

The Hon Brad Hazzard MP  
Attorney General, NSW

The Hon Martin Pakula MP  
Attorney General, Victoria

The Hon Michael Mischin MLC  
Attorney General, Western Australia

The Hon John Rau MP  
Attorney General, South Australia

The Hon Dr Vanessa Goodwin MLC  
Attorney General, Tasmania

Mr Simon Corbell MLA  
Attorney General, Australian Capital Territory

The Hon Yvette D'Ath MP  
Attorney General, Queensland

The Hon John Elferink MLA  
Attorney General, Northern Territory

OM15/741

5 March 2015

Senator The Hon. George Brandis QC  
Commonwealth Attorney General and Minister for Arts  
PO Box 6100  
Canberra ACT 2600

Dear Senator Brandis,

The crisis in legal assistance funding has reached such a level that we, the undersigned Attorneys General, need to take this step to urge you to reconsider current proposals for the new national funding agreement.

We are united in our concern about proposed cuts in funding to Legal Aid Commissions, Community Legal Centres, the Aboriginal Legal Services, as well as a range of changes to administrative arrangements.

The proposed agreement will represent a cost shift to states and territories which we cannot accept and cannot bear.

At a time when an independent review by the Productivity Commission has called for increased funding, putting the indisputable case as to why this would ultimately lead to savings to taxpayers, the Commonwealth is taking the unacceptable step of instituting further cuts to a sector that has already seen significant reductions in funding.

These proposals will affect the most vulnerable members in our community, including foremost women and children who are victims of or at risk of family violence, as well as Indigenous Australians. It is difficult to reconcile these actions with the Prime Minister's recent recognition of the importance of tackling domestic and family violence and closing the gap between Indigenous and non-Indigenous Australian as national issues. Cutting funding to the services which help these vulnerable members of our community, at this time, is short sighted and ill conceived. Such a move will further set us back decades in tackling this important issue.

We seek commitment from you on the following matters:

1. That states and territories be provided with proposed funding allocations no later than **31 March 2015**;
2. That there be no further funding cuts to Legal Aid Commissions, Community Legal Centres, and the Aboriginal Legal Service;

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3. That future funding be adjusted to account for indexation as well as increase in population;
4. That the Commonwealth continues to negotiate with states and territories on future funding arrangements in good faith.

If the Commonwealth is not prepared to make this commitment, states and territories will not be in a position to agree to the legal assistance reforms proposed by the Commonwealth.

Yours faithfully,

Brad Hazzard      Reg Pallant.

John

Varene Grant

Yvonne D'Amico

Chris Christie

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S. H.

The Hon John Rau MP  
Attorney General, South Australia

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The Hon Yvette D'Ath MP  
Attorney General, QLD

The Hon Martin Pakula MP  
Attorney General, Victoria

The Hon Gabrielle Upton MP  
Attorney General, NSW

The Hon Dr Vanessa Goodwin MP  
Attorney General, Tasmania

19 May 2015

Senator The Hon. George Brandis QC  
Commonwealth Attorney-General and Minister for the Arts  
C/- Parliament House  
CANBERRA ACT 2600

Dear Senator Brandis

We write to express our concern with the Commonwealth's funding proposal for the revised National Partnership Agreement on Legal Assistance Services (the NPA) as detailed in last week's federal budget.

Of particular concern are the cuts to Commonwealth funding for community legal centres.

As you are no doubt aware, legal service commissions and community legal centres provide a vital service to the most vulnerable members of the Australian community in critical areas such as domestic violence. From community education and early intervention to dispute resolution and representation, legal service commissions and community legal centres contribute to the welfare of individuals and their families as well as to the efficient operation of our court systems.

Cuts of the magnitude forecast in the budget will severely impact upon access to these services. This is at odds with both the Productivity Commission's recommendations in its report on Access to Justice Arrangements and the Commonwealth's own commitments to tackle domestic violence and indigenous disadvantage.

Accentuating the impact of these cuts is the Commonwealth's decision to quarantine a percentage of its community legal centre funding. In the case of some jurisdictions, a majority of funds have been quarantined so as to ensure centres that were the subject of your announcement of 26 March 2015 have their current levels of funding guaranteed for 2015-16 and 2016-17. This decision has resulted in a disproportionate amount of a reduced funding pool being committed to the first two years of a five-year agreement. This has totally undermined the ability of State and Territory Governments to allocate Commonwealth legal assistance funding according to need and has placed at risk the viability of a number of community legal centres across the country.

Although the states and the Australian Capital Territory are impacted by these cuts and limitations to varying degrees, all are proposed to be subject to the performance benchmark,

set out in clause 18 of the draft NPA, com in Schedule B of the NPA) in aggregate across legal aid commissions and community legal centres for each six-month period of the NPA and to the milestones prescribed in clause 20. Clause 31 makes clear that continued funding is conditional upon each jurisdiction meeting these requirements. As you would well know, any withdrawal of funding, even a temporary one, would threaten the viability of the legal assistance sector. That a jurisdiction's funding could be terminated because of a failure to meet one of these requirements, irrespective of the circumstances, creates an unacceptable degree of uncertainty for state and territory governments and our communities and legal service providers.

Of particular concern across jurisdictions is the significant reduction in the funding allocated from the 2017-18 financial year. The forecast cuts represent an abrogation of the Commonwealth Government's responsibilities to this important area of service delivery to some of the most vulnerable in our community.

The undersigned Attorneys General reiterate their concern at the Commonwealth's funding proposal and urge you to reconsider cuts that will impact the most vulnerable members of our community.

Yours faithfully

