

Thursday, 8 August 2019

## Tasmanians hurt by chronic legal assistance shortfall

Growing numbers of Tasmanians cannot access legal representation due to a failure by successive Federal Governments to provide the minimum funding required, the Law Council of Australia and Law Society of Tasmania said today.

Law Council President, Arthur Moses SC, is in Tasmania to meet with members of the state's legal profession and community to discuss the challenges Tasmanians face in accessing justice.

"Legal aid commissions and the community legal sector have been, and continue to be, seriously neglected in Tasmania," Mr Moses said.

"The Tasmanian Government's [Evaluation of the Legal Assistance Sector Report](#) revealed chronic Federal Government underfunding of the legal assistance sector. In 2014-2015 funding to both the Legal Aid Commission (LAC) and community legal centres (CLCs) was slashed.

"The situation is dire – Tasmania is now at risk of falling off a 'funding cliff'. If the State Government had not stepped in, CLCs would have been forced to reduce services by 40 per cent. This would have impacted some of the most disadvantaged and vulnerable members of the community.

"We should not have two classes of citizens in this country – those who can afford to access justice and those who cannot. Yet this is the unfortunate reality.

"Everyone deserves to be able to access justice, no matter where they live. Tasmania is no exception."

The Law Council's [Justice Project](#) estimated at least \$310 million a year in additional federal funding is needed to address unmet need, caused by decades of underfunding Australia's legal assistance sector.

Law Society of Tasmania President, Evan Hughes, said the funding shortfall means many Tasmanians are forced to represent themselves in civil, criminal or family law matters, adding pressure to a system already buckling under strain.

"Because many Tasmanians do not qualify for legal assistance they must represent themselves in legal proceedings. Not only does this place significant stress and pressure on those individuals, it also consumes considerable police, court and DPP resources. It is simply a false economy," Mr Hughes said.

"This results in court delays and case backlogs, which ultimately cost our state and impose unnecessary additional stress and uncertainty upon witnesses, defendants and victims."

Mr Moses and Mr Hughes are also calling for improved resourcing of the Launceston Family Court.

"Australia's family law system provides important specialist services for families and children at their most vulnerable. Unfortunately, the courts and the Australians they serve are consistently let down by under-resourcing of the system. Launceston Family Court is a prime example," Mr Moses said.

"On duty days and call over days there can be over 100 parties in a shared waiting area over the course of a day. The infrastructure setup requires urgent attention because it is simply not safe. Alleged victims of family violence should not have to wait in the same confined space as the alleged perpetrators. The safety of children and families must always be the paramount priority," Mr Hughes said.

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**Anne-Louise Brown**

P 0406 987 050

E [Anne-Louise.Brown@lawcouncil.asn.au](mailto:Anne-Louise.Brown@lawcouncil.asn.au)