

Community Law Australia—Fund Equal Justice Community Legal Centres Campaign

Information for Members and Senators 2016

There is a crisis in legal assistance

- There is significant and rising demand for legal assistance in Australia.
- Hundreds of thousands of people are missing out on the legal help they need. In 2014-2015, over 160,000 of Australia's most disadvantaged and vulnerable people had to be turned away by community legal centres, largely due to a lack of resources.
- Unresolved legal problems generate a range of flow-on effects, including significant costs to the government and broader community. Access to legal help can prevent or reduce the escalation of legal problems and reduce costs to the justice system and other areas such as health and housing.

What are community legal centres and how do they help?

- Community legal centres (CLCs) are not-for-profit community-based legal services that provide free and accessible legal and related services.
- **CLCs help our most vulnerable people:** CLCs help people who can't afford a lawyer and aren't eligible for government legal aid, including some of the most vulnerable and disadvantaged members of the community. For example, almost 50% of CLC clients are in receipt of a Government benefit, 25.4% identify as having a disability, and 13.3% are Aboriginal or Torres Strait Islander people.
- **CLCs specialise in everyday legal problems:** CLCs help people with a wide range of legal problems, including family violence, relationship breakdowns and family law, debt, consumer problems, problems with Centrelink, tenancy disputes, and employment issues.
- **CLCs are effective:** in 2014-2015 CLCs across Australia assisted over 216,000 clients with advice/casework services; provided over 250,000 referrals; and responded to around 190,000 requests for legal information from the public.
- **CLCs have a preventative focus:** As well as helping individuals with legal problems, CLCs work to prevent problems arising, through legal education to client groups, government and community sector agencies, as well as by advocating for fairer laws and policies.
- **CLCs are efficient:** CLCs work in partnerships with other organisations, and are skilled in attracting volunteer and pro bono support. For example, in 2013-2014, over 6,500 volunteers contributed over 776,000 hours (representing a total return on investment of \$8.47 million) and CLCs received over 72,000 hours of pro bono support from private law firms and other companies.
- **CLCs save downstream costs:** The Productivity Commission says assistance from CLCs can "prevent or reduce the escalation of legal problems, which in turn can mean reduced costs to the justice system and lower costs to other taxpayer funded services (in areas such as health, housing and social security payments)".

Funding crisis – risk to frontline legal services

- CLCs are not funded enough to meet existing let alone the increasing demand for services; yet they are facing funding cuts. Nationally, CLCs only receive 12% of funding provided to the legal assistance sector.
- Under the new National Partnership Agreement for Legal Assistance 2015-2020 (NPA), nationally CLCs will receive \$142.9 million over five years, which equates to \$40 million in 2015-2016, \$42.2 million in 2016-2017, dropping to \$30.1 million in 2017-2018, then \$30.6 million in 2018-2019 and \$31 million in 2019-2020.

Need for reversal of funding cuts

- However, under the NPA, CLCs nationally are facing a ‘funding cliff’. Between 2017-2018 and 2019-2020, CLCs are facing a funding cut of \$34.83 million nationally, specifically \$12.1 million in 2017-2018 (29%), \$11.6 million (27%) in 2018-2019 and \$11.13 million in 2019-2020 (26%).
- The direct effect of these funding cuts and ongoing under-resourcing of CLCs will be felt by people who need legal help across Australia, but also by other services and systems.

Immediate injection of additional funding

- Given the scale of the problem and the rising demand for legal help, even if the funding cuts were reversed, funding is not sufficient. There is a need for increased funding to the legal assistance sector.
- In addition to reversing the funding cuts, NACLC calls for implementation of the Productivity Commission recommendation for an immediate injection of \$200 million additional funding per year to legal assistance services to meet existing unmet legal need, including 60% (\$120 million) from the Commonwealth Government. This should include, at a minimum, \$14.4 million per year to CLCs.

Long-term investment

- There is also a need to develop a process for determining adequate and sustainable longer-term funding contributions to the legal assistance sector by Federal and State and Territory Governments in consultation with the sector and informed by robust data and evidence.

Family violence

- CLCs provide significant legal and other assistance to people experiencing family violence.
- Rosie Batty, Australian of the Year 2015, has said: “[CLCs] are experts at working with survivors like me to achieve genuine justice for women and children affected by family violence and they need to be properly funded to do this work”.
- The additional family violence-related funding for legal assistance services announced in September 2015 (the Women’s Safety Package) and in May 2016 is welcome but insufficient. The Women’s Safety Package included \$15 million of new funding for 12 CLCs and LACs across Australia to pilot new specialist domestic violence units and health justice partnerships over a 3-year period. The 2016-2017 Federal Budget included an additional \$10 million per year over a 3-year period to be split between all four legal assistance providers, however the exact allocation will be announced following the Federal Election in July 2016.

- This funding is insufficient to address family violence more broadly, and insufficient for legal assistance services given the broader funding cuts. The broader cuts to occur during these 3-year funding periods will undermine the ability of the specific CLCs that received funding to undertake family violence-related work and will limit the ability of other CLCs providing legal help to people experiencing family violence to provide such help.
- Additional ongoing funding to all CLCs will assist much greater numbers of people experiencing family violence to access timely, specialised legal advice and support.

Other legal assistance providers are also in crisis

- The four publicly-funded legal assistance sectors in Australia are CLCs, Legal Aid Commissions, Aboriginal and Torres Strait Islander Legal Services (ATSILS) and Family Violence Prevention Legal Services (FVPLS). We work together to ensure that together we reach as many disadvantaged and vulnerable people as we can, so that as many people as possible receive the legal help they need.
- However, all four services are experiencing funding crises. NACLCL supports increased funding to better address legal need across the legal assistance sector, including the reversal of funding cuts and long-term funding for the FVPLS and the ATSILS, and increased funding to all legal assistance services including LACs.
- The Law Council of Australia has launched a *Legal Aid Matters* campaign, which is calling for an increase in Commonwealth Government funding to LACs, bringing the Commonwealth's share to 50% (amounting to an additional \$126 million in the 2016-2017 Federal Budget); as well as the reversal of funding cuts and additional investment in all legal assistance services in line with the Productivity Commission's recommendations.

What can you as a Member/Senator do to help?

- Contact your local CLC and arrange a meeting, or attend an event. Find out about the work they do in your community, what the impact of funding cuts will be on the people in your community, and how you can support their work.
- Speak with your colleagues in Parliament about the work that CLCs do and how it assists vulnerable community members, such as people experiencing family violence.
- Publicly pledge your support for CLCs (and other legal assistance services) and voice concern about the upcoming funding cuts and the impact they will have on free legal help for people across Australia and in your community.
- Talk to or write to the Prime Minister, Attorney-General and other Members/Senators voicing your support for the reversal of the funding cuts, an immediate injection of funding into the legal assistance sector, and consideration of longer-term investment in CLCs.
- Support the Fund Equal Justice campaign in the media and on social media using #fundequaljustice.

More information

www.communitylawaustralia.org.au

www.naclc.org.au

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