

MEDIA STATEMENT
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Commonwealth Response to Productivity Commission Report

Australia's peak legal aid body is disappointed with the Federal government's response to a landmark Productivity Commission report on legal assistance in Australia.

However, National Legal Aid welcomes the Commonwealth's stated commitment to do "what it can to increase funding levels for legal assistance in a tight fiscal environment".

"The Productivity Commission conducted a once-in-a-generation enquiry into access to justice in Australia," says NLA Chair Suzan Cox QC. "It recommended an *immediate* injection of \$200m p.a. into the legal assistance sector - with \$120m of that coming from the Commonwealth government. The Commonwealth has not adopted that recommendation and, as a result, many disadvantaged Australians will continue to be denied proper access to legal assistance.

"As Attorney-General, Senator George Brandis QC has worked hard to increase access to justice for the most disadvantaged in our community, and he is to be applauded for that. However, the government's response to the Productivity Commission report will do relatively little to narrow the justice gap facing struggling Australian families."

"The Productivity Commission recommended a substantial rise in funding – because of the level of unmet legal need facing disadvantaged Australian families. As a result, any increase in spending in this week's budget is to be welcomed but it must be in line with the size of the increase recommended by the Productivity Commission."

The Productivity Commission notes that "advocating for increases in funding (however modest) in a time of fiscal tightening is challenging. However, not providing legal assistance in these instances can be a false economy as the costs of unresolved problems are often shifted to other areas of government spending such as health care, housing and child protection."

Ms Cox adds: "To quote former High Court Chief Justice Murray Gleeson QC, *providing legal aid is costly; so is not providing legal aid.*

"I acknowledge the tight fiscal environment in which the government operates and I urge it to continue to seek funding for the key recommendations of the Productivity Commission."

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

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