

1 November 2016

The Hon. Malcolm Turnbull MP
Prime Minister
Department of Prime Minister and Cabinet
PO Box 6500
CANBERRA ACT 2600

Dear Prime Minister,

Commonwealth funding for the legal assistance sector

We are writing as the heads of Australia's eight law societies and the representatives of the nation's more than 60,000 practising solicitors, to voice our concerns about the impact of impending cuts to the legal assistance sector.

We understand that the legal assistance sector, including Legal Aid, Aboriginal Legal Service and Community Legal Centres (CLCs) nationally, will face a Commonwealth funding cut of 30% or the equivalent of \$34.83 million over three years, from the first of July next year. Further, we understand that restrictions on the use of Commonwealth funding for policy, advocacy and law reform work is likely to continue under the new national partnership agreement.

Adequate legal assistance services are critical in ensuring fairness and efficiency in our court system, and are essential to providing access to justice for the most financially disadvantaged. However, funding cuts by successive governments have forced significant restrictions on both criminal and civil cases.

In 2015, CLCs had to turn away 160,000 people due to lack of capacity. Many are also reporting a reduction in staff numbers. We note that this is taking place at a time when there is a growing "justice gap" for the disadvantaged in Australia, particularly in relation to Indigenous peoples, who are the worst affected group experiencing unmet legal need.

CLCs represent an essential alternative free legal service that is part of a suite of legal assistance services directed at the disadvantaged. The distinct features of CLCs are numerous, and include their strong connection to their local and client community which enables them to identify emerging issues and formulate targeted responses to emerging community needs, such as domestic violence, their historic role in addressing gaps in legal need which means they have developed specialisations in areas of law that are otherwise unavailable, and their ability as independent not for profit organisations to attract significant pro bono and philanthropic contributions.

It is also worth noting that reduced funding over the long term risks losing the efficiencies that come from considering policy and advocacy as an extension of casework, and as a way of identifying and addressing systemic issues for improvement.

We urge your Government to make a commitment to properly funding the legal assistance sector in the 2017 Federal Budget so that they can continue provide services to clients most in need, and to improving outcomes for local communities through their important reform and advocacy work.

Yours sincerely,



Sarah Avery
President
The Law Society of the ACT



David Caruso
President
The Law Society of South Australia



Rohan Foon
President
The Law Society of Tasmania



Tass Liveris
President
Law Society Northern Territory



Elizabeth Needham
President
The Law Society of Western Australia



Bill Potts
President
Queensland Law Society



Steven Sapountsis
President
Law Institute of Victoria



Gary Ulman
President
The Law Society of New South Wales

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