housing and child protection. Numerous Australian and overseas studies demonstrate the net public benefits of legal assistance expenditure to resolve civil legal problems for low-income and disadvantaged people.

We continue to urge the Commonwealth, States and Territories to commit to adopt the recommendations of the Productivity Commission in respect of addressing unmet legal need for low-income and disadvantaged Australians, and to move towards the additional \$200m of Legal Assistance Sector civil funding recommended by the Productivity Commission, including an additional \$120m from the Commonwealth.

The Centre is concerned about the impact of the present arrangements to cease the restoration of Commonwealth funding for Legal Assistance Sector providers at 30 June 2017. Scale efficiencies and funding uncertainties are already a challenge for the community legal sector. Government-funded civil law assistance for disadvantaged Australians is delivered in large part through 200 small and under-resourced independent CLCs that must rely heavily on volunteer lawyers while facing complex multiple and short-term funding arrangements. The present arrangements further reduce the capacity of CLCs to assist low-income and disadvantaged clients.

Pro bono legal assistance cannot be a substitute for government-funded Legal Assistance Services in Australia. This is much more than a statement of fundamental principle. Not just philosophically, but also as a matter of practical reality, pro bono assistance by private lawyers could not possibly fill the gap which exists. Australia has a pro bono culture stronger than almost every other country, and yet pro bono work at large firms might amount to less than 3% of the capacity of Legal Assistance Services to assist low-income and disadvantaged clients. There is very little private sector law firm pro bono capacity to assist with family law, criminal law or immigration issues or with clients in regional Australia. Pro bono legal services cannot come close to meeting the level of unmet legal need that will be created by a reduction of CLC capacity.

The Centre's discussions with a broad range of people across the Legal Assistance Sector indicate that in order to achieve the full benefit of available pro bono services an effective Legal Assistance Sector is vital. Virtually none of the pro bono work for low-income and disadvantaged people could be performed without partnerships and relationships with Legal Assistance Services, including with CLCs. The individual clients assisted on a pro bono basis usually are referred to pro bono providers by a Legal Assistance Service or attend one of the outreach clinics conducted with a Legal Assistance Service. The delivery of many pro bono services by the private legal profession requires a partnership or collaboration with effectively-functioning Legal Assistance Services.

Yours faithfully
Australian Pro Bono Centre



John Corker
Chief Executive Officer



Phillip Cornwell
Chair