

AN OPEN LETTER TO THE COUNCIL OF AUSTRALIAN GOVERNMENTS

Dear Prime Minister, Premiers, Chief Ministers and Australian Local Government Association representatives,

We write to you today, ahead of the 1 April 2016 meeting of COAG, to call for your collective resolution of the growing threat of inequity in the access to justice for people across Australia.

Over 216,000 people receive free legal help each year from Community Legal Centres across Australia. Assistance is provided on a range of legal matters including family violence and family law, tenancy, credit and debt and consumer issues. As confirmed by the Productivity Commission¹, government investment in these services makes good economic sense. Community Legal Centres prevent the escalation of often relatively simple issues into complex legal matters that have expensive implications for Legal Aid Commissions and the Courts, as well as other essential community service systems.

Despite this, under the National Partnership Agreement on Legal Assistance (NPA), national funding to Community Legal Centres will be cut by 30% from 2017, equating to \$34.83 million between 1 July 2017 and 30 June 2020. Already over 160,000 people have to be turned away each year due to inadequate resourcing. It is clear that more funding is required, not less.

In recognising the critical role played by legal services in preventing and responding to domestic and family violence, the report of the Victorian Royal Commission into Family Violence released this week calls for increased investment in Community Legal Centres.²

The Commonwealth's investment through the Women's Safety Package is also a clear acknowledgement of the role played by Community Legal Centres in addressing this national priority issue. However, providing additional funding to 10 of the 150 Community Legal Centres funded under the NPA does not equate to the maintenance of the well established supports for this target group provided by Community Legal Centres across Australia.

COAG's capacity to address its own priority of preventing violence against women and their children now and into the future is significantly undermined by the cuts instituted through the National Partnership Agreement.

Unlike other Commonwealth/State partnerships, the NPA is silent with respect to State and Territory contributions. Not only does the NPA compound the inequity in the access to justice

¹ Productivity Commission Inquiry Report, *Access to Justice Arrangements*, No. 72, 5 September 2014

² Victorian Royal Commission into Family Violence, Recommendation 69.

for ordinary Australians between jurisdictions, it fails to provide a mechanism to agree appropriate arrangements for current and future government investment in essential community legal services.

The Commonwealth's decision to cut funding under the NPA without proposing how this funding shortfall will be addressed is a fundamental example of the risk to funding certainty and durability highlighted in the Reform of Federation White Paper process.³ Without resolution of this very problematic financial outlook, State and Territory governments will be left to bear the political risk of implementing a reduction in service availability that also has resource implications for other State/Territory funded services.

It is clear that a collaborative federal approach to preventing escalation in the inequity in access to justice is required. This should not only focus on reversing the cuts scheduled under the NPA. It needs to redress the current shortfalls in the system and establish a way for agreeing how legal need is sustainably and equitably addressed into the future.

In recognition of the inadequacy of the current funding arrangements the Productivity Commission has called for an immediate injection of \$200 million a year into the broader legal assistance service system, with 60% to be contributed by the Commonwealth Government and 40% by the States and Territories.⁴ This recommendation was made to address the most pressing needs whilst a more accurate assessment of future requirements can be conducted. Whilst discussion is required to determine the best distribution of funding across the service system, in keeping with current arrangements, at least 12% of this immediate injection must be provided to Community Legal Centres.

Accordingly, the National Association of Community Legal Centres' campaign *Community Law Australia - Fund Equal Justice* calls for:

- 1. Reversal of the Commonwealth funding cuts under the National Partnership Agreement on Legal Assistance amounting to \$34.83 million over the period 2017/18 to 2019/20;**
- 2. An immediate injection of \$200 million per year into the broader legal assistance service system to be shared between the Commonwealth (60%) and the States and Territories (40%). This should equate to at least an additional \$24 million per year allocated to Community Legal Centres (\$14.4 million p.a. Commonwealth and \$9.6 million p.a. States and Territories).**
- 3. A commitment by all levels of Government to implementing an appropriate process for determining adequate and sustainable longer-term funding contributions for legal assistance in consultation with the sector.**

³ Australian Government, Reform of the federation Discussion Paper (2015) p.5

⁴ Productivity Commission Inquiry Report, *Access to Justice Arrangements*, No. 72, 5 September 2014