

Thursday, 10 May 2018

Senate calls for legal aid funding increase post Budget

The Senate has today passed a [motion](#) calling on the Australian Government to reverse the downward trend in legal aid funding, which is now at its lowest level in over 20 years.

The motion was passed following this week's Federal Budget which did not address the crisis in legal aid, and ahead of National Pro Bono Day to be held on Tuesday 15 May.

The motion was introduced by Centre Alliance (formally NXT) Senator Stirling Griff and Australian Green's Senator Nick McKim and passed without the need for a formal vote. It included that:

- The Australian Government's share of funding compared with the states has dropped from 55 per cent (\$11.57 per capita) in 1996-97 to 32 per cent (\$8.40 per capita) in 2017-18 – and is forecasted to drop further to \$7.78 per capita in 2019-20.
- A return to a 50 per cent share would have required \$190 million in Budget, that did not occur.
- Tens of thousands of people are left unrepresented because only a tiny proportion are now eligible for legal aid – well below the 14 per cent living below the poverty line.

"The Senate recognises Australia's legal aid sector is in deep crisis. Today's motion makes that absolutely clear," said Morry Bailes, President of the Law Council of Australia.

"The legal assistance sector has been underfunded for a generation, and yet we still see a downward trend in legal aid spending by the Australian Government," Mr Bailes said.

"Lives are being ruined because people who encounter legal problems cannot afford a lawyer to present their case effectively. As the motion outlines, legal aid funding is now so scarce that being below the poverty line may not be enough.

"And it isn't just Australia's most disadvantaged missing out. Many middle-class Australians can't afford to pay for legal representation and are forced to front the court alone.

"As the Productivity Commission has made clear – when it called for an urgent injection of an additional \$200 million for civil legal aid – timely legal assistance stops simple problems from escalating into more serious matters that bring great cost to the taxpayer and community.

"On behalf of all Australians who will engage with our justice system, we urge the Australian Government to heed the Senate's concerns and ensure that we all have equality before the law.

"The Law Council will continue its advocacy, including through the [Justice Project](#), and we are grateful the Senate has expressed its position so powerfully today."

Today's motion follows another [motion](#) earlier this year calling for increased funding for the Federal courts.

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