

Law Council Distress Flare Illuminates Legal Crisis

The Law Council is firing a distress flare to alert Australians to what it terms a “legal aid funding crisis”.

“This week’s Law Council protest actions are extraordinary, and highlight a legal emergency with far-reaching implications,” says National Legal Aid Chair Suzan Cox QC.

As Australia’s peak legal aid body, National Legal Aid commends the Law Council’s efforts to address this problem and stimulate national debate. [The Law Council statement can be read here.](#)

“The lack of legal assistance is a large, but often unseen, problem which profoundly harms disadvantaged Australians, their families, the economy and our society,” says Ms Cox.



“Legal aid makes society fairer. Without it, many people would be left to deal with the legal system on their own, take on powerful organisations and governments without support, represent themselves in court, or forfeit their rights entirely. At the heart of it, our purpose is to ensure disadvantaged people can benefit from the same legal rights as everyone else.

“For certain people, the inadequate funding for legal assistance ultimately means the difference between justice and injustice when they find themselves involved in the judicial process. This is profoundly unfair.

“Extra funding is essential because the current legal aid means test is simply too mean. It results in even some pensioners and welfare benefit recipients being ineligible for legal aid.

“The scale of this often-invisible problem has now been quantified by the Productivity Commission. It finds that inadequate legal assistance is highly corrosive – socially and economically – and must be addressed with an immediate \$200m funding increase from Commonwealth, State and Territory governments.

“Legal aid works with the funding that it receives. With the help of in-house legal practitioners plus external practitioners providing their services at substantially reduced rates, legal aid provided more than 2.4m services last financial year. These services range from court representation to telephone advice - but this assistance is far below the demand for legal help.

Who gets hurt?

“We fail as a society if we fail to fund adequate legal representation. Legal aid commissions generally provide court representation only in criminal cases where there is the prospect of imprisonment, and in family law matters involving children. In addition, legal aid commissions provide advice in a range of other important matters - but are not sufficiently funded to offer the all-important representation in the courtroom itself. It can mean, for instance, that an impoverished domestic violence victim does not have a legal aid lawyer by her side in court when negotiating a property settlement with her abuser.”

Background: NLA represents Australia’s biggest legal assistance providers - the legal aid commissions in each State and Territory. Its members provide the majority of services in the legal assistance sector.

To interview Suzan Cox QC (pictured) call Jeremy Boylen on 0421 611 856