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Funding for legal assistance services more urgent in tough times

The Budget acknowledges the tough times of the current economic climate and in a number of ways seeks to help Australians through them.

In his speech tonight, the Treasurer has referred to the Government's focus on making sure vital services are secure, reliable and sustainable, seeing Australians through the hard times and setting us up for a better future.

However, by failing to adequately fund the legal assistance sector the Government has not met its own goals.

"The Budget fails to recognise the fundamental role of legal assistance services in supporting Australians when crisis hits," Law Council President, Mr Luke Murphy said.

"It is when times are tough that the Government must increase its investment in the legal assistance sector and the vital services that these organisations provide to Australians experiencing disadvantage.

"Funding under successive governments has not kept pace with demand, and in some cases, real funding for these services is decreasing. Tonight's Budget is a missed opportunity to address this growing problem.

"More Australians than ever are now calling on many of the vital services provided by Australia's legal assistance sector. Whether that be in resolving family law disputes, removing themselves from harm, enforcing their financial or employment rights or ensuring their access to housing," Mr Murphy said.

"Failure to provide adequate funding means that Australians, particularly those most impacted by the current economic circumstances, are being turned away and cannot access the services they need."

The Law Council notes that there is a mid-cycle review taking place this year of the National Legal Assistance Partnership, but investment in the sector can't wait for this review.

The Law Council is aware that some services, such as Aboriginal and Torres Strait Islander Legal Services, have already highlighted that in the coming weeks they will have to discontinue fundamental services to persons in need of urgent help.

"The Government already knows that significant additional investment in the sector is needed and waiting for the review only means that people continue to go without access to the services they need," Mr Murphy said.

Against this backdrop, however, the Law Council does note the important investment of \$68.6 million over two years in continuing funding for Family Violence Prevention Legal Services to ensure that they can continue to provide culturally safe services to Aboriginal

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and Torres Strait Islander victim-survivors of family violence. Funding for these important organisations was due to expire at the end of the financial year.

The Law Council notes the Government's previously announced commitment to provide \$63.4 million over two years from 2023–24 to appoint additional full-time members to address the backlog of cases in the Administrative Appeals Tribunal ahead of the establishment of a new administrative review body.

However, the Government has not provided additional funding to the Federal Circuit and Family Court to complement this measure. This creates the significant risk that this backlog will be shifted to the already under-resourced court system.

The Law Council particularly welcomes the Government's announcement of \$44.3 million over four years from 2023-24 for the Office of the Australian Information Commissioner to support a standalone Privacy Commissioner, progress investigations and enforcement action in response to privacy and data breaches, and enhance its data and analytics capability. Other welcome measures include:

- \$33.1 million over four years from 2023–24 to continue and expand nationally the Family Law Priority Property Pool program (PPP500);
- \$13.4 million over two years from 2023–24 to extend the Lawyer-assisted Family Law Property Mediation program;
- \$18.4 million over four years to improve the safety of women and children in international child abduction cases under the Hague Convention on the Civil Aspects of International Child Abduction;
- \$6.2 million over one year to complete design of Australia's electronic surveillance reforms, which will improve the current patchwork of Commonwealth laws;
- \$25.8 million over four years from 2023–24 (and \$8.1 million per year ongoing) to bolster oversight of National Intelligence Community agencies. This includes \$12.2 million over three years for a full-time Independent National Security Legislation Monitor to scrutinise Australia's national security and counter-terrorism laws.
- \$10.0 million over four years from 2023–24 for justice reinvestment initiatives in Central Australia; and
- \$8.0 million over four years from 2023–24 to establish an Anti-Slavery Commissioner.

The Law Council also notes the following Budget measures:

- \$8.6 million over three years from 2023–24 to the Australian Transaction Reports and Analysis Centre (AUSTRAC) to develop and consult stakeholders on legislative reforms to Australia's anti-money laundering and counter-terrorism financing regime;
- \$46.5 million over four years from 2023–24 to establish the Coordinator for Cyber Security (to be supported by the National Office of Cyber Security) to oversee the Commonwealth's cyber security efforts.

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