

Commonwealth Budget ignores legal assistance sector

The Law Council of Australia has expressed disappointment at the Commonwealth Government's failure to do more in this year's Budget to improve access to legal services for economically and socially disadvantaged Australians.

Law Council President Alexander Ward said despite clear indications a lack of funding for legal aid is having a serious impact on the ability of many Australians to access legal services, the Government has chosen to overlook this crucial issue in this year's Budget.

"The financial crisis presently facing the legal assistance sector is due to 14 years of underfunding by the Commonwealth Government.

While the Law Council acknowledges the work of the Attorney-General, the Hon. Robert McClelland MP, for last year reallocating resources within his own portfolio to find additional funds for the legal assistance sector, the sector is still chronically underfunded.

"Despite current budgetary constraints, the underfunding of the legal assistance sector cannot continue - the structural re-adjustment must commence immediately so the Commonwealth's contribution to Legal Aid returns to at least 50%," Mr Ward said.

Commonwealth funding for legal aid commissions is well below the pre-1997 proportional share of funding, when funding generally represented approximately 55% to the States share of 45% - the Law Council believes as a principal revenue raiser, the Commonwealth contribution should be at least 50%.

The Law Council has been actively lobbying the Commonwealth Government to restore per capita funding to legal aid and in its recent budget submission to Treasury, provided a plan to restore funding to 50% through consolidated revenue by 2015.

"All Australians have a fundamental right to access legal advice and services, regardless of their means and the Law Council and its constituent bodies have been calling on the Commonwealth Government to address the underfunding of the legal assistance sector for well over a decade.

"The Government's failure to adequately address legal assistance sector funding is unacceptable and the outcomes will have a significant impact on many Australians, including some of our most vulnerable citizens, particularly in times of natural disaster.

"One of the practical impacts will be an increase in the number of people having to appear in court without legal representation," Mr Ward said.

The Law Council and its constituent bodies will continue to lobby the Government on key access to justice issues to ensure a cooperative, nationally consistent and fair approach to the provision of legal aid and access to justice for all.

Vanessa Kleinschmidt, Director Communications & Stakeholder Relations

P. 02 6246 3716 // M. 0408 014 110

E. vanessa.kleinschmidt@lawcouncil.asn.au // www.lawcouncil.asn.au