

# MEDIA RELEASE

## CUTS TO LEGAL AID PUT TRIALS AT RISK

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NEW SOUTH WALES  
BAR ASSOCIATION

The federal government's contribution to legal aid funding for Commonwealth cases is fast running out, raising the spectre of very important trials being delayed or even aborted, according to the New South Wales Bar Association.

'This is a very short-sighted exercise in cost-shifting by the federal government, one which will impact directly on the justice system in NSW and indirectly on our national security' said Ms Jane Needham SC, President of the Bar Association.

'Of particular concern under current circumstances is the capacity of state courts to conduct complex trials such as people smuggling, drug cases, social security frauds and terrorism cases. Without an immediate injection of Commonwealth funding for legal aid, that would have to be in doubt', she said.

Every Australian has a right to a fair trial, with the shortest possible delay. But in serious federal criminal cases, with a great deal of complex evidence, this is possible only if the accused has qualified legal representation.

In many cases, the accused cannot afford a lawyer. Their only alternatives are to seek legal aid or to attempt self-representation before the court. In the latter case, trials get bogged down while the judge has to explain court practices and procedures to the accused.

'The longer the trial, the more it costs' Ms Needham said. 'There is also the risk that trials may not be able to proceed because an accused does not have representation as happened recently in Victoria'. That is not an appropriate outcome for either the victims of crime or the accused. The criminal justice system needs to deal with matters in a timely manner in order to be effective'.

The agency responsible for managing legal aid in this state is Legal Aid NSW. Recently, its board of directors had no alternative but to restrict funding for expensive and complicated Commonwealth criminal trials, as well as civil and family law matters.

Ms Needham warned that the situation is now so dire a single criminal trial involving a Commonwealth indictable matter exceeding 10 hearing days will exhaust the funding allocated by Legal Aid NSW.

‘Legal Aid NSW needs an immediate injection of \$4m in Commonwealth funds to safeguard trials in serious federal criminal matters’, Ms Needham said.

‘For many years, publicly and privately, the Bar Association has expressed its concern at the alarming drop in Commonwealth funding for Legal Aid NSW. Federal funds now represent just 26 per cent of its total budget. We’ve argued that funding should be restored to 50 per cent – immediately’.

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