

'Justice for all' threatened by legal aid shortfall

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<http://www.theaustralian.news.com.au/story/0,25197,24910266-5006785,00.html>

Article from: [The Australian](#)

THE nation's peak legal representative body has attacked legal aid funding levels, saying up to \$250 million extra was needed for the sector to ensure access to justice for all Australians.

The Law Council of Australia's new president, John Corcoran, said lawyers were leaving the sector in droves and some people were unable to defend themselves in civil disputes.

Mr Corcoran, who took up his position on January 1, said the situation might worsen as the financial crisis worsened and people needed to defend themselves against debt-recovery actions and in relation to tenancy disputes.

In a budget submission sent to the Rudd Government on Friday, the council has called for an injection of cash and a shake-up of state and federal funding.

"We think it's badly in need of reform," Mr Corcoran said yesterday. "The funding is inadequate at the moment."

Mr Corcoran, who is also chairman of Melbourne-based law firm Russell Kennedy, said the extra \$250 million was needed for salaries for legal aid lawyers, services to indigenous, remote and rural Australians and for community legal centres.

Funding to the sector last year totalled about \$300 million, including a one-off injection of \$28million to legal aid and community legal centres.

Mr Corcoran, a former Law Institute of Victoria president, said that 20 years ago individuals being sued by a bank had a good prospect of legal assistance to defend themselves. That was no longer the case.

He said pay for legal aid barristers and solicitors did not need to be at market rates, but it did need to be "reasonable".

A recent report by PricewaterhouseCoopers for the Victorian Bar Association revealed that barristers who worked exclusively on criminal legal aid cases in the Magistrates Court could earn just \$36,000 a year.

"The lawyers that do legal aid are very poorly paid for it, and more and more lawyers are dropping out of the system as a result of that," he said.

Legal aid funding agreements between the commonwealth and state and territory legal aid commissions expired on December 31. A new deal is yet to be reached.

National Legal Aid chairman Norman Reaburn said negotiations had been pushed back and were unlikely to conclude for another six months, with new agreements to come into operation at the end of the year.

"There is no doubt more money is needed," Mr Reaburn said.

Sources within the legal aid sector said there was frustration with the progress of negotiations with the commonwealth.

A spokeswoman for acting Attorney-General Bob Debus said: "The Government is aware that there are pressures on legal aid in many areas."

She said future federal funding would be considered and the Attorney-General had been discussing legal assistance programs with the states.