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A Budget for fairness that left justice behind

Tonight's Federal Budget promised to look after those doing it tough. But for Australians who need legal help to escape family violence, protect their children, or defend their rights against government decisions, justice remains out of reach.

Once again, the chronic underfunding of legal assistance services - one of the most fundamental pillars of a fair society - has been left unaddressed.

From 1 July 2026, Legal Aid NSW - serving Australia's most populous state - will be forced to turn away anyone seeking help with parenting, property or enforcement proceedings, unless they are a victim of domestic and family violence or an Aboriginal person.

"This will impact vulnerable older people, people with disability and people who do not speak English. This is not a warning about the future. It is happening in weeks," Law Council of Australia President, Tania Wolff said.

"Meanwhile, Independent Children's Lawyers, who exist to ensure children's voices are heard in the family law system and whose future viability is currently at a crisis point, have also been overlooked.

"People being able to get legal help when they need it is not a privilege. This is essential public infrastructure that should be available to every person in the same way as health and education.

"For many Australians already doing it tough, legal remedy may be their last hope when something goes terribly wrong. Yet when they turn to the justice system for help, they find a closed door.

"This is because the legal aid services that are meant to help them — regardless of their postcode, income or background — are so badly underfunded that they cannot keep up with demand. People are being left without legal representation, increasing the risk of delays, inefficiencies and miscarriages of justice. This is a rule of law issue.

"The profession has been striving to assist for many years, but it cannot run on empty. Members of the profession delivering legal aid are having to walk away from the system. The legal aid burden has for too long sat on the shoulders of local practitioners dedicated to helping their community, who are being paid a pittance for their efforts. This is not sustainable and it is not acceptable.

"Every time a Budget passes without adequate legal aid funding, Australians are told their access to justice can wait. It cannot.

“The rule of law means nothing if we cannot keep a child safe in the justice system. It is long past time the Government funded these services as the essential infrastructure they are.”

The limited justice announcements in the 2026–27 Budget fall well short of what is needed. They include:

- \$74.2 million over four years from 2026–27 to the Federal Court of Australia and the Federal Circuit and Family Court of Australia in relation to the protection visa system.
- Related to this measure, \$3.9 million over four years from 2026–27 to establish a pre-filing duty lawyer pilot.
- \$14.7 million over two years from 2026–27 to extend supplementary funding for the NDIS Appeals program administered by legal aid commissions.
- \$10.8 million over four years from 2026–27 (and \$2.7 million per year ongoing) in additional resourcing for the Australian Law Reform Commission.
- \$11.7 million to legal aid commissions over the first six months of 2026–27 to continue the Family Violence and Cross Examination of Parties Scheme.

“These measures do not address the structural funding crisis facing legal assistance services across Australia,” Ms Wolff said.

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