



# MEDIA RELEASE

Hon. John Hatzistergos MLC  
Attorney General  
Minister for Industrial Relations

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## **NSW GOVERNMENT CALLS ON COMMONWEALTH TO BOOST LEGAL AID FUNDING**

NSW Attorney General John Hatzistergos will today call on the Commonwealth to significantly boost funding for Legal Aid to stave off further cuts to vital legal services for disadvantaged members of the community.

“The Commonwealth slashed funding for Legal Aid by nearly \$80 million dollars in real terms during the Coalition’s decade in power,” Mr Hatzistergos said.

“Today, that funding shortfall remains and the victims of this failure are many of the most vulnerable members of the community – war veterans claiming pensions, grandparents locked in family law custody battles and indigenous women escaping domestic violence.”

Mr Hatzistergos said that for more than a decade Legal Aid has been neglected by the Commonwealth with their share of the funding falling by half – to less than a quarter of the total budget.

“We now have a Legal Aid system in crisis with more than one in five disadvantaged people who seek assistance being turned away,” he said.

In the 1996-97 financial year, the Commonwealth's contribution in NSW was roughly 50% of legal aid funding – or \$41 million out of total legal aid income of \$83 million.

This financial year, the Commonwealth's contribution has plummeted to less than 25 percent - or just \$50 million from total income of \$203 million.

“In contrast, NSW has increased its total Legal Aid budget from \$26.5 million over the same period to \$98.4 million - a massive increase of 271 per cent,” Mr Hatzistergos said.

In New South Wales, the shortfall in Commonwealth funding has been so acute that Legal Aid NSW has had to cut core services including freezing funds for the enforcement of court orders.

“This means that while people can get help seeking orders in the Family Court, they can no longer get help in enforcing them against ex-partners,” Mr Hatzistergos said.

“Grandparents are also missing out because the funding hole has squeezed the means test for Legal Aid.

“The fact is, many grandparents are income poor but have assets such as a family home which means they fail the means test.

“In practice this means they have no way of self-funding a legal action to get custody of grandchildren, for instance.”

Legal Aid NSW CEO Alan Kirkland said it will soon have no choice but to tighten eligibility for funding to war veterans and their widows, who often need help making claims for medical treatment and benefits.

“We’re stuck between a rock and a hard place in choosing which services to cut next,” Mr Kirkland said.

NSW President of the Returned and Services League (RSL), Don Rowe, said some war veterans are missing out on much-needed legal representation.

Mr Rowe said Legal Aid provides funding for medical reports and legal assistance if a veteran has to take their fight to the Administrative Appeals Tribunal.

"Most surviving World War II veterans are now in their 90s and they can't be expected to negotiate the complex veterans' affairs bureaucracy on their own."

In May 2009, the Rudd Government announced an additional \$4.4 million in one-off funding for Legal Aid NSW, to assist with demand for services in 2008/2009. This follows an additional \$6 million that was provided in 2007/2008.

“This round of one-off funding was a definite step in the right direction for disadvantaged members of the NSW community, but a lot more needs to be done,” Mr Hatzistergos said.

Mr Hatzistergos said he will raise the issue of Legal Aid funding at the national meeting of Attorneys General (Standing Committee of Attorneys General) to be hosted at the University of Sydney Law School in Sydney today and Friday.