

# THE SATURDAY PAPER

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## NEWS

The government's reversal of funding cuts to community legal centres came after a campaign from across the legal sector and within parliament. By *Karen Middleton*.

## Brandis reverses community legal centres funding cut

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George Brandis and Michaelia Cash at the Women's Legal Service in Brisbane on Monday.

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Last weekend, Minister for Women Michaelia Cash flew from Perth to Brisbane to join Attorney-General George Brandis at a Monday morning announcement.

Representatives from the community legal sector, state law associations and the Law Council of Australia had also been invited to assemble at the Women's Legal Service at Annerley to hear the ministers reverse planned cuts to federal funding for community legal centres, due to take effect from July 1.

The \$55.7 million announcement was a complete backdown and both ministers could not have been more delighted.

If it's rare for ministers to reverse a decision so publicly, it is even rarer to invite those who forced them to do it to bear witness.

Brandis not only welcomed the heads of the nation's most prominent legal organisations, he thanked them.

**“THE REVERSAL WILL MEAN PEOPLE ACROSS AUSTRALIA WILL GET ACCESS TO THE LEGAL HELP THEY WERE GOING TO BE DENIED FROM 1 JULY.”**

“The legal profession, in aggregate, has been active and influential in engaging with the government and once again it is as a result of that engagement that these decisions ... have been made,” he said on Monday, describing the community legal sector in particular as “a very, very constructive interlocutor”.

Back in 2013, when newly elected Coalition ministers were instructed to find savings, Brandis had surveyed his portfolio and decided the only possible trim was to community legal centres’ funding, affecting legal aid for low-income Australians. The services are funded under a five-year national partnership agreement involving the states and territories.

Under the previous Labor government, the then attorney-general Mark Dreyfus had boosted the centres’ funding but only as a one-off. It became known within the sector as the “Dreyfus funding cliff”.

That extra boost was due to expire this year and the Coalition government was cutting further. Its first mid-year economic and fiscal outlook (MYEFO) statement, in late 2013, sliced \$19.6 million from the community legal centres. In the budget of 2014, another \$6 million was cut.

The community sector protested.

Brandis was sympathetic but insisted his hands were tied by the need to find any replacement funds within his own portfolio, where there was nothing to spare. As with most of that now-notorious budget’s cuts, the government held firm.

When family violence campaigner Rosie Batty became Australian of the Year in January 2015, the scourge of domestic violence drew sharp national focus. Under then prime minister Tony Abbott, a \$100 million women’s safety package was designed. But Abbott was ousted before it could be unveiled.

Ten days after replacing him, Malcolm Turnbull and seven other ministers – including both Brandis and Cash – jointly announced the funding package “to provide a safety net for women and children at high risk of experiencing violence”.

The ministers’ statement said: “The package will improve front-line support and services, leverage innovative technologies to keep women safe, and provide education resources to help change community attitudes to violence and abuse.”

The community sector welcomed the renewed attention on family violence. But it only increased the number of people seeking legal and other help, putting more strain on already-stretched legal services.

The point was made that senior members of government could hardly claim to be in a concerted fight to reduce family violence in Australia and at the same time not properly fund the legal services providing justice for both victims and perpetrators.

“It was like putting a new roof on the house and cutting the foundations at the same time,” one advocate says.

Cash stepped up her involvement, telling Turnbull and other colleagues that they were undermining their own campaign.

Brandis acknowledges the significant role she played. “She has been an absolute champion, absolute champion, as an advocate, both in public and around the cabinet table, for having appropriate funding for services to protect women and their children from domestic violence,” he told Sky News.

The legal aid providers also appealed to their colleagues in the wider legal community – the barristers, solicitors and judges – to join their protest, arguing that the cuts would affect them all and justice generally. Representatives from law bodies across Australia took turns travelling to Canberra, seeking

meetings with ministers and backbenchers to explain that the cuts would strain the entire legal system, not only the delivery of legal aid.

Crossbench senators sponsored a parliamentary motion calling for the restoration of funds.

Indigenous Affairs Minister Nigel Scullion told those lobbying him that he agreed with their arguments and was determined to find them the money.

The advocates also took the opportunity to point out that dwindling funding for the Family Court and Federal Circuit Court was affecting the system's ability to deal with the downstream legal impact of other government policies, too.

The re-establishment of the Australian Building and Construction Commission, new laws relating to registered organisations and changes to migration rules were all likely to deliver people to courts that weren't going to be able to cope.

They insisted this was not only an issue for the attorney-general's portfolio but for the whole of government.

Brandis told those who came to see him that he knew they were going to go out and criticise him over the cuts but could they please at least say he was trying to find the money – and he was.

Backbench members of parliament added their voices to the protests, privately lobbying senior colleagues to fix it. Lawyers and judges staged strikes and protested on social media and on the steps of courthouses under banners calling for "equal justice".

In mid-March, with the budget less than two months away, Rosie Batty wrote an open letter to the prime minister.

"I am extremely concerned that these funding cuts will have a catastrophic impact on the many victims of family violence who are driven to seek legal assistance at a time when they are at their most vulnerable," she wrote.

"These services are at the front line, dealing each day with matters that are overwhelmingly related to family violence but also include child protection, debt and tenancy issues. Should these cuts take place the immediate impact to Women's Legal Service alone will result in over 6000 women across Australia being turned away or being unable to access legal assistance due to living in a rural, regional or remote community. This is unacceptable."

She included a petition through her *Never Alone* website and 14,000 people signed it.

After more than a year of multilayered lobbying, and just weeks from budget day, cabinet's expenditure review committee found the money, not from the attorney-general's portfolio but from general revenue.

As one involved in the process observed privately this week: "Everyone had to be persuaded. The key person who had to be persuaded was not the attorney-general – the key people who had to be persuaded were the people with the bags of cash."

The National Association of Community Legal Centres' chief executive officer, Nassim Arrage, welcomes the reversal.

"This funding is a lifeline for a sector that was facing significant cuts," he says. "The reversal will mean people across Australia will get access to the legal help they were going to be denied from 1 July."

Brandis said the allocation would give the sector certainty and represented the largest single annualised Commonwealth commitment to it, ever. He has written to state and territory counterparts, urging those who had increased their allocations as a stopgap to retain them and others to do more.

“Nobody can say the Commonwealth hasn’t stepped up to the plate and we look to the states to do the same,” he said.

The pre-budget announcement was being made to give the legal services “as much notice as possible” before June 30.

Within the legal community, they might well argue that an earlier reversal – or no cut at all – would have been more helpful. But they are choosing to attribute credit, not apportion blame.

“It is worth celebrating the finding of this money,” Law Council president Fiona McLeod tells *The Saturday Paper*. “We are very relieved that this money has come through because we had community legal centres and Aboriginal and Torres Strait Islander legal services which were facing a critical shortfall. They were cutting back services and laying off staff, and this will enable them to continue to fund these vital services to the most vulnerable in our community.”

McLeod says matters involving people with disabilities, the homeless, pensioners and those wrestling with consumer claims or debt notices – along with others facing criminal justice and matters involving family violence – were all affected.

“There are many government programs that are having an impact on the capacity of the justice system to respond and provide adequate resources to those who are most vulnerable. The list is very long and the need is very great.”

Within the legal community, they still hope the upcoming budget will also deliver more money for the court system.

On Monday, the \$55.7 million announcement by Brandis and Cash restored the Dreyfus funding and added to it. Labor, the Greens and independents welcomed the move.

Of the funding, \$39 million was being directed to community legal centres specifically earmarked for family violence cases.

“As a government, we are very proud but also unashamed that we are able to focus this money specifically where it is needed,” Cash said.

Those working in the sector are determined to apply a broad definition of “family violence”, insisting much of their caseload has an element of it within.

“The government has assured us that they understand the broad and significant flow-on effects family violence can have in a range of areas of law including housing, credit and debt and employment and that the funding can be used for these services,” Arrage said.

Another \$16.7 million was allocated to Aboriginal and Torres Strait Islander legal services.

“What that means is that a record \$1.73 billion is now being contributed by the Commonwealth,” Brandis said.

The legal aid service providers could have done without the stress of wondering where they would have to cut and the expense of all those trips to Canberra.

But they’re not criticising. A win is a win.

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