



Access to Justice and Legal Aid

Submission to the Senate Legal and Constitutional Committee

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Introduction

The Australian Council of Social Service (ACOSS) is the national peak body of the community welfare sector in Australia and the principal voice for low income and disadvantaged people in public policy matters.

ACOSS has a long history of interest and activity in law and justice matters from the perspective of the needs and experiences of low income and disadvantaged Australians. In our work we also have extensive dealings with community organisations and others providing legal and advocacy services. This includes a number of our national and associate members. This submission is drawn from that knowledge base.

ACOSS supports a comprehensive and integrated legal aid system – one which provides a standard range of assistance across the full spectrum of legal matters to all people in need, regardless of where they live. However, we also recognise that appropriate accountability mechanisms need to be in place regarding the expenditure of public funds under the independent legal aid system and that available funding is used efficaciously and distributed fairly.

This submission is organised under the three component parts of the terms of reference for the Inquiry.

Part A

Reference: The capacity of current legal aid and access to justice arrangements to meet the community need for legal assistance with reference to the performance of current arrangements in achieving national equity and uniform access to justice across Australia, including in outer-metropolitan, regional, rural and remote areas.

ACOSS interprets the phrase ‘access to justice arrangements’ in the context of this Inquiry as referring to the spectrum of legal supports which are potentially available to people who cannot afford private legal services, including legal aid, Community Legal Centres (CLCs), Aboriginal and Torres Strait Islander Legal Services (ATSILS) and pro bono legal services. Our submission is tailored according to that interpretation.

However, ACOSS notes that access to justice also encompasses the constitutional and legislative provisions that affect the extent to which people are able to secure legal redress for denial of basic rights. The Terms of Reference do not address these important questions, for example, about the need for greater human rights protections at the Commonwealth level. ACOSS accordingly notes the limitations of this Inquiry in assessing the extent to which Australians have access to justice in the broader sense.

Our overarching conclusion is that the current arrangements manifestly fail to provide a standard range of assistance across the full spectrum of legal matters to all people in need, regardless of where they live.

Access to legal services has been subject to policy and program neglect. One consequence of this has been the lack of a framework in which the range of legal

services and supports can be understood as a whole, and services planned and delivered according to a reasonable assessment of legal needs.

Due to the lack of recent, reliable and comprehensive data on the level of legal need (expressed and unexpressed) in the community it is not possible to provide the Inquiry with a complete picture of the capacity of the current arrangements to meet community legal needs.

Nevertheless, we are confident in concluding that the current arrangements fall far short of ensuring equitable access to legal services. The reasons underpinning this form the body of this submission.

The need for increased legal aid funding

The Law Council of Australia estimated in 1992 that simply to restore legal aid funding to a level that would provide assistance to all those who were eligible in 1987-88 would require an increase of not less than \$50 million per annum. In a 1996 study, National Legal Aid estimated that restoring legal aid funding to 1991 levels would require an additional \$64.9 million. There has not since been a significant injection of funds to correct this historical underfunding.

Starting from an already inadequate funding base, there have been a number of important developments in recent years which have made access to legal aid more restrictive. These include the decision by the federal Government to restrict the use of its funds to Commonwealth matters only, executive government control on the setting of legal aid guidelines, substantial cuts to the legal aid budget in 1997-98 by over \$100 million (or 22%), removal of legal aid for certain migration and refugee matters, and the increasing use of funding caps for certain cases.

Following growing evidence of the damage caused by the cuts to legal aid, the Government provided an additional \$63 million under the new four year Legal Aid Agreement negotiated with the states and territories. However this was not sufficient to offset the historical levels of underfunding or the cuts in 1997/98.

Recommendation 1

Legal aid funding should be increased over the next four years by \$25 million per annum. In line with community need, the priorities for funding should be family law, domestic violence, and child protection matters and the reintroduction of legal aid for immigration and refugee matters.

Quantifying legal needs

Ideally legal aid, CLCs and ATSILS funding would be matched to an accurate assessment of client needs. Needs analysis is important for calculating overall funding levels, improving service delivery in individual cases and directing funds generally to cases, clients and geographical areas which experience particular disadvantage.

ACOSS notes that there has been little quantitative research into the phenomenon of legal need in Australia for thirty years. As part of the Henderson and Poverty Inquiry in 1975, Cass and Sackville conducted the Legal Needs of the Poor Inquiry, 1975. This inquiry took as its sample people residing in one of three specific local government areas-South Sydney, Botany and Fairfield areas which the 1971 census suggested

contained a high incidence of factors often associated with poverty. The study sought to identify the situations experienced by respondents during the five-year period prior to the survey, in which they might have benefited from legal advice.

In 1999, the Commonwealth Attorney General's Department conducted the Legal Assistance Needs Project (LAN) with the objective of addressing unmet need rather than merely expressed need. Legal assistance need was defined as the legal services required to enable those in the community in need of legal aid to adequately protect or assert their rights and interests. The study was based on

- a series of in-depth interviews with key stakeholders
- a national telephone survey of the legal assistance needs of low-income households, and
- a series of focus group discussions with people applying for legal assistance.

However, a significant weakness of the LAN studies was that they were only focused on expressed and unmet legal need regarding legal matters arising under Commonwealth law only. The studies were not concerned with issues of legal need for matters arising under State/Territory law. For disadvantaged people in need of legal services, the distinction is artificial.

In this regard, ACOSS notes that several initiatives being undertaken by the Law and Justice Foundation of NSW as part of their Access to Justice and Legal Needs Research Program may develop a reliable model for quantitative assessment of legal need.

Recommendation 2

The Commonwealth should commission and fund a national legal needs inquiry to be conducted by or at the direction of the Australian Law Reform Commission to determine the need for legal representation and advice across all jurisdictions and the best ways of meeting those needs. The inquiry should be underpinned by a comprehensive survey of legal needs across all jurisdictions.

The means test for legal aid is very restrictive

The current means tests for legal aid precludes all but the most severely disadvantaged from assistance. Only those on extremely low incomes are eligible for a grant and even those who do meet the criteria may be required to make some financial contribution. Further, the current system makes no allowance for the growing numbers of 'working poor' who may be employed in a part-time, casual or intermittent capacity and receive very low or sporadic wages.

Recommendation 3

The current means tests should be reviewed with a view to raising the threshold so as to recognise the real cost of legal services and reassessing the access litigants realistically have to assessable assets.

Court and tribunal fees and other costs

Ensuring access to justice for all Australians requires the removal of financial impediments for those who can least afford to pay court fees and other filing charges. As in all public policy areas intended to redress disadvantage, an increased reliance on the principle of 'user pays' in the legal system is fraught with danger – most notably that there will be insufficient provision for those who simply cannot pay.

While most jurisdictions have 'hardship' provisions which allow for the waiver of fees, these are mostly discretionary and require specific application by the person to trigger their operation. The 'best practice' model is in the federal courts and the Administrative Appeals Tribunal, the regulations of which deem certain categories of people to be automatically exempt from fees (such as social security beneficiaries, health care card holders and those receiving Austudy or veterans benefits), as well as providing for a general discretion to waive in the case of financial hardship.

Recommendation 4

The federal courts and Administrative Appeals Tribunal model of automatic fee exemption should be applied to all jurisdictions.

Legal aid funding guidelines

Following changes to the legal aid funding guidelines in 1996, the Commonwealth now provides funding for Commonwealth-related matters only. This was a highly regressive move for the consumers of legal services. People's legal needs cannot always be neatly compartmentalised into distinct jurisdictions and people are not well served by a fractured funding system.

The reality of Australia's federal system of government is that the Commonwealth and the States/Territories share either joint responsibilities or have separate responsibilities which impact on the responsibilities of each other. People in need of legal help care little for the intricacies of these specific responsibilities and simply want the services they need delivered when and where they need them. Commonwealth/State arrangements should therefore be designed to support this.

If the Commonwealth's aim is to increase State contributions to legal aid funding, this may be achieved through matched funding increases or refining the cost sharing formula which existed prior to 1996. However, the Commonwealth's current approach to its contribution to legal aid funding has only achieved budget savings, rather than greater access to justice, and has had the effect of reversing the Commonwealth's lead role in the funding of legal aid services generally. This is borne out by the fact that the 1996 changes were estimated to save the Commonwealth \$120 million over six years.

There are sound and cogent reasons as to why the Commonwealth should have a lead role in legal aid funding. In particular, the Commonwealth has:

- Sole power to levy income taxes
- A particular duty of care for social security recipients, children, newly arrived migrants and Indigenous people
- Responsibility for ensuring that there is consistent national access to essential social and public services, and that uniform standards apply
- Responsibility for ensuring Australia complies with key international treaties governing human rights.

ACOSS considers that intergovernmental negotiations regarding cost sharing arrangements should aim to secure an adequate level of funding for delivery of independent legal aid services in each State and Territory. The current division of funding responsibility based only on the distinction between Commonwealth and State/Territory law matters fails to achieve this result. It has, in fact, reduced the

funding contribution by the Commonwealth, in the face of clear evidence of extensive unmet legal need in the community, including groups for whom the Commonwealth has a special responsibility.

ACOSS considers that some of the problems in the current split in funding would be overcome by modifying the agreements to allow Legal Aid Commissions greater flexibility in how they apply Commonwealth funding (though still within certain parameters) to ensure available funds best meet the legal needs of clients as they present themselves.

Recommendation 5

The Commonwealth Government should abandon its policy of accepting responsibility only for Commonwealth law related matters, and should resume a role of national leadership in the provision and delivery of legal aid and assistance. As a useful first step in achieving a more client centred approach to legal aid funding, the Commonwealth Government should relax the rigidities in the current legal aid agreements to allow greater scope for Legal Aid Commissions to apply Commonwealth funds.

Part B

Reference: The capacity of current legal aid and access to justice arrangements to meet the community need for legal assistance, with reference to the implications of current arrangements in particular types of matters, including criminal law matters, family law matters and civil law matters.

Specific implications of current arrangements on family law

The Commonwealth's current approach to legal aid funding has had a particularly striking effect in the area of family law - where the Commonwealth has the core jurisdictional responsibilities. The Commonwealth legal aid eligibility guidelines in relation to family law stipulate that:

- Commonwealth funds cannot be used for family law cases where the only issues are property matters;
- Commonwealth funds cannot be used on family law matters arising under State law (e.g. child care and protection, domestic violence, de facto property matters); and
- Commonwealth funds cannot be used for non-Commonwealth civil or criminal matters (e.g. housing and tenancy disputes, contracts, debt matters) even where these arise directly from family law disputes.

In particular, lack of access to legal services for family law related matters has been identified as a source of major hardship for women and families facing separation and family breakdown.

Under the operation of the guidelines, Commonwealth funding is available for most family law related matters. However, as most legal remedies to address domestic violence are covered by State/Territory legislation, access to Commonwealth legal aid funding for assistance for these matters is not available. For example, grants of



Commonwealth legal aid for family law related matters will not extend to cover applications for remedies for related domestic violence matters made under State legislation. This is a serious flaw.

According to the Australian Bureau of Statistics Women's Safety Australia study, 23% of women who have ever been married or in a de facto relationship had experienced violence in that relationship.¹ According to the National Network of Women's Legal Services, other studies have confirmed similar rates of domestic violence in Australia. It reported that cases involving allegations of family violence now comprise approximately half of the Family Court's workload.²

Given that domestic violence is a common element of many Family Law disputes, it is incongruous that Commonwealth funding is not available to assist victims in applying for remedies to protect them from such violence.

In addition, the operation of funding caps and ceilings imposed under the Commonwealth guidelines can cause serious and often dangerous consequences where family violence is involved. Where a victim is reliant on legal aid funding to resolve family law matters of residence and contact for children, and the other party has sufficient resources for private legal representation, the latter can prolong the dispute until the former's grant of legal aid has been expended, leaving the victim without representation for contested hearings. Where perpetrators are self-represented, similar delaying tactics can result in both parties being without representation for contested hearings. This may see a perpetrator even cross examining their victim – a scenario which has disturbing implications where violence has been a factor, particularly where children are involved.

Where either party is without legal representation, and issues of residence and contact for children are involved, the implications for the safety, health and welfare of the children are enormous.

Recommendation 6

All parties to proceedings in the Family Court involving abuse or violence allegations should have access to legal representation.

The operation of the Commonwealth guidelines has also resulted in Commonwealth legal aid funds not being available for a variety of civil matters including tenancy disputes, contractual disputes and debt matters, as such matters have now been designated as State/Territory matters, for which State/Territory governments have funding responsibility. Such State/Territory funding has not been forthcoming, resulting in Legal Aid Commissions developing restrictive eligibility guidelines for civil matters.

The distinction between Commonwealth and State/Territory matters as a basis for funding ignores the fact that in many situations disputes over debts and credit contracts can be related to family breakdown and separation. Debt can be incurred through a variety of means and it is not reasonable to attribute this to one or other jurisdiction. Separation can also result in members of families being forced to leave the family home and moving into more unstable rented accommodation, increasing the prospect of encountering tenancy disputes. In some individual cases, possible legal remedies may arise under both Commonwealth and State/Territory laws. A more

¹ ABS, *Women's Safety Australia*, Canberra, 2000, Catalogue No. 4108.9, p. 51.

² National Network of Women's Legal Services, *Submission regarding the Family Court's Family Violence Consultation*, October, 2002.

client focused approach to funding would acknowledge the blurring jurisdictional boundaries associated with many family law disputes. (See Recommendation 5).

Part C

Reference: The capacity of current legal aid and access to justice arrangements to meet the community need for legal assistance with reference to the impact of current arrangements on the wider community, including community legal services, pro bono legal services, court and tribunal services and levels of self-representation.

Current legal aid and access to justice arrangements are having a profound effect on the levels of self representation in courts and tribunals and on the capacity of CLCs, ATSIILS and pro bono legal services to meet demand for legal services.

There is a wealth of evidence from individual legal services that they are under severe strain and are not coming close to meeting community demands for legal assistance.

One survey conducted by the Council of Social Service of NSW in 2000 indicated that the disadvantage experienced by many clients of community welfare agencies and legal practitioners has been compounded by the tightened eligibility for legal aid.³ It also showed that community welfare services were struggling to adequately meet the needs of their clients and communities. Respondents said that it was harder to obtain legal representation in Commonwealth law matters, particularly in the family law area but also in social security, immigration, refugee and discrimination matters. Legal practitioner respondents reported that the difficulties they had in assisting clients was attributable to the restricted availability of legal aid in Commonwealth matters. Community workers and legal practitioners noted that often contributions required of clients were too high or that disbursement costs associated with pro bono assistance meant that this was not a realistic option for their clients.

Levels of self-representation

ACOSS is particularly concerned about the current and growing number of litigants who represent themselves in court and pre-court processes.

ACOSS notes the following findings from the Australian Law Reform Commission (the Commission) in its *Managing Justice Inquiry*:

- 41% of Family Court cases involved at least one self represented litigant, with 44% of respondents in cases involving children being self represented
- 18% of Federal Court cases involved at least one self represented litigant, with 31% of applicants in migration cases being self represented
- 33% of Administrative Appeals Tribunal cases involved at least one self represented litigant, and 71% of applicants in the social welfare jurisdiction and 10% of applicants in the veterans' affairs jurisdiction were without representation.⁴

In addition, increased numbers of self-represented litigants are being reported in other courts, for example the NSW Local Court and the NSW District Court.⁵

³ Council of Social Service of NSW and Law Foundation of NSW, *Going it Alone: A survey of the impacts of Commonwealth funding cuts to legal aid on community welfare agencies and legal practitioners and their clients*, November 2000.

⁴ Australian Law Reform Commission, *Report No. 89 – Managing Justice – A review of the federal civil justice system*, January 2000, Paragraph 5.7.

⁵ Law Society of NSW, *Self represented litigants - the Law Society's Role*, November 2001.

ACOSS does not accept the argument that limitations on legal aid are beneficial because they discourage litigants from bringing cases with only marginal chances of success to court or encourage parties to resolve their disputes through non-adversarial processes. There are already strict merit tests for grants of legal aid as well as court procedures to encourage non-adversarial resolution of cases. The increase in self representation in courts is primarily a matter of not being able to afford legal representation.

The Commission's Managing Justice Report stated that self represented litigants often find court processes, premises and registry procedures confusing and intimidating.⁶ The Report also noted that self represented litigants cause a number of problems for courts, including:

- slower litigation
- less likelihood of settlement
- increased costs to the other party and also to the court/tribunal⁷
- difficulty in maintaining the perception of impartiality, if only one party is self represented, given that judicial intervention may be necessary to ensure all relevant evidence is heard
- difficulty in controlling the parties, where both parties are self-represented, as the case may be disorganised and wrongly construed, there may be petty quarrels over irrelevant points, or even harassment or violence.⁸

In its research on Family Court matters the Commission found that unrepresented litigants are significantly disadvantaged in negotiating a settlement, and that where parties have representation they are more likely to attempt, and to be successful in, negotiations to resolve the matter. The converse is that unrepresented litigants are less likely to resolve their dispute through negotiation and more likely to have the matter dismissed or discontinued, or to withdraw or have a default judgment entered against them.

While courts, government departments and legal and other service providers have all helped to support self-represented litigants, this is no substitute for properly targeted and timely legal representation. To the extent that the increasing number of self-represented litigants is due to restricted legal aid funding (and the research clearly establishes a relationship between self-representation and the poor availability of legal aid⁹), the savings to legal aid budgets are offset by the costs of assistance borne elsewhere and by the clients themselves in terms of poor outcomes.

Legal representation in court-related matters is not a luxury. The complexity of the law in many areas and the personal and financial risks of running poorly organised and argued cases make legal representation necessary as a matter of principle. Good quality legal representation is correlated with client satisfaction with court processes and also enhances the efficient running of cases. It is also important to the fairness, and perceived fairness, of the legal system. Many low-income and disadvantaged people have limited or no familiarity with the legal process, many have very little education

⁶ Ibid, Paragraph 5.209.

⁷ Ibid Paragraph 5.9.

⁸ Ibid Paragraph 5.152.

⁹ Hunter, Giddings and Chrzanowski, 2003; Dewar, J, Smith, B and Banks, C, 2000, *Litigants in Person in the Family Court of Australia*, Family Court, Canberra

and possibly limited or no English and are ill equipped to represent their own interests in the legal process.

Community Legal Centres

CLCs are a crucial component of current access to justice arrangements. The 129 CLCs funded under the Commonwealth Community Legal Services Program provided services to a quarter of a million people in 2002-03, providing a first point of contact for people who have little or no knowledge or experience of the legal system. While the centres provide basic advice and referrals to anyone who seeks assistance, they particularly serve the growing numbers of people who cannot afford private legal assistance and who do not qualify for legal aid.

While there has been an increase in the national Community Legal Centre funding program over recent years, this extra money has gone to setting up new centres (especially in rural and regional areas), starting new services or activities (such as regional law hotlines) and meeting new operating requirements (such as data systems). Existing programs being provided by existing centres have received little additional funding. In fact, 54% of centres in the last five years have received 1% or less increase in funding.

With an already low base level of funding, the increases have not helped centres meet the increased demand nor, unfortunately, have they matched increasing costs.

The operation of the legal aid eligibility guidelines, combined with a decline in the number of private solicitors prepared to undertake legally aided family law work is placing great pressure on community legal service providers. The National Association of Community Legal Centres has reported a significant increase in the demand for family law related services from community legal centres since 1996, with 32 per cent of information, advice and representation services provided by community legal centres related to family law.

Recommendation 7

The National Association of Community Legal Centres has made a budget submission to the Commonwealth government¹⁰ requesting that an additional \$24 million be contributed to the Community Legal Services Program over the next 3 years.¹¹ ACOSS endorses this recommendation.

Aboriginal and Torres Strait Islander Legal Services

ATSILS are another area of great concern. Despite the critical importance of maintaining Indigenous controlled legal services for Indigenous people and the cost efficiency of ATSILS, there has been six years of uncertainty about whether ATSILS should be put out to competitive tender or their funding shifted to mainstream organisations. During this time their funding levels have fallen behind other legal aid providers despite the fact that the Indigenous population is increasing at a much faster rate than the non Indigenous population.¹²

¹⁰ NALC, Budget Submission to the Commonwealth Government 2004-2007, *Community Legal Centres – An investment in value: Investing in Community Law*, August 2003

¹¹ \$18 million of this is required to increase the wages of existing staff at centres, \$896,000 to provide an additional loading for regional, rural and remote centres and an extra \$4.665 million is required for operational overheads.

¹² NALC, *Doing Justice*, August 2003, p13

ATSILS are in desperate need of much greater support. Many have not received any increase in funding since 1996. Centres do not know on what basis their funding will continue beyond the end of this year. Many centres have to re-tender for funding. The level of Indigenous need for legal services is enormous and Indigenous women have been identified as the most legally disadvantaged group in society.

Given that Indigenous people have a higher level of need for legal services and representation and that ATSILS are required to provide the same level of service to Indigenous people as Legal Aid Commissions (LACs) do for the broader community, the disparities in the level of funding for ATSILS when compared to LACs cannot be justified.

Recommendation 8

Funding levels for Aboriginal and Torres Strait Islander Legal Services be pegged to the funding levels of Legal Aid Commissions to ensure equity.

Indigenous women's legal services

The Australian Law Reform Commission's 1994 report on Equality Before the Law identified Indigenous women as the single most legally disadvantaged group in Australian society.

Some important initiatives have been taken to tackle this severe level of legal disadvantage but this work has also served to underline how much more needs to be achieved.

Recommendation 9

The Aboriginal and Torres Strait Islander Commission's funding of Family Violence Prevention Legal Units should be supplemented by Commonwealth funds to extend these units to Tasmania and the ACT (which currently have none) and to areas of high need in other states.

Recommendation 10

The Commonwealth Government should provide resources for a secretariat for the National Network of Indigenous Women's Legal Services to support and develop Indigenous Women's Legal Projects and enable them to become independent self-managing organisations.

Recommendation 11

Additional funding should be provided for the expansion of specific legal services for Indigenous women, which includes the establishment costs of new centres in specific locations and the expansion of services elsewhere.

Private legal profession and pro bono legal services

ACOSS notes that the Australian Law Reform Commission reported in its Managing Justice Inquiry¹³ that, as a result of the reduction in Commonwealth funding for legal aid, the resulting changes in eligibility guidelines, and reduction in grants of legal aid, there has been a noticeable exit from legal aid work by private solicitors. A National Legal Aid survey of family law practitioners showed that:

¹³ Australian Law Reform Commission, *Report No. 89 – Managing Justice – A review of the federal civil justice system*, January 2000.

- 28% of Family Law practitioners had decreased the amount of legal aid work they did in 2000/2001 from 1999/2000 levels
- 15% of Family Law practitioners indicated that they had ceased doing legal aid work prior to 1999/2000
- 52% of firms surveyed did less legal aid work in 1998/99 than they had done in 1994/95.¹⁴

The effect of this withdrawal is being seen most clearly in rural and regional areas, where solicitors face higher than average overhead costs. Combined with an overall decline in the number of practitioners in rural and regional areas, the declining number of remaining solicitors prepared to do legal aid work is causing a severe shortage of family law services in these areas. The result is that the limited remaining practitioners are regularly confronted with a conflict of interest if they have previously represented the family in the past, or are currently acting for the other party. In such situations, one or both parties may be forced to travel long distances to secure legal representation, or be unrepresented. This is severely restricting the ability of women in rural and regional areas in particular to obtain legal assistance for family law matters.

It is clear that declining levels of legal aid and gaps in legal aid services have increased the demand on the private profession to provide services on a pro bono basis. Australian lawyers already provide a very large amount of pro bono services in a variety of forms, including acting pro bono for individual clients and volunteering at community legal centres. However these pro bono services cannot be a substitute for publicly funded legal services. At best, pro bono services can supplement such services.

Small law firms, particularly in regional, rural and remote areas are already stretched to the limit. Legal centres and other referral bodies in these areas are finding it extremely difficult and often impossible to obtain pro bono assistance for their clients. A significant increase in funding for legal aid, community legal centres and Indigenous legal services is required in order to meet the needs of low income and disadvantaged people, particularly those in regional, rural and remote areas.

Securing pro bono assistance is particularly difficult, and generally not possible, for family law and criminal law matters. The availability of legal aid in these areas is crucial. Even in the civil law area, pro bono assistance can only meet a very small percentage of the need yet legal aid guidelines preclude funding many cases. There are large gaps - including for example many employment law cases - and the means test prevents aid being available to large numbers of people who cannot possibly afford to pay for legal assistance.

While it is true that larger law firms have increased their pro bono work in recent years, these firms do not have expertise in core areas of legal need, in particular, family and criminal law. In addition, there are significant barriers to those firms providing assistance to people in rural, regional and remote locations. The resources that these firms can and wish to contribute to their pro bono programs are finite. It should also be noted that these firms are in large part reliant upon publicly funded services for referrals. Thus a healthy community legal sector and legal aid system is crucial to the availability, possible expansion and sustainability of pro bono legal services.

¹⁴ Ibid, Paragraph 5.113.
