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Law school deans take funding fight to George Brandis



Attorney-General George Brandis is under increased pressure to stop funding cuts to the legal assistance sector. **Andrew Meares**

by **Katie Walsh**

Deans of law schools across the nation have joined forces to lobby the federal government to stop funding cuts to legal assistance which they say will deny access to thousands of people and put pressure on the private sector to plug the gap.

Pressure is building on Attorney-General George Brandis from across the legal profession, after corporate law firms warned they cannot possibly fill the void and the Australian Bar Association launched a campaign to promote access to justice through proper funding.

"Reduced funding will mean diminished service capacity which will have flow-on effects throughout the sector and ultimately on the effective and efficient administration of the justice system as a whole," warn 33 law school deans from across the nation in an open letter to the federal government.

Federal funding to community legal centres is due to fall by 30 per cent from July 1, in a funding cliff the coalition blames on the former Labor government's failure to provide for funding beyond four years. Labor argues the funding program was consistent with common four-year cycle budgeting practice and is pressing the government to extend it.

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Open letter

LAW SCHOOLS SUPPORT FUNDING FOR LEGAL ASSISTANCE SERVICES

As Deans of Australian Law Schools we write to express our concern at proposed Federal Government funding cuts to the legal assistance sector set to commence on 1 July 2017. We encourage the Federal Government to reverse this impending 'funding cliff' and to work with service providers to ensure adequate funding is available so that people across Australia can assert their legal rights and access justice.

Community Legal Centres – A Vital Part of the Legal Assistance System

Community Legal Centres are a vital component of a network of legal services that assist individuals with their legal problems, many of whom experience multiple disadvantages and who cannot independently navigate our complex legal system. Reduced funding will mean diminished service capacity which will have flow-on effects throughout the sector and ultimately on the effective and efficient administration of the justice system as a whole.

Australian Law Schools and Community Legal Centres – Clinical Partnerships

Australian Law Schools are proud of their enduring relationships with Australia's legal assistance sector, in particular through their partnerships with Community Legal Centres in the area of clinical legal education.

Many Law Schools strategically partner with Community Legal Centres to develop dynamic learning opportunities for law students in a clinical legal setting. Exposing students to public interest legal work is a central feature of a well-rounded legal education, and law clinics allow students to learn vital practical legal skills in a social justice context. Student interest in clinical legal education is extremely strong across Australian law schools, with high enrolments in law clinic courses.

The foreshadowed funding cuts will threaten our strategic relationships with Community Legal Centres to offer clinical legal programs. These partnerships rely heavily on the sustainability of Community Legal Centres to provide necessary infrastructure, supervision and human resourcing to support our law students. The funding cliff thus undermines our institutions' ability to educate the next generation of lawyers about the importance of access to justice in Australia.

A Long-Term Investment

We note the significant return on investment that Community Legal Centres could deliver through additional funding, as recommended by the 2014 Productivity Commission Inquiry into Access to Justice Arrangements. Implementing the Commission's recommendation to inject \$200 million per year into the sector will replenish the existing shortfall in funding and will represent the start of a long-term investment to support a resilient and sustainable legal assistance sector.

Community Legal Centres are a vital network of frontline organisations doing important work in the public interest. Funding cuts set to commence in 2017 will weaken the third mission of university law schools to effectively engage with our communities, as well as the overall efficiency of the Australian legal system.

QAILS DIRECTOR

The debate over blame is of little consequence for the sector, which now faces very real cuts threatening the existence of some and the ability of others to help those in need.

'False economy'

Corporate lawyers including Clayton Utz partner David Hillard, have [warned cuts are a "false economy"](#) because unresolved legal problems increase government costs elsewhere, including in health care and housing, and the nation's law firms "cannot come close" to plugging the gap.

In 2014 the Productivity Commission found the federal government needed to inject an extra \$120 million a year into legal assistance for a sustainable and resilient sector; plus \$80 million from state and territory governments. Since, the sector has instead fought funding cut threats; any increases have specifically targeted family violence.

The law school deans warn the funding cuts will undermine their "ability to educate the next generation of lawyers about the importance of access to justice in Australia", by threatening strategic relationships with community legal centres to offer clinical programs in which students can cut their teeth.

No meeting with legal centres in Brandis' diary

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We call on the Australian Government to reverse the cuts and invest in the legal assistance sector to promote access to justice for people across Australia.

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Professor George Williams AO
Dean, Anthony Mason Professor, Scientia Professor
UNSW Law

"We call on the Australian government to reverse the cuts and invest in the legal assistance sector to promote access to justice for people across Australia," the deans write.

Among the 33 signatories are Western Sydney University's professor Michael Adams, University of Western Australia's associate professor Natalie Skead, UNSW's professor George Williams, Adelaide's Professor Melissa de Zwart, and University of Canberra's associate professor Lorana Bartels.

"Law schools are part of the wider legal community which understands how important it is to support access to justice," said Melbourne Law School dean and signatory Carolyn Evans.

Clinical experience provided "invaluable support to vulnerable people who might otherwise be denied legal support" and gave "students a wonderful chance to develop their legal skills", Dr Evans said.

Community Legal Centres Queensland director James Farrell said clinical legal education was important for building a lawyer's "empathy and practice skills" in addition to the critical support it provided.

"We know that thousands more people will miss out on legal help with these federal funding cuts," he said.

"The impact of these funding cuts have been recognised by lawyers, community organisations, domestic violence services, churches, and now the Deans of Australia's law schools."

On Friday night, attorney-general Brandis succumbed under threat of a contempt of court order to a freedom of information request from shadow attorney-general Mark Dreyfus, releasing his diaries which revealed he had not engaged in extensive consultation with the legal assistance sector about cuts.

Early intervention

The high-profile Public Interest Advocacy Centre is among those affected by the pending cuts, albeit in a less direct way. It could lose more than \$660,000 – up to 52 per cent of its funding – due to a large chunk of its public purpose fund allocation going to other underfunded centres in need after the Commonwealth cuts.

"Cutting the money from the CLCs is really a false economy because it passes greater costs down the line when a legal need is not met," said PIAC CEO Jonathon Hunyor.

"We work a lot with vulnerable women who may be facing a whole range of issues – bills they're having trouble paying, protection from violent partners, tenancy repairs to make premises secure, victims of crime. If you can help people with those problems you can help stop them become homeless. CLCs are great at early intervention."

Among PIAC's board members are former NSW attorney-general Bob Debus, Maurice Blackburn principal Rebecca Gilsenan, Baker McKenzie consultant Ralph Pliner and ex litigation funder IMF Bentham CEO John Walker.

Legal aid services in the United States are facing their own battle, after the Trump government's budget blueprint revealed funding to the Legal Services Corporation would end, triggering a backlash from lawyers across the nation including via a letter signed by 150 law firms to the White House protesting the move.

FULL LIST OF LAW SCHOOL DEANS

Signatories to the letter are:

Professor Michael Adams Dean, School of Law Western Sydney University

Associate Professor Lorana Bartels Head of School of Law & Justice University of Canberra

Professor Stephen Bottomley Dean, Robert Garran Professor of Law ANU College of Law

Dr. Jürgen Bröhmer Dean and Professor of Law School of Law, Murdoch University

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