



Can we stand by
while women escaping
domestic violence are
forced to face court
without a lawyer to
assist them against
their abusive partner?

THIS IS HAPPENING
IN WESTERN AUSTRALIA
TOO OFTEN

IS THIS WHAT WE STAND FOR?

- Approximately 10,000 Australians a year are forced to represent themselves in court
 - Even people living below the poverty line may not be eligible for legal assistance
 - 1 in 4 Australians face a legal issue each year serious enough to require a lawyer
 - Current legal assistance funding only covers 8% of the community
- What if Medicare only covered 8% of the community?*

THE SYSTEM IS IN CRISIS

- In the first 3 weeks of January 2017 alone, the Mental Health Law Centre had to turn away 18 criminal and 7 civil requests for legal assistance
 - Community Legal Centres turned away 160,000 requests for legal assistance (2014/15)
 - Representation in the Magistrates Court is no longer offered by Legal Aid Western Australia due to funding cuts
 - It isn't just the most disadvantaged missing out – many middle-class Australians can't afford to pay for legal representation
 - The Australian legal profession provided 402,126.3 hours (equivalent 223.5 lawyers working pro bono per year)
- Lawyers are doing their part but more is needed*

DID YOU KNOW?

- The Productivity Commission has recommended Federal and State Governments invest an additional \$200 million in legal assistance funding for civil matters
- *Western Australian Government's proportion is an additional \$8 million*
- That early intervention (i.e. lawyers at the Magistrates Courts) reduce overall court costs by finalising more matters in the lower courts
- That adequate legal assistance has a positive social safety net in reduced homelessness and other financial crisis costs
- Legal assistance can mean the difference between a life of fulfilment

CASE STUDIES

THE CRISIS HURTS REAL PEOPLE



Sue and Joe separated six years ago and they have three children together. The eldest son lives with Joe whilst the younger two children live with Sue. Joe applied for a grant of legal aid to arrange mediation with Sue for issues he has been having contacting and seeing his children. His grant was approved.

Sue did not want to mediate without a solicitor and she felt she would be intimidated negotiating with Joe and his solicitor. So she applied for a grant of legal aid but was refused on the grounds of means. Sue is in receipt of Centrelink but had a small amount of money in the bank which meant that she was ineligible. But Sue's savings have been dwindling in the care of the two children she lives with, and she cannot afford a solicitor.

Now, as mediation could not take place, Sue and Joe are unable to resolve their dispute. Sue is worried that she won't be able to contact her son, and that Joe won't have contact with the two children living with her.

Without legal aid, Sue couldn't afford a lawyer to settle a family dispute with her ex-husband.

Joan was referred to a Community Legal Centre from her aged care facility as they were concerned she had no toiletries even though they knew she had money, a pension and an enduring power of attorney. Her daughter who had enduring power of attorney had systematically removed over \$100,000 from her account. Community Legal Centres can assist Joan but with funding cuts they will have to turn away matters of elder abuse.

What if you were suddenly facing a custody dispute or employment issue? Would you be able to find the money to pay a solicitor at this time of emotional and financial crisis?

WHAT CAN YOU DO TO FIX THE CRISIS?

**Publically pledge to your support
of adequately funded legal
assistance in Western Australia at
lawsocietywa.asn.au/i-pledge**

Write to your local candidates
encouraging them to:

- **Commit additional \$8 million to
legal assistance funding**
- **Commit to long term funding.
*Grants and ad hoc funding are
not the solution***

90
YEARS
1927-2017

The Law Society
OF WESTERN AUSTRALIA
The voice of the legal profession in Western Australia

