

# **Senate Legal and Constitutional References Committee Legal Aid Inquiry**

The Senate has agreed that the Legal and Constitutional References Committee inquire into and report on the following matters by the last day of April 1997.

1. The capacity of the Australian legal aid system to meet community demand for:
  - (a) legal advice and information; and
  - (b) representation and other advocacy services.
2. The respective responsibilities of the Commonwealth, State and Territory Governments and the profession in the provision of legal aid through Legal Aid Commissions and other agencies and mechanisms.
3. The implications for Commonwealth responsibility for legal assistance arising from:
  - (a) its international obligations; and
  - (b) its interests in achieving national equity and uniform access to justice across Australia.
4. The nature and level of legislative, organisational and administrative impediments (including court filing fees) to effective delivery of legal assistance.
5. The levels of disparity between the Commonwealth Government's payment of legal services it uses (both in-house and from private practice) and rates of payment to legal aid lawyers (both in-house and from private practice).
6. The relationship between the legal profession and Government in delivering legal assistance services and the role of the courts in minimising the costs of those services.
7. The equity implications arising from the current tax deductibility regime for legal expenses, including by the corporate sector.
8. The implications, if any, for the legal aid system that arise from the High Court Dietrich decision.
9. The capacity of the legal system, in the proposed funding arrangements, to provide for separate representation of children where such assistance is essential in the pursuit of justice.

The Committee invites persons and organisations wishing to express views on these matters to lodge written submissions by 29 November 1996.

The Law Institute of Victoria has formed a committee to make a submission. Members are welcome to forward any comments/contributions to Rosanna Stefanetti, Young Lawyers' Section.

Great ideas



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