



# Cuts to community legal centres are ill-conceived and short-sighted

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George Brandis claims there are 'no cuts' to community legal centres that are having their funding cut, under a national 'agreement' that no one agreed to

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The attorney general, George Brandis, insists "there have been no cuts to payments to community legal centres by the commonwealth government". It is a statement that community lawyers have been holding up to the sun, turning it slowly and seeing whether any light is refracted from it. So far no luck. This is not to say the attorney general is lying, only that in the post-truth era we cannot ignore alternative facts.

Community legal centres, of which there are 190 around the country, are at the frontline of assisting those at the tail end of the slippery socio-economic slope: the unemployed, pensioners, single parents, the homeless, the mentally ill, victims of domestic violence and the vulnerable.

This is not exactly Brandis' constituency, which is more your high-cost law shops for fee-paying customers, so it is little wonder the CLCs have been financially hung out to

dry. It's doubly dismaying when you consider that it is Coalition policies driving much of society's widening inequity.

Here's how the cuts work: at the moment under the five-year national partnership "agreement", commonwealth funding for CLCs is \$42.2m a year. It drops to \$30.1m in 2017-2018, then to \$30.6m the year after, and finally, to \$31m in 2019-2020.

In each of those years, the respective commonwealth expenditure reductions are \$12.1m (29% for 2017-2018), \$11.6m (27% for 2018-2019), and \$11.13m (26% 2019-2020). An overall reduction of 27.5% from the current \$42.2m a year. A unique form of reverse indexation.

But in the government's mind they are not "cuts", rather it is a four year partnership that commences from the end of the previous Labor government's grants to CLCs, delivered by former attorney general, Mark Dreyfus. To Brandis' way of thinking, come 30 June, CLCs faced a "Dreyfus funding cliff" and he's saved them from falling over.

Quite apart from "cuts" that are not cuts, the national partnership agreement for legal assistance services is not really an "agreement". It's a "take-it-or-leave-it" scheme dropped on the legal assistance sector by the commonwealth.

The CLC share of the national partnership agreement money is \$142.9m over five years, which is about 12% of the commonwealth's total legal assistance funding.

We know, as a result of the tortured and expensive campaign to require Brandis to release his ministerial diaries, that between September 2013 and May 2014, the crucial period between the election of the Abbott government and its first horror budget, there is no record of the attorney general meeting with the CLCs or their national body.

That was the budget that saw \$43.1m chopped from legal assistance, including \$19.6m of the Dreyfus money taken away from CLCs.

Not only was there no agreement from the community legal sector, there was no agreement from the attorneys general of the states and territories. In March 2015 they wrote to Brandis to say they could not agree to the proposed "agreement" because it would shift too much of the costs onto their budgets and they could not afford it.

They pointed to a report by the Productivity Commission which recommended an additional \$200m be spent on legal assistance services, for the very sound reason that it saves money down the track.

According to David Hillard, the pro bono partner at national law firm Clayton Utz, to reduce CLC funding is a "false economy - the costs of unresolved legal problems will shift to other areas of government spending such as health care, housing and child protection".

In their March 2015 letter the attorneys general said that “cutting funding to the services which help these vulnerable members of the community, at this time is short-sighted and ill-conceived”.

Aware that short-sighted and ill-conceived policies are no strangers to George Brandis, six of the state and territory attorneys wrote again, after the May 2015 budget.

In vain, they pressed Brandis to “reconsider cuts that will impact the most vulnerable members of our community”, pointing out that as a result of commonwealth allocations “the viability of a number of community legal centres” has been placed at risk.

The growth in the work of frontline CLCs around the country is quite extraordinary and an indicator of the dislocation of large sections of society. The latest figures from the National Association of Community Legal Centres show the following workload for the 12 months under review:

- 216,876 clients assisted;
- 271,695 total advices provided;
- 82,396 total active cases;
- 54,917 new cases;
- 54,582 cases closed;
- 159,220 people turned away from 92 CLCs due to resource limitations.

In this period the top three specialist areas, or client groups, for CLCs were:

- Domestic/family violence
- Homelessness
- Family law.

More recent figures show that nationally CLCs have seen a 21% increase in the amount of family law work between 2010-2011 and 2015-2016 and a 12.7% increase in criminal work - including information, advices and cases opened.

In Queensland, there s been a six-fold increase in domestic violence cases over the last five years, with the Gold Coast CLC having a 14-fold increase in three years.

The national body, the NACLC, made a pre-budget submission to the Treasury in Canberra, asking for funding “cuts” to be reversed and an injection of new money in accordance with the recommendations of the Productivity Commission. The submission shows that CLCs in all states and territories are under stress with services being reduced and some centres under threat of closure.

The partnership agreement also saw the defunding of peak bodies dealing with housing and homelessness. Homelessness Australia lost all its commonwealth funding and has closed its office and the National Congress of Australia s First Peoples faces similar bleak prospects.

On 5 April, three days before the Gosford byelection, the NSW attorney general Mark Speakman (Liberal) went to the NSW Central Coast and announced a further \$6m for the state s community legal centres to be spent over two years. Speakman said this

will “secure their services for the future following the non-renewal of a federal funding program”.

Labor won the byelection with a handsome margin.

Community lawyers have their eyes on the Victorian state budget, which comes down a week before the federal budget.

In the meantime, there has been no shortage of suggestions and innovations. Will Alstergren QC, the president of the Australian Bar Association, said it s time to think creatively about the funding of CLCs.

He suggests an arrangement built around revenues from taxes on gambling and alcohol. In other words, the industries that prosper by supplying temptations to the vulnerable should pay to support the legal help their victims inevitably need.

Some CLCs in NSW along with Legal Aid, Law Access and the Welfare Rights Centre are also creating a one-stop hotline to handle the deluge of cases contesting Centrelink s robodebts.

The provision of taxpayer money to support lawyers who support the most vulnerable has been a fraught area for many years. It is currently made worse by being held to ransom in the vortex of language and politics, where we find a partnership “agreement” to which only one of the parties agrees; where we don t have Brandis funding cuts, we have a Dreyfus funding cliff; and where there s a ministerial diary that reveals no effort to consult with the sector that is steadily being defenestrated.

Former chief justice Robert French delivered the Victoria Law Foundation lecture on 9 February and afterwards was asked whether it would be “a strengthening or a weakening of the rule of law if we only had a solicitor general and no attorney general”.

French replied: “I m sure it would be cheaper.”

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