

# AUSTRALIANS ARE MISSING OUT ON LEGAL HELP THEY NEED

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Conservative estimates suggest that half a million Australians miss out on the legal help they need each year.<sup>1</sup> Unresolved legal problems can escalate, leading to added strain on the justice system and further legal, financial, social, and health problems for the individual.<sup>2</sup> It saves money to provide early access to legal help for Australians who can't afford a lawyer.

## WHAT DO COMMUNITY LEGAL CENTRES DO?

1. Community legal centres are not-for-profit legal services that help people who can't afford a lawyer and cannot get legal aid.
2. They help people with a wide range of legal problems, including family violence, relationship breakdown, employment issues, debt, consumer problems and tenancy disputes.
3. As well as helping individuals with legal problems, community legal centres work to prevent problems arising by providing legal education and working with government and other bodies to improve unfair laws and processes.
4. In 2012-13, community legal centres helped over 203,000 people with direct services. Community legal centres provided 250,000 sessions of advice and assisted with 76,000 cases in addition to providing 4,000 education sessions and responding to 171,000 requests for information from the public.

## BENEFITS OF COMMUNITY LEGAL CENTRES

1. On average, community legal centres have an economic cost benefit ratio of 1:18; that is, for every dollar spent by government on funding community legal centres, they return a benefit to society that is 18 times that cost.<sup>3</sup>
2. Community legal centres add significant value to their funding by attracting over 4,500 volunteers and 24,000 hours of work per week and over 50,000 hours through pro-bono partnerships every year.<sup>4</sup>

## UNMET DEMAND

1. Community legal centres struggle to meet demand for their services, with 63% of the community legal centres that responded to ACOSS' 2011/12 survey reporting that they were unable to meet demand. On average they turned away one in five prospective clients.<sup>5</sup>
2. Ninety community legal centres that responded to a recent survey by the National Association of Community Legal Centres reported having to turn away a total of nearly 48,000 people in 2012/13. Fourteen of those centres reported that they had turned away over 1,000 people.

## FUNDING

1. The Australian Government has announced funding cuts to community legal centres of \$19.61 million over the next four years, in addition to \$23.5 million in cuts to Aboriginal and Torres Strait Islander Legal Services, Aboriginal Family Violence Prevention Legal Services and Legal Aid Commissions.
2. These funding cuts will mean community legal centres can help less people, and the access to justice crisis in Australia will worsen.
3. The Government has indicated the cuts will only apply to "policy reform and advocacy activities",<sup>6</sup> but this work comprises a very small proportion of the work of community legal centres<sup>7</sup> so the cuts will definitely impact on front-line services to vulnerable people with legal problems.
4. While being only a relatively small proportion of the work community legal centres do, systemic work such as law reform to change unfair laws is important because it prevents future problems and is often the most efficient and effective approach to help a number of people who have similar legal problems arising from the same cause.



# EXAMPLES OF LEGAL PROBLEMS RESOLVED WITH HELP FROM COMMUNITY LEGAL CENTRES

## COMMUNITY LEGAL CENTRE HELPS ELDERLY WOMAN RIPPED OFF BY ELECTRICIAN

Marjorie was an elderly woman, who was overcharged \$5,000 for \$700 worth of electrical work. Her local community legal centre helped her to lodge a tribunal claim and the electrician was forced to pay her back.

## COMMUNITY LEGAL CENTRE GETS INSURER TO PAY CLAIM

John and Celia lost their home in a bush fire, but the insurer refused to pay as a result of an 8 hour gap between the end of one insurance policy and the commencement of another. A community legal centre assisted the couple, and argued that the new insurer should have been aware of, and should have informed John and Celia about this risk when providing the policy. As a result the insurer paid the claim.

## EMPLOYEE REINSTATED FOLLOWING COMMUNITY LEGAL CENTRE ASSISTANCE IN CONCILIATION

Chan spoke limited English and sought help from a community legal centre because he felt he had been unfairly dismissed. The community legal centre assisted him in his case, and at the conciliation it became apparent that the problems leading to the dismissal related to communication problems arising from Chan's lack of English, and the employer's failure to respond appropriately. Chan was reinstated.

## COMMUNITY LEGAL CENTRE HELPS MENTALLY ILL YOUNG MAN SEEK RELIEF FROM FINES

Damien contacted a community legal centre, concerned about his son who had been hospitalised for mental illness for the past six months, but had fines of \$900 that he couldn't pay. The community legal centre gave advice and practical assistance, which led to a successful request that the fines be waived.

## COMMUNITY LEGAL CENTRE HELPS TAXI DRIVER AVOID AN UNFAIR BANKRUPTCY AND KEEP HIS FAMILY HOME

Darshan drove a taxi for a living, and had recently purchased a home for his young family. He was served with bankruptcy summons after a taxi club 'insurer' failed to pay up following an accident. Bankruptcy would have caused Darshan to lose his home. A community legal centre negotiated with a number of other parties resulting in the bankruptcy action being dropped and no payments being sought from Darshan.

## COMMUNITY LEGAL CENTRE ENSURES SAFETY FOR WOMAN SUFFERING LONG-TERM FAMILY VIOLENCE

Ellen had been a victim of violence by her husband for years. Depression and anxiety, as well as her poor financial circumstances, had prevented her from taking action, but she eventually sought help from a community legal centre. She made an application for an intervention order with the help of the community legal centre, which also represented her at the court hearing, enabling her to finally ensure her safety. While Ellen has some ongoing legal issues she is no longer at risk of, or in fear of, physical violence.

## COMMUNITY LEGAL CENTRE HELPS SEXUALLY ABUSED YOUNG WOMAN

Anh was a young woman who had been placed under a guardianship order, initiated by her father, who claimed that his daughter was suffering from mental illness. Anh sought help from a community legal centre, stating that she was being sexually abused by her father. While a complex case, the community legal centre managed to prove the abuse and ensure Anh's safety. Further legal action is pending, including an application for 'victim of crime' compensation.

### References

1. Dennis R, Fear J & Millane E 2012, Justice for All – giving Australians greater access to the legal system, The Australia Institute
2. People J 2014, Do some types of legal problems trigger other legal problems?, *Updating Justice* No 37, February, Law and Justice Foundation of NSW, Sydney; Coumarelos, C, Macourt, D, People, J, MacDonald, HM, Wei, Z, Iriana, R & Ramsey, S 2012, *Legal Australia-Wide Survey: legal need in Australia*, Law and Justice Foundation of NSW, Sydney
3. Judith Stubbs & Associates, 2012, *Economic Cost Benefit Analysis of Community Legal Centres*, National Association of Community Legal Centres
4. National Association of Community Legal Centres 2013, *Annual Census of Community Legal Centres 2013*, Sydney
5. Australian Council of Social Services 2013, *Australian Community Sector Survey 2013 – National Report*, ACOSS, Sydney
6. Australian Government, *Mid-Year Economic and Fiscal Outlook 2013-14* (December 2013) p119. See [http://www.budget.gov.au/2013-14/content/myefo/download/2013\\_14\\_MYEFO.pdf](http://www.budget.gov.au/2013-14/content/myefo/download/2013_14_MYEFO.pdf)
7. Less than 1,000 activities compared to over half a million services to individuals (National Association of Community Legal Centres 2013, *Annual Census of Community Legal Centres 2013*, Sydney)